

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed May 17, 2016, 12:00 a.m. through June 01, 2016, 11:59 p.m.

Number 2016-12  
June 15, 2016

Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is an official noticing publication of the executive branch of Utah state government. The Office of Administrative Rules, part of the Department of Administrative Services, produces the *Bulletin* under authority of Section 63G-3-402.

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

Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office 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.

Office of Administrative Rules, Salt Lake City 84114

Unless otherwise noted, all information presented in this publication is in the public domain and may be reproduced, reprinted, and redistributed as desired. Materials incorporated by reference retain the copyright asserted by their respective authors. Citation to the source is requested.

Utah state bulletin.

Semimonthly.

1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.

I. Utah. Division of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

# TABLE OF CONTENTS

---

<b>SPECIAL NOTICES</b> .....	<b>1</b>
Health	
Health Care Financing, Coverage and Reimbursement Policy	
Notice for July 2016 Medicaid Rate Changes.....	1
Pediatric Dental Fee and Adult Dental Services.....	1
<b>EXECUTIVE DOCUMENTS</b> .....	<b>3</b>
Governor	
Administration	
Wildland Fire Management, Utah Exec. Order No. 2016-4.....	3
<b>NOTICES OF PROPOSED RULES</b> .....	<b>5</b>
Administrative Services	
Facilities Construction and Management	
No. 40441 (Amendment): R23-23 Health Reform -- Health Insurance Coverage	
in State Contracts -- Implementation.....	6
Capitol Preservation Board (State)	
Administration	
No. 40458 (Amendment): R131-2 Capitol Hill Complex Facility Use.....	8
Governor	
Economic Development	
No. 40462 (Repeal and Reenact): R357-1 Rural Fast Track Program.....	17
No. 40460 (Repeal and Reenact): R357-5 Motion Picture Incentive Fund.....	20
No. 40461 (New Rule): R357-15 Enterprise Zone Tax Credit.....	24
No. 40459 (New Rule): R357-17 Air Quality Incentive.....	26
Health	
Disease Control and Prevention, Environmental Services	
No. 40442 (Amendment): R392-400 Temporary Mass Gatherings Sanitation.....	28
Family Health and Preparedness, Licensing	
No. 40453 (Amendment): R432-2 General Licensing Provisions.....	34
No. 40452 (Amendment): R432-104 Specialty Hospital - Long-Term Acute Care.....	36
Center for Health Data, Vital Records and Statistics	
No. 40439 (Amendment): R436-13-1 Integrity of Vital Records.....	38
Human Services	
Child and Family Services	
No. 40436 (Amendment): R512-60 Children's Account.....	39
Recovery Services	
No. 40435 (Amendment): R527-35 Non-IV-A Fee Schedule.....	41
Insurance	
Administration	
No. 40457 (Amendment): R590-160 Administrative Proceedings.....	43
Natural Resources	
Parks and Recreation	
No. 40447 (Amendment): R651-601 Definitions as Used in These Rules.....	44
No. 40448 (Amendment): R651-602 Aircraft and Powerless Flight.....	46
No. 40445 (New Rule): R651-612 Veterans with Disabilities Honor Pass.....	48
Workforce Services	
Unemployment Insurance	
No. 40449 (Amendment): R994-403-117e Claimant's Responsibility.....	49
<b>NOTICES 120-DAY (EMERGENCY) RULES</b> .....	<b>51</b>
Administrative Services	
Facilities Construction and Management	
No. 40440: R23-23 Health Reform -- Health Insurance Coverage in	
State Contracts -- Implementation.....	51

TABLE OF CONTENTS

---

Capitol Preservation Board (State)  
Administration  
No. 40437: R131-2 Capitol Hill Complex Facility Use..... 54

**FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION..... 63**

Environmental Quality  
Water Quality  
No. 40456: R317-7 Underground Injection Control (UIC) Program..... 63

Human Services  
Administration  
No. 40455: R495-876 Provider Code of Conduct..... 63  
No. 40454: R495-880 Adoption Assistance..... 64

Labor Commission  
Administration  
No. 40450: R600-3 Definitions Applicable to Construction Licensees..... 64

**NOTICES OF RULE EFFECTIVE DATES..... 67**

**RULES INDEX**  
**BY AGENCY (CODE NUMBER)**  
**AND**  
**BY KEYWORD (SUBJECT)..... 69**

# SPECIAL NOTICES

---

## Health Health Care Financing, Coverage and Reimbursement Policy

### Notice for July 2016 Medicaid Rate Changes

Effective July 1, 2016, Utah Medicaid will adjust its rates consistent with legislative intent and appropriations. Rate adjustments include new codes priced consistent with approved Medicaid methodologies as well as potential adjustments to existing codes. Nursing home rate changes will include adjustments to the flat rate, fair rental value and case mix components consistent with adopted payment methodology. All rate changes are posted to the web and can be viewed at: <http://health.utah.gov/medicaid/stplan/lookup/CoverageLookup.php>

---

## Health Health Care Financing, Coverage and Reimbursement Policy

### Pediatric Dental Fee and Adult Dental Services

The Division of Medicaid and Health Financing (DMHF) will submit a change to the Medicaid State Plan through [SPA 16-0024-UT, Pediatric Dental Fee and Adult Dental Services](#). The purpose of this amendment is to provide dental services to blind or disabled individuals in accordance with S.B. 39 passed during the 2016 General Session, and to provide a fee-for-service supplemental payment to pediatric dental providers in accordance with legislative appropriations for pediatric dental services.

This amendment, therefore, makes dental services available to blind or disabled individuals, and specifies the annual time period that Medicaid will reimburse pediatric dental providers with a supplemental payment based on paid claims from the previous period of interest. This amendment also specifies limited emergency dental services available to all other eligible individuals, updates the effective date of rates for dental and denture services to July 1, 2016, and makes other clarifications.

DMHF estimates total annual expenditures to be about \$2,750,000 to make dental services available to blind or disabled individuals, and estimates a total annual cost of about \$684,900 to implement the supplemental payment for pediatric dental providers.

The proposed effective date to implement the supplemental payment to pediatric dental providers is July 1, 2016, and the proposed effective date to implement dental services for blind or disabled individuals is May 1, 2017.

This amendment is pending approval from the Centers for Medicare and Medicaid Services.

*A copy of the change may be obtained from Craig Devashrayee (801-538-6641), or by writing the Technical Writing Unit, Utah Department of Health, PO Box 143102, Salt Lake City, UT 84114-3102. Comments are welcome at the same address. Copies of the change are also available at local county health department offices.*

**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 Office of Administrative Rules for publication and distribution.

---

## Wildland Fire Management, Utah Exec. Order No. 2016-4

### EXECUTIVE ORDER

#### Wildland Fire Management

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

**WHEREAS**, early spring precipitation in Utah contributes to high fuel loads of wildland vegetation; and

**WHEREAS**, many areas of the state are extremely remote and inaccessible and conditions have the potential to greatly worsen if left unattended;

**WHEREAS**, immediate action will be required to suppress fires and mitigate post burn flash floods to protect public safety, property, natural resources and the environment should these dangerous conditions escalate to active wildfires;

**WHEREAS**, these conditions do create the potential for a disaster emergency within the scope of the Disaster Response and Recovery Act of 1981;

**NOW THEREFORE**, I, Gary R. Herbert, Governor of the State of Utah by virtue of the power vested in me by the constitution and the laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, critical infrastructure, natural resources and the environment for thirty days, effective as of June 1, 2016 requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

**IN TESTIMONY, WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 1st day of June 2016.

(State Seal)

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

ATTEST:

**Lieutenant Governor**  
**Spencer J. Cox**

2016/004/EO

**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 May 17, 2016, 12:00 a.m., and June 01, 2016, 11:59 p.m. are included in this, the June 15, 2016, 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 Office 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 Office 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 July 15, 2016. The agency may accept comment beyond this date and will indicate the last day the agency will accept comment in the **RULE ANALYSIS**. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency hold a hearing on a specific **PROPOSED RULE**. Section 63G-3-302 requires that a hearing request be received by the agency proposing the rule "in writing not more than 15 days after the publication date of the proposed rule."

From the end of the public comment period through October 13, 2016, the agency may notify the Office 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 Office 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**

**Administrative Services, Facilities  
Construction and Management  
R23-23**

**Health Reform -- Health Insurance  
Coverage in State Contracts --  
Implementation**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 40441

FILED: 05/23/2016

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule is to comply with the provisions of Section 63A-5-205. H.B. 282 from the 2016 General Session updated Section 63A-5-205, and the changes in this rule are to comply with H.B. 282.

**SUMMARY OF THE RULE OR CHANGE:** The changes in this rule outline the requirements of contractors and subcontractors, that do work for the State of Utah to carry health insurance for their employees. (Editor's Note: A corresponding 120-day (emergency) rule for Rule R23-23 that is effective as of 05/23/2016 is under Filing No. 40440 in this issue, June 15, 2016, of the Bulletin.)

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 63A-5-205 and Subsection 63A-5-103(1)(e)

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There are no anticipated costs or savings that are expected to the state budget as a result of this rule. The changes to this rule only incorporate the changes in statute. The statute directly determines the affects upon budget and not this rule.
- ◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government budget. The changes to the rule do not affect local government.
- ◆ **SMALL BUSINESSES:** There are no anticipated costs or savings that are expected to small businesses as a result of this rule. The changes to this rule only incorporate the changes in statute. The statute directly determines the affects upon budget and not this rule.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings that are expected as a result of this rule. The changes to this rule only incorporate the changes in statute. The statute directly determines the affects upon budget and not this rule.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated compliance costs for affected persons as a result of this rule. The changes to this rule only incorporate the changes in statute. The statute directly determines the affects upon costs and not this rule.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There are no anticipated fiscal impacts that are expected as a result of this rule. The changes to this rule only incorporate the changes in statute. The statute directly determines any fiscal impacts and not this rule.

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

ADMINISTRATIVE SERVICES  
FACILITIES CONSTRUCTION AND MANAGEMENT  
ROOM 4110 STATE OFFICE BLDG  
450 N STATE ST  
SALT LAKE CITY, UT 84114-1201  
or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

- ◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov
- ◆ Nicole Alder by phone at 801-538-3240, or by Internet E-mail at nicolealder@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016

AUTHORIZED BY: Eric Tholen, Director

---

**R23. Administrative Services, Facilities Construction and Management.**

**R23-23. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation.**

**R23-23-1. Purpose.**

The purpose of this rule is to comply with the provisions of Section 63A-5-205.

**R23-23-2. Authority.**

This rule is authorized under Subsection 63A-5-103(1)(e), which directs the Utah State Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management as well as Section 63A-5-205 which requires this rule related to health insurance provisions in certain design and/or construction contracts.

**R23-23-3. Definitions.**

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section 63A-5-205.

(2) In addition:

(a) "Board" means the State Building Board established pursuant to Section 63A-5-101.

(b) "Director" means the Director of the Division, including, unless otherwise stated, the Director's duly authorized designee.

(c) "Division" means the Division of Facilities Construction and Management established pursuant to Section 63A-5-201.

(d) "Employee(s)" means an "employee," "worker," or "operative" as defined in Section 34A-2-104 who:

(i) works at least 30 hours per calendar week; and

(ii) meets employer eligibility waiting requirements for health care insurance which may not exceed the first day of the calendar month following 60 days from the date of hire.

(e) "State" means the State of Utah.

#### **R23-23-4. Applicability of Rule.**

(1) Except as provided in Subsections ~~R23-23-4(2) or R23-23-4(3)~~ below, this Rule R23-23 applies to all design or construction contracts entered into by the Division or the Board ~~on or after July 1, 2009~~, and

(a) applies to a prime contractor if the prime contract is in the amount of ~~\$2,000,000 or greater at the original execution of the contract~~ ~~[\$1,500,000 or greater]~~; and

(b) applies to a subcontractor if the subcontract is in the amount of ~~\$1,000,000 or greater at the original execution of the contract~~ ~~[\$750,000 or greater]~~.

(2) This Rule R23-23 does not apply if:

(a) the application of this Rule R23-23 jeopardizes the receipt of federal funds;

(b) the contract is a sole source contract; or

(c) the contract is an emergency procurement.

(3) This Rule R23-23 does not apply to a change order as defined in Section 63G-6a-103, or a modification to a contract, when the contract does not meet the initial threshold required by Subsection R23-23-4(1).

(4) A person who intentionally uses change orders or contract modifications to circumvent the requirements of subsection (1) is guilty of an infraction.

#### **R23-23-5. Contractors and Subcontractors to Comply with Section 63A-5-205.**

(1) All contractors and subcontractors that are subject to the requirements of Section 63A-5-205 shall comply with all the requirements, penalties and liabilities of Section 63A-5-205.

(2) If a subcontractor of the contractor is subject to Section 63A-5-205(3) or Section R23-23-4, the contractor shall:

(a) Place a requirement in the subcontract that the subcontractor shall obtain and maintain an offer of qualified health insurance coverage for the subcontractor's employees and the employees' dependents during the duration of the subcontract; and

(b) certify to the director that the subcontractor has and will maintain an offer of qualified health insurance coverage for the subcontractor's employees and the employees' dependents during the duration of the prime contract.

#### **R23-23-6. Not Basis for Protest or Suspend, Disrupt, or Terminate Design or Construction.**

(1) The failure of a contractor or subcontractor to provide qualified health insurance coverage as required by this rule or Section 63A-5-205:

(a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under Section 63G-6a-1603 or any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

(b) may not be used by the procurement entity or a prospective bidder, offeror, or contractor as a basis for any action or suit that would suspend, disrupt or terminate the design or construction.

#### **R23-23-7. Requirements and Procedures a Contractor Must Follow.**

A contractor (including consultants and designers) must comply with the following requirements and procedures in order to demonstrate compliance with Section 63A-5-205.

(1) Demonstrating Compliance with Health Insurance Requirements. A Contractor (including Design Professional) shall demonstrate compliance with Subsection 63A-5-205(6)(a) or (b) at the time of execution of each initial contract described in Subsection 63A-5-205(3).

(a) The compliance is subject to an audit by the Department of Administrative Services, the Division or the Office of the Legislative Auditor General.

(b) A Contractor (including Design Professional) subject to Subsection 63A-5-205(3) shall demonstrate to the director that the Contractor has and will maintain an offer of qualified health insurance coverage for the Contractor's employees and employees' dependents.

(c) Such demonstration shall be a certification on the form provided by Division. [The following requirements must be met by a contractor (including consultants, designers and others under contract with the Division) that is subject to the requirements of this Rule no later than the time the contract is entered into or renewed:] The form shall also require compliance with Subsection R23-23-5(2) regarding subcontractors.

(d) The actuarially equivalent determination required for the qualified health insurance coverage is met by the Contractor if the Contractor provides the Division with a written statement of actuarial equivalency attached to the certification, which is not more than one year old, regarding the contractor's offer of qualified health coverage from an actuary selected by the contractor or the contractor's insurer, or an underwriter who is responsible for developing the employer group's premium rates. The Contractor is responsible for collecting the statements as required by law from any of the subcontractors at any tier that must do so.

[(a) demonstrate compliance by a written certification to the Director that the contractor has and will maintain for the duration of the contract an offer of qualified health insurance coverage for the contractor's employees and the employee's dependents; and

(b) The contractor shall also provide such written certification prior to the execution of the contract, in regard to all subcontractors (including subconsultants) at any tier that is subject to the requirements of this Rule.

~~\_\_\_\_\_ (2) Recertification. The Director shall have the right to request a recertification by the contractor by submitting a written request to the contractor, and the contractor shall so comply with the written request within ten (10) working days of receipt of the written request; however, in no case may the contractor be required to demonstrate such compliance more than twice in any 12-month period.~~

~~\_\_\_\_\_ (3) Demonstrating Compliance with Actuarially Equivalent Determination. The actuarially equivalent determination required by Subsection 63A-5-205(1)(c) and defined in Section 26-40-115 is met by the contractor if the contractor provides the Director with a written statement of actuarial equivalency from either the Utah Insurance Department, an actuary selected by the contractor or the contractor's insurer, or an underwriter who is responsible for developing the employer group's premium rates. (2) For purposes of this Rule R23-23-7(3), actuarially equivalency is achieved by meeting or exceeding the commercially equivalent benchmark for the qualified health insurance coverage identified in Subsection 63A-5-205(1)(e) that is provided by the Department of Health, in accordance with Subsection 26-40-115(2), requirements of Section 26-40-115 which are also delineated on the DFCM website at [http://dfcm.utah.gov/downloads/1const/Health\\_Insurance\\_Benchmark.pdf](http://dfcm.utah.gov/downloads/1const/Health_Insurance_Benchmark.pdf).~~

(3)(4) The health insurance must be available upon the first day of the calendar month following sixty (60) days from the date of hire.

~~\_\_\_\_\_ (5) Architect and Engineer Compliance Process. Architects and engineers that are subject to this Rule must demonstrate compliance with this Rule in any annual submittal under Section 63G-6-702. During the procurement process and no later than the execution of the contract with the architect or engineer, the architect or engineer shall confirm that their applicable subcontractors or subconsultants meet the requirements of this Rule.~~

~~\_\_\_\_\_ (6) General (Prime) Contractors Compliance Process. Contractors that are subject to this Rule must demonstrate compliance with this Rule for their own firm and any applicable subcontractors, in any pre-qualification process that may be used for the procurement. At the time of execution of the contract, the contractor shall confirm that their applicable subcontractors or subconsultants meet the requirements of this Rule.~~

(4)(7) [Notwithstanding any prequalification process,] Δ[a]ny contract subject to this Rule shall contain a provision requiring compliance with this Rule from the time of execution and throughout the duration of the contract.

(5)(8) Hearing and Penalties.

(a) Hearing. Any hearing for any penalty under this Rule conducted by the Board or the Division shall be conducted in the same manner as any hearing required for a suspension or debarment.

(b) Penalties that may be imposed by Board or Division. The penalties that may be imposed by the Board or the Division if a contractor, consultant, subcontractor or subconsultant, at any tier, intentionally violates the provisions of Subsections (3) through (10) of 63A-5-205[this Rule R23-23, may] include:

(i) a three-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the first violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(ii) a six-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the second violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;

(iii) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6a-904 upon the third or subsequent violation; and

(iv) monetary penalties which may not exceed 50 percent of the amount necessary to purchase qualified health insurance coverage for an employee and the dependents of an employee of the contractor or subcontractor who was not offered qualified health insurance coverage during the duration of the contract.

(c)(i) In addition to the penalties imposed above, a contractor, consultant, subcontractor or subconsultant who intentionally violates the provisions of Section 63A-5-205[this rule] shall be liable to the employee for health care costs that would have been covered by qualified health insurance coverage.

(ii) An employer has an affirmative defense to a cause of action under Subsection R23-23-7(5)(8)(c)(i) as provided in Subsection 63A-5-205(8)(b)(3)(e)(ii). An employee has a private right of action only against the employee's employer to enforce the provision of Subsection 63A-5-205(8).

#### **R23-23-8. Not Create any Contractual Relationship with any Subcontractor or Subconsultant.**

Nothing in this Rule shall be construed as to create any contractual relationship whatsoever between the State of Utah, the Board, or the Division with any subcontractor or subconsultant at any tier.

**KEY:** health insurance, contractors, contracts, contract requirements

**Date of Enactment or Last Substantive Amendment:** ~~August 7, 2014~~2016

**Notice of Continuation:** June 10, 2014

**Authorizing, and Implemented or Interpreted Law:** 63A-5-103(1)(e); 63A-5-205

## Capitol Preservation Board (State), Administration **R131-2** Capitol Hill Complex Facility Use

### **NOTICE OF PROPOSED RULE (Amendment)**

DAR FILE NO.: 40458

FILED: 06/01/2016

### **RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The changes to the rule were made to comply with S.B. 221 from the 2016 General Session, which

addressed the facility uses for the Capitol Hill Complex. Changes to the rule include parking and alcohol restrictions.

**SUMMARY OF THE RULE OR CHANGE:** The changes are concurrent with S.B. 221 of the 2016 General Session and include parking and alcohol restrictions for the Capitol Hill Complex. (Editor's Note: A corresponding 120-day (emergency) rule for Rule R131-2 that is effective as of 05/19/2016 is under Filing No. 40437 in this issue, June 15, 2016, of the Bulletin.)

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 63C-9-101 et seq.

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget that are expected as a result of this amendment. The changes to this rule provide no fiscal impact as they only incorporate the changes in statute, which are already in effect.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to the local government that are expected as a result of this amendment. The changes to this rule provide no fiscal impact as they only incorporate the changes in statute, which are already in effect.

◆ **SMALL BUSINESSES:** There are no anticipated costs or savings to small businesses that are expected as a result of this amendment. The changes to this rule provide no fiscal impact as they only incorporate the changes in statute, which are already in effect.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government that are expected as a result of this amendment. The changes to this rule provide no fiscal impact as they only incorporate the changes in statute, which are already in effect.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated compliance costs that are expected as a result of this amendment. The changes to this rule provide no fiscal impact as they only incorporate the changes in statute, which are already in effect.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There are no anticipated fiscal impacts on businesses as a result of this amendment. The changes to this rule only incorporate the changes in statute, which are already in effect.

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

CAPITOL PRESERVATION BOARD (STATE)  
ADMINISTRATION  
ROOM E110 EAST BUILDING  
420 N STATE ST  
SALT LAKE CITY, UT 84114-2110  
or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov  
◆ Allyson Gamble by phone at 801-537-9156, by FAX at 801-538-3221, or by Internet E-mail at agamble@utah.gov  
◆ Nicole Alder by phone at 801-538-3240, or by Internet E-mail at nicolealder@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016**

**THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016**

**AUTHORIZED BY: Allyson Gamble, Executive Director**

---

**R131. Capitol Preservation Board (State), Administration.**

**R131-2. Capitol Hill Complex Facility Use.**

**R131-2-1. Purpose and Application.**

(1) The purpose of this rule is to define conditions for public access and use of the Capitol Hill Complex and to establish procedures for receiving and deciding complaints regarding the access or use of the Capitol Hill Complex.

(2) Except as expressly stated herein, or in rule R131-11, this rule R131-2 does not apply to free speech activities. Free speech activities conducted at the Capitol Hill Complex are governed by rule R131-11.

**R131-2-2. Authority.**

(1) The State Capitol Preservation Board adopts this Capitol Hill Complex Facility Use Rule pursuant to Section 63C-9-301.

**R131-2-3. Definitions.**

As used in this rule R131-2:

(1) "Board" means the State Capitol Preservation Board created by Section 63C-9-201.

(2) "Capitol Hill Complex" means all grounds, monuments, parking areas, buildings, including the Capitol, and other man-made and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard. Capitol Hill Complex also includes:

(a) the White Community Memorial Chapel and the Council Hall Travel Information Center building and their grounds and parking areas;

(b) the Daughters of the Utah Pioneers museum and buildings, grounds and parking areas, and other state-owned property included within the area bounded by Columbus Street, North Main Street, and Apricot Avenue;

(c) state owned property included within the area bounded by Columbus Street, Wall Street, and 400 North Street; and

(d) state owned property included within the area bounded by Columbus Street, West Capitol Street, and 500 North Street, ~~and any other facilities and grounds owned by the state of Utah that are located within the immediate vicinity.~~

(3) "Capitol Hill Facilities" means all buildings on the Capitol Hill Complex, including the Capitol, exterior steps, entrances, streets, parking areas and other paved areas of the Capitol Hill Complex.

(4) "Capitol Hill Grounds" means landscaped and unpaved public areas of the Capitol Hill Complex. Maintenance and utility structures and related areas are not considered Capitol Hill Grounds for the purpose of any public use.

(5) "Catering Service(s)" means the serving of food and/or beverages on Capitol Hill.

(6) "Commercial Activities" means events that sponsored or conducted for the promotion of commercial products or services, and include advertising, private parties, private company or organization meetings, and any other non-public organization event. Commercial activities do not include private, community service, state sponsored, or free speech activities.

(7) "Community Service Activities" means events sponsored by governmental, quasi-governmental and charitable organizations, city and county government departments and agencies, public schools, and charitable organizations held to support or recognize the public or charitable functions of such sponsoring group. To the extent the event is sponsored by a private charitable organization, the organization must have an Internal Revenue Code Section 501(c)(3) active status and the event must be related to such status.

(8) "Event" or "Events" are commercial, community service, private, and state sponsored activities involving one or more persons. Events may include banquets, receptions, award ceremonies, weddings, colloquia, concerts, dances, and seminars. A free speech activity is not an event for purposes of rule R131-2 and R131-10. The term "activity" or "activities" may be substituted in this rule for the term "event" or "events."

(9) "Executive Director" means the executive director appointed by the Board under Section 63C-9-102, or a designee supervised by the executive director.

(10) "Facility Use Application" ("Application") means a form approved by the executive director used to apply to reserve Capitol Hill Facilities or Capitol Hill Grounds for an event.

(11) "Facility Use Permit" ("Permit") means a written permit issued by the executive director authorizing the use of an area of the Capitol Hill Complex for an event in accordance with this rule.

(12) "Free Speech Activity" is as defined in rule R131-11.

(13) "Cafe Operator" means the Capitol Hill cafe operator located on the first floor of the East Senate Building who is under contract with the Board to provide food/beverages in the State Room and may be allowed to cater in other areas on the Capitol Hill Complex.

(14) "Private Activity" means an event sponsored by private individuals, businesses or organizations that is not a commercial or community service activity.

(15) "Authorized Caterer" means a person or entity authorized to provide catering services on the Capitol Hill Complex, and is not the Cafe Operator.

(16) "Solicitation" is as defined in rule R131-10.

(17) "State" means the state of Utah and any of its agencies, departments, divisions, officers, legislators, members of the judiciary, persons serving on state boards or commissions, and employees of the above entities and persons.

(18) "State Sponsored Activity" means any event sponsored by the state that is related to official state business. Official state business does not include award ceremonies, lobbying activities, retirement parties, or similar social parties, social activities or social

events. Management retreats may be considered a State Sponsored Activity if it has a supporting agenda and documentation establishing that the primary purpose of the retreat is to conduct official state business. In order to be considered a State Sponsored Activity, such activity must obtain written approval from the Executive Director and/or the Board's Budget Development and Board Operations Subcommittee.

(19) "User(s)" means any person that uses the facilities or grounds as well as any applicant for a facility use permit.

#### **R131-2-4. Facility Use Permit - Application.**

(1) Each person or group seeking to hold an event or solicitation at the Capitol Hill Complex shall submit a completed Facility Use Application at least fourteen calendar days prior to the anticipated date of the event. Applications may not be submitted, and facilities will not be scheduled, more than 365 calendar days before the date of the event. An applicant may only make one application for one continuous event at a time. For State Sponsored Activities that involve a reoccurring meeting schedule, one application may be used for all the reoccurring meetings. For all events, other than State Sponsored Activities or Free Speech Activities, there shall be a non-waivable and non-refundable application processing fee, which shall be paid at the time of submission of the application.

(2) The executive director shall provide a Facility Use Permit Application form. The form shall request and applicants shall provide all necessary information, including all material aspects of the proposed event or solicitation. This necessary information is required even if the Applicant requests a waiver. The application shall include the following information:

(a) the applicant's organization's name, address, telephone and facsimile number;

(b) the names and addresses of the person(s) responsible for supervising the event during set up, take down, clean up and the duration of the event;

(c) the nature of the applicant; i.e. individual, business entity, governmental department or other;

(d) the name and address of the legally recognized agent for service of process;

(e) a specific description of the area of the facility and/or grounds being requested for use;

(f) the type of proposed activity and the number of anticipated participants;

(g) the dates and times of the proposed activity and a description of the schedule and agenda of the event;

(h) a complete description of equipment and apparatus to be used for the event;

(i) any other special considerations or accommodations being requested; and

(j) whether the applicant requests exemption or waiver of any requirement of this rule or provision of the Facility Use Application.

(3) In addition, the applicant shall submit with the Facility Use Application:

(a) documentation supporting any requested exemption or waiver;

(b) proof of liability insurance covering the applicant and the event in the amount as identified in the Schedule of Costs and Fees as referred to in rule R131-2-7(1)(a);

(c) a deposit and down payment in the amounts as identified in the Schedule of Costs and Fees as described in rule R131-2-7(1)(a) for the type of event proposed; and

(d) other information as requested by the executive director.

(4) Applications shall be reviewed by the executive director for completeness, activity classification, costs and fees.

(5) Priority for use of the Capitol Hill Complex will be given to applications for state sponsored activities. During the actual hours of legislative sessions, priority will be given to free speech activities over commercial, community service and private activities. Otherwise, applications will be approved, and requested facilities reserved, on a first-come, first-serve basis.

**R131-2-5. Facility Use Permit - Denial - Appeal - Cancellation - Revocation - Transfer.**

(1) Within ten working days of receipt of a completed application, the executive director shall issue a Facility Use Permit or notice of denial of the application.

(2) The executive director may deny an application if:

(a) the application does not comply with the applicable rules;

(b) the event would conflict or interfere with a state sponsored activity, a time or place reserved for free speech activities, the operation of state business, or a legislative session; and/or

(c) the event poses a safety or security risk to persons or property.

(3) The executive director may place conditions on the approval that alleviates such concerns.

(4)(a) If the applicant disagrees with a denial of the application or conditions placed on the approval, the applicant may appeal the executive director's determination by delivering the written appeal and reasons for the disagreement to the executive director within five working days of the issuance of the notice of denial or approval with conditions.

(b) Within ten working days after the executive director receives the written appeal, the executive director may modify or affirm the determination.

(c) If the matter is still unresolved after the issuance of the executive director's reconsideration determination, the applicant may appeal the matter, in writing, within ten working days to the Board's Budget Development and Board Operations Subcommittee chair who will determine the process of the appeal.

(d) The applicant may appeal the Subcommittee Chair's determination in writing within ten working days of receipt of the written determination, by submitting a written appeal at the Board's office. The Board shall consider the appeal at its next regularly scheduled meeting.

(5) Facility Use Permits are non-transferable. The purpose, time, place and other conditions of the Facility Use Permit may not be changed without the advance written consent of the executive director. At least thirty calendar days advance written notice is required for the applicant to request a change in the date, time and/or place of the event or solicitation. If there is no conflict with another scheduled event or solicitation, the executive director may adjust the Facility Use Permit in regard to the date, time and/or place based upon the request.

(6) An event may be re-scheduled if the executive director determines that an event will conflict with a governmental function, free speech activity or state sponsored activity.

(a) The executive director may revoke any issued permit if this rule R131-2, any applicable law, or any provision of the permit is being violated. The permit may also be revoked if the safety or health of any person is threatened.

(b) The applicant may cancel the permit and receive a full refund of fees and any deposits if written notice of cancellation is received by the executive director at least 30 calendar days prior to the scheduled event. Failure to timely cancel the event will result in the forfeiture of any deposit and fees.

**R131-2-6. General Requirements for Use of the Capitol Hill Complex.**

These are the requirements for use of the Capitol Hill Complex. This rule R131-2-6 shall apply to free speech activities, all other activities, groups and individuals using the Capitol Hill Complex. Pursuant to Utah Code Section 53-8-105(9), the Highway Patrol shall enforce the state law and rules governing the use of the Capitol Hill Complex.

(1) General Requirements.

(a) These are the requirements for use of the Capitol Hill Complex. This rule R131-2-6 shall apply to free speech activities, all other activities, groups and individuals using the Capitol Hill Complex.

(b) Except for state holidays, the Capitol building will be open to the general public Monday through Saturday from 8:00 a.m. to 8:00 p.m. and on Sunday from 8:00 a.m. to 6:00 p.m. Free speech activities may be conducted beyond the times identified in this subsection, as specified in rule R131-11. Unless otherwise authorized, Capitol Hill Facilities and Capitol Hill Grounds, including the Capitol Rotunda, are available for permitted use, activities or events from 8:00 a.m. to 11:00 p.m.

(c) Activities, except free speech activities, may be specifically denied during legislative sessions.

(d) No event may disrupt or interfere with any legislative session, legislative meeting, or the conduct of any state or governmental business, meeting or proceeding on the Capitol Hill Complex. No person shall unlawfully intimidate or interfere with persons seeking to enter or exit any facility, or use of the Capitol Hill Complex.

(e) Levels of audible sound generated by any individual or group, indoors or on the plaza between the House and Senate Buildings, whether amplified or not, shall not exceed 85 decibels or a more restrictive limit established by applicable laws or ordinances. All outdoor events shall not exceed noise limits established by applicable laws or ordinances.

(f) Fire exits, staircases, doorways, roads, sidewalks, hallways and pathways shall not be blocked, and the efficient flow of pedestrian traffic shall not be obstructed at any time.

(g) Alteration and damage to the Capitol Hill Grounds including grass, plants, shrubs, trees, paving or concrete is prohibited.

(h) No object or substance of any kind shall be placed on or in the Capitol Plaza fountain. Standing on or in the fountain is prohibited.

(i) All costs to repair any damage or replace any destruction, regardless of the amount or cost of restoration or refurbishing, shall be at the expense of the person(s) responsible for such damage or destruction.

(j) The consumption, distribution, or open storage of alcoholic beverages is prohibited. There shall also be compliance with Utah Code Section 32B-4-415.

(k) Service animals are permitted, but the presence of other animals is allowed only with advance written permission of the executive director. Owners/caretakers are responsible for the safety to the animal, persons, grounds and facilities.

(l) Camping is prohibited on the Capitol Hill Complex.

(m) Littering is prohibited.

(n) Commercial solicitation as defined in rule R131-10 is prohibited except as provided in rule R131-10.

(o) The use of a personal space heater is prohibited, except as provided in Subsection (i).

(i) Any person with a medical related condition may obtain approval by the Executive Director to use a personal space heater provided the person submits a signed statement by a Utah licensed physician verifying that the medical related condition requires a change in the standard room temperature and the use of the space heater meets the specifications in Subsection (ii).

(ii) If a space heater is approved by the Executive Director, the space heater shall not exceed 900 watts at its highest setting, be equipped with a self-limiting element temperature setting for the ceramic elements, have a tip-over safety device, be equipped with a built-in timer not to exceed eight hours per setting, be equipped with a programmable thermostat, and be equipped with an overheat protection feature.

(p) Tables, chairs, furniture, art and other objects in the Capitol Building shall only be moved by the Board's staff. No outside furniture, including tables or chairs, shall be allowed in the Capitol Building or any other facility on the Capitol Hill Complex without the advance written approval of the Executive Director.

(2) Decorations.

(a) All cords must be taped down with 3M #471 tape or equivalent as determined by the executive director.

(b) There shall be no posting or affixing of placards, banners, or signs to any part of any building or on the grounds. All signs or placards used at the Capitol Hill Complex shall be hand held.

(c) No adhesive material, wire, nails, or fasteners of any kind may be used on the buildings or grounds.

(d) Nothing may be used as a decoration, or be used in the process of decorating, that marks or damages structure(s).

(e) All decorations and supporting structures shall be temporary.

(f) Any writing or use of ink, paint or sprays applied to any area of any building is prohibited.

(g) Users may not decorate the inside or outside of any facility or any portion of the grounds without the advance written approval of the Executive Director. Users must submit any decoration requests in writing to the Executive Director at least ten working days in advance.

(h) Signs, posters, decorations, displays, or other media shall be in compliance with the state law regarding Pornographic and Harmful Materials and Performance, Section 76-10-1201 et seq.

(i) Leaving any item(s) against the exterior or interior walls, pillars, busts, statues, portraits or staircases of the Capitol building is prohibited.

(j) Balloons are not allowed inside the Capitol building.

(3) Set up/Clean up.

(a) All deliveries and loading/unloading of materials shall be limited to routes and elevators as specified by the executive director.

(b) All decorations, displays and exhibits shall be taken down by the designated end time of the event in a manner that is least disruptive to state business.

(c) Users shall leave all facilities and grounds in its original condition and appearance.

(4) Parking.

(a) Parking is limited. All posted parking restrictions on the Capitol Hill Complex, including reserved parking stalls, shall be observed. Except when necessary to avoid conflict with other traffic, or in compliance with law, the directions of a peace officer, or a traffic-control device, a person may not stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers in a parking space identified as reserved for specific users, without:

(i) Approval of the Executive Director; and

(ii) A properly displayed placard or other identifying marker approved by the Executive Director to indicate this approval.

(b) Parking for large vehicles or trailers shall require the prior approval of the executive director, which approval may be withheld if the large vehicle or trailer may interfere with the access or use of the Capitol Hill Complex.

(c) Except as expressly allowed by the executive director, overnight parking is prohibited.

(5) Compliance with Laws.

(a) Users shall conform to all applicable and constitutional laws and requirements, including health, safety, fire, building and other codes and similar requirements. Occupancy limits as posted in or applicable to any public area will dictate, unless otherwise limited for public safety, the number of persons who can assemble in the public areas. Under no circumstance will occupancy limits be exceeded. State Capitol security personnel shall use reasonable efforts to ensure compliance with occupancy, safety, and health requirements.

(b) Safety requirements as used in this rule include safety and security requirements made known to the executive director by the Utah Department of Public Safety or the federal government for the safety and security of special events and/or persons on the Capitol Hill Complex.

(c) "No Smoking" statutes, rules and policies, including the Utah Indoor Clean Air Act, Title 26, Chapter 38, Utah Code shall be observed.

(d) The following are all prohibited: Open flames; flammable fluids; candles with flames; burning incense; smoke; fog machines; disseminating dust, powder, glitter or confetti; and explosives; except that a gelled alcohol food warming fuel used for food preparation or warming, whether catered or not, is allowed provided that it is in:

(i) a one ounce capacity container (29.6 ml) on a noncombustible surface; or

(ii) a container on a noncombustible surface, not exceeding one quart (946.g ml) capacity with a controlled pouring device that will limit the flow to a one ounce (29.6 ml) serving.

(e) All persons must obey all applicable firearm laws, rules, and regulations.

(6) Security and Supervision.

(a) The Facility Use Application shall be reviewed by the senior ranking officer in charge of security for the Capitol Hill Complex, who shall determine the total number of uniformed security



officers required for the proposed event based upon the nature of the event and the risk factors that are reasonably anticipated. Such determination by the senior ranking officer may increase the minimum number of required officers stated in this subsection. At a minimum: one uniformed security officer shall be required for any event consisting of 1-399 participants; two uniformed security officers shall be required for any event consisting of 400 or more participants. The applicant shall pay, in addition to all other required fees, the cost of the providing of all required security officers. These security fees may not be waived. This subparagraph shall not apply to free speech activities or state sponsored activities.

(b) At least one representative of the applicant identified in the application and permit shall be present during the entire activity;

(c) The activity sponsor (permit holder) is responsible for restricting the area of use by participants to the specified room and rest room areas of the reserved facilities.

(d) The activity sponsor (permit holder) shall control entrances to allow only authorized persons to enter any permitted facility or grounds.

(7) Photography, Portraits and Video/Filming.

(a) Any photography, videotaping or filming, shall require advance notice to, and permission from the executive director for scheduling.

(b) Any photography, videotaping or filming, which includes wedding participants and family portraits, and which may take place anywhere in the facilities or grounds of the Capitol Hill Complex, will be required to comply with this Rule.

(i) Such photography, videotaping or filming, may be scheduled by the executive director on Tuesday from 3 p.m. to 6 p.m., Friday from 12 p.m. to 6 p.m., and Saturday from 8 a.m. to 4 p.m. The executive director may allow a different time than specified herein upon written request and if the executive director determines that such other time can be accommodated by any necessary state personnel and does not conflict with state business and any other scheduled events. The executive director may reschedule as needed to accommodate events and state business whether scheduled or not.

(ii) In regard to inside the Capitol building, such photography, videotaping or filming may occur in the following areas: the East grand stairs, the West grand stairs, and the center of the Rotunda or other areas as approved by the executive director.

(iii) A processing fee shall be required for such photography, videotaping or filming. Additionally, a deposit may be required to cover the costs of any anticipated cleanup by the state after the session. These fees shall be described in the Fee Schedule approved by the Board.

(c) Any photography, videotaping or filming that is for the purpose of promoting any private business purposes, including television commercials, movies and photography for business advertising, shall be required to submit a Facility Use Application, pay the required fee from the Fee Schedule approved by the Board, and the time and location must be approved by the Executive Director.

(d) Unless specifically endorsed by an authorized official of the State of Utah, any photography, videotaping or filming shall not expressly or impliedly indicate any State of Utah endorsement of any product, service or any other aspect of the depiction.

(e) This subsection (7) shall not apply to tourists and does not apply to the extent it is the exercise of a free speech activity.

(8) Liability.

(a) The state, Board, executive director and their designees, employees and agents shall not be deemed in default of any issued permit, or liable for any damages if the performance of any or all of their obligations under the permit are delayed or become impossible because of any act of God, terrorism, war, riot or civil disobedience, epidemic, strike, lock-out or labor dispute, fire, or any other cause beyond their reasonable control.

(b) Except as required by law, the state shall not be responsible for any property damage or loss, nor any personal injury sustained during, or as a result of, any use, activity or event.

(c) Users/applicants shall be responsible for any personal injury, vandalism, damage, loss, or other destruction of property caused by the user or an attendee at the applicant's event.

(9) Indemnification. Individuals and organizations using the Capitol Hill Complex do so at their own risk and shall indemnify and hold harmless the state from and against any and all suits, damages, claims or other liabilities due to personal injury or death, and from damage to or loss of property arising out of or resulting from the conduct of such use or activities on the Capitol Hill Complex.

(10) Food Services, Cafe Operator and Authorized Caterer Requirements.

(a) In General. Catering services on the Capitol Hill Complex shall be exclusively provided by the Cafe Operator and Authorized Caterer for those areas of the Capitol Hill Complex under the jurisdiction of the Board and to the extent expanded by the Legislative Management Committee or the Governor's Office, whichever is applicable. Multiple Authorized Caterers may be approved by the Executive Director. The Cafe Operator shall be responsible for all activities in the kitchen, servery, dining and conference rooms associated with the dining room, known as the "State Room," and located on the first floor of the East Senate Building. The Cafe Operator shall have the exclusive right to provide food and beverages in the State Room, but may give permission for an Authorized Caterer to provide food and beverages in the State Room.

(b) Authorized Caterer Requirements. In order to qualify as an Authorized Caterer, an application must be approved by the Executive Director based on meeting the following requirements:

(i) Quality Control Policies. The Authorized Caterer must have quality control policies that are consistent with those set forth in the contract between the Board and the Cafe Operator. The Executive Director shall provide a form describing the minimum standards.

(ii) Application Form. A person or entity seeking to be an Authorized Caterer shall complete an application form approved by the Executive Director.

(iii) Insurance. A Certificate of Insurance shall be provided to the Executive Director for all of the following insurance and such insurance shall be maintained throughout the term of the catering event and for at least one year thereafter:

(A) The Authorized Caterer shall maintain Commercial General Liability insurance with per occurrence limits of at least \$1,000,000 and general aggregate limits of at least \$2,000,000. The selected Authorized Caterer shall also maintain, if applicable to the Authorized Caterer's operations or the specific activity, Business Automobile Liability insurance covering Caterer's owned, non-owned, and hired motor vehicles and/or Professional Liability (errors and omissions) insurance with liability limits of at least \$1,000,000 per

occurrence. Such insurance policies shall be endorsed to be primary and not contributing to any other insurance maintained by the Board or the State of Utah.

(B) The Budget Development and Board Operations Subcommittee reserves the right at any time to require additional coverage from that required in this Rule, at the Authorized Caterer's expense for the additional coverage, based upon the specific risks presented by any proposed event and as recommended by the State's Risk Manager.

(C) The Authorized Caterer shall maintain all employee related insurances, in the statutory amounts, such as unemployment compensation, worker's compensation, and employer's liability, for its employees or volunteers involved in performing services pursuant to the Event. Such worker's compensation and employer's liability insurance shall be endorsed to include a waiver of subrogation against the State of Utah, the Board, its agents, officers, directors and employees. Authorized Caterer shall also maintain "all risk" property insurance at replacement cost applicable to the Authorized Caterer's property and/or its equipment.

(D) The Authorized Caterer's insurance carriers and policy provisions must be acceptable to the State of Utah's Risk Manager and remain in effect for the duration of the catering event and for at least one-year thereafter. The Board shall be named as an additional insured on the Commercial General Liability, the Professional Liability Insurance and all other required insurance policies. The Authorized Caterer will cause any of its subcontractors, who provide materials or perform services related to the catering service(s), to also maintain the insurance coverages and provisions listed above.

(E) The Authorized Caterer shall submit certificates of insurance as evidence of the above required coverage to the Executive Director prior to any entering into a contract related to the catering event. Such certificates shall provide the Board with thirty (30) calendar days written notice prior to the cancellation or material change of the applicable coverage, as evidenced by return receipt or certified mail, sent to the office of the Executive Director.

(iv) Indemnification: The Authorized Caterer shall hold harmless, defend and indemnify the State of Utah, the Board and its officers, employees, and agents from and against any and all acts, errors or omissions which may cause damage to property or person(s), claims, losses, damages to the facilities or grounds of the Capitol Hill Complex, causes of action, judgments, damages and expenses including, but not limited to attorney's fees because of bodily injury, sickness, disease or death, or injury to or destruction of tangible property or any other injury or damage resulting from or arising out of the negligent acts or omissions or willful misconduct of the Authorized Caterer, or its agents, employees subcontractors or anyone for whom the Authorized Caterer may be liable, except where such claims, losses, causes of action, judgments, damages and expenses result solely from the negligent acts or omissions or willful misconduct of the Board, its officers, employees or agents.

(v) Record Keeping and Audit Rights: The Authorized Caterer shall maintain accurate accounting records for all goods and services provided, and shall retain all such records for a period of at least three (3) years from the date of the catering service. Upon reasonable notice and during normal business hours, the Board, or any of its duly authorized representatives, shall have access to and the right to audit any records or other documents pertaining to the Authorized Caterer. The Board's audit rights shall extend for a period of at least three (3) years from the date of the catering service.

(vi) Equal Opportunity: The Authorized Caterer shall not unlawfully discriminate against any employee, applicant for employment, or recipient of services.

(vii) Taxes: The Authorized Caterer shall be responsible for and pay all taxes which may be levied or incurred against the Authorized Caterer, including taxes levied or incurred against Authorized Caterer's income, inventory, property, sales, or other taxes.

(viii) Taxes: Board is Exempt: The Board is exempt from State of Utah sales and excise taxes. Exemption certification information appears on all purchase orders issued by the Board and such taxes will not apply to the Board.

(ix) Suspension/Debarment. The Authorized Caterer must notify the Executive Director within 10 calendar days if debarred or suspended by any governmental entity.

(x) Comply with Facility Use Rules. The Authorized Caterer shall comply with all of the Facility Use Rules enacted by the Board. Upon submission of any evidence to the Budget Development and Board Operations Subcommittee that the Authorized Caterer has not complied with a rule enacted by the Board, the Authorized Caterer shall be removed from eligibility for providing any catering service on the Capitol Hill Complex for a period of time as determined by the Subcommittee and consistent with the Board's rules on suspension and debarment.

(xi) Inspection. The Board or the Executive Director reserves the right to inspect the Authorized Caterer's facilities and operations with respect to use, safety, sanitation and the maintenance of premises which shall be maintained at a level satisfactory to the Board.

(xii) Energy. The Authorized Caterer shall exercise due care to keep utility services at a minimum, conserve the use of energies, and control the resulting costs.

(xiii) Food Handlers Permits. All of the Authorized Caterer's employees must have a current Food Handlers Permit. Documentation shall be promptly provided upon request of the Executive Director that established that all employees and temporary employees have valid Food Handlers Permits.

(xiv) The Authorized Caterer must have a locally grown food quality assurance program similar to that required of the Cafe Operator, which covers the food or products that are not provided by nationally recognized vendors.

(xv) Fees and costs associated with catering services, including the Cafe Operator or the Authorized Caterer, shall be the responsibility of the Applicant and cannot be waived.

(xvi) Security.

(A) An Authorized Caterer shall provide to the Executive Director at least 24 hours in advance of any catered event, a list of all full-time and part-time employees that will be involved with the catering service on the Capitol Hill Complex.

(B) The Applicant shall be assessed a fee to provide for the presence of at least one Board employee to be present and to assist with ingress and egress from the Capitol Hill Complex, set-up, coordination and assurance of appropriate performance under this Rule as well as timely and appropriate clean-up after the event. This fee cannot be waived.

(11) Public Notices, Employee Postings, Required Use of Bulletin Boards.

(a) Notices of Capitol Hill Complex meetings, information or announcements related to state or other governmental business shall be posted at executive director approved locations. If any posting is to

be done by a person not officed in the Capitol Hill Complex, the executive director shall be notified prior to the posting for approval of the location(s) and duration of the posting. Such persons are also responsible to remove the notices after the related meeting or activity within 24-48 hours.

(b) Posting of handbills, leaflets, circulars, advertising or other printed materials by state employees officed in the Capitol Hill Complex shall be on executive director approved bulletin boards.

(12) Enforcement of Rules.

(a) A violation of a rule in any provision of R131-1 through R131-16 relating to the use of the Capitol Hill Complex is an infraction under Utah Code Section 63C-9-301(3)(b). If an act violating a rule subject to Utah Code Section 63C-9-301(3)(b) also amounts to an offense subject to a greater penalty under Title 32B, Alcoholic Beverage Control Act, Title 41, Motor Vehicles, Title 76, Utah Criminal Code, Utah Code Section 76-8-301 (Interference with Public Servant), Utah Code Section 76-9-102 (Disorderly Conduct), or other provision of state law, Utah Code Section 63C-9-301(3)(b) does not prohibit prosecution and sentencing for the more serious offense.

(b) In addition to any punishment allowed under Utah Code Section 63C-9-301(3)(b), pursuant to Utah Code Section 63C-9-301(3)(d), is subject to a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual damages, expenses, and costs related to the violation of the rule that are incurred by the state; and

(c)(a) If any person or group is found to be in violation of any of the applicable laws and rules, a law enforcement officer or state capitol security officer may issue a warning to cease and desist from any non-complying acts. The [If the] law enforcement or security officer [observes a non-compliant act after a warning, the officer] may issue a warning citation or pursue other lawful:

(i) Civil or criminal enforcement;

(ii) removal from the Capitol Hill Complex;

(iii) make an arrest; and/or

(iv) cancel the subject event or activity. [take disciplinary action including citations, fines, cancellations of event or activity, or removal from the Capitol Hill Complex.]

(13) Waivers.

The Executive Director may waive the requirements of any provision of R131-2-6 provided that the provision of Rule R131-2-6 does not specifically indicate that it is non-waivable, upon being presented with compelling reasons that the waiver will substantially benefit the public of the state of Utah and that the facilities, grounds and persons will be appropriately protected. Any approved waiver must still require compliance with all other provisions of this Rule. The waiver request must be submitted in writing to the Executive Director and must accompany any required Facility Use Application. Conditions may be placed on any approved waiver by the Executive Director to assure the appropriate protection of facilities, grounds and persons. An appeal of a denial or the conditions of such waiver may be filed and processed similarly to the denial of a Facility Use Application as described in R131-2-5.

**R131-2-7. Fees and Charges.**

(1) Fees.

(a) Application Fee. There shall be an application fee for a Facility Use Permit to cover the cost of processing the application, as

specified on the Board's fee schedule. This fee is separate from rental and other fees.

(b) Rental of Space Fee. Persons using the Capitol Hill Complex pursuant to a Facility Use Permit shall be charged a rental of the space fee as specified on the Board's fee schedule.

(c) Security Fee. A security fee shall also be assessed as provided in this Rule, as specified on the Board's fee schedule.

(d) Rental of Equipment fee. A rental of equipment fee shall be assessed as specified on the Board's fee schedule.

(e) Room Setup Fees. The Board's fee schedule shall provide for room setup fees.

(f) Additional Board Staff fee. If an Applicant requests that additional Board staff be present for an event, then an additional fee shall be assessed.

(g) Authorized Caterer Fee. Any fee or costs of an Authorized Caterer are the responsibility of the Applicant. The State of Utah, the Capitol Preservation Board, State Officials, emp[lo]yees and anyone for whom the State may be liable, shall have no liability whatsoever for such fee or costs owed to the Authorized Caterer.

(h) A "Schedule of Costs and Fees" is available during regular working hours at the executive director's office. This Schedule of Costs and Fees shall include all the fees referred to in this Rule R131-2-7. Additionally, fees may be assessed for technology assistance, recording, insurance coverage, cleaning and repairs. The Schedule of Costs and Fees may have special fees for community service activities, state employee events, including state employee recognition events, state retirement events, or state employee holiday/social events. There are no fees for free speech activities, except costs for requested use of state equipment or supplies shall be assessed in accordance with the Schedule of Costs and Fees. State Sponsored Activities shall not be required to pay any fees under this Rule.

**R131-2-8. Specific Facilities.**

(1) The following applies to all events and solicitations, except for free speech activities.

(a) Use of caucus rooms, committee rooms, the House of Representatives or Senate Chambers will be separately administered by the legislative branch. Requests for all other rooms must be submitted in writing to the executive director for scheduling and staffing. If the requested room is under the control of the Governor, the judiciary, or other elected officials, the executive director shall forward the request to the appropriate representative of such branch of government or elected official. The executive director will notify the applicant of the approval or denial of the requested space by the approving organization.

(b) The State Office Building auditorium shall be available to all state entities on a first-come, first-serve basis for governmental functions. All state entities shall reserve this facility in advance with the executive director.

(c) After-hours access to the State Office Building shall be through the first floor south doors.

(d) During legislative sessions, legislative meetings or other legislative activities, use of the legislative space will be subject to the applicable legislative rules.

(e) The Gold Room and all other areas controlled by the Governor in the Capitol building shall be available in accordance with Section 67-1-16.

**R131-2-9. Use of White Community Memorial Chapel.**

(1) In addition to the provisions above, the following rules for the White Community Memorial Chapel shall be observed:

(a) Fire Marshal occupancy limits shall not be exceeded.  
 (b) The kitchen is for the exclusive use of the Preferred Caterer. No Private Caterer shall be allowed to use the White Community Memorial Chapel and its grounds. Users may use the full rest room facilities.

(c) The White Community Memorial Chapel will be available from 7:00 a.m. until 12:00 midnight, seven days a week, 365 days a year unless otherwise specified by the Board's Budget Development and Board Operations Subcommittee.

(d) If no wedding or event is scheduled the day before the scheduled wedding or event, the applicant may be allowed to use the Chapel the day before from noon to midnight for rehearsal or decorative purposes for an additional fee as identified on the Board's fee schedule.

(e) All users must complete the Facility Use Permit Application and comply with all the permit requirements listed under rules R131-2 and R131-10.

**R131-2-10. Procedure for Receiving and Deciding Complaints Regarding the Access or Use of the Capitol Hill Complex.**

(1) Any person that has a complaint regarding the access or use of the Capitol Hill Complex may file such complaint in writing to the executive director.

(2) The executive director will issue a written determination within thirty calendar days of the filing of the complaint or such longer time period as agreed to by the complainant.

(3) If the executive director does not issue a determination within the time period for such determination, then the complainant may file a written appeal no later than ten calendar days after the expiration of such time period. The written appeal shall be delivered to the office of the executive director and shall be considered by the Board's Budget Development and Board Operations Subcommittee chair in a manner determined appropriate by the chair.

(4) The chair will issue a written determination within thirty calendar days of the filing of the appeal or such longer time period as agreed to by the complainant.

(5) If the chair does not issue a determination within the time period for the chair's determination, the complainant may file a written appeal to the Board no later than ten calendar days after the expiration of such time period. The written appeal to the Board shall be delivered to the office of the executive director.

(6) Upon the filing of a timely appeal to the Board, the appeal shall be scheduled at the next regularly scheduled meeting of the Board.

(7) This is considered to be an administrative remedy for complaints regarding the access or use of the Capitol Hill Complex, and to the extent allowed by law, shall be considered an administrative remedy that must be pursued prior to any legal action.

**R131-2-11. Fees and Charges During Legislative Session.**

During the regular Utah Legislative Session, from the hours of 7:00 a.m. to 5:30 p.m., Monday through Friday, the facility use fees for specific rooms and spaces shall be reduced as follows:

(1) Facilities on Capitol Hill are available on a first come first serve basis as defined in this Rule R131-2, subject to preemption for State Sponsored Activities and any need to reserve or close off

spaces for security reasons as advised by the Department of Public Safety.

(a) Subject to all the other provisions of this Rule R131-2-11, the following rooms may be reserved with no room rental being assessed:

- (i) Kletting Room located in the Senate Building;
- (ii) Olmstead Room located in the Senate Building;
- (iii) Spruce Room located in the Senate Building;
- (iv) Beehive Room located in the Senate Building;
- (v) Seagull Room located in the Senate Building;
- (vi) Copper Room located in the Senate Building;
- (vii) Rooms B110 and 1112 in the State Office Building;
- (viii) Room 130, the Multipurpose/Public Lounge located in the Capitol;

(ix) Room 170 located in the Capitol; and

(x) Room 210 located in the Capitol.

(b) These rooms identified in R131-2-11(2) may be reserved when the Utah Legislature is meeting in regular session in 4 hour blocks/day for a maximum of 8 total hours per week, and not concurrent.

(c) The use of the State Room in the East Senate Building is to be for public use except for certain hours established by the Executive Director when the public does not ordinarily use the State Room.

(2) The State Office Building Auditorium may be reserved during the time the Utah Legislature is meeting in regular session in two hour blocks one day a week, but is subject to the same rental fees that would apply at other times of the year and priority shall be provided to those events that are related to the regular session of the Utah Legislature.

(3) The Capitol Rotunda or Hall of Governors facilities may be reserved during the hours the Utah Legislature is meeting in regular session with no fee for the space rental itself being assessed subject to the following:

(a) The reservation shall be for a maximum of two hours which must be in one block of hours; and

(b) Priority shall be given to those events that are related to the regular session of the Utah Legislature.

(4) This Rule R131-2-11 does not prohibit the rental of these rooms for the standard fees when rental is beyond the time restrictions set forth in this Rule R131-2-11.

(a) Notwithstanding any other provision of this Rule R131-2-11, Registration (Application), Janitorial and all other associated set up and security fees that would apply if the rental was not during the Utah Legislature's regular session, shall be assessed.

(b) Those persons or entities reserving or using the facilities shall leave the space as they found it in a clean and orderly manner and comply with all other provisions of the Facility Use Rules, R131-2.

(c) The janitorial fee will only be assessed if, in the opinion of the Executive Director, that the work required to prepare the room for the next user is beyond that what is expected and reasonable. Charges for any such required janitorial services shall be assessed in half hour increments of \$50/hour per janitorial worker.

(d) The Registration (Application) fee shall be assessed at the rate of one rental even if the Registration (Application) includes more than one reservation. Multiple reservations on one application form for reservations during the Utah Legislature's regular session are encouraged in order to best coordinate all the reservations.

**KEY:** public buildings, facilities use  
**Date of Enactment or Last Substantive Amendment:** ~~February 24, 2015~~ 2016  
**Notice of Continuation:** December 29, 2014  
**Authorizing, and Implemented or Interpreted Law:** 63C-9-101 et seq.

**Governor, Economic Development**  
**R357-1**  
**Rural Fast Track Program**

**NOTICE OF PROPOSED RULE**  
 (Repeal and Reenact)  
 DAR FILE NO.: 40462  
 FILED: 06/01/2016

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The reason for the change is because the program has undergone several changes and improvements. This repeal and reenactment reflects those changes.

**SUMMARY OF THE RULE OR CHANGE:** The rule now provides for: 1) new and more clear definitions that the old rule did not contain; 2) content of the application; 3) the application and approval procedure; 4) the containing and verifying of employees when receiving grants for job creation; 5) general requirements and criteria for grants, loans, and other financial assistance pursuant to Subsection 63N-3-104(5); and 6) the verification process and requirements of applicant in that process. The old rule did not contain any of these new additions and contained simply language repeated from statute.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 63N-3-104

**ANTICIPATED COST OR SAVINGS TO:**  
 ♦ **THE STATE BUDGET:** There are no anticipated costs or savings to the state because this rule impacts funds granted to the agency in a restricted account. There could be unexpected savings to that account due to a more precise qualification criteria.  
 ♦ **LOCAL GOVERNMENTS:** There are no cost or savings to a local government because they cannot apply for this grant program.  
 ♦ **SMALL BUSINESSES:** Small businesses that are seeking to participate in this program may incur nominal costs associated with application and compliance requirements. Otherwise, there are no costs or savings to small businesses generally.  
 ♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no other persons affected by this rule because only small businesses in rural Utah can participate in the grant program.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The cost are only nominal costs associated with application and compliance requirements.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There are no fiscal impacts except for nominal costs associated with application and compliance requirements.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 GOVERNOR  
 ECONOMIC DEVELOPMENT  
 60 E SOUTH TEMPLE  
 THIRD FLOOR  
 SALT LAKE CITY, UT 84111  
 or at the Office of Administrative Rules.

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

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016**

**THIS RULE MAY BECOME EFFECTIVE ON:** 07/22/2016

**AUTHORIZED BY:** Val Hale, Executive Director

**R357. Governor, Economic Development.**  
**[R357-1. Rural Fast Track Program.**

**R357-1-1. Authority.**  
~~(1) Subsection 63N-3-104 permits the administrator to make rules governing the following aspects of the Rural Fast Track Program:~~  
~~(a) the content of the application form;~~  
~~(b) who qualifies as an employee; and~~  
~~(c) the verification procedure.~~

**R357-1-2. Application Form.**  
~~(1) An application shall:~~  
~~(a) be required that details company information including company name, federal tax ID, mailing and street address, telephone number, company capabilities, project description, submission requirements, and other information that is deemed necessary by the Governor's Office of Economic Development.~~  
~~(b) include financial statements demonstrating profitability and must accompany the application.~~

**R357-1-3. Employees.**  
~~(1) The company must have at least 2 employees who are paid a salary. Each new incremental job added must be paid a salary. GOED will verify and use the county average annual wage based on the most recently published data from the United States Census Bureau.~~

~~(a) GOED will verify and use the county population of 30,000 or less based on the most recently published data from the United States Census Bureau.~~

~~(2) An application can be made based on job (FTE) creation in a rural community.~~

~~(a) Definition of FTE: "FTE" means an individual full time employee of Applicant's Utah Business that is a Utah Resident and employed at least 30 hours per week (excluding lunch) during each week.~~

~~(b) When counting FTEs, if an FTE has its employment with Applicant terminated for any reason before completion of the applicable RFT Disbursement Period, another person otherwise meeting the requirements described above may be promptly hired full time to fill the terminated FTE's position and complete the year of qualifying full-time employment. In such case, Applicant and the Administrator would count the combined contribution of these two (2) full-time employees as one (1) FTE. A replacement will need to be hired within 60 days for the position to remain qualifying for FTE purposes during a given RFT disbursement period.~~

#### **R357-1-4. Economic Opportunity:**

~~(1) An application can be made based upon a unique Economic Opportunity in a rural community.~~

~~(a) Definition of Rural Fast Track Economic Opportunity: "Economic opportunity" means a unique business situation or community circumstance which lends itself to the furtherance of the economic interests of the state and the local community by providing a catalyst or stimulus to the growth or retention, or both, of commerce and industry in the state.~~

#### **R357-1-5. Verification:**

~~(1) Procedure for verifying FTE and disbursing funds on post performance basis:~~

~~(a) Request Letter~~

~~(i) Claim for credits earned and request for disbursement of funds on company letterhead.~~

~~(ii) The request should summarize the number of jobs claimed multiplied against the incentive dollars per employee and the total dollar amount requested.~~

~~(iii) Company tax ID number~~

~~(iv) Address and addressee for where the check is to be sent~~

~~(b) Support Document~~

~~(i) Summarizes the claim for credits earned by outlining the types of jobs and number of jobs that meet the minimum earnings threshold and is usually produced in spreadsheet form.~~

~~(ii) A base year document is created at the time of incentive approval and is used as a template for this summary document and will be sent to the company by the Administrator. Document will include requested information about the new jobs listed and compared against the base number of employees in the company at the time of the application.~~

~~(iii) Department of Workforce Services filing of quarterly unemployment insurance forms covering the disbursement period.~~

~~(c) Letter of Compliance~~

~~(i) A letter verifying the accuracy of the information supplied to claim the incentive. Completed and signed by company officer.]~~

#### **R357-1. Rural Fast Track Program.**

##### **R357-1-1. Authority.**

(1) Subsection 63N-3-104 permits the administrator to make rules governing the following aspects of the Rural Fast Track Program:

(a) The content of the application form;

(b) Who qualifies as an employee; and

(c) The verification procedure.

##### **R357-1-2. Definitions.**

(1) "Administrator" means the Director of the Governor's Office of Economic Development or the Director's designee.

(2) "Office" means the Utah Governor's Office of Economic Development (GOED).

(3) "Baseline employment number" means the same as the term is used in part R357-1-5(4)(a) of this section.

(4) "Full Time Employee" (FTE) means an employee who works at least 30 hours per week at the location of the Rural Fast Track project.

(5) "In business" means the business was legally formed, and is measured from the date upon which a business or company was formed or created as shown on articles of incorporation, certificate of existence, state registration, or other similar, legally sufficient document.

(6) "Leisure and Hospitality" has the same meaning as the definition in the North American Industry Classification System (NAICS) Codes.

(7) "New incremental job" means a Full Time Employee position created in addition to the baseline employment number.

(8) "Production agriculture" means the act of cultivating land and rearing crops and livestock.

(9) "Professional services" means services that are provided by a certified member of a professional body, e.g. accounting, legal, or medical.

(10) "Profitability" means a positive net income as demonstrated on tax returns for the most recent two years for which tax returns are available.

(a) If net income shown on tax returns is less than \$1, the applicant company may still demonstrate profitability by providing receipts to ORD that show capital improvements made in company infrastructure for the corresponding tax years.

(b) Qualifying capital investment receipts plus net income must be greater than \$1 to demonstrate profitability. Accelerated depreciation may not be used in this calculation.

(11) "Resort community" means a municipality in which the transient room capacity as defined in Utah Code Section 59-12-405 is greater than or equal to 66% of the municipality's permanent census population.

(12) "Retail" means a business or person that sells goods to an end-user or consumer.

(13) "Small company" means the same as the definition for small business as set forth by the United States Small Business Administration's Table of Small Business Size Standards Match to North American Industry Classification System (NAICS) codes.

(14) "Specialized vehicle" means a vehicle which is used exclusively for business purposes, and has been modified or specialized through the addition of equipment, and other

permanently attached tools, and performs specific and specialized functions.

(15) "Unique project" means a project that adds a new product, service, or process distinct and separate from any project for which the applicant company has previously received funding under this program.

(16) "Value-added agriculture" is a process which results in a change in the physical state or form of an agricultural product in a manner that enhances its value and expands the customer base of the product, e.g. milling wheat into flour or making strawberries into jam.

**R357-1-3. Content of the Application.**

(1) An application shall include the following information:

(a) Company name;

(b) Federal tax ID number;

(c) Primary North American Industry Classification System (NAICS) Code for the applicant's business;

(d) Mailing and street address;

(e) Telephone number;

(f) Date that company was created;

(g) The following additional information shall be provided in a form prescribed by the Office:

(i) The number of full time employees employed by the applicant for the prior two calendar years; and

(ii) Wages paid to all of the applicant's employees for the prior two calendar years.

(iii) Articles of incorporation, certificate of existence, state registration, or other document showing the date the business was legally formed;

(iv) Applicant Company must demonstrate profitability for the previous 2 years, through the submission of Applicant's State and Federal tax returns for the previous two tax cycles;

(v) If net income from tax returns is less than \$1;

(vi) Receipts for capital improvements during tax years for which Applicant provided tax returns;

(vii) Letter of Support from local Economic Development Director (EDD) or elected official over economic development in the county, tribe, or city where the business is located;

(viii) A report issued by the Department of Workforce Services documenting the number of employees at the company and the total wages paid to employees of the company for the past 2 calendar years; and

(ix) If an applicant is seeking a grant pursuant to Utah Code Section 63N-3-104(5)(d), the applicant shall submit a detailed project description that demonstrates what the project is, how the project will benefit the company and how many new full-time employees applicant will hire as a result of the project.

(x) Any other information as requested by Office of Rural Development (ORD), or the Governor's Rural Partnership Board (GRP), or the Office.

**R357-1-4. Application and Approval Procedure.**

(1) Pre-Application

(a) All companies must fill out and submit a pre-application that shall be reviewed, and approved by GOED staff, before proceeding to a full application.

a. The Pre-Application process will be used to determine eligibility and sufficiency of documentation.

(2) Full Application

(a) If applicant is approved to proceed to a full application, full applications shall undergo a comprehensive internal review by ORD and may be sent to the Governor's Rural Partnership Board (GRP) executive committee for endorsement.

(b) Applications may also be reviewed and endorsed by the Governor's Office of Economic Development (GOED) Board.

(c) All applications must have final approval from the administrator.

(3) Company may not commence performance on the contract until the Rural Fast Track contract agreement is completely executed without prior written permission from the administrator.

**R357-1-5. Employees.**

(1) When counting FTEs, if an FTE has its employment with Applicant terminated for any reason before completion of the applicable Rural Fast Track Disbursement Period, another employee otherwise meeting the requirements described above may be promptly hired to fill the terminated FTE's position and complete the year of qualifying full-time employment. In such case, applicant and the office would count the combined contribution of these two (2) full time employees as one (1) FTE.

(a) A replacement employee must be hired within 60 days of the first employee's termination date for the position to remain qualifying for FTE purposes during a given Rural Fast Track Disbursement Period.

(2) At the time of application, the ORD Business Analyst shall establish the company's baseline employment number.

(a) The baseline employment number is the highest total number of Full Time Employees at any time during the previous 24 month period.

(3) A new incremental job may be filled by an existing employee if a new employee fills the position vacated by the current employee.

(4) Applicant Company must demonstrate at least one new incremental job above the baseline through documentation provided by the Department of Workforce Services.

**R357-1-6. Grants, Loans, and Other Financial Assistance Pursuant to Utah Code Section 63N-3-104(5).**

(1) Applications for grants, loans, and other financial assistance may be approved up to \$50,000 if the applicant passes the verification and approval process described below.

(2) All financial assistance granted pursuant to this section shall be awarded as post-performance reimbursements.

(3) Awards will be made on a dollar for dollar matching basis up to \$50,000 with the applicant providing matching funds;

(a) Awards will not be made for equipment or other qualifying items that are replacing existing items, but replacement costs may be considered as part of the total project cost;

(b) Applications for specialized vehicles may be approved on a dollar for dollar matching basis up to \$25,000 with the applicant providing matching funds.

(4) Payment under this part shall be made only after qualifying expenditures are verified and a site visit is completed by ORD staff.

(5) Any subsequent applications by a company having received a Rural Fast Track award may only be considered for another grant if the second application is for a unique project and at least 18 months have passed after the most recent award was granted.

(6) ORD staff may require additional information during the grant process.

(7) Items that are not eligible for grants, loans, or other financial assistance under 63N-3-104(5) include the following:

(a) Laptop or desktop computers and other standard office equipment;

(b) Non-specialized vehicles;

(c) Bare ground;

(d) Retail, except in eligible L&H counties or resort communities; and

(e) Other items as identified by GOED, ORD, or GRPB on a case by case basis.

(f) The above ineligible items may be approved in exceptional circumstances with the written approval of the administrator.

#### **R357-1-7. Verification.**

(1) Following completion of the applicant project the ORD may conduct a site visit to the applicant company location. During that site visit ORD shall visually inspect the physical property to determine the completion of the project.

(2) Applicant shall provide to ORD documentation of all expenses related to applicant project, including, but not limited to, receipts, invoices, loan documents, etc.

(3) Applicant shall provide documentation from the Department of Workforce Services demonstrating at least one new incremental job over the baseline job number.

(4) Applicant shall provide documentation detailing the salary paid to the new incremental job.

**KEY: economic opportunity, job creation, rural economic development, Rural Fast Track Program**

**Date of Enactment or Last Substantive Amendment: [December 28, 2007]2016**

**Notice of Continuation: April 13, 2012**

**Authorizing, and Implemented or Interpreted Law: 63N-3-104**

## Governor, Economic Development **R357-5** Motion Picture Incentive Fund

### NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 40460

FILED: 06/01/2016

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is currently up for its five-year review. The agency determined after the review that the current rule is not sufficient in providing all the criteria required to apply and receive an incentive. Therefore, the agency has updated

the rule to provide a comprehensive view of the criteria, process, and procedures for the incentive.

SUMMARY OF THE RULE OR CHANGE: The rule has been changed to: 1) provide clarification on definitions relevant to the incentive program; 2) delineate the Motion Picture Incentive applications: Procedures and Minimum Requirements for a Motion Picture Company; 3) add film categories and conditions; and 4) disburse incentive awards. This is different from the current rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63N-8-104

ANTICIPATED COST OR SAVINGS TO:

♦ THE STATE BUDGET: There will be no cost or savings to the state associated with this rule because the amount of new incentive allocation is fixed every year, and this rule does not create a process or procedures that will create a cost or savings.

♦ LOCAL GOVERNMENTS: There will be no cost or savings to any local government because they cannot apply for the incentive and there are no processes or procedures that would create a cost or savings.

♦ SMALL BUSINESSES: Small film businesses will be impacted by this rule because it creates the process to apply and the criteria for an incentive. There is no anticipated cost or savings to those small businesses outside of costs related to applying and complying with the rule changes.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no other entities that will be affected by this rule because only film production companies and digital media companies can apply for this tax credit, and the rule outlines criteria for applying. It does not create any new regulation for other persons or production companies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons is minimal and should be easily absorbed in already existing costs. The cost cannot be estimated because the cost will strictly be a cost associated with the time it takes to collect the requisite documents for the application and requirements outlined in the rule. Each recipient will have varying levels of expertise, and each award varies in size, scope, and requirements pursuant to statute and this proposed rule's criteria. Thus, times and subsequent costs will vary.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The only cost and impact should be to those who apply and receive the incentive in terms of costs for applying and compliance, which should be small.

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

GOVERNOR  
ECONOMIC DEVELOPMENT  
60 E SOUTH TEMPLE



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

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016

AUTHORIZED BY: Val Hale, Executive Director

**R357. Governor, Economic Development.**

**[R357-5. Motion Picture Incentive Fund:**

**R357-5-1. Authority:**

(1) Subsection 63N-8-104 requires the office to make rules establishing the standards that a motion picture company, and digital media, company must meet to qualify for a motion picture incentive and the criteria for determining the amount of the motion picture incentive under 63N-8 of the Utah Code Annotated.

**R357-5-2. Definitions:**

(1) Terms in these rules are used as defined in UCA 63N-8-102.

**R357-5-3. Motion Picture Incentive Conditions — Motion Picture Company:**

(1) A motion picture company may qualify for a motion picture incentive under 63N-8 only if:

(a) the motion picture company is producing a production within the state that is:

- (i) a television series; or
- (ii) a made-for-television movie; or
- (iii) a motion picture, including feature films and independent films; and

(b) the motion picture company has obtained financing and financing is in place for the production; and

(c) the economic impact of the production's dollars left in the state represents new incremental economic activity in the state; and

(d) as of the motion picture incentive application date, as determined the office, has not started principle photography of the production in the state; and

(e) is a state-approved production.

(2) The office may give preference to a production that:

- (a) stimulates economic activity in rural areas of the state; or
- (b) has Utah content, such as recognizing that a production was made in the state or uses Utah as Utah in the production.

(3) The office, with advice from the board, may enter into an agreement with a motion picture company authorizing a motion picture incentive if the motion picture company meets the standards under subsection (1) and:

(a) the motion picture incentive does not exceed 20% of the dollars left in the state by the motion picture company; and

(b) if post-performance cash, the post-performance cash motion picture incentive does not exceed \$500,000 per production under Part 18 and is issued in accordance with 63N-8; and

(c) if a post-performance refundable tax credit, the post-performance refundable tax credit certificate is issued in accordance with 63N-8 and Section 59-7-614.5 or 59-10-1108; and

(d) the motion picture incentive amount approved for the motion picture production follows the motion picture incentive application policy established by the office, which shall be posted on the office's public website.

(4) A motion picture company may be eligible for an additional 5% post-performance refundable tax credit motion picture incentive, in addition to the 20% post-performance refundable tax credit motion picture incentive under subsection (3) if:

(a) the motion picture company employs a significant, as determined by the office, percentage of cast and crew from Utah; or

(b) highlights the State of Utah and the Utah Film Commission in the motion picture production credits; or

(c) other promotional opportunities as agreed upon by the office and the motion picture company; and

(d) the total motion picture incentive granted to the motion picture company for a state-approved motion picture production does not exceed 25% of the dollars left in state.

(5) A motion picture company is eligible for a motion picture incentive only if the office has entered into an agreement under subsection (3) with the motion picture company under 63N-8.

**R357-5-4. Motion Picture Incentive Conditions — Digital Media Company:**

(1) A digital media company may qualify for a motion picture incentive under 63N-8 only if:

(a) the digital media project is producing all or part of production within the state that is:

- (i) an interactive entertainment production; or
- (ii) an animated production; and

(b) the digital media company has obtained financing and financing is in place for the production; and

(c) the economic impact of the digital media project's new state revenue represents new incremental economic activity in the state; and

(d) is produced for distribution in commercial or education markets, which shall include projects intended for Internet or wireless distribution; and

(e) as of the motion picture incentive application date, as determined the office, has not started project production in the state; and

(f) is a state-approved production.

(2) The office, with advice from the board, may enter into an agreement with a digital media company authorizing a motion picture incentive if the digital media company meets the standards under subsection (1) and (2) and:

(a) the motion picture incentive does not exceed 20% of the new state revenue paid by the digital media company; and

(b) does not exceed 20% of the dollars left in state by the digital media company; and

(c) is in the form of a post-performance refundable tax credit certificate under 63N-8 and under Section 59-7-614.5 or 59-10-1108; and

~~(d) economic modeling is considered to evaluate the costs and benefits of the digital media project to the state and local governments in determining the motion picture incentive amount; and~~

~~(e) the motion picture incentive amount approved for the digital media production follows the motion picture incentive application policy established by the office, which shall be posted on the office's public website.~~

~~(3) A digital media company is eligible for a motion picture incentive only if the office has entered into an agreement under subsection (2) with the digital media company under 63N-8.~~

**R357-5-5. Funding -- Post-Performance Refundable Tax Credit.**

~~(1) The office may issue up to \$6,793,700 in post-performance refundable tax credit certificates under 59-7-614.5 or 59-10-1108 in a fiscal year to either a motion picture, or digital media, company.~~

~~(2) If the office does not issue post-performance refundable tax credit certificates in a fiscal year totaling the amount authorized under 63N-8, it may carry over that amount for issuance in subsequent fiscal years.~~

~~(3) Post-performance refundable tax credits are nontransferable and can only be issued to the state-approved motion picture, or digital media, company who submits the motion picture incentive application and is approved by the office with advice from the Board.~~

**R357-5-6. Funding -- Post-Performance Cash.**

~~(1) The office may only issue funds appropriated by the state legislature to the restricted account created with the general fund known as the Motion Picture Incentive Account to a motion picture company.~~

~~(2) Post-performance cash is nontransferable and can only be issued to the state-approved motion picture company who submits the motion picture incentive application and is approved by the office with advice from the Board.]~~

**R357-5. Motion Picture Incentive.**

**R357-5-1. Authority.**

~~(1) Subsection 63N-8-104(1) requires the office to make rules establishing the standards that a motion picture company, and digital media company must meet to qualify for a motion picture incentive and the criteria for determining the amount of the motion picture incentive.~~

**R357-5-2. Definitions.**

~~(1) The definitions below are in addition to or serve to clarify the definitions found in Utah Code Section 63N-8-102.~~

~~(2) "Low Budget Film Production" means a production where a motion picture company has a maximum budget of under \$500,000.~~

~~(3) "Motion Pictures" means, but is not limited to, narrative or documentary films or high definition digital production, and originally intended for commercial distribution to motion picture theaters, directly to the home video and/or DVD markets, cable television, broadcast television or video on demand.~~

~~(a) The term "Motion Picture" does not include:~~

~~(i) News;~~

~~(ii) Commercials;~~

~~(iii) Live Broadcasts;~~

~~(iv) Digital Media Products;~~

~~(v) Discrete Sporting events;~~

~~(vi) Live Coverage of other theatrical or entertainment events; or~~

~~(vii) Programs that solicit funds.~~

~~(4) "Rural Utah" means all counties of the 4th, 5th, and 6th class, and municipalities in a county of the 3rd class that has a population under 20,000 and a median household income under \$70,000 as reflected in the most recently available data collected and reported by the United States Census Bureau.~~

~~(5) "Significant Percentage of cast and crew from Utah" means~~

~~(a) For productions that have less than \$500,000 dollars left in state: that at least 85% of the cast and crew are Utah residents.~~

~~(b) For productions that have more than \$500,000 dollars left in state: that at least 75% of the cast and crew are Utah residents excluding extras and five principal cast.~~

~~(c) "Utah Resident" means that the individual files a Utah Resident tax return.~~

~~(6) "State-approved production" means a production that is:~~

~~(a) approved by the office and ratified by the Governor's Office of Economic Development Board; and~~

~~(b) all or a portion of the production is produced in the state.~~

~~(7) "Total budget for the product" means the total budget for Dollars left in state of pre-production, production and post-production.~~

~~(8) "Treatment" means: A written description of the production.~~

~~(9) "UFC" means: the Utah Film Commission, a sub-entity of the Utah Governor's Office of Economic Development.~~

~~(10) "Utah Resident" means a person who files a Utah State Tax Return as a resident of Utah.~~

**R357-5-3. Motion Picture Incentive Applications: Procedures and Minimum Requirements for a Motion Picture Company.**

~~(1) A motion picture company may qualify for a motion picture incentive only if all of the following requirements are met in addition to those listed throughout 63N-8:~~

~~(a) The motion picture company is making all or a portion of a motion picture in the state of Utah;~~

~~(b) The motion picture is a state approved production;~~

~~(c) The motion picture company guarantees UFC access to production's behind the scenes footage, interviews and still photography or allow the office to produce its own;~~

~~(d) The motion picture company guarantees the production will display the Utah logo as outlined in the incentive agreement and provide a screen shot of the logo as it appears in the credits.~~

~~(e) The motion picture company has obtained financing for at least 75% of the anticipated Dollars left in state for the project, and the applicant provides proof of financing in a form specified in the application documents.~~

~~(f) The motion picture company must retain financing as set forth in subsection (e) for the life of the contract with the State.~~

~~(g) The motion picture company intends to report at least \$500,000 dollars left in state if applying for a film incentive pursuant to R357-5-5(1) or a maximum of under \$500,000 if applying for an incentive pursuant to R357-5-5(2);~~

(h) As of the date that the Office receives a completed motion picture incentive application, the motion picture production company has not started principle photography of the production in the state.

(i) If a production has initiated principal photography prior to the Office's receipt of a completed application, the application for incentive shall be denied.

(ii) An application for incentive may be submitted if the motion picture production company has initiated pre-production activities in the State of Utah, as long as principal photography has not been initiated.

(2) The motion picture incentive application shall not be construed as a property right and neither the Office nor the Board is required to approve an application.

(3) In order to receive state approval for an incentive application, a production must, in the State's sole discretion, reflect positively on the image of state of Utah.

(a) In determining whether or not a production reflects positively on the image of the state of Utah, the Office and Board may take into consideration:

(i) Whether and to what extent the motion picture promotes Utah as a tourist destination;

(ii) the overall strength and viability of the script of the production;

(iii) the industry reputation of the production or motion picture company;

(iv) the record of the motion picture company in matters of safety and responsible filmmaking; and

(v) the existence of any legal action or the likelihood of any legal action in relation to either the production or the motion picture company;

(vi) general standards of decency and respect for the diverse beliefs and values of Utahns; and

(vii) any other factors related to the production or the motion picture company that may reasonably affect the image of the state of Utah.

(4) The Office and Board may consider the relative merit of applications, and the need to reserve its allocations for future applications.

(a) Factors that contribute to the relative merit will be weighted by a point system available on the Utah Film Commission's website and include, but are not limited to:

(i) Number of anticipated jobs in Utah;

(ii) Number of production days in Utah;

(iii) Length of employment for Utah cast and crew;

(iv) Local cast and crew wages;

(v) Other economic development that the film contributes in the State of Utah;

(b) Applications shall be made in the form prescribed by the Office, including required attachments or additional information.

(i) Incomplete applications will not be considered received until the application is deemed complete by the UFC.

(ii) A script is required as part of the application.

(1) A treatment may only be submitted where a script for a project type is not possible for example, because the project is a documentary or reality based television show. The Utah Film Commission will determine in its sole discretion if a treatment can be substituted for a script.

(5) A production company may file more than one application if it has more than one production in the state, but a separate application must be filed for each production.

(6) Applications will be subject to submission deadlines, which will be posted on the Utah Film Commission Website and are available in other formats upon request.

(a) If the applicant fails to submit a completed application prior to the submission deadline, the application may be considered with the next round of submissions.

(7) Submitting an application does not guarantee approval of a film incentive.

(a) All film incentives are subject to and contingent upon the amount of available funding and/or tax credit allocation available in the Motion Picture Restricted account;

(b) Lack of state approval shall not be construed as prohibiting a production or prohibiting a motion picture company from filming in Utah.

#### **R357-5-4. Motion Picture Incentive Applications: Award for a Motion Picture Production.**

(1) Upon receipt of a completed application, the Office will align each project into incentive categories as set forth in R357-5-5.

#### **R357-5-5. Film Categories and Conditions.**

(1) Utah Motion Picture Incentive Program

(a) The Utah motion Picture Incentive program will have an incentive cap of 20% the dollars left in state, unless a higher cap is awarded pursuant to subsection (c).

(b) Incentives will only be awarded if the motion picture company meets criteria listed in statute, R357-5-3

(c) An additional cap of up to 5% may be granted if the motion picture company:

(i) Motion picture company has at least \$1,000,000 in qualified dollars left in state, and

(ii) 75% of cast and crew are Utah residents excluding extras and five principal cast members, or

(iii) 75% of Dollars left in state occurs in rural Utah

(2) Low Budget Film Production Incentive

(a) The Low Budget Film Production Incentives Program will provide a maximum of a 20% post performance cash rebate or tax incentive for dollars left in state by a low budget production.

(b) Low Budget Film Production Program incentives will only be awarded if the motion picture company meets criteria listed in statute, R357-5-3, has a maximum budget of under \$500,000, and meets following criteria:

(i) Minimum wage of 60% of area standard rates for each cast and crew member; and

(ii) 85% of cast and crew must be Utah residents;

(c) Applications for the Low Budget Film Production Incentive Program will be reviewed quarterly beginning in August of each calendar year.

(d) Awards will be made to motion picture companies based upon the scoring system outlined in the Low Budget Film Production Incentive Program application provided by UFC.

(3) For applications made under either (1) or (2), the motion picture company must provide all information and documentation to show measureable outcomes as outlined in the application for any incentive listed in R357-5-5.

**R357-5-8. Funding -- Post-Performance Refundable Tax Credit.**

(1) Post-performance refundable tax credits are nontransferable and can only be issued to the state-approved motion picture that submits the motion picture incentive application and is approved by the office with advice from the Board.

**R357-5-9. Funding -- Post-Performance Cash.**

(1) The office may only issue funds appropriated by the state legislature to the Motion Picture Incentive Account to a motion picture company

(2) Post-performance cash can only be issued to the state-approved motion picture company who submits the motion picture incentive application and is approved by the office with advice from the Board.

**R357-5-10. Request for Incentive Amendment.**

(1) A motion picture company may request an incentive amendment only under the conditions listed in the incentive application.

(2) Amendments will be reviewed and approved by the UFC on a case by case basis with a written explanation for the approval or denial provided to the applicant.

**KEY:** economic development, motion picture, digital media, new state revenue

**Date of Enactment or Last Substantive Amendment:** [~~June 30, 2014~~]2016

**Authorizing, and Implemented or Interpreted Law:** 63N-8-104

**Governor, Economic Development**  
**R357-15**  
**Enterprise Zone Tax Credit**

**NOTICE OF PROPOSED RULE**

(New Rule)

DAR FILE NO.: 40461

FILED: 06/01/2016

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is being created in response to the requirements enacted by H.B. 31 of the 2016 General Session. H.B. 31 requires the office to create rules governing the application and approval process for Enterprise Zone Tax Credits.

**SUMMARY OF THE RULE OR CHANGE:** This rule creates the form and content of an application for an Enterprise Zone tax credit, the documentation required to receive an Enterprise Zone tax credit, and the administration of the program including relevant compliance for each type of tax credit offered in an Enterprise Zone.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 63N-2-213(6)

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** There is no cost to the state and potential savings because this new application and approval process will prevent overall misuse of incorrectly claimed Enterprise Zone Tax Credits. The savings are not quantifiable at this time because we do not have any data regarding who claimed the tax credits in the past and how likely an application process vs. a "check-the-box" on the Utah tax forms will deter potential applicants from applying. Furthermore, we do not know how much of the tax credits claimed in the past were done erroneously. The lack of this information prevents the agency from being able to quantify an amount of potential savings.

♦ **LOCAL GOVERNMENTS:** This rule does not impact local governments because they cannot receive or claim tax credits.

♦ **SMALL BUSINESSES:** This rule will impact the businesses that apply for a tax credit because they will need to provide various forms and documentation in order to apply and be awarded a tax credit. The cost cannot be estimated because the cost will strictly be a cost associated with the time it takes to collect the requisite documents for the application and requirements outlined in the rule. There are several different tax credits covered by this rule and relevant sections of the Utah Code. Thus, times and subsequent costs will vary.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Other individuals may be impacted that claimed the tax credit in the past because this rule now creates an application process to claim the tax credits that did not exist before. It will not create new costs beyond those associated with the time it takes for applying and any compliance once awarded a tax credit. The cost cannot be estimated because the cost will strictly be a cost associated with the time it takes to collect the requisite documents for the application and requirements outlined in the rule. There are several different tax credits covered by this rule and relevant sections of the Utah Code. Thus, times and subsequent costs will vary.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** All those affected will not have costs beyond those associated with applying and compliance once awarded a tax credit. The cost cannot be estimated because the cost will strictly be a cost associated with the time it takes to collect the requisite documents for the application and requirements outlined in the rule. There are several different tax credits covered by this rule and relevant sections of the Utah Code. Thus, times and subsequent costs will vary.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There are no fiscal impacts or costs beyond those associated with applying and compliance once awarded a tax credit.

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

GOVERNOR  
 ECONOMIC DEVELOPMENT  
 60 E SOUTH TEMPLE

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

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016

AUTHORIZED BY: Val Hale, Executive Director

**R357. Governor, Economic Development.**

**R357-15. Enterprise Zone Tax Credit**

**R357-15-1. Authority.**

(1) Subsection 63N-2-213(6) requires the office to make rules establishing the form and content of an application for an Enterprise Zone tax credit, the documentation required to receive an Enterprise Zone tax credit, and the administration of the program, including relevant timelines and deadlines.

**R357-15-2. Definitions.**

(1) The definitions below are in addition to or serve to clarify the definitions found in Utah Code Section 63N-2-201 Utah Code Section 59-7-614.10, Section 59-10-1036, and Section 63N-2-202.

(2) "Baseline" means: The highest total number of employees employed by the applicant for the previous three years. This number will be the baseline to determine all new incremental full-time employee positions

(3) "Qualifying investment in plant, equipment, or other depreciable property" means an investment in most types of tangible property (except land), such as buildings, machinery, vehicles, furniture, and equipment that qualifies for depreciation under the Internal Revenue Service's Form 4562.

(4) "Value-added business entity" means a company that creates a change in the physical state or form of a product in a manner that enhances its value, thus expanding the customer base of the product. Examples include milling wheat into flour or making strawberries into jam.

**R357-15-3. Application Form and Content.**

(1) An application form will be provided by the Office and will contain the following content:

- (a) General submission instructions;
- (b) Types of tax credits available to be claimed;
- (c) Criteria for qualification for each tax credit;
- (d) Any required deadlines and relevant timelines; and
- (e) All required documents and information necessary for verification and approval of the application.

(2) The application shall be created in an electronic format available to the public at business.utah.gov

(3) The application shall also be available in paper format for any person or entity that requests a paper copy via mail or telephone.

**R357-15-4. Required Documentation and Verification Information.**

(1) To claim any of the tax credits available under 63N-2-201 et. seq. the following basic information must be provided to the Office.

(a) Business or Individual's name that is claiming a tax credit on a Utah Tax filing submission;

(b) A contact name, email, phone number, mailing address and relevant title(s);

(c) The physical address where the business or individual is located including a screenshot of the address pinpoint within the Enterprise Zone as found on locate.utah.gov.

i. A tax credit shall not be issued if the only connection to an enterprise zone is a P.O. Box;

(d) The business or individual's tax identification number whether a federally provided Employer Identification Number (EIN) or a Social Security Number (SSN); and

(e) Additional information as required in the Application.

(2) To qualify for any of the Employment tax credits pursuant to Subsections 63N-2-213(7)(a)-(d) the following documentation and information is required:

(a) A current total of all full time employees including the total of employees as reported to the Department of Workforce Services for the last three years.

(b) The number of New Incremental Employee Positions created above the baseline.

i. For each New Incremental Employee Position above the baseline the applicant must provide:

1. Employee Name;
2. Employee Hourly Wage and/or Annual Salary;
3. Employee Average Hours worked per week;
4. Employee Hire date;
5. If applicable, proof of employer-sponsored health insurance program if the employer pays at least 50% of the premium cost;
6. If applicable, evidence that the business entity adds value to agricultural commodities through manufacturing or processing.

a. List of sample products or processes.

7. Other documentation requested by the Office on the tax credit application.

(3) To qualify for the private capital investment tax credit under Subsections 63N-2-213(7)(e)-(f) the following documentation and information is required:

(a) If the private capital investment is for the rehabilitation of a building in an Enterprise Zone the applicant must provide:

- i. The rehabilitated building's physical address
- ii. Documents showing the current owner such as the deed or mortgage documents;
- iii. The date the building was last occupied;
- iv. A current occupancy permit or certificate;
- v. Receipts and paid invoices of all rehabilitation expenses totaling the amount the tax credit is calculated from; and

1. The Office may request further documentation to verify receipts and paid invoices including accompanying bank statements.

vi. Any other documentation requested by the Office including a sworn affidavit confirming the rehabilitation costs from the owner of the building if applicant is not the owner of the building.

(b) If the private capital investment is a qualifying investment in plant, equipment, or other depreciable property in an Enterprise Zone the applicant must provide:

i. Receipts and/or loan documentation showing the entire purchase price and amount paid by the applicant.

**R357-15-5. Application Review and Authorization Process for an Enterprise Zone Tax Credit.**

(1) The Office shall review all submitted applications within a reasonable amount of time and approve or deny the application

(a) The Office shall review all tax credits claimed and documentation provided.

(b) The Office may request additional documentation or information if the Office determines that further verification is required.

i. Failure to comply with a request for additional documentation may result in a denial of the application.

(2) The Office will issue tax credit certificates for all tax credits for which an applicant has applied, qualified and been approved by the Office.

(a) This Office may issue a partial approval if only parts of the application are determined to qualify.

(3) The Office must provide written notice that includes its reasoning when denying any or a portion of a tax credit application.

(4) If approved in whole or in part, the Office shall provide any necessary documents and instructions, approved by the Utah Tax Commission, for claiming the tax credit.

**R357-15-6. Appeal of Application Denial.**

(1) A hearing contesting the denial of an application in whole or in part of an Enterprise Zone Tax Credit is designated as informal hearings.

**KEY: enterprise zones, tax credits**

**Date of Enactment or Last Substantive Amendment: 2016**

**Authorizing, Implemented, or Interpreted Law: 63N-2-213(6)**

**Governor, Economic Development**

**R357-17**

**Air Quality Incentive**

**NOTICE OF PROPOSED RULE**

(New Rule)

DAR FILE NO.: 40459

FILED: 06/01/2016

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being created to set governing parameters around qualifying and receiving an air quality incentive created by S.B. 186 in the 2016 General Session.

SUMMARY OF THE RULE OR CHANGE: This rule specifies the parameters for the air quality incentive created by S.B. 186 (2016). More specifically, it establishes the form of the application and its content; the criteria for qualifying for a grant; requirements for documentation and verification of information; and conditions precedent to a grant disbursement.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63N-1-402(2)(b)

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: This rule does not create any cost or savings to the state budget. The grant is funded out of the Industrial Assistance Account, which is a restricted account, and grants are only given if funds are available. The rule does not change the account's process, and no other revenue source is attached to the grants.

◆ LOCAL GOVERNMENTS: This rule does not create any cost or savings to a local government because they are not allowed to receive a grant due to the statutory parameters.

◆ SMALL BUSINESSES: This rule could create some costs to a grant recipient due to the collection and providing of documentation for the compliance requirements throughout. Any costs should be minimal and would not create any undue burden on the business in relation to the overall gain in the amount of the grant.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There are no other persons that would be impacted by this rule because only business may receive a grant.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only compliance costs for an affected person would be those incurred by applying for the grant and providing the requisite documentation and permits already required by federal and state laws.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be minimal compliance costs only for those receiving the grant, and no other businesses generally will be impacted.

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

GOVERNOR  
ECONOMIC DEVELOPMENT  
60 E SOUTH TEMPLE  
THIRD FLOOR  
SALT LAKE CITY, UT 84111  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016

AUTHORIZED BY: Val Hale, Executive Director

**R357. Governor, Economic Development.**

**R357-17. Air Quality Incentive.**

**R357-17-1. Authority.**

(1) Utah Code Annotated (UCA) Subsection 63N-1-402(2) provides that the Board can make, amend or repeal Rules for the purpose of conducting its business.

**R357-17-2. Definitions.**

(1) Terms in these rules are used as defined in Utah Code Annotated (UCA) 63N-3-102.

**R357-17-3. Application Form and Content.**

(1) An application form will be provided by the Office and will contain the following content:

- (a) General submission instructions;
- (b) Applicant provided project description including:
  - (i) Emissions profile of the project's operations; and
  - (ii) Method of intended pollution control measures applicant is submitting for approval from Division of Air quality.
- (c) Other criteria and information as requested by the Office in the application;
- (d) Any required deadlines and relevant timelines; and
- (e) All required documents and information necessary for verification and approval of the application.

(2) The application shall be created in an electronic format available to the public at [business.utah.gov](http://business.utah.gov)

(3) The application shall also be available in paper format for any person or entity that requests a paper copy via mail or telephone.

**R357-17-4. Criteria for Air Quality Grant.**

(1) The amount of the grant shall be determined on a case-by-case basis. Factors to be considered include but are not limited to the requirements listed in UCA 63N-1-109.5 and:

- (a) Whether the applicant's industry has been determined by the GOED Board as a Targeted Industry as defined in R357-3-2;
- (b) The financial cost and need of assistance for the project, including whether the Company has secured the technology at the time of application;
- (c) To what extent the best available control technology (BACT) will mitigate projected pollution by applicant;
- (d) Comparison to other technologies available for the relevant emissions profile of the applicant;
- (e) The economic environment, including the unemployment rate and the underemployment rate of the county where the BACT will be installed, at the time of application;
- (f) The location of the project generally and the where the BACT will be installed;

(g) The average wage level of the forecasted jobs created;

(h) The overall benefit to the State and potential improvement to the air quality of the non-attainment area;

(i) The demonstrated support of the local community for the project overall and the BACT; and

(j) Other factors as reasonably determined by the administrator in consultation with the GOED Board.

(2) Applicant must show it does not qualify for any other grant or incentive that would finance or cover the cost of the BACT.

(3) The Department of Environmental Quality (DEQ) will provide a preliminary assessment of the Applicant's proposal and will report on to what extent the proposal meets DEQ and other state and federal legal and regulatory requirements, including whether the equipment to be purchased meets the design requirements corresponding to the BACT for the relevant emissions profile of the applicant

(a) The assessment is subject to change based on conditions outlined in R357-17-6(1); and

(b) Failure to receive a preliminary approval from this assessment will result in the denial of an application.

(4) A grant will only be awarded to applications that demonstrate the grant is only being used to lower the financing costs associated with the BACT.

**R357-17-5. Required Documentation and Verification Information.**

(1) An applicant may be required to submit the following information and documentation to verify claims and request made in the application:

- (a) Balance Sheets;
- (b) Income Statements;
- (c) Cash Flow Statements;
- (d) Bank statements showing purchase;
- (e) Invoices and/or receipts showing purchase;
- (f) Market analyses;
- (g) Analysis showing comparable technology with the BACT;
- (h) Workforce data;
- (i) Blueprints or other design specifications of BACT purchased;
- (j) Business plans of intended use and benefits;
- (k) Forecasted new state revenue associated with the BACT;

(1) Forecasted incremental job creation associated with the BACT;

(m) Forecasted wages associated with the BACT; or

(n) Other information as determined by the administrator within its reasonable discretion.

(2) Information provided by the business entity is subject to the Government Records Access and Management Act. The applicant has the option, at its sole discretion and responsibility, to designate what information provided is private or protected subject to UCA 63G-2-302 and/or UCA 63G-2-305.

**R357-17-6. Conditions Precedent to Grant Disbursement.**

(1) A grant awarded under Section 63N-3-109.5 is conditional and will be contingent on the applicant gaining all required approvals and permits for a New Source Review as promulgated by the Department of Environmental Quality.

(a) Copies of all approval documentation and permits must be provided to the administrator before any disbursement of a grant.

(2) Failure to receive the New Source Review permits from the Department of Environmental Quality will result in rescinding the grant award, and no funding will be awarded.

**KEY: air quality, incentives, industrial assistance account**  
**Date of Enactment or Last Substantive Amendment: 2016**  
**Authorizing, Implemented, or Interpreted Law: 63N-1-402(2)(b)**

**Health, Disease Control and  
Prevention, Environmental Services**  
**R392-400**  
**Temporary Mass Gatherings Sanitation**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 40442

FILED: 05/23/2016

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The changes to Rule R392-400 update the sanitation requirements for temporary mass gatherings.

**SUMMARY OF THE RULE OR CHANGE:** Citations to authorizing statutes now include Sections 26-1-5 and 26-1-30. The definition of a temporary mass gathering is changed to be 1,000 people for 2 hours or more per day. The definitions for "operator" and "wastewater" are clarified. Changes are made to accommodate the change from 500 to 1,000 people. Temporary mass gathering limits are changed from 30 days to 16 consecutive days. Requirements for medical personnel are clarified and simplified. Information to be included in applications is updated. Requirements for how permitting by the local health departments is accomplished and a subsection pertaining to appeals are removed as such requirements fall outside the purview of Title 26 and are covered in Title 26a. Parking areas are now included as part of an event site, which would be required to be kept clean and in good repair. Changes are made to solid waste, site maintenance, drinking water, and waste water requirements.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 26-1-30 and Section 26-1-5 and Section 26-15-2

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** There are no anticipated costs or savings at the state level. Any costs or savings will come out of existing budgets.

♦ **LOCAL GOVERNMENTS:** There may be a loss of permit fees to local health departments or other municipal entities using this rule due to fewer permits needing to be issued.

Any costs or savings will come out of existing budgets. There are no anticipated costs or savings for existing events currently in compliance with this rule.

♦ **SMALL BUSINESSES:** There are no anticipated costs for existing events currently in compliance with this rule. There may be savings to businesses due to fewer permits being required, including permits for events across multiple health department jurisdictions. Permit costs may vary depending on the duration, type, and location of events but are likely no more than \$500 each. The number of permits to not be issued cannot be calculated due to a lack of data. Due to this, a savings estimate cannot be calculated.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs for existing events currently in compliance with this rule. There may be savings due to fewer permits being required, including permits for events across multiple health department jurisdictions. Permit costs may vary depending on the duration, type, and location of events but are likely no more than \$500 each. The number of permits to not be issued cannot be calculated due to a lack of data. Due to this, a savings estimate cannot be calculated.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** These changes may affect fun runs specifically. The change in definition of a temporary mass gathering may require fewer permits needing to be issued, resulting in a possible savings for those persons. There are no anticipated additional costs associated with these changes.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Businesses will be fiscally impacted in that fewer permits will be required for such events.

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

HEALTH  
DISEASE CONTROL AND PREVENTION,  
ENVIRONMENTAL SERVICES  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY, UT 84116-3231  
or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Chris Nelson by phone at 801-538-6739, or by Internet E-mail at [chrisonelson@utah.gov](mailto:chrisonelson@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016**

**THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016**

**AUTHORIZED BY: Joseph Miner, MD, Executive Director**



**R392. Health, Disease Control and Prevention, Environmental Services.**

**R392-400. Temporary Mass Gatherings Sanitation.**

**R392-400-1. Authority.**

This rule is authorized under Utah Code Sections ~~26-15-2, 26-1-5 and 26-1-30.~~

**R392-400-2. Purpose.**

It is the purpose of this rule:

- (1) to protect, preserve and promote the ~~physical~~ health and safety of the public;
- (2) to prevent and control the incidence of communicable diseases;
- (3) to reduce hazards to health and environment;
- (4) to maintain adequate sanitation and public health; and
- ~~(5) to protect the safety of the public; and~~
- (6) to promote the general welfare of the public.

**R392-400-3. Definitions.**

- (1) "Department" means the Utah Department of Health (UDOH).
- (2) "Director" means the executive director of the Utah Department of Health or the executive director's designee.
- (3) "Drinking Water Station" means a location where a person may obtain safe drinking water free of charge.
- (4) "Emergency Medical Provider" means the same as Emergency Medical Services Provider as defined in 26-8a-102.
- (4) ~~5~~ "First Aid Station" means a temporary or permanent enclosed space or structure where a person can receive first aid and emergency medical care.
- (5) ~~6~~ "Health Officer" means the director of the local health department having jurisdiction or the health officer's designee.
- (6) ~~7~~ "Operator" means a person who represents a ~~group, corporation, partnership, governing body, association, or other public or private organization legally responsible for obtaining the necessary permits for the overall operation of a temporary mass gathering.~~
- (7) ~~8~~ "Owner" means any person who alone, jointly, or severally with others:
  - (a) has legal title to any premises, with or without accompanying actual possession thereof or;
  - (b) has charge, care, or control of any premises, as legal or equitable owner, agent of the owner, or lessee.
- (8) ~~9~~ "Permit" means a written form of authorization written in accordance with this rule.
- (9) ~~10~~ "Person" means any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the State or its departments, institution, bureau, agency, county, city, political subdivision, or any legal entity recognized by law.
- (10) ~~11~~ "Safe Drinking Water" means potable water meeting State safe drinking water rules or bottled water as regulated by the Utah Department of Agriculture and Food.
- ~~(11) "Safe Drinking Water System" means a system for delivering safe drinking water that is approved by the local health officer.~~
- (12) "Solid Waste" means garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi liquid waste,

other spent, useless, worthless, or discarded materials or materials stored or accumulated for the purpose of discarding, materials that have served their original intended purpose.

- (13) "Staff" means any person who:
  - (a) works for or provides services for or on behalf of the operator or a vendor, or
  - (b) is a vendor at a gathering.
- (14) "Temporary Mass Gathering" or "Gathering" means an actual or reasonably anticipated assembly of ~~500~~ 1000 or more people, which continues or can reasonably be expected to continue for two or more hours per day, at a site or sites for a purpose different from the designed use and usual type of occupancy. A temporary mass gathering does not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless the designed occupancy levels are exceeded.
- (15) "Vendor" means any person who sells or offers food for public consumption.
- (16) "Wastewater" means used water or water carried wastes ~~produced by man, animal, or fowl~~.

**R392-400-4. Permit To Operate Required.**

- (1) A person may not operate a temporary mass gathering without a valid written permit issued by the health officer.
- (2) The health officer may exempt a parade from the permit requirement if the operator submits an application as required in Section R392-400-6 and the health officer determines that the availability of existing public sanitary facilities, drinking water and trash containers is sufficient to protect public health.
- (3) A temporary mass gathering may not exceed ~~30~~ 16 consecutive days unless otherwise approved by the health officer.
- (4) The health officer may attach conditions or grant waivers to a permit, in accordance with this rule, in order to meet specific public health and safety concerns.

**R392-400-5. Gathering Operator Required On Site.**

- (1) The operator shall establish a headquarters at the gathering site.
- (2) The operator or the operator's designee shall be present at the gathering at all times during operating hours.

**R392-400-6. Permit Application Required.**

- (1) The health officer shall prescribe the application process, and shall require the applicant to submit an application at least 15 days prior to the first advertisement of the gathering and at least 30 days prior to the first day of the gathering. The health officer may grant an exception to this requirement on a case by case basis because of the nature of the event, scarcity of problems associated with the event in the past or other public health related criteria.
- (2) An application for a permit shall be ~~in writing~~ submitted to the health officer and include the following information:
  - (a) name, address, telephone number, email and fax number (if applicable) of the operator;
  - (b) number of people expected to attend the gathering;
  - (c) a description of the type of gathering to be held with the date(s) and times the gathering will be held;
  - (d) estimated length of stay of attendees;
  - (e) name, address, telephone number, email and fax number (if applicable) of property owner;

(f) location of the gathering and a site plan delineating the area where the gathering is to be held including the following:

- (i) the parking area available for patrons;
- (ii) location of entrance, exit, and interior roadways and walks;
- (iii) location, type, and provider of restroom facilities;
- (iv) location and description of water stations;
- (v) location and number of food stands, and the types of food to be served if known;
- (vi) location, number, type, and provider of solid waste containers;
- (vii) location of operator's headquarters at the gathering;
- (viii) a plan to provide lighting adequate to ensure the ~~comfort and~~ safety of attendees and staff;
- (ix) location of all parking areas designated for the gathering and under the operator's control.
- (x) location of all first aid stations and emergency medical resources.

- (g) the name of the solid and liquid waste haulers with whom the operator has contracted, unless exempted by this rule;
- (h) a site clean up plan after the gathering;
- (i) total number, and qualifications of first aid station personnel;
- (j) plan for directional and exit signs;
- (k) a plan developed by the operator to address nuisances or health hazards associated with animals present at the gathering;
- (l) plans to address hazardous conditions as required in Section R392-400-~~[13]~~12;

(m) information and plans on any artificially constructed structure or modified natural structure intended for recreational or therapeutic purposes where the public may be exposed to water via contact, ingestion, or aerosolization.

(n) emergency medical services operational plan [approved by the local licensed emergency medical services agency director, including the location of all first aid stations and emergency medical resources] and the contact information of the emergency medical provider;

(o) any other information specifically requested by the health officer as necessary to protect public health.

~~(3) The health officer shall require a separate application for each temporary mass gathering.~~

~~(4) The health officer shall consider the proximity and risk of known health hazards when determining the acceptability of a proposed gathering site.~~

#### **R392-400-7. Permit.**

~~(1) The health officer may attach conditions or grant waivers to a permit, in accordance with this rule, in order to meet specific public health and safety concerns.~~

~~(2) The health officer may deny a permit for any of the following reasons:~~

- ~~(a) failure of the applicant to show that the gathering will be held or operated in accordance with the requirements and standards of this rule;~~
- ~~(b) submission of incorrect, incomplete, or false information in the application;~~
- ~~(c) the gathering will be in violation of law.~~

~~(3) The health officer shall return a denied permit application to the applicant within 5 working days of submission, specifying the basis for denial in writing.~~

~~(4) The applicant may appeal a denied permit in accordance with the procedures established by the local Board of Health.]~~

#### **R392-400-~~[8]~~7. Inspections.**

(1) The ~~[director and]~~health officer may conduct inspections before, during, and after a gathering to ensure compliance with R392-400 and approved plans.

(2) The operator shall provide the ~~[director and]~~health officer with access to all areas of the gathering that the ~~[director and]~~health officer deem necessary and the number of access credentials they request.

(3) The operator shall effectively communicate the ~~[director's and]~~health officer's access privileges to staff.

#### **R392-400-~~[9]~~8. Notice Of Violation Or Closing.**

(1) The health officer may issue a notice of violation to the owner, operator or the operator's designee if the gathering fails to meet the requirements of this rule or the conditions of the permit.

(2) The health officer shall, in accordance with R392-100 Food Service Sanitation, direct the disposition of any food items, including ice and water, that have been adulterated or are otherwise unfit for human consumption.

(3) The health officer may issue a notice of closure of the gathering or part thereof to the owner, operator or the operator's designee if the health officer determines that conditions at the gathering constitute a serious or imminent health hazard.

(4) No gathering site or part thereof that has been closed may be used for a gathering until the ~~[department or]~~health officer determines that the conditions causing the closure have been abated and written approval is received from the ~~[department or]~~health officer. The ~~[director or]~~health officer shall remove the posted notice whenever the violation(s) upon which closing, and posting were based has been remedied.

(5) No unauthorized person may deface or remove a posted notice from any gathering site that has been closed by the ~~[director or local]~~health officer.

(6) The operator may appeal a notice or closure in accordance with the procedures established by the local Board of Health or the Utah Administrative Procedures Act, whichever is applicable.

#### **R392-400-~~[10]~~9. Solid Waste Management.**

(1) The operator shall contract with a solid waste hauler approved by the health officer.~~[The operator is exempt from this requirement if the operator is approved by the health officer as a solid waste hauler and is identified as the solid waste hauler for the gathering. The health officer shall establish written criteria for approving a solid waste hauler.]~~

(2) The operator shall provide and strategically locate a sufficient number of covered waste containers approved by the health officer to effectively accommodate the solid waste generated at the gathering.

(a) The operator shall provide waste containers next to the hand wash stations.

(3) The operator shall ensure that the waste containers are emptied as often as necessary to prevent overflowing, littering, or insect or rodent infestation.

(4) The operator shall ensure that solid waste ~~[and litter are]~~ is cleaned from the property periodically during the gathering and that, within 24 hours following the gathering, the property is free of solid waste and is clean. ~~[On a case by case basis, t]~~ The health officer may allow for more than 24 hours to clean up the site because of the time of year, nature of the event or other extenuating circumstances if the health officer is satisfied that the extension will not adversely affect ~~[the]~~ public health

(5) The operator shall ensure that ~~[litter]~~ solid waste is prevented from being blown from the gathering site onto adjacent properties.

(6) The operator shall ensure that all solid waste is collected and disposed of at a solid waste disposal or recycling facility meeting State and local solid waste disposal facility requirements.

(7) The operator, staff, participants, and spectators shall comply with all applicable State and local requirements for solid waste management.

**R392-400-~~[H]~~10. Site Maintenance.**

(1) All buildings ~~[or]~~, structures and overnight parking provided for the gathering shall be maintained ~~[in a]~~ safe, clean ~~[condition]~~, in good repair, and ~~[in compliance with]~~ shall comply with all applicable laws.

~~[(2) A gathering that provides overnight parking for occupied recreational vehicles in connection with the gathering, shall comply with R392-301 Recreational Vehicle Park Sanitation and local recreational vehicle parks regulations.]~~

(3) The operator shall eliminate any infestation of vermin within any part of a structure intended for occupancy, food storage, or restroom facilities prior to, during, and immediately following a gathering.

(4) The operator is responsible for the maintenance and ~~[sanitary condition]~~ sanitation of the gathering site and facilities. The operator shall ~~[prevent the]~~ take steps to prevent and abate ~~[occurrence of]~~ any nuisance ~~[and immediately take steps to cause the abatement of any nuisance]~~ or insanitary condition ~~[that]~~ which may develop.

(5) A gathering site shall be constructed to provide surface drainage adequate to prevent flooding of the gathering site and to prevent water related nuisances on adjacent properties.

(6) Sufficient signs shall identify and show the location of first aid, restroom and drinking water facilities so spectators and participants can readily find them from any place on the gathering site.

(7) The operator shall provide lighting adequate to ensure the ~~[comfort and]~~ safety of attendees.

(8) All parking areas used for the gathering and under the control of the gathering operator must meet the requirements of this rule.

**R392-400-~~[H2]~~11. Emergency Medical Care Requirements.**

(1) The operator shall ensure that the gathering has at least one first aid station. Emergency medical care and necessary supplies and equipment shall be provided as determined by the emergency medical provider and the emergency medical operations plan. The health officer or ~~[local licensed emergency medical services agency director(s)]~~ emergency medical provider may require more than one

first aid station ~~[as they deem necessary because of the nature of the event, time of year, risk of injuries or other public health and safety needs].~~

~~[(2) First aid stations shall contain the following minimum equipment and maintain the minimum levels over the duration of the gathering:~~

- ~~\_\_\_\_\_ (a) 1 Bag mask ventilation unit with adult, child, and infant mask sizes~~
- ~~\_\_\_\_\_ (b) 3 Oropharyngeal airways, adult, child, and infant sizes~~
- ~~\_\_\_\_\_ (c) 1 Pocket mask~~
- ~~\_\_\_\_\_ (d) 1 portable oxygen apparatus (tank, regulator, case)~~
- ~~\_\_\_\_\_ (e) 1 Oxygen extension tubing~~
- ~~\_\_\_\_\_ (f) 2 adult and 1 child nasal cannula~~
- ~~\_\_\_\_\_ (g) 2 adult and 1 child non-rebreather mask~~
- ~~\_\_\_\_\_ (h) 1 adult and 1 child blood pressure cuff~~
- ~~\_\_\_\_\_ (i) 1 stethoscope~~
- ~~\_\_\_\_\_ (j) 2 pillows~~
- ~~\_\_\_\_\_ (k) 2 emesis basins~~
- ~~\_\_\_\_\_ (l) 4 blankets~~
- ~~\_\_\_\_\_ (m) 4 sheets~~
- ~~\_\_\_\_\_ (n) 12 towels~~
- ~~\_\_\_\_\_ (o) six 5x9 or 8x10 trauma dressings~~
- ~~\_\_\_\_\_ (p) thirty 4x4 gauze dressings~~
- ~~\_\_\_\_\_ (q) 12 kerlix or other roller bandage~~
- ~~\_\_\_\_\_ (r) 3 rolls of adhesive tape~~
- ~~\_\_\_\_\_ (s) 3 cervical collars, 1 regular, 1 no-neck, one pediatric~~
- ~~\_\_\_\_\_ (t) 1 back board with straps~~
- ~~\_\_\_\_\_ (u) 6 non-traction extremity splints (e.g., cardboard, ladder, SAM splints, air splints)~~

- ~~\_\_\_\_\_ (v) 10 triangular bandages~~
- ~~\_\_\_\_\_ (w) 2 pair of shears~~
- ~~\_\_\_\_\_ (x) 1 obstetrical kit~~
- ~~\_\_\_\_\_ (y) 2 pen lights~~
- ~~\_\_\_\_\_ (z) 100 assorted bandaids~~
- ~~\_\_\_\_\_ (aa) 1 traction splint~~
- ~~\_\_\_\_\_ (bb) 2 tubes of oral glucose~~
- ~~\_\_\_\_\_ (cc) 1 box of exam gloves~~
- ~~\_\_\_\_\_ (dd) 4 biohazard bags~~
- ~~\_\_\_\_\_ (ee) 1 portable suction device~~
- ~~\_\_\_\_\_ (ff) 1 basic life support jump kit for every 2 gathering medical providers~~

- ~~\_\_\_\_\_ (gg) 1 automatic external defibrillator~~
- ~~\_\_\_\_\_ (hh) 1 examination table, cot or bed.]~~

~~[(3)]~~2) First aid stations shall afford privacy to a person receiving care or treatment.

~~[(4)]~~3) First aid stations shall be of sufficient size to accommodate the number of care givers required, and the predicted number of sick or injured persons.

~~[(5)]~~4) First aid stations shall be strategically located to provide expeditious medical care for those attending or participating in the gathering.

~~[(6)]~~5) First aid stations shall be easily accessible by emergency vehicles. The operator shall provide the ~~[local licensed emergency medical services director(s)]~~ emergency medical provider a map of the gathering site which includes location of first aid stations, emergency vehicle ingress and egress routes, landing zones (if applicable) and rendezvous locations.

~~[(7)]~~6) A first aid station shall be clearly marked and identifiable as a first aid station.

~~(8)7~~ [At least two state-licensed or certified medical providers, such as an emergency medical technician, paramedic, nurse, physician's assistant or medical doctor shall be present to staff each first aid station. A gathering having more than 2,500 attendees shall have at least two additional emergency medical providers for each additional 5,000 attendees or fraction thereof.] The health officer or [local licensed emergency medical services agency director(s)]emergency medical provider may require additional emergency medical services personnel as deemed necessary[~~because of the nature of the event, time of year, risk of injuries or other public health and safety needs.~~].

~~(9)~~ First aid stations shall be staffed by individuals meeting the following minimum requirements:

- ~~(a)~~ is at least 18 years of age;
- ~~(b)~~ has a current state license or certification showing competency to be an emergency medical technician, paramedic, nurse, physician's assistant or physician.

~~(10)8~~ The operator shall ensure that [the]all medical staff have access to telephones or radios to contact outside emergency medical services.[~~The operator shall provide the local licensed emergency medical services director(s) the telephone numbers and radio frequencies for accessing the gathering medical providers.~~]

~~(11)9~~ The local health officer or [local licensed emergency medical services agency director]emergency medical provider may require the operator to provide dedicated stand-by ambulances and personnel at the gathering.[~~The operator will be financially responsible for the costs of funding dedicated stand-by ambulances and personnel, but not for the costs of providing transportation services to individual patients.~~]

~~(12)10~~ The operator shall ensure that the staff person in charge of the first aid station keeps accurate records of patients and treatment, and that the health officer is notified of all cases involving a serious injury or communicable disease in accordance with R386-702 Communicable Disease Rule and R386-703 Injury Reporting Rule.

~~(13)~~ The operator shall ensure that the staff person in charge of the first aid station completes a Department approved pre-hospital care form showing all assistance given each person attended and that these forms are submitted to the Department within 72 hours following the gathering.

**R392-400-[13]12. Hazardous Conditions.**

The operator shall develop contingency plans for dangerous conditions which may occur during the gathering. The plans may include evacuation, cancellation or delay of the gathering and provision for support facilities.

**R392-400-[14]13. Food Protection.**

(1) The operator and vendors shall comply with R392-100 Food Service Sanitation.

(2) The operator shall assure that food vendors obtain required food service operating permits from the health officer.

**R392-400-[15]14. Safe Drinking Water Supply Requirements.**

(1) The operator shall ensure that all drinking water is from a state-approved [safe]drinking water [supply]system or commercially bottled water meeting 21 CFR 129 (April 1, 2015) and 21 CFR 165.110 (April 1, 2015) [approved by]from a company registered with the U.S. Food and Drug Administration and the Utah Department of Agriculture and Food.

(2) [Safe-d]Drinking water hauled to the gathering shall be hauled and dispensed in a manner that protects public health as determined by the health officer.

(3) The operator shall provide water free of charge and strategically locate drinking water stations to effectively meet the drinking water needs of attendees and staff.

~~(4)~~ At least four drinking water stations are required. An additional drinking water station is required for each additional [150]500 attendees [~~or fraction thereof,~~]above [500]1000 persons. The health officer may reduce the number of additional drinking water stations or require more than one drinking water station for each additional [150]500 attendees [~~or fraction thereof,~~]above [500]1000 persons because of the time of year, heat index, nature of the event or other public health related criteria. If containers are needed to drink the water at the required drinking water stations, the operator must provide single use containers.

**R392-400-[16]15. Wastewater Disposal Requirements.**

(1) All wastewater shall [discharge to a public wastewater treatment system unless no such system is available or practical for use as determined by the health officer]be disposed of in accordance with state and local wastewater rules.

~~(2)~~ Where a public sewer is not available or practical for connection, wastewater shall discharge into a wastewater treatment system approved in accordance with State and local wastewater rules.

(3) The [health officer]operator may [allow]use portable restroom facilities and wastewater holding tanks [~~only where an approved sewer system is not available or practical for connection~~]as determined by the health officer.

(4) The number of toilets [~~and facilities,~~]shall be provided in accordance with [the following]Table 1.

TABLE 1  
Minimum Numbers of Toilets Required

Peak Crowd	Average Time at Gathering (hours)				
	1	2	3	4	5
<del>500</del>	2	4	4	5	6
1000	4	6	8	8	9
2000	5	6	9	12	14
3000	6	9	12	16	20
4000	8	13	16	22	25
5000	12	15	20	25	31
6000	12	15	23	30	38
7000	12	18	26	35	44
8000	12	20	30	40	50
10000	15	25	38	50	63
12500	18	31	47	63	78
15000	20	38	56	75	94
17500	22	44	66	88	109
20000	25	50	75	100	125
25000	38	69	99	130	160
30000	46	82	119	156	192
35000	53	96	139	181	224
40000	61	109	158	207	256
45000	68	123	178	233	288
50000	76	137	198	259	320
55000	83	150	217	285	352
60000	91	164	237	311	384
65000	98	177	257	336	416

each additional 10,000	15	25	38	50	63
	(table continued for 6-10 hours)				
	6	7	8	9	10
<del>500</del>	<del>7</del>	<del>9</del>	<del>9</del>	<del>10</del>	<del>12</del>
1000	9	11	12	13	13
2000	16	18	20	23	25
3000	24	26	30	34	38
4000	30	35	40	45	50
5000	38	44	50	56	63
6000	45	53	60	68	75
7000	53	61	70	79	88
8000	60	70	80	90	100
10000	75	88	100	113	125
12500	94	109	125	141	156
15000	113	131	150	169	188
17500	131	153	175	197	219
20000	150	175	200	225	250
25000	191	221	252	282	313
30000	229	266	302	339	376
35000	267	310	352	395	438
40000	305	354	403	452	501
45000	343	398	453	508	563
50000	381	442	503	564	626
55000	419	486	554	621	688
60000	457	531	604	677	751
65000	495	575	654	734	813
each additional 10,000	75	88	100	113	125

(a) If alcoholic beverages are consumed at the gathering, the operator shall increase the number of required toilets by 40%.

~~(b) For one year following the effective date of this rule the health officer may allow portable multi-urinal stations to substitute for up to 1/3 of the estimated men's portion of the required toilets.]~~

~~(e)b [The operator shall provide a minimum of one toilet that is accessible by handicapped persons and at a rate of 5% of total toilets]Five percent of the required number of toilets shall be handicap accessible and shall be identified by the International Symbol of Accessibility in compliance with 36 CFR 1191 (July 1, 2011), Appendices B and D, of the Americans with Disabilities Act.~~

~~(d)c [Toilet facilities for men and women located in the same building and adjacent to each other shall be separated by an opaque, sound resistant wall. Direct line of sight from outside a toilet facility to the toilets and urinals shall be effectively obstructed.]For an event lasting longer than ten hours, the number of required toilets is calculated by adding the number of toilets for ten hours to the number of toilets for those hours over ten or a portion thereof, as determined in Table 1.~~

(e)d The operator shall locate portable toilets a minimum of 100 feet from any food service operation and not more than 300 feet from grand stand or spectator or from other areas of activity which pertain to the gathering, as outlined in the permit application. Where site conditions limit the placement of portable toilets, the health officer may allow exemptions to these distances.

(f)e The operator shall provide working hand wash stations at a minimum rate of one per ~~[40]ten~~ portable toilets or portion thereof. The operator shall provide soap, water and single use towels at each hand wash station. Where conditions make the use of soap and water impractical, the health officer may allow sanitizing gel in place of soap and water. Sanitizing gel may not be used in place of soap and water at hand wash stations used by food service workers.

~~(g)f~~ The operator shall provide a minimum of one covered trash container for every ~~[40]ten~~ portable toilets or portion thereof.

~~(h)g~~ The operator ~~[or coordinator]~~ shall ensure that all portable toilets are of sound construction (such as non-absorbent polyethylene), easily cleanable, and durable.

~~(i) The tank capacity of each portable toilet shall not be less than 60 gallons. Chemicals used for sanitizing agents in portable toilets must be acceptable for use by the treatment facility accepting the sewage.]~~

~~(j)h~~ Each portable toilet must be secured against vandalism and adverse weather conditions by tie downs, anchors or similar effective means.

~~(k)i~~ The operator shall contract with a liquid waste hauler that ~~[meets]is permitted by the local health department [requirements]in accordance with R317-550, Rules for Liquid Waste Operations. [The operator is exempt from this requirement if the operator is approved by the health officer as a liquid waste hauler and is identified as the liquid waste hauler for the gathering.~~

~~(i) the operator shall require in the contract with the liquid waste hauler that the hauler shall meet the requirements of this Subsection:~~

~~(ii) the liquid waste hauler shall have a written contract with a wastewater treatment facility indicating that the wastewater treatment facility will accept the wastewater.~~

~~(iii) the liquid waste hauler must manifest all disposal of liquid waste materials. The liquid waste hauler shall present the manifest to the health officer for the health officer's review upon request.]~~

(l) The operator shall ensure that all wastewater is removed from each portable toilet at least once every 24 hours or more frequently as necessary. On a case by case basis, the health officer may change this frequency because of the time of year, weather conditions, nature of the event or other public health related criteria. All wastewater removed shall be disposed of at a wastewater treatment facility in accordance with State and local wastewater disposal laws.

(m) The operator shall ensure that ~~[E]each~~ portable toilet ~~[must be]is~~ serviced and sanitized ~~[at time intervals]as necessary to [that will]maintain sanitary conditions[ of each toilet].~~

(n) At the conclusion of the gathering, each portable restroom unit must be serviced ~~[and]then~~ removed within 48 hours. The health officer may extend or shorten this time because of the time of year, weather conditions, the nature of the event or to meet other public health ~~[needs]related criteria.~~

**R392-400-~~[47]16~~. Penalty.**

(1) Any person who violates any provision of this rule may be assessed a penalty as provided in Subsection 26-23-6.

(2) Each day such violation is committed or permitted to continue shall constitute a separate violation.

(3) In addition to other penalties imposed, any person who violates any requirement of this rule shall be liable for all expenses incurred by the department and local health department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

**R392-400-~~[48]17~~. Severability.**

If a provision, clause, sentence, or paragraph of this rule or the application thereof to any person or circumstances shall be ruled

invalid, such ruling shall not affect the other provisions or applications of this rule, and to this end the provisions of this rule are severable.

**KEY: public health, temporary mass gatherings, special events**  
**Date of Enactment or Last Substantive Amendment: [~~March 15, 2010~~2016**  
**Notice of Continuation: January 20, 2012**  
**Authorizing, and Implemented or Interpreted Law: 26-15-2**

## Health, Family Health and Preparedness, Licensing **R432-2** General Licensing Provisions

### NOTICE OF PROPOSED RULE

(Amendment)  
 DAR FILE NO.: 40453  
 FILED: 05/31/2016

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule amendment will allow, by rule, for one satellite emergency department location per licensed hospital. The Health Facility Committee reviewed and approved this rule amendment on 05/18/2016. This amendment also includes correcting and deleting other rule reference numbers that have been changed.

**SUMMARY OF THE RULE OR CHANGE:** The rule amendment adds a section under requirements for a satellite services operation allowing for one satellite emergency department per licensed hospital. The changes also correct rule reference numbers in Sections R432-2-7, R432-2-8, R432-2-10, R432-2-12, and R432-2-18.

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

#### ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no impact to the state budget because there will be no change in current practice.
- ◆ **LOCAL GOVERNMENTS:** There is no impact to the local government budget because there will be no change in current practice.
- ◆ **SMALL BUSINESSES:** There is no impact to the small businesses' budgets because there will be no change in current practice.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to businesses, individuals, local governments, and persons that are not small businesses because there will be no change in current practice.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There is no impact to the affected persons because there will be no change in current practice.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no fiscal impact to business because the rule does not change, current actual practice.

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

HEALTH  
 FAMILY HEALTH AND PREPAREDNESS,  
 LICENSING  
 3760 S HIGHLAND DR  
 SALT LAKE CITY, UT 84106  
 or at the Office of Administrative Rules.

#### DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Carmen Richins by phone at 801-273-2802, by FAX at 801-274-0658, or by Internet E-mail at carmenrichins@utah.gov
- ◆ Joel Hoffman by phone at 801-273-2804, by FAX at 801-274-0658, or by Internet E-mail at jhoffman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016

AUTHORIZED BY: Joseph Miner, MD, Executive Director

### **R432. Health, Family Health and Preparedness, Licensing.**

#### **R432-2. General Licensing Provisions.**

#### **R432-2-5. Requirements for a Satellite Service Operation.**

- (1) A "satellite operation" is a health care treatment service that:
  - (a) is administered by a parent facility within the scope of the parent facility's current license,
  - (b) is located further than 250 yards from the licensed facility or other areas determined by the department to be a part of the provider's campus,
  - (c) does not qualify for licensing under Section 26-21-2, and
  - (d) is approved by the Department for inclusion under the parent facility's license and identified as a remote service.
- (2) A licensed health care facility that wishes to offer a satellite operation shall submit for Department review a program narrative and one set of construction drawings. The program narrative shall define at least the following:
  - (a) location of the remote facility (street address);
  - (b) capacity of the remote facility;
  - (c) license category of the parent facility;
  - (d) service to be provided at the remote facility (must be a service authorized under the parent facility license);
  - (e) ancillary administrative and support services to be provided at the remote facility; and

(f) International Building Code occupancy classification of the remote facility physical structure.

(3) Upon receipt of the satellite service program narrative and construction drawings, the Department shall make a determination of the applicable licensing requirements including the need for licensing the service. The Department shall verify at least the following items:

(a) There is only a single health care treatment service provided at the remote site and that it falls within the scope of the parent facility license;

(b) The remote facility physical structure complies with all construction codes appropriate for the service provided;

(c) All necessary administrative and support services for the specified treatment service are available, on a continuous basis during the hours of operation, to insure the health, safety, and welfare of the clients.

(4) If a facility qualifies as a single satellite service treatment center the Department shall issue a separate license identifying the facility as a "satellite service" of the licensed parent facility. This license shall be subject to all requirements set forth in R432-2 of the Health Facility Rules.

(5) A parent facility that wishes to offer more than one health care service at the same remote site shall either obtain a satellite service license for each service offered as described above or obtain a license for the remote complex as a free-standing health care facility.

(6) A satellite facility is not permitted within the confines of another licensed health care facility.

(7) A licensed hospital is limited to one emergency department satellite location.

#### **R432-2-7. Applications for License Actions.**

(1) An applicant for a license shall file a Request for Agency Action/License Application with the Utah Department of Health on a form furnished by the Department.

(2) Each applicant shall comply with all zoning, fire, safety, sanitation, building and licensing laws, regulations, ordinances, and codes of the city and county in which the facility or agency is located. The applicant shall obtain the following clearances and submit them as part of the completed application to the licensing agency:

(a) A certificate of fire clearance from the State Fire Marshal or designated local fire authority certifying compliance with local and state fire codes is required with initial and renewal application, change of ownership, and at any time new construction or substantial remodeling has occurred.

(b) A satisfactory Food Services Sanitation Clearance report by a local or state sanitarian is required for facilities providing food service at initial application and upon a change of ownership.

(c) Certificate of Occupancy from the local building official at initial application, change of location and at the time of any new construction or substantial remodeling.

(3) The applicant shall submit the following:

(a) a list of all officers, members of the boards of directors, trustees, stockholders, partners, or other persons who have a greater than 25 percent interest in the facility;

(b) the name, address, percentage of stock, shares, partnership, or other equity interest of each person; and

(c) a list, of all persons, of all health care facilities in the state or other states in which they are officers, directors, trustees, stockholders, partners, or in which they hold any interest;

(4) The applicant shall provide the following written assurances on all individuals listed in R432-2-[6]7(3):

(a) None of the persons has been convicted of a felony;

(b) None of the persons has been found in violation of any local, state, or federal law which arises from or is otherwise related to the individual's relationship to a health care facility; and

(c) None of the persons who has currently or within the five years prior to the date of application had previous interest in a licensed health care facility that has been any of the following:

(i) subject of a patient care receivership action;

(ii) closed as a result of a settlement agreement resulting from a decertification action or a license revocation;

(iii) involuntarily terminated from participation in either Medicaid or Medicare programs; or

(iv) convicted of patient abuse, neglect or exploitation where the facts of the case prove that the licensee failed to provide adequate protection or services for the person to prevent such abuse. [

~~\_\_\_\_\_ (5) The requirements contained in Utah Code Section 26-21-23(5)(a) shall be met if a nursing care facility filed a notice of intent or application with the Department and paid a fee relating to a proposed nursing care facility prior to March 1, 2007.~~

~~\_\_\_\_\_ (6) The requirements contained in Utah Code Section 26-21-23(5)(b) shall be met if a nursing care facility complies with the requirements of R432-4-14(4) and R432-4-16 on or before July 1, 2008.]~~

#### **R432-2-8. License Fee.**

In accordance with Subsection 26-21-[5]6(1)([e]d), the applicant shall submit a license fee with the completed application form. A current fee schedule is available from the Bureau of Health Facility Licensing upon request. Any late fees is assessed according to the fee schedule.

#### **R432-2-10. Initial License Issuance or Denial.**

(1) The Department shall render a decision on an initial license application within 60 days of receipt of a complete application packet or within six months of the date the first component of an application packet is received; provided, in either case, a minimum of 45 days is allowed for the initial policy and procedure manual review.

(2) Upon verification of compliance with licensing requirements the Department shall issue a provisional license.

(3) The Department shall issue a written notice of agency decision under the procedures for adjudicative proceedings (R432-30) denying a license if the facility is not in compliance with the applicable laws, rules, or regulations. The notice shall state the reasons for denial.

(4) An applicant who is denied licensing may reapply for initial licensing as a new applicant and shall be required to initiate a new request for agency action as described in R432-2-[6]7.

(5) The Department shall assess an administrative fee on all denied license applications. This fee shall be subtracted from any fees submitted as part of the application packet and a refund for the balance returned to the applicant.

#### **R432-2-12. Expiration and Renewal.**

(1) Each standard license shall expire at midnight on the day designated on the license as the expiration date, unless the license is revoked or extended under subsection (2) or (4) by the Department.

(2) If a facility is operating under a conditional license for a period extending beyond the expiration date of the current license, the Department shall establish a new expiration date.

(3) The licensee shall submit a Request for Agency Action/License Application form, applicable fees, clearances, and the annual report for the previous calendar year (if required by the Department under R432-2-[8]9) 15 days before the current license expires.

(4) A license shall expire on the date specified on the license unless the licensee requests and is granted an extension from the Department.

(5) The Department shall renew a standard license upon verification that the licensee and facility are in compliance with all applicable license rules.

(6) Facilities no longer providing patient care or client services may not have their license renewed.

#### **R432-2-18. Standard License.**

A standard license is a license issued to a licensee if:

(1) the licensee meets the conditions attached to a provisional or conditional license;

(2) the licensee corrects the identified rule violations; or[

\_\_\_\_\_(3) when the facility assures the Department that it complies with R432-2-11 to R432-2-12.]

#### **KEY: health care facilities**

**Date of Enactment or Last Substantive Amendment:** [~~August 21, 2015~~]**2016**

**Notice of Continuation:** August 12, 2013

**Authorizing, and Implemented or Interpreted Law:** 26-21-9; 26-21-11; 26-21-12; 26-21-13

## Health, Family Health and Preparedness, Licensing

### **R432-104**

## Specialty Hospital - Long-Term Acute Care

#### **NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 40452

FILED: 05/31/2016

#### **RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule amendment will allow, by rule, for a long term acute care hospital to perform in house surgical services. The Health Facility Committee reviewed and approved this rule amendment on 05/18/2016. This amendment also includes correcting other rule reference numbers that have been changed.

**SUMMARY OF THE RULE OR CHANGE:** The rule amendment adds Subsection R432-104-10(d) under Section

R432-104-10 allowing for surgical services to be provided in house by the long term acute care hospital and requires them to comply with the hospital surgical services rule at Section R432-100-15. The changes also correct rule reference numbers in Sections R432-104-3, R432-104-8, R432-104-10, R432-104-11, and R432-104-12.

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

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** There is no impact to the state budget because there will be no change in current practice.

◆ **LOCAL GOVERNMENTS:** There is no impact to the local government budget because there will be no change in current practice.

◆ **SMALL BUSINESSES:** There is no impact to the small businesses budget because there will be no change in current practice.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to businesses, individuals, local governments, and persons that are not small businesses because there will be no change in current practice.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There is no impact to the affected persons because there will be no change in current practice.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There is no fiscal impact on business because there is no change to current practice.

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

HEALTH  
FAMILY HEALTH AND PREPAREDNESS,  
LICENSING  
3760 S HIGHLAND DR  
SALT LAKE CITY, UT 84106  
or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Carmen Richins by phone at 801-273-2802, by FAX at 801-274-0658, or by Internet E-mail at carmenrichins@utah.gov

◆ Joel Hoffman by phone at 801-273-2804, by FAX at 801-274-0658, or by Internet E-mail at jhoffman@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016**

**THIS RULE MAY BECOME EFFECTIVE ON:** 07/22/2016

**AUTHORIZED BY:** Joseph Miner, MD, Executive Director



**R432. Health, Family Health and Preparedness, Licensing.****R432-104. Specialty Hospital - Long-Term Acute Care.****R432-104-3. License.**

- (1) To be licensed as an LTAC hospital, the facility shall:
- (a) Have a duly constituted governing body with overall administrative and professional responsibility;
  - (b) Have an organized medical staff which provides 24-hour inpatient care;
  - (c) Have a chief executive officer to whom the governing body delegates the responsibility for the operation of the hospital;
  - (d) Maintain at least one nursing unit containing patient rooms, patient care spaces, and service spaces defined in construction rules R432-10-3[3]4;
  - (e) Each nursing unit shall contain at least six patient beds;
  - (f) Rooms and spaces comprising each nursing unit shall be organized in a contiguous arrangement.
  - (g) Maintain current and complete medical records.
  - (h) Provide continuous registered nurse supervision and other nursing services;
    - (i) Provide in house the following basic services:
      - (i) Pharmacy;
      - (ii) Laboratory;
      - (iii) Nursing services;
      - (iv) Occupational, Physical, Respiratory and Speech therapies;
      - (v) Dietary;
      - (vi) Social Services; and
      - (vii) Specialized Diagnosis and therapeutic services.
  - (2) The LTAC hospital shall provide on site all basic service required of a general hospitals that are needed for the diagnosis, therapy, and treatment offered or required by all patients admitted to the hospital.

**R432-104-8. Clinical Services.**

- (1) The following services shall be provided in-house and comply with R432-100.
- (a) Pharmacy Service, R432-100-2[4]5.
  - (b) Laboratory Service, R432-100-2[2]3.
  - (c) Rehabilitation Therapy Services, R432-100-2[0]1.
  - (d) Dietary Service, R432-100-3[+]2.
  - (e) Social Services, R432-100-2[5]6.
- (2) Occupational Therapy Services shall be available for all patients who require the service.
- (a) The occupational therapy services shall be directed by a licensed occupational therapist who shall have administrative responsibility for the occupational therapy department.
  - (b) Staff occupational therapists shall be licensed by the Utah Department of Commerce Title 58, Chapter 42.
    - (i) If Occupational Therapy Assistants are employed to provide patient services they shall be supervised by a licensed therapist.
    - (ii) Patient services shall be commensurate with each person's documented training and experience.
  - (c) Occupational Therapy services shall be initiated by an order from the medical staff.
  - (d) Written policies and procedures shall be developed and approved in conjunction with the medical staff to include:
    - (i) Methods of referral for services;

- (ii) Scope of services to be provided;
  - (iii) Responsibilities of professional therapists;
  - (iv) Admission and discharge criteria for treatment;
  - (v) infection control;
  - (vi) safety;
  - (vii) individual treatment plans, objectives, clinical documentation and assessment;
  - (viii) incident reporting system; and
  - (ix) emergency procedures.
- (e) Equipment shall be calibrated to manufacturer's specifications.
- (f) There shall be a written individual treatment plan for each patient appropriate to the diagnoses and condition.
- (g) The Occupational Therapy department shall organize and participate in continuing education programs.
- (3) Speech Therapy services shall be available for all patients who require the service.
- (a) The Speech-Pathology language services shall be directed by a licensed Speech-Pathologist or Audiologist who shall have administrative responsibility for the Speech-Audiology therapy department.
  - (b) Staff speech therapist and audiologist shall be licensed the Utah Department of Commerce, see Title 58, Chapter 41.
  - (i) If Speech-language pathology aides or audiology aides are employed to provide patient services they shall be supervised by a licensed therapist.
  - (ii) Patient services shall be commensurate with each person's documented training and experience.
  - (c) Speech and Audiology services shall be initiated by an order from the medical staff.
  - (d) Written policies and procedures shall be developed and approved in conjunction with the medical staff to include:
    - (i) Methods of referral for services;
    - (ii) Scope of services to be provided;
    - (iii) Responsibilities of professional therapists;
    - (iv) Admission and discharge criteria for treatment;
    - (v) Infection control;
    - (vi) Assistive Technology;
    - (vii) Individual treatment plans, objectives, clinical documentation and assessment;
    - (viii) Incident reporting system; and
    - (ix) Emergency procedures.
  - (e) Equipment shall be calibrated to manufacturer's specifications.
  - (f) There shall be a written individual treatment plan for each patient appropriate to the diagnoses and condition.
  - (g) The Department shall organize and participate in continuing education programs.
- (4) Respiratory Care Services shall comply with R432-100-19.

**R432-104-10. Complementary Services.**

- (1) If the following services are provided in-house, they shall comply with R432-100.
- (a) Radiology Services, R432-100-2[+]2.
  - (b) Outpatient Services, R432-100-2[8]9.
  - (c) Pediatric Services, R432-100-1[8]9.
  - (d) Surgical Services, R432-100-15.

**R432-104-11. Ancillary Services.**

(1) The following services shall be provided in-house and shall comply with R432-100.

- (a) Central Supply, R432-100-3[4]5.
- (b) Laundry, R432-100-3[5]6.
- (c) Medical Records, R432-100-3[3]4.
- (d) Maintenance, R432-100-3[7]8.
- (e) Housekeeping, R432-100-3[6]7.
- (f) Emergency and Disaster Plans, R432-100-3[8]9.

**R432-104-12. Penalties.**

Any person who violates any provision of this rule may be subject to the penalties enumerated in 26-21-11 and R432-3-[6]7 and be punished for violation of a class A misdemeanor as provided in 26-21-16.

**KEY: health care facilities**

**Date of Enactment or Last Substantive Amendment:** [~~December 10, 2002~~]2016

**Notice of Continuation:** November 9, 2015

**Authorizing, and Implemented or Interpreted Law:** 26-21-5; 26-21-2.1; 26-21-20

Health, Center for Health Data, Vital  
Records and Statistics  
**R436-13-1**  
Integrity of Vital Records

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 40439

FILED: 05/20/2016

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule filing establishes factors that the custodian of vital records may consider when determining if a vital record should be disclosed to a genealogist requesting access to a record under Subsection 26-2-22 (3)(b).

**SUMMARY OF THE RULE OR CHANGE:** Subsection R436-13-1(4) is added to establish factors that the custodian of vital records may consider when determining if a vital record should be disclosed to a genealogist requesting access to a record under Subsection 26-2-22 (3)(b).

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Title 26, Chapter 1

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** There are no anticipated savings or anticipated costs to the state budget with this rule filing as it only establishes factors to be considered by the custodian of vital records when determining if a vital record should be disclosed to a genealogist.

◆ **LOCAL GOVERNMENTS:** There are no anticipated savings or anticipated costs to local governments with this rule filing as it only establishes factors to be considered by the custodian of vital records when determining if a vital record should be disclosed to a genealogist.

◆ **SMALL BUSINESSES:** There are no anticipated savings or anticipated costs to small businesses with this rule filing as it only establishes factors that may be considered by the custodian of vital records when determining if a vital record should be disclosed to a genealogist.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule filing establishes factors that the custodian of vital records may consider when determining if a vital record should be disclosed to a genealogist requesting access to a record under Subsection 26-2-22 (3)(b). Without these factors, the Utah Department of Health (UDOH) would possibly require that a genealogist obtain a court order specifying the record to be released before releasing it. With this rule filing, some genealogists will avoid the expense of having to obtain a court order. UDOH is unable to estimate the cost savings to genealogists.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** This rule filing establishes factors that the custodian of vital records may consider when determining if a vital record should be disclosed to a genealogist requesting access to a record under Subsection 26-2-22 (3)(b). Without these factors, UDOH would possibly require that a genealogist obtain a court order specifying the record to be released before releasing it. With this rule filing, some genealogists will avoid the expense of having to obtain a court order. UDOH is unable to estimate the cost savings to genealogists.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** This proposed rule may have a slight positive fiscal impact on a small number of businesses that fall within the definition of genealogists who would no longer need to obtain a court order for release of the record.

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

HEALTH  
CENTER FOR HEALTH DATA,  
VITAL RECORDS AND STATISTICS  
CANNON HEALTH BLDG  
288 N 1460 W  
SALT LAKE CITY, UT 84116-3231  
or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

◆ Richard Oborn by phone at 801-538-6262, by FAX at 801-538-7012, or by Internet E-mail at roborn@utah.gov

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016**

THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016

AUTHORIZED BY: Joseph Miner, MD, Executive Director

**R436. Health, Center for Health Data, Vital Records and Statistics.**

**R436-13. Disclosure of Records.**

**R436-13-1. Integrity of Vital Records.**

To protect the integrity of vital records:

(1) The State Registrar and other custodians of vital records shall not permit inspection of, or disclose information contained in vital statistics records, or copy or issue a copy of all or part of any such record, unless the applicant has a direct and tangible interest in such record. In addition to the definition of direct, tangible, and legitimate interest as defined in Section 26-2-22, those who may or may not have a direct and tangible interest are as follows:

(a) The registrant, a member of the immediate family, the guardian, or a designated legal representative shall be considered to have a direct and tangible interest. Others may demonstrate a direct and tangible interest when information is needed for determination or protection of a personal or property right.

(b) The natural parents of adopted children, when neither has custody, shall not be considered to have a direct and tangible interest.

(c) Commercial firms or agencies requesting listings of names and addresses shall not be considered to have a direct and tangible interest.

(2) The State Registrar or the local custodian may provide copies of certificates or disclose data from vital statistics records to federal, state, county, or municipal agencies of government requesting such data in the conduct of their official duties. Certificate copies or individual identifiable information may not be given by the receiving government agency to other agencies or individuals, or used for purposes not authorized at the time of the request.

(3) The State Registrar or local custodian shall not issue a certified copy of a record until a signed application has been received from the applicant. In emergencies, telephone requests may be accepted with documentation as to the identity of the person making the telephone request. Whenever it is determined necessary to establish an applicant's right to information from a vital record, the State Registrar or local custodian may also require identification of the applicant or a sworn statement.

(4) When determining whether a genealogist under Subsection 26-2-22 (3)(b) has demonstrated a direct, legitimate, and tangible interest in a record, the custodian of vital records may consider various relevant factors including the following:

(a) the genealogist shares a common ancestor with the subject of the vital record, the subject is deceased, and the subject has no living immediate family;

(b) the genealogist's stated interest in the vital record;

(c) inability to find information sought in the vital record from other sources; or

(d) the genealogist can provide a written contract for professional genealogical services on behalf of the subject or the subject's immediate family members.

([4]5) Nothing in this rule shall be construed to permit disclosure of information contained in the "Information for Medical

and Health Use Only" section of the birth and fetal death certificates or the "Information for Statistical Purposes Only" section of the Certificate of Marriage or Certificate of Divorce, Dissolution of Marriage, or Annulment unless specifically authorized by the State Registrar for statistical or research purposes or if authorized by a court of competent jurisdiction.

**KEY: vital statistics, copying processes, standards**

**Date of Enactment or Last Substantive Amendment: [February 17, 2016**

**Notice of Continuation: March 21, 2013**

**Authorizing, and Implemented or Interpreted Law: 26-2-22**

**Human Services, Child and Family  
Services  
R512-60  
Children's Account**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 40436

FILED: 05/17/2016

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is being changed in response to S.B. 82 (2016 General Session).

**SUMMARY OF THE RULE OR CHANGE:** The proposed changes to this rule bring the rule in-line with statute changes from S.B. 82 (2016) by changing the name of the Child Abuse Advisory Council to the Child Welfare Improvement Council, along with minor technical changes.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 62A-4a-102 and Section 62A-4a-305 and Section 62A-4a-309 and Section 62A-4a-310

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** There will be no increase in cost or savings to the state budget because these proposed changes do not increase workload that would require additional staff or other costs.

♦ **LOCAL GOVERNMENTS:** Local governments have no responsibility for services offered by Child and Family Services and are, therefore, not affected by this rule and will have no fiscal impact.

♦ **SMALL BUSINESSES:** Small businesses have no responsibility for services offered by Child and Family Services and are, therefore, not affected by this rule and will have no fiscal impact.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no expected fiscal impact for "persons other than

small businesses, businesses, or local government entities" because funding requests for services offered by Child and Family Services come out of already-existing budgets.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons associated with implementing the changes to this rule because these changes are not fiscal in nature.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There will be no costs or savings on businesses.

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

HUMAN SERVICES  
CHILD AND FAMILY SERVICES  
195 N 1950 W  
SALT LAKE CITY, UT 84116  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Carol Miller by phone at 801-557-1772, by FAX at 801-538-3993, or by Internet E-mail at carolmiller@utah.gov  
♦ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at jhjonessrobbins@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016

AUTHORIZED BY: Brent Platt, Director

## **R512. Human Services, Child and Family Services.**

### **R512-60. Children's Account.**

#### **R512-60-1. Purpose, Authority, Definitions, and Scope.**

(1) Purpose. The purpose of this rule is to specify the requirements for carrying out the purposes of the Children's Account, with the funding specified in Section 62A-4a-309.

(2) Authority. This rule is authorized by Section 62A-4a-102.

(3) Definitions. For the purposes of this rule:

(a) "Administrator" means the employee of Child and Family Services appointed by the Director to administer the Children's Account.

(b) "CA" is the Children's Account.

(c) "Child and Family Services" means the Division of Child and Family Services.

(d) "Conflict of Interest" is defined as a situation where a Council member's private or outside economic, social, political, or volunteer interests interfere (or have the potential to, or may appear to, interfere) with that [e]Council member's duties and responsibilities.

(e) "Council" means the Child ~~Abuse Advisory~~ Welfare Improvement Council established under Section 62A-4a-311.

(f) "Director" means Director of Child and Family Services.

(g) ~~["RGA" stands for Request for Grant Application.]~~ "State procurement" means the requirements outlined in Section 63G-6a.

(4) Scope. Funds from the CA shall be used for community-based education, service, and treatment programs to prevent the occurrence and recurrence of child abuse and neglect, as specified in Section 62A-4a-305.

#### **R512-60-2. Functions of the Council.**

(1) The Council shall advise Child and Family Services on matters relating to abuse and neglect and recommend how funds contained in the CA should be allocated.

#### **R512-60-3. Conflict of Interest.**

(1) Child and Family Services shall obtain written disclosure of any potential conflicts of interest from a prospective member prior to appointment to Council membership.

(2) Council members shall provide written disclosure of any potential conflicts of interest to Child and Family Services for annual review and approval.

(3) A Council member affiliated with an individual or organization that may bid on or receive a contract shall immediately provide written disclosure of this potential conflict of interest to Child and Family Services.

(4) Child and Family Services may appoint a prospective member who may have a conflict of interest on condition that they may only participate on the Council as it advises Child and Family Services on matters relating to abuse and neglect. A Council member with a conflict of interest shall not receive any information, nor participate in any discussion, presentation, consideration, or vote regarding the Council's recommendations regarding the allocation of CA funds, including any information related to ~~[RGA]state procurement~~ or contract development or review.

(5) A Council member shall not exert influence or make any requests for favored consideration from any individual on the Council or from Child and Family Services to receive a contract award. Council members participating in the development of fund allocation recommendations or ~~[RGA]state procurement~~ shall keep confidential any information prior to official public release by Child and Family Services.

#### **R512-60-4. Responsibilities of the Director.**

(1) In addition to the responsibilities defined in Section 62A-4a-303, the Director shall:

(a) Designate a staff member to serve as the Administrator of the CA and as the liaison with the Council.

(b) Review policies and procedures regarding the administration of the CA ~~[which]that~~ have been developed by the Council.

(c) Hold a public hearing for comments on the CA allocation plan and prevention priorities. This shall meet the requirement of Section 62A-4a-306 requiring public comments on the specific program or service.

(d) Approve the allocation plan and prevention priorities prior to implementation.

(e) Approve policies of the CA.

**R512-60-5. Proposal Requirements.**

(1) A [RGA]state procurement shall be developed by Child and Family Services based upon the approved allocation plan and prevention priorities, and in accordance with State Purchasing Guidelines. The [RGA]state procurement shall specify the purposes and eligibility requirements for projects or programs to be funded through the CA. The proposal requirements may vary from year to year.

(2) Child and Family Services shall widely disseminate the [RGA]state procurement. Project or program proposals shall be submitted as specified in the [RGA]state procurement.

**R512-60-6. Funding Limitations and Requirements.**

(1) Funding for individual projects shall be recommended by the Council and approved by Child and Family Services based on availability of funds and identified prevention priorities, with consideration for programs or projects that serve the largest portion of the population, serve segments of the population at highest risk for abuse and neglect, or are of exceptional merit as evidence-based or evidence-informed in prevention of abuse or neglect.

(a) Contracts may be renewed according to the terms of the procurement.

(2) Each program or project funded through the CA shall provide a dollar-for-dollar match from private or local government sources.

(a) In-kind contributions may be used as part of the local match requirement. No more than 50[%]percent of the local match requirement may be in-kind. The entity that receives the statewide evaluation contract is excepted from the cash-match provisions contained in Section 62A-4a-309. Upon recommendation of the executive director and the Council, Child and Family Services may reduce or waive the match requirements for an entity, if Child and Family Services determines that imposing the requirements would prohibit or limit the provisions of services needed in a particular geographic area (Section 62A-4a-309).

(b) Items that may be used as in-kind match are contributed services of support personnel, office space, furniture and equipment, utility costs, vehicles, contributed services of professional personnel including physicians, nurses, social workers, psychologists, educators, public accountants, and lawyers who are performing services for which they would normally be paid. The source of original funding for this in-kind match shall not be state or federal monies.

**R512-60-7. Procedures in Selecting Programs or Projects to be Supported by the Children's Account.**

(1) Proposals received by Child and Family Services in response to the [RGA]state procurement shall be reviewed according to the criteria specified in the [RGA]state procurement, consistent with Section 62A-4a-307.

(2) The Administrator or other Child and Family Services designees shall negotiate contracts with successful offerors based on State Purchasing Guidelines.

**KEY: child welfare, child abuse, children's account**

**Date of Enactment or Last Substantive Amendment:** [~~June 7, 2012~~]2016

**Notice of Continuation:** February 8, 2016

**Authorizing, and Implemented or Interpreted Law:** 62A-4a-102; 62A-4a-305; 62A-4a-309; 62A-4a-310; 62A-4a-311

## Human Services, Recovery Services R527-35 Non-IV-A Fee Schedule

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 40435

FILED: 05/17/2016

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** Most recently, in 2016, the Social Services Appropriations Committee heard testimony about the fee and requested the Office of Recovery Services (ORS) to provide them with the figure that would come closest to having no affect on ORS's budget in either new revenue or lost revenue while providing clients with a percentage-based fee to assist those clients receiving very low support amounts. As a result of this testimony, the following changes need to be made to the rule. Section R527-35-1 is being updated to split the authority and purpose section into two separate subsections. A reference to Section 62A-11-111 is being added to Subsection R527-35-1(1), which authorizes the Office of Recovery Services/Child Support Services (ORS/CSS) to create rules necessary for the provision of social services. Additional language is also being added to help clarify the purpose for ORS/CSS collecting fees, which is to finance any costs incurred pursuant to Section 62A-11-104. The annual collection processing fee was not previously a part of this rule, but it is being added to provide a more complete list of the fees that are charged by the office. Also, per legislation, the administrative fee of \$5 per payment processed, not to exceed \$10 per month, is being updated (effective 07/01/2016) increasing to 6% of the payment processed, not to exceed \$12 per month. Additional legal references to laws that support and authorize the state in charging fees to pay for services provided are being added to the Authorizing, and Implemented or Interpreted Law part of the citation block.

**SUMMARY OF THE RULE OR CHANGE:** Subsection R527-35-1(1) is being updated to split the authority and purpose into two separate subsections. The legal reference to Section 62A-11-111 is being added to the authority section, as well as the language stating that the office is authorized to create rules necessary for the provision of social services. Subsection R527-35-1(2) is being updated to add the legal reference to Section 62A-11-104 and the language which states that the office is charged with the duty to utilize fees as one method to finance any costs incurred. In Section R527-35-2, the annual collection processing fee was added as the new subsection (1) and the old number (1) was renumbered to (2). In this same section, further down below the list of fees that have been established by the office, a typo is being fixed: the "a" in "jurisdiction" is deleted. Subsection R527-35-1(3) was updated to change the \$5 fee, not to exceed \$10 per month, to 6% of the payment amount each time a

payment is processed, not to exceed \$12. Three new references to Utah Code Annotated laws are being added to the Authorizing, and Implemented or Interpreted Law part of the citation block.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 45 CFR 302.33 and Section 62A-11-104 and Section 62A-11-107 and Section 62A-11-111 and Subsection 63J-1-504(2)(a)

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The number of cases receiving payments, the amount of the payments, and the status of being subject to the fee varies greatly, making it difficult to determine the exact affect on the state budget. This fee change has been discussed in the 2014, 2015, and 2016 General Sessions. Most recently, in 2016, the Social Services Appropriations Committee heard testimony about the fee and requested ORS to provide them with the figure which would come closest to having no affect on ORS's budget in either new revenue or lost revenue while providing clients with a percentage-based fee to assist those clients receiving very low support amounts. Based on analysis of the three most recent years of payments received and fees charged, the \$12/month maximum had the least effect on ORS's budget, not causing a decrease in fee revenue based on previous years, but only providing a small increase; as a result, this amount was approved by the Committee as being satisfactorily "revenue-neutral". Implementing the new fee structure has required ORSIS programming, which has taken place within the existing ORS budget and staff over the past two years. In May 2016, ORS is sending approximately 89,500 notices to clients who could be affected by this change. At \$0.47 for first-class mail, this will yield \$42,065 in postage costs.

◆ **LOCAL GOVERNMENTS:** Administrative rules of the Office of Recovery Services/Child Support Services (ORS/CSS) do not apply to local government; therefore, there are no anticipated costs or savings for any local businesses due to this amendment.

◆ **SMALL BUSINESSES:** There are no anticipated costs for small business as a result of this rule. The payment processing fee is assessed only to those individuals applying for services with the office.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The new fee structure is based on a percentage of the payments received within a month, not to exceed a maximum amount; therefore, each individual will be affected in a different way, depending on the amount of each payment received and the number of payments received within a month. What is presented here is the range of possibilities. Early analysis (applying the new fee structure to prior years' payment histories) indicated that the fees paid would decrease for 11-12% of ORS clients based on the new structure. Decreases could be seen by clients who receive smaller child support payment amounts. (For example, a client who receives the \$30 Utah minimum support amount

would have previously paid \$5 if that payment came in one lump sum each month; under the new structure, that client would pay \$1.80.) For the other 88-89% of ORS clients based on the early analysis, it is expected that this will represent an increase in fees. The fee increase could be as small as \$0.01; any payment over \$83.50 would charge \$5.01 in fees compared to the previous \$5. The largest potential fee increase is \$7 and occurs for any individual who previously received at least \$200 in child support within a month in one lump sum payment per month; the previous fee would have been \$5 to process one payment regardless of the amount, but the new fee would be the \$12 maximum. ORS expects that the most common increase experienced will be \$2, which represents the change from the previous \$10 maximum to process two or more payments per month to the \$12 maximum fee.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The new fee structure is based on a percentage of the payments received within a month, not to exceed a maximum amount; therefore, each individual will be affected in a different way, depending on the amount of each payment received and the number of payments received within a month. What is presented here is the range of possibilities. Early analysis (applying the new fee structure to prior years' payment histories) indicated that the fees paid would decrease for 11-12% of ORS clients based on the new structure. Decreases could be seen by clients who receive smaller child support payment amounts. (For example, a client who receives the \$30.00 Utah minimum support amount would have previously paid \$5 if that payment came in one lump sum each month; under the new structure, that client would pay \$1.80.) For the other 88 - 89% of ORS clients based on the early analysis, it is expected that this will represent an increase in fees. The fee increase could be as small as \$0.01; any payment over \$83.50 would charge \$5.01 in fees compared to the previous \$5. The largest potential fee increase is \$7 and occurs for any individual who previously received at least \$200 in child support within a month in one lump sum payment per month; the previous fee would have been \$5 to process one payment regardless of the amount, but the new fee would be the \$12 maximum. ORS expects that the most common increase experienced will be \$2, which represents the change from the previous \$10.00 maximum to process two or more payments per month to the \$12 maximum fee.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There are no anticipated fiscal impacts to businesses as a result of this rule.

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

HUMAN SERVICES  
RECOVERY SERVICES  
515 E 100 S  
SALT LAKE CITY, UT 84102-4211  
or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at [jhonesrobbins@utah.gov](mailto:jhonesrobbins@utah.gov)  
 ♦ LeAnn Wilber by phone at 801-741-7516, by FAX at 801-536-8509, or by Internet E-mail at [lwilber@utah.gov](mailto:lwilber@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016

AUTHORIZED BY: Liesa Stockdale, Director

**R527. Human Services, Recovery Services.****R527-35. Non-IV-A Fee Schedule.****R527-35-1. Authority and Purpose.**

1. The Department of Human Services is authorized to create rules necessary for the provision of social services by Section 62A-11-111. The Office of Recovery Services/Child Support Services (ORS/CSS) is authorized to adopt, amend, and enforce rules by Section 62A-11-107.

2. The purpose of this rule is to provide information regarding the ORS/CSS fee schedule for Non-IV-A cases which is authorized by Federal Regulations found at 45 CFR 302.33. ORS/CSS is responsible for utilizing fees as one method to finance any costs incurred pursuant to Section 62A-11-104. This rule outlines when a fee will be charged and the amount that will be assessed on a case that qualifies for a particular fee.

**R527-35-2. Non-IV-A Fee Schedule.**

Pursuant to 45 CFR 302.33 (2010) the Office of Recovery Services may charge an applicant or recipient of child support services who is not receiving IV-A financial assistance or Medicaid, one or more fees for specific services. These fees are itemized below:

The following fees, which ha[s]ve been established by the federal government:

1. the Annual Collection Processing Fee for Child Support Services of \$25. This fee is charged to the custodial parent who has never received cash assistance. The fee is retained from child support collected on behalf of the custodial parent after \$500.00 has been collected within the one year period, October 1 through September 30 each year.

2. the full IRS enforcement fee of \$122.50 is charged if a case qualifies for full IRS collection services, the obligee requests those services, and the amount of the child support obligation is certified for those services by the United States Secretary of the Treasury.

The following fees, which have been established by the Office:

1. a Parent Locator Service fee of \$20.00. This fee is waived if the case was closed within the last 12 months for the reason CTF (cannot find the non-custodial parent) or AFC (non-custodial parent lives in a foreign jurisdiction);

2. the cost of genetic testing if the alleged father is excluded as the biological father;

3. an administrative fee of [~~\$5.00 per~~6% of the payment amount each time a payment is processed, not to exceed \$1[~~0~~]2.00 per month;

4. a fee of \$25.00, to be paid at the time the obligor's federal tax refund is intercepted to offset a Non-IV-A support arrearage if the refund is \$50.00 or more. If the refund is more than \$25.00 but less than \$50.00, the fee is the refund amount minus \$25.00;

5. the Child Support Lien Network (CSLN) fee of \$52.00, to be paid at the time the levy is processed.

**KEY: child support**

**Date of Enactment or Last Substantive Amendment:** [~~March 27, 2012~~2016

**Notice of Continuation:** November 16, 2015

**Authorizing, and Implemented or Interpreted Law:** 45 CFR 302.33; 62A-11-104; 62A-11-107; 62A-11-111; 63J-1-504(2)(a)

## Insurance, Administration R590-160 Administrative Proceedings

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 40457

FILED: 05/31/2016

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of the change is to allow electronic service and filing in administrative proceedings, rather than requiring all service and filing to be done by hard copy. It also updates Section R590-160-11, "Severability".

**SUMMARY OF THE RULE OR CHANGE:** The rule change adds language that allows service and filing in administrative proceedings to be done electronically, rather than only by hard copy. It also sets forth the method for serving or filing electronically. In addition, Section R590-160-11, "Severability", is updated to current language.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 31A-2-201(3)(a) and Subsection 63G-4-102(6) and Subsection 63G-4-203 (1)

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** There will be a savings to state budget. Service and filing in administrative proceedings previously had to be done by a process server, which costs approximately \$50, or by mail, which costs \$0.50 per mailing. It can now be done via email.

♦ **LOCAL GOVERNMENTS:** There is no expected cost or savings to local governments because the rule governs administrative proceedings involving the state government.

♦ **SMALL BUSINESSES:** Small businesses could see a savings if they routinely service and file administrative proceedings. Service and filing in administrative proceedings previously had to be done by a process server, which costs approximately \$50, or by mail, which costs \$0.50 per mailing. It can now be done via email.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Persons or businesses that service and file administrative proceedings could see some savings. Service and filing in administrative proceedings previously had to be done by a process server, which costs approximately \$50, or by mail, which costs \$0.50 per mailing. It can now be done via email.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for any affected persons. The rule change allows flexibility in service and filing of administrative proceedings but makes no new requirements.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Businesses that often perform service or filing of administrative proceedings may see some cost savings as a result of this rule change. It will have no impact on the majority of businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at [sgooch@utah.gov](mailto:sgooch@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016

AUTHORIZED BY: Steve Gooch, Information Specialist

**R590. Insurance, Administration.**

**R590-160. Administrative Proceedings.**

**R590-160-5.5. Electronic Filing and Service of Documents in Formal and Informal Proceedings.**

(1) Filing with or service on the Commissioner or a presiding officer may be accomplished by sending a copy of the document in .pdf format to [uidadmindcases@utah.gov](mailto:uidadmindcases@utah.gov).

(2) Filing with or service on the Department may be accomplished by sending a copy of the document in .pdf format to the Department's current email address as set forth in a document filed by the Department in the subject proceeding.

(3) Filing with or service on a licensee may be accomplished by sending a copy of the document in .pdf format to the current email address provided by the licensee to the Department under Utah Code Subsection 31A-23a-412(1).

(4) Filing with or service on a party's representative may be accomplished by sending a copy of the document in .pdf format to the representative's current email address set forth in a document filed by the representative in the subject proceeding.

(5)(a) Documents electronically filed or served shall be signed by a party or its representative and shall contain a signed certificate stating the date of electronic filing or service.

(b) An electronically filed or served document may be signed using any lawfully recognized signature, including an electronic signature, which is any electronic symbol or other digital form adopted by the person with the intent to sign the document.

**R590-160-11. Severability.**

If any provision of this rule or its application to any person or ~~situation~~ circumstance is for any reason held to be invalid, ~~that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are severable~~ the remainder of the rule and the application of the provision to other persons or circumstances shall not be affected thereby.

**KEY: insurance**

**Date of Enactment or Last Substantive Amendment:** ~~[August 28, 2013]~~ **2016**

**Notice of Continuation:** September 30, 2013

**Authorizing, and Implemented or Interpreted Law:** 31A-2-201; 63G-4-102; 63G-4-203

## Natural Resources, Parks and Recreation

### R651-601

## Definitions as Used in These Rules

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40447

FILED: 05/25/2016

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** An amendment is being made to the Aircraft and Powerless Flight rule to address unmanned aircraft. A definition is needed for this change.

**SUMMARY OF THE RULE OR CHANGE:** The Division of Parks and Recreation is addressing drone use with the state park system. A rule amendment is being made that will clarify the use of unmanned aircraft within state parks. Unmanned aircraft (including drones) use in Utah have skyrocketed over the past few years. People are looking for places to fly their unmanned aircraft and have found that state parks are good



places to do this. For the most part, park managers consider the flight of unmanned aircraft in state parks as an opportunity to attract more visitors. They have created few management problems, but there are times when they have experienced user conflicts with other park visitors, wildlife disturbances, and general safety concerns. The rule requires that all state park visitors obtain written permission from the park manager prior to flying an unmanned aircraft. The park manager will then determine under what circumstances they will be allowed to fly, if any.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 79-4-304 and Section 79-4-501

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There is minimal staff cost in issuing permits. The amount is unknown at this time because it is a new process and the agency does not know how many there will be. The time to issue a permit will take approximately five minutes.
- ◆ LOCAL GOVERNMENTS: There is no affect to local government as this rule addresses unmanned aircraft within the state park system.
- ◆ SMALL BUSINESSES: There is no affect to small businesses as this rule addresses unmanned aircraft within the state park system.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no cost to any other person as there is no fee attached to obtaining a permit.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The cost to these persons will be time to acquire the permit prior to using the unmanned aircraft. There is no fee attached to the permit.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal 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 Office 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 07/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016

AUTHORIZED BY: Fred Hayes, Director

**R651. Natural Resources, Parks and Recreation.**

**R651-601. Definitions as Used in These Rules.**

**R651-601-1. Division.**

"Division" means the Division of Parks and Recreation, Department of Natural Resources.

**R651-601-2. Ranger.**

"Ranger" means any employee of the Division who is designated by the Director or his designee as a law enforcement officer as defined in Section 53-13-103.

**R651-601-3. Division Representative.**

"Division Representative" means any employee of the Division authorized by the Director or his designee to act in an official capacity.

**R651-601-4. Natural and Cultural Resources.**

"Natural and Cultural Resources" means those features and values including all lands, minerals, soils and waters, natural systems and processes, and all plants, animals, topographic, geologic and paleontological components of a park area as well as all historic and pre-historic, sites, trails, structures, inscriptions, rock art and artifacts representative of a given culture occurring on or within any park area.

**R651-601-5. Park System.**

"Park system" means all natural and cultural resource, and all buildings and other improvements owned, leased, or otherwise managed by the Division.

**R651-601-6. Park Area.**

"Park area" means any individual park property in the park system.

**R651-601-7. Manager.**

"Manager" means the Division representative in charge of a park area.

**R651-601-8. Permission.**

"Permission" means oral or written authorization by a park representative.

**R651-601-9. Permit.**

"Permit" means written authorization by a park representative.

**R651-601-10. Posted.**

"Posted" means displayed printed instruction or information.

**R651-601-11. Person.**

"Person" means individual, corporation, company, partnership, trust, firm, or association of persons.

**R651-601-12. Commercial Activity.**

"Commercial Activity" means any activity, private or otherwise, that is for the purpose of commercial gain, or that is part of

any scheme or plan established for the purpose of obtaining commercial gain. This includes, but is not limited to:

- (1) sales of goods or merchandise.
- (2) rentals of equipment.
- (3) collection of entrance or admission fees.
- (4) collection of storage or use fees.
- (5) sales of services.
- (6) delivery service of rental equipment to the park area by a rental agency as part of a customer rental agreement.

**R651-601-13. Commercial Gain.**

"Commercial gain" means compensation in money, services, or other consideration as part of a scheme or effort to generate income or financial advantage of any kind.

**R651-601-14. Concession Contract.**

"Concession Contract" means a use agreement granted to an individual, partnership, corporation, or other recognized organization, for the purpose of providing services or sales of goods or merchandise for conducting commercial activity.

**R651-601-15. Special Use Permit.**

"Special Use Permit" means written permission given to an individual, partnership, corporation, or other recognized organization for the purpose of conducting the following: 1) special events whether commercial or non-commercial; 2) certain limited concession activities; and 3) commercial services as guides, provisioners, and/or outfitters.

**R651-601-16. Cooperative Agreement.**

A written instrument whereby two or more parties agree to terms governing the parties' relationship, much as a contract. Informal interoffice communication definition does not apply in this case.

**R651-601-17. Definitions.**

(1) "Motorized Transportation Device" means any motorized device used as a mode of transportation that includes: "Electric assisted bicycles", "Mopeds", "Motor Assisted scooters", "motorcycles", "motor-driven cycle", and "personal motorized mobility device" as defined in Utah State Code 41-6-1. "Motorized wheelchairs" are also included under this definition.

**R651-601-18. Unmanned Aircraft.**

(1) "Unmanned Aircraft" means an aircraft that is capable of sustaining flight and that operates with no possible direct human intervention from, on or within the aircraft.

**KEY: parks, off-highway vehicles**

**Date of Enactment or Last Substantive Amendment:** [~~April 7, 2014~~] **July 22, 2016**

**Notice of Continuation:** **June 25, 2013**

**Authorizing, and Implemented or Interpreted Law:** **41-22-10; 79-4-203; 79-4-304; 79-4-601**

## Natural Resources, Parks and Recreation **R651-602** Aircraft and Powerless Flight

### NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 40448  
FILED: 05/25/2016

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** An amendment is being made to the Aircraft and Powerless Flight rule to address unmanned aircraft. Unmanned aircraft (including drones) use in Utah have skyrocketed over the past few years. People are looking for places to fly them and have found that state parks are good places to do that. The rule requires that all persons wishing to fly their unmanned aircraft in the state park system will need a permit to do so.

**SUMMARY OF THE RULE OR CHANGE:** The Division of Parks and Recreation is addressing drone use with the state park system. A rule amendment is being made that will clarify the use of unmanned aircraft within state parks. Unmanned aircraft (including drones) use in Utah have skyrocketed over the past few years. People are looking for places to fly their unmanned aircraft and have found that state parks are good places to do this. For the most part, park managers consider the flight of unmanned aircraft in state parks as an opportunity to attract more visitors. They have created few management problems, but there are times when they have experienced user conflicts with other park visitors, wildlife disturbances, and general safety concerns. The rule requires that all state park visitors obtain written permission from the park manager prior to flying an unmanned aircraft. The park manager will then determine under what circumstances they will be allowed to fly, if any.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 79-4-501

**ANTICIPATED COST OR SAVINGS TO:**

- ◆ **THE STATE BUDGET:** There is minimal staff cost in issuing permits. The amount is unknown at this time because it is a new process, and the agency does not know how many there will be. The time to issue a permit will take approximately five minutes.
- ◆ **LOCAL GOVERNMENTS:** There is no affect to local government, as this rule addresses unmanned aircraft within the state park system.
- ◆ **SMALL BUSINESSES:** There is no affect to small businesses, as this rule addresses unmanned aircraft within the state park system.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: The cost to these persons will be time to acquire the permit prior to using the unmanned aircraft. There is no fee attached to the permit.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to affected persons because there is no fee attached to the permit.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal 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 Office 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](mailto:tammywright@utah.gov)

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016

AUTHORIZED BY: Fred Hayes, Director

## **R651. Natural Resources, Parks and Recreation.**

### **R651-601. Definitions as Used in These Rules.**

#### **R651-601-1. Division.**

"Division" means the Division of Parks and Recreation, Department of Natural Resources.

#### **R651-601-2. Ranger.**

"Ranger" means any employee of the Division who is designated by the Director or his designee as a law enforcement officer as defined in Section 53-13-103.

#### **R651-601-3. Division Representative.**

"Division Representative" means any employee of the Division authorized by the Director or his designee to act in an official capacity.

#### **R651-601-4. Natural and Cultural Resources.**

"Natural and Cultural Resources" means those features and values including all lands, minerals, soils and waters, natural systems and processes, and all plants, animals, topographic, geologic and paleontological components of a park area as well as all historic and

pre-historic, sites, trails, structures, inscriptions, rock art and artifacts representative of a given culture occurring on or within any park area.

#### **R651-601-5. Park System.**

"Park system" means all natural and cultural resource, and all buildings and other improvements owned, leased, or otherwise managed by the Division.

#### **R651-601-6. Park Area.**

"Park area" means any individual park property in the park system.

#### **R651-601-7. Manager.**

"Manager" means the Division representative in charge of a park area.

#### **R651-601-8. Permission.**

"Permission" means oral or written authorization by a park representative.

#### **R651-601-9. Permit.**

"Permit" means written authorization by a park representative.

#### **R651-601-10. Posted.**

"Posted" means displayed printed instruction or information.

#### **R651-601-11. Person.**

"Person" means individual, corporation, company, partnership, trust, firm, or association of persons.

#### **R651-601-12. Commercial Activity.**

"Commercial Activity" means any activity, private or otherwise, that is for the purpose of commercial gain, or that is part of any scheme or plan established for the purpose of obtaining commercial gain. This includes, but is not limited to:

- (1) sales of goods or merchandise.
- (2) rentals of equipment.
- (3) collection of entrance or admission fees.
- (4) collection of storage or use fees.
- (5) sales of services.
- (6) delivery service of rental equipment to the park area by a rental agency as part of a customer rental agreement.

#### **R651-601-13. Commercial Gain.**

"Commercial gain" means compensation in money, services, or other consideration as part of a scheme or effort to generate income or financial advantage of any kind.

#### **R651-601-14. Concession Contract.**

"Concession Contract" means a use agreement granted to an individual, partnership, corporation, or other recognized organization, for the purpose of providing services or sales of goods or merchandise for conducting commercial activity.

#### **R651-601-15. Special Use Permit.**

"Special Use Permit" means written permission given to an individual, partnership, corporation, or other recognized organization for the purpose of conducting the following: 1) special events whether

commercial or non-commercial; 2) certain limited concession activities; and 3) commercial services as guides, provisioners, and/or outfitters.

**R651-601-16. Cooperative Agreement.**

A written instrument whereby two or more parties agree to terms governing the parties' relationship, much as a contract. Informal interoffice communication definition does not apply in this case.

**R651-601-17. Definitions.**

(1) "Motorized Transportation Device" means any motorized device used as a mode of transportation that includes: "Electric assisted bicycles", "Mopeds", "Motor Assisted scooters", "motorcycles", "motor-driven cycle", and "personal motorized mobility device" as defined in Utah State Code 41-6-1. "Motorized wheelchairs" are also included under this definition.

**R651-601-18. Unmanned Aircraft.**

(1) "Unmanned Aircraft" means an aircraft that is capable of sustaining flight and that operates with no possible direct human intervention from, on or within the aircraft.

**KEY: parks, off-highway vehicles**

**Date of Enactment or Last Substantive Amendment:** ~~April 7, 2014~~ **July 22, 2016**

**Notice of Continuation:** June 25, 2013

**Authorizing, and Implemented or Interpreted Law:** 41-22-10; 79-4-203; 79-4-304; 79-4-601

## Natural Resources, Parks and Recreation

### R651-612

## Veterans with Disabilities Honor Pass

### NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 40445

FILED: 05/24/2016

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is created as required by Section 79-4-304 as amended by H.B. 135 that was passed during the 2016 General Session of the Utah Legislature. The rule governs the issuance of the Veterans with Disabilities Honor Pass to a qualified veteran. It is an annual pass and will allow a qualified veteran day-use entrance into the state parks free of charge, with the exception of This Is The Place State Park.

**SUMMARY OF THE RULE OR CHANGE:** The rule governs the issuance of the Veterans with Disabilities Honor Pass to a qualified veteran. A qualified veteran means an honorably discharged veteran who is a resident of the State of Utah and

has at least a 50% service related disability as evidenced by documentation from the United State Department of Veterans Affairs, an active component of the United States armed forces, or a reserve component of the United States armed forces. It is an annual pass and will allow a qualified veteran day-use entrance into the state parks free of charge, with the exception of This Is The Place State Park. The Honor Pass is valid only when in the possession of the qualified veteran to whom it was issued. It is non-transferable. It allows for up to seven guests traveling in the same private vehicle access with the veteran.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 79-4-304

**ANTICIPATED COST OR SAVINGS TO:**

◆ **THE STATE BUDGET:** The Division of Parks and Recreation will realize some loss of revenue. It will be approximately \$100,000 initially. There will also be the cost of printing the passes. This will be absorbed into the existing budget. The amount of \$100,000 is based upon the percentage of qualified persons that are now purchasing annual passes.

◆ **LOCAL GOVERNMENTS:** Local government is not affected because they will not be required to issue or honor the pass.

◆ **SMALL BUSINESSES:** Small business is not affected because they will not be required to issue or honor the pass.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The pass will be free to qualified veterans, so there is no cost to persons other than small businesses. The savings to those qualified persons will be \$75 annually.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no compliance costs for affected persons. Those affected will realize a savings annually of \$75.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There should be no impact on private business.

**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 Office 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](mailto:tammywright@utah.gov)

**INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016**

THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016

AUTHORIZED BY: Fred Hayes, Director

**R651. Natural Resources, Parks and Recreation.**

**R651-612. Veteran's with Disabilities Honor Pass.**

**R651-612-1. Authority and Effective Date.**

(1) These rules are established as required by 79-4-304 as amended by HB135S01 as passed during the 2016 General Session of the Utah Legislature.

(2) This rule governs the issuance of the 'Veteran's with Disabilities Honor Pass', hereafter referred to as 'Honor Pass' and is effective July 1, 2016.

**R651-612-2. Definitions.**

(1) 'Qualified Veteran' means an honorably discharged veteran who is:

(a) A resident of the State of Utah; and

(b) Has at least a 50% service related disability as evidenced by documentation from:

(i) The United States Department of Veterans Affairs;

(ii) An active component of the United States armed forces;  
or

(iii) A reserve component of the United States armed forces.

(2) 'Veterans with Disabilities Honor Pass' or 'Honor Pass' means an annual pass issued in accordance with this rule.

**R651-612-3. Honor Pass Application Process.**

(1) A qualified veteran meeting the criteria established in R651-612-2 shall be issued an Honor Pass.

(2) The Honor Pass shall be provided free of charge to a qualified veteran.

(3) The Honor Pass is valid only when in the possession of the qualified veteran to whom it was issued, and is nontransferable.

(4) The Honor Pass shall be valid for the entire calendar year for which it was issued.

**R651-612-4. Honor Pass Limitations.**

(1) Except as specified below, the Honor Pass shall be valid for day use admittance to all state parks for the qualified veteran and up to 7 guests traveling in the same private vehicle.

(2) The Honor Pass is not valid at This Is The Place Heritage Park; and does not cover fees charged by Davis County for travel on the Antelope Island Causeway. The Honor Pass is not valid for special charges or fees within the park (i.e., golf green fees, special program participation fees, camping, etc.).

**R651-612-5. Honor Pass Distribution.**

(1) Locations of Honor Pass distribution sites will be posted on the Division's website. Electronic application and mail in application options will be pursued.

(2) The Division shall work with veteran service organizations to make passes available at other convenient locations.

**KEY: park pass, veterans**

**Date of Enactment or Last Substantive Amendment: 2016  
Authorizing, and Implemented or Interpreted Law: 79-4-304**

## Workforce Services, Unemployment Insurance

### R994-403-117e

#### Claimant's Responsibility

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 40449

FILED: 05/25/2016

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this amendment is to codify current practice.

**SUMMARY OF THE RULE OR CHANGE:** The U.S. Supreme Court requires the Department to pay benefits "when due". To ensure benefits are paid timely, initial Department decisions must be made by the Friday of the week following the week the claim was filed. When the Department contacts claimants and employers for information, a quick response is needed. Employers and claimants are instructed to respond within 48 hours of a phone request and 5 days if the instruction is mailed. The Department is merely adding to rule what has been Department practice for decades.

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 35A-1-104 and Subsection 35A-1-104(4)

#### ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This is a federally-funded program so there are no costs or savings to the state budget.
- ◆ **LOCAL GOVERNMENTS:** This is a federally-funded program so there are no costs or savings to local government.
- ◆ **SMALL BUSINESSES:** There are no costs or savings to any small businesses as there are no fees associated with this program, and it is federally funded.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no costs or savings to any persons other than small businesses, businesses, or local government entities as there are no fees associated with this program, and it is federally funded.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no costs or savings to any affected persons as there are no fees associated with this program and it is federally funded. These changes will not impact the contribution rate of any employer.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There are no compliance costs associated with this change.

There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business. These changes will have no impact on any employers contribution tax rate.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 WORKFORCE SERVICES  
 UNEMPLOYMENT INSURANCE  
 140 E 300 S  
 SALT LAKE CITY, UT 84111-2333  
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Suzan Pixton by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/15/2016

THIS RULE MAY BECOME EFFECTIVE ON: 07/22/2016

AUTHORIZED BY: Jon Pierpont, Executive Director

---

**R994. Workforce Services, Unemployment Insurance.**

**R994-403. Claim for Benefits.**

**R994-403-117e. Claimant's Responsibility.**

(1) The claimant must provide all of the following:

- (a) his or her correct name, social security number, citizenship or alien status, address and date of birth;
- (b) the correct business name and address for each base period employer and for each employer subsequent to the base period;

(c) information necessary to determine eligibility or continuing eligibility as requested on the initial claim form, or on any other Department form including work search information. This includes information requested through the use of an interactive voice response system or the Internet;

(d) the reasons for the job separation from base period and subsequent employers when filing a new claim, requalifying for a claim, or any time the claimant is separated from employment during the benefit year. The Department may require a complete statement of the circumstances precipitating the separation; and

(e) any other information requested by the Department. ~~[This includes requests for documentary evidence, written statements, or oral requests. Claimants are required to return telephone calls when requested to do so by Department employees.]~~ The Claimant is required to return telephone calls and respond to requests that are made electronically, verbally, or by U.S. Mail. Generally, claimants will be given 48 hours, excluding hours during weekends or legal holidays, to respond to requests made verbally or electronically and five (5) full business days to respond to requests mailed through the U. S. Mail.

(2) Claimants are also required to report, at the time and place designated, for an in-person interview with a Department representative if so requested.

(3) By filing a claim for benefits, the claimant has given consent to the employer to release to the Department all information necessary to determine eligibility even if the information is confidential.

**KEY: filing deadlines, registration, student eligibility, unemployment compensation**

**Date of Enactment or Last Substantive Amendment: [September 25, 2013]2016**

**Notice of Continuation: May 16, 2013**

**Authorizing, and Implemented or Interpreted Law: 35A-4-403(1)**

---

**End of the Notices of Proposed Rules Section**

## NOTICES OF 120-DAY (EMERGENCY) RULES

---

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text ([example]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (. . . . .) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

---

### Administrative Services, Facilities Construction and Management

### R23-23

### Health Reform -- Health Insurance Coverage in State Contracts -- Implementation

#### NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 40440

FILED: 05/23/2016

#### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule is to comply with the provisions of Section 63A-5-205. H.B. 282 from the 2016 General Session updated Section 63A-5-205, and the changes in this rule are to comply with H.B. 282.

**SUMMARY OF THE RULE OR CHANGE:** The changes in this rule outline the requirements of contractors and subcontractors, that do work for the State of Utah to carry health insurance for their employees. (Editor's Note: A corresponding proposed amendment to Rule R23-23 is under Filing No. 40441 in this issue, June 15, 2016, of the Bulletin.)

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 63A-5-205 and Subsection 63A-5-103(1)(e)

**EMERGENCY RULE REASON AND JUSTIFICATION:**  
**REGULAR RULEMAKING PROCEDURES WOULD** place the agency in violation of federal or state law.  
**JUSTIFICATION:** H.B. 282 (2016) is currently in effect, and this rule is out of compliance.

#### ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There are no anticipated costs or savings that are expected to state budget as a result of this rule. The changes to this rule only incorporate the changes in the statute. The statute directly determines the affects upon budget, and not this rule.

◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government budget. The changes to the rule do not affect local government.

◆ **SMALL BUSINESSES:** There are no anticipated costs or savings that are expected to small business as a result of this rule. The changes to this rule only incorporate the changes in statute. The statute directly determines the affects upon budget and not this rule.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings that are expected as a result of this rule. The changes to this rule only

incorporate the changes in statute. The statute directly determines the affects upon budget and not this rule.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated compliance costs that are expected as a result of this rule. The changes to this rule only incorporate the changes in statute. The statute directly determines costs for affected persons and not this rule.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There are no anticipated fiscal impacts that are expected as a result of this rule. The changes to this rule only incorporate the changes in statute. The statute directly determines the potential fiscal impact and not this rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
ADMINISTRATIVE SERVICES  
FACILITIES CONSTRUCTION AND MANAGEMENT  
ROOM 4110 STATE OFFICE BLDG  
450 N STATE ST  
SALT LAKE CITY, UT 84114-1201  
or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**  
♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov  
♦ Nicole Alder by phone at 801-538-3240, or by Internet E-mail at nicolealder@utah.gov

EFFECTIVE: 05/23/2016

AUTHORIZED BY: Eric Tholen, Director

**R23. Administrative Services, Facilities Construction and Management.**

**R23-23. Health Reform -- Health Insurance Coverage in State Contracts -- Implementation.**

**R23-23-1. Purpose.**

The purpose of this rule is to comply with the provisions of Section 63A-5-205.

**R23-23-2. Authority.**

This rule is authorized under Subsection 63A-5-103(1)(e), which directs the Utah State Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management as well as Section 63A-5-205 which requires this rule related to health insurance provisions in certain design and/or construction contracts.

**R23-23-3. Definitions.**

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section 63A-5-205.

(2) In addition:

(a) "Board" means the State Building Board established pursuant to Section 63A-5-101.

(b) "Director" means the Director of the Division, including, unless otherwise stated, the Director's duly authorized designee.

(c) "Division" means the Division of Facilities Construction and Management established pursuant to Section 63A-5-201.

(d) "Employee(s)" means an "employee," "worker," or "operative" as defined in Section 34A-2-104 who:

(i) works at least 30 hours per calendar week; and

(ii) meets employer eligibility waiting requirements for health care insurance which may not exceed the first day of the calendar month following 60 days from the date of hire.

(e) "State" means the State of Utah.

**R23-23-4. Applicability of Rule.**

(1) Except as provided in Subsections R23-23-4(2) or R23-23-4(3) below, this Rule R23-23 applies to all design or construction contracts entered into by the Division or the Board [~~on or after July 1, 2009~~], and

(a) applies to a prime contractor if the prime contract is in the amount of \$2,000,000 or greater at the original execution of the contract [~~\$1,500,000 or greater~~]; and

(b) applies to a subcontractor if the subcontract is in the amount of \$1,000,000 or greater at the original execution of the contract [~~\$750,000 or greater~~].

(2) This Rule R23-23 does not apply if:

(a) the application of this Rule R23-23 jeopardizes the receipt of federal funds;

(b) the contract is a sole source contract; or

(c) the contract is an emergency procurement.

(3) This Rule R23-23 does not apply to a change order as defined in Section 63G-6a-103, or a modification to a contract, when the contract does not meet the initial threshold required by Subsection R23-23-4(1).

(4) A person who intentionally uses change orders or contract modifications to circumvent the requirements of subsection (1) is guilty of an infraction.

**R23-23-5. Contractors and Subcontractors to Comply with Section 63A-5-205.**

(1) All contractors and subcontractors that are subject to the requirements of Section 63A-5-205 shall comply with all the requirements, penalties and liabilities of Section 63A-5-205.

(2) If a subcontractor of the contractor is subject to Section 63A-5-205(3) or Section R23-23-4, the contractor shall:

(a) Place a requirement in the subcontract that the subcontractor shall obtain and maintain an offer of qualified health insurance coverage for the subcontractor's employees and the employees' dependents during the duration of the subcontract; and

(b) certify to the director that the subcontractor has and will maintain an offer of qualified health insurance coverage for the subcontractor's employees and the employees' dependents during the duration of the prime contract.

**R23-23-6. Not Basis for Protest or Suspend, Disrupt, or Terminate Design or Construction.**

(1) The failure of a contractor or subcontractor to provide qualified health insurance coverage as required by this rule or Section 63A-5-205:

(a) may not be the basis for a protest or other action from a prospective bidder, offeror, or contractor under Section 63G-6a-1603



or any other provision in Title 63G, Chapter 6a, Utah Procurement Code; and

(b) may not be used by the procurement entity or a prospective bidder, offeror, or contractor as a basis for any action or suit that would suspend, disrupt or terminate the design or construction.

**R23-23-7. Requirements and Procedures a Contractor Must Follow.**

A contractor (including consultants and designers) must comply with the following requirements and procedures in order to demonstrate compliance with Section 63A-5-205.

(1) Demonstrating Compliance with Health Insurance Requirements. A Contractor (including Design Professional) shall demonstrate compliance with Subsection 63A-5-205(6)(a) or (b) at the time of execution of each initial contract described in Subsection 63A-5-205(3).

(a) The compliance is subject to an audit by the Department of Administrative Services, the Division or the Office of the Legislative Auditor General.

(b) A Contractor (including Design Professional) subject to Subsection 63A-5-205(3) shall demonstrate to the director that the Contractor has and will maintain an offer of qualified health insurance coverage for the Contractor's employees and employees' dependents.

(c) Such demonstration shall be a certification on the form provided by Division. [The following requirements must be met by a contractor (including consultants, designers and others under contract with the Division) that is subject to the requirements of this Rule no later than the time the contract is entered into or renewed:] The form shall also require compliance with Subsection R23-23-5(2) regarding subcontractors.

(d) The actuarially equivalent determination required for the qualified health insurance coverage is met by the Contractor if the Contractor provides the Division with a written statement of actuarial equivalency attached to the certification, which is not more than one year old, regarding the contractor's offer of qualified health coverage from an actuary selected by the contractor or the contractor's insurer, or an underwriter who is responsible for developing the employer group's premium rates. The Contractor is responsible for collecting the statements as required by law from any of the subcontractors at any tier that must do so.

[(a) demonstrate compliance by a written certification to the Director that the contractor has and will maintain for the duration of the contract an offer of qualified health insurance coverage for the contractor's employees and the employee's dependents; and

(b) The contractor shall also provide such written certification prior to the execution of the contract, in regard to all subcontractors (including subconsultants) at any tier that is subject to the requirements of this Rule.

(2) Recertification. The Director shall have the right to request a recertification by the contractor by submitting a written request to the contractor, and the contractor shall so comply with the written request within ten (10) working days of receipt of the written request; however, in no case may the contractor be required to demonstrate such compliance more than twice in any 12-month period.

(3) Demonstrating Compliance with Actuarially Equivalent Determination. The actuarially equivalent determination required by Subsection 63A-5-205(1)(e) and defined in Section 26-40-115 is met

~~by the contractor if the contractor provides the Director with a written statement of actuarial equivalency from either the Utah Insurance Department; an actuary selected by the contractor or the contractor's insurer; or an underwriter who is responsible for developing the employer group's premium rates.](2) For purposes of this Rule R23-23-7[(3)], actuarially equivalency is achieved by meeting or exceeding the commercially equivalent benchmark for the qualified health insurance coverage identified in Subsection 63A-5-205(1)(e) that is provided by the Department of Health, in accordance with Subsection 26-40-115(2). [requirements of Section 26-40-115 which are also delineated on the DFCM website at [http://dfcm.utah.gov/downloads/leost/Health\\_Insurance\\_Benchmark.pdf](http://dfcm.utah.gov/downloads/leost/Health_Insurance_Benchmark.pdf).]~~

(3[4]) The health insurance must be available upon the first day of the calendar month following sixty (60) days from the date of hire.

~~[(5) Architect and Engineer Compliance Process. Architects and engineers that are subject to this Rule must demonstrate compliance with this Rule in any annual submittal under Section 63G-6-702. During the procurement process and no later than the execution of the contract with the architect or engineer, the architect or engineer shall confirm that their applicable subcontractors or subconsultants meet the requirements of this Rule.~~

~~(6) General (Prime) Contractors Compliance Process. Contractors that are subject to this Rule must demonstrate compliance with this Rule for their own firm and any applicable subcontractors, in any pre-qualification process that may be used for the procurement. At the time of execution of the contract, the contractor shall confirm that their applicable subcontractors or subconsultants meet the requirements of this Rule.]~~

~~(4[7]) [Notwithstanding any prequalification process,] A[a]ny contract subject to this Rule shall contain a provision requiring compliance with this Rule from the time of execution and throughout the duration of the contract.~~

~~(5[8]) Hearing and Penalties.~~

~~(a) Hearing. Any hearing for any penalty under this Rule conducted by the Board or the Division shall be conducted in the same manner as any hearing required for a suspension or debarment.~~

~~(b) Penalties that may be imposed by Board or Division. The penalties that may be imposed by the Board or the Division if a contractor, consultant, subcontractor or subconsultant, at any tier, intentionally violates the provisions of Subsections (3) through (10) of 63A-5-205 [this Rule R23-23, may] include:~~

~~(i) a three-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the first violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;~~

~~(ii) a six-month suspension of the contractor or subcontractor from entering into future contracts with the State upon the second violation, regardless of which tier the contractor or subcontractor is involved with the future design and/or construction contract;~~

~~(iii) an action for debarment of the contractor or subcontractor in accordance with Section 63G-6a-904 upon the third or subsequent violation; and~~

~~(iv) monetary penalties which may not exceed 50 percent of the amount necessary to purchase qualified health insurance coverage for an employee and the dependents of an employee of the contractor~~

or subcontractor who was not offered qualified health insurance coverage during the duration of the contract.

(c)(i) In addition to the penalties imposed above, a contractor, consultant, subcontractor or subconsultant who intentionally violates the provisions of Section 63A-5-205~~[this rule]~~ shall be liable to the employee for health care costs that would have been covered by qualified health insurance coverage.

(ii) An employer has an affirmative defense to a cause of action under Subsection R23-23-7(5[8])(c)(i) as provided in Subsection 63A-5-205(8)(b)(3)(g)(ii). An employee has a private right of action only against the employee's employer to enforce the provision of Subsection 63A-5-205(8).

**R23-23-8. Not Create any Contractual Relationship with any Subcontractor or Subconsultant.**

Nothing in this Rule shall be construed as to create any contractual relationship whatsoever between the State of Utah, the Board, or the Division with any subcontractor or subconsultant at any tier.

**KEY: health insurance, contractors, contracts, contract requirements**

**Date of Enactment or Last Substantive Amendment: May 23, 2016**

**Notice of Continuation: June 10, 2014**

**Authorizing, and Implemented or Interpreted Law: 63A-5-103(1)(e); 63A-5-205**

**Capitol Preservation Board (State),  
Administration  
R131-2  
Capitol Hill Complex Facility Use**

**NOTICE OF 120-DAY (EMERGENCY) RULE**  
DAR FILE NO.: 40437  
FILED: 05/19/2016

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The changes were made to comply with S.B. 221 of the 2016 General Session, which is currently in effect as of 05/10/2016. S.B. 221 addressed the Facility Uses for the Capitol Hill Complex, and the parking and alcohol restrictions.

**SUMMARY OF THE RULE OR CHANGE:** The changes are concurrent with S.B. 221 of the 2016 General Session and include parking and alcohol restrictions for the Capitol Hill Complex. (Editor's Note: A corresponding proposed amendment to Rule R131-2 is under Filing No. 40458 in this issue, June 15, 2016, of the Bulletin.)

**STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 63C-9-101 et seq.

**EMERGENCY RULE REASON AND JUSTIFICATION:**

**REGULAR RULEMAKING PROCEDURES WOULD** place the agency in violation of federal or state law.

**JUSTIFICATION:** This is to comply with S.B. 221 from the 2016 General Session, which is effective as of 05/10/2016.

**ANTICIPATED COST OR SAVINGS TO:**

♦ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget that are expected as a result of this rule. The changes to this rule provide no fiscal impact as they only incorporate the changes in statute, which are already in effect.

♦ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to the local government budget that are expected as a result of this rule. The changes to this rule provide no fiscal impact as they only incorporate the changes in statute, which are already in effect.

♦ **SMALL BUSINESSES:** There are no anticipated costs or savings to small business that are expected as a result of this rule. The changes to this rule provide no fiscal impact as they only incorporate the changes in statute, which are already in effect.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no anticipated costs or savings to persons other than small businesses, businesses, or local government that are expected as a result of this rule. The changes to this rule provide no fiscal impact as they only incorporate the changes in statute, which are already in effect.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** There are no anticipated compliance costs that are expected as a result of this rule. The changes to this rule provide no fiscal impact as they only incorporate the changes in statute, which are already in effect.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** There are no anticipated fiscal impacts on businesses as a result of this rule. The changes to this rule only incorporate the changes in statute, which are already in effect.

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

CAPITOL PRESERVATION BOARD (STATE)  
ADMINISTRATION  
ROOM E110 EAST BUILDING  
420 N STATE ST  
SALT LAKE CITY, UT 84114-2110  
or at the Office of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

♦ Alan Bachman by phone at 801-538-3105, by FAX at 801-538-3313, or by Internet E-mail at abachman@utah.gov  
♦ Allyson Gamble by phone at 801-537-9156, by FAX at 801-538-3221, or by Internet E-mail at agamble@utah.gov  
♦ Nicole Alder by phone at 801-538-3240, or by Internet E-mail at nicolealder@utah.gov

EFFECTIVE: 05/19/2016

AUTHORIZED BY: Allyson Gamble, Executive Director

**R131. Capitol Preservation Board (State), Administration.**

**R131-2. Capitol Hill Complex Facility Use.**

**R131-2-1. Purpose and Application.**

(1) The purpose of this rule is to define conditions for public access and use of the Capitol Hill Complex and to establish procedures for receiving and deciding complaints regarding the access or use of the Capitol Hill Complex.

(2) Except as expressly stated herein, or in rule R131-11, this rule R131-2 does not apply to free speech activities. Free speech activities conducted at the Capitol Hill Complex are governed by rule R131-11.

**R131-2-2. Authority.**

(1) The State Capitol Preservation Board adopts this Capitol Hill Complex Facility Use Rule pursuant to Section 63C-9-301.

**R131-2-3. Definitions.**

As used in this rule R131-2:

(1) "Board" means the State Capitol Preservation Board created by Section 63C-9-201.

(2) "Capitol Hill Complex" means all grounds, monuments, parking areas, buildings, including the Capitol, and other man-made and natural objects within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard. Capitol Hill Complex also includes:

(a) the White Community Memorial Chapel and the Council Hall Travel Information Center building and their grounds and parking areas;

(b) the Daughters of the Utah Pioneers museum and buildings, grounds and parking areas, and other state-owned property included within the area bounded by Columbus Street, North Main Street, and Apricot Avenue;

(c) state owned property included within the area bounded by Columbus Street, Wall Street, and 400 North Street; and

(d) state owned property included within the area bounded by Columbus Street, West Capitol Street, and 500 North Street, ~~and any other facilities and grounds owned by the state of Utah that are located within the immediate vicinity.~~

(3) "Capitol Hill Facilities" means all buildings on the Capitol Hill Complex, including the Capitol, exterior steps, entrances, streets, parking areas and other paved areas of the Capitol Hill Complex.

(4) "Capitol Hill Grounds" means landscaped and unpaved public areas of the Capitol Hill Complex. Maintenance and utility structures and related areas are not considered Capitol Hill Grounds for the purpose of any public use.

(5) "Catering Service(s)" means the serving of food and/or beverages on Capitol Hill.

(6) "Commercial Activities" means events that sponsored or conducted for the promotion of commercial products or services, and include advertising, private parties, private company or organization meetings, and any other non-public organization event. Commercial activities do not include private, community service, state sponsored, or free speech activities.

(7) "Community Service Activities" means events sponsored by governmental, quasi-governmental and charitable organizations, city and county government departments and agencies, public schools, and charitable organizations held to support or recognize the public or charitable functions of such sponsoring group. To the extent the event is sponsored by a private charitable organization, the organization must have an Internal Revenue Code Section 501(c)(3) active status and the event must be related to such status.

(8) "Event" or "Events" are commercial, community service, private, and state sponsored activities involving one or more persons. Events may include banquets, receptions, award ceremonies, weddings, colloquia, concerts, dances, and seminars. A free speech activity is not an event for purposes of rule R131-2 and R131-10. The term "activity" or "activities" may be substituted in this rule for the term "event" or "events."

(9) "Executive Director" means the executive director appointed by the Board under Section 63C-9-102, or a designee supervised by the executive director.

(10) "Facility Use Application" ("Application") means a form approved by the executive director used to apply to reserve Capitol Hill Facilities or Capitol Hill Grounds for an event.

(11) "Facility Use Permit" ("Permit") means a written permit issued by the executive director authorizing the use of an area of the Capitol Hill Complex for an event in accordance with this rule.

(12) "Free Speech Activity" is as defined in rule R131-11.

(13) "Cafe Operator" means the Capitol Hill cafe operator located on the first floor of the East Senate Building who is under contract with the Board to provide food/beverages in the State Room and may be allowed to cater in other areas on the Capitol Hill Complex.

(14) "Private Activity" means an event sponsored by private individuals, businesses or organizations that is not a commercial or community service activity.

(15) "Authorized Caterer" means a person or entity authorized to provide catering services on the Capitol Hill Complex, and is not the Cafe Operator.

(16) "Solicitation" is as defined in rule R131-10.

(17) "State" means the state of Utah and any of its agencies, departments, divisions, officers, legislators, members of the judiciary, persons serving on state boards or commissions, and employees of the above entities and persons.

(18) "State Sponsored Activity" means any event sponsored by the state that is related to official state business. Official state business does not include award ceremonies, lobbying activities, retirement parties, or similar social parties, social activities or social events. Management retreats may be considered a State Sponsored Activity if it has a supporting agenda and documentation establishing that the primary purpose of the retreat is to conduct official state business. In order to be considered a State Sponsored Activity, such activity must obtain written approval from the Executive Director and/or the Board's Budget Development and Board Operations Subcommittee.

(19) "User(s)" means any person that uses the facilities or grounds as well as any applicant for a facility use permit.

**R131-2-4. Facility Use Permit - Application.**

(1) Each person or group seeking to hold an event or solicitation at the Capitol Hill Complex shall submit a completed

Facility Use Application at least fourteen calendar days prior to the anticipated date of the event. Applications may not be submitted, and facilities will not be scheduled, more than 365 calendar days before the date of the event. An applicant may only make one application for one continuous event at a time. For State Sponsored Activities that involve a reoccurring meeting schedule, one application may be used for all the reoccurring meetings. For all events, other than State Sponsored Activities or Free Speech Activities, there shall be a non-waivable and non-refundable application processing fee, which shall be paid at the time of submission of the application.

(2) The executive director shall provide a Facility Use Permit Application form. The form shall request and applicants shall provide all necessary information, including all material aspects of the proposed event or solicitation. This necessary information is required even if the Applicant requests a waiver. The application shall include the following information:

- (a) the applicant's organization's name, address, telephone and facsimile number;
- (b) the names and addresses of the person(s) responsible for supervising the event during set up, take down, clean up and the duration of the event;
- (c) the nature of the applicant; i.e. individual, business entity, governmental department or other;
- (d) the name and address of the legally recognized agent for service of process;
- (e) a specific description of the area of the facility and/or grounds being requested for use;
- (f) the type of proposed activity and the number of anticipated participants;
- (g) the dates and times of the proposed activity and a description of the schedule and agenda of the event;
- (h) a complete description of equipment and apparatus to be used for the event;
- (i) any other special considerations or accommodations being requested; and
- (j) whether the applicant requests exemption or waiver of any requirement of this rule or provision of the Facility Use Application.

(3) In addition, the applicant shall submit with the Facility Use Application:

- (a) documentation supporting any requested exemption or waiver;
  - (b) proof of liability insurance covering the applicant and the event in the amount as identified in the Schedule of Costs and Fees as referred to in rule R131-2-7(1)(a);
  - (c) a deposit and down payment in the amounts as identified in the Schedule of Costs and Fees as described in rule R131-2-7(1)(a) for the type of event proposed; and
  - (d) other information as requested by the executive director.
- (4) Applications shall be reviewed by the executive director for completeness, activity classification, costs and fees.

(5) Priority for use of the Capitol Hill Complex will be given to applications for state sponsored activities. During the actual hours of legislative sessions, priority will be given to free speech activities over commercial, community service and private activities. Otherwise, applications will be approved, and requested facilities reserved, on a first-come, first-serve basis.

**R131-2-5. Facility Use Permit - Denial - Appeal - Cancellation - Revocation - Transfer.**

(1) Within ten working days of receipt of a completed application, the executive director shall issue a Facility Use Permit or notice of denial of the application.

(2) The executive director may deny an application if:

(a) the application does not comply with the applicable rules;

(b) the event would conflict or interfere with a state sponsored activity, a time or place reserved for free speech activities, the operation of state business, or a legislative session; and/or

(c) the event poses a safety or security risk to persons or property.

(3) The executive director may place conditions on the approval that alleviates such concerns.

(4)(a) If the applicant disagrees with a denial of the application or conditions placed on the approval, the applicant may appeal the executive director's determination by delivering the written appeal and reasons for the disagreement to the executive director within five working days of the issuance of the notice of denial or approval with conditions.

(b) Within ten working days after the executive director receives the written appeal, the executive director may modify or affirm the determination.

(c) If the matter is still unresolved after the issuance of the executive director's reconsideration determination, the applicant may appeal the matter, in writing, within ten working days to the Board's Budget Development and Board Operations Subcommittee chair who will determine the process of the appeal.

(d) The applicant may appeal the Subcommittee Chair's determination in writing within ten working days of receipt of the written determination, by submitting a written appeal at the Board's office. The Board shall consider the appeal at its next regularly scheduled meeting.

(5) Facility Use Permits are non-transferable. The purpose, time, place and other conditions of the Facility Use Permit may not be changed without the advance written consent of the executive director. At least thirty calendar days advance written notice is required for the applicant to request a change in the date, time and/or place of the event or solicitation. If there is no conflict with another scheduled event or solicitation, the executive director may adjust the Facility Use Permit in regard to the date, time and/or place based upon the request.

(6) An event may be re-scheduled if the executive director determines that an event will conflict with a governmental function, free speech activity or state sponsored activity.

(a) The executive director may revoke any issued permit if this rule R131-2, any applicable law, or any provision of the permit is being violated. The permit may also be revoked if the safety or health of any person is threatened.

(b) The applicant may cancel the permit and receive a full refund of fees and any deposits if written notice of cancellation is received by the executive director at least 30 calendar days prior to the scheduled event. Failure to timely cancel the event will result in the forfeiture of any deposit and fees.

**R131-2-6. General Requirements for Use of the Capitol Hill Complex.**

These are the requirements for use of the Capitol Hill Complex. This rule R131-2-6 shall apply to free speech activities, all

other activities, groups and individuals using the Capitol Hill Complex. Pursuant to Utah Code Section 53-8-105(9), the Highway Patrol shall enforce the state law and rules governing the use of the Capitol Hill Complex.

(1) General Requirements.

(a) These are the requirements for use of the Capitol Hill Complex. This rule R131-2-6 shall apply to free speech activities, all other activities, groups and individuals using the Capitol Hill Complex.

(b) Except for state holidays, the Capitol building will be open to the general public Monday through Saturday from 8:00 a.m. to 8:00 p.m. and on Sunday from 8:00 a.m. to 6:00 p.m. Free speech activities may be conducted beyond the times identified in this subsection, as specified in rule R131-11. Unless otherwise authorized, Capitol Hill Facilities and Capitol Hill Grounds, including the Capitol Rotunda, are available for permitted use, activities or events from 8:00 a.m. to 11:00 p.m.

(c) Activities, except free speech activities, may be specifically denied during legislative sessions.

(d) No event may disrupt or interfere with any legislative session, legislative meeting, or the conduct of any state or governmental business, meeting or proceeding on the Capitol Hill Complex. No person shall unlawfully intimidate or interfere with persons seeking to enter or exit any facility, or use of the Capitol Hill Complex.

(e) Levels of audible sound generated by any individual or group, indoors or on the plaza between the House and Senate Buildings, whether amplified or not, shall not exceed 85 decibels or a more restrictive limit established by applicable laws or ordinances. All outdoor events shall not exceed noise limits established by applicable laws or ordinances.

(f) Fire exits, staircases, doorways, roads, sidewalks, hallways and pathways shall not be blocked, and the efficient flow of pedestrian traffic shall not be obstructed at any time.

(g) Alteration and damage to the Capitol Hill Grounds including grass, plants, shrubs, trees, paving or concrete is prohibited.

(h) No object or substance of any kind shall be placed on or in the Capitol Plaza fountain. Standing on or in the fountain is prohibited.

(i) All costs to repair any damage or replace any destruction, regardless of the amount or cost of restoration or refurbishing, shall be at the expense of the person(s) responsible for such damage or destruction.

(j) The consumption, distribution, or open storage of alcoholic beverages is prohibited. There shall also be compliance with Utah Code Section 32B-4-415.

(k) Service animals are permitted, but the presence of other animals is allowed only with advance written permission of the executive director. Owners/caretakers are responsible for the safety to the animal, persons, grounds and facilities.

(l) Camping is prohibited on the Capitol Hill Complex.

(m) Littering is prohibited.

(n) Commercial solicitation as defined in rule R131-10 is prohibited except as provided in rule R131-10.

(o) The use of a personal space heater is prohibited, except as provided in Subsection (i).

(i) Any person with a medical related condition may obtain approval by the Executive Director to use a personal space heater provided the person submits a signed statement by a Utah licensed

physician verifying that the medical related condition requires a change in the standard room temperature and the use of the space heater meets the specifications in Subsection (ii).

(ii) If a space heater is approved by the Executive Director, the space heater shall not exceed 900 watts at its highest setting, be equipped with a self-limiting element temperature setting for the ceramic elements, have a tip-over safety device, be equipped with a built-in timer not to exceed eight hours per setting, be equipped with a programmable thermostat, and be equipped with an overheat protection feature.

(p) Tables, chairs, furniture, art and other objects in the Capitol Building shall only be moved by the Board's staff. No outside furniture, including tables or chairs, shall be allowed in the Capitol Building or any other facility on the Capitol Hill Complex without the advance written approval of the Executive Director.

(2) Decorations.

(a) All cords must be taped down with 3M #471 tape or equivalent as determined by the executive director.

(b) There shall be no posting or affixing of placards, banners, or signs to any part of any building or on the grounds. All signs or placards used at the Capitol Hill Complex shall be hand held.

(c) No adhesive material, wire, nails, or fasteners of any kind may be used on the buildings or grounds.

(d) Nothing may be used as a decoration, or be used in the process of decorating, that marks or damages structure(s).

(e) All decorations and supporting structures shall be temporary.

(f) Any writing or use of ink, paint or sprays applied to any area of any building is prohibited.

(g) Users may not decorate the inside or outside of any facility or any portion of the grounds without the advance written approval of the Executive Director. Users must submit any decoration requests in writing to the Executive Director at least ten working days in advance.

(h) Signs, posters, decorations, displays, or other media shall be in compliance with the state law regarding Pornographic and Harmful Materials and Performance, Section 76-10-1201 et seq.

(i) Leaving any item(s) against the exterior or interior walls, pillars, busts, statues, portraits or staircases of the Capitol building is prohibited.

(j) Balloons are not allowed inside the Capitol building.

(3) Set up/Clean up.

(a) All deliveries and loading/unloading of materials shall be limited to routes and elevators as specified by the executive director.

(b) All decorations, displays and exhibits shall be taken down by the designated end time of the event in a manner that is least disruptive to state business.

(c) Users shall leave all facilities and grounds in its original condition and appearance.

(4) Parking.

(a) Parking is limited. All posted parking restrictions on the Capitol Hill Complex, including reserved parking stalls, shall be observed. Except when necessary to avoid conflict with other traffic, or in compliance with law, the directions of a peace officer, or a traffic-control device, a person may not stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers in a parking space identified as reserved for specific users, without:

(i) Approval of the Executive Director; and(ii) A properly displayed placard or other identifying marker approved by the Executive Director to indicate this approval.

(b) Parking for large vehicles or trailers shall require the prior approval of the executive director, which approval may be withheld if the large vehicle or trailer may interfere with the access or use of the Capitol Hill Complex.

(c) Except as expressly allowed by the executive director, overnight parking is prohibited.

## (5) Compliance with Laws.

(a) Users shall conform to all applicable and constitutional laws and requirements, including health, safety, fire, building and other codes and similar requirements. Occupancy limits as posted in or applicable to any public area will dictate, unless otherwise limited for public safety, the number of persons who can assemble in the public areas. Under no circumstance will occupancy limits be exceeded. State Capitol security personnel shall use reasonable efforts to ensure compliance with occupancy, safety, and health requirements.

(b) Safety requirements as used in this rule include safety and security requirements made known to the executive director by the Utah Department of Public Safety or the federal government for the safety and security of special events and/or persons on the Capitol Hill Complex.

(c) "No Smoking" statutes, rules and policies, including the Utah Indoor Clean Air Act, Title 26, Chapter 38, Utah Code shall be observed.

(d) The following are all prohibited: Open flames; flammable fluids; candles with flames; burning incense; smoke; fog machines; disseminating dust, powder, glitter or confetti; and explosives; except that a gelled alcohol food warming fuel used for food preparation or warming, whether catered or not, is allowed provided that it is in:

(i) a one ounce capacity container (29.6 ml) on a noncombustible surface; or

(ii) a container on a noncombustible surface, not exceeding one quart (946.g ml) capacity with a controlled pouring device that will limit the flow to a one ounce (29.6 ml) serving.

(e) All persons must obey all applicable firearm laws, rules, and regulations.

## (6) Security and Supervision.

(a) The Facility Use Application shall be reviewed by the senior ranking officer in charge of security for the Capitol Hill Complex, who shall determine the total number of uniformed security officers required for the proposed event based upon the nature of the event and the risk factors that are reasonably anticipated. Such determination by the senior ranking officer may increase the minimum number of required officers stated in this subsection. At a minimum: one uniformed security officer shall be required for any event consisting of 1-399 participants; two uniformed security officers shall be required for any event consisting of 400 or more participants. The applicant shall pay, in addition to all other required fees, the cost of the providing of all required security officers. These security fees may not be waived. This subparagraph shall not apply to free speech activities or state sponsored activities.

(b) At least one representative of the applicant identified in the application and permit shall be present during the entire activity;

(c) The activity sponsor (permit holder) is responsible for restricting the area of use by participants to the specified room and rest room areas of the reserved facilities.

(d) The activity sponsor (permit holder) shall control entrances to allow only authorized persons to enter any permitted facility or grounds.

## (7) Photography, Portraits and Video/Filming.

(a) Any photography, videotaping or filming, shall require advance notice to, and permission from the executive director for scheduling.

(b) Any photography, videotaping or filming, which includes wedding participants and family portraits, and which may take place anywhere in the facilities or grounds of the Capitol Hill Complex, will be required to comply with this Rule.

(i) Such photography, videotaping or filming, may be scheduled by the executive director on Tuesday from 3 p.m. to 6 p.m., Friday from 12 p.m. to 6 p.m., and Saturday from 8 a.m. to 4 p.m. The executive director may allow a different time than specified herein upon written request and if the executive director determines that such other time can be accommodated by any necessary state personnel and does not conflict with state business and any other scheduled events. The executive director may reschedule as needed to accommodate events and state business whether scheduled or not.

(ii) In regard to inside the Capitol building, such photography, videotaping or filming may occur in the following areas: the East grand stairs, the West grand stairs, and the center of the Rotunda or other areas as approved by the executive director.

(iii) A processing fee shall be required for such photography, videotaping or filming. Additionally, a deposit may be required to cover the costs of any anticipated cleanup by the state after the session. These fees shall be described in the Fee Schedule approved by the Board.

(c) Any photography, videotaping or filming that is for the purpose of promoting any private business purposes, including television commercials, movies and photography for business advertising, shall be required to submit a Facility Use Application, pay the required fee from the Fee Schedule approved by the Board, and the time and location must be approved by the Executive Director.

(d) Unless specifically endorsed by an authorized official of the State of Utah, any photography, videotaping or filming shall not expressly or impliedly indicate any State of Utah endorsement of any product, service or any other aspect of the depiction.

(e) This subsection (7) shall not apply to tourists and does not apply to the extent it is the exercise of a free speech activity.

## (8) Liability.

(a) The state, Board, executive director and their designees, employees and agents shall not be deemed in default of any issued permit, or liable for any damages if the performance of any or all of their obligations under the permit are delayed or become impossible because of any act of God, terrorism, war, riot or civil disobedience, epidemic, strike, lock-out or labor dispute, fire, or any other cause beyond their reasonable control.

(b) Except as required by law, the state shall not be responsible for any property damage or loss, nor any personal injury sustained during, or as a result of, any use, activity or event.

(c) Users/applicants shall be responsible for any personal injury, vandalism, damage, loss, or other destruction of property caused by the user or an attendee at the applicant's event.

(9) Indemnification. Individuals and organizations using the Capitol Hill Complex do so at their own risk and shall indemnify and hold harmless the state from and against any and all suits, damages, claims or other liabilities due to personal injury or death, and

from damage to or loss of property arising out of or resulting from the conduct of such use or activities on the Capitol Hill Complex.

(10) Food Services, Cafe Operator and Authorized Caterer Requirements.

(a) In General. Catering services on the Capitol Hill Complex shall be exclusively provided by the Cafe Operator and Authorized Caterer for those areas of the Capitol Hill Complex under the jurisdiction of the Board and to the extent expanded by the Legislative Management Committee or the Governor's Office, whichever is applicable. Multiple Authorized Caterers may be approved by the Executive Director. The Cafe Operator shall be responsible for all activities in the kitchen, servery, dining and conference rooms associated with the dining room, known as the "State Room," and located on the first floor of the East Senate Building. The Cafe Operator shall have the exclusive right to provide food and beverages in the State Room, but may give permission for an Authorized Caterer to provide food and beverages in the State Room.

(b) Authorized Caterer Requirements. In order to qualify as an Authorized Caterer, an application must be approved by the Executive Director based on meeting the following requirements:

(i) Quality Control Policies. The Authorized Caterer must have quality control policies that are consistent with those set forth in the contract between the Board and the Cafe Operator. The Executive Director shall provide a form describing the minimum standards.

(ii) Application Form. A person or entity seeking to be an Authorized Caterer shall complete an application form approved by the Executive Director.

(iii) Insurance. A Certificate of Insurance shall be provided to the Executive Director for all of the following insurance and such insurance shall be maintained throughout the term of the catering event and for at least one year thereafter:

(A) The Authorized Caterer shall maintain Commercial General Liability insurance with per occurrence limits of at least \$1,000,000 and general aggregate limits of at least \$2,000,000. The selected Authorized Caterer shall also maintain, if applicable to the Authorized Caterer's operations or the specific activity, Business Automobile Liability insurance covering Caterer's owned, non-owned, and hired motor vehicles and/or Professional Liability (errors and omissions) insurance with liability limits of at least \$1,000,000 per occurrence. Such insurance policies shall be endorsed to be primary and not contributing to any other insurance maintained by the Board or the State of Utah.

(B) The Budget Development and Board Operations Subcommittee reserves the right at any time to require additional coverage from that required in this Rule, at the Authorized Caterer's expense for the additional coverage, based upon the specific risks presented by any proposed event and as recommended by the State's Risk Manager.

(C) The Authorized Caterer shall maintain all employee related insurances, in the statutory amounts, such as unemployment compensation, worker's compensation, and employer's liability, for its employees or volunteers involved in performing services pursuant to the Event. Such worker's compensation and employer's liability insurance shall be endorsed to include a waiver of subrogation against the State of Utah, the Board, its agents, officers, directors and employees. Authorized Caterer shall also maintain "all risk" property insurance at replacement cost applicable to the Authorized Caterer's property and/or its equipment.

(D) The Authorized Caterer's insurance carriers and policy provisions must be acceptable to the State of Utah's Risk Manager and remain in effect for the duration of the catering event and for at least one-year thereafter. The Board shall be named as an additional insured on the Commercial General Liability, the Professional Liability Insurance and all other required insurance policies. The Authorized Caterer will cause any of its subcontractors, who provide materials or perform services related to the catering service(s), to also maintain the insurance coverages and provisions listed above.

(E) The Authorized Caterer shall submit certificates of insurance as evidence of the above required coverage to the Executive Director prior to any entering into a contract related to the catering event. Such certificates shall provide the Board with thirty (30) calendar days written notice prior to the cancellation or material change of the applicable coverage, as evidenced by return receipt or certified mail, sent to the office of the Executive Director.

(iv) Indemnification: The Authorized Caterer shall hold harmless, defend and indemnify the State of Utah, the Board and its officers, employees, and agents from and against any and all acts, errors or omissions which may cause damage to property or person(s), claims, losses, damages to the facilities or grounds of the Capitol Hill Complex, causes of action, judgments, damages and expenses including, but not limited to attorney's fees because of bodily injury, sickness, disease or death, or injury to or destruction of tangible property or any other injury or damage resulting from or arising out of the negligent acts or omissions or willful misconduct of the Authorized Caterer, or its agents, employees subcontractors or anyone for whom the Authorized Caterer may be liable, except where such claims, losses, causes of action, judgments, damages and expenses result solely from the negligent acts or omissions or willful misconduct of the Board, its officers, employees or agents.

(v) Record Keeping and Audit Rights: The Authorized Caterer shall maintain accurate accounting records for all goods and services provided, and shall retain all such records for a period of at least three (3) years from the date of the catering service. Upon reasonable notice and during normal business hours, the Board, or any of its duly authorized representatives, shall have access to and the right to audit any records or other documents pertaining to the Authorized Caterer. The Board's audit rights shall extend for a period of at least three (3) years from the date of the catering service.

(vi) Equal Opportunity: The Authorized Caterer shall not unlawfully discriminate against any employee, applicant for employment, or recipient of services.

(vii) Taxes: The Authorized Caterer shall be responsible for and pay all taxes which may be levied or incurred against the Authorized Caterer, including taxes levied or incurred against Authorized Caterer's income, inventory, property, sales, or other taxes.

(viii) Taxes: Board is Exempt: The Board is exempt from State of Utah sales and excise taxes. Exemption certification information appears on all purchase orders issued by the Board and such taxes will not apply to the Board.

(ix) Suspension/Debarment. The Authorized Caterer must notify the Executive Director within 10 calendar days if debarred or suspended by any governmental entity.

(x) Comply with Facility Use Rules. The Authorized Caterer shall comply with all of the Facility Use Rules enacted by the Board. Upon submission of any evidence to the Budget Development and Board Operations Subcommittee that the Authorized Caterer has

not complied with a rule enacted by the Board, the Authorized Caterer shall be removed from eligibility for providing any catering service on the Capitol Hill Complex for a period of time as determined by the Subcommittee and consistent with the Board's rules on suspension and debarment.

(xi) Inspection. The Board or the Executive Director reserves the right to inspect the Authorized Caterer's facilities and operations with respect to use, safety, sanitation and the maintenance of premises which shall be maintained at a level satisfactory to the Board.

(xii) Energy. The Authorized Caterer shall exercise due care to keep utility services at a minimum, conserve the use of energies, and control the resulting costs.

(xiii) Food Handlers Permits. All of the Authorized Caterer's employees must have a current Food Handlers Permit. Documentation shall be promptly provided upon request of the Executive Director that established that all employees and temporary employees have valid Food Handlers Permits.

(xiv) The Authorized Caterer must have a locally grown food quality assurance program similar to that required of the Cafe Operator, which covers the food or products that are not provided by nationally recognized vendors.

(xv) Fees and costs associated with catering services, including the Cafe Operator or the Authorized Caterer, shall be the responsibility of the Applicant and cannot be waived.

(xvi) Security.

(A) An Authorized Caterer shall provide to the Executive Director at least 24 hours in advance of any catered event, a list of all full-time and part-time employees that will be involved with the catering service on the Capitol Hill Complex.

(B) The Applicant shall be assessed a fee to provide for the presence of at least one Board employee to be present and to assist with ingress and egress from the Capitol Hill Complex, set-up, coordination and assurance of appropriate performance under this Rule as well as timely and appropriate clean-up after the event. This fee cannot be waived.

(11) Public Notices, Employee Postings, Required Use of Bulletin Boards.

(a) Notices of Capitol Hill Complex meetings, information or announcements related to state of other governmental business shall be posted at executive director approved locations. If any posting is to be done by a person not officed in the Capitol Hill Complex, the executive director shall be notified prior to the posting for approval of the location(s) and duration of the posting. Such persons are also responsible to remove the notices after the related meeting or activity within 24-48 hours.

(b) Posting of handbills, leaflets, circulars, advertising or other printed materials by state employees officed in the Capitol Hill Complex shall be on executive director approved bulletin boards.

(12) Enforcement of Rules.

(a) A violation of a rule in any provision of R131-1 through R131-16 relating to the use of the Capitol Hill Complex is an infraction under Utah Code Section 63C-9-301(3)(b). If an act violating a rule subject to Utah Code Section 63C-9-301(3)(b) also amounts to an offense subject to a greater penalty under Title 32B, Alcoholic Beverage Control Act, Title 41, Motor Vehicles, Title 76, Utah Criminal Code, Utah Code Section 76-8-301 (Interference with Public Servant), Utah Code Section 76-9-102 (Disorderly Conduct), or other provision of state law, Utah Code Section 63C-

9-301(3)(b) does not prohibit prosecution and sentencing for the more serious offense:

(b) In addition to any punishment allowed under Utah Code Section 63C-9-301(3)(b), pursuant to Utah Code Section 63C-9-301(3)(d), is subject to a civil penalty not to exceed \$2,500 for each violation, plus the amount of any actual damages, expenses, and costs related to the violation of the rule that are incurred by the state; and

(c) [(a) If any person or group is found to be in violation of any of the applicable laws and rules, a law enforcement officer or state capitol security officer may issue a warning to cease and desist from any non-complying acts.] The [If the] law enforcement or security officer [observes a non-compliant act after a warning, the officer-] may issue a warning citation or pursue other lawful:

(i) Civil or criminal enforcement;

(ii) removal from the Capitol Hill Complex;

(iii) make an arrest; and/or

(iv) cancel the subject event or activity. [take disciplinary action including citations, fines, cancellations of event or activity, or removal from the Capitol Hill Complex.]

(13) Waivers.

The Executive Director may waive the requirements of any provision of R131-2-6 provided that the provision of Rule R131-2-6 does not specifically indicate that it is non-waivable, upon being presented with compelling reasons that the waiver will substantially benefit the public of the state of Utah and that the facilities, grounds and persons will be appropriately protected. Any approved waiver must still require compliance with all other provisions of this Rule. The waiver request must be submitted in writing to the Executive Director and must accompany any required Facility Use Application. Conditions may be placed on any approved waiver by the Executive Director to assure the appropriate protection of facilities, grounds and persons. An appeal of a denial or the conditions of such waiver may be filed and processed similarly to the denial of a Facility Use Application as described in R131-2-5.

#### **R131-2-7. Fees and Charges.**

(1) Fees.

(a) Application Fee. There shall be an application fee for a Facility Use Permit to cover the cost of processing the application, as specified on the Board's fee schedule. This fee is separate from rental and other fees.

(b) Rental of Space Fee. Persons using the Capitol Hill Complex pursuant to a Facility Use Permit shall be charged a rental of the space fee as specified on the Board's fee schedule.

(c) Security Fee. A security fee shall also be assessed as provided in this Rule, as specified on the Board's fee schedule.

(d) Rental of Equipment fee. A rental of equipment fee shall be assessed as specified on the Board's fee schedule.

(e) Room Setup Fees. The Board's fee schedule shall provide for room setup fees.

(f) Additional Board Staff fee. If an Applicant requests that additional Board staff be present for an event, then an additional fee shall be assessed.

(g) Authorized Caterer Fee. Any fee or costs of an Authorized Caterer are the responsibility of the Applicant. The State of Utah, the Capitol Preservation Board, State Officials, emp[loyees] and anyone for whom the State may be liable, shall have no liable whatsoever for such fee or costs owed to the Authorized Caterer.



(h) A "Schedule of Costs and Fees" is available during regular working hours at the executive director's office. This Schedule of Costs and Fees shall include all the fees referred to in this Rule R131-2-7. Additionally, fees may be assessed for technology assistance, recording, insurance coverage, cleaning and repairs. The Schedule of Costs and Fees may have special fees for community service activities, state employee events, including state employee recognition events, state retirement events, or state employee holiday/social events. There are no fees for free speech activities, except costs for requested use of state equipment or supplies shall be assessed in accordance with the Schedule of Costs and Fees. State Sponsored Activities shall not be required to pay any fees under this Rule.

**R131-2-11. Fees and Charges During Legislative Session.**

During the regular Utah Legislative Session, from the hours of 7:00 a.m. to 5:30 p.m., Monday through Friday, the facility use fees for specific rooms and spaces shall be reduced as follows:

(1) Facilities on Capitol Hill are available on a first come first serve basis as defined in this Rule R131-2, subject to preemption for State Sponsored Activities and any need to reserve or close off spaces for security reasons as advised by the Department of Public Safety.

(a) Subject to all the other provisions of this Rule R131-2-11, the following rooms may be reserved with no room rental being assessed:

- (i) Kletting Room located in the Senate Building;
- (ii) Olmstead Room located in the Senate Building;
- (iii) Spruce Room located in the Senate Building;
- (iv) Beehive Room located in the Senate Building;
- (v) Seagull Room located in the Senate Building;
- (vi) Copper Room located in the Senate Building;
- (vii) Rooms B110 and 1112 in the State Office Building;
- (viii) Room 130, the Multipurpose/Public Lounge located in

the Capitol;

- (ix) Room 170 located in the Capitol; and
- (x) Room 210 located in the Capitol.

(b) These rooms identified in R131-2-11(2) may be reserved when the Utah Legislature is meeting in regular session in 4 hour blocks/day for a maximum of 8 total hours per week, and not concurrent.

(c) The use of the State Room in the East Senate Building is to be for public use except for certain hours established by the Executive Director when the public does not ordinarily use the State Room.

(2) The State Office Building Auditorium may be reserved during the time the Utah Legislature is meeting in regular session in two hour blocks one day a week, but is subject to the same rental fees that would apply at other times of the year and priority shall be provided to those events that are related to the regular session of the Utah Legislature.

(3) The Capitol Rotunda or Hall of Governors facilities may be reserved during the hours the Utah Legislature is meeting in regular session with no fee for the space rental itself being assessed subject to the following:

(a) The reservation shall be for a maximum of two hours which must be in one block of hours; and

(b) Priority shall be given to those events that are related to the regular session of the Utah Legislature.

(4) This Rule R131-2-11 does not prohibit the rental of these rooms for the standard fees when rental is beyond the time restrictions set forth in this Rule R131-2-11.

(a) Notwithstanding any other provision of this Rule R131-2-11, Registration (Application), Janitorial and all other associated set up and security fees that would apply if the rental was not during the Utah Legislature's regular session, shall be assessed.

(b) Those persons or entities reserving or using the facilities shall leave the space as they found it in a clean and orderly manner and comply with all other provisions of the Facility Use Rules, R131-2.

(c) The janitorial fee will only be assessed if, in the opinion of the Executive Director, that the work required to prepare the room for the next user is beyond that what is expected and reasonable. Charges for any such required janitorial services shall be assessed in half hour increments of \$50/hour per janitorial worker.

(d) The Registration (Application) fee shall be assessed at the rate of one rental even if the Registration (Application) includes more than one reservation. Multiple reservations on one application form for reservations during the Utah Legislature's regular session are encouraged in order to best coordinate all the reservations.

**KEY: public buildings, facilities use**

**Date of Enactment or Last Substantive Amendment: May 19, 2016**

**Notice of Continuation: December 29, 2014**

**Authorizing, and Implemented or Interpreted Law: 63C-9-101 et seq.**

**End of the Notices of 120-Day (Emergency) Rules Section**



# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

---

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to 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 Office of Administrative Rules. **REVIEWS** are effective upon filing.

**REVIEWS** are governed by Section 63G-3-305.

---

## Environmental Quality, Water Quality **R317-7** Underground Injection Control (UIC) Program

### FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 40456  
FILED: 05/31/2016

### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Underground Injection Control (UIC) rules for state programs are federally mandated by 40 CFR 145.11(b), as a result of the federal Safe Drinking Water Act (SDWA). If a state does not obtain and maintain primacy to enforce UIC rules at least equivalent to the federal rules, then the Environmental Protection Agency (EPA) will enforce the federal rules in that state using direct implementation procedures. The Utah Water Quality Board promulgated the Utah UIC rules under the authority of Section 19-5-104 of the Water Quality Act which allows rules to be made in order to protect drinking water sources.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The date of the last substantive amendment to this rule was 09/24/2013. This has not been a controversial rule. No comments have been received either supporting or opposing the rule since the last five-year review nor during the 09/24/2013 amendment process.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is required to maintain state primacy for administering Utah's UIC Program. If Utah does not obtain and maintain primacy to enforce UIC rules at least equivalent to the federal rules, then the EPA will enforce the federal rules using direct implementation procedures. In promulgating the rule, the Water Quality Board made the determination that the UIC Program is best administered at the state level. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:  
♦ Judy Etherington by phone at 801-536-4344, by FAX at 801-536-4301, or by Internet E-mail at [jetherington@utah.gov](mailto:jetherington@utah.gov)

AUTHORIZED BY: Walter Baker, Director

EFFECTIVE: 05/31/2016

---

## Human Services, Administration **R495-876** Provider Code of Conduct

### FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 40455  
FILED: 05/31/2016

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 62A-1-111 authorizes the Department of Human Services (DHS) to adopt rules necessary for the provision of social services and gives authority to create a code of conduct for providers. This rule clarifies the expectation of conduct for DHS employees, their employees, and volunteers who interact with DHS clients, staff, and the public.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no comments received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Providers shall not abuse, neglect, exploit, or maltreat clients in any way, whether through acts or omissions or by failing to deter others for acting. This rule clarifies the provider code of conduct and protects DHS clients from abuse, neglect, maltreatment, and exploitation. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 HUMAN SERVICES  
 ADMINISTRATION  
 ADMINISTRATIVE OFFICE  
 MULTI STATE OFFICE BUILDING  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116  
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at [jhjonesrobbins@utah.gov](mailto:jhjonesrobbins@utah.gov)

AUTHORIZED BY: Ann Williamson, Executive Director

EFFECTIVE: 05/31/2016

**Human Services, Administration  
 R495-880  
 Adoption Assistance**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
 DAR FILE NO.: 40454  
 FILED: 05/31/2016

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is to provide information regarding the adoption assistance advisory committee within each region of the Division of Child and Family Services as defined in Section 62-4a-902.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no comments received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is required that each region of the Division of Child and Family Services have an adoption advisory committee to review and make recommendations on individual requests for supplemental adoption assistance. This rule designates who is on the committee within each region. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 HUMAN SERVICES  
 ADMINISTRATION  
 ADMINISTRATIVE OFFICE  
 MULTI STATE OFFICE BUILDING  
 195 N 1950 W  
 SALT LAKE CITY, UT 84116  
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 ♦ Julene Robbins by phone at 801-538-4521, by FAX at 801-538-3942, or by Internet E-mail at [jhjonesrobbins@utah.gov](mailto:jhjonesrobbins@utah.gov)

AUTHORIZED BY: Ann Williamson, Executive Director

EFFECTIVE: 05/31/2016

**Labor Commission, Administration  
 R600-3  
 Definitions Applicable to Construction Licensees**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**  
 DAR FILE NO.: 40450  
 FILED: 05/27/2016

**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: Subsections 34-28-2(2), 34A-2-103(8)(c), 34A-5-102(2), and 34A-6-103(2) authorize the Labor Commission to adopt rules to establish the manner in which unincorporated entities can rebut a presumption that they are an employer in wage claim, workers' compensation, discrimination, and occupational safety and health claims before the Labor Commission. Pursuant to that authority, and as required by Section 63GT-4-503, the Commission has adopted Rule R600-3, which establishes definitions and the manner to rebut the employer presumption.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: During the last five-year period, the Commission has received no written comments 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 Labor Commission continues to handle unpaid wages, occupational safety and health, discrimination, and workers' compensation claims. In each type of case, the relationship between an employee and employer is a determining factor. Therefore, this rule should be continued.

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

LABOR COMMISSION  
ADMINISTRATION  
HEBER M WELLS BLDG  
160 E 300 S  
SALT LAKE CITY, UT 84111-2316  
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jaceson Maughan by phone at 801-530-6036, by FAX at 801-530-6390, or by Internet E-mail at [jacesonmaughan@utah.gov](mailto:jacesonmaughan@utah.gov)

AUTHORIZED BY: Sherrie Hayashi, Commissioner

EFFECTIVE: 05/27/2016

---

**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 Office 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

### Administrative Services

Risk Management  
No. 40282 (AMD): R37-4. Adjusted Utah Governmental Immunity Act Limitations on Judgments  
Published: 04/15/2016  
Effective: 06/01/2016

### Commerce

Real Estate  
No. 40276 (AMD): R162-2f. Real Estate Licensing and Practices Rules  
Published: 04/15/2016  
Effective: 05/31/2016

### Education

Administration  
No. 40288 (REP): R277-478. Block Grant Funding  
Published: 04/15/2016  
Effective: 05/23/2016

No. 40289 (AMD): R277-482. Charter School Timelines and Approval Processes  
Published: 04/15/2016  
Effective: 05/23/2016

No. 40290 (AMD): R277-505. Administrative License Areas of Concentration and Programs  
Published: 04/15/2016  
Effective: 05/23/2016

### Health

Disease Control and Prevention, Environmental Services  
No. 40254 (AMD): R392-100. Food Service Sanitation  
Published: 04/01/2016  
Effective: 05/23/2016

Health Care Financing, Coverage and Reimbursement Policy  
No. 40244 (AMD): R414-307-3. General Requirements for Home and Community-Based Services Waivers  
Published: 04/01/2016  
Effective: 05/20/2016

Family Health and Preparedness, Emergency Medical Services  
No. 40283 (AMD): R426-5. Emergency Medical Services Training and Certification Standards  
Published: 04/15/2016  
Effective: 05/31/2016

Family Health and Preparedness, Primary Care and Rural Health  
No. 40245 (AMD): R434-40-11. Loan Repayment Grant Eligibility and Selection  
Published: 04/01/2016  
Effective: 06/01/2016

### Heritage and Arts

Arts and Museums  
No. 40103 (NEW): R451-3. Arts and Culture Business Alliance General Program Rules  
Published: 02/01/2016  
Effective: 05/26/2016

### Insurance

Administration  
No. 40273 (AMD): R590-262. Health Data Authority Health Insurance Claims Reporting  
Published: 04/15/2016  
Effective: 05/23/2016

NOTICES OF RULE EFFECTIVE DATES

---

No. 40275 (AMD): R590-266. Utah Essential Health Benefits  
Package  
Published: 04/15/2016  
Effective: 05/23/2016

School and Institutional Trust Lands  
Administration  
No. 40291 (AMD): R850-90-200. Exchange Criteria  
Published: 04/15/2016  
Effective: 05/24/2016

**End of the Notices of Rule Effective Dates Section**



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

---

The Rules Index is a cumulative index that reflects all effective changes to Utah's administrative rules. The current Index lists changes made effective from January 2, 2016 through June 01, 2016. 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 Office of Administrative Rules (801-538-3764).

A copy of the **RULES INDEX** is available for public inspection at the Office of Administrative Rules (5110 State Office Building, Salt Lake City, UT), or may be viewed online at the Office's web site (<http://www.rules.utah.gov/>).

---

**RULES INDEX - BY AGENCY (CODE NUMBER)**

**ABBREVIATIONS**

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>ADMINISTRATIVE SERVICES</b>					
<u>Facilities Construction and Management</u>					
R23-19	Facility Use Rules	40226	NSC	03/11/2016	Not Printed
R23-23	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	40044	NSC	01/15/2016	Not Printed
R23-23	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	40440	EMR	05/23/2016	Not Printed
<u>Finance</u>					
R25-7-10	Reimbursement for Transportation	40042	AMD	02/23/2016	2016-2/4
R25-15	Change Date and Set Aside Provisions for Annual Leave II	39943	NEW	01/13/2016	2015-23/6
<u>Purchasing and General Services</u>					
R33-6-114	Technology Acquisitions for Executive Branch Procurement Units	40048	AMD	02/23/2016	2016-2/6
R33-12-502	Technology Modifications	40047	AMD	02/23/2016	2016-2/7
<u>Risk Management</u>					
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	40282	AMD	06/01/2016	2016-8/6
<b>AGRICULTURE AND FOOD</b>					
<u>Administration</u>					
R51-3	Government Records Access and Management Act	40234	5YR	02/29/2016	2016-6/27
R51-4	ADA Complaint Procedure	40235	5YR	02/29/2016	2016-6/27
<u>Horse Racing Commission (Utah)</u>					
R52-7	Horse Racing	39951	AMD	02/02/2016	2015-24/4
<u>Marketing and Development</u>					
R65-8	Management of the Junior Livestock Show Appropriation	40233	5YR	02/29/2016	2016-6/28
<u>Plant Industry</u>					
R68-4	Standardization, Marketing, and Phytosanitary Inspection of Fresh Fruits, Vegetables, and Other Plant and Plant Products	40201	5YR	02/08/2016	2016-5/23
R68-7	Utah Pesticide Control Rule	40232	5YR	02/29/2016	2016-6/28
R68-9	Utah Noxious Weed Act	39965	AMD	02/02/2016	2015-24/8
R68-18	Quarantine Pertaining to Karnal Bunt	40200	5YR	02/08/2016	2016-5/23

Regulatory Services

R70-330	Raw Milk for Retail	40268	5YR	03/16/2016	2016-8/91
R70-370	Butter	40270	5YR	03/16/2016	2016-8/91
R70-380	Grade A Condensed and Dry Milk Products and Condensed and Dry Whey	40269	5YR	03/16/2016	2016-8/92
R70-410	Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes	40149	5YR	01/20/2016	2016-4/77
R70-530	Food Protection	39950	AMD	02/02/2016	2015-24/12

ALCOHOLIC BEVERAGE CONTROL

Administration

R81-1	Scope, Definitions, and General Provisions	40376	5YR	05/02/2016	2016-10/73
R81-2	State Stores	40378	5YR	05/02/2016	2016-10/74
R81-3	Package Agencies	40379	5YR	05/02/2016	2016-10/74
R81-4A	Restaurant Liquor Licenses	40381	5YR	05/02/2016	2016-10/75
R81-5	Club Licenses	40382	5YR	05/02/2016	2016-10/76
R81-6	Special Use Permits	40383	5YR	05/02/2016	2016-10/76
R81-7	Event Permits	40384	5YR	05/02/2016	2016-10/77
R81-8	Manufacturer Licenses (Distillery, Winery, Brewery)	40385	5YR	05/02/2016	2016-10/77
R81-9	Liquor Warehousing Licenses	40386	5YR	05/02/2016	2016-10/78
R81-11	Beer Wholesaler Licenses	40387	5YR	05/02/2016	2016-10/79
R81-12	Local Industry Representative Licenses (Distillery, Winery, Brewery)	40388	5YR	05/02/2016	2016-10/79

CAPITOL PRESERVATION BOARD (STATE)

Administration

R131-2	Capitol Hill Complex Facility Use	40437	EMR	05/19/2016	Not Printed
R131-4	Capitol Preservation Board General Procurement Rule	40092	5YR	01/11/2016	2016-3/507

COMMERCE

Administration

R151-4	Department of Commerce Administrative Procedures Act Rule	40265	5YR	03/15/2016	2016-7/63
R151-14	New Automobile Franchise Act Rule	40293	5YR	03/31/2016	2016-8/92

Consumer Protection

R152-11	Utah Consumer Sales Practices Act	40342	5YR	04/19/2016	2016-10/80
R152-26	Telephone Fraud Prevention Act	40341	5YR	04/19/2016	2016-10/80

Corporations and Commercial Code

R154-2	Utah Uniform Commercial Code, Revised Article 9 Rules	40371	5YR	05/02/2016	2016-10/81
--------	---	-------	-----	------------	------------

Occupational and Professional Licensing

R156-3a	Architect Licensing Act Rule	40058	5YR	01/07/2016	2016-3/507
R156-9	Funeral Service Licensing Act Rule	40354	5YR	04/26/2016	2016-10/81
R156-9a	Uniform Athlete Agents Act Rule	40071	5YR	01/07/2016	2016-3/508
R156-17b	Pharmacy Practice Act Rule	40217	AMD	04/21/2016	2016-6/4
R156-17b-614a	Operating Standards - General Operating Standards, Class A and B Pharmacy	40218	AMD	04/21/2016	2016-6/11
R156-26a	Certified Public Accountant Licensing Act Rule	39982	AMD	02/11/2016	2016-1/4
R156-37	Utah Controlled Substances Act Rule	40216	AMD	04/21/2016	2016-6/14
R156-37f	Controlled Substance Database Act Rule	39923	AMD	01/07/2016	2015-23/7
R156-40	Recreational Therapy Practice Act Rule	40352	5YR	04/26/2016	2016-10/82
R156-46b	Division Utah Administrative Procedures Act Rule	40052	5YR	01/05/2016	2016-3/509
R156-47b	Massage Therapy Practice Act Rule	40000	AMD	03/08/2016	2016-2/8
R156-55a	Utah Construction Trades Licensing Act Rule	40219	AMD	04/21/2016	2016-6/16
R156-55a-303b	Continuing Education - Standards	40344	NSC	05/11/2016	Not Printed
R156-55c	Plumber Licensing Act Rule	40131	NSC	02/02/2016	Not Printed
R156-55d	Burglar Alarm Licensing Rule	40164	AMD	03/24/2016	2016-4/10
R156-57	Respiratory Care Practices Act Rule	40355	5YR	04/26/2016	2016-10/83

RULES INDEX

R156-60b-102	Definitions	39924	AMD	01/07/2016	2015-23/12
R156-60c	Clinical Mental Health Counselor Licensing Act Rule	39911	AMD	01/07/2016	2015-23/14
R156-60d	Substance Use Disorder Counselor Act Rule	40055	5YR	01/05/2016	2016-3/509
R156-67	Utah Medical Practice Act Rule	40196	5YR	02/08/2016	2016-5/24
R156-69	Dentist and Dental Hygienist Practice Act Rule	40150	5YR	01/21/2016	2016-4/77
R156-73	Chiropractic Physician Practice Act Rule	40208	5YR	02/11/2016	2016-5/25
R156-77	Direct-Entry Midwife Act Rule	40353	5YR	04/26/2016	2016-10/83
R156-78-102	Definitions	39912	AMD	01/07/2016	2015-23/16
R156-82-201	Security	39980	AMD	02/08/2016	2016-1/12

Real Estate

R162-2f	Real Estate Licensing and Practices Rules	40041	AMD	02/23/2016	2016-2/11
R162-2f	Real Estate Licensing and Practices Rules	40276	AMD	05/31/2016	2016-8/7
R162-2f-202b	Principal Broker Licensing Fees and Procedures	40364	NSC	05/11/2016	Not Printed

COMMUNICATIONS AUTHORITY BOARD (UTAH)

Administration

R174-1	Utah 911 Advisory Committee	40397	5YR	05/02/2016	2016-10/84
--------	-----------------------------	-------	-----	------------	------------

CORRECTIONS

Administration

R251-109	Sex Offender Treatment Providers	40039	AMD	05/04/2016	2016-2/16
----------	----------------------------------	-------	-----	------------	-----------

CRIME VICTIM REPARATIONS

Administration

R270-1-17	Prescription or Over-the-Counter Medications	40177	AMD	05/13/2016	2016-4/13
R270-5	Electronic Meetings	40148	NEW	04/06/2016	2016-4/14

EDUCATION

Administration

R277-99-2	Definitions	40247	NSC	03/29/2016	Not Printed
R277-107-6	Public Education Employees	40248	NSC	03/29/2016	Not Printed
R277-207	Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions	39837	NEW	01/11/2016	2015-21/17
R277-402-4	LEA Responsibilities	40249	NSC	03/29/2016	Not Printed
R277-404	Requirements for Assessments of Student Achievement	40097	NSC	02/02/2016	Not Printed
R277-478	Block Grant Funding	40288	REP	05/23/2016	2016-8/19
R277-482	Charter School Timelines and Approval Processes	40284	5YR	03/30/2016	2016-8/93
R277-482	Charter School Timelines and Approval Processes	40289	AMD	05/23/2016	2016-8/21
R277-494	Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities	40098	AMD	03/09/2016	2016-3/6
R277-497	School Grading System	39984	AMD	02/08/2016	2016-1/13
R277-505	Administrative License Areas of Concentration and Programs	40285	5YR	03/30/2016	2016-8/93
R277-505	Administrative License Areas of Concentration and Programs	40290	AMD	05/23/2016	2016-8/25
R277-507-1	Definitions	40250	NSC	03/29/2016	Not Printed
R277-510	Educator Licensing - Highly Qualified Assignment	40099	5YR	01/14/2016	2016-3/510
R277-510	Educator Licensing - Highly Qualified Assignment	40100	AMD	03/09/2016	2016-3/8
R277-510-5	NCLB Highly Qualified Assignments - Secondary Teachers 6-12	40362	NSC	05/11/2016	Not Printed
R277-616-3	Criteria for Determining Where a Homeless or Emancipated Student Shall Attend School	40251	NSC	03/29/2016	Not Printed

R277-700-7	Student Mastery and Assessment of Core Standards	40252	NSC	03/29/2016	Not Printed
R277-702-4	Eligibility for GED Testing	40253	NSC	03/29/2016	Not Printed
R277-705	Secondary School Completion and Diplomas	39936	AMD	01/07/2016	2015-23/17
R277-707	Enhancement for Accelerated Students Program	40428	5YR	05/16/2016	2016-11/63
R277-716	Alternative Language Services for Utah Students	40211	5YR	02/16/2016	2016-5/25
R277-716	Alternative Language Services for Utah Students	40212	AMD	04/07/2016	2016-5/3
R277-726	Statewide Online Education Program	39996	AMD	02/08/2016	2016-1/15
R277-752	Adult Students with Disabilities and Informed Consent	40274	EMR	03/18/2016	2016-8/87
R277-920	Implementation of the School Turnaround and Leadership Development Act	39789	NEW	02/08/2016	2015-20/70
R277-920-3	Superintendent's Designation of Low Performing Schools and Waiver Authority	39997	AMD	02/08/2016	2016-1/20
R277-920-4	Implementation of the School Turnaround and Leadership Development Act	40286	NSC	04/05/2016	Not Printed

Rehabilitation

R280-204	Utah State Office of Rehabilitation Employee Background Check Requirement	40101	5YR	01/14/2016	2016-3/510
R280-204	Utah State Office of Rehabilitation Employee Background Check Requirement	40102	AMD	03/09/2016	2016-3/11

ENVIRONMENTAL QUALITY

Waste Management and Radiation Control, Radiation

R313-22	Specific Licenses	39991	AMD	05/09/2016	2016-1/33
---------	-------------------	-------	-----	------------	-----------

Air Quality

R307-101-2	Definitions	39994	AMD	03/03/2016	2016-1/21
R307-104	Conflict of Interest	39995	NEW	03/03/2016	2016-1/28
R307-110-28	Regional Haze	39849	AMD	02/04/2016	2015-21/45
R307-210	Stationary Sources	40294	EXT	04/04/2016	2016-9/141
R307-210	Stationary Sources	40422	5YR	05/12/2016	2016-11/63
R307-230	NOx Emission Limits for Natural Gas-Fired Water Heaters	40408	LNR	05/10/2016	2016-11/67
R307-312-5	Hot Mix Asphalt Plants	39844	AMD	02/04/2016	2015-21/46
R307-328-4	Loading of Tank Trucks, Trailers, Railroad Tank Cars, and Other Transport Vehicles	39845	AMD	02/04/2016	2015-21/47
R307-351-4	Standards for Rotogravure, Flexographic, and Specialty Printing Operations	40225	NSC	03/11/2016	Not Printed
R307-403-2	Applicability	40193	NSC	02/25/2016	Not Printed
R307-405-3	Definitions	39846	AMD	02/04/2016	2015-21/48
R307-415-3	Definitions	39847	AMD	02/04/2016	2015-21/50
R307-801	Utah Asbestos Rule	39848	AMD	05/05/2016	2015-21/53
R307-801	Utah Asbestos Rule	39848	CPR	05/05/2016	2016-5/18
R307-841-8	Renovator Certification and Dust Sampling Technician Certification	40207	AMD	05/05/2016	2016-5/7

Drinking Water

R309-105-4	General	40031	AMD	05/01/2016	2016-2/19
R309-110-4	Definitions	40032	AMD	05/01/2016	2016-2/20
R309-200-5	Primary Drinking Water Standards	40033	AMD	05/01/2016	2016-2/23
R309-210	Monitoring and Water Quality: Distribution System Monitoring Requirements	40034	AMD	05/01/2016	2016-2/26
R309-211	Monitoring and Water Quality: Distribution System – Total Coliform Requirements	40035	NEW	05/01/2016	2016-2/33
R309-215	Monitoring and Water Quality: Treatment Plant Monitoring Requirements	40036	AMD	05/01/2016	2016-2/40
R309-220	Monitoring and Water Quality: Public Notification Requirements	40037	AMD	05/01/2016	2016-2/46
R309-225	Monitoring and Water Quality: Consumer Confidence Reports	40038	AMD	05/01/2016	2016-2/53

RULES INDEX

Radiation Control

R313-15	Standards for Protection Against Radiation	39989	AMD	03/15/2016	2016-1/29
R313-19-34	Terms and Conditions of Licenses	39990	AMD	03/15/2016	2016-1/32
R313-24	Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements	39992	AMD	03/15/2016	2016-1/38

Waste Management and Radiation Control, Radiation

R313-15	Standards for Protection Against Radiation	40003	NSC	01/15/2016	Not Printed
R313-16-230	Registration of Radiation Machines	40004	NSC	01/15/2016	Not Printed
R313-18-11	Posting of Notices to Workers	40007	NSC	01/15/2016	Not Printed
R313-21	General Licenses	40008	NSC	01/15/2016	Not Printed
R313-22	Specific Licenses	40009	NSC	01/15/2016	Not Printed
R313-22	Specific Licenses	39991	CPR	05/09/2016	2016-7/44
R313-26	Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities	40259	5YR	03/10/2016	2016-7/63
R313-27	Medical Use Advisory Committee	40230	NSC	03/08/2016	Not Printed
R313-32-2	Clarifications or Exceptions	40010	NSC	01/15/2016	Not Printed
R313-70	Payments, Categories and Types of Fees	40011	NSC	01/15/2016	Not Printed

Waste Management and Radiation Control, Waste Management

R315-1	Utah Hazardous Waste Definitions and References	40117	REP	04/15/2016	2016-3/14
R315-2	General Requirements - Identification and Listing of Hazardous Waste	40118	REP	04/15/2016	2016-3/14
R315-3	Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	40119	REP	04/15/2016	2016-3/15
R315-4	Procedures for Decisionmaking	40120	REP	04/15/2016	2016-3/16
R315-5	Hazardous Waste Generator Requirements	40121	REP	04/15/2016	2016-3/17
R315-6	Hazardous Waste Transporter Requirements	40122	REP	04/15/2016	2016-3/18
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	40123	REP	04/15/2016	2016-3/18
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	40124	REP	04/15/2016	2016-3/19
R315-9	Emergency Controls	40125	REP	04/15/2016	2016-3/20
R315-12	Administrative Procedures	40126	REP	04/15/2016	2016-3/21
R315-13	Land Disposal Restrictions	40127	REP	04/15/2016	2016-3/21
R315-14	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities	40128	REP	04/15/2016	2016-3/22
R315-15	Standards for the Management of Used Oil	40260	5YR	03/10/2016	2016-7/64
R315-16	Standards for Universal Waste Management	40129	REP	04/15/2016	2016-3/23
R315-17	End of Life Automotive Mercury Switch Removal Standards	40261	5YR	03/10/2016	2016-7/65
R315-50	Appendices	40130	REP	04/15/2016	2016-3/24
R315-101	Cleanup Action and Risk-Based Closure Standards	40262	5YR	03/10/2016	2016-7/65
R315-102	Penalty Policy	40263	5YR	03/10/2016	2016-7/66
R315-103	Commercial Hazardous Waste Facility Siting Criteria	40105	NEW	04/15/2016	2016-3/25
R315-124	Procedures for Decisionmaking	40106	NEW	04/15/2016	2016-3/26
R315-260	Hazardous Waste Management System	40107	NEW	04/15/2016	2016-3/32
R315-260	Hazardous Waste Management System	40277	NSC	04/15/2016	Not Printed
R315-261	General Requirements - Identification and Listing of Hazardous Waste	40108	NEW	04/15/2016	2016-3/49
R315-261	General Requirements - Identification and Listing of Hazardous Waste	40278	NSC	04/15/2016	Not Printed
R315-262	Hazardous Waste Generator Requirements	40109	NEW	04/15/2016	2016-3/170
R315-262	Hazardous Waste Generator Requirements	40279	NSC	04/15/2016	Not Printed
R315-263	Standards Applicable to Transporters of Hazardous Waste and Standards Applicable to Emergency Control of Spills for All Hazardous Waste Handlers	40110	NEW	04/15/2016	2016-3/196

R315-263	Standards Applicable to Transporters of Hazardous Waste and Standards Applicable to Emergency Control of Spills for All Hazardous Waste Handlers	40280	NSC	04/15/2016	Not Printed
R315-264	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	40115	NEW	04/15/2016	2016-3/201
R315-264	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	40281	NSC	04/15/2016	Not Printed
R315-265	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	40111	NEW	04/15/2016	2016-3/346
R315-266	Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities	40112	NEW	04/15/2016	2016-3/347
R315-268	Land Disposal Restrictions	40113	NEW	04/15/2016	2016-3/380
R315-270	Hazardous Waste Permit Program	40114	NEW	04/15/2016	2016-3/418
R315-273	Standards for Universal Waste Management	40116	NEW	04/15/2016	2016-3/468

Water Quality

R317-1-3	Requirements for Waste Discharges	39981	AMD	02/25/2016	2016-1/40
R317-7	Underground Injection Control (UIC) Program	40456	5YR	05/31/2016	Not Printed

FAIR CORPORATION (UTAH STATE)

Administration

R325-1	Utah State Fair Competitive Exhibitor Rules	40220	5YR	02/23/2016	2016-6/29
R325-2	Utah State Fair Commercial Exhibitor Rules	40221	5YR	02/23/2016	2016-6/30
R325-3	Utah State Fair Patron Rules	40222	5YR	02/23/2016	2016-6/30
R325-4	Interim Patrons Rules (Other Than Utah State Fair)	40223	5YR	02/23/2016	2016-6/31
R325-5	Interim Renters Rules (Other Than Utah State Fair)	40224	5YR	02/23/2016	2016-6/32

FINANCIAL INSTITUTIONS

Administration

R331-26	Ownership of Real Estate Other Than Property Used for Institution Business or Held as an Investment by Depository Institutions Subject to the Jurisdiction of the Department of Financial Institutions	40139	5YR	01/15/2016	2016-3/511
---------	--	-------	-----	------------	------------

GOVERNOR

Criminal and Juvenile Justice (State Commission on)

R356-1	Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates	39964	AMD	02/10/2016	2015-24/14
--------	---	-------	-----	------------	------------

Economic Development

R357-7	Utah Capital Investment Board	40028	R&R	05/16/2016	2016-2/60
R357-7	Utah Capital Investment Board	40028	CPR	05/16/2016	2016-7/49
R357-13	Hotel Convention Center Incentive	40027	NEW	03/14/2016	2016-2/76

HEALTH

Administration

R380-40	Local Health Department Minimum Performance Standards	40049	AMD	03/02/2016	2016-2/79
R380-60	Local Health Department Emergency Protocols	39879	AMD	01/20/2016	2015-22/32

Center for Health Data, Health Care Statistics

R428-1	Health Data Plan and Incorporated Documents	40170	AMD	03/25/2016	2016-4/37
--------	---	-------	-----	------------	-----------

RULES INDEX

R428-2	Health Data Authority Standards for Health Data	40171	AMD	03/25/2016	2016-4/38
R428-10	Health Data Authority Hospital Inpatient Reporting Rule	40172	R&R	03/25/2016	2016-4/43
R428-11	Health Data Authority Ambulatory Surgical Data Reporting Rule	40173	REP	03/25/2016	2016-4/45
R428-13	Health Data Authority. Audit and Reporting of Health Plan Performance Measures	40174	AMD	03/25/2016	2016-4/47
R428-15	Health Data Authority Health Insurance Claims Reporting	40179	AMD	03/25/2016	2016-4/48
<u>Center for Health Data, Vital Records and Statistics</u>					
R436-13	Disclosure of Records	39817	AMD	02/17/2016	2015-21/88
<u>Child Care Center Licensing Committee</u>					
R381-60	Hourly Child Care Centers	39902	AMD	01/31/2016	2015-22/34
R381-60	Hourly Child Care Centers	40163	AMD	03/30/2016	2016-4/15
R381-70	Out of School Time Child Care Programs	39898	AMD	01/31/2016	2015-22/40
R381-70	Out of School Time Child Care Programs	40162	AMD	03/30/2016	2016-4/20
R381-100	Child Care Centers	39896	AMD	01/31/2016	2015-22/45
R381-100	Child Care Centers	40161	AMD	03/30/2016	2016-4/24
<u>Disease Control and Prevention, Environmental Services</u>					
R392-100	Food Service Sanitation	40254	AMD	05/23/2016	2016-7/4
R392-110	Home-based Child Care Food Service	40356	5YR	04/26/2016	2016-10/84
<u>Disease Control and Prevention, Epidemiology</u>					
R386-702	Communicable Disease Rule	39952	AMD	02/11/2016	2015-24/17
R386-702	Communicable Disease Rule	40317	5YR	04/15/2016	2016-9/135
<u>Disease Control and Prevention, Health Promotion</u>					
R384-415	Electronic-Cigarette Substance Standards	40210	AMD	04/15/2016	2016-5/8
<u>Family Health and Preparedness, Child Care Licensing</u>					
R430-50	Residential Certificate Child Care	39897	AMD	01/31/2016	2015-22/52
R430-50	Residential Certificate Child Care	40160	AMD	03/30/2016	2016-4/49
R430-90	Licensed Family Child Care	39895	AMD	01/31/2016	2015-22/57
R430-90	Family Licensed Child Care	40159	AMD	03/30/2016	2016-4/53
<u>Family Health and Preparedness, Emergency Medical Services</u>					
R426-5	Emergency Medical Services Training and Certification Standards	40283	AMD	05/31/2016	2016-8/70
R426-7	Emergency Medical Services Prehospital Data System Rules	40178	AMD	03/25/2016	2016-4/33
<u>Family Health and Preparedness, Licensing</u>					
R432-100	General Hospital Standards	39963	AMD	02/10/2016	2015-24/29
R432-270	Assisted Living Facilities	39966	AMD	01/28/2016	2015-24/41
R432-550	Birthing Centers	40243	AMD	05/16/2016	2016-7/9
<u>Family Health and Preparedness, Primary Care and Rural Health</u>					
R434-40-11	Loan Repayment Grant Eligibility and Selection	40245	AMD	06/01/2016	2016-7/16
R434-50	Assistance for People with Bleeding Disorders	40240	5YR	03/01/2016	2016-6/32
<u>Health Care Financing</u>					
R410-14	Administrative Hearing Procedures	39983	R&R	02/10/2016	2016-1/43
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1-5	Incorporations by Reference	40043	AMD	03/08/2016	2016-2/85
R414-1A	Medicaid Policy for Experimental, Investigational or Unproven Medical Practices	39985	AMD	03/08/2016	2016-1/56
R414-2B	Inpatient Hospital Intensive Physical Rehabilitation Services	40180	AMD	04/01/2016	2016-4/30
R414-303-8	Foster Care, Former Foster Care Youth and Independent Foster Care Adolescents	40040	AMD	03/08/2016	2016-2/89
R414-307-3	General Requirements for Home and Community-Based Services Waivers	40244	AMD	05/20/2016	2016-7/8



R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	40181	5YR	02/01/2016	2016-4/78
R414-505	Participation in the Nursing Facility Non-State Government-Owned Upper Payment Limit Program	40301	EMR	04/06/2016	2016-9/129
R414-505	Participation in the Nursing Facility Non-State Government-Owned Upper Payment Limit Program	40318	EMR	04/15/2016	2016-9/131
R414-512	Use of Extrapolation in Provider Audits	39914	NEW	01/11/2016	2015-23/20
R414-513	Intergovernmental Transfers	40319	EMR	04/15/2016	2016-9/133

HERITAGE AND ARTS

Arts and Museums

R451-3	Arts and Culture Business Alliance General Program Rules	40103	NEW	05/26/2016	2016-3/484
--------	--	-------	-----	------------	------------

History

R455-3	Memberships, Sales, Gifts, Bequests, Endowments	40406	5YR	05/05/2016	2016-11/64
R455-4	Ancient Human Remains	40405	5YR	05/05/2016	2016-11/64
R455-6	State Register for Historic Resources and Archaeological Sites	40187	5YR	02/02/2016	2016-5/26
R455-8	Preservation Easements	40410	5YR	05/10/2016	2016-11/65
R455-9	Board of State History as the Cultural Sites Review Committee Review Board	40186	5YR	02/02/2016	2016-5/27

Indian Affairs

R456-1	Native American Grave Protection and Repatriation	40137	5YR	01/14/2016	2016-3/511
--------	---	-------	-----	------------	------------

HOUSING CORPORATION (UTAH)

Administration

R460-1	Authority and Purpose	40013	NSC	01/15/2016	Not Printed
R460-2	Definition of Terms Used Throughout R460	40012	AMD	03/09/2016	2016-2/90
R460-3	Programs of UHC	40018	AMD	03/09/2016	2016-2/92
R460-4	Additional Servicing Rules (Reserved)	40014	NSC	01/15/2016	Not Printed
R460-5	Termination of Eligibility to Participate in Programs	40015	NSC	01/15/2016	Not Printed
R460-6	Adjudicative Proceedings	40016	NSC	01/15/2016	Not Printed
R460-8	Americans with Disabilities Act (ADA) Complaint Procedures	40017	NSC	01/15/2016	Not Printed

HUMAN SERVICES

Administration

R495-862	Communicable Disease Control Act	40050	5YR	01/04/2016	2016-3/512
R495-876	Provider Code of Conduct	40455	5YR	05/31/2016	Not Printed
R495-880	Adoption Assistance	40454	5YR	05/31/2016	Not Printed
R495-885	Employee Background Screenings	40264	NEW	05/11/2016	2016-7/18

Administration, Administrative Services, Licensing

R501-14	Background Screening	39913	R&R	01/13/2016	2015-23/24
---------	----------------------	-------	-----	------------	------------

Child and Family Services

R512-10	Youth and Mentor Program	40305	5YR	04/14/2016	2016-9/136
R512-31	Foster Parent Due Process	39938	AMD	01/07/2016	2015-23/33
R512-40	Adoptive Home Studies, Recruitment, Approval	40255	R&R	05/09/2016	2016-7/21
R512-41	Qualifying Adoptive Families and Adoption Placement	40256	AMD	05/09/2016	2016-7/24
R512-42	Adoption by Relatives	40195	AMD	04/07/2016	2016-5/13
R512-43	Adoption Assistance	40151	5YR	01/25/2016	2016-4/79
R512-43	Adoption Assistance	40257	AMD	05/09/2016	2016-7/29
R512-44	Choose Life Adoption Support Restricted Account	40306	5YR	04/14/2016	2016-9/136

RULES INDEX

R512-44	Choose Life Adoption Support Restricted Account	40258	AMD	05/09/2016	2016-7/34
R512-60	Children's Account	40194	5YR	02/08/2016	2016-5/27
R512-100	In-Home Services	39905	AMD	01/07/2016	2015-22/65
R512-205	Child Protective Services, Investigation of Domestic Violence Related Child Abuse	40152	5YR	01/25/2016	2016-4/79
R512-301	Out-of-Home Services, Responsibilities Pertaining to a Parent or Guardian	39939	AMD	01/07/2016	2015-23/35
R512-305	Out-of-Home Services, Transition to Adult Living Services	39955	AMD	01/21/2016	2015-24/44
R512-309	Out-of-Home Services, Foster Parent Reimbursement of Motor Vehicle Insurance Coverage for Youth in Foster Care	39956	AMD	01/21/2016	2015-24/46
R512-310	Reasonable and Prudent Parent Standard	39940	AMD	01/07/2016	2015-23/38
<u>Recovery Services</u>					
R527-40	Retained Support	40096	AMD	03/09/2016	2016-3/485
R527-200	Administrative Procedures	40053	5YR	01/05/2016	2016-3/512
R527-250	Emancipation	40054	5YR	01/05/2016	2016-3/513
<u>Substance Abuse and Mental Health, State Hospital</u>					
R525-8	Forensic Mental Health Facility	40313	5YR	04/14/2016	2016-9/137
INSURANCE					
<u>Administration</u>					
R590-144	Commercial Aviation Insurance Exemption from Rate and Form Filings	40236	5YR	02/29/2016	2016-6/33
R590-154	Unfair Marketing Practices Rule; Misleading Names	39945	AMD	01/15/2016	2015-23/40
R590-164-6	Electronic Data Interchange Transactions	39998	AMD	02/23/2016	2016-2/97
R590-167-11	Actuarial Certification and Additional Filing Requirements	40182	AMD	03/23/2016	2016-4/57
R590-177	Life Insurance Illustrations Rule	40237	5YR	02/29/2016	2016-6/33
R590-200	Diabetes Treatment and Management	40238	5YR	02/29/2016	2016-6/34
R590-208	Uniform Application for Certificates of Authority	40346	5YR	04/21/2016	2016-10/85
R590-212	Requirements for Interest Bearing Accounts Used by Title Insurance Agencies for Trust Fund Deposits	40005	REP	03/16/2016	2016-2/99
R590-220-16	Classification of Documents	40155	AMD	03/23/2016	2016-4/59
R590-226	Submission of Life Insurance Filings	40156	AMD	03/23/2016	2016-4/60
R590-227	Submission of Annuity Filings	40157	AMD	03/23/2016	2016-4/62
R590-228-9	Correspondence and Status Checks	40158	AMD	03/23/2016	2016-4/64
R590-235	Medicare Prescription Drug Plan	40345	5YR	04/21/2016	2016-10/86
R590-259	Dependent Coverage to Age 26	40154	5YR	01/25/2016	2016-4/80
R590-260	Utah Defined Contribution Risk Adjuster Plan of Operation	40271	5YR	03/18/2016	2016-8/94
R590-262	Health Data Authority Health Insurance Claims Reporting	40273	AMD	05/23/2016	2016-8/80
R590-266	Utah Essential Health Benefits Package	40275	AMD	05/23/2016	2016-8/82
<u>Title and Escrow Commission</u>					
R592-11	Title Insurance Producer Annual and Controlled Business Reports	40183	AMD	04/15/2016	2016-4/65
R592-15	Submission of a Schedule of Minimum Charges for Escrow Services	40300	5YR	04/06/2016	2016-9/137
R592-17	Requirements for Interest Bearing Accounts Used by Title Insurance Agencies for Trust Fund Deposits	40006	NEW	03/16/2016	2016-2/101
JUDICIAL PERFORMANCE EVALUATION COMMISSION					
<u>Administration</u>					
R597-3-5	Public Comments	40192	AMD	04/20/2016	2016-5/14

LABOR COMMISSION

Administration

R600-3	Definitions Applicable to Construction Licensees	40450	5YR	05/27/2016	Not Printed
--------	--	-------	-----	------------	-------------

MONEY MANAGEMENT COUNCIL

Administration

R628-10	Rating Requirements to Be a Permitted Depository	40303	EXD	04/12/2016	2016-9/139
R628-12	Certification of Qualified Depositories for Public Funds	40227	5YR	02/26/2016	2016-6/35
R628-13	Collateralization of Public Funds	40228	5YR	02/26/2016	2016-6/35
R628-16	Certification as a Dealer	40229	5YR	02/26/2016	2016-6/36

NATURAL RESOURCES

Forestry, Fire and State Lands

R652-2	Sovereign Land Management Objectives	40138	5YR	01/14/2016	2016-3/529
R652-8	Adjudicative Proceedings	40134	5YR	01/14/2016	2016-3/529
R652-9	Consistency Review	40133	5YR	01/14/2016	2016-3/530
R652-41	Rights of Entry	40136	5YR	01/14/2016	2016-3/530
R652-80	Land Exchanges	40135	5YR	01/14/2016	2016-3/531
R652-122	County Cooperative Agreements with State for Fire Protection	40304	5YR	04/14/2016	2016-9/138
R652-123	Exemptions to Wildland Fire Suppression Fund	40132	5YR	01/14/2016	2016-3/531

Geological Survey

R638-1	Acceptance and Maintenance of Confidential Information	40214	5YR	02/17/2016	2016-6/36
--------	--	-------	-----	------------	-----------

Oil, Gas and Mining: Oil and Gas

R649-1-1	Definitions	40302	NSC	04/15/2016	Not Printed
----------	-------------	-------	-----	------------	-------------

Parks and Recreation

R651-201	Definitions	40059	5YR	01/07/2016	2016-3/513
R651-202	Boating Advisory Council	40060	5YR	01/07/2016	2016-3/514
R651-203	Waterway Marking System	40061	5YR	01/07/2016	2016-3/514
R651-204	Regulating Waterway Markers	40062	5YR	01/07/2016	2016-3/515
R651-204	Regulating Waterway Markers	40090	NSC	02/02/2016	Not Printed
R651-205	Zoned Waters	40063	5YR	01/07/2016	2016-3/515
R651-206	Carrying Passengers for Hire	40064	5YR	01/07/2016	2016-3/516
R651-206	Carrying Passengers for Hire	40091	NSC	02/02/2016	Not Printed
R651-207	Registration Fee	40066	5YR	01/07/2016	2016-3/516
R651-207	Registration Fee	40188	NSC	02/25/2016	Not Printed
R651-208	Backing Plates	40067	5YR	01/07/2016	2016-3/517
R651-208	Backing Plates	40189	NSC	02/25/2016	Not Printed
R651-209	Anchored and Beached Vessels	40084	5YR	01/07/2016	2016-3/517
R651-210	Change of Address	40068	5YR	01/07/2016	2016-3/518
R651-210	Change of Address	40190	NSC	02/25/2016	Not Printed
R651-211	Assigned Numbers	40069	5YR	01/07/2016	2016-3/518
R651-211	Assigned Numbers	40191	NSC	02/25/2016	Not Printed
R651-212	Display of Yearly Registration Decals and Month of Expiration Decals	40070	5YR	01/07/2016	2016-3/519
R651-213	Dealer Numbers and Registrations	40072	5YR	01/07/2016	2016-3/519
R651-214	Temporary Registration	40073	5YR	01/07/2016	2016-3/520
R651-215	Personal Flotation Devices	40074	5YR	01/07/2016	2016-3/520
R651-216	Navigation Lights - Note: Figures 1 through 7 mentioned below are on file with the Utah Division of Parks and Recreation	40075	5YR	01/07/2016	2016-3/521
R651-217	Fire Extinguishers	40076	5YR	01/07/2016	2016-3/522
R651-218	Carburetor Backfire Flame Control	40077	5YR	01/07/2016	2016-3/522
R651-219	Additional Safety Equipment	40078	5YR	01/07/2016	2016-3/523
R651-220	Registration and Numbering Exemptions	40079	5YR	01/07/2016	2016-3/523
R651-221	Boat Liveries - Boat Rental Companies	40080	5YR	01/07/2016	2016-3/524
R651-222	Muffling Requirements	40081	5YR	01/07/2016	2016-3/524

RULES INDEX

R651-224	Towed Devices	40082	5YR	01/07/2016	2016-3/525
R651-226	Regattas and Races	40083	5YR	01/07/2016	2016-3/525
R651-401	Off-Highway Vehicle and Registration Stickers	40087	5YR	01/07/2016	2016-3/526
R651-405	Off-Highway Implement of Husbandry Sticker Fee	40088	5YR	01/07/2016	2016-3/526
R651-406	Off-Highway Vehicle Registration Fees	40089	5YR	01/07/2016	2016-3/527
R651-412	Curriculum Standards for OHV Education Programs Offered by Non-Division Entities	40213	AMD	04/21/2016	2016-6/22
R651-611	Fee Schedule	40065	5YR	01/07/2016	2016-3/527
R651-637	Antelope Island State Park Special Mule Deer and Bighorn Sheep Hunt	40215	AMD	04/21/2016	2016-6/23
R651-801	Swimming Prohibited	40085	5YR	01/07/2016	2016-3/528
R651-802	Scuba Diving	40086	5YR	01/07/2016	2016-3/528
<u>Water Rights</u>					
R655-10	Dam Safety Classifications, Approval Procedures and Independent Reviews	40166	5YR	01/29/2016	2016-4/80
R655-10-5A	Hazard Classification -- Criteria	40169	AMD	03/24/2016	2016-4/67
R655-11	Requirements for the Design, Construction and Abandonment of Dams	40167	5YR	01/29/2016	2016-4/81
R655-11	Requirements for the Design, Construction and Abandonment of Dams	40175	AMD	03/24/2016	2016-4/68
R655-12	Requirements for Operational Dams	40168	5YR	01/29/2016	2016-4/81
R655-12	Requirements for Operational Dams	40176	AMD	03/24/2016	2016-4/71
<u>Wildlife Resources</u>					
R657-3	Collection, Importation, Transportation, and Possession of Animals	40094	AMD	03/09/2016	2016-3/486
R657-5	Taking Big Game	39976	AMD	02/08/2016	2016-1/60
R657-9	Taking Waterfowl, Wilson's Snipe and Coot	39978	AMD	02/08/2016	2016-1/66
R657-33	Taking Bear	40093	AMD	03/09/2016	2016-3/490
R657-37	Cooperative Wildlife Management Units for Big Game or Turkey	39977	AMD	02/08/2016	2016-1/68
R657-48	Wildlife Species of Concern and Habitat Designation Advisory Committee	40370	5YR	05/02/2016	2016-10/86
R657-63	Self Defense Against Wild Animals	40231	5YR	02/29/2016	2016-6/37
NAVAJO TRUST FUND					
<u>Trustees</u>					
R661-1	Utah Navajo Trust Fund Scope	40019	NEW	02/29/2016	2016-2/103
R661-2	Utah Navajo Trust Fund Definitions	40020	NEW	02/29/2016	2016-2/104
R661-3	Utah Navajo Trust Fund Residency Policy	40021	NEW	02/29/2016	2016-2/105
R661-4	Utah Navajo Trust Fund Chapter Projects	40022	NEW	02/29/2016	2016-2/107
R661-5	Utah Navajo Trust Fund Blue Mountain Dine' Community	40023	NEW	02/29/2016	2016-2/109
R661-6	Utah Navajo Trust Fund Higher Education Financial Assistance and Scholarship Program	40024	NEW	02/29/2016	2016-2/110
R661-7	Utah Navajo Trust Fund Housing Projects Policy	40025	NEW	02/29/2016	2016-2/113
R661-8	Utah Navajo Trust Fund Power Lines and House Wiring Program	40026	NEW	02/29/2016	2016-2/115
PUBLIC SAFETY					
<u>Administration</u>					
R698-8	Local Public Safety and Firefighter Surviving Spouse Trust Fund	40001	NEW	02/24/2016	2016-2/117
<u>Driver License</u>					
R708-16	Pedestrian Vehicle Rule	40095	EXT	01/11/2016	2016-3/533
R708-16	Pedestrian Vehicle Rule	40140	REP	03/24/2016	2016-4/72
R708-18	Regulatory and Administrative Fees	40141	5YR	01/19/2016	2016-4/82
R708-19	Automobile No-Fault Self-Insurance	40142	5YR	01/19/2016	2016-4/82
R708-20	Motor Vehicle Accident Prevention Course Standards	40143	5YR	01/19/2016	2016-4/83
R708-38	Anatomical Gift	40144	5YR	01/19/2016	2016-4/83

R708-42	Driver Address Record	40145	5YR	01/19/2016	2016-4/84
R708-43	Verification of Personal Identifying Information by Depository Institutions	40146	5YR	01/19/2016	2016-4/84
R708-44	Citation Monitoring Service	40147	5YR	01/19/2016	2016-4/85
<u>Highway Patrol</u>					
R714-160	Equipment Standards for Passenger Vehicle and Light Truck Safety Inspections	40197	EXT	02/08/2016	2016-5/29
R714-161	Equipment Standards for Motorcycle and ATV Safety Inspections	40198	EXT	02/08/2016	2016-5/29
R714-162	Equipment Standards for Heavy Truck, Trailer and Bus Safety Inspections	40199	EXT	02/08/2016	2016-5/29
R714-500	Chemical Analysis Standards and Training	39850	AMD	01/21/2016	2015-22/144
<u>Peace Officer Standards and Training</u>					
R728-409-14	Suspension, Revocation, or Relinquishment of Certification	40165	NSC	02/17/2016	Not Printed
PUBLIC SERVICE COMMISSION					
<u>Administration</u>					
R746-409	Pipeline Safety	39934	AMD	03/30/2016	2015-23/42
R746-409	Pipeline Safety	39934	CPR	03/30/2016	2016-3/504
R746-409	Pipeline Safety	40292	5YR	03/31/2016	2016-8/94
REGENTS (BOARD OF)					
<u>Administration</u>					
R765-608	Utah Engineering and Computer Science Scholarship Program	40246	NSC	03/29/2016	Not Printed
R765-608	Utah Engineering and Computer Science Scholarship Program	40343	5YR	04/19/2016	2016-10/87
<u>University of Utah, Administration</u>					
R805-5	Enforcement of No Smoking Areas at University of Utah Hospitals and Clinics	40153	5YR	01/25/2016	2016-4/85
SCHOOL AND INSTITUTIONAL TRUST LANDS					
<u>Administration</u>					
R850-1	Definition of Terms	39962	AMD	01/21/2016	2015-24/48
R850-11	Procurement	39961	AMD	01/21/2016	2015-24/50
R850-30-400	Special Use Leases	40185	AMD	03/23/2016	2016-4/73
R850-50	Range Management	39960	AMD	01/21/2016	2015-24/52
R850-50	Range Management	40184	NSC	02/17/2016	Not Printed
R850-90-200	Exchange Criteria	40291	AMD	05/24/2016	2016-8/83
TAX COMMISSION					
<u>Auditing</u>					
R865-19S-94	Tips, Gratuities, and Cover Charges Pursuant to Utah Code Ann. Section 59-12-103	39987	AMD	04/14/2016	2016-1/76
TECHNOLOGY SERVICES					
<u>Administration</u>					
R895-5	Acquisition of Information Technology	40030	AMD	02/23/2016	2016-2/118
TRANSPORTATION					
<u>Motor Carrier</u>					
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification	39953	AMD	01/21/2016	2015-24/58
<u>Operations, Traffic and Safety</u>					
R920-4	Special Road Use or Event	39941	AMD	01/07/2016	2015-23/46

RULES INDEX

---

<u>Preconstruction</u>						
R930-7	Utility Accommodation	39988	AMD	02/23/2016	2016-1/77	
<u>Program Development</u>						
R926-3	Class B and Class C Road Funds	40056	AMD	04/08/2016	2016-3/492	
R926-9	Establishment, Designation and Operation of Tollways	40204	EXT	02/09/2016	2016-5/30	
R926-13-4	Highways Within the State That Are Designated as State Scenic Byways	40057	AMD	04/08/2016	2016-3/493	
R926-14	Utah Scenic Byway Program Administration; Scenic Byways Designation, De-designation, and Segmentation Processes	40409	EMR	05/10/2016	2016-11/55	
TRANSPORTATION COMMISSION						
<u>Administration</u>						
R940-1	Establishment of Toll Rates	40205	EXT	02/09/2016	2016-5/30	
WORKFORCE SERVICES						
<u>Employment Development</u>						
R986-200	Family Employment Program	39944	AMD	02/24/2016	2015-23/52	
R986-200-240	Additional Payments Available Under Certain Circumstances	40241	AMD	05/03/2016	2016-6/25	
R986-700	Child Care Assistance	40104	AMD	04/01/2016	2016-3/495	
<u>Unemployment Insurance</u>						
R994-205-106	Exempt Real Estate Sales	40045	AMD	02/24/2016	2016-2/120	
R994-302	Employer Contribution Payments	40400	5YR	05/03/2016	2016-11/65	
R994-308	Bond Requirement	40401	5YR	05/03/2016	2016-11/66	

**RULES INDEX - BY KEYWORD (SUBJECT)**

**ABBREVIATIONS**

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>911 Advisory Committee</u> Communications Authority Board (Utah), Administration	40397	R174-1	5YR	05/02/2016	2016-10/84
<u>accelerated learning</u> Education, Administration	40428	R277-707	5YR	05/16/2016	2016-11/63
<u>accident prevention</u> Public Safety, Driver License	40143	R708-20	5YR	01/19/2016	2016-4/83
<u>accountants</u> Commerce, Occupational and Professional Licensing	39982	R156-26a	AMD	02/11/2016	2016-1/4

<u>accreditation</u>					
Education, Administration	40285	R277-505	5YR	03/30/2016	2016-8/93
	40290	R277-505	AMD	05/23/2016	2016-8/25
<u>activities</u>					
Education, Administration	40098	R277-494	AMD	03/09/2016	2016-3/6
<u>adjudicative procedures</u>					
Natural Resources, Forestry, Fire and State Lands	40134	R652-8	5YR	01/14/2016	2016-3/529
<u>adjudicative proceedings</u>					
Commerce, Administration	40265	R151-4	5YR	03/15/2016	2016-7/63
	40293	R151-14	5YR	03/31/2016	2016-8/92
Environmental Quality, Waste Management and Radiation Control, Waste Management	40126	R315-12	REP	04/15/2016	2016-3/21
<u>administrative law</u>					
Human Services, Recovery Services	40053	R527-200	5YR	01/05/2016	2016-3/512
<u>administrative procedures</u>					
Commerce, Administration	40265	R151-4	5YR	03/15/2016	2016-7/63
Commerce, Occupational and Professional Licensing	40052	R156-46b	5YR	01/05/2016	2016-3/509
Environmental Quality, Waste Management and Radiation Control, Waste Management	40118	R315-2	REP	04/15/2016	2016-3/14
Heritage and Arts, History	40406	R455-3	5YR	05/05/2016	2016-11/64
Natural Resources, Forestry, Fire and State Lands	40133	R652-9	5YR	01/14/2016	2016-3/530
	40136	R652-41	5YR	01/14/2016	2016-3/530
	40135	R652-80	5YR	01/14/2016	2016-3/531
	40132	R652-123	5YR	01/14/2016	2016-3/531
School and Institutional Trust Lands, Administration	39962	R850-1	AMD	01/21/2016	2015-24/48
	40185	R850-30-400	AMD	03/23/2016	2016-4/73
	39960	R850-50	AMD	01/21/2016	2015-24/52
	40184	R850-50	NSC	02/17/2016	Not Printed
	40291	R850-90-200	AMD	05/24/2016	2016-8/83
<u>administrative proceedings</u>					
Environmental Quality, Waste Management and Radiation Control, Waste Management	40126	R315-12	REP	04/15/2016	2016-3/21
Natural Resources, Forestry, Fire and State Lands	40134	R652-8	5YR	01/14/2016	2016-3/529
<u>adoption</u>					
Human Services, Administration	40454	R495-880	5YR	05/31/2016	Not Printed
Human Services, Child and Family Services	40255	R512-40	R&R	05/09/2016	2016-7/21
	40256	R512-41	AMD	05/09/2016	2016-7/24
	40195	R512-42	AMD	04/07/2016	2016-5/13
	40151	R512-43	5YR	01/25/2016	2016-4/79
	40257	R512-43	AMD	05/09/2016	2016-7/29
	40306	R512-44	5YR	04/14/2016	2016-9/136
	40258	R512-44	AMD	05/09/2016	2016-7/34
<u>adult education</u>					
Education, Administration	40253	R277-702-4	NSC	03/29/2016	Not Printed
	39936	R277-705	AMD	01/07/2016	2015-23/17
<u>advertising</u>					
Commerce, Consumer Protection	40342	R152-11	5YR	04/19/2016	2016-10/80
<u>aggregate</u>					
Environmental Quality, Air Quality	39844	R307-312-5	AMD	02/04/2016	2015-21/46
<u>air pollution</u>					
Environmental Quality, Air Quality	39994	R307-101-2	AMD	03/03/2016	2016-1/21
	39849	R307-110-28	AMD	02/04/2016	2015-21/45
	40294	R307-210	EXT	04/04/2016	2016-9/141
	40422	R307-210	5YR	05/12/2016	2016-11/63
	39844	R307-312-5	AMD	02/04/2016	2015-21/46
	39845	R307-328-4	AMD	02/04/2016	2015-21/47

RULES INDEX

	40225	R307-351-4	NSC	03/11/2016	Not Printed
	39846	R307-405-3	AMD	02/04/2016	2015-21/48
	39847	R307-415-3	AMD	02/04/2016	2015-21/50
	39848	R307-801	AMD	05/05/2016	2015-21/53
	39848	R307-801	CPR	05/05/2016	2016-5/18
<u>air quality</u>					
Environmental Quality, Air Quality	40408	R307-230	LNR	05/10/2016	2016-11/67
	40193	R307-403-2	NSC	02/25/2016	Not Printed
<u>air travel</u>					
Administrative Services, Finance	40042	R25-7-10	AMD	02/23/2016	2016-2/4
<u>alarm company</u>					
Commerce, Occupational and Professional Licensing	40164	R156-55d	AMD	03/24/2016	2016-4/10
<u>alcohol</u>					
Public Safety, Highway Patrol	39850	R714-500	AMD	01/21/2016	2015-22/144
<u>alcoholic beverages</u>					
Alcoholic Beverage Control, Administration	40376	R81-1	5YR	05/02/2016	2016-10/73
	40378	R81-2	5YR	05/02/2016	2016-10/74
	40379	R81-3	5YR	05/02/2016	2016-10/74
	40381	R81-4A	5YR	05/02/2016	2016-10/75
	40382	R81-5	5YR	05/02/2016	2016-10/76
	40383	R81-6	5YR	05/02/2016	2016-10/76
	40384	R81-7	5YR	05/02/2016	2016-10/77
	40385	R81-8	5YR	05/02/2016	2016-10/77
	40386	R81-9	5YR	05/02/2016	2016-10/78
	40387	R81-11	5YR	05/02/2016	2016-10/79
	40388	R81-12	5YR	05/02/2016	2016-10/79
<u>alternative language services</u>					
Education, Administration	40211	R277-716	5YR	02/16/2016	2016-5/25
	40212	R277-716	AMD	04/07/2016	2016-5/3
<u>anatomical gift</u>					
Public Safety, Driver License	40144	R708-38	5YR	01/19/2016	2016-4/83
<u>anchored vessels</u>					
Natural Resources, Parks and Recreation	40084	R651-209	5YR	01/07/2016	2016-3/517
<u>ancient human remains</u>					
Heritage and Arts, History	40405	R455-4	5YR	05/05/2016	2016-11/64
<u>animal protection</u>					
Natural Resources, Wildlife Resources	40094	R657-3	AMD	03/09/2016	2016-3/486
<u>annual leave</u>					
Administrative Services, Finance	39943	R25-15	NEW	01/13/2016	2015-23/6
<u>annuity insurance filings</u>					
Insurance, Administration	40157	R590-227	AMD	03/23/2016	2016-4/62
<u>archeology</u>					
Heritage and Arts, History	40405	R455-4	5YR	05/05/2016	2016-11/64
<u>architects</u>					
Commerce, Occupational and Professional Licensing	40058	R156-3a	5YR	01/07/2016	2016-3/507
<u>arts and business grants</u>					
Heritage and Arts, Arts and Museums	40103	R451-3	NEW	05/26/2016	2016-3/484
<u>arts and culture</u>					
Heritage and Arts, Arts and Museums	40103	R451-3	NEW	05/26/2016	2016-3/484



<u>asbestos</u>					
Environmental Quality, Air Quality	39848	R307-801	AMD	05/05/2016	2015-21/53
	39848	R307-801	CPR	05/05/2016	2016-5/18
<u>asbestos hazard emergency response</u>					
Environmental Quality, Air Quality	39848	R307-801	AMD	05/05/2016	2015-21/53
	39848	R307-801	CPR	05/05/2016	2016-5/18
<u>asphalt</u>					
Environmental Quality, Air Quality	39844	R307-312-5	AMD	02/04/2016	2015-21/46
<u>assessment</u>					
Education, Administration	40097	R277-404	NSC	02/02/2016	Not Printed
<u>athlete agent</u>					
Commerce, Occupational and Professional Licensing	40071	R156-9a	5YR	01/07/2016	2016-3/508
<u>automobiles</u>					
Commerce, Administration	40293	R151-14	5YR	03/31/2016	2016-8/92
<u>background</u>					
Human Services, Administration	40264	R495-885	NEW	05/11/2016	2016-7/18
<u>background screening</u>					
Human Services, Administration, Administrative Services, Licensing	39913	R501-14	R&R	01/13/2016	2015-23/24
<u>bait and switch</u>					
Commerce, Consumer Protection	40342	R152-11	5YR	04/19/2016	2016-10/80
<u>banking</u>					
Commerce, Corporations and Commercial Code	40371	R154-2	5YR	05/02/2016	2016-10/81
<u>banking law</u>					
Money Management Council, Administration	40303	R628-10	EXD	04/12/2016	2016-9/139
	40227	R628-12	5YR	02/26/2016	2016-6/35
<u>beached vessels</u>					
Natural Resources, Parks and Recreation	40084	R651-209	5YR	01/07/2016	2016-3/517
<u>bear</u>					
Natural Resources, Wildlife Resources	40093	R657-33	AMD	03/09/2016	2016-3/490
<u>big game seasons</u>					
Natural Resources, Wildlife Resources	39976	R657-5	AMD	02/08/2016	2016-1/60
<u>birds</u>					
Natural Resources, Wildlife Resources	39978	R657-9	AMD	02/08/2016	2016-1/66
<u>bleeding disorders</u>					
Health, Family Health and Preparedness, Primary Care and Rural Health	40240	R434-50	5YR	03/01/2016	2016-6/32
<u>block grant funding</u>					
Education, Administration	40288	R277-478	REP	05/23/2016	2016-8/19
<u>Blue Mountain Dine'</u>					
Navajo Trust Fund, Trustees	40023	R661-5	NEW	02/29/2016	2016-2/109
<u>Board of Education</u>					
Education, Administration	40247	R277-99-2	NSC	03/29/2016	Not Printed
<u>Board of Trustees</u>					
Navajo Trust Fund, Trustees	40019	R661-1	NEW	02/29/2016	2016-2/103
<u>boating</u>					
Natural Resources, Parks and Recreation	40059	R651-201	5YR	01/07/2016	2016-3/513

RULES INDEX

	40060	R651-202	5YR	01/07/2016	2016-3/514
	40061	R651-203	5YR	01/07/2016	2016-3/514
	40062	R651-204	5YR	01/07/2016	2016-3/515
	40090	R651-204	NSC	02/02/2016	Not Printed
	40063	R651-205	5YR	01/07/2016	2016-3/515
	40064	R651-206	5YR	01/07/2016	2016-3/516
	40091	R651-206	NSC	02/02/2016	Not Printed
	40066	R651-207	5YR	01/07/2016	2016-3/516
	40188	R651-207	NSC	02/25/2016	Not Printed
	40067	R651-208	5YR	01/07/2016	2016-3/517
	40189	R651-208	NSC	02/25/2016	Not Printed
	40084	R651-209	5YR	01/07/2016	2016-3/517
	40068	R651-210	5YR	01/07/2016	2016-3/518
	40190	R651-210	NSC	02/25/2016	Not Printed
	40069	R651-211	5YR	01/07/2016	2016-3/518
	40191	R651-211	NSC	02/25/2016	Not Printed
	40070	R651-212	5YR	01/07/2016	2016-3/519
	40072	R651-213	5YR	01/07/2016	2016-3/519
	40073	R651-214	5YR	01/07/2016	2016-3/520
	40074	R651-215	5YR	01/07/2016	2016-3/520
	40075	R651-216	5YR	01/07/2016	2016-3/521
	40076	R651-217	5YR	01/07/2016	2016-3/522
	40077	R651-218	5YR	01/07/2016	2016-3/522
	40078	R651-219	5YR	01/07/2016	2016-3/523
	40079	R651-220	5YR	01/07/2016	2016-3/523
	40080	R651-221	5YR	01/07/2016	2016-3/524
	40081	R651-222	5YR	01/07/2016	2016-3/524
	40082	R651-224	5YR	01/07/2016	2016-3/525
	40083	R651-226	5YR	01/07/2016	2016-3/525
<u>bonding requirements</u>					
Workforce Services, Unemployment Insurance	40401	R994-308	5YR	05/03/2016	2016-11/66
<u>brachytherapy</u>					
Environmental Quality, Waste Management and Radiation Control, Radiation	40010	R313-32-2	NSC	01/15/2016	Not Printed
<u>breath testing</u>					
Public Safety, Highway Patrol	39850	R714-500	AMD	01/21/2016	2015-22/144
<u>broad scope</u>					
Environmental Quality, Waste Management and Radiation Control, Radiation	39991	R313-22	AMD	05/09/2016	2016-1/33
	40009	R313-22	NSC	01/15/2016	Not Printed
	39991	R313-22	CPR	05/09/2016	2016-7/44
<u>burglar alarms</u>					
Commerce, Occupational and Professional Licensing	40164	R156-55d	AMD	03/24/2016	2016-4/10
<u>business alliance</u>					
Heritage and Arts, Arts and Museums	40103	R451-3	NEW	05/26/2016	2016-3/484
<u>byproduct material</u>					
Environmental Quality, Radiation Control	39992	R313-24	AMD	03/15/2016	2016-1/38
<u>capital investments</u>					
Governor, Economic Development	40028	R357-7	R&R	05/16/2016	2016-2/60
	40028	R357-7	CPR	05/16/2016	2016-7/49
<u>cash management</u>					
Money Management Council, Administration	40229	R628-16	5YR	02/26/2016	2016-6/36
<u>certifications</u>					
Public Safety, Peace Officer Standards and Training	40165	R728-409-14	NSC	02/17/2016	Not Printed
Transportation, Motor Carrier	39953	R909-19	AMD	01/21/2016	2015-24/58

<u>change orders</u>						
Administrative Services, Purchasing and General Services	40047	R33-12-502	AMD	02/23/2016	2016-2/7	
<u>chapter</u>						
Navajo Trust Fund, Trustees	40020	R661-2	NEW	02/29/2016	2016-2/104	
	40023	R661-5	NEW	02/29/2016	2016-2/109	
	40025	R661-7	NEW	02/29/2016	2016-2/113	
<u>chapter projects</u>						
Navajo Trust Fund, Trustees	40022	R661-4	NEW	02/29/2016	2016-2/107	
<u>chapter resolution</u>						
Navajo Trust Fund, Trustees	40021	R661-3	NEW	02/29/2016	2016-2/105	
<u>charities</u>						
Tax Commission, Auditing	39987	R865-19S-94	AMD	04/14/2016	2016-1/76	
<u>chickens</u>						
Agriculture and Food, Regulatory Services	40149	R70-410	5YR	01/20/2016	2016-4/77	
<u>child abuse</u>						
Human Services, Child and Family Services	40194	R512-60	5YR	02/08/2016	2016-5/27	
	40152	R512-205	5YR	01/25/2016	2016-4/79	
	39939	R512-301	AMD	01/07/2016	2015-23/35	
<u>child care</u>						
Health, Child Care Center Licensing Committee	39898	R381-70	AMD	01/31/2016	2015-22/40	
	40162	R381-70	AMD	03/30/2016	2016-4/20	
	39896	R381-100	AMD	01/31/2016	2015-22/45	
	40161	R381-100	AMD	03/30/2016	2016-4/24	
Health, Disease Control and Prevention, Environmental Services	40356	R392-110	5YR	04/26/2016	2016-10/84	
Workforce Services, Employment Development	40104	R986-700	AMD	04/01/2016	2016-3/495	
<u>child care centers</u>						
Health, Child Care Center Licensing Committee	39898	R381-70	AMD	01/31/2016	2015-22/40	
	40162	R381-70	AMD	03/30/2016	2016-4/20	
	39896	R381-100	AMD	01/31/2016	2015-22/45	
	40161	R381-100	AMD	03/30/2016	2016-4/24	
<u>child care facilities</u>						
Health, Child Care Center Licensing Committee	39902	R381-60	AMD	01/31/2016	2015-22/34	
	40163	R381-60	AMD	03/30/2016	2016-4/15	
	39898	R381-70	AMD	01/31/2016	2015-22/40	
	40162	R381-70	AMD	03/30/2016	2016-4/20	
	39896	R381-100	AMD	01/31/2016	2015-22/45	
	40161	R381-100	AMD	03/30/2016	2016-4/24	
Health, Family Health and Preparedness, Child Care Licensing	39897	R430-50	AMD	01/31/2016	2015-22/52	
	40160	R430-50	AMD	03/30/2016	2016-4/49	
	39895	R430-90	AMD	01/31/2016	2015-22/57	
	40159	R430-90	AMD	03/30/2016	2016-4/53	
<u>child support</u>						
Human Services, Recovery Services	40096	R527-40	AMD	03/09/2016	2016-3/485	
	40053	R527-200	5YR	01/05/2016	2016-3/512	
	40054	R527-250	5YR	01/05/2016	2016-3/513	
<u>child welfare</u>						
Human Services, Administration	40454	R495-880	5YR	05/31/2016	Not Printed	
Human Services, Child and Family Services	40305	R512-10	5YR	04/14/2016	2016-9/136	
	39938	R512-31	AMD	01/07/2016	2015-23/33	
	40256	R512-41	AMD	05/09/2016	2016-7/24	
	40151	R512-43	5YR	01/25/2016	2016-4/79	
	40257	R512-43	AMD	05/09/2016	2016-7/29	
	40194	R512-60	5YR	02/08/2016	2016-5/27	

RULES INDEX

	39905	R512-100	AMD	01/07/2016	2015-22/65
	39939	R512-301	AMD	01/07/2016	2015-23/35
	39955	R512-305	AMD	01/21/2016	2015-24/44
	39956	R512-309	AMD	01/21/2016	2015-24/46
	39940	R512-310	AMD	01/07/2016	2015-23/38
<u>children's account</u>					
Human Services, Child and Family Services	40194	R512-60	5YR	02/08/2016	2016-5/27
<u>CHIP</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	40181	R414-320	5YR	02/01/2016	2016-4/78
<u>chiropractic physician</u>					
Commerce, Occupational and Professional Licensing	40208	R156-73	5YR	02/11/2016	2016-5/25
<u>chiropractors</u>					
Commerce, Occupational and Professional Licensing	40208	R156-73	5YR	02/11/2016	2016-5/25
<u>Choose Life Adoption Support</u>					
Human Services, Child and Family Services	40306	R512-44	5YR	04/14/2016	2016-9/136
	40258	R512-44	AMD	05/09/2016	2016-7/34
<u>citation monitoring service</u>					
Public Safety, Driver License	40147	R708-44	5YR	01/19/2016	2016-4/85
<u>claims</u>					
Health, Center for Health Data, Health Care Statistics	40179	R428-15	AMD	03/25/2016	2016-4/48
<u>Class I area</u>					
Environmental Quality, Air Quality	39846	R307-405-3	AMD	02/04/2016	2015-21/48
<u>Clean Air Act</u>					
Environmental Quality, Air Quality	39995	R307-104	NEW	03/03/2016	2016-1/28
<u>clinical mental health counselor</u>					
Commerce, Occupational and Professional Licensing	39911	R156-60c	AMD	01/07/2016	2015-23/14
<u>closing gifts</u>					
Commerce, Real Estate	40041	R162-2f	AMD	02/23/2016	2016-2/11
<u>co-curricular</u>					
Education, Administration	40098	R277-494	AMD	03/09/2016	2016-3/6
<u>collateral</u>					
Money Management Council, Administration	40228	R628-13	5YR	02/26/2016	2016-6/35
<u>college</u>					
Navajo Trust Fund, Trustees	40024	R661-6	NEW	02/29/2016	2016-2/110
<u>commercial facility siting</u>					
Environmental Quality, Waste Management and Radiation Control, Waste Management	40105	R315-103	NEW	04/15/2016	2016-3/25
<u>communicable diseases</u>					
Health, Disease Control and Prevention, Epidemiology	39952	R386-702	AMD	02/11/2016	2015-24/17
	40317	R386-702	5YR	04/15/2016	2016-9/135
Human Services, Administration	40050	R495-862	5YR	01/04/2016	2016-3/512
<u>community needs</u>					
Navajo Trust Fund, Trustees	40022	R661-4	NEW	02/29/2016	2016-2/107
<u>compliance determinations</u>					
Environmental Quality, Drinking Water	40034	R309-210	AMD	05/01/2016	2016-2/26
	40035	R309-211	NEW	05/01/2016	2016-2/33
	40036	R309-215	AMD	05/01/2016	2016-2/40

<u>compulsory education</u> Education, Administration	40251	R277-616-3	NSC	03/29/2016	Not Printed
<u>concrete</u> Environmental Quality, Air Quality	39844	R307-312-5	AMD	02/04/2016	2015-21/46
<u>conflict of interest</u> Environmental Quality, Air Quality	39995	R307-104	NEW	03/03/2016	2016-1/28
<u>construction licensees</u> Labor Commission, Administration	40450	R600-3	5YR	05/27/2016	Not Printed
<u>consumer confidence report</u> Environmental Quality, Drinking Water	40038	R309-225	AMD	05/01/2016	2016-2/53
<u>consumer protection</u> Commerce, Consumer Protection	40342	R152-11	5YR	04/19/2016	2016-10/80
<u>consumers</u> Commerce, Consumer Protection	40341	R152-26	5YR	04/19/2016	2016-10/80
<u>contamination</u> Environmental Quality, Radiation Control	39989	R313-15	AMD	03/15/2016	2016-1/29
Environmental Quality, Waste Management and Radiation Control, Radiation	40003	R313-15	NSC	01/15/2016	Not Printed
<u>continuing professional education</u> Commerce, Occupational and Professional Licensing	39982	R156-26a	AMD	02/11/2016	2016-1/4
<u>contract requirements</u> Administrative Services, Facilities Construction and Management	40044	R23-23	NSC	01/15/2016	Not Printed
	40440	R23-23	EMR	05/23/2016	Not Printed
<u>contractors</u> Administrative Services, Facilities Construction and Management	40044	R23-23	NSC	01/15/2016	Not Printed
	40440	R23-23	EMR	05/23/2016	Not Printed
Commerce, Occupational and Professional Licensing	40219	R156-55a	AMD	04/21/2016	2016-6/16
	40344	R156-55a-303b	NSC	05/11/2016	Not Printed
<u>contracts</u> Administrative Services, Facilities Construction and Management	40044	R23-23	NSC	01/15/2016	Not Printed
	40440	R23-23	EMR	05/23/2016	Not Printed
Administrative Services, Purchasing and General Services	40047	R33-12-502	AMD	02/23/2016	2016-2/7
Capitol Preservation Board (State), Administration	40092	R131-4	5YR	01/11/2016	2016-3/507
<u>controlled substance database</u> Commerce, Occupational and Professional Licensing	39923	R156-37f	AMD	01/07/2016	2015-23/7
<u>controlled substances</u> Commerce, Occupational and Professional Licensing	40216	R156-37	AMD	04/21/2016	2016-6/14
<u>cooperative agreement</u> Natural Resources, Forestry, Fire and State Lands	40304	R652-122	5YR	04/14/2016	2016-9/138
<u>cooperative wildlife management unit</u> Natural Resources, Wildlife Resources	39977	R657-37	AMD	02/08/2016	2016-1/68
<u>copying processes</u> Health, Center for Health Data, Vital Records and Statistics	39817	R436-13	AMD	02/17/2016	2015-21/88

RULES INDEX

<u>corrections</u>						
Corrections, Administration	40039	R251-109	AMD	05/04/2016	2016-2/16	
<u>cost sharing agreement</u>						
Public Safety, Administration	40001	R698-8	NEW	02/24/2016	2016-2/117	
<u>costs</u>						
Administrative Services, Purchasing and General Services	40047	R33-12-502	AMD	02/23/2016	2016-2/7	
<u>counselors</u>						
Commerce, Occupational and Professional Licensing	39911	R156-60c	AMD	01/07/2016	2015-23/14	
<u>coverage groups</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	40040	R414-303-8	AMD	03/08/2016	2016-2/89	
<u>credit insurance filings</u>						
Insurance, Administration	40158	R590-228-9	AMD	03/23/2016	2016-4/64	
<u>criminal background checks</u>						
Education, Rehabilitation	40101	R280-204	5YR	01/14/2016	2016-3/510	
	40102	R280-204	AMD	03/09/2016	2016-3/11	
<u>cultural sites</u>						
Heritage and Arts, History	40186	R455-9	5YR	02/02/2016	2016-5/27	
<u>dairy inspections</u>						
Agriculture and Food, Regulatory Services	40268	R70-330	5YR	03/16/2016	2016-8/91	
<u>dam safety</u>						
Natural Resources, Water Rights	40166	R655-10	5YR	01/29/2016	2016-4/80	
	40169	R655-10-5A	AMD	03/24/2016	2016-4/67	
	40168	R655-12	5YR	01/29/2016	2016-4/81	
	40176	R655-12	AMD	03/24/2016	2016-4/71	
<u>dams</u>						
Natural Resources, Water Rights	40166	R655-10	5YR	01/29/2016	2016-4/80	
	40169	R655-10-5A	AMD	03/24/2016	2016-4/67	
	40167	R655-11	5YR	01/29/2016	2016-4/81	
	40175	R655-11	AMD	03/24/2016	2016-4/68	
	40168	R655-12	5YR	01/29/2016	2016-4/81	
	40176	R655-12	AMD	03/24/2016	2016-4/71	
<u>data</u>						
Health, Center for Health Data, Health Care Statistics	40179	R428-15	AMD	03/25/2016	2016-4/48	
<u>decommissioning</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	39991	R313-22	AMD	05/09/2016	2016-1/33	
	40009	R313-22	NSC	01/15/2016	Not Printed	
	39991	R313-22	CPR	05/09/2016	2016-7/44	
<u>definitions</u>						
Education, Administration	40247	R277-99-2	NSC	03/29/2016	Not Printed	
Environmental Quality, Air Quality	39994	R307-101-2	AMD	03/03/2016	2016-1/21	
Environmental Quality, Drinking Water	40032	R309-110-4	AMD	05/01/2016	2016-2/20	
Navajo Trust Fund, Trustees	40020	R661-2	NEW	02/29/2016	2016-2/104	
School and Institutional Trust Lands, Administration	39962	R850-1	AMD	01/21/2016	2015-24/48	
<u>dental hygienists</u>						
Commerce, Occupational and Professional Licensing	40150	R156-69	5YR	01/21/2016	2016-4/77	
<u>dentists</u>						
Commerce, Occupational and Professional Licensing	40150	R156-69	5YR	01/21/2016	2016-4/77	

<u>depository</u> Money Management Council, Administration	40303	R628-10	EXD	04/12/2016	2016-9/139
<u>developmentally disabled</u> Agriculture and Food, Administration	40235	R51-4	5YR	02/29/2016	2016-6/27
<u>Dine' Advisory Committee</u> Navajo Trust Fund, Trustees	40019 40020	R661-1 R661-2	NEW NEW	02/29/2016 02/29/2016	2016-2/103 2016-2/104
<u>direct-entry midwife</u> Commerce, Occupational and Professional Licensing	40353	R156-77	5YR	04/26/2016	2016-10/83
<u>disciplinary presumptions</u> Education, Administration	39837	R277-207	NEW	01/11/2016	2015-21/17
<u>disclosure requirements</u> Natural Resources, Geological Survey	40214	R638-1	5YR	02/17/2016	2016-6/36
<u>discrimination</u> Agriculture and Food, Administration	40235	R51-4	5YR	02/29/2016	2016-6/27
<u>disinfection monitoring</u> Environmental Quality, Drinking Water	40036	R309-215	AMD	05/01/2016	2016-2/40
<u>distribution system monitoring</u> Environmental Quality, Drinking Water	40034 40035	R309-210 R309-211	AMD NEW	05/01/2016 05/01/2016	2016-2/26 2016-2/33
<u>domestic violence</u> Human Services, Child and Family Services	40152 39939	R512-205 R512-301	5YR AMD	01/25/2016 01/07/2016	2016-4/79 2015-23/35
<u>drinking water</u> Environmental Quality, Drinking Water	40031 40032 40033 40034 40035 40036 40037 40038	R309-105-4 R309-110-4 R309-200-5 R309-210 R309-211 R309-215 R309-220 R309-225	AMD AMD AMD AMD NEW AMD AMD AMD	05/01/2016 05/01/2016 05/01/2016 05/01/2016 05/01/2016 05/01/2016 05/01/2016 05/01/2016	2016-2/19 2016-2/20 2016-2/23 2016-2/26 2016-2/33 2016-2/40 2016-2/46 2016-2/53
<u>driver address record</u> Public Safety, Driver License	40145	R708-42	5YR	01/19/2016	2016-4/84
<u>driver education</u> Education, Administration Public Safety, Driver License	40250 40141	R277-507-1 R708-18	NSC 5YR	03/29/2016 01/19/2016	Not Printed 2016-4/82
<u>driver license</u> Public Safety, Driver License	40147	R708-44	5YR	01/19/2016	2016-4/85
<u>driver license verification</u> Public Safety, Driver License	40146	R708-43	5YR	01/19/2016	2016-4/84
<u>due process</u> Human Services, Child and Family Services	39938	R512-31	AMD	01/07/2016	2015-23/33
<u>earthquakes</u> Natural Resources, Water Rights	40167 40175	R655-11 R655-11	5YR AMD	01/29/2016 03/24/2016	2016-4/81 2016-4/68
<u>economic development</u> Governor, Economic Development	40028 40028	R357-7 R357-7	R&R CPR	05/16/2016 05/16/2016	2016-2/60 2016-7/49

RULES INDEX

---

<u>educational expenditures</u> Education, Administration	40288	R277-478	REP	05/23/2016	2016-8/19
<u>educational testing</u> Education, Administration	40253	R277-702-4	NSC	03/29/2016	Not Printed
<u>educator licensure</u> Education, Administration	40250	R277-507-1	NSC	03/29/2016	Not Printed
<u>educators</u> Education, Administration	39837 40099 40100 40362	R277-207 R277-510 R277-510 R277-510-5	NEW 5YR AMD NSC	01/11/2016 01/14/2016 03/09/2016 05/11/2016	2015-21/17 2016-3/510 2016-3/8 Not Printed
<u>effluent standards</u> Environmental Quality, Water Quality	39981	R317-1-3	AMD	02/25/2016	2016-1/40
<u>eggs</u> Agriculture and Food, Regulatory Services	40149	R70-410	5YR	01/20/2016	2016-4/77
<u>electrical wiring</u> Navajo Trust Fund, Trustees	40026	R661-8	NEW	02/29/2016	2016-2/115
<u>electronic cigarettes</u> Health, Disease Control and Prevention, Health Promotion	40210	R384-415	AMD	04/15/2016	2016-5/8
<u>electronic meetings</u> Crime Victim Reparations, Administration	40148	R270-5	NEW	04/06/2016	2016-4/14
<u>electronic prescribing</u> Commerce, Occupational and Professional Licensing	39980	R156-82-201	AMD	02/08/2016	2016-1/12
<u>Electronic-Cigarette Regulation Act</u> Health, Disease Control and Prevention, Health Promotion	40210	R384-415	AMD	04/15/2016	2016-5/8
<u>eligibility</u> Health, Health Care Financing, Coverage and Reimbursement Policy	40244	R414-307-3	AMD	05/20/2016	2016-7/8
<u>eligible purchases</u> Navajo Trust Fund, Trustees	40025	R661-7	NEW	02/29/2016	2016-2/113
<u>emancipation</u> Human Services, Recovery Services	40054	R527-250	5YR	01/05/2016	2016-3/513
<u>emergency medical services</u> Health, Family Health and Preparedness, Emergency Medical Services	40283 40178	R426-5 R426-7	AMD AMD	05/31/2016 03/25/2016	2016-8/70 2016-4/33
<u>emission fees</u> Environmental Quality, Air Quality	39847	R307-415-3	AMD	02/04/2016	2015-21/50
<u>employees</u> Human Services, Administration	40264	R495-885	NEW	05/11/2016	2016-7/18
<u>employer liability</u> Workforce Services, Unemployment Insurance	40400	R994-302	5YR	05/03/2016	2016-11/65
<u>employment tests</u> Workforce Services, Unemployment Insurance	40045	R994-205-106	AMD	02/24/2016	2016-2/120
<u>endowment fund</u> Navajo Trust Fund, Trustees	40024	R661-6	NEW	02/29/2016	2016-2/110



<u>enhancement program</u> Education, Administration	40428	R277-707	5YR	05/16/2016	2016-11/63
<u>environmental analysis</u> Environmental Quality, Radiation Control	39992	R313-24	AMD	03/15/2016	2016-1/38
<u>equipment leasing</u> Commerce, Corporations and Commercial Code	40371	R154-2	5YR	05/02/2016	2016-10/81
<u>essential health benefit insurance</u> Insurance, Administration	40275	R590-266	AMD	05/23/2016	2016-8/82
<u>evaluation cycles</u> Judicial Performance Evaluation Commission, Administration	40192	R597-3-5	AMD	04/20/2016	2016-5/14
<u>event permits</u> Alcoholic Beverage Control, Administration	40384	R81-7	5YR	05/02/2016	2016-10/77
<u>exemptions</u> Environmental Quality, Radiation Control	39990	R313-19-34	AMD	03/15/2016	2016-1/32
<u>exemptions to wildland suppression fund</u> Natural Resources, Forestry, Fire and State Lands	40132	R652-123	5YR	01/14/2016	2016-3/531
<u>exhibitions</u> Agriculture and Food, Marketing and Development	40233	R65-8	5YR	02/29/2016	2016-6/28
<u>expansion</u> Education, Administration	40284 40289	R277-482 R277-482	5YR AMD	03/30/2016 05/23/2016	2016-8/93 2016-8/21
<u>extracurricular</u> Education, Administration	40098	R277-494	AMD	03/09/2016	2016-3/6
<u>facilities</u> Human Services, Substance Abuse and Mental Health, State Hospital	40313	R525-8	5YR	04/14/2016	2016-9/137
<u>facilities use</u> Administrative Services, Facilities Construction and Management	40226	R23-19	NSC	03/11/2016	Not Printed
Capitol Preservation Board (State), Administration	40437	R131-2	EMR	05/19/2016	Not Printed
<u>fairs</u> Fair Corporation (Utah State), Administration	40220 40221 40222 40223 40224	R325-1 R325-2 R325-3 R325-4 R325-5	5YR 5YR 5YR 5YR 5YR	02/23/2016 02/23/2016 02/23/2016 02/23/2016 02/23/2016	2016-6/29 2016-6/30 2016-6/30 2016-6/31 2016-6/32
<u>family employment program</u> Workforce Services, Employment Development	39944 40241	R986-200 R986-200-240	AMD AMD	02/24/2016 05/03/2016	2015-23/52 2016-6/25
<u>fees</u> Environmental Quality, Waste Management and Radiation Control, Radiation	40011	R313-70	NSC	01/15/2016	Not Printed
Natural Resources, Parks and Recreation	40065	R651-611	5YR	01/07/2016	2016-3/527
Public Safety, Driver License	40141	R708-18	5YR	01/19/2016	2016-4/82
<u>filing documents</u> Commerce, Corporations and Commercial Code	40371	R154-2	5YR	05/02/2016	2016-10/81
<u>finance</u> Housing Corporation (Utah), Administration	40013	R460-1	NSC	01/15/2016	Not Printed

RULES INDEX

	40014	R460-4	NSC	01/15/2016	Not Printed
	40015	R460-5	NSC	01/15/2016	Not Printed
	40016	R460-6	NSC	01/15/2016	Not Printed
	40017	R460-8	NSC	01/15/2016	Not Printed
<u>financial institutions</u>					
Financial Institutions, Administration	40139	R331-26	5YR	01/15/2016	2016-3/511
Money Management Council, Administration	40227	R628-12	5YR	02/26/2016	2016-6/35
	40228	R628-13	5YR	02/26/2016	2016-6/35
<u>fingerprinting</u>					
Human Services, Administration, Administrative Services, Licensing	39913	R501-14	R&R	01/13/2016	2015-23/24
<u>floods</u>					
Natural Resources, Water Rights	40167	R655-11	5YR	01/29/2016	2016-4/81
	40175	R655-11	AMD	03/24/2016	2016-4/68
<u>food</u>					
Agriculture and Food, Regulatory Services	39950	R70-530	AMD	02/02/2016	2015-24/12
<u>food inspection</u>					
Agriculture and Food, Plant Industry	40201	R68-4	5YR	02/08/2016	2016-5/23
<u>food inspections</u>					
Agriculture and Food, Regulatory Services	40270	R70-370	5YR	03/16/2016	2016-8/91
	40269	R70-380	5YR	03/16/2016	2016-8/92
	40149	R70-410	5YR	01/20/2016	2016-4/77
<u>food services</u>					
Health, Disease Control and Prevention, Environmental Services	40254	R392-100	AMD	05/23/2016	2016-7/4
	40356	R392-110	5YR	04/26/2016	2016-10/84
<u>forensic</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	40313	R525-8	5YR	04/14/2016	2016-9/137
<u>former foster care youth</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	40040	R414-303-8	AMD	03/08/2016	2016-2/89
<u>foster care</u>					
Human Services, Child and Family Services	39938	R512-31	AMD	01/07/2016	2015-23/33
	40151	R512-43	5YR	01/25/2016	2016-4/79
	40257	R512-43	AMD	05/09/2016	2016-7/29
	39956	R512-309	AMD	01/21/2016	2015-24/46
	39940	R512-310	AMD	01/07/2016	2015-23/38
<u>franchises</u>					
Commerce, Administration	40293	R151-14	5YR	03/31/2016	2016-8/92
<u>fraud</u>					
Commerce, Consumer Protection	40341	R152-26	5YR	04/19/2016	2016-10/80
<u>freedom of information</u>					
Agriculture and Food, Administration	40234	R51-3	5YR	02/29/2016	2016-6/27
<u>funeral directors</u>					
Commerce, Occupational and Professional Licensing	40354	R156-9	5YR	04/26/2016	2016-10/81
<u>funeral industries</u>					
Commerce, Occupational and Professional Licensing	40354	R156-9	5YR	04/26/2016	2016-10/81
<u>game laws</u>					
Natural Resources, Wildlife Resources	39976	R657-5	AMD	02/08/2016	2016-1/60
	40093	R657-33	AMD	03/09/2016	2016-3/490

<u>gasoline transport</u>						
Environmental Quality, Air Quality	39845	R307-328-4	AMD	02/04/2016	2015-21/47	
<u>general licenses</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	40008	R313-21	NSC	01/15/2016	Not Printed	
<u>generators</u>						
Environmental Quality, Waste Management and Radiation Control, Waste Management	40109	R315-262	NEW	04/15/2016	2016-3/170	
	40279	R315-262	NSC	04/15/2016	Not Printed	
<u>government documents</u>						
Agriculture and Food, Administration	40234	R51-3	5YR	02/29/2016	2016-6/27	
<u>government hearings</u>						
Commerce, Administration	40265	R151-4	5YR	03/15/2016	2016-7/63	
Commerce, Occupational and Professional Licensing	40052	R156-46b	5YR	01/05/2016	2016-3/509	
<u>government purchasing</u>						
Administrative Services, Purchasing and General Services	40048	R33-6-114	AMD	02/23/2016	2016-2/6	
School and Institutional Trust Lands, Administration	39961	R850-11	AMD	01/21/2016	2015-24/50	
<u>Governmental Immunity Act caps</u>						
Administrative Services, Risk Management	40282	R37-4	AMD	06/01/2016	2016-8/6	
<u>graduation requirements</u>						
Education, Administration	40252	R277-700-7	NSC	03/29/2016	Not Printed	
	39936	R277-705	AMD	01/07/2016	2015-23/17	
<u>grants</u>						
Education, Administration	40249	R277-402-4	NSC	03/29/2016	Not Printed	
Health, Family Health and Preparedness, Primary Care and Rural Health	40245	R434-40-11	AMD	06/01/2016	2016-7/16	
	40240	R434-50	5YR	03/01/2016	2016-6/32	
<u>graphic arts</u>						
Environmental Quality, Air Quality	40225	R307-351-4	NSC	03/11/2016	Not Printed	
<u>greenhouse gases</u>						
Environmental Quality, Air Quality	39846	R307-405-3	AMD	02/04/2016	2015-21/48	
	39847	R307-415-3	AMD	02/04/2016	2015-21/50	
<u>grievances</u>						
Agriculture and Food, Administration	40235	R51-4	5YR	02/29/2016	2016-6/27	
<u>habitat designation</u>						
Natural Resources, Wildlife Resources	40370	R657-48	5YR	05/02/2016	2016-10/86	
<u>hazardous waste</u>						
Environmental Quality, Waste Management and Radiation Control, Waste Management	40117	R315-1	REP	04/15/2016	2016-3/14	
	40118	R315-2	REP	04/15/2016	2016-3/14	
	40119	R315-3	REP	04/15/2016	2016-3/15	
	40120	R315-4	REP	04/15/2016	2016-3/16	
	40121	R315-5	REP	04/15/2016	2016-3/17	
	40122	R315-6	REP	04/15/2016	2016-3/18	
	40123	R315-7	REP	04/15/2016	2016-3/18	
	40124	R315-8	REP	04/15/2016	2016-3/19	
	40125	R315-9	REP	04/15/2016	2016-3/20	
	40126	R315-12	REP	04/15/2016	2016-3/21	
	40127	R315-13	REP	04/15/2016	2016-3/21	
	40128	R315-14	REP	04/15/2016	2016-3/22	
	40260	R315-15	5YR	03/10/2016	2016-7/64	
	40129	R315-16	REP	04/15/2016	2016-3/23	

RULES INDEX

	40261	R315-17	5YR	03/10/2016	2016-7/65
	40130	R315-50	REP	04/15/2016	2016-3/24
	40262	R315-101	5YR	03/10/2016	2016-7/65
	40263	R315-102	5YR	03/10/2016	2016-7/66
	40105	R315-103	NEW	04/15/2016	2016-3/25
	40106	R315-124	NEW	04/15/2016	2016-3/26
	40107	R315-260	NEW	04/15/2016	2016-3/32
	40277	R315-260	NSC	04/15/2016	Not Printed
	40108	R315-261	NEW	04/15/2016	2016-3/49
	40278	R315-261	NSC	04/15/2016	Not Printed
	40109	R315-262	NEW	04/15/2016	2016-3/170
	40279	R315-262	NSC	04/15/2016	Not Printed
	40110	R315-263	NEW	04/15/2016	2016-3/196
	40280	R315-263	NSC	04/15/2016	Not Printed
	40115	R315-264	NEW	04/15/2016	2016-3/201
	40281	R315-264	NSC	04/15/2016	Not Printed
	40111	R315-265	NEW	04/15/2016	2016-3/346
	40112	R315-266	NEW	04/15/2016	2016-3/347
	40113	R315-268	NEW	04/15/2016	2016-3/380
	40114	R315-270	NEW	04/15/2016	2016-3/418
	40116	R315-273	NEW	04/15/2016	2016-3/468
<u>health</u>					
Health, Center for Health Data, Health Care Statistics	40170	R428-1	AMD	03/25/2016	2016-4/37
	40171	R428-2	AMD	03/25/2016	2016-4/38
	40172	R428-10	R&R	03/25/2016	2016-4/43
	40173	R428-11	REP	03/25/2016	2016-4/45
	40174	R428-13	AMD	03/25/2016	2016-4/47
<u>health care facilities</u>					
Health, Family Health and Preparedness, Licensing	39963	R432-100	AMD	02/10/2016	2015-24/29
	39966	R432-270	AMD	01/28/2016	2015-24/41
	40243	R432-550	AMD	05/16/2016	2016-7/9
<u>health data</u>					
Health, Center for Health Data, Health Care Statistics	40172	R428-10	R&R	03/25/2016	2016-4/43
<u>health effects</u>					
Environmental Quality, Drinking Water	40037	R309-220	AMD	05/01/2016	2016-2/46
<u>health insurance</u>					
Administrative Services, Facilities Construction and Management	40044	R23-23	NSC	01/15/2016	Not Printed
	40440	R23-23	EMR	05/23/2016	Not Printed
Insurance, Administration	40182	R590-167-11	AMD	03/23/2016	2016-4/57
<u>health insurance claims reporting</u>					
Insurance, Administration	40273	R590-262	AMD	05/23/2016	2016-8/80
<u>health insurance filings</u>					
Insurance, Administration	40155	R590-220-16	AMD	03/23/2016	2016-4/59
<u>health insurance open enrollment</u>					
Insurance, Administration	40154	R590-259	5YR	01/25/2016	2016-4/80
<u>health planning</u>					
Health, Center for Health Data, Health Care Statistics	40170	R428-1	AMD	03/25/2016	2016-4/37
	40171	R428-2	AMD	03/25/2016	2016-4/38
	40172	R428-10	R&R	03/25/2016	2016-4/43
	40173	R428-11	REP	03/25/2016	2016-4/45
	40174	R428-13	AMD	03/25/2016	2016-4/47
<u>health policy</u>					
Health, Center for Health Data, Health Care Statistics	40170	R428-1	AMD	03/25/2016	2016-4/37
	40171	R428-2	AMD	03/25/2016	2016-4/38
	40174	R428-13	AMD	03/25/2016	2016-4/47

<u>hearing</u>						
Environmental Quality, Waste Management and Radiation Control, Waste Management	40126	R315-12	REP	04/15/2016	2016-3/21	
<u>heritage and arts</u>						
Heritage and Arts, Arts and Museums	40103	R451-3	NEW	05/26/2016	2016-3/484	
<u>high school credit</u>						
Education, Administration	39936	R277-705	AMD	01/07/2016	2015-23/17	
<u>higher education</u>						
Regents (Board Of), Administration	40246	R765-608	NSC	03/29/2016	Not Printed	
	40343	R765-608	5YR	04/19/2016	2016-10/87	
<u>highly qualified</u>						
Education, Administration	40099	R277-510	5YR	01/14/2016	2016-3/510	
	40100	R277-510	AMD	03/09/2016	2016-3/8	
	40362	R277-510-5	NSC	05/11/2016	Not Printed	
<u>highway finances</u>						
Transportation, Program Development	40056	R926-3	AMD	04/08/2016	2016-3/492	
<u>highways</u>						
Transportation, Program Development	40056	R926-3	AMD	04/08/2016	2016-3/492	
	40204	R926-9	EXT	02/09/2016	2016-5/30	
	40057	R926-13-4	AMD	04/08/2016	2016-3/493	
	40409	R926-14	EMR	05/10/2016	2016-11/55	
<u>historic preservation</u>						
Heritage and Arts, History	40410	R455-8	5YR	05/10/2016	2016-11/65	
	40186	R455-9	5YR	02/02/2016	2016-5/27	
<u>historic sites</u>						
Heritage and Arts, History	40187	R455-6	5YR	02/02/2016	2016-5/26	
	40410	R455-8	5YR	05/10/2016	2016-11/65	
<u>historical society</u>						
Heritage and Arts, History	40406	R455-3	5YR	05/05/2016	2016-11/64	
<u>horse racing</u>						
Agriculture and Food, Horse Racing Commission (Utah)	39951	R52-7	AMD	02/02/2016	2015-24/4	
<u>horses</u>						
Agriculture and Food, Horse Racing Commission (Utah)	39951	R52-7	AMD	02/02/2016	2015-24/4	
<u>hospital policy</u>						
Health, Center for Health Data, Health Care Statistics	40172	R428-10	R&R	03/25/2016	2016-4/43	
	40173	R428-11	REP	03/25/2016	2016-4/45	
<u>HOT Lanes</u>						
Transportation Commission, Administration	40205	R940-1	EXT	02/09/2016	2016-5/30	
<u>hotel convention center incentives</u>						
Governor, Economic Development	40027	R357-13	NEW	03/14/2016	2016-2/76	
<u>hourly child care centers</u>						
Health, Child Care Center Licensing Committee	39902	R381-60	AMD	01/31/2016	2015-22/34	
	40163	R381-60	AMD	03/30/2016	2016-4/15	
<u>housing</u>						
Housing Corporation (Utah), Administration	40013	R460-1	NSC	01/15/2016	Not Printed	
	40014	R460-4	NSC	01/15/2016	Not Printed	
	40015	R460-5	NSC	01/15/2016	Not Printed	
	40016	R460-6	NSC	01/15/2016	Not Printed	
	40017	R460-8	NSC	01/15/2016	Not Printed	

RULES INDEX

Navajo Trust Fund, Trustees	40025	R661-7	NEW	02/29/2016	2016-2/113
<u>housing finance</u>					
Housing Corporation (Utah), Administration	40012	R460-2	AMD	03/09/2016	2016-2/90
	40018	R460-3	AMD	03/09/2016	2016-2/92
<u>human services</u>					
Human Services, Administration	40264	R495-885	NEW	05/11/2016	2016-7/18
<u>hunting</u>					
Natural Resources, Parks and Recreation	40215	R651-637	AMD	04/21/2016	2016-6/23
<u>import restrictions</u>					
Natural Resources, Wildlife Resources	40094	R657-3	AMD	03/09/2016	2016-3/486
<u>improvements</u>					
Education, Administration	39789	R277-920	NEW	02/08/2016	2015-20/70
<u>incident reporting</u>					
Public Service Commission, Administration	39934	R746-409	AMD	03/30/2016	2015-23/42
	39934	R746-409	CPR	03/30/2016	2016-3/504
<u>Indian affairs</u>					
Heritage and Arts, Indian Affairs	40137	R456-1	5YR	01/14/2016	2016-3/511
<u>inducement gifts</u>					
Commerce, Real Estate	40041	R162-2f	AMD	02/23/2016	2016-2/11
<u>initiative</u>					
Education, Administration	40249	R277-402-4	NSC	03/29/2016	Not Printed
<u>inspections</u>					
Agriculture and Food, Plant Industry	40232	R68-7	5YR	02/29/2016	2016-6/28
Agriculture and Food, Regulatory Services	39950	R70-530	AMD	02/02/2016	2015-24/12
Environmental Quality, Waste Management and Radiation Control, Radiation	40004	R313-16-230	NSC	01/15/2016	Not Printed
	40007	R313-18-11	NSC	01/15/2016	Not Printed
<u>insurance</u>					
Insurance, Administration	40236	R590-144	5YR	02/29/2016	2016-6/33
	39945	R590-154	AMD	01/15/2016	2015-23/40
	40237	R590-177	5YR	02/29/2016	2016-6/33
	40005	R590-212	REP	03/16/2016	2016-2/99
Insurance, Title and Escrow Commission	40006	R592-17	NEW	03/16/2016	2016-2/101
<u>insurance certificate of authority</u>					
Insurance, Administration	40346	R590-208	5YR	04/21/2016	2016-10/85
<u>insurance law</u>					
Insurance, Administration	39998	R590-164-6	AMD	02/23/2016	2016-2/97
	40238	R590-200	5YR	02/29/2016	2016-6/34
<u>intoxilyzer</u>					
Public Safety, Highway Patrol	39850	R714-500	AMD	01/21/2016	2015-22/144
<u>investigations</u>					
Public Safety, Peace Officer Standards and Training	40165	R728-409-14	NSC	02/17/2016	Not Printed
<u>IT bid committee</u>					
Technology Services, Administration	40030	R895-5	AMD	02/23/2016	2016-2/118
<u>IT standards</u>					
Technology Services, Administration	40030	R895-5	AMD	02/23/2016	2016-2/118
<u>jail reimbursement</u>					
Governor, Criminal and Juvenile Justice (State Commission on)	39964	R356-1	AMD	02/10/2016	2015-24/14

<u>judges</u>						
Judicial Performance Evaluation Commission, Administration	40192	R597-3-5	AMD	04/20/2016	2016-5/14	
<u>judicial performance evaluations</u>						
Judicial Performance Evaluation Commission, Administration	40192	R597-3-5	AMD	04/20/2016	2016-5/14	
<u>labor commission</u>						
Labor Commission, Administration	40450	R600-3	5YR	05/27/2016	Not Printed	
<u>land exchange</u>						
School and Institutional Trust Lands, Administration	40291	R850-90-200	AMD	05/24/2016	2016-8/83	
<u>land exchanges</u>						
Natural Resources, Forestry, Fire and State Lands	40135	R652-80	5YR	01/14/2016	2016-3/531	
<u>lead</u>						
Environmental Quality, Air Quality	40207	R307-841-8	AMD	05/05/2016	2016-5/7	
<u>lead-based paint</u>						
Environmental Quality, Air Quality	40207	R307-841-8	AMD	05/05/2016	2016-5/7	
<u>leaders</u>						
Education, Administration	39789	R277-920	NEW	02/08/2016	2015-20/70	
<u>leases</u>						
School and Institutional Trust Lands, Administration	40185	R850-30-400	AMD	03/23/2016	2016-4/73	
<u>liability</u>						
Administrative Services, Finance	39943	R25-15	NEW	01/13/2016	2015-23/6	
<u>license</u>						
Environmental Quality, Radiation Control	39990	R313-19-34	AMD	03/15/2016	2016-1/32	
<u>licensed family child care</u>						
Health, Family Health and Preparedness, Child Care Licensing	39895	R430-90	AMD	01/31/2016	2015-22/57	
	40159	R430-90	AMD	03/30/2016	2016-4/53	
<u>licensing</u>						
Commerce, Occupational and Professional Licensing	40058	R156-3a	5YR	01/07/2016	2016-3/507	
	40354	R156-9	5YR	04/26/2016	2016-10/81	
	40071	R156-9a	5YR	01/07/2016	2016-3/508	
	40217	R156-17b	AMD	04/21/2016	2016-6/4	
	40218	R156-17b-614a	AMD	04/21/2016	2016-6/11	
	39982	R156-26a	AMD	02/11/2016	2016-1/4	
	40216	R156-37	AMD	04/21/2016	2016-6/14	
	39923	R156-37f	AMD	01/07/2016	2015-23/7	
	40352	R156-40	5YR	04/26/2016	2016-10/82	
	40000	R156-47b	AMD	03/08/2016	2016-2/8	
	40219	R156-55a	AMD	04/21/2016	2016-6/16	
	40344	R156-55a-303b	NSC	05/11/2016	Not Printed	
	40131	R156-55c	NSC	02/02/2016	Not Printed	
	40164	R156-55d	AMD	03/24/2016	2016-4/10	
	40355	R156-57	5YR	04/26/2016	2016-10/83	
	39924	R156-60b-102	AMD	01/07/2016	2015-23/12	
	39911	R156-60c	AMD	01/07/2016	2015-23/14	
	40055	R156-60d	5YR	01/05/2016	2016-3/509	
	40196	R156-67	5YR	02/08/2016	2016-5/24	
	40150	R156-69	5YR	01/21/2016	2016-4/77	
	40208	R156-73	5YR	02/11/2016	2016-5/25	
	40353	R156-77	5YR	04/26/2016	2016-10/83	
	39912	R156-78-102	AMD	01/07/2016	2015-23/16	
	39980	R156-82-201	AMD	02/08/2016	2016-1/12	

RULES INDEX

Environmental Quality, Waste Management and Radiation Control, Radiation	40007	R313-18-11	NSC	01/15/2016	Not Printed
Human Services, Administration, Administrative Services, Licensing	39913	R501-14	R&R	01/13/2016	2015-23/24
Public Safety, Driver License	40141	R708-18	5YR	01/19/2016	2016-4/82
<u>life insurance filings</u>					
Insurance, Administration	40156	R590-226	AMD	03/23/2016	2016-4/60
<u>life jackets</u>					
Natural Resources, Parks and Recreation	40078	R651-219	5YR	01/07/2016	2016-3/523
<u>limitation on judgments</u>					
Administrative Services, Risk Management	40282	R37-4	AMD	06/01/2016	2016-8/6
<u>line-of-duty death</u>					
Public Safety, Administration	40001	R698-8	NEW	02/24/2016	2016-2/117
<u>livestock</u>					
Agriculture and Food, Marketing and Development	40233	R65-8	5YR	02/29/2016	2016-6/28
<u>local health departments</u>					
Health, Administration	40049	R380-40	AMD	03/02/2016	2016-2/79
<u>MAGI-based</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	40040	R414-303-8	AMD	03/08/2016	2016-2/89
<u>management</u>					
Natural Resources, Forestry, Fire and State Lands	40136	R652-41	5YR	01/14/2016	2016-3/530
<u>marriage and family therapist</u>					
Commerce, Occupational and Professional Licensing	39924	R156-60b-102	AMD	01/07/2016	2015-23/12
<u>massage apprentice</u>					
Commerce, Occupational and Professional Licensing	40000	R156-47b	AMD	03/08/2016	2016-2/8
<u>massage therapist</u>					
Commerce, Occupational and Professional Licensing	40000	R156-47b	AMD	03/08/2016	2016-2/8
<u>massage therapy</u>					
Commerce, Occupational and Professional Licensing	40000	R156-47b	AMD	03/08/2016	2016-2/8
<u>Medicaid</u>					
Health, Health Care Financing	39983	R410-14	R&R	02/10/2016	2016-1/43
Health, Health Care Financing, Coverage and Reimbursement Policy	40043	R414-1-5	AMD	03/08/2016	2016-2/85
	39985	R414-1A	AMD	03/08/2016	2016-1/56
	40180	R414-2B	AMD	04/01/2016	2016-4/30
	40181	R414-320	5YR	02/01/2016	2016-4/78
	40301	R414-505	EMR	04/06/2016	2016-9/129
	40318	R414-505	EMR	04/15/2016	2016-9/131
	39914	R414-512	NEW	01/11/2016	2015-23/20
	40319	R414-513	EMR	04/15/2016	2016-9/133
<u>medical use advisory committee</u>					
Environmental Quality, Waste Management and Radiation Control, Radiation	40230	R313-27	NSC	03/08/2016	Not Printed
<u>medical use of radiation</u>					
Environmental Quality, Waste Management and Radiation Control, Radiation	40230	R313-27	NSC	03/08/2016	Not Printed
<u>medically underserved</u>					
Health, Family Health and Preparedness, Primary Care and Rural Health	40245	R434-40-11	AMD	06/01/2016	2016-7/16



<u>mental health</u>						
Commerce, Occupational and Professional Licensing	39911	R156-60c	AMD	01/07/2016	2015-23/14	
Corrections, Administration	40039	R251-109	AMD	05/04/2016	2016-2/16	
Human Services, Substance Abuse and Mental Health, State Hospital	40313	R525-8	5YR	04/14/2016	2016-9/137	
<u>midwife</u>						
Commerce, Occupational and Professional Licensing	40353	R156-77	5YR	04/26/2016	2016-10/83	
<u>migratory birds</u>						
Natural Resources, Wildlife Resources	39978	R657-9	AMD	02/08/2016	2016-1/66	
<u>minimum standards</u>						
Natural Resources, Forestry, Fire and State Lands	40304	R652-122	5YR	04/14/2016	2016-9/138	
<u>misleading names</u>						
Insurance, Administration	39945	R590-154	AMD	01/15/2016	2015-23/40	
<u>motor vehicle record</u>						
Public Safety, Driver License	40147	R708-44	5YR	01/19/2016	2016-4/85	
<u>motor vehicle safety</u>						
Public Safety, Highway Patrol	40197	R714-160	EXT	02/08/2016	2016-5/29	
	40198	R714-161	EXT	02/08/2016	2016-5/29	
	40199	R714-162	EXT	02/08/2016	2016-5/29	
<u>motor vehicles</u>						
Commerce, Administration	40293	R151-14	5YR	03/31/2016	2016-8/92	
Public Safety, Driver License	40143	R708-20	5YR	01/19/2016	2016-4/83	
<u>motorboat noise</u>						
Natural Resources, Parks and Recreation	40081	R651-222	5YR	01/07/2016	2016-3/524	
<u>multiple stage bidding</u>						
Administrative Services, Purchasing and General Services	40048	R33-6-114	AMD	02/23/2016	2016-2/6	
<u>national register</u>						
Heritage and Arts, History	40187	R455-6	5YR	02/02/2016	2016-5/26	
<u>Native American remains</u>						
Heritage and Arts, Indian Affairs	40137	R456-1	5YR	01/14/2016	2016-3/511	
<u>natural gas</u>						
Environmental Quality, Air Quality	40408	R307-230	LNR	05/10/2016	2016-11/67	
<u>natural gas pipeline safety</u>						
Public Service Commission, Administration	39934	R746-409	AMD	03/30/2016	2015-23/42	
	39934	R746-409	CPR	03/30/2016	2016-3/504	
<u>natural resources</u>						
Natural Resources, Forestry, Fire and State Lands	40136	R652-41	5YR	01/14/2016	2016-3/530	
<u>negative options</u>						
Commerce, Consumer Protection	40342	R152-11	5YR	04/19/2016	2016-10/80	
<u>new source review</u>						
Environmental Quality, Air Quality	40294	R307-210	EXT	04/04/2016	2016-9/141	
	40422	R307-210	5YR	05/12/2016	2016-11/63	
<u>nicotine</u>						
Health, Disease Control and Prevention, Health Promotion	40210	R384-415	AMD	04/15/2016	2016-5/8	
<u>nonattainment</u>						
Environmental Quality, Air Quality	40193	R307-403-2	NSC	02/25/2016	Not Printed	

RULES INDEX

---

<u>notification requirements</u>					
Commerce, Real Estate	40276	R162-2f	AMD	05/31/2016	2016-8/7
	40364	R162-2f-202b	NSC	05/11/2016	Not Printed
<u>NOx</u>					
Environmental Quality, Air Quality	40408	R307-230	LNR	05/10/2016	2016-11/67
<u>noxious weeds</u>					
Agriculture and Food, Plant Industry	39965	R68-9	AMD	02/02/2016	2015-24/8
<u>nuclear medicine</u>					
Environmental Quality, Waste Management and Radiation Control, Radiation	40010	R313-32-2	NSC	01/15/2016	Not Printed
<u>nutrient limits</u>					
Environmental Quality, Water Quality	39981	R317-1-3	AMD	02/25/2016	2016-1/40
<u>occupational licensing</u>					
Commerce, Occupational and Professional Licensing	40052	R156-46b	5YR	01/05/2016	2016-3/509
	40219	R156-55a	AMD	04/21/2016	2016-6/16
	40344	R156-55a-303b	NSC	05/11/2016	Not Printed
	40131	R156-55c	NSC	02/02/2016	Not Printed
<u>off-highway vehicles</u>					
Natural Resources, Parks and Recreation	40087	R651-401	5YR	01/07/2016	2016-3/526
	40088	R651-405	5YR	01/07/2016	2016-3/526
	40089	R651-406	5YR	01/07/2016	2016-3/527
<u>offset</u>					
Environmental Quality, Air Quality	40193	R307-403-2	NSC	02/25/2016	Not Printed
<u>OHV education standards</u>					
Natural Resources, Parks and Recreation	40213	R651-412	AMD	04/21/2016	2016-6/22
<u>oil and gas law</u>					
Natural Resources, Oil, Gas and Mining; Oil and Gas	40302	R649-1-1	NSC	04/15/2016	Not Printed
<u>operating permit</u>					
Environmental Quality, Air Quality	39847	R307-415-3	AMD	02/04/2016	2015-21/50
<u>operational requirements</u>					
Commerce, Real Estate	40276	R162-2f	AMD	05/31/2016	2016-8/7
	40364	R162-2f-202b	NSC	05/11/2016	Not Printed
<u>operator certification</u>					
Public Safety, Highway Patrol	39850	R714-500	AMD	01/21/2016	2015-22/144
<u>out of school time child care programs</u>					
Health, Child Care Center Licensing Committee	39898	R381-70	AMD	01/31/2016	2015-22/40
	40162	R381-70	AMD	03/30/2016	2016-4/20
<u>out-of-home care</u>					
Human Services, Child and Family Services	39955	R512-305	AMD	01/21/2016	2015-24/44
<u>ozone</u>					
Environmental Quality, Air Quality	39849	R307-110-28	AMD	02/04/2016	2015-21/45
	39845	R307-328-4	AMD	02/04/2016	2015-21/47
<u>paint</u>					
Environmental Quality, Air Quality	40207	R307-841-8	AMD	05/05/2016	2016-5/7
<u>parades</u>					
Transportation, Operations, Traffic and Safety	39941	R920-4	AMD	01/07/2016	2015-23/46
<u>parks</u>					
Natural Resources, Parks and Recreation	40059	R651-201	5YR	01/07/2016	2016-3/513
	40063	R651-205	5YR	01/07/2016	2016-3/515

	40064	R651-206	5YR	01/07/2016	2016-3/516
	40091	R651-206	NSC	02/02/2016	Not Printed
	40074	R651-215	5YR	01/07/2016	2016-3/520
	40076	R651-217	5YR	01/07/2016	2016-3/522
	40078	R651-219	5YR	01/07/2016	2016-3/523
	40080	R651-221	5YR	01/07/2016	2016-3/524
	40213	R651-412	AMD	04/21/2016	2016-6/22
	40065	R651-611	5YR	01/07/2016	2016-3/527
	40215	R651-637	AMD	04/21/2016	2016-6/23
<u>payers</u>					
Health, Center for Health Data, Health Care Statistics	40179	R428-15	AMD	03/25/2016	2016-4/48
<u>PCN</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	40181	R414-320	5YR	02/01/2016	2016-4/78
<u>peer review</u>					
Commerce, Occupational and Professional Licensing	39982	R156-26a	AMD	02/11/2016	2016-1/4
<u>per diem allowances</u>					
Administrative Services, Finance	40042	R25-7-10	AMD	02/23/2016	2016-2/4
<u>performance standards</u>					
Health, Administration	40049	R380-40	AMD	03/02/2016	2016-2/79
<u>permits</u>					
Natural Resources, Wildlife Resources	40231	R657-63	5YR	02/29/2016	2016-6/37
Transportation, Operations, Traffic and Safety	39941	R920-4	AMD	01/07/2016	2015-23/46
<u>pesticides</u>					
Agriculture and Food, Plant Industry	40232	R68-7	5YR	02/29/2016	2016-6/28
<u>pharmacies</u>					
Commerce, Occupational and Professional Licensing	40217	R156-17b	AMD	04/21/2016	2016-6/4
	40218	R156-17b-614a	AMD	04/21/2016	2016-6/11
<u>pharmacists</u>					
Commerce, Occupational and Professional Licensing	40217	R156-17b	AMD	04/21/2016	2016-6/4
	40218	R156-17b-614a	AMD	04/21/2016	2016-6/11
<u>physicians</u>					
Commerce, Occupational and Professional Licensing	40196	R156-67	5YR	02/08/2016	2016-5/24
<u>pipelines</u>					
Public Service Commission, Administration	40292	R746-409	5YR	03/31/2016	2016-8/94
<u>plant disease</u>					
Agriculture and Food, Plant Industry	40200	R68-18	5YR	02/08/2016	2016-5/23
<u>plumbers</u>					
Commerce, Occupational and Professional Licensing	40131	R156-55c	NSC	02/02/2016	Not Printed
<u>plumbing</u>					
Commerce, Occupational and Professional Licensing	40131	R156-55c	NSC	02/02/2016	Not Printed
<u>PM10</u>					
Environmental Quality, Air Quality	39849	R307-110-28	AMD	02/04/2016	2015-21/45
<u>PM2.5</u>					
Environmental Quality, Air Quality	39849	R307-110-28	AMD	02/04/2016	2015-21/45
<u>power lines</u>					
Navajo Trust Fund, Trustees	40026	R661-8	NEW	02/29/2016	2016-2/115
<u>preneed funeral arrangements</u>					
Commerce, Occupational and Professional Licensing	40354	R156-9	5YR	04/26/2016	2016-10/81

RULES INDEX

---

<u>prescription drug plans</u> Insurance, Administration	40345	R590-235	5YR	04/21/2016	2016-10/86
<u>presumptive eligibility</u> Health, Health Care Financing, Coverage and Reimbursement Policy	40040	R414-303-8	AMD	03/08/2016	2016-2/89
<u>principals</u> Education, Administration	39997 40286	R277-920-3 R277-920-4	AMD NSC	02/08/2016 04/05/2016	2016-1/20 Not Printed
<u>printing</u> Environmental Quality, Air Quality	40225	R307-351-4	NSC	03/11/2016	Not Printed
<u>procedures</u> Crime Victim Reparations, Administration	40148	R270-5	NEW	04/06/2016	2016-4/14
<u>procurement</u> Capitol Preservation Board (State), Administration	40092	R131-4	5YR	01/11/2016	2016-3/507
<u>professional competency</u> Education, Administration	40285 40290	R277-505 R277-505	5YR AMD	03/30/2016 05/23/2016	2016-8/93 2016-8/25
Money Management Council, Administration	40303	R628-10	EXD	04/12/2016	2016-9/139
<u>professional education</u> Education, Administration	40250	R277-507-1	NSC	03/29/2016	Not Printed
<u>provider conduct</u> Human Services, Administration	40455	R495-876	5YR	05/31/2016	Not Printed
<u>PSD</u> Environmental Quality, Air Quality	39846	R307-405-3	AMD	02/04/2016	2015-21/48
<u>public assistance overpayments</u> Human Services, Recovery Services	40096	R527-40	AMD	03/09/2016	2016-3/485
<u>public buildings</u> Administrative Services, Facilities Construction and Management	40226	R23-19	NSC	03/11/2016	Not Printed
Capitol Preservation Board (State), Administration	40437 40092	R131-2 R131-4	EMR 5YR	05/19/2016 01/11/2016	Not Printed 2016-3/507
<u>public health</u> Health, Disease Control and Prevention, Environmental Services	40254	R392-100	AMD	05/23/2016	2016-7/4
Regents (Board Of), University of Utah, Administration	40356 40153	R392-110 R805-5	5YR 5YR	04/26/2016 01/25/2016	2016-10/84 2016-4/85
<u>public health emergency</u> Health, Administration	39879	R380-60	AMD	01/20/2016	2015-22/32
<u>public investments</u> Money Management Council, Administration	40303 40227 40228 40229	R628-10 R628-12 R628-13 R628-16	EXD 5YR 5YR 5YR	04/12/2016 02/26/2016 02/26/2016 02/26/2016	2016-9/139 2016-6/35 2016-6/35 2016-6/36
<u>public notification</u> Environmental Quality, Drinking Water	40037	R309-220	AMD	05/01/2016	2016-2/46
<u>public records</u> Agriculture and Food, Administration	40234	R51-3	5YR	02/29/2016	2016-6/27

<u>quality standards</u>						
Environmental Quality, Drinking Water	40033	R309-200-5	AMD	05/01/2016	2016-2/23	
<u>quarantines</u>						
Health, Disease Control and Prevention, Epidemiology	39952	R386-702	AMD	02/11/2016	2015-24/17	
	40317	R386-702	5YR	04/15/2016	2016-9/135	
<u>rabies</u>						
Health, Disease Control and Prevention, Epidemiology	39952	R386-702	AMD	02/11/2016	2015-24/17	
	40317	R386-702	5YR	04/15/2016	2016-9/135	
<u>radiation safety</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	40007	R313-18-11	NSC	01/15/2016	Not Printed	
<u>radioactive materials</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	39991	R313-22	AMD	05/09/2016	2016-1/33	
Environmental Quality, Radiation Control	39989	R313-15	AMD	03/15/2016	2016-1/29	
Environmental Quality, Waste Management and Radiation Control, Radiation	40003	R313-15	NSC	01/15/2016	Not Printed	
	40007	R313-18-11	NSC	01/15/2016	Not Printed	
	40008	R313-21	NSC	01/15/2016	Not Printed	
	40009	R313-22	NSC	01/15/2016	Not Printed	
	39991	R313-22	CPR	05/09/2016	2016-7/44	
	40010	R313-32-2	NSC	01/15/2016	Not Printed	
	40011	R313-70	NSC	01/15/2016	Not Printed	
<u>radioactive waste generator permits</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	40259	R313-26	5YR	03/10/2016	2016-7/63	
<u>radiopharmaceutical</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	40010	R313-32-2	NSC	01/15/2016	Not Printed	
<u>range management</u>						
School and Institutional Trust Lands, Administration	39960	R850-50	AMD	01/21/2016	2015-24/52	
	40184	R850-50	NSC	02/17/2016	Not Printed	
<u>raw milk</u>						
Agriculture and Food, Regulatory Services	40268	R70-330	5YR	03/16/2016	2016-8/91	
<u>readiness</u>						
Education, Administration	40249	R277-402-4	NSC	03/29/2016	Not Printed	
<u>real estate</u>						
Financial Institutions, Administration	40139	R331-26	5YR	01/15/2016	2016-3/511	
<u>real estate auction</u>						
Commerce, Real Estate	40041	R162-2f	AMD	02/23/2016	2016-2/11	
<u>real estate business</u>						
Commerce, Real Estate	40276	R162-2f	AMD	05/31/2016	2016-8/7	
	40364	R162-2f-202b	NSC	05/11/2016	Not Printed	
<u>real estate investing</u>						
Financial Institutions, Administration	40139	R331-26	5YR	01/15/2016	2016-3/511	
<u>reciprocity</u>						
Environmental Quality, Radiation Control	39990	R313-19-34	AMD	03/15/2016	2016-1/32	
<u>recreation therapy</u>						
Commerce, Occupational and Professional Licensing	40352	R156-40	5YR	04/26/2016	2016-10/82	

RULES INDEX

---

<u>recreational therapy</u>						
Commerce, Occupational and Professional Licensing	40352	R156-40	5YR	04/26/2016	2016-10/82	
<u>registration</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	40011	R313-70	NSC	01/15/2016	Not Printed	
<u>regulated contaminants</u>						
Environmental Quality, Drinking Water	40033	R309-200-5	AMD	05/01/2016	2016-2/23	
<u>religious activities</u>						
Tax Commission, Auditing	39987	R865-19S-94	AMD	04/14/2016	2016-1/76	
<u>relinquishments</u>						
Public Safety, Peace Officer Standards and Training	40165	R728-409-14	NSC	02/17/2016	Not Printed	
<u>renovation</u>						
Environmental Quality, Air Quality	40207	R307-841-8	AMD	05/05/2016	2016-5/7	
<u>request for proposals</u>						
School and Institutional Trust Lands, Administration	40185	R850-30-400	AMD	03/23/2016	2016-4/73	
<u>reservoirs</u>						
Natural Resources, Water Rights	40166	R655-10	5YR	01/29/2016	2016-4/80	
	40169	R655-10-5A	AMD	03/24/2016	2016-4/67	
	40167	R655-11	5YR	01/29/2016	2016-4/81	
	40175	R655-11	AMD	03/24/2016	2016-4/68	
	40168	R655-12	5YR	01/29/2016	2016-4/81	
	40176	R655-12	AMD	03/24/2016	2016-4/71	
<u>residency</u>						
Navajo Trust Fund, Trustees	40021	R661-3	NEW	02/29/2016	2016-2/105	
<u>residential certification</u>						
Health, Family Health and Preparedness, Child Care Licensing	39897	R430-50	AMD	01/31/2016	2015-22/52	
	40160	R430-50	AMD	03/30/2016	2016-4/49	
<u>respiratory care</u>						
Commerce, Occupational and Professional Licensing	40355	R156-57	5YR	04/26/2016	2016-10/83	
<u>reverse auction</u>						
Administrative Services, Purchasing and General Services	40048	R33-6-114	AMD	02/23/2016	2016-2/6	
<u>revocations</u>						
Public Safety, Peace Officer Standards and Training	40165	R728-409-14	NSC	02/17/2016	Not Printed	
<u>right to petition</u>						
Natural Resources, Forestry, Fire and State Lands	40133	R652-9	5YR	01/14/2016	2016-3/530	
<u>right-of-way</u>						
Transportation, Preconstruction	39988	R930-7	AMD	02/23/2016	2016-1/77	
<u>risk adjuster plan operation</u>						
Insurance, Administration	40271	R590-260	5YR	03/18/2016	2016-8/94	
<u>risk management</u>						
Administrative Services, Risk Management	40282	R37-4	AMD	06/01/2016	2016-8/6	
<u>road races</u>						
Transportation, Operations, Traffic and Safety	39941	R920-4	AMD	01/07/2016	2015-23/46	
<u>roads</u>						
Transportation, Program Development	40056	R926-3	AMD	04/08/2016	2016-3/492	

<u>rules</u>						
Education, Administration	40247	R277-99-2	NSC	03/29/2016	Not Printed	
<u>rules and procedures</u>						
Fair Corporation (Utah State), Administration	40220	R325-1	5YR	02/23/2016	2016-6/29	
	40221	R325-2	5YR	02/23/2016	2016-6/30	
	40222	R325-3	5YR	02/23/2016	2016-6/30	
	40223	R325-4	5YR	02/23/2016	2016-6/31	
	40224	R325-5	5YR	02/23/2016	2016-6/32	
Health, Disease Control and Prevention, Epidemiology	39952	R386-702	AMD	02/11/2016	2015-24/17	
	40317	R386-702	5YR	04/15/2016	2016-9/135	
Natural Resources, Forestry, Fire and State Lands	40138	R652-2	5YR	01/14/2016	2016-3/529	
Public Service Commission, Administration	39934	R746-409	AMD	03/30/2016	2015-23/42	
	39934	R746-409	CPR	03/30/2016	2016-3/504	
	40292	R746-409	5YR	03/31/2016	2016-8/94	
<u>safety</u>						
Environmental Quality, Radiation Control	39989	R313-15	AMD	03/15/2016	2016-1/29	
Environmental Quality, Waste Management and Radiation Control, Radiation	40003	R313-15	NSC	01/15/2016	Not Printed	
Public Service Commission, Administration	40292	R746-409	5YR	03/31/2016	2016-8/94	
<u>safety inspection manual</u>						
Public Safety, Highway Patrol	40197	R714-160	EXT	02/08/2016	2016-5/29	
	40198	R714-161	EXT	02/08/2016	2016-5/29	
	40199	R714-162	EXT	02/08/2016	2016-5/29	
<u>safety regulations</u>						
Transportation, Motor Carrier	39953	R909-19	AMD	01/21/2016	2015-24/58	
<u>sales tax</u>						
Tax Commission, Auditing	39987	R865-19S-94	AMD	04/14/2016	2016-1/76	
<u>San Juan County</u>						
Navajo Trust Fund, Trustees	40021	R661-3	NEW	02/29/2016	2016-2/105	
<u>sanitation</u>						
Health, Disease Control and Prevention, Environmental Services	40254	R392-100	AMD	05/23/2016	2016-7/4	
<u>satellite</u>						
Education, Administration	40284	R277-482	5YR	03/30/2016	2016-8/93	
	40289	R277-482	AMD	05/23/2016	2016-8/21	
<u>scenic byways</u>						
Transportation, Program Development	40057	R926-13-4	AMD	04/08/2016	2016-3/493	
	40409	R926-14	EMR	05/10/2016	2016-11/55	
<u>scholarships</u>						
Health, Family Health and Preparedness, Primary Care and Rural Health	40245	R434-40-11	AMD	06/01/2016	2016-7/16	
Navajo Trust Fund, Trustees	40024	R661-6	NEW	02/29/2016	2016-2/110	
Regents (Board Of), Administration	40246	R765-608	NSC	03/29/2016	Not Printed	
	40343	R765-608	5YR	04/19/2016	2016-10/87	
<u>school</u>						
Education, Administration	40249	R277-402-4	NSC	03/29/2016	Not Printed	
<u>school grading accountability</u>						
Education, Administration	39984	R277-497	AMD	02/08/2016	2016-1/13	
<u>school improvement</u>						
Education, Administration	39997	R277-920-3	AMD	02/08/2016	2016-1/20	
	40286	R277-920-4	NSC	04/05/2016	Not Printed	

RULES INDEX

---

<u>school leaders</u>					
Education, Administration	39997	R277-920-3	AMD	02/08/2016	2016-1/20
	40286	R277-920-4	NSC	04/05/2016	Not Printed
<u>school personnel</u>					
Education, Administration	40248	R277-107-6	NSC	03/29/2016	Not Printed
<u>school reports</u>					
Education, Administration	39984	R277-497	AMD	02/08/2016	2016-1/13
<u>schools</u>					
Education, Administration	39789	R277-920	NEW	02/08/2016	2015-20/70
Environmental Quality, Air Quality	39848	R307-801	AMD	05/05/2016	2015-21/53
	39848	R307-801	CPR	05/05/2016	2016-5/18
<u>screening</u>					
Human Services, Administration	40264	R495-885	NEW	05/11/2016	2016-7/18
<u>sealed bidding</u>					
Administrative Services, Purchasing and General Services	40048	R33-6-114	AMD	02/23/2016	2016-2/6
<u>securities regulation</u>					
Money Management Council, Administration	40229	R628-16	5YR	02/26/2016	2016-6/36
<u>self insurance plans</u>					
Public Safety, Driver License	40142	R708-19	5YR	01/19/2016	2016-4/82
<u>sex offender treatment</u>					
Corrections, Administration	40039	R251-109	AMD	05/04/2016	2016-2/16
<u>smoke</u>					
Regents (Board Of), University of Utah, Administration	40153	R805-5	5YR	01/25/2016	2016-4/85
<u>smoking</u>					
Regents (Board Of), University of Utah, Administration	40153	R805-5	5YR	01/25/2016	2016-4/85
<u>social services</u>					
Human Services, Administration	40050	R495-862	5YR	01/04/2016	2016-3/512
	40455	R495-876	5YR	05/31/2016	Not Printed
Human Services, Child and Family Services	39939	R512-301	AMD	01/07/2016	2015-23/35
	39955	R512-305	AMD	01/21/2016	2015-24/44
<u>source materials</u>					
Environmental Quality, Waste Management and Radiation Control, Radiation	40008	R313-21	NSC	01/15/2016	Not Printed
<u>space heaters</u>					
Administrative Services, Facilities Construction and Management	40226	R23-19	NSC	03/11/2016	Not Printed
<u>special education</u>					
Education, Administration	40274	R277-752	EMR	03/18/2016	2016-8/87
<u>special events</u>					
Transportation, Operations, Traffic and Safety	39941	R920-4	AMD	01/07/2016	2015-23/46
<u>special income group</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	40244	R414-307-3	AMD	05/20/2016	2016-7/8
<u>species of concern</u>					
Natural Resources, Wildlife Resources	40370	R657-48	5YR	05/02/2016	2016-10/86



<u>specific licenses</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	39991	R313-22	AMD	05/09/2016	2016-1/33	
	40009	R313-22	NSC	01/15/2016	Not Printed	
	39991	R313-22	CPR	05/09/2016	2016-7/44	
<u>standards</u>						
Education, Administration	40252	R277-700-7	NSC	03/29/2016	Not Printed	
Health, Center for Health Data, Vital Records and Statistics	39817	R436-13	AMD	02/17/2016	2015-21/88	
Health, Disease Control and Prevention, Health Promotion	40210	R384-415	AMD	04/15/2016	2016-5/8	
<u>state employees</u>						
Administrative Services, Finance	40042	R25-7-10	AMD	02/23/2016	2016-2/4	
	39943	R25-15	NEW	01/13/2016	2015-23/6	
<u>state lands</u>						
Heritage and Arts, Indian Affairs	40137	R456-1	5YR	01/14/2016	2016-3/511	
<u>state parole inmates</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	39964	R356-1	AMD	02/10/2016	2015-24/14	
<u>state probationary inmates</u>						
Governor, Criminal and Juvenile Justice (State Commission on)	39964	R356-1	AMD	02/10/2016	2015-24/14	
<u>state register</u>						
Heritage and Arts, History	40187	R455-6	5YR	02/02/2016	2016-5/26	
<u>statewide online education program</u>						
Education, Administration	39996	R277-726	AMD	02/08/2016	2016-1/15	
<u>stationary sources</u>						
Environmental Quality, Air Quality	40294	R307-210	EXT	04/04/2016	2016-9/141	
	40422	R307-210	5YR	05/12/2016	2016-11/63	
<u>stock brokers</u>						
Money Management Council, Administration	40229	R628-16	5YR	02/26/2016	2016-6/36	
<u>student achievement</u>						
Education, Administration	40097	R277-404	NSC	02/02/2016	Not Printed	
<u>student competency</u>						
Education, Administration	40253	R277-702-4	NSC	03/29/2016	Not Printed	
<u>student participation</u>						
Education, Administration	40098	R277-494	AMD	03/09/2016	2016-3/6	
<u>students' rights</u>						
Education, Administration	40251	R277-616-3	NSC	03/29/2016	Not Printed	
<u>substance use disorder counselors</u>						
Commerce, Occupational and Professional Licensing	40055	R156-60d	5YR	01/05/2016	2016-3/509	
<u>surface water treatment plant monitoring</u>						
Environmental Quality, Drinking Water	40036	R309-215	AMD	05/01/2016	2016-2/40	
<u>surveys</u>						
Judicial Performance Evaluation Commission, Administration	40192	R597-3-5	AMD	04/20/2016	2016-5/14	
<u>surviving spouse trust fund</u>						
Public Safety, Administration	40001	R698-8	NEW	02/24/2016	2016-2/117	

RULES INDEX

---

<u>tailings</u>						
Environmental Quality, Radiation Control	39992	R313-24	AMD	03/15/2016	2016-1/38	
<u>tax credits</u>						
Governor, Economic Development	40028	R357-7	R&R	05/16/2016	2016-2/60	
	40028	R357-7	CPR	05/16/2016	2016-7/49	
	40027	R357-13	NEW	03/14/2016	2016-2/76	
<u>tax exemptions</u>						
Tax Commission, Auditing	39987	R865-19S-94	AMD	04/14/2016	2016-1/76	
<u>teacher certification</u>						
Education, Administration	40285	R277-505	5YR	03/30/2016	2016-8/93	
	40290	R277-505	AMD	05/23/2016	2016-8/25	
<u>technology best practices</u>						
Technology Services, Administration	40030	R895-5	AMD	02/23/2016	2016-2/118	
<u>technology purchases</u>						
Technology Services, Administration	40030	R895-5	AMD	02/23/2016	2016-2/118	
<u>telephones</u>						
Commerce, Consumer Protection	40341	R152-26	5YR	04/19/2016	2016-10/80	
<u>terms and conditions</u>						
Administrative Services, Purchasing and General Services	40047	R33-12-502	AMD	02/23/2016	2016-2/7	
<u>therapists</u>						
Commerce, Occupational and Professional Licensing	39924	R156-60b-102	AMD	01/07/2016	2015-23/12	
<u>timelines</u>						
Education, Administration	40284	R277-482	5YR	03/30/2016	2016-8/93	
	40289	R277-482	AMD	05/23/2016	2016-8/21	
<u>title</u>						
Insurance, Administration	40005	R590-212	REP	03/16/2016	2016-2/99	
Insurance, Title and Escrow Commission	40006	R592-17	NEW	03/16/2016	2016-2/101	
<u>title escrow filings</u>						
Insurance, Title and Escrow Commission	40300	R592-15	5YR	04/06/2016	2016-9/137	
<u>title insurance</u>						
Insurance, Title and Escrow Commission	40183	R592-11	AMD	04/15/2016	2016-4/65	
<u>tolls</u>						
Transportation, Program Development	40204	R926-9	EXT	02/09/2016	2016-5/30	
Transportation Commission, Administration	40205	R940-1	EXT	02/09/2016	2016-5/30	
<u>tollways</u>						
Transportation, Program Development	40204	R926-9	EXT	02/09/2016	2016-5/30	
Transportation Commission, Administration	40205	R940-1	EXT	02/09/2016	2016-5/30	
<u>total coliform</u>						
Environmental Quality, Drinking Water	40035	R309-211	NEW	05/01/2016	2016-2/33	
<u>tow trucks</u>						
Transportation, Motor Carrier	39953	R909-19	AMD	01/21/2016	2015-24/58	
<u>towing</u>						
Transportation, Motor Carrier	39953	R909-19	AMD	01/21/2016	2015-24/58	
<u>traffic regulations</u>						
Public Safety, Driver License	40095	R708-16	EXT	01/11/2016	2016-3/533	
	40140	R708-16	REP	03/24/2016	2016-4/72	

<u>training</u>						
Education, Administration	40284	R277-482	5YR	03/30/2016	2016-8/93	
	40289	R277-482	AMD	05/23/2016	2016-8/21	
<u>Transition to Adult Living</u>						
Human Services, Child and Family Services	39955	R512-305	AMD	01/21/2016	2015-24/44	
<u>transparency</u>						
Health, Center for Health Data, Health Care Statistics	40179	R428-15	AMD	03/25/2016	2016-4/48	
<u>transportation</u>						
Administrative Services, Finance	40042	R25-7-10	AMD	02/23/2016	2016-2/4	
Environmental Quality, Radiation Control	39990	R313-19-34	AMD	03/15/2016	2016-1/32	
Transportation, Program Development	40204	R926-9	EXT	02/09/2016	2016-5/30	
	40057	R926-13-4	AMD	04/08/2016	2016-3/493	
	40409	R926-14	EMR	05/10/2016	2016-11/55	
Transportation Commission, Administration	40205	R940-1	EXT	02/09/2016	2016-5/30	
<u>transportation policy</u>						
Transportation, Program Development	40056	R926-3	AMD	04/08/2016	2016-3/492	
<u>treatment providers</u>						
Corrections, Administration	40039	R251-109	AMD	05/04/2016	2016-2/16	
<u>trust account records</u>						
Commerce, Real Estate	40276	R162-2f	AMD	05/31/2016	2016-8/7	
	40364	R162-2f-202b	NSC	05/11/2016	Not Printed	
<u>trust fund</u>						
Administrative Services, Finance	39943	R25-15	NEW	01/13/2016	2015-23/6	
<u>trust land management</u>						
School and Institutional Trust Lands, Administration	40185	R850-30-400	AMD	03/23/2016	2016-4/73	
<u>trustees</u>						
Money Management Council, Administration	40228	R628-13	5YR	02/26/2016	2016-6/35	
<u>underground injection control</u>						
Environmental Quality, Water Quality	40456	R317-7	5YR	05/31/2016	Not Printed	
<u>unemployment compensation</u>						
Workforce Services, Unemployment Insurance	40045	R994-205-106	AMD	02/24/2016	2016-2/120	
	40400	R994-302	5YR	05/03/2016	2016-11/65	
	40401	R994-308	5YR	05/03/2016	2016-11/66	
<u>unfair marketing practices</u>						
Insurance, Administration	39945	R590-154	AMD	01/15/2016	2015-23/40	
<u>unincorporated entity</u>						
Labor Commission, Administration	40450	R600-3	5YR	05/27/2016	Not Printed	
<u>UPP</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	40181	R414-320	5YR	02/01/2016	2016-4/78	
<u>uranium mills</u>						
Environmental Quality, Radiation Control	39992	R313-24	AMD	03/15/2016	2016-1/38	
<u>used oil</u>						
Environmental Quality, Waste Management and Radiation Control, Waste Management	40260	R315-15	5YR	03/10/2016	2016-7/64	
<u>Utah Capital Investment Board</u>						
Governor, Economic Development	40028	R357-7	R&R	05/16/2016	2016-2/60	
	40028	R357-7	CPR	05/16/2016	2016-7/49	

RULES INDEX

<u>Utah Navajo Trust Fund (UNTF)</u>					
Navajo Trust Fund, Trustees	40019	R661-1	NEW	02/29/2016	2016-2/103
	40020	R661-2	NEW	02/29/2016	2016-2/104
	40021	R661-3	NEW	02/29/2016	2016-2/105
	40022	R661-4	NEW	02/29/2016	2016-2/107
	40023	R661-5	NEW	02/29/2016	2016-2/109
	40024	R661-6	NEW	02/29/2016	2016-2/110
	40025	R661-7	NEW	02/29/2016	2016-2/113
	40026	R661-8	NEW	02/29/2016	2016-2/115
<u>utilities</u>					
Transportation, Preconstruction	39988	R930-7	AMD	02/23/2016	2016-1/77
<u>utility accommodation</u>					
Transportation, Preconstruction	39988	R930-7	AMD	02/23/2016	2016-1/77
<u>victim compensation</u>					
Crime Victim Reparations, Administration	40177	R270-1-17	AMD	05/13/2016	2016-4/13
<u>victims of crimes</u>					
Crime Victim Reparations, Administration	40177	R270-1-17	AMD	05/13/2016	2016-4/13
<u>vital statistics</u>					
Health, Center for Health Data, Vital Records and Statistics	39817	R436-13	AMD	02/17/2016	2015-21/88
<u>VOC</u>					
Environmental Quality, Air Quality	40225	R307-351-4	NSC	03/11/2016	Not Printed
<u>vocational rehabilitation counselor</u>					
Commerce, Occupational and Professional Licensing	39912	R156-78-102	AMD	01/07/2016	2015-23/16
<u>waivers</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	40244	R414-307-3	AMD	05/20/2016	2016-7/8
<u>waste disposal</u>					
Environmental Quality, Radiation Control	39989	R313-15	AMD	03/15/2016	2016-1/29
Environmental Quality, Waste Management and Radiation Control, Radiation	40003	R313-15	NSC	01/15/2016	Not Printed
Environmental Quality, Water Quality	39981	R317-1-3	AMD	02/25/2016	2016-1/40
<u>water heaters</u>					
Environmental Quality, Air Quality	40408	R307-230	LNR	05/10/2016	2016-11/67
<u>water pollution</u>					
Environmental Quality, Water Quality	39981	R317-1-3	AMD	02/25/2016	2016-1/40
<u>water quality</u>					
Environmental Quality, Drinking Water	40038	R309-225	AMD	05/01/2016	2016-2/53
Environmental Quality, Water Quality	40456	R317-7	5YR	05/31/2016	Not Printed
<u>water safety rules</u>					
Natural Resources, Parks and Recreation	40085	R651-801	5YR	01/07/2016	2016-3/528
	40086	R651-802	5YR	01/07/2016	2016-3/528
<u>water skiing</u>					
Natural Resources, Parks and Recreation	40082	R651-224	5YR	01/07/2016	2016-3/525
<u>waterfowl</u>					
Natural Resources, Wildlife Resources	39978	R657-9	AMD	02/08/2016	2016-1/66
<u>watershed management</u>					
Environmental Quality, Drinking Water	40031	R309-105-4	AMD	05/01/2016	2016-2/19
<u>weed classifications</u>					
Agriculture and Food, Plant Industry	39965	R68-9	AMD	02/02/2016	2015-24/8

<u>weed control</u>						
Agriculture and Food, Plant Industry	39965	R68-9	AMD	02/02/2016	2015-24/8	
<u>wildland urban interface</u>						
Natural Resources, Forestry, Fire and State Lands	40304	R652-122	5YR	04/14/2016	2016-9/138	
<u>wildlife</u>						
Natural Resources, Wildlife Resources	40094	R657-3	AMD	03/09/2016	2016-3/486	
	39976	R657-5	AMD	02/08/2016	2016-1/60	
	39978	R657-9	AMD	02/08/2016	2016-1/66	
	40093	R657-33	AMD	03/09/2016	2016-3/490	
	39977	R657-37	AMD	02/08/2016	2016-1/68	
	40231	R657-63	5YR	02/29/2016	2016-6/37	
<u>written plans</u>						
Public Service Commission, Administration	39934	R746-409	AMD	03/30/2016	2015-23/42	
	39934	R746-409	CPR	03/30/2016	2016-3/504	
<u>x-rays</u>						
Environmental Quality, Waste Management and Radiation Control, Radiation	40004	R313-16-230	NSC	01/15/2016	Not Printed	
	40011	R313-70	NSC	01/15/2016	Not Printed	
<u>youth advocate</u>						
Human Services, Child and Family Services	40305	R512-10	5YR	04/14/2016	2016-9/136	
<u>zoological animals</u>						
Natural Resources, Wildlife Resources	40094	R657-3	AMD	03/09/2016	2016-3/486	