

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Managing 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 <https://rules.utah.gov/>. 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 801-538-3003. Additional rulemaking information and electronic versions of all administrative rule publications are available at <https://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 <https://rules.utah.gov/> for additional information.

Office of Administrative Rules, Salt Lake City 84114

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TABLE OF CONTENTS

| | |
|---|-----------|
| SPECIAL NOTICES | 1 |
| Health | |
| Health Care Financing, Coverage and Reimbursement Policy | |
| Public Hearing on Medicaid FY 2020 Budget Recommendations..... | 1 |
| EXECUTIVE DOCUMENTS | 3 |
| Governor | |
| Administration | |
| Calling the Sixty-Second Legislature Into the Eighth Extraordinary | |
| Session, Utah Proclamation No. 2018-8E..... | 3 |
| Wildland Fire Management, Utah Exec. Order No. 2018-2..... | 4 |
| NOTICES OF PROPOSED RULES | 5 |
| Agriculture and Food | |
| Plant Industry | |
| No. 42872 (Amendment): R68-20 Utah Organic Standards..... | 6 |
| Education | |
| Administration | |
| No. 42914 (Amendment): R277-104 ADA Complaint Procedure..... | 9 |
| No. 42915 (Amendment): R277-107 Educational Services Outside of | |
| Educator's Regular Employment..... | 12 |
| No. 42918 (New Rule): R277-301 Educator Licensing..... | 16 |
| No. 42916 (Amendment): R277-436 Gang Prevention and Intervention | |
| Programs in the Schools..... | 21 |
| No. 42923 (New Rule): R277-461 Elementary School Counselor Grant | |
| Program..... | 25 |
| No. 42921 (Repeal and Reenact): R277-613 LEA Bullying, Cyber-bullying, | |
| Hazing and Harassment Policies and Training..... | 27 |
| No. 42917 (Amendment): R277-614 Athletes and Students with Head Injuries..... | 34 |
| Governor | |
| Economic Development | |
| No. 42922 (Amendment): R357-5 Motion Picture Incentive..... | 37 |
| Natural Resources | |
| Wildlife Resources | |
| No. 42920 (Amendment): R657-5 Taking Big Game..... | 40 |
| No. 42919 (Amendment): R657-10 Taking Cougar..... | 42 |
| No. 42913 (New Rule): R657-51 Poaching-Reported Reward Permits..... | 44 |
| NOTICES OF CHANGES IN PROPOSED RULES | 49 |
| Human Services | |
| Administration | |
| No. 42630: R495-885 Employee Background Screenings..... | 50 |
| FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION | 55 |
| Commerce | |
| Occupational and Professional Licensing | |
| No. 42925: R156-63a Security Personnel Licensing Act Contract | |
| Security Rule..... | 55 |
| No. 42924: R156-63b Security Personnel Licensing Act Armored | |
| Car Rule..... | 56 |
| Education | |
| Administration | |
| No. 42909: R277-104 ADA Complaint Procedure..... | 56 |
| No. 42910: R277-107 Educational Services Outside of Educator's | |
| Regular Employment..... | 57 |

TABLE OF CONTENTS

| | |
|---|-----------|
| No. 42907: R277-436 Gang Prevention and Intervention Programs in the Schools..... | 57 |
| No. 42908: R277-614 Athletes and Students with Head Injuries..... | 58 |
| Health | |
| Family Health and Preparedness, Child Care Licensing | |
| No. 42877: R430-50 Residential Certificate Child Care..... | 58 |
| No. 42876: R430-90 Licensed Family Child Care..... | 59 |
| Insurance | |
| Administration | |
| No. 42875: R590-219 Credit Scoring..... | 59 |
| No. 42874: R590-222 Life Settlements..... | 60 |
| No. 42873: R590-223 Rule to Recognize the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits..... | 60 |
| Pardons (Board Of) | |
| Administration | |
| No. 42905: R671-312A Commutation Procedures Applicable to Persons Sentenced to Death Before April 26, 1992..... | 61 |
| No. 42906: R671-312B Commutation Procedures Applicable to Persons Sentenced to Death After April 26, 1992..... | 62 |
| NOTICES OF RULE EFFECTIVE DATES..... | 63 |
| RULES INDEX | |
| BY AGENCY (CODE NUMBER) | |
| AND | |
| BY KEYWORD (SUBJECT)..... | 65 |

SPECIAL NOTICES

Health
Health Care Financing, Coverage and Reimbursement Policy
Public Hearing on Medicaid FY 2020 Budget Recommendations

The Utah Department of Health invites you to attend a special Medical Care Advisory Committee (MCAC) meeting to obtain public input on the Medicaid budget for Fiscal Year 2020 (July 1, 2019, through June 30, 2020). The meeting will be on Thursday, June 21, 2018, from 4:00 p.m. to 6:00 p.m. at the Cannon Health Building, Room 125, 288 North 1460 West, Salt Lake City, UT.

If you believe critical services are not being covered by the current Medicaid benefit, certain Medicaid rates are insufficient, certain groups need coverage that are not currently eligible, or want to speak on any other Medicaid budgetary matter of importance to you, please come prepared to make a short (no more than three-minute) presentation to the MCAC. If you have a handout, copy services will be provided. Signed petitions will be accepted. Your input will assist the MCAC in making recommendations to the Department regarding changes or additions to the Medicaid program and budget.

The MCAC will meet on July 19, 2018, at 2:00 p.m. to prioritize their budget recommendations for Medicaid.

If you cannot attend the public hearing, but would like to write to the MCAC about your recommendations on the Medicaid budget, please mail comments to:

MCAC
PO Box 143112
Salt Lake City, UT 84114-3112

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.

Calling the Sixty-Second Legislature Into the Eighth Extraordinary Session, Utah Proclamation No. 2018-8E

PROCLAMATION

WHEREAS, since the close of the 2018 General Session of the 62nd Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 62nd Legislature of the State of Utah into the Eighth Extraordinary Session at the Utah State Capitol in Salt Lake City, Utah, on the 16th day of May 2018, at 4:00 p.m., for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2018 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 14th day of May 2018.

(State Seal)

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2018/08/E

Wildland Fire Management, Utah Exec. Order No. 2018-2

EXECUTIVE ORDER

Wildland Fire Management

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

WHEREAS, Winter was mild with low snowpack;

WHEREAS, Current Spring precipitation in Utah is contributing to high fuel loads of wildland vegetation; and

WHEREAS, some of the areas are extremely remote and inaccessible and the situation has the potential to greatly worsen if left unattended;

WHEREAS, immediate action 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, effective for the month of May 2018, 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 3rd day of May 2018.

(State Seal)

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2018/002/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 02, 2018, 12:00 a.m., and May 15, 2018, 11:59 p.m. are included in this, the June 01, 2018, 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 2, 2018. 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 September 29, 2018, 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

Agriculture and Food, Plant Industry
R68-20
Utah Organic Standards

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42872

FILED: 05/02/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of these rule changes are to change the application date for producers, handlers, processors, and certifying agencies to a time that will be more efficient and effective for the applicants and the Department of Agriculture and Food (Department) staff. There are also provisions created which allow Department staff to limit the time of application updates and to administer late fees to certifying agencies for late registration. A provision was also created to allow for exemption, in accord with the October version of the Code of Federal Regulations (CFR).

SUMMARY OF THE RULE OR CHANGE: This rule currently identifies an April 1 deadline for annual organic program registrations and has no language to allow for charging late fees for not getting application materials to the organic program manager in a timely manner. The changes move the deadline for annual registrations for the organic program earlier to February 1 each year for both the certifying agencies and producers, processors, and handlers who are being certified. The current time frame of the April 1 deadline is costly to agriculture producers, because March, the time right before the deadline, is when farmers are preparing their fields and planting and cattle producers are often moving animals from one allotment to another. January is a time of year that is less costly to producers, so the cost of doing the paperwork is lower than in March. Moving the deadline to February 1 also provides more time for the producers, processors, and handlers to update applications before the growing season, when producers have less time for paperwork and producers also have more time to make sure they are in compliance before certification inspections, which are conducted in the late spring through harvest. There have also been problems with producers and processors submitting incomplete or inaccurate application materials, then not updating the materials in a timely manner. This problem has led to inefficiencies in the organic program and producers not being able to be certified in the program in time for the growing season. One of the changes to the rule include a 120-day period for the applicant to make required changes to an application, but if the applicant does not effectively make the necessary changes, he has to submit a new application for the next year. A provision was also added to prohibit certifying agencies that fail to register by February 1 from certifying producers, handlers, and processors until the fee is paid. There is also a provision to assess a late fee

to certifying agencies to encourage timely registration. There were also changes in 7 CFR Part 205.101 in October 2017 that change terms for exemptions, these updates to the rule require that those who are claiming those exemptions register with the Department. This will allow the Department to allow for exemptions, but still track the production, processing, and handling of organic products of exempted products. There are also nonsubstantive changes to this rule, including citations to new section numbers and updated CFR edition dates.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 7 CFR 205 and Section 4-11-103 and Section 4-12-3 and Section 4-14-106 and Section 4-16-103 and Section 4-3-201 and Section 4-32-109 and Section 4-4-102 and Section 4-5-104 and Section 4-9-103 and Subsection 4-2-103(1)(i) and Subsection 4-37-109(2)

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Updates 7 CFR 205, National Organic Program, published by U.S. Government Printing Office, 01/01/2018

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** By moving the deadline from April 1 to February 1, there will be improved efficiencies in the application process for the Department because producers will not be rushing through fixing mistakes in the applications and farm plans while trying to do their farm work. The average application takes four hours to review and reprocess when there are mistakes made. The Department estimates a 25% reduction in time spent on application review because the producers will make fewer mistakes caused by hurrying in initially completing the application and in fixing mistakes. Department staff will have more time to review the applications as well, without feeling hurried to complete them before conducting inspections, which will allow for better applications, which become farm plans. With better farm plans, there will be fewer violations and the program manager will need to write fewer letters of violation, which will allow him to focus on improving the program, allowing for more applicants to be certified, and less of tax payer money will be spent fixing problems. The Department estimates that the 25% decrease in application reviews and fixes will save the Department \$4,225 (25% reduction of 65 applicants, 4 hours each at \$65 per hour). Because of the variability of the violation rates from year to year, it is difficult to estimate the savings from writing fewer violations, so the Department has no benefits from decreased violations. Therefore, the Department estimates that the savings to the Department will be at least \$4,225, which doesn't include the benefits of being able to certify more applicants due to increased efficiency.
- ◆ **LOCAL GOVERNMENTS:** There are no anticipated costs or benefits to local governments because these rule changes do not impose any new requirements or regulations on local governments.
- ◆ **SMALL BUSINESSES:** There will be a financial benefit to the producers, handlers, and processors for adjusting the

application deadline to February 1. The Department estimates that the average hourly rate for organic producers, handlers, and processors to be \$45 per hour during the planting and growing season (March through October) and \$0 per hour for January through February. The estimated time it takes to complete and correct mistakes in the application materials is between 5 and 20 hours for the organic program. If the Department averages the time to complete and update the application materials at 12.5 hours, the cost of applying for producers, handlers, and processors is approximately \$562.50 for the April application deadline, whereas it is \$0 for the February application deadline. By increasing the time that the producers have to work on their applications, which become farm plans and are inspected against the CFR, the rate of compliance of the producers will increase. This will both reduce the amount of time that inspectors will be spending on the inspections and the time that the program manager spends on writing violations, which are benefits to both the producers and the Department. Currently inspectors spend an average of 4 hours inspecting an operation per year, the Department estimate that having the improved farm plan will decrease the average inspection time by 10%, which would decrease the cost of inspections by at least \$32 per inspection. The Department also anticipates that the amount of time that the producers, handlers, and processors spend on the applications on the second and later years will decrease by 25%, because the time the Department staff will have to help them improve their applications/farm plans will reduce the number of problems that will be caught in future years. Therefore, the Department estimates a savings of \$594.50 for producers, handlers, and processors. Currently, there are 65 applicants, so the average savings for the industry is estimated at \$38,642.50. There will be a nominal fine of up to \$500 assessed to the certifying agencies for submitting late registrations and the cost of not charging certification fees during the time that they are currently not being registered. Currently, there are 10 certifying agencies registered to certify in Utah. The Department anticipates that after a year of receiving the late fees, certifying agencies will no longer submit late registrations. There will also be an indirect cost to the certifying agencies that do not register in a timely manner. During the time that they are not registered, they will be prohibited from conducting certifications, thus losing business, but this will all depend on their timeliness of registration. For the producers, handlers, and processors who are not able to update their application materials within the 120-day grace period following the application deadline, there will be a loss of funds of not being certified USDA Organic for a year, until the next application date. This cost is highly variable and depends on the commodity being produced, the size of the operation, and the current year's market costs for the commodities being produced, so the Department does not have any estimated costs.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: As the Department is not the only certifying authority in the state,

these changes should have no impact on those who are not seeking certification from the Department.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be a nominal fine of up to \$500 assessed to the certifying agencies for submitting late registrations and the cost of not charging certification fees during the time that they are currently not being registered. Currently, there are 10 certifying agencies registered to certify in Utah. The Department anticipates that after a year of receiving the late fees, certifying agencies will no longer submit late registrations. There will also be an indirect cost to the certifying agencies that do not register in a timely manner. During the time that they are not registered, they will be prohibited from conducting certifications, thus losing business, but this will all depend on their timeliness of registration. For the producers, handlers, and processors who are not able to update their application materials within the 120-day grace period following the application deadline, there will be a loss of funds of not being certified USDA Organic for a year, until the next application date. This cost is highly variable and depends on the commodity being produced, the size of the operation, and the current year's market costs for the commodities being produced, so the Department does not have any estimated costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes will help both the Department and the organic businesses in the state. The changing of the date allows for the Department and businesses to make sure that they are in compliance with the CFR. The additional time in the application process should cut down on the time spent during the inspection process, which will save time and money for both the Department and the entity seeking registration.

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

AGRICULTURE AND FOOD
PLANT INDUSTRY
350 N REDWOOD RD
SALT LAKE CITY, UT 84116-3034
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Melissa Ure by phone at 801-538-4976, or by Internet E-mail at mure@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/10/2018

AUTHORIZED BY: LuAnn Adams, Commissioner

Appendix 1: Regulatory Impact Analysis for Small and Non-Small Businesses

| Fiscal Costs | FY 2018 | FY 2019 | FY 2020 |
|-------------------------------|------------|---------------|---------------|
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Person | \$0 | \$0 | \$0 |
| Total Fiscal Costs: | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$4225 | \$4225 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$594.50 | \$594.50 |
| Non-Small Businesses | \$0 | \$594.50 | \$594.50 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits: | \$0 | \$5414 | \$5414 |
| Net Fiscal Benefits: | | | |
| | \$0 | \$5414 | \$5414 |

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

The Department registers approximately 65 organic producers, handlers, and processors within the state. Approximately six of these businesses would be considered non-small businesses. There will be a financial benefit for the producers, handlers, and processors for adjusting the application deadline to February 1. The Department estimates that the average hourly rate for organic producers, handlers, and processors to be \$45 per hour during the planting and growing season (March through October) and \$0/hour for January through February. The estimated time it takes to complete and correct mistakes in the application materials is between 5 and 20 hours for the organic program. If the Department averages the time to complete and update the application materials at 12.5 hours, the cost of applying for producers, handlers, and processors is approximately \$562.50, whereas it is \$0 for the February application deadline. By increasing the time that the producers have to work on their applications, which become the farm plans which are inspected against the CFR, the rate of compliance of the producers will increase. This will both reduce the amount of time that inspectors will be spending on the inspections and the time that the program manager spends on writing violations, which are benefits to both the producers and the Department. In fact, currently inspectors spend an average of 4 hours inspecting an operation per year, the Department estimates that having the improved farm plan will decrease the average inspection time by 10%, which would decrease the cost of inspections by at least \$32 per inspection. The Department also anticipates that the amount of time that the producers, handlers, and processors spend on the applications on the 2nd and later years will decrease by 25%, because the time the Department staff will have to help them improve their applications/farm plans, which will reduce the number of problems that will be caught in future years.

The Commissioner of the Department of Agriculture and Food, LuAnn Adams, has reviewed and approved this fiscal analysis.

R68. Agriculture and Food, Plant Industry.

R68-20. Utah Organic Standards.

R68-20-1. Authority.

Promulgated under authority of Sections ~~[4-2-2(1)(j)]~~4-2-103(1)(i), ~~[4-3-2]4-3-201~~, ~~[4-4-2]4-4-102~~, ~~[4-5-17(1)]4-5-104~~, ~~[4-9-2]4-9-103~~, ~~[4-11-3]4-11-103~~, 4-12-3, ~~[4-14-6(5)]4-14-106~~, ~~[4-16-3]4-16-103~~, ~~[4-32-7(7)(a)(ii)]4-32-109~~, 4-37-109(2).

A. The Utah Department of Agriculture and Food (UDAF) adopts and incorporates by reference CFR, ~~[June 7, 2006] October 1, 2017~~ edition, Title 7 Part 205, National Organic Program Final Rule.

1. UDAF will make available to all its applicants for certification and producers of organic products, copies of the National Organic Program Final Rule.

R68-20-2. Definitions and Terms.

A. For the purpose of this rule, words in the singular form shall be deemed to impart the plural and vice versa, as the case may demand.

1. "Commissioner" means the Commissioner of the Utah Department of Agriculture and Food, or the commissioner's representative.

2. "Distributor" means a handler that purchases products under its own name, usually from a shipper, processor, or another distributor. Distributors may or may not take physical possession of the merchandise. A distributor is required to be certified if that person both takes title to the organic products and substantially transforms, processes, repackages or re-labels these products.

3. "Food (and food products)" means material, usually of plant or animal origin, containing or consisting of essential body nutrients, as carbohydrates, fats, proteins, vitamins, and minerals, that is taken in and assimilated by an organism to maintain life and growth. Food products include all agricultural and horticultural products of the soil, apiary and apiary products, poultry and poultry products, livestock and livestock products, dairy products and aquaculture products.

4. "Registration" means an agreement or contract that grants a certified operator the right to use a certificate or certification mark in accordance with organic standards and certification requirements.

5. "Utah Department of Agriculture and Food Organic Seal" means the seal to be displayed on packaging of certified organic foods and food products intended for retail sale, indicating compliance with provisions of this rules.

R68-20-3. Compliance.

A. Violations of the State Organic Program will be handled in compliance to Section ~~[4-2-12]4-2-302~~.

R68-20-4. Fees for Organic Certification.

Fees for Organic Certification Services.

A. Fees shall be in accordance with the fee schedule in the annual appropriations act passed by the Legislature and signed by the Governor. The person, firm, corporation or other

organization requesting registration as a producer, handler, processor or certification agency or requesting inspection or laboratory services shall pay such fees. All fees are payable to the Utah Department of Agriculture and Food.

B. Registration of producers, handlers, processors or combinations thereof. Applications for registration may be obtained from the Utah Department of Agriculture and Food and submitted with the annual fees. Annual registration is required for all producers, handlers, processors or combinations thereof and shall have applications submitted and be paid by ~~[April 1]~~February 1 of each year. New applicant shall have 120 days to complete their initial application and have it accepted by the Department or the applicant shall reapply.

C. Registration of ~~[Certification]~~Certifying ~~[a]~~Agencies. Applications for registration may be obtained from the Utah Department of Agriculture and Food and submitted with the annual fees. Annual registration is required for all ~~[certification]~~certifying agencies and shall be paid by ~~[April 1]~~February 1 each year. Failure to pay by this date will result in late fees and a prohibition from conducting business in the State of Utah.

D. Gross sales fees. Payment of annual gross sales fees shall accompany the annual registration application and fees and shall be based on the previous year's gross sales of state certified producers and processors.

E. Any producers, handlers, processors or combinations thereof that conduct business under exemption listed in CFR, October 1, 2017 edition, Title 7 Part 205.101 within the State of Utah shall register annually with the Utah Department of Agriculture Organic Program before conducting business.

R68-20-5. UDAF Seal.

Use of the UDAF Organic Seal

A. The UDAF seal may be used only for raw or processed agricultural products in paragraphs (a), (b), (e)(1), and (e) (2) of CFR 205.301.

B. The UDAF seal must replicate the form and design and must be printed legibly and conspicuously.

1. On a white background with a double black circle the words, Utah Department of Agriculture and Food, within the borders of the circles. At the bottom of the circle a teal green horizontal line.

2. Within the inner circle a black outline of the State of Utah, and inscribed in italics in a teal green color, slanting upward from left to right, the word "Certified Organic".

3. A copy of the seal is available at the Department of Agriculture and Food, 350 North Redwood Road, PO Box 146500, Salt Lake City, Utah 84114-6500.

KEY: inspections

Date of Enactment or Last Substantive Amendment: ~~[February 28, 2007]~~2018

Notice of Continuation: December 30, 2014

Authorizing, and Implemented or Interpreted Law: ~~[4-2-2(1)(j)]~~4-2-103(1)(i); ~~[4-3-2]~~4-3-201; ~~[4-4-2]~~4-4-102; ~~[4-5-17(1)]~~4-5-104; ~~[4-9-2]~~4-9-103; ~~[4-11-3]~~4-11-103; 4-12-3; ~~[4-14-6(5)]~~4-14-106; ~~[4-16-3]~~4-16-103; ~~[4-32-7(7)(a)(ii)]~~4-32-109; 4-37-109(2)

Education, Administration **R277-104** ADA Complaint Procedure

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 42914
FILED: 05/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board of Education policies.

SUMMARY OF THE RULE OR CHANGE: These rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. Under these rule change, complaints are filed with the Superintendent rather than the Americans with Disabilities Act (ADA) Coordinator, although the Superintendent may receive investigative assistance from Board staff and others as designated in this rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 28 CFR 35.107 and Section R477-8-15 and Title II of the Americans with Disabilities Act

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is no aggregate anticipated cost or savings to the state budget because this rule deals with ADA complaint procedures for individuals with disabilities submitting a claim to the Superintendent of the Utah State Board of Education (USBE).

♦ **LOCAL GOVERNMENTS:** There is no aggregate anticipated cost or savings to local governments because this rule deals with ADA complaint procedures for individuals with disabilities submitting a claim to the Superintendent of the USBE.

♦ **SMALL BUSINESSES:** There is no aggregate anticipated cost or savings to small businesses because this rule deals with ADA complaint procedures for individuals with disabilities submitting a claim to the Superintendent of the USBE.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this rule deals with ADA complaint procedures for individuals with disabilities submitting a claim to the Superintendent of the USBE.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes to Rule R277-104 are not estimated to have a fiscal impact on businesses. There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. These proposed rule changes are not expected to have any fiscal impact on large businesses' revenues or expenditures because it deals with ADA complaint procedures for individuals with disabilities submitting a claim to the Superintendent of the USBE. These rule changes do not require any expenditures of or generate any revenues for large businesses. This rule was due for its five-year review and continuation. The USBE has reviewed this rule and determined that it continues to be necessary. These rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. Under these rule changes, complaints are filed with the Superintendent rather than the ADA Coordinator although the Superintendent may receive investigative assistance from Board staff and others as designated in this rule. The process, requirements, and timeline for filing complaints remain the same. Thus, this rule is not expected to have a fiscal impact on local education agencies either. The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/09/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

| Fiscal Costs | FY 2018 | FY 2019 | FY 2020 |
|------------------|---------|---------|---------|
| State Government | \$0 | \$0 | \$0 |

| | | | |
|-------------------------------|------------|------------|------------|
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Person | \$0 | \$0 | \$0 |
| Total Fiscal Costs: | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits: | \$0 | \$0 | \$0 |
| Net Fiscal Benefits: | | | |
| Net Fiscal Benefits: | \$0 | \$0 | \$0 |

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

This change to Rule R277-104 is not estimated to have a fiscal impact. There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. These proposed rule changes are not expected to have any fiscal impact on large businesses' revenues or expenditures because it deals with ADA complaint procedures for individuals with disabilities submitting a claim to the Superintendent of the Utah State Board of Education (USBE). This rule change does not require any expenditures of or generate any revenues for large businesses.

This rule was due for its five-year review and continuation. The Utah State Board of Education has reviewed this rule and determined that it continues to be necessary. The rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. Under these rule changes, complaints are filed with the Superintendent rather than the ADA Coordinator although the Superintendent may receive investigative assistance from Board staff and others as designated in the rule. The process, requirements, and timeline for filing complaints remain the same. Thus, this rule is not

expected to have a fiscal impact on local education agencies either.

The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

R277. Education, Administration.

R277-104. ADA Complaint Procedure.

R277-104-[2]1. Authority and Purpose.

[A-](1) This rule is authorized pursuant to 28 CFR 35.107 which adopts, defines, and publishes complaint procedures providing for prompt and equitable resolution of complaints filed in accordance with Title II of the Americans with Disabilities Act, as amended.

[B-](2)(a) The purpose of this rule is to establish [USOE and USOR-]procedures for [non-USOE, non-USOR and non-Board employees]individuals to file complaints under the [federal-]ADA [law-]and to provide appropriate classification of the records of complaints and appeals.

(b) A complaint filed by an employee of the Board is not subject to this rule, but is governed by Section R477-8-15.

[C-] No qualified individual with a disability, by reason of such disability, shall be excluded from participation in or be denied the benefits of the services, programs, or activities of the USOE or USOR, or be subjected to discrimination by the USOE or USOR-]

R277-104-[4]2. Definitions.

[A-](1) "ADA" means the Americans with Disabilities Act, 42 U.S.C. 12201, including the ADA Amendments Act of 2008, Pub. L. No. 110-325, which provides that no qualified individual with a disability, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination[-by this or any such entity].

[B-] "The ADA Coordinator" means ~~the designee of the Superintendent, who has responsibility for investigating and providing prompt and equitable resolution of complaints filed by qualified individuals with disabilities who are not USOE or USOR employees in accordance with the Americans with Disabilities Act, or provisions of this rule-]~~

[C-](2) "Days" means calendar days.

[D-](3) "Disability" means, with respect to an individual disability, a physical or mental impairment that substantially limits one or more of the major life activities of such an individual [consistent with]as defined in the [Americans with Disabilities Act, 42 U.S.C. 12201]ADA.

[E-] "Executive Director" means the Executive Director of the Utah State Office of Rehabilitation-]

[F-](4) "Major life activities" mean[s] functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

[G-](5) "Individual with a disability" [(hereinafter individual)]or "individual" means a person who has a disability which limits one of his major life activities and who meets the essential eligibility requirement for the receipt of services or the participation in programs or activities.[This rule is directed at non-employees, including all types and periods of employment, of the Board, the USOE or the USOR.

~~H. "Superintendent" means the State Superintendent of Public Instruction-~~

~~I. "USOE" means the Utah State Office of Education-~~

~~J. "USOR" means the Utah State Office of Rehabilitation-]~~

R277-104-3. Statement of Non-Discrimination.

The Superintendent shall comply with the ADA in administering the services, programs, and activities of the Board.

R277-104-[3]4. Filing of Complaints.

[A-] ~~The complaint shall be filed in a timely manner to assure prompt, effective assessment and consideration of the facts, but not later than 30 days from the date of the alleged act of discrimination-~~

~~B. The complaint shall be filed with the USOE's ADA Coordinator in writing or in another format reasonable for the individual and the USOE or USOR-](1) An individual may file a complaint by submitting a claim with the Superintendent no later than 30 days from the date of the alleged act of discrimination.~~

~~(2) A complaint under Subsection (1) shall be made in writing or in another format reasonable for the individual and the Superintendent.~~

[C-](3) Each complaint shall include:

[(1)a] ~~include]the individual's name and address;~~

[(2)b] ~~include]a description of the nature and extent of the individual's disability;~~

[(3)c] ~~describe the USOE's or USOR's-]a description of the alleged discriminatory action in sufficient detail to inform the [USOE or USOR]ADA Coordinator of the nature and date of the alleged violation;~~

[(4)d] ~~describe]a description of the action [and]or accommodation [desired]needed; and~~

[(5)e] ~~be signed by]the signature of the individual or [by his]the individual's legal representative.~~

R277-104-[4]5. [Investigation of]Action on Complaint.

[A-] ~~The ADA coordinator shall conduct an investigation of each complaint received. The investigation shall be conducted to the extent necessary to assure all relevant facts are determined and documented. This may include gathering all information listed in Section 3(C) of this rule if it is not made available by the individual-~~

~~B. When conducting the investigation, the coordinator may seek assistance from the USOE's and USOR's legal, human resource, budget, and State Risk Management staff in determining what action, if any, shall be taken on the complaint-](1) The Superintendent shall investigate each complaint to the extent necessary to assure all relevant facts are determined and documented.~~

~~(2) The Superintendent may receive investigative assistance from:~~

~~(a) the Attorney General's office;~~

~~(b) the Department of Human Resource Management;~~

~~(c) State Risk Management; and~~

~~(d) Board staff.~~

~~(3)(a) The Superintendent shall notify a claimant of the Superintendent's decision in writing within 30 days of receiving a Complaint.~~

(b) If additional time is necessary to reasonably investigate a complaint, the Superintendent shall notify the Claimant in writing of:

(i) the reasons for the delay; and

(ii) a date certain by which a decision will be provided.

(4) Unless the claimant files a request for reconsideration under Section R277-104-6, the decision of the Superintendent is the final agency action.

[R277-104-5. ADA Coordinator Recommendation.

~~A. Within 30 days, the ADA Coordinator shall make a recommendation outlining what action, if any, shall be taken by the USOE or USOR on the complaint to the Superintendent, Executive Director, or both depending upon the circumstances of the complaint.~~

~~B. If the ADA Coordinator does not make a recommendation to the Superintendent within 30 days, the ADA Coordinator shall notify both the complainant and the Superintendent that the decision is delayed and provide a date certain for the investigation recommendation to be provided.~~

R277-104-6. Superintendent or the Executive Director or Both Review and Decision.

~~A. The Superintendent shall review the recommendation of the ADA Coordinator and make a final decision about action to be taken, if any, by the USOE or USOR.~~

~~B. The Superintendent shall provide a written decision to the complainant no more than 10 working days from the receipt of the ADA Coordinator's recommendation.~~

~~C. In making the decision, the Superintendent shall consult with the Executive Director if necessary and may discuss the investigation with the ADA Coordinator or other USOE or USOR employees, may gather additional information and interview other individuals with relevant information or expertise and shall give appropriate deference to the ADA Coordinator's fact finding and review of information.~~

~~D. The Superintendent's decision is the final USOE and USOR administrative decision regarding the complaint.~~

~~(1) If the complaint and recommendation is solely about USOR services or facilities, the Superintendent shall consult with the Executive Director in making the decision.~~

~~(2) If the complaint and decision include USOE actions or facilities only, the Superintendent shall make the final administrative decision.~~ **R277-104-6. Reconsideration.**

(1) A claimant may file a request with the Superintendent to review a decision under Subsection R277-104-5(3) within ten days of the date of the Superintendent's decision.

(2) A request for reconsideration under Subsection (1) shall outline any error alleged in the Superintendent's decision, which warrants reconsideration of the Superintendent's proposed action.

(3) Following a request for reconsideration, the Superintendent may conduct additional investigation, if warranted.

(4) The Superintendent shall issue a final decision in writing within 30 days of a request for reconsideration under Subsection (1), which action shall be the final agency action.

R277-104-7. Classification of Records.

~~[A.](1) The investigative record of each complaint and all written records produced or received as part of such investigations, recommendations, or actions, shall be classified as protected under Section 63G-2-305, until the [Superintendent issues the decision] Superintendent's action is final.~~

~~[B.](2) The Superintendent shall classify [Any]any portion[s] of [the]a record which pertain to an individual's medical condition [shall remain classified]as private, [as defined under]in accordance with Subsection 63G-2-302(1)(b), or controlled, [as defined in]in accordance with Section 63G-2-304.[All other information gathered as part of the complaint record shall be classified as protected information].~~

~~[C.](3) The final written decision of the Superintendent shall be public [information], subject to the provisions of Title 63G, Chapter 2, Government Records Access and Management Act.~~

R277-104-8. Relationship to Other Laws.

(1) This rule does not prohibit or limit the use of remedies available to [the]an individual[s] under:

(a) Section 67-19-32;

(b) [the Federal ADA Complaint Procedures (28 CFR, Subpart F, Complaint Procedures [beginning with Part 35.170, 1992 edition]); or

(c) any other Utah state or federal law that provides equal or greater protection for the rights of individuals with disabilities.

KEY: complaints, disabled persons

Date of Enactment or Last Substantive Amendment: [June 7, 2012]2018

Notice of Continuation: May 15, 2013

Authorizing, and Implemented or Interpreted Law: 28 CFR 35.107

Education, Administration
R277-107
Educational Services Outside of
Educator's Regular Employment

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42915

FILED: 05/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board of Education policies.

SUMMARY OF THE RULE OR CHANGE: This rule was due for its five-year review and continuation. The Utah State Board of Education has reviewed this rule and determined

that it continues to be necessary. These rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies, but none of these changes are substantive.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53E-3-512 and Subsection 53E-3-401(4)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There are no aggregate anticipated cost or savings to the state budget because this rule deals with educational services outside of an educator's regular employment.
- ◆ **LOCAL GOVERNMENTS:** There are no aggregate anticipated cost or savings to local governments because this rule deals with educational services outside of an educator's regular employment.
- ◆ **SMALL BUSINESSES:** There are no aggregate anticipated cost or savings to small businesses because this rule deals with educational services outside of an educator's regular employment.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There are no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities because this rule deals with educational services outside of an educator's regular employment.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes to Rule R277-107 are not estimated to have a fiscal impact. There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. This proposed rule change is not expected to have any fiscal impact on large businesses' revenues or expenditures because it deals with educational services outside of an educator's regular employment. This rule change does not require any expenditures of or generate any revenues for large businesses. This rule was due for its five-year review and continuation. The Utah State Board of Education has reviewed this rule and determined that it continues to be necessary. The rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board of Education policies, but none of the changes are substantive. The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/09/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

| Fiscal Costs | FY 2018 | FY 2019 | FY 2020 |
|-------------------------------|----------------|----------------|----------------|
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Person | \$0 | \$0 | \$0 |
| Total Fiscal Costs: | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits: | \$0 | \$0 | \$0 |

| | | | |
|----------------------|-----|-----|-----|
| Net Fiscal Benefits: | \$0 | \$0 | \$0 |
|----------------------|-----|-----|-----|

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses
 These changes to Rule R277-107 are not estimated to have a fiscal impact. There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. These proposed rule changes are not expected to have any fiscal impact on large businesses' revenues or expenditures because it deals with educational services outside of an educator's regular employment. These rule changes do not require any expenditures or generate any revenues for large businesses.

This rule was due for its five-year review and continuation. The Utah State Board of Education has reviewed this rule and determined that it continues to be necessary. These rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board of Education policies, but none of the changes are substantive.

The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

R277. Education, Administration.
R277-107. Educational Services Outside of an Educator's Regular Employment.

R277-107-[2]1. Authority and Purpose.

[A-](1) This rule is authorized by:
 (a) Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Board[;];
 (b) Subsection 53E-3-401(4), which permits the Board to adopt rules to carry out its duties and responsibilities under the Utah Constitution and state law; and
 (c) Section [53A-1-402-5]53E-3-512, which directs the Board to make rules that establish basic ethical conduct standards for employees who provide public education-related services or activities outside of their regular employment[; and 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities].

[B-](1) The purpose of this rule is to provide direction and parameters for employees who provide or participate in public education-related services or activities outside of their regular public education employment.

[E-](2) The Board recognizes that public school educators have expertise and training in various subjects and skills and should have the opportunity to enrich the community with their skills and expertise while still respecting the unique public trust that public educators have.

R277-107-[1]2. Definitions.

[A-](1) "Activity sponsor" means a private or public individual or entity that employs an employee in any program in which public school students participate.

[~~—~~ B. "Board" means the Utah State Board of Education.]

[E-](2) "Extracurricular activity" means an activity for students recognized or sanctioned by an LEA, which may supplement or compliment, but is not part of, the LEA's required program or regular curriculum.

[D-](3) "LEA" [~~or "local education agency"~~] means a school district, charter school or, includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

[E-](4) "Public education employee" or "[~~(~~employee[~~)]~~]" means a person who is employed on a full-time, part-time, or contract basis by an[~~y~~] LEA.

[F(+)](5)(a) "Private, but public education-related activity" means any type of activity for which:

- (a)i a public education employee receives compensation; and
 - (b)ii the principle clients are students at the school where the employee works.
- (2)b "Private, but public education-related activity" may include:
- (a)i tutoring;
 - (b)ii lessons;
 - (e)iii clinics;
 - (d)iv camps; or
 - (e)v travel opportunities.

[R277-107-3. LEA Responsibility.

~~— An LEA may have policies providing for the following, consistent with the provisions of this R277-107 and the law:~~

- ~~— A. sponsorship or specific non-sponsorship of extracurricular activities; or~~
- ~~— B. opportunities for students.]~~

R277-107-[4]3. LEA Relationship to Activities Involving Educators.

[A](1) An LEA may sponsor extracurricular activities or opportunities for students.

(2) Extracurricular activities are subject to:

- (a) [Utah's] school fee laws and rules, including the provisions of R277-407[;];
- (b) fee waivers[;];
- (c) procurement laws; and
- (d) all other applicable laws and rules.

[B-](3) An employee that participates in a private, but public education-related activity, is subject to the following requirements:

(1)a [the]An employee's participation in the activity shall be separate and distinguishable from the employee's public employment[~~as required by this rule~~];

(2)b [the]An employee may not, in promoting [the]private, but public education-related activity:

- (a) contact students at [the]a public school[s], except as permitted by this rule; or
- (b) use education records, resources, or information obtained through the employee's public employment unless the records, resources, or information are readily available to the general public[;].

(3)4 [the]An employee may not use school time to discuss, promote, or prepare for:

- (a) a private activity; or

(b) a private, but public education-related activity[;].
 ([4]5) ~~the~~ An employee may:
 (a) offer private, but public education-related services, programs or activities to students provided that they are not advertised or promoted by the employee during school time;
 (b) discuss a private, but public education-related activity with students or parents outside of the classroom and the regular school day;
 (c) use student directories or online resources which are available to the general public; and
 (d) use student or school publications in which commercial advertising is allowed, to advertise and promote the activity.

[E-](6) An employee may not condition [E-]credit and participation in a public school program or activity ~~may not be conditioned~~ on a student's participation in such activities as clinics, camps, private programs, or travel activities, which are not equally and freely available to all students.

[D-](7) No employee may state or imply to any person that participation in a regular school activity or program is conditioned on participation in a private activity.

[E-](8) No provision of this rule shall preclude a student from requesting or petitioning ~~an~~ [teacher or school]LEA for approval of credit based on an extracurricular educational experience consistent with LEA policy.

R277-107-[5]4. Advertising.

[A-](1) An employee may purchase advertising space to advertise an activity or service in a publication, whether or not sponsored by the public schools, that accepts paid or community advertising.

[B-](2) ~~The~~ A paid advertisement in a school publication may identify the activity, participants, and leaders or service providers by name, provide non-school contact information, and provide details of the employee's employment experience and qualification.

[E-](3) An employee may post or distribute [P]posters or brochures ~~may be posted or distributed~~ in the same manner as could be done by a member of the general public, advertising ~~an employee's~~ private services, consistent with LEA policy.

[D-](4) Unless an activity is sponsored by the LEA, ~~the~~ a paid advertisement in a school publication shall state clearly and distinctly that the activity is NOT sponsored by the LEA.

[E-](5) The name of an LEA may not be used in ~~the~~ an advertisement ~~except as~~ unless the LEA's name ~~may~~ relates to the employee's employment history or if school facilities have been rented for the activity.

[F-](6) If the name of ~~the~~ an employee offering ~~the~~ a service or participating in ~~the~~ an activity is stated in any advertisement sent to the employee's students, or is posted, distributed, or otherwise made available in the employee's school, the advertisement shall state that the activity is not school sponsored.

R277-107-[6]5. Public Education Employees.

[A-](1) A [P]public education employee[s] shall comply with Title 63G, Chapter 6a, Utah Procurement Code.

[B-](2) A [P]public education employee[s] shall comply with Title 67, Chapter 16, Public Officers' and Employees' Ethics Act.

[E-](3) Except as provided in ~~[R277-107-6D]~~ Subsection (4), consistent with Section 63G-6a-2404 and Title 67, Chapter 16, Public Officers' and Employees' Ethics Act, a public education employee may not solicit or accept gifts, incentives, honoraria, or stipends from private sources:

([1]a) for the employee's personal or family use;
 ([2]b) in exchange for payment for advertising placed by the employee; or

([3]c) in exchange for payment for securing agreements, contracts or purchases between private company and public education employer, programs or teams.

[D-](4) A public education employee may accept a gift, incentive, honoraria, or stipend from a private source if the gift, incentive, honoraria, or stipend is:

([1]a) of nominal value and is for birthdays, holidays, or teacher appreciation occasions; or

(b) a public award in recognition of public service; and
 ([2]c) consistent with school or LEA policies and the Utah Public Employees' Ethics Act.

[E-](5) A public education employee who holds a Utah educator license ~~shall~~ may be subject to license discipline ~~[(including license suspension or revocation)]~~ for violation of this Rule R277-107 and [applicable]related provisions of Utah law.

R277-107-[7]6. Public Education Employee/Sponsor Agreements or Contracts.

[A-](1) An agreement between an employee and a sponsor of a ~~a~~ private, but public education-related activity ~~[sponsor]~~ shall be signed by the employee and include ~~a statement that reads substantially~~ the following acknowledgments:

(a) [I]the parties understand that ~~this~~ the activity is not sponsored by an LEA[;].

(b) [that my]the employee's responsibilities to the activity sponsor are outside the scope of and unrelated to any public duties or responsibilities [I]the employee may have as a public education employee[;]. and

(c) [I]the employee agrees to comply with laws and rules of the state and policies regarding ~~my~~ advertising and employee participation.

[B-](2) An employee shall provide the LEA business administrator, superintendent, or charter school director with a signed copy of all contracts between the employee and a sponsor of a private, but public-education related activity ~~[sponsor]~~.

[E-](3) An LEA shall maintain a copy of a contract described in ~~[R277-107-7B]~~ Subsection (2) in the employee's personnel file.

KEY: school personnel

Date of Enactment or Last Substantive Amendment: ~~[August 26, 2015]~~ 2018

Notice of Continuation: June 25, 2015

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53A-1-402.5]53E-3-512; [53A-1-401(3)]53E-3-401(4)

Education, Administration
R277-301
Educator Licensing

NOTICE OF PROPOSED RULE
 (New Rule)
 DAR FILE NO.: 42918
 FILED: 05/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed new rule provides the foundation for implementation of the three-tier licensing structure adopted by the Utah State Board of Education (Board).

SUMMARY OF THE RULE OR CHANGE: This new rule provides the foundation for implementation of the three-tier licensing structure adopted by the Board. This rule has a delayed implementation until January 1, 2020, and would not go into full effect until the 2020 - 2021 school year. While the new rule alters the educator licensing process, it is not anticipated to have a fiscal impact on local education agencies.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53E-6-201 and Subsection 53E-3-401(4)

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** This new rule is not anticipated to have a cost or savings to the state budget because this rule deals with educator licensing by the Board, and does not require any expenditures of or generate any revenues for the state budget.
- ◆ **LOCAL GOVERNMENTS:** This new rule is not anticipated to have a cost or savings to local governments because this rule deals with educator licensing by the Board, and does not require any expenditures of or generate any revenues for local governments.
- ◆ **SMALL BUSINESSES:** This new rule is not anticipated to have a cost or savings to small businesses because this rule deals with educator licensing by the Board, and does not require any expenditures of or generate any revenues for small businesses.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This new rule is not anticipated to have a cost or savings to persons other than small businesses, businesses, or local government entities because this rule deals with educator licensing by the Board, and does not require any expenditures of or generate any revenues for persons other than small businesses, businesses, or local government entities.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This new Rule R277-301 is not estimated to have a fiscal impact on businesses. There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. This proposed rule is not expected to have any fiscal impact on large businesses' revenues or expenditures because it deals with educator licensing by the Board, and does not require any expenditures of or generate any revenues for large businesses. This new rule provides the foundation for implementation of the three-tier licensing structure adopted by the Board. This new rule has a delayed implementation until January 1, 2020, and would not go into full effect until the 2020 - 2021 school year. While the new rule alters the educator licensing process, it is not anticipated to have a fiscal impact on local education agencies. The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/09/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

| Fiscal Costs | FY 2018 | FY 2019 | FY 2020 |
|----------------------|---------|---------|---------|
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |

| | | | |
|-------------------------------|------------|------------|------------|
| Other Person | \$0 | \$0 | \$0 |
| Total Fiscal Costs: | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits: | \$0 | \$0 | \$0 |
| Net Fiscal Benefits: | \$0 | \$0 | \$0 |

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

This new Rule R277-301 is not estimated to have a fiscal impact on businesses. There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. This proposed rule is not expected to have any fiscal impact on large businesses' revenues or expenditures because this rule deals with educator licensing by the Utah State Board of Education (Board) and does not require any expenditures or generate any revenues for large businesses.

This new rule provides the foundation for implementation of the three-tier licensing structure adopted by the Board. This new rule has a delayed implementation until January 1, 2020 and would not go into full effect until the 2020 - 2021 school year. While the change alters the educator licensing process, it is not anticipated to have a fiscal impact on local education agencies.

The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

R277. Education, Administration.

R277-301. Educator Licensing.

R277-301-1. Authority and Purpose.

(1) This rule is authorized by:
 (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 53E-6-201, which gives the Board power to issue licenses.

(2) This rule specifies the types of licenses and license areas of concentration available and the requirements and procedures for obtaining a license, required for employment as a licensed educator in the public schools of Utah.

R277-301-2. Definitions.

(1) "Accredited school" means a public or private school that:

(a) meets standards essential for the operation of a quality school program; and

(b) has received formal approval through a regional accrediting association.

(2) "Comprehensive Administration of Credentials for Teachers in Utah Schools" or "CACTUS" means the electronic file maintained on all licensed Utah educators including information such as:

- (a) personal directory information;
- (b) educational background;
- (c) endorsements;
- (d) employment history; and
- (e) a record of disciplinary action taken against the educator.

(3) "Endorsement" means a designation on a license area of concentration earned through demonstrating required competencies established by the Superintendent that qualifies the individual to:

- (a) provide instruction in a specific content area; or
- (b) apply a specific set of skills in an education setting.
- (4) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(5)(a) "License areas of concentration" or "license area" means a designation on a license of the specific educational setting or role for which the individual is qualified, to include the following:

- (i) Early Childhood;
- (ii) Elementary;
- (iv) Secondary;
- (v) Educational Leadership
- (vi) Career and Technical Education or "CTE";
- (vii) School Counselor;
- (viii) School Psychologist;
- (ix) Special Education;
- (x) Preschool Special Education;
- (xi) Deaf Education;
- (xii) Speech-Language Pathologist;
- (xiii) Speech-Language Technician;
- (xiv) School Social Worker; and
- (xv) Communication Disorders.

(6) "Licensing Jurisdiction" means the designated educator licensing authority in any foreign country or state of the United States of America and the Department of Defense Education Activity (DoDEA).

(7) "Renewal" means reissuing or extending the length of a license consistent with R277-500.

R277-301-3. Program Approval and Requirements.

(1) The Superintendent shall accept educator license recommendations from educator preparation programs that have applied for Board approval and have met the requirements described in this Rule R277-301 and the Standards for Program Approval established in:

- (a) Rule R277-504;
- (b) Rule R277-505; or
- (c) Rule R277-506.

(2) The Superintendent may establish deadlines and uniform forms and procedures for all aspects of program licensing approval.

(3) To be approved for license recommendation an educator preparation program shall:

(a) have a physical location in Utah where students attend classes or if the program provides only online instruction:

(i) have the program's primary headquarters located in Utah; and

(ii) be licensed to do business in Utah through the Utah Department of Commerce;

(b) include requirements designed to ensure that the educator is able to meet the Utah Effective Educator Standards established in R277-530;

(c) establish entry requirements, approved by the Superintendent, that are designed to ensure that only high quality individuals enter the licensure program, which include measures of:

(i) previous academic success;

(ii) disposition for employment in an educational setting; and

(iii) basic skills in reading, writing, and mathematics; and

(d) include a pedagogical performance assessment meeting standards established by the Superintendent for all new students enrolled in the program after January 1, 2020 in all license areas in which such an assessment is available.

(4) The Superintendent shall lead the approval review for any Board-approved educator preparation program seeking to maintain or receive program approval.

(5) The Superintendent shall be responsible for:

(a) observing and monitoring the approval review process;

(b) reviewing subject specific programs to determine if the program meets state standards for licensure in specific areas;

(c) reviewing program procedures to ensure that Board requirements for licensure are followed; and

(d) reviewing licensure candidate files to determine if the program followed Board requirements for licensure.

(6) After completion of the approval review site visit, a Board-approved educator preparation program, working with the Superintendent, shall prepare and submit a program approval request for consideration by the Board that includes:

(a) a program summary;

(b) approval review findings;

(c) program areas of distinction;

(d) program enrollment; and

(e) program goals and direction.

(7) If the program approval request is approved by the Board, the program shall be considered Board-approved until the next scheduled approval review visit.

(8)(a) Notwithstanding Subsection (7), the Superintendent may place a program on probation for:

(i) failure to meet program requirements detailed in applicable Board rules; or

(ii) submission of inadequate or incomplete information in a report required under this R277-301.

(b) The Board may revoke its approval of a probationary program that fails to meet probationary requirements with at least one year's notice.

(9) If a new educator preparation program seeks Board approval or a previously Board-approved educator preparation program seeks approval for additional license area preparation and endorsements, the program shall submit an application to the Superintendent including:

(a) information detailing the exact license areas of concentration and endorsements that the program intends to award;

(b) detailed program requirement information;

(c) detailed information showing how the program will ensure that the educator satisfies all standards in the Utah Effective Educator Standards established in Rule R277-530 and Professional Educator Standards established in Rule R277-515;

(d) information about program timelines and anticipated enrollment.

(10) The Board shall approve or deny applications for new educator preparation programs.

(11)(a) The Superintendent shall review and approve or deny applications from previously Board-approved educator preparation programs desiring Board approval for additional license areas and endorsements.

(b) The Superintendent may grant preliminary approval pending Utah State Board of Regents approval of a new program if the program is within a public institution.

(12) An educator preparation program seeking Board approval may apply to the Board for probationary approval for a maximum of three years contingent on the completion of the approval process.

(13) A Board-approved educator preparation program shall submit an annual report to the Superintendent by July 1 of each year, which shall include the following:

(a) student enrollment counts designated by anticipated license area of concentration and endorsement and disaggregated by gender and ethnicity;

(b) information explaining any significant changes to program requirements or content;

(c) the program's response to areas of concern or areas of focus identified by the Superintendent; and

(d) information regarding any program-determined areas of concern or areas of focus and the program's planned response.

(14) The Superintendent shall provide reporting criteria to Board-approved educator preparation programs regarding the annual report and designated areas of concern or focus by January 31 annually.

(15) An individual that completes a Board-approved educator preparation program may be recommended for licensure within five years of program completion if the individual meets current licensing requirements.

(16)(a) If five years have passed since an individual completed a Board-approved preparation program, the individual

may be recommended for licensure following review by the individual program.

(b) The preparation program officials shall determine whether any content or pedagogy requirement previously met meets current program standards and if additional requirements are necessary to recommend licensure.

(c) The individual shall complete all requirements established by program officials before receiving a license recommendation from the program.

R277-301-4. License Structure.

(1) Utah educator licenses include the following licenses:

- (a) Associate educator license;
- (b) Professional educator license; and
- (c) LEA-specific educator license.

(2) All new Utah educator licenses shall include general content knowledge, and pedagogical requirements.

(3) The Superintendent may only issue a single active Utah educator license to an individual.

(4) An educator license shall include at least one area of concentration.

(5) License areas of concentration and endorsements shall have a designation of:

- (a) associate;
- (b) professional; or
- (c) LEA-specific.

(6) An associate educator license may only include associate or LEA-specific license areas of concentration and endorsements.

(7) An LEA-specific educator license may only include LEA-specific license areas of concentration and endorsements.

(8) The Superintendent may establish deadlines and uniform forms and procedures for all aspects of licensing.

(9) The Superintendent shall review, adopt, and establish passing standards for all assessments required for educator licensing.

(10)(a) All licenses expire on June 30 of the year of expiration and may be renewed any time after January 1 of the same year.

(b) Responsibility for license renewal rests solely with the licensee.

R277-301-5. Associate Educator License Requirements.

(1) The Superintendent shall issue an associate educator license to an individual that applies for the license and that meets all requirements in this Section R277-301-5.

(2) An associate educator license, license area, or endorsement is valid for two years.

(3) The Superintendent may only renew an associate educator license if:

- (a) the individual has less than two years of experience in a Utah public or accredited private school; or
- (b) the individual is employed by a Utah public or accredited private school and the employer has requested a one year extension of the license.

(4) The general requirements for an associate educator license shall include:

(a) completion of a criminal background check including review of any criminal offenses and clearance in accordance with Rule R277-214;

(b) completion of the educator ethics review described in R277-500 within one calendar year prior to the application; and

(c) one of the following:

(i) a bachelor's degree or higher from a regionally accredited institution;

(ii) current enrollment in a university-based educator preparation program that will result in a bachelor's degree or higher from a regionally accredited institution; or

(iii) skill certification in a specific CTE area as established by the Superintendent.

(5) The content knowledge requirements for an associate educator license shall include:

(a) for an elementary license area, passage of an elementary content knowledge test, approved by the Superintendent, that distinctly measures content in:

- (i) mathematics;
- (ii) reading/language arts;
- (iii) social studies; and
- (iv) science;

(b) for a secondary or CTE license area with a content endorsement, one of the following:

(i) passage of a content knowledge test approved by the Superintendent, where available;

(ii) a bachelor's degree or higher with a major in the content area from a regionally accredited university; or

(iii) enrollment in a program that will result in a degree described in Subsection (5)(b)(ii); and

(c) for all other license areas, enrollment in a Board-approved educator preparation program.

(6) Additional requirements for an associate educator license shall include:

(a) successful completion of professional learning modules created or approved by the Superintendent in:

- (i) educator ethics;
- (ii) classroom management and instruction;
- (iii) basic special education law and instruction;
- (iv) the Utah Effective Teaching Standards described in R277-530; or

(b) enrollment in a Board-approved educator preparation program.

(7) An individual holding a professional educator license may receive an associate license area or endorsement in additional areas if all the requirements of this section are met.

(8) A license applicant who has received or completed license preparation activities inconsistent with this rule may present compelling information and documentation for review and approval by the Superintendent to satisfy the associate educator license requirements.

(9) The Superintendent shall designate a panel of at least three Board staff members to review an appeal made under subsection (8).

(10) An LEA that employs an individual that holds an associate educator license shall develop a personalized professional learning plan designed to support the educator in meeting the

requirements for a professional educator license no later than 60 days after beginning work in the classroom, which shall:

- (a) be provided to the Superintendent upon request;
- (b) include a formal discussion and observation process no later than 30 days after beginning work in the classroom; and
- (c) consider:
 - (i) previous education related experience; and
 - (ii) previous educational preparation activities.

(11) An educator with an associate educator license may upgrade to a professional educator license at any time prior to expiration of the associate educator license if the educator meets all requirements of Section R277-301-6.

R277-301-6. Professional Educator License Requirements.

(1) The Superintendent shall issue a professional educator license to an individual that applies for the license and meets all requirements in this Section R277-301-6.

(2) A professional educator license, license area, or endorsement is valid for five years.

(3) The general requirements for a professional educator license shall include:

(a) all general requirements for an associate educator license under Subsection R277-301-5(4); and

(b) one of the following:

(i) a recommendation from a Board-approved educator preparation program;

(ii) a recommendation from a Utah LEA;

(iii) a recommendation from an accredited private school in Utah; or

(iv) a standard educator license in the area issued by a licensing jurisdiction outside of Utah that is currently valid or is renewable consistent with Section 53E-6-307.

(4) The content knowledge requirements for a professional educator license shall include:

(a) all content knowledge requirements for an associate educator license under Subsection R277-301-5(5); and

(b) demonstration of all content knowledge competencies as established by the Superintendent.

(5) The pedagogical requirements for professional educator license shall include:

(a) demonstration of all pedagogical competencies as established by the Superintendent; and

(b) passage of a pedagogical performance assessment meeting standards established by the Superintendent, where available.

(6) An individual holding a Utah level 1, level 2, or level 3 educator license on January 1, 2020 is considered to have met the pedagogical requirements described in Subsection (5).

(7) An individual holding a Utah level - APT educator license that is employed by a Utah LEA and an individual enrolled in ARL or a Board-approved educator preparation program on January 1, 2020 may meet the content knowledge and pedagogical requirements described in this Section R277-301-6 by completing all requirements of the applicable program.

(8) An individual holding a Utah professional educator license and license area in early childhood education, elementary, secondary, CTE, special education, or deaf education is considered to have met the pedagogical performance assessment requirement of

Subsection (5)(b) if applying to add any of the license areas in the subsection.

(9) A license applicant who has received or completed license preparation activities inconsistent with this rule may present compelling information and documentation for review and approval by the Superintendent to satisfy the professional educator license requirements.

(10) The Superintendent shall designate a panel of at least three Board staff members to review an appeal made under Subsection (9).

R277-301-7. Educator Licenses Issued by Licensing Jurisdictions Outside of Utah.

(1) The Superintendent shall review applications for a Utah educator license for individuals holding educator licenses issued by licensing jurisdictions outside of Utah to determine if the applicant has met the requirements for a Utah license under this rule.

(2) The Superintendent shall accept scores from an applicant that meet the Utah standard for passing on assessments from licensing jurisdictions outside of Utah that utilize the same assessment as Utah as meeting the requirements of this rule.

(3) The Superintendent shall accept scores from an applicant on reasonably equivalent content knowledge or pedagogical performance assessments utilized by licensing jurisdictions outside of Utah that meet the passing standard of that jurisdiction as meeting the requirements of this rule.

(4) The Superintendent shall accept demonstrations of content knowledge and pedagogical competencies from an applicant utilized by licensing jurisdictions outside of Utah that are reasonably equivalent to Utah competencies.

(5) Individuals with 4 or more years of successful experience in a public or accredited private school under a standard license issued by another jurisdiction shall be considered to have met both the content knowledge and pedagogical assessment requirements in the areas and subjects taught.

R277-301-8. LEA-specific Educator License Requirements.

(1) The Superintendent may issue an LEA-specific educator license to an individual if:

(a) the LEA requesting the LEA-specific educator license has an adopted policy, which includes:

(i) educator preparation and support;

(A) as established by the LEA; and

(B) aligned with the Utah Effective Teaching Standards described in R277-530;

(ii) criteria for employing educators with an LEA-specific license; and

(iii) compliance with all requirements of this Rule R277-301;

(b) an LEA governing board applies on behalf of the individual; and

(c) the individual meets all the requirements in this Section R277-301-8.

(2)(a) Except as provided in Subsection (2)(b), an LEA governing board may request an LEA-specific educator license for a license area described in Subsection R277-301-2(5).

(b) An LEA may not request an LEA-specific educator license for a license area in:

- (i) Special Education; or
- (ii) Preschool Special Education.
- (3) An LEA-specific license, license area, or endorsement is valid only within the requesting LEA.
- (4) An LEA-specific license, license area, or endorsement is valid for one, two, or three years in accordance with the LEA governing board's application.
- (5) The first renewal of an LEA-specific educator license, license area, or endorsement shall be approved or denied by the Board.
- (6) The Board may require that subsequent renewals be approved by the Board on a case by case basis.
- (7) An LEA-specific license expires immediately if the educator's employment with the LEA that requested the license ends.
- (8) The general requirements for an LEA-specific educator license shall include:
 - (a) completion of a criminal background check including review of any criminal offenses and clearance in accordance with Rule R277-214;
 - (b) completion of the educator ethics review described in Rule R277-500 within one calendar year prior to the application; and
 - (c) approval of the request by the LEA governing board in a public meeting no more than 60 days prior to the application.
- (9) The content knowledge and pedagogical requirements for an LEA-specific educator license shall be established by the LEA governing board.

R277-301-9. Requirements for LEAs.

- (1) An LEA shall provide a mentoring program that provides a trained mentor educator and annual mentoring plan for:
 - (a) any educators holding an associate educator license or an LEA-specific educator license; and
 - (b) any educator holding a professional educator license with less than three years of experience.
- (2) A trained mentor educator under Subsection (1) shall hold a professional educator license and shall, where possible:
 - (a) perform substantially the same duties as the educator with release time to work as a mentor; or
 - (b) be assigned as an instructional coach or equivalent position.
- (3) A trained mentor educator under Subsection (1) shall assist the educator to meet the Utah Effective Educator Standards, established in Rule R277-530, but may not serve as an evaluator of the educator.
- (4) A mentoring program under Subsection (1) shall include:
 - (a) a formal professional learning plan and LEA support in meeting the requirements of a professional license area; and
 - (b) if the educator holds an LEA-specific educator license, on-going training on educator ethics and special education.
- (5) An LEA school that requests LEA-specific licenses, license areas, or endorsements shall prominently post the following information on each school's website:
 - (a) disclosure of the fact that the school employs individuals holding LEA-specific educator licenses, license areas, or endorsements;

- (b) the percentage of the types of licenses, license areas, and endorsements held by educators employed in the school based on the employees' FTE in CACTUS; and
- (c) a link to the Utah Educator Look-up tool provided by the Superintendent in accordance with Subsection R277-515-7(6).

R277-301-10. Superintendent Annual Report to the Board.

- The Superintendent shall annually report to the Board on licensing, including:
- (1) educator licensing;
 - (2) educator preparation; and
 - (3) equitable distribution of teachers.

R277-301-11. Effective Date.

- (1) This rule will be effective beginning January 1, 2020.
- (2) This rule will supersede Rule R277-502 on January 1, 2020.

KEY: professional competency, educator licensing
Date of Enactment or Last Substantive Amendment: 2018
Authorizing, and Implemented, or Interpreted Law: Art X, Sec 3; 53A-6-104; 53A-1-401

Education, Administration
R277-436
 Gang Prevention and Intervention
 Programs in the Schools

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 42916
 FILED: 05/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board of Education policies.

SUMMARY OF THE RULE OR CHANGE: This rule was due for its five-year review and continuation. The Utah State Board of Education has reviewed this rule and determined that it continues to be necessary. These changes to proposal requirements and criteria for prioritization of funds could result in changes in how the funds get allocated to local education agencies (LEAs).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Subsection 53E-3-401(4) and Subsection 53F-2-410(1)(b)

ANTICIPATED COST OR SAVINGS TO:
 ♦ **THE STATE BUDGET:** These rule changes may have a fiscal impact on LEAs. These changes to proposal

requirements and criteria for prioritization of funds could result in changes in how the funds get allocated to LEAs. However, this potential change in fiscal impact will depend on which LEAs apply for a grant and likely will be mitigated by the increase of \$300,000 for gang prevention and intervention (S.B. 2 passed during the 2018 General Session).

♦ LOCAL GOVERNMENTS: These rule changes may have a fiscal impact on LEAs. These changes to proposal requirements and criteria for prioritization of funds could result in changes in how the funds get allocated to LEAs. However, this potential change in fiscal impact will depend on which LEAs apply for a grant and likely will be mitigated by the increase of \$300,000 for gang prevention and intervention (S.B. 2 (2018)).

♦ SMALL BUSINESSES: These proposed rule changes are not expected to have any fiscal impact on small business revenues or expenditures because it deals with gang prevention and intervention in schools which is funded by state appropriations and does not require any expenditures of or generate any revenues for small businesses.

♦ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These proposed rule changes are not expected to have any fiscal impact on persons other than small businesses, businesses, or local government entities revenues or expenditures because it deals with gang prevention and intervention in schools which is funded by state appropriations and does not require any expenditures of or generate any revenues for "other persons".

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes to Rule R277-436 may have a fiscal impact on LEAs, but not on small or large businesses. There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. These proposed rule changes are not expected to have any fiscal impact on large businesses' revenues or expenditures because it deals with gang prevention and intervention in schools which is funded by state appropriations, and does not require any expenditures of or generate any revenues for large businesses. Gang prevention and intervention is funded as a grant program. These rule changes add that LEAs proposals must identify the school's at-risk student population and demonstrate how the prevention and intervention strategies will benefit at-risk students. These changes also add that priority for the funds will be given to schools that demonstrate multiple risk factors for gang involvement and to schools with outcome data that show successful reduction of gang involvement. Currently, priority is given to applications reflecting interagency and intra-agency collaboration. These changes to proposal requirements and criteria for prioritization of funds could

result in changes in how the funds get allocated to LEAs. However, this potential change in fiscal impact will depend on which LEAs apply for a grant and likely will be mitigated by the increase of \$300,000 for gang prevention and intervention, S.B. (2018). This rule was due for its five-year review and continuation. The Utah State Board of Education has reviewed this rule and determined that it continues to be necessary. These rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board of Education policies. The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/09/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

| Fiscal Costs | FY 2018 | FY 2019 | FY 2020 |
|----------------------------|------------|------------|------------|
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Person | \$0 | \$0 | \$0 |
| Total Fiscal Costs: | \$0 | \$0 | \$0 |
| | | | |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |

| | | | |
|-------------------------------|------------|------------|------------|
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits: | \$0 | \$0 | \$0 |
| | | | |
| Net Fiscal Benefits: | \$0 | \$0 | \$0 |

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

These changes to Rule R277-436 may have a fiscal impact on local education agencies (LEAs), but not on small or large businesses. There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. These proposed rule changes are not expected to have any fiscal impact on large businesses' revenues or expenditures because it deals with gang prevention and intervention in schools which is funded by state appropriations and does not require any expenditures of or generate any revenues for large businesses.

Gang prevention and intervention is funded as a grant program. These rule changes add that LEA's proposals must identify the school's at-risk student population and demonstrate how the prevention and intervention strategies will benefit at-risk students. These change also add that priority for the funds will be given to schools that demonstrate multiple risk factors for gang involvement and to schools with outcome data that show successful reduction of gang involvement. Currently, priority is given to applications reflecting interagency and intra-agency collaboration.

These changes to proposal requirements and criteria for prioritization of funds could result in changes in how the funds get allocated to LEAs. However, this potential change in fiscal impact will depend on which LEAs apply for a grant and likely will be mitigated by the increase of \$300,000 for gang prevention and intervention (S.B. 2 passed in the 2018 General Session).

This rule was due for its five-year review and continuation. The Utah State Board of Education has reviewed this rule and determined that it continues to be necessary. These rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies.

The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

R277. Education, Administration.

R277-436. Gang Prevention and Intervention Programs in the Schools.

R277-436-[2]1. Authority and Purpose.

~~[A-](1)~~ This rule is authorized by:
~~(a)~~ Utah Constitution Article X, Section 3, which vests general control and ~~[authority]~~supervision over public education in the Board~~[-, by];~~

~~(b)~~ Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

~~(c)~~ Subsection ~~[53A-17a-166]~~53F-2-410(1)(b), which appropriates funds to be used for Gang Prevention and Intervention Programs in the schools~~[-, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities].~~

~~[B-](2)~~ The purpose of this rule is to establish standards and procedures for distributing funding for gang prevention and intervention programs in public schools.

R277-436-[4]2. Definitions.

~~[A-](1)~~ ~~["Student at risk"]~~"At-risk student" means any student who because of ~~[his]~~the student's individual needs requires some kind of uniquely designed intervention in order to achieve literacy, graduate and be prepared for transition from school to post-school options.

~~[B-]~~"Board" means the Utah State Board of Education.]

~~[C-](2)(a)~~ "Gang" ~~(as defined in this rule)~~means a group of three or more people who form an allegiance and engage in ~~[a range of anti-social behaviors that may include violent or unlawful activity or both]~~criminal activity, which uses violence or intimidation to further its criminal objectives.

~~(b)~~ ~~[These groups]~~A gang may have a name, turf, colors, symbols, ~~[or]~~distinct dress, or any combination of the preceding characteristics.

~~[D-](3)(a)~~ "Gang prevention" means instructional and support strategies, activities, programs, or curricula designed and implemented to provide successful experiences for youth and families.

~~(b)~~ Gang prevention activities ~~[These components]~~ shall promote cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationship skills required for school completion and full participation in society.

~~[E-](4)~~ "Gang intervention" means specially designed services required by an individual student experiencing difficulty in cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal relationships, within or outside of the school, which may impact the individual's susceptibility to gang membership or gang-like activities~~[or both]~~.

~~[F-](4)~~ "Gang Prevention and Intervention Program" means specifically designed projects and activities to help at-risk students stay in school and enhance their cultural and social competence, self-management skills, citizenship, preparation for life skills, academic achievement, literacy, and interpersonal

relationship skills required for school completion and full participation in society.].

~~G. "In kind services" means those materials, staff and equipment which are required to develop and implement gang prevention and intervention services, strategies, activities, programs, and curricula with individual students, families, or both. In kind services do not include office space and related office support.~~

~~H. "Superintendent" means the State Superintendent of Public Instruction.~~

~~I. "USOE" means the Utah State Office of Education.]~~

R277-436-3. Application, Distribution of Funds, and Administrative Support.

~~[A. Awards shall be made to individual schools and funds allocated to charter schools or to school districts to distribute to designated schools.~~

~~B. School districts may submit a single district-wide proposal for one or more schools within the district. The proposal shall:~~

~~(1) provide for distribution of funds to individual schools; and~~

~~(2) provide explanations of prevention and intervention activities and strategies planned for individual schools.~~

~~C. Charter schools may submit independent or joint proposals.~~

~~D. School districts or charter schools or charter consortia may utilize up to ten percent of their funding under the rule for the following specific purposes:~~

~~(1) administrative oversight;~~

~~(2) professional development for licensed and non-licensed employees who work directly in gang prevention/intervention activities; and~~

~~(3) professional and technical services.~~

~~E. Proposals/applications shall be provided by the USOE.~~

~~F. Awards per school shall be based on funds available.~~

~~G. Priority shall be given to applications reflecting interagency and intra-agency collaboration.~~

~~H. Proposals receiving funding shall be notified by July 1.~~

~~I. Schools or joint school applications that were funded and complied with all requirements of law and rule may reapply in subsequent years using an abbreviated proposal form provided by the USOE.~~

~~J. The USOE may retain up to five percent of the annual legislative appropriation for the following specific purposes:~~

~~(1) an amount not to exceed 2.5 percent for:~~

~~(a) site visits; and~~

~~(b) professional development, as determined and guided by the USOE.~~

~~(2) an amount not to exceed 2.5 percent for:~~

~~(a) administrative oversight; and~~

~~(b) statewide coordination training.](1) An LEA may apply for gang intervention funds by submitting a proposal on a form approved by the Superintendent.~~

~~(a) An school district may submit:~~

~~(i) a proposal for a single school; or~~

~~(ii) a single district-wide proposal.~~

~~(b) A charter school may apply individually or jointly with other charter schools.~~

~~(2) A proposal submitted in accordance with Subsection (1) shall:~~

~~(a) provide for distribution of funds to individuals schools;~~

~~(b) explain prevention and intervention activities and strategies planned for individual schools;~~

~~(c) identify the school's at-risk student population and demonstrate how the prevention and intervention strategies will benefit at-risk students; and~~

~~(d) demonstrate interagency collaboration between the LEA and other service providers.~~

~~(3) The Superintendent shall award gang intervention funds based on proposals submitted in accordance with Subsection (1), and subject to the annual legislative appropriation.~~

~~(4) The Superintendent shall give priority in awarding funds to:~~

~~(a) schools that demonstrate multiple risk factors for gang involvement; and~~

~~(b) schools with outcome data that show successful reduction of gang involvement.~~

~~(5) The Superintendent shall notify successful applicants of their awards by July 1 annually.~~

~~(6) An LEA or charter consortia may use up to ten percent of its funding awarded in accordance with this rule for:~~

~~(a) administrative oversight;~~

~~(b) professional development for licensed and non-licensed employees who directly in gang prevention or intervention activities; and~~

~~(c) professional and technical services.~~

R277-436-4. Evaluation and Reports.

~~[A.](1) [School districts and charter schools or]An LEA or charter school consortia shall provide the [USOE with]Superintendent a year-end evaluation report by June 30 for the previous fiscal year.~~

~~[B.](2) A[The] year-end report shall include:~~

~~(1)a an expenditure report;~~

~~(2)b a narrative description of all activities funded;~~

~~(3)c copies of any and all products developed;~~

~~(4)d an effectiveness report detailing evidence of individual and overall program impact on gang and gang-related activities and involvement; and~~

~~(5)e any other information or data [as]required by the [USOE]Superintendent.~~

~~[C.](3) The [USOE]Superintendent may require additional evaluation or audit procedures from the grant recipient to demonstrate use of funds consistent with the law and Board rules.~~

R277-436-5. Waivers.

~~[The]Notwithstanding Rule R277-121, the Superintendent may grant a written request for a waiver of a requirement or deadline contained in this rule, which a district or school finds unduly restrictive.~~

KEY: public schools, disciplinary problems, students at risk, gangs

Date of Enactment or Last Substantive Amendment: [~~August 8, 2018~~]2018

Notice of Continuation: May 15, 2013

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-17a-166(1)(b); 53A-1-401(3)

Education, Administration
R277-461
 Elementary School Counselor Grant
 Program

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 42923

FILED: 05/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In the 2018 General Session, the Legislature passed H.B. 264, Elementary School Counselor Program (Program). This proposed rule establishes the Program in rule.

SUMMARY OF THE RULE OR CHANGE: The Legislature passed H.B. 264 (2018). This new statute requires the Utah State Board of Education (Board) to make rules to implement the Program, including providing an application procedure, establishing criteria and procedures for awarding grants, and detailing requirements for grant recipients.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53F-5-209 and Subsection 53-3-401(4)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This proposed rule will have a fiscal impact on local education agencies (LEAs) as LEAs are awarded grants for hiring either school counselors or school social workers as outlined in the Program. Also, to receive the grant funds, LEAs must provide matching funds. The specific impact on LEAs is unknown because it is a grant program so it depends on which LEAs apply for the funds.

◆ **LOCAL GOVERNMENTS:** This proposed rule will have a fiscal impact on LEAs as LEAs are awarded grants for hiring either school counselors or school social workers as outlined in the Program. Also, to receive the grant funds, LEAs must provide matching funds. The specific impact on LEAs is unknown because it is a grant program so it depends on which LEAs apply for the funds.

◆ **SMALL BUSINESSES:** This proposed rule is not estimated to have fiscal impact on small businesses' revenues or expenditures because it deals with the Program which is funded by state appropriations and a match from LEAs so it

does not require any expenditures of or generate any revenues for small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This proposed rule is not estimated to have a fiscal impact on persons other than small businesses, businesses, or local government entities revenues or expenditures because it deals with the Program which is funded by state appropriations and a match from LEAs, so it does not require any expenditures of or generate any revenues for persons other than small businesses, businesses, or local government entities.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed Rule R277-461 will have a fiscal impact on LEAs, but not on large or small businesses. There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. This proposed rule is not expected to have any fiscal impact on large businesses' revenues or expenditures because it deals with the Elementary School Counselor Grant Program which is funded by state appropriations and a match from LEAs so it does not require any expenditures of or generate any revenues for large businesses. This rule will have a fiscal impact on LEAs as LEAs are awarded grants for hiring either school counselors or school social workers as outlined in the Program. Also, to receive the grant funds, LEAs must provide matching funds. The specific impact on LEAs is unknown because it is a grant program so it depends on which LEAs apply for the funds. The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/09/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

| Fiscal Costs | FY 2018 | FY 2019 | FY 2020 |
|-------------------------------|------------|------------|------------|
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Person | \$0 | \$0 | \$0 |
| Total Fiscal Costs: | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits: | \$0 | \$0 | \$0 |
| Net Fiscal Benefits: | \$0 | \$0 | \$0 |

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

This proposed new Rule R277-461 will have a fiscal impact on local education agencies (LEAs), but not on large or small businesses. There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. This proposed rule is not expected to have any fiscal impact on large businesses' revenues or expenditures because it deals with the Elementary School Counselor Grant Program (Program) which is funded by state appropriations and a match from LEAs so it does not require any expenditures of or generate any revenues for large businesses.

In the 2018 General Session, the Legislature passed H.B. 264. This new statute requires the Utah State Board of Education to make rules to implement the Program, including providing an application procedure, establishing criteria and procedures for awarding grants, and detailing requirements for grant recipients. This proposed rule establishes the Program in rule. This proposed rule will have a fiscal impact on LEAs as LEAs are awarded grants for hiring either school counselors or school social workers as outlined in the Program. Also, to receive the grant funds, LEAs must provide matching funds. The specific impact on LEAs is unknown because it is a grant program so it depends on which LEAs apply for the funds.

The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

R277. Education, Administration.

R277-461. Elementary School Counselor Grant Program.

R277-461-1. Authority and Purpose.

- (1) This rule is authorized by:
 - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
 - (b) Section 53F-5-209, which directs the Board to make rules to administer the Elementary School Counselor Grant Program; and
 - (c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.
- (2) The purpose of this rule is to provide:
 - (a) an application procedure;
 - (b) criteria and procedures for awarding grants; and
 - (c) requirements for grant recipients.

R277-461-2. Definitions.

- (1) "Grant" means funding awarded by the Board to an LEA to hire qualifying personnel for purposes of supporting school-based mental health, in accordance with Section 53F-5-209.
- (2) "Qualifying personnel" means:
 - (a) a school counselor or school social worker, as defined in Section 53F-5-209(1)(e); or
 - (b) a Board-licensed school psychologist who is assigned to a school and funded by grant funds to carry out work described in Subsection 53F-5-209(1)(e)(ii).

R277-461-3. Grant Applications.

- (1) The Superintendent shall develop and make available a grant application for LEAs, consistent with the requirements in Subsection 53F-5-209(4)(a).
- (2) The grant application shall require the LEA to report how it intends to provide the matching funds required in Subsection 53F-5-209(4)(b), including the source of funding the LEA intends to use.
- (3) For each grant cycle that the Superintendent is authorized to solicit grant applications, the Superintendent shall publish a timeline on the Board's website by March 30, including a date for the application release, and due dates for an LEA to submit required materials.

R277-461-4. Procedures and Criteria for Awarding a Grant.

(1) An LEA applying for a grant shall commit to establishing, at a minimum, a 3-year plan and program for using the grant funds.

(2) In accordance with Subsection 53F-5-209(3), the Superintendent shall prioritize LEA applications that propose to target funds as outlined in statute.

(3) For purposes of prioritizing grants under this Rule, the Superintendent shall examine behaviors and indicators in schools for childhood trauma, including:

- (a) office referrals or discipline reports;
- (b) absenteeism;
- (c) free or reduced-price lunch;
- (d) homelessness;
- (e) school-reported referrals to the Utah Division of Child and Family Services (DCFS);
- (f) foster care;
- (g) intergenerational poverty; and
- (h) grade 3 reading proficiency.

R277-461-5. Grant Recipient Requirements, Accountability, and Reporting.

(1) A grant recipient shall engage in systemic leadership and planning to align efforts in supporting school improvement and school-based mental health, based on the Utah School Counseling Program Model.

(2) Grant funds may only be used to pay for salaries and benefits for qualified personnel.

(3) A full-time equivalent (FTE) position who is a qualifying personnel funded by grant funds may not be assigned to more than two schools.

(4) Qualifying personnel funded by these grant funds shall:

- (a) implement a systemic school-based mental health program;
- (b) participate in USBE trainings;
- (c) participate in quarterly collaboration meetings with USBE;
- (d) in accordance with Subsection 53F-5-209(8), participate in trauma-informed modules; and
- (e) implement data projects.

(5) A data project is a process in which qualifying personnel and others:

- (a) identify a school's needs based on analysis of school data;
- (b) establish one or more interventions to address the needs or problems identified from the data;
- (c) design and implement, through a systemic approach, the intervention; and
- (d) examine and evaluate the effectiveness of the intervention, based on the school data.

(6) The Superintendent shall establish a process and accompanying forms for grant recipients to document grant requirements, which may include an initial implementation report and a year-end accountability report.

(7) A grant recipient shall report its findings and outcomes from a data project to:

- (a) the school personnel;

- (b) the local school board or charter governing board; and
- (c) the Superintendent.

(8)(a) If a grant recipient plans to discontinue its program for any reason at any time in the three-year period, the grant recipient shall notify the Superintendent, or the Superintendent's designee, in writing.

(b) The written notification shall include a detailed explanation of why the grant recipient is discontinuing the program before the end of its three-year commitment.

KEY: grant program, school counselor, mental health, trauma-informed practice

**Date of Enactment or Last Substantive Amendment: 2018
Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1-401**

Education, Administration
R277-613
LEA Bullying, Cyber-bullying, Hazing
and Harassment Policies and Training

NOTICE OF PROPOSED RULE

(Repeal and Reenact)
DAR FILE NO.: 42921
FILED: 05/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended in response to S.B. 161, Bullying and Hazing Amendments, and H.B 62, Educator Rights Amendments, both from the 2017 General Session. Along with technical changes in accordance with the Rulewriting Manual for Utah, these rule changes include amendments in definitions and terminology, and updates to training requirements.

SUMMARY OF THE RULE OR CHANGE: This rule is being amended in response to S.B. 161 (2017) and H.B. 62 (2017). Along with technical changes in accordance with the Rulewriting Manual for Utah, these rule changes include amendments in definitions and terminology, and updates to training requirements. These rule amendments also add incident review requirements whereby a local education agency (LEA) must review allegations of incidents of bullying, cyber-bullying, hazing, and retaliation as detailed in Section R277-613-5.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Subsection 53E-3-401(4)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** These rule changes are not estimated to have a fiscal impact on the state budget

because this rule is amended with technical changes in accordance with the Rulewriting Manual for Utah. These rule changes are also not estimated to have a fiscal impact on the state budget, because it deals with student behavior, and thus does not require any expenditures of or generate any revenues for the state budget.

◆ LOCAL GOVERNMENTS: These rule changes may have a fiscal impact on local governments, however, this impact will be minimal as it is likely that LEAs are tracking incidents of bullying, cyber-bullying, hazing, and retaliation since the current rule requires LEAs to notify parents of incidents and to maintain documentation.

◆ SMALL BUSINESSES: These rule changes are not estimated to have a fiscal impact on small businesses because this rule is amended with technical changes in accordance with the Rulewriting Manual for Utah. These rule changes are also not estimated to have a fiscal impact on small businesses, because it deals with student behavior, and thus does not require any expenditures of or generate any revenues for small businesses.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These rule changes are not estimated to have a fiscal impact on persons other than small businesses, businesses, or local government entities because these changes deal with student behavior and thus does not require any expenditures of or generate any revenues for persons other than small businesses, businesses, or local government entities.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes to Rule R277-613 may have a fiscal impact on LEAs. There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. These proposed rule changes are not expected to have any fiscal impact on large businesses' revenues or expenditures because it deals with student behavior and thus does not require any expenditures of or generate any revenues for large businesses. This rule is being amended in response to S.B. 161 (2017) and H.B. 62 (2017). Along with technical changes in accordance with the Rulewriting Manual for Utah, these rule changes include changes in definitions and terminology, and updates to training requirements. These rule changes also add incident review requirements whereby an LEA must review allegations of incidents of bullying, cyber-bullying, hazing, and retaliation as detailed in Section R277-613-5. LEAs also must report annually to the Superintendent on the LEA's policies, training, and incidents of bullying, cyber-bullying, hazing, and retaliation. There may be a fiscal impact on LEAs who are not already reviewing allegations as outlined and reporting the required information to the Utah State Board of Education (Board) annually. However, it is anticipated that this impact will be minimal as it is likely LEAs

are tracking incidents of bullying, cyber-bullying, hazing, and retaliation since the current rule requires LEAs to notify parents of incidents and to maintain documentation. The Assistant Superintendent of Financial Operations at the Board, Natalie Grange, has reviewed and approved this fiscal analysis.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/09/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

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| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
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| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |

| | | | |
|-------------------------------|------------|------------|------------|
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits: | \$0 | \$0 | \$0 |
| Net Fiscal Benefits: | \$0 | \$0 | \$0 |

The head of the Utah State Board of Education, Sydnee Dickson, has reviewed and approved this fiscal analysis.

***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.**

Appendix 2: Regulatory Impact to Non-Small Businesses

These changes to Rule R277-613 may have a fiscal impact on local education agencies (LEAs). There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. These proposed rule changes are not expected to have any fiscal impact on large businesses' revenues or expenditures because it deals with student behavior and thus does not require any expenditures of or generate any revenues for large businesses.

This rule is being amended in response to S.B. 161 (2017), and H.B. 62 (2017). Along with technical changes in accordance with the Rulewriting Manual for Utah, these rule changes include changes in definitions and terminology, and updates to training requirements. These rule changes also add incident review requirements whereby an LEA must review allegations of incidents of bullying, cyber-bullying, hazing, and retaliation as detailed in Section R277-613-5. Local education agencies (LEAs) also must report annually to the Superintendent on the LEA's policies, training, and incidents of bullying, cyber-bullying, hazing, and retaliation. There may be a fiscal impact on LEAs who are not already reviewing allegations as outlined and reporting the required information to the Utah State Board of Education annually. However, it is anticipated that this impact will be minimal as it is likely LEAs are tracking incidents of bullying, cyber-bullying, hazing, and retaliation since the current rule requires LEAs to notify parents of incidents and to maintain documentation.

The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

R277. Education, Administration.

[R277-613. LEA Bullying, Cyber-bullying, Hazing and Harassment Policies and Training.

R277-613-1. Definitions:

- A. "Board" means the Utah State Board of Education.
- B. "Bullying" means intentionally or knowingly committing an act that:
 - (1)(a) endangers the physical health or safety of a school employee or student;
 - (b) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking,

- placing of a harmful substance on the body, or exposure to the elements;
- (c) involves consumption of any food, liquor, drug, or other substance;
- (d) involves other physical activity that endangers the physical health and safety of a school employee or student; or
- (e) involves physically obstructing a school employee's or student's freedom to move; and
- (2) is done for the purpose of placing a school employee or student in fear of:
 - (a) physical harm to the school employee or student; or
 - (b) harm to property of the school employee or student.
- (3) The conduct described in R277-613-1B constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- (4) Bullying is commonly understood as aggressive behavior that:
 - (a) is intended to cause distress and harm;
 - (b) exists in a relationship in which there is an imbalance of power and strength; and
 - (c) is repeated over time.
- C. "Civil rights violations," for purposes of this rule, means bullying, cyber-bullying, hazing or harassing that is targeted at a federally protected class.
- D. "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
- E. "Federally protected class" means any group protected from discrimination under the following federal laws:
 - (1) Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin;
 - (2) Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex;
 - (3) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability; and
 - (4) Other areas included under these acts prohibit discrimination on the basis of religion, gender identity, and sexual orientation.
- F. "Harassment" means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual.
- G. "Hazing" means intentionally or knowingly committing an act that:
 - (1)(a) endangers the physical health or safety of a school employee or student;
 - (b) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
 - (c) involves consumption of any food, liquor, drug, or other substance;
 - (d) involves other physical activity that endangers the physical health and safety of a school employee or student; or

_____ (e) involves physically obstructing a school employee's or student's freedom to move; and

_____ (f)(i) is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school-sponsored team, organization, program, or event; or

_____ (ii) if the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school-sponsored team, organization, program, or event to which the person committing the act belongs to or participates in.

_____ (2) The conduct described in R277-613-1G constitutes hazing, regardless of whether the person against whom the conduct is committed, directed, consented to, or acquiesced in, the conduct.

_____ H. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

_____ I. "Parent," for purposes of this rule, means a student's guardian consistent with Section 53A-11a-203(1).

_____ J. "Participant" means any student, employee or volunteer coach participating in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity.

_____ K. "Policy" means standards and procedures that include the provisions of Section 53A-11-901 and additional standards, procedures, and training adopted in an open meeting by an LEA board that define bullying, cyber-bullying, hazing and harassment, prohibit bullying, cyber-bullying, hazing and harassment, require regular annual discussion and training designed to prevent bullying, cyber-bullying, hazing and harassment among school employees and students and provide for enforcement through employment action or student discipline.

_____ L. "Retaliate or retaliation" means an act or communication intended:

_____ (1) as retribution against a person for reporting bullying, cyber-bullying, hazing and harassment; or

_____ (2) to improperly influence the investigation of, or the response to, a report of bullying, cyber-bullying, hazing and harassment.

R277-613-2. Authority and Purpose.

_____ A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and the responsibility of the Board to provide assistance with and ensure LEA compliance with Section 53A-11a-301.

_____ B. The purpose of the rule is to require LEAs to implement bullying, cyber-bullying, hazing and harassment policies district and school wide; to provide for regular and meaningful training of school employees and students; to provide for enforcement of the policies in schools, at the state level and in public school athletic programs; to require LEAs to notify parents of specific bullying, cyber-bullying, hazing, harassment and suicide threat incidents; and to require LEAs to maintain documentation as required by law.

R277-613-3. Utah State Board of Education Responsibilities.

_____ A. To the extent of resources available, the Board shall provide training opportunities or materials or both for employees of LEAs on bullying, cyber-bullying, hazing and harassment.

_____ B. The Board may interrupt disbursements of funds consistent with Section 53A-1-401(3) for failure of an LEA to comply with this rule.

R277-613-4. LEA Responsibility to Create Bullying Policies.

_____ A. Each LEA shall implement an updated policy prohibiting bullying, cyber-bullying, hazing, harassment and retaliation, and making a false report, consistent with Section 53A-11a-301.

_____ B. Each LEA shall:

_____ (1) post a copy of its policy on the LEA website; and

_____ (2) provide a copy of the LEA policy or uniform resource locator (URL) to the State Superintendent of Public Instruction at the Utah State Office of Education.

_____ C. The policy shall include parental notification of:

_____ (1) a parent's student's threat to commit suicide; and

_____ (2) an incident of bullying, cyber-bullying, hazing, harassment or retaliation involving the parent's student.

_____ (3) This part of the policy shall also include:

_____ (a) timely parent notification;

_____ (b) designation of the appropriate school employee(s) to provide parent notification;

_____ (c) designation of the format in which notification shall be provided to parents and maintained by the LEA;

_____ (d) directives for secure maintenance of the notification record as required under Section 53A-11a-203(1);

_____ (e) a retention period and destruction process for the notification; and

_____ (f) an LEA definition of parent(s) consistent with Section 53A-11-203 and this rule.

_____ D. The policy shall provide for student assessment of the prevalence of bullying, cyber-bullying, hazing and harassment in LEAs and schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

_____ E. The policy shall include required strong responsive action against retaliation, including assistance to harassed students and their parents in reporting subsequent problems and new incidents.

_____ F. The policy shall provide that students, staff, and volunteers receive training on bullying, cyber-bullying, hazing and harassment from individuals qualified to provide such training. The LEA shall determine how often training shall be provided.

_____ (1) The training should be specific to:

_____ (a) overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;

_____ (b) relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;

_____ (c) sexual aggression or acts of a sexual nature or with sexual overtones;

_____ (d) cyber-bullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school; and

_____ (e) civil rights violations, appropriate reporting and investigative procedures. This includes bullying, cyber-bullying, hazing and harassment based upon the students' actual or perceived identities and conformance or failure to conform with stereotypes.

(2) Training should also include awareness and intervention skills such as social skills training for students and staff, including aides, custodians, kitchen and lunchroom workers, secretaries, paraprofessionals, and coaches.

(3) Training on bullying, cyber-bullying, hazing and harassment required of LEA policies under the rule should complement the suicide prevention program required for students under R277-620 and the suicide prevention training required for licensed educators consistent with Section 53A-1-603(9).

G. Policies shall also complement existing safe and drug-free school policies and school discipline plans. Consistent with R277-609, the discipline plan shall provide direction for dealing with bullying, cyber-bullying, hazing, harassment and disruptive students. This part of the plan shall:

(1) direct schools to determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;

(2) provide for identification, by position(s), of individual(s) designated to issue notices of disruptive student and bullying, cyber-bullying, hazing and harassment behavior;

(3) designate to whom notices shall be provided;

(4) provide for documentation of disruptive student behavior prior to referral of disruptive students to juvenile court;

(5) include strategies to provide for necessary adult supervision;

(6) be clearly written and consistently enforced;

(7) include administration, instruction and support staff, students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility; and

(8) provide notice to employees that violation(s) of this rule may result in employment discipline or action.

R277-613-5. Training by LEAs Specific to Participants in Public School Athletic Programs and School Clubs.

A. Prior to any student, employee or volunteer coach participating in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, the student, employee or coach shall participate in bullying, cyber-bullying, hazing and harassment prevention training. This training shall be offered to new participants on an annual basis and to all participants at least once every three years.

B. LEAs may collaborate with the Utah High School Activities Association to develop and provide training.

C. Student athletes and extracurricular club members shall be informed of prohibited activities under this rule and notified of potential consequences for violation of the law and the rule.

D. Training curriculum outlines, training schedules, and participant lists or signatures shall be maintained by each LEA and provided to the Utah State Office of Education upon request.

R277-613-6. Professional Responsibilities of Employee and Volunteer Coaches.

A. All public school coaches shall act consistent with professional standards of R277-515 in all responsibilities and activities of their assignments.

B. Failure to act consistently with R277-515 toward students, colleagues and parents may result in discipline against an educator's license or termination of volunteer services.]

R277-613. LEA Disruptive Student Behavior, Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct Policies and Training.

R277-613-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board; and

(b) Subsection 53E-3-401(4)(a), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law

(2) The purpose of the rule is to:

(a) require LEAs to develop, update, and implement bullying, cyber-bullying, hazing, retaliation, and abusive conduct policies at the school district and school level;

(b) provide for regular and meaningful training of school employees and students;

(c) provide for enforcement of the policies in schools, at the state level and in public school athletic programs; and

(d) require an LEA to review allegations of bullying, cyber-bullying, hazing, retaliation, and abusive conduct.

R277-613-2. Definitions.

(1) "Abusive conduct" means the same as that term is defined in Subsection 53G-9-601(1).

(2)(a) "Bullying" means the same as that term is defined in Subsection 53G-9-601(2).

(b) "Bullying" includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.

(c) The conduct described in Subsection 53G-9-601(2) constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

(3) "Civil rights violation" means bullying, cyber-bullying, harassment, or hazing that is targeted at a student based upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:

(a) Title VI of the Civil Rights Act of 1964;

(b) Title IX of the Education Amendments of 1972; or

(c) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

(4) "Cyber-bullying" means the same as that term is defined in Subsection 53G-9-601(4).

(5) "Disruptive student behavior" means the same as that term is defined in Subsection 53G-8-210(1)(a).

(6) "Hazing" means the same as that term is defined in Subsection 53G-9-601(5).

(7) "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

(8) "Participant" means any student, employee or volunteer coach participating in a public school sponsored athletic program or activity, including a curricular, co-curricular, or extracurricular club or activity.

(9) "Policy" means standards and procedures that:

- (a) are required in Section 53G-9-605;
- (b) include the provisions of Section 53G-8-202; and
- (c) provide additional standards, procedures, and training adopted in an open meeting by an LEA board that:
 - (i) define bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
 - (ii) prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
 - (iii) require regular annual discussion and training designed to prevent bullying, cyber-bullying, hazing, and retaliation among school employees and students; and
 - (iv) provide for enforcement through employment action or student discipline.

(10) "Restorative justice practice" means a discipline practice that brings together students, school personnel, families, and community members to resolve conflicts, address disruptive behaviors, promote positive relationships, and healing.

(11) "Retaliate" or "retaliation" means the same as that term is defined in Subsection 53G-9-601(7).

(12) "School employee" means the same as that term is defined in Subsection 53G-9-601(10).

(13) "Trauma-Informed Care" means a strengths-based service delivery approach that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both the alleged victim and the individual who is alleged to have engaged in prohibited conduct, and that creates opportunities for targets to rebuild a sense of control and empowerment.

R277-613-3. Superintendent Responsibilities.

(1) Subject to availability of funds, the Superintendent shall provide:

- (a) a model policy on bullying, cyber-bullying, hazing, and retaliation as required in Section 53G-9-606;
- (b) model training and training opportunities on:
 - (i) the prevention and identification of bullying, cyber-bullying, hazing, and retaliation, that an LEA may use to train the LEA's employees, contract employees, and volunteers, including coaches; and
 - (ii) the reporting and review requirements in Section R277-613-5;
- (c) evidence based practices and policies related to the prevention of bullying, cyber-bullying, hazing, and retaliation.

(2) Although an LEA is required to have a policy on bullying, cyber-bullying, hazing, retaliation and abusive conduct as described in Section 53G-9-605 and this rule and provide training as described in Section 53G-9-607 and this rule, the LEA is not required to use the model policy or model training developed by the Superintendent described in Subsection (1).

(3) The Board may interrupt disbursements of funds consistent with Subsection 53E-3-401(8) and Rule R277-114 for failure of an LEA to comply with:

- (a) Title 53G, Chapter 9, Bullying and Hazing; and
- (b) this rule.

(4) In addition to the requirements of Title 53G, Chapter 9, Bullying and Hazing and this R277-613, LEAs are required to comply with applicable federal requirements.

R277-613-4. LEA Responsibility to Create or Update Bullying Policies.

(1) In addition to the requirements of Subsection 53G-9-605(3), an LEA shall:

- (a) develop, update, and implement policies as required by Section 53G-9-605 and this rule, which shall include a prohibition on:
 - (i) bullying;
 - (ii) cyber-bullying;
 - (iii) hazing;
 - (iv) retaliation; and
 - (v) making a false report.
- (b) post a copy of the LEA's policy on the LEA website;
- (c) develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation; and
- (d) provide a requirement for a signed statement that meets the requirements of Subsection 53G-9-605(3)(h) annually.

(2)(a) As required by Section 53G-9-605, an LEA shall notify a parent of:

- (i) a parent's student's threat to commit suicide; or
- (ii) an incident of bullying, cyber-bullying, hazing, or retaliation involving the parent's student as a victim or an individual who is alleged to have engaged in prohibited conduct.

(b) An LEA shall:

- (i) notify a parent described in Subsection (2)(a) in a timely manner;
- (ii) designate the appropriate school employee to provide parental notification; and
- (iii) designate the format in which notification is provided to parents and maintained by the LEA.

(3) Subject to the parental consent requirements of Section 53E-9-203, if applicable, an LEA shall assess students about the prevalence of bullying, cyber-bullying, hazing, and retaliation in LEAs and schools, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.

(4) An LEA shall take strong responsive action against retaliation, including assistance to victims and their parents in reporting subsequent problems and new incidents.

(5)(a) An LEA shall provide that students, school employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, and retaliation, from individuals qualified to provide such training.

- (b) The training described in Subsection (5)(a) shall:
 - (i) include information on various types of aggression and bullying, including:
 - (A) overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
 - (B) relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
 - (C) sexual aggression or acts of a sexual nature or with sexual overtones;
 - (D) cyber-bullying, including use of email, web pages, text messaging, instant messaging, social media, three-way calling or messaging or any other electronic means for aggression inside or outside of school;

(E) bullying, cyber-bullying, hazing and retaliation based upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:

(i) Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;

(ii) Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or

(iii) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability; and

(F) bullying, cyber-bullying, hazing, and retaliation based upon the students' or employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or other physical or mental attributes or conformance or failure to conform with stereotypes;

(i) complement the suicide prevention program required for students under Rule R277-620 and the suicide prevention training required for licensed educators consistent with Subsection 53G-9-704(1); and

(iii) include information on when issues relating to this rule may lead to student or employee discipline.

(6) The training described in Subsection (5) shall be offered to:

(a) new school employees, coaches, and volunteers; and

(b) all school employees, coaches, and volunteers at least once every three years.

(7)(a) An LEA's policies developed under this section shall complement existing school policies and research based school discipline plans.

(b) Consistent with Rule R277-609, the discipline plan shall provide direction for dealing with bullying, cyber-bullying, hazing, retaliation and disruptive students.

(c) An LEA shall ensure that a discipline plan required by Rule R277-609:

(i) directs schools to determine the range of behaviors and establish the continuum of administrative procedures to be used by school personnel to address the behavior of students;

(ii) provides for identification, by position, of individuals designated to issue notices of disruptive student behavior, bullying, cyber-bullying, hazing, and retaliation;

(iii) designates to whom notices shall be provided;

(iv) provides for documentation of disruptive student behavior in the LEA's student information system;

(v) includes strategies to provide for necessary adult supervision;

(vi) is clearly written and consistently enforced; and

(vii) includes administration, instruction and support staff, students, parents, community council and other community members in policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility.

R277-613-5. Reporting and Incident Investigations of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation.

(1) In accordance with an action plan adopted in accordance with Subsection R277-613-4(1)(c), an LEA shall:

(a) investigate allegations of incidents of bullying, cyber-bullying, hazing, and retaliation in accordance with this section; and

(b) provide an individual who investigates allegations of incidents of bullying, cyber-bullying, hazing, and retaliation with adequate training on conducting an investigation.

(2)(a) An LEA shall investigate allegations of incidents described in Subsection (1)(a) by interviewing at least the alleged victim and the individual who is alleged to have engaged in prohibited conduct.

(b) An LEA may also interview the following as part of an investigation:

(i) parents of the alleged victim and the individual who is alleged to have engaged in prohibited conduct;

(ii) any witnesses;

(iii) school staff; and

(iv) other individuals who may provide additional information.

(c) An individual who investigates an allegation of an incident shall inform an individual being interviewed that:

(i) to the extent allowed by law, the individual is required to keep all details of the interview confidential; and

(ii) further reports of bullying will become part of the review.

(3) The confidentiality requirement in Subsection (2)(c) does not apply to:

(a) conversations with law enforcement professionals;

(b) requests for information pursuant to a warrant or subpoena;

(c) a state or federal reporting requirement; or

(d) other reporting required by this rule.

(4) In conducting an investigation under this section, an LEA may:

(a) review disciplinary reports of involved students; and

(b) review physical evidence, consistent with search and seizure law in schools, which may include:

(i) video or audio;

(ii) notes;

(iii) email;

(iv) text messages;

(v) social media; or

(vi) graffiti.

(5) An LEA shall adopt a policy outlining under what circumstances the LEA will report incidents of bullying, cyber-bullying, harassment, and retaliation to law enforcement.

(6) Following an investigation of a confirmed allegation of an incident of bullying, cyber-bullying, hazing, or retaliation, if appropriate, an LEA may:

(a) in accordance with the requirements in Subsection (6), take positive restorative justice practice action, in accordance with policies established by the LEA; and

(b) support involved students through trauma-informed practices, if appropriate.

(6)(a) An alleged victim is not required to participate in a restorative justice practice with an individual who is alleged to have engaged in prohibited conduct as described in Subsection (5)(a).

(b) If an LEA would like an alleged victim who is a student to participate in a restorative justice practice, the LEA shall notify the alleged victim's parent of the restorative justice practice and obtain consent from the alleged victim's parent before including the alleged victim in the process.

(7) A grievance process required under Subsection 53G-9-605(3)(f) shall be consistent with the LEA's established grievance process.

(8) An LEA shall, as required by Subsection 53G-9-606(2), report the following annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements:

(a) a copy of LEA's policy required in Section R277-613-4;

(b) implementation of the signed statement requirement described in Subsection 53G-9-605(3)(h);

(c) verification of the LEA's training of school employees relating to bullying, cyber-bullying, hazing, and retaliation described in Section 53G-9-607;

(d) incidents of bullying, cyber-bullying, hazing, and retaliation;

(e) the number of incidents described in Subsection (8)(d) required to be reported separately under federal law, including the reporting requirements in:

(i) Title VI of the Civil Rights Act of 1964;

(ii) Title IX of the Education Amendments of 1972; or

(iii) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990; and

(f) the number of incidents described in Subsection (8)(d) that include a student who was bullied, cyber-bullied, hazed, or retaliated against based on the student's actual or perceived characteristics, including disability, race, national origin, religion, sex, gender identity, or sexual orientation.

(9) The requirements of this R277-613 are in addition to any federal requirements, including reporting civil rights violations to the appropriate entities and taking other appropriate action.

R277-613-6. Training by LEAs Specific to Participants in Public School Athletic Programs and School Clubs.

(1)(a) Prior to any student, employee or volunteer coach participating in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, the student, employee or coach shall participate in bullying, cyber-bullying, hazing, and retaliation prevention training.

(b) A training described in Subsection (1)(a) shall be offered to new participants on an annual basis and to all participants at least once every three years.

(2) An LEA shall inform student athletes and extracurricular club members of prohibited activities under this rule and potential consequences for violation of the law and the rule.

(3) An LEA shall maintain training participant lists or signatures, to be provided to the Board upon request.

R277-613-7. Abusive Conduct.

(1) An LEA shall prohibit abusive conduct.

(2) An LEA's bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy, required in Section 53A-11a-301 and this rule, shall include a grievance process for a school employee who has experienced abusive conduct as described in Subsection 53G-9-605(3)(f).

KEY: bullying, [cyber-bullying,]hazing, [harassment]abusive conduct, training

Date of Enactment or Last Substantive Amendment: ~~[October 8, 2013]~~2018

Notice of Continuation: August 2, 2013

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; ~~53[A-1]E-3-401(3)(4); [53A-11a-301]~~53G, Chapter 9

Education, Administration **R277-614** Athletes and Students with Head Injuries

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42917

FILED: 05/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board of Education policies.

SUMMARY OF THE RULE OR CHANGE: This rule was due for its five-year review and continuation. The Utah State Board of Education (USBE) has reviewed this rule and determined that it continues to be necessary. These rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies, but none of these changes are substantive.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Subsection 53E-3-401(4)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** This rule is not estimated to have aggregate anticipated cost or savings to the state budget because this rule deals with athletes and students with head injuries and thus does not require any expenditures of or generate any revenues for state budget.

♦ **LOCAL GOVERNMENTS:** This rule is not estimated to have aggregate anticipated cost or savings to local governments because this rule deals with athletes and students with head injuries and thus does not require any expenditures of or generate any revenues for local governments.

♦ **SMALL BUSINESSES:** This rule is not estimated to have aggregate anticipated cost or savings to small businesses because this rule deals with athletes and students with head injuries and thus does not require any expenditures of or generate any revenues for small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule is not estimated to have aggregate anticipated cost or savings to persons other than small businesses,

businesses, or local government entities because this rule deals with athletes and students with head injuries and thus does not require any expenditures of or generate any revenues for persons other than small businesses, businesses, or local government entities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance costs for affected person.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes to Rule R277-614 are not estimated to have a fiscal impact. There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. These proposed rule changes are not expected to have any fiscal impact on large businesses' revenues or expenditures because this rule deals with athletes and students with head injuries and thus does not require any expenditures of or generate any revenues for large businesses. This rule was due for its five-year review and continuation. The Utah State Board of Education (USBE) has reviewed this rule and determined that it continues to be necessary. These rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies, but none of the changes are substantive. Thus, these rule changes will not have a fiscal impact on local education agencies either. The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/09/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

| Fiscal Costs | FY 2018 | FY 2019 | FY 2020 |
|-------------------------------|------------|------------|------------|
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Person | \$0 | \$0 | \$0 |
| Total Fiscal Costs: | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits: | \$0 | \$0 | \$0 |
| Net Fiscal Benefits: | | | |
| | \$0 | \$0 | \$0 |

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

These changes to Rule R277-614 are not estimated to have a fiscal impact. There are 1,241 entities with a NAICS code 611110 operating in Utah according to a "Firm Find Data" search through Utah's Department of Workforce Services. Most of the entities in the list are public entities e.g. Alpine Board of Education, Canyons School District, Cache High School, etc. These proposed rule changes are not expected to have any fiscal impact on large businesses' revenues or expenditures because this rule deals with athletes and students with head injuries and thus does not require any expenditures of or generate any revenues for large businesses.

This rule was due for its five-year review and continuation. The Utah State Board of Education (USBE) has reviewed this rule and determined that it continues to

be necessary. These rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies, but none of these changes are substantive. Thus, this rule change will not have a fiscal impact on local education agencies either.

The Assistant Superintendent of Financial Operations at the Utah State Board of Education, Natalie Grange, has reviewed and approved this fiscal analysis.

R277. Education, Administration.

R277-614. Athletes and Students with Head Injuries.

R277-614-2. Authority and Purpose.

~~[A.](1)~~ This rule is authorized by:

~~(a)~~ Utah Constitution X, Section 3, which vests general control and supervision in the Board ~~by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities;~~ and

~~(b)~~ Section 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

~~[B.](2)~~ The purpose of this rule is to direct LEAs under the general control and supervision of the Utah State Board of Education to adopt and enforce a head injury policy for students participating in physical education and extracurricular sporting events ~~as defined in the law, including notification to parents of the policy and receipt from parents of signed statements that parents understand and will support the LEA in the enforcement of the policy.~~

R277-614-4. Definitions.

~~[A.](1)~~ "Agent" ~~[means a coach, teacher, school employee, representative or volunteer under Section]~~ has the same meaning as described in Subsection 26-53-102(1).

~~[B. "Board" means the Utah State Board of Education.]~~

~~[C.](2)~~ "Free play" means unstructured student play, games and field days during school hours.

~~[D.](3)~~ "LEA" ~~[means a public school or a public charter school]~~ includes for purposes of this rule, the Utah Schools for the Deaf and the Blind.

~~[E.](4)~~ "Parent" means a parent or legal guardian of a student for whom an LEA is responsible.

~~[F.](5)~~ "Physical education class" means a structured ~~[secondary]~~ school class ~~[period]~~ that includes an adult supervisor.

~~[G.](6)~~ "Sporting event" ~~[means activities listed under Section 26-53-102(5) and includes games, classes, tryouts and activities that take place during the regular school day of public schools and activities sponsored by the public schools with exclusions provided in Section 26-53-102(5)(b)]~~ has the same meaning as described in Subsection 26-53-102(5).

~~[H.](7)~~ "Traumatic head injury" ~~[means any of the signs, observed or self-reported, listed under Section]~~ has the same meaning as described in Subsection 26-53-102(6).

~~I. "USOE" means the Utah State Office of Education.]~~

R277-614-3. [Board and USOE] Superintendent Responsibilities.

~~[A. The Board directs all LEAs to develop, pass, post on the LEAs' websites and make available to parents a traumatic head injury policy that meets the requirements of Section 26-53-~~

~~—B.](1)~~ The ~~[USOE]~~ Superintendent shall, in consultation with Utah State Risk Management, provide a model policy for LEAs to use in developing ~~[their policies]~~ the policy required in Section R277-614-4. ~~[The model policy shall be available on the USOE website.]~~

~~[C.](2)~~ The ~~[USOE]~~ Superintendent shall provide model forms for LEAs to use to inform parents of LEA policies and obtain parent signatures documenting the parents' understanding of and willingness to adhere to LEA policies.

~~[D.](3)~~ The ~~[USOE]~~ Superintendent shall provide professional development, as needed and to the extent of funds available, to assist LEAs with training to:

~~(a)~~ identify students' traumatic head injuries ~~;~~ ~~to~~;

~~(b)~~ provide notice to parents; and

~~(c)~~ ~~to~~ comply with the law.

~~(4)~~ The Superintendent shall make the resources required by this Section R277-614-3 available on the Board website.

R277-614-4. LEA Responsibilities.

~~[A. All LEAs are identified as amateur sports organizations for purposes of Section 26-53 and shall meet all requirements of the law.]~~ (1) An LEA shall comply with Title 26, Chapter 53, Protection of Athletes with Head Injuries Act, including all responsibilities of an amateur sports organization.

~~[B.](2)~~ All LEAs shall adopt and maintain a traumatic head injury policy for students:

~~(1)~~ a participating in physical education classes, excluding free play ~~under Section 26-53-102(5)(b)(iii)]~~, offered by the LEA; and

~~(2)~~ b participating in extracurricular activities sponsored by the LEA or statewide athletic associations ~~[or both groups jointly].~~

~~[C.](3)~~ An LEA's policy shall include:

~~(1)~~ a direction to agents to remove a student from a sporting event if the student is suspected of sustaining a concussion or a traumatic head injury;

~~(2)~~ b the prohibition of ~~[a student's]~~ the continued participation of a student removed under Subsection (3)(a) until the student is evaluated by a trained qualified health care professional;

~~(3)~~ c a written statement from a trained health care provider clearing ~~[the]~~ a student removed under Subsection (3)(a) to resume participation in a sporting event;

~~(4)~~ d adequate training for agents, consistent with their involvement and responsibility for supervising students in sporting events and physical education classes, about traumatic head injuries and response to suspected student injuries, consistent with the law; and

~~(5)~~ e a requirement of notice at least annually to parents of students who participate in sporting events, ~~[including parents' signatures]~~ to be acknowledged by a parent in writing, of an LEA's traumatic head injury policy.

~~[D.](4)~~ An LEA shall post ~~[its]~~ the policy required under Subsection (2) on [a district/school or charter school] the LEA's website where the information will be readily accessible to the public and to parents.

KEY: athletes, head injuries

Date of Enactment or Last Substantive Amendment: [July 8, 2013]2018

Notice of Continuation: May 15, 2013
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3)

Governor, Economic Development
R357-5
Motion Picture Incentive

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 42922
 FILED: 05/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These change are being made to reflect current contracting requirements within the agreement for the tax credit between the awardee and the Office of Economic Development (Office).

SUMMARY OF THE RULE OR CHANGE: These amendments make technical corrections to this rule to match current contracting requirements with the awardees and the Office. Namely it matches the per diem rates allowed to count toward spend at 100% rather than 120% (contract only allows at 100%), and deletes a requirement that production start within 90 days of approval.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** There is no impact on the state budget because the incentive is still limited to a tax credit amount of just over \$6,790,000 each fiscal year. These changes simply make technical corrections to match current contracting requirements for an awardee of the program.

♦ **LOCAL GOVERNMENTS:** There is no impact to local governments because they cannot participate in the program.

♦ **SMALL BUSINESSES:** There is no impact to small businesses because this is not a regulation of the industry overall. This amendment simply adjusts the rule governing this incentive program. There are several small businesses that may benefit from the clarity on programmatic requirements. But, that number cannot be calculated because the program is not compulsory in nature and only applies to those who choose to apply and qualify for an incentive.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact to other persons because this is not a regulation of the industry overall. This amendment simply adjusts the rules governing this incentive program. There are several larger businesses and individuals that may benefit from the clarity on programmatic requirements. But, that number cannot be calculated because the program is not

compulsory in nature and only applies to those who choose to apply and qualify for an incentive.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These rule changes will have no impact on businesses because this is not a regulation of the industry overall. This amendment simply adjusts the rule governing this incentive program. These amendments make technical corrections to match current contracts. It does not change the program substantively.

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

GOVERNOR
 ECONOMIC DEVELOPMENT
 60 E SOUTH TEMPLE 3RD FLR
 SALT LAKE CITY, UT 84111
 or at the 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 07/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/09/2018

AUTHORIZED BY: Val Hale, Executive Director

Appendix 1: Regulatory Impact Summary Table

| Fiscal Costs | FY 2018 | FY 2019 | FY 2020 |
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***This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.**

Appendix 2: Regulatory Impact to Non-Small Businesses
 There is no regulatory impact creating financial cost to small businesses or non-small businesses and other persons. The rule amendments simply change existing wording to more clearly allow for a method of tax credit disbursements for those who have applied and been awarded a tax credit under Section 63N-8-101 et seq. There are no general regulations being promulgated by this rule or the proposed amendment because the program is voluntary and does not require non-participants to do anything. There is no impact to businesses or persons general because this rule only applies to those who chose to participate in this program in order to receive a tax credit. These changes proposed here do not change the amount of available tax credits, which is statutorily set. The amendments only change wording to clarify already existing statutory authority in regards to administering the existing tax credit program.

R357. Governor, Economic Development.

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) "Community Film Incentive Program" means a production where a motion picture company has a maximum budget of under \$500,000.

(3) "Dollars Left in the State" means in addition to 63N-8 does NOT include:

- (a) Salary for any individual earning more than 500,000
- (b) Marketing and distributions expenditures
- (c) 50% of shipping or airfare charges with one destination point within Utah and all shipping or airfare outside of Utah

(d) any value beyond the depreciated amount for capital expenditures, rentals, and any purchases made where the item is used for only a portion of its useful life

(e) any per diem value beyond [~~120~~]100 percent of the current federal rate for the area

(4) "Deferred Payment" means, tax credits in amounts over \$2,000,000 paid in installments over a specified number of years but not to exceed three years.

([4]5) "Independent Utah CPA" means, a Certified Public Accountant (CPA) holding an active license in the state of Utah that is independent of the production and production activities.

([5]6) "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~~]Live Sporting events;
- (vi) Live Coverage of other theatrical or entertainment events;[~~or~~]

- (vii) Programs that solicit funds[~~;~~]; or
- (viii) Reality television.

([6]7) "Rural Utah" means all counties outside of Davis County, Salt Lake County, Utah County, and Weber County.

([7]8) "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 excluding extras and five principal cast.

(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.

[~~-----~~(e) "Utah Resident" means that the individual files a Utah Resident tax return.]

([8]9) "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.

([9]10) "Total budget for the product" means the total budget for Dollars left in state of pre-production, production and post-production.

(1[0]1) "Treatment" means: A written description of the production.

(1[1]2) "UFC" means: the Utah Film Commission, a sub-entity of the Utah Governor's Office of Economic Development.

(1[2]3) "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's application may be approved for a motion picture incentive award 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%]~~ 100% 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 principal photography of the production in the state.]~~

[(i)h] If a production has initiated principal photography prior to the Office's receipt of a completed application or will not commence principal photography for more than 90 days from date of application, the application for incentive ~~shall~~ may be denied.

(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 ~~[m]~~ Motion Picture Incentive ~~[p]~~ 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]~~ production days occur in rural Utah

(2) ^[c]Community Film Incentive Program^[c]

(a) The ^[c]Community Film Incentive Program^[c] will provide a maximum of a 20% post performance cash rebate or tax incentive for dollars left in state by a ~~[low budget]~~ community film production.

(b) [“]Community Film Incentive 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]the criteria[.] found on the Utah Film Commission Website.~~

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

~~(ii) 85% of east and crew must be Utah residents;]~~

(c) Applications for the [“]Community Film Incentive Program[”] will be reviewed ~~[quarterly beginning in August of each calendar year]monthly.~~

(d) Awards will be made to motion picture companies based upon the ~~[scoring system]criteria~~ outlined in the [“]Community Film 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.

R357-5-6. Funding -- Post-Performance Compliance.

(1) A motion picture company may qualify for issuance of either a Post-Performance Refundable Tax Credit or Post-Performance Cash award based on the method outlined in their contract if all of the following requirements are met in addition to those listed throughout 63N-8:

(a) The motion picture company must follow the Agreed-Upon Procedures, which will be posted on the Utah Film Commission Website.

(i) If the motion picture company has residency requirements, the motion picture company will be responsible for providing sufficient documentation to the CPA for residency verification, this includes:

(A) A copy of a Utah driver's license; or

(B) A copy of government issued identification (from any state or foreign government or student ID/Report card), and (2) documentation showing residency, covering at least 183 days, matching the name, or parent or guardian, on the submitted government ID.

(b) The motion picture company must submit a completed final application to the Governor's Office of Economic Development's Compliance team, in the form prescribed by the Office, including required attachments or additional information.

(2) A CPA when conducting a review of a motion picture company's expenses and contract requirements, the CPA must follow the Agreed-Upon Procedures, which will be posted on the Utah Film Commission Website.

(3) The CPA must retain work papers related to performing these Agreed-Upon Procedures for at least two years. The Governor's Office of Economic Development, at its own discretion, shall have the right to review the CPA's work to ensure consistency ~~[among]among~~ the various CPAs, to find areas for improvement to the Agreed-Upon Procedures, and as an internal control.

R357-5-[8]7. 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.

(2) Post-performance refundable tax credits in amounts over \$2,000,000 may be paid in deferred payments over multiple years as authorized by the office within the approved board motion for the tax credit.

(a) All deferred payments for tax credits over \$2,000,000 are subject to available tax credit allocation as authorized by the legislature.

(b) Each annual installment of the deferred payment amount shall be outlined in the tax credit agreement.

(c) A deferred payment plan cannot exceed three years.

R357-5-[9]8. 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]1) 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]9. Request for Incentive Amendment.

(1) A motion picture company may request an incentive amendment only under the conditions ~~[listed in]prescribed by the [incentive application]Office.~~

(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: [December 8, 2017]2018

Notice of Continuation: June 9, 2016

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

Natural Resources, Wildlife Resources **R657-5** Taking Big Game

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42920

FILED: 05/15/2018

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: These proposed revisions remove the language concerning Poaching-Reported Reward Permits. This language has been moved into the new proposed Rule R657-51, Poaching-Reported Reward Permits. (EDITOR'S NOTE: The proposed new Rule

R657-51 is under Filing No. 42913 in this issue, June 1, 2018, of the Bulletin.)

THIS RULE MAY BECOME EFFECTIVE ON: 07/09/2018

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

AUTHORIZED BY: Mike Fowlks, Deputy Director

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** These proposed rule amendments remove rule language from this rule and places it in a separate rule. These changes can be initiated within the current workload and resources of the Division of Wildlife Resources (DWR), therefore, DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with the existing budget.

◆ **LOCAL GOVERNMENTS:** Since these proposed amendments simply move rule language, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** This amendment is technical in nature and does not have the potential to create a cost impact.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This amendment is technical in nature and does not have the potential to create a cost impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR has determined that these amendments will not create additional costs for those participating in the poaching reward permit program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that these proposed rule changes will not result in a fiscal impact to businesses.

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/02/2018

Appendix 1: Regulatory Impact Summary Table*

| Fiscal Costs | FY 2018 | FY 2019 | FY 2020 |
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*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses

These amendments remove text from Rule R657-5 and places it in the new Rule R657-51, Poaching-Reported Reward Permits. It is not expected to have any fiscal impacts on large businesses revenues or expenditures, because there are no services required from them in order to implement the new rule.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

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

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

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

R657-5-22. Poaching-Reported Reward Permits.

(1) ~~[For purposes of this section, "successful prosecution" means the screening, filing of charges and subsequent adjudication of guilt for the poaching incident.]~~ Big Game poaching-reported reward permits are issued pursuant to rule R657-51 Poaching-Reported Reward Permits.

~~_____ (2) Any person who provides information leading to another person's successful prosecution under Section 23-20-4 for wanton destruction of a bull moose, desert bighorn ram, rocky mountain bighorn ram, rocky mountain goat, bison, bull elk, buck deer or buck pronghorn within any once-in-a-lifetime or limited-entry area may receive a permit from the division to hunt the same species on the same once-in-a-lifetime or limited-entry area where the violation occurred, except as provided in Subsection (3).~~

~~_____ (3)(a) In the event that issuance of a poaching-reported reward permit would exceed 5% of the total number of limited-entry or once-in-a-lifetime permits issued in the following year for the respective area, a permit shall not be issued for that respective area. As an alternative, the division may issue a permit as outlined in Subsections (b) or (c):~~

~~_____ (b) If the illegally taken animal is a bull moose, desert bighorn ram, rocky mountain bighorn ram, rocky mountain goat or bison, a permit for an alternative species and an alternative once-in-a-lifetime or limited-entry area that has been allocated more than 20 permits may be issued.~~

~~_____ (c) If the illegally taken animal is a bull elk, buck deer or buck pronghorn, a permit for the same species on an alternative limited-entry area that has been allocated more than 20 permits may be issued.~~

~~_____ (4)(a) The division may issue only one poaching-reported reward permit for any one animal illegally taken.~~

~~_____ (b) No more than one poaching-reported reward permit shall be issued to any one person per successful prosecution.~~

~~_____ (c) No more than one poaching-reported reward permit per species shall be issued to any one person in any one calendar year.~~

~~_____ (5)(a) Poaching-reported reward permits may only be issued to the person who provides the most pertinent information leading to a successful prosecution. Permits are not transferrable.~~

~~_____ (b) If information is received from more than one person, the director of the division shall make a determination based on the facts of the case, as to which person provided the most pertinent information leading to the successful prosecution in the case.~~

~~_____ (c) The person providing the most pertinent information shall qualify for the poaching-reported reward permit.~~

~~_____ (6) Any person who receives a poaching-reported reward permit must possess or obtain a Utah hunting or combination license and otherwise be eligible to hunt and obtain big game~~

~~permits as provided in all rules and regulations of the Wildlife Board and the Wildlife Resources Code.]~~

KEY: wildlife, game laws, big game seasons

Date of Enactment or Last Substantive Amendment: [February 7,]2018

Notice of Continuation: October 5, 2015

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

Natural Resources, Wildlife Resources

R657-10

Taking Cougar

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42919

FILED: 05/15/2018

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: These proposed revisions remove the language concerning Poaching-Reported Reward Permits. This language has been moved into the new proposed Rule R657-51, Poaching-Reported Reward Permits. (EDITOR'S NOTE: The proposed new Rule R657-51 is under Filing No. 42913 in this issue, June 1, 2018, of the Bulletin.)

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** These proposed rule amendments remove rule language from this rule and places it in a separate rule. These changes can be initiated within the current workload and resources of DWR, therefore, DWR has determined that these amendments do not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with the existing budget.

◆ **LOCAL GOVERNMENTS:** Since these proposed amendments simply move rule language, this filing does not create any direct cost or savings impact to local governments. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** None--These amendments are technical in nature and do not have the potential to create a cost impact.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: None--These amendments are technical in nature and do not have the potential to create a cost impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR has determined that these amendments will not create additional costs for those participating in the poaching reward permit program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that these proposed rule changes will not result in a fiscal impact to businesses.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Staci Coons by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/09/2018

AUTHORIZED BY: Mike Fowlks, Deputy Director

| | | | |
|----------------------|-----|-----|-----|
| Net Fiscal Benefits: | \$0 | \$0 | \$0 |
|----------------------|-----|-----|-----|

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses
 These amendments remove text from Rule R657-10 and places it in the new Rule R657-51, Poaching-Reported Reward Permits. It is not expected to have any fiscal impacts on large businesses revenues or expenditures, because there are no services required from them in order to implement this new rule.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.

R657-10. Taking Cougar.

R657-10-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 of the Utah Code, the Wildlife Board has established this rule for taking and pursuing cougar.

(2) Specific dates, areas, number of permits, limits, and other administrative details which may change annually are published in the guidebook of the Wildlife Board for taking cougar.

R657-10-32. Poaching-Reported Reward Permits.

~~[(1) For purposes of this section, "successful prosecution" means the screening and filing of charges for the poaching incident.~~

~~————(2) Any person who provides information leading to another person's arrest and successful prosecution for wanton destruction of a cougar on a limited entry cougar unit, under Section 23-20-4, may receive a permit from the division to hunt cougar on the same limited-entry cougar unit where the reported violation occurred, as provided in Subsection (3).~~

~~————(3)(a) The division may issue poaching-reported reward permits only in limited-entry cougar units that have more than 10 total permits allocated.~~

~~————(b) The division may issue only one poaching-reported reward permit per limited-entry cougar unit per year.~~

~~————(4)(a) The division may issue only one poaching-reported reward permit for any one animal illegally taken.~~

~~————(b) No more than one poaching-reported reward permit shall be issued to any one person per successful prosecution.~~

~~————(c) No more than one cougar poaching-reported reward permit shall be issued to any one person in any one cougar season.~~

~~————(5)(a) Poaching-reported reward permits may only be issued to the person who provides the most pertinent information leading to a successful prosecution. Permits are not transferrable.~~

~~————(b) If information is received from more than one person, the director of the division shall make a determination based on the facts of the case, as to which person provided the most pertinent information leading to the successful prosecution in the case.~~

~~————(c) The person providing the most pertinent information shall qualify for the poaching-reported reward permit.~~

~~————(6) Any person who receives a poaching-reported reward permit must possess a Utah hunting or combination license and otherwise be eligible to hunt and obtain cougar permits as provided~~

Appendix 1: Regulatory Impact Summary Table*

| Fiscal Costs | FY 2018 | FY 2019 | FY 2020 |
|-------------------------------|------------|------------|------------|
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Person | \$0 | \$0 | \$0 |
| Total Fiscal Costs: | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits: | \$0 | \$0 | \$0 |

~~in all rules and regulations of the Wildlife Board and the Wildlife Resources Code. (1) Cougar poaching-reported reward permits are issued pursuant to rule R657-51 Poaching-Reported Reward Permits.~~

KEY: wildlife, cougar, game laws
Date of Enactment or Last Substantive Amendment:
~~[November 10, 2015]~~2018
Notice of Continuation: August 1, 2016
Authorizing, and Implemented or Interpreted Law: 23-14-18;
23-14-19

Natural Resources, Wildlife Resources **R657-51** Poaching-Reported Reward Permits

NOTICE OF PROPOSED RULE (New Rule)

DAR FILE NO.: 42913
 FILED: 05/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being created pursuant to the Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rules pursuant to the poaching reported reward permit program.

SUMMARY OF THE RULE OR CHANGE: This new rule combines language from Rules R657-5 and R657-10 to simplify and clarify the processes and procedures for acquiring a poaching-reported reward permit. This new rule also adds bear and harvest-objective cougar permits to the list of eligible species, as well as expanding the opportunity to general season permits. (EDITOR'S NOTE: The proposed amendment to Rule R657-5 is under Filing No. 42920 and the proposed amendment to Rule R657-10 is under Filing No. 42919 in this issue, June 1, 2018, of the Bulletin.)

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This new rule continues to allow for the issuance of poaching-reported reward permits. DWR has determined that this proposed rule does not create a cost or savings impact to the state budget, since the changes will not increase workload and can be carried out with the existing budget.

◆ **LOCAL GOVERNMENTS:** Since these requirements were put into place in 1996 in Rules R657-5 and R657-10, no services have been required from local governments to fulfill the program, thus this filing does not create any direct costs or savings impact to any local governments. Nor are local

governments indirectly impacted because this rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** Since these requirements were put into place in 1996 in Rules R657-5 and R657-10, no services have been required from small businesses to fulfill the program, thus this filing does not create any direct costs or savings impact to any small businesses. Nor are small businesses indirectly impacted because this rule does not create a situation requiring services from them.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This program has issued a total of 209 permits since its inception in 1996. The number of permits issued per year is small and are issued at no cost to the recipient, nor are they deducted from the quota available to all applicants, as such, this rule does not generate a cost or savings impact to other persons, including the permit recipients.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR has determined that these amendments do not create additional costs for sportsmen qualifying to receive a poaching-reported reward permit in Utah.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that this proposed rule will not result in a fiscal impact to businesses.

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

NATURAL RESOURCES
 WILDLIFE RESOURCES
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/09/2018

AUTHORIZED BY: Mike Fowlks, Deputy Director

Appendix 1: Regulatory Impact Summary Table*

| Fiscal Costs | FY 2018 | FY 2019 | FY 2020 |
|------------------|---------|---------|---------|
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |

| | | | |
|-------------------------------|------------|------------|------------|
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Person | \$0 | \$0 | \$0 |
| Total Fiscal Costs: | \$0 | \$0 | \$0 |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits: | \$0 | \$0 | \$0 |
| Net Fiscal Benefits: | | | |
| | \$0 | \$0 | \$0 |

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses
 This new Rule R657-51 is not expected to have any fiscal impacts on large businesses revenues or expenditures, because there are no services required from them in order to implement the rule.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.

R657-51. Poaching-Reported Reward Permits.

R657-51-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19, the Wildlife Board has established this rule describing procedures the division may use in issuing permits to individuals who report unlawful taking of protected wildlife in Utah.

R657-51-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2 and R657-62.

(2) In addition:

(a) "Successful Prosecution" means:

(i) the issuance of a Class B misdemeanor citation for a wildlife violation under Utah Code 23-20-4; or

(ii) the filing of criminal charges eligible for a Class A or Class B misdemeanor or any felony under Section 23-20-4.

(b) "Qualifying Individual" means:

(i) an individual who provides accurate and credible information concerning a wildlife violation in Utah;

(ii) the division uses that information in securing a Successful Prosecution; and

(iii) the individual fully cooperates and supports the division throughout the prosecution process.

R657-51-3. General Permit Availability and Eligibility Provisions.

(1)(a) A poaching-reported reward permit may only be issued on a unit having 10 or more public draw permits issued in the upcoming season.

(b) If a poaching-reported reward permit is unavailable on a given unit, an alternative permit may be issued using the process identified in each species-specific section of this rule.

(c) The division may determine that a permit is unavailable on a unit if:

(i) less than 10 public draw permits will be issued for a given unit in the upcoming season;

(ii) the illegally harvested animal was taken outside of established unit boundaries; or

(iii) issuing a poaching-reported reward permit would exceed 10% of the total number of permits issued on that unit.

(2) A Qualifying Individual remains eligible to receive a poaching-reported reward permit, regardless of any applicable waiting periods they may otherwise be subject to.

(3) A Qualifying Individual receiving a poaching-reported reward permit will not:

(a) forfeit bonus points or preference points accumulated; or

(b) incur a waiting period, except as described in Subsection (4).

(4) A Qualifying Individual receiving a poaching-reported reward permit for a once-in-a-lifetime species is ineligible to apply for or obtain another once-in-a-lifetime permit for the same species and sex through the division's big game drawing.

(5)(a) The division may only issue one poaching-reported reward permit for any one animal illegally taken.

(b) No more than one poaching-reported reward permit may be issued to any one person per Successful Prosecution.

(c) No more than one poaching-reported reward permit per species shall be issued to any one person in any single calendar year.

(d) Nothing in this rule authorizes an individual to use or possess more than one permit for an antlered or horned animal of the same species in a single hunt year.

(e) The Qualifying Individual may choose the weapon type for the permit, so long as a permit for that weapon type is available.

(f) The Qualifying Individual may choose the season for the permit if different seasons are offered, except that multi-season permits may not be issued through the poaching-reported reward permit program.

(6)(a) Poaching-reported reward permits may only be issued to the individual who provides the most pertinent information leading to a Successful Prosecution.

(b) If information is received from more than one individual, the director of the division shall make a determination based on the facts of the case as to which individual is eligible to receive the permit.

(7) Poaching-reported reward permits are non-transferrable.

(8) Any person who receives a poaching-reported reward permit must possess or obtain a Utah hunting or combination license and otherwise be eligible to hunt the species for which the permit is issued for.

(9) The division may determine whether to offer monetary rewards in lieu of issuing a poaching-reported reward permit for a Qualifying Individual.

R657-51-4. Big Game Poaching-Reported Reward Permits.

(1) Successful Prosecutions for the illegal take of bull moose, desert bighorn ram, rocky mountain bighorn ram, rocky mountain goat, bison, bull elk, buck deer, and buck pronghorn may be eligible to receive a poaching-reported reward permit.

(2)(a) Poaching-reported reward permits for desert bighorn ram, rocky mountain bighorn ram, bull moose, Rocky Mountain goat, and bison may be issued on units or hunts meeting the general permit availability requirements as follows:

(i) a permit may be issued for a male animal of the same species and on the same unit as the animal illegally taken;

(ii) if a permit described in Subsection (a) is unavailable, a permit may be issued for a male animal of the same species on an alternative unit that is closest in proximity to where the animal was illegally taken;

(iii) if a permit described in Subsections (a) and (b) is unavailable, a permit may be issued for a male animal of another once-in-a-lifetime species on a unit that is closest in proximity to the unit where the animal was illegally taken; or

(iv) if a permit described in Subsections (a), (b), and (c) is unavailable, a permit may be issued for a male animal of a limited entry species on an alternative unit selected by the division.

(b) The division may issue a hunter's choice permit in lieu of a permit for a male animal for bison and Rocky mountain goat poaching-reported reward permits.

(3) Poaching-reported reward permits for premium limited entry deer may be issued on units or hunts meeting the general permit availability requirements as follows:

(a) a permit may be issued for a buck deer on the same premium limited entry unit as the animal illegally taken;

(b) if a permit described in Subsection (a) is unavailable, a permit may be issued for a buck deer on an alternative premium limited entry unit that is closest in proximity to where the animal was illegally taken; or

(c) if a permit described in Subsections (a) and (b) is unavailable, a permit may be issued for a buck deer on an alternative limited entry unit closest in proximity to where the animal was illegally taken.

(4) Poaching-reported reward permits for limited entry buck deer, bull elk, and buck pronghorn may be issued on units or hunts meeting the general permit availability requirements as follows:

(a) a permit may be issued for a male animal of the same species and on the same unit as the animal illegally taken; or

(b) if a permit described in Subsection (a) is unavailable, a permit may be issued for a male animal of the same species as the animal taken on an alternative limited entry unit for that species that is closest in proximity to where the animal was illegally taken.

(5) Poaching-reported reward permits for general season buck deer and bull elk may be issued on units or hunts meeting the general permit availability requirements as follows:

(a) a permit may be issued for a male animal of the same species and on the same unit as the animal illegally taken; or

(b) if a permit described in Subsection (a) is unavailable, a permit may be issued for a male animal of the same species as the animal taken on an alternative general season unit for that species that is closest in proximity to where the animal was illegally taken.

(6) If a violation occurs at a location having both general season and limited entry opportunities for the species illegally taken, the division may issue a limited entry permit for that species using the parameters identified in Subsection (4).

R657-51-5. Cougar Poaching-Reported Reward Permits.

(1) Limited-entry and harvest objective cougar units are eligible for poaching-reported reward permits.

(2) Only one poaching-reported reward permit may be issued for each limited-entry cougar unit per year.

(3) Poaching-reported reward permits for cougar may be issued on units or hunts.

(4) Meeting the general permit availability requirements as follows:

(a) if the animal was illegally taken on a harvest objective unit, a permit may be issued for a limited entry unit closest in proximity to that harvest objective unit;

(b) if the animal was illegally taken on a limited entry unit, a permit may be issued on the same limited entry unit; or

(c) if a permit described in Subsections (a) and (b) is unavailable, a permit may be issued on the limited-entry unit that is closest in proximity to where the animal was illegally taken.

R657-51-6. Bear Poaching-Reported Reward Permits.

(1) Limited-entry and harvest objective bear units are eligible for poaching-reported reward permits.

(2) Only one poaching-reported reward permit may be issued for each limited-entry bear unit per year.

(3) Poaching-reported reward permits for bear may be issued on units or hunts meeting the general permit availability requirements as follows:

(a) if the animal was illegally taken on a harvest objective unit, a permit may be issued for a limited entry unit closest in proximity to that harvest objective unit;

(b) if the animal was illegally taken on a limited entry unit, a permit may be issued on the same limited entry unit; or

(c) if a permit described in Subsections (a) and (b) is unavailable, a permit may be issued on the limited-entry unit that is closest in proximity to where the animal was illegally taken.

R657-51-7. Turkey Poaching-Reported Reward Permits.

(1) General season and limited-entry turkey units are eligible for poaching-reported reward permits.

(2) Poaching-reported reward permits for turkey may be issued on units or hunts meeting the general permit availability requirements as follows:

(a) a permit may be issued on the same unit as the animal that was illegally taken; or

(b) if a permit described in Subsection (a) is unavailable on that unit, a permit may be issued on a limited-entry or general season unit selected by the division.

KEY: wildlife, game laws, big game seasons

Date of Enactment or Last Substantive Amendment: 2108

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

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends July 2, 2018.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (*example*). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through September 29, 2018, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

Human Services, Administration **R495-885** Employee Background Screenings

NOTICE OF CHANGE IN PROPOSED RULE
DAR FILE NO.: 42630
FILED: 05/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change in proposed rule (CPR) is to align current processes with the current background screening Rule R501-14 and Section 62A-2-120. The language within the active Rule R495-885 violates Section 62A-2-120, and this CPR filing, along with the previously filed emergency rule, will bring the agency back into compliance. (EDITOR'S NOTE: The 120-day (emergency) rule is under Filing No. 42845 in the May 15, 2018, Bulletin and is effective as of 04/23/2018.)

SUMMARY OF THE RULE OR CHANGE: This change will realign the current processes with the current background screening statute and rule. Within Section 62A-1-118, the agency is given permission to use criteria set forth in Section 62A-2-120 for running checks upon employees; although Section 62A-2-120 is statute it is specific to licensees, not employees, these changes will clarify that the agency is not applying Section 62A-2-120 to employees, rather the agency is just using the criteria and process set forth. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the March 15, 2018, issue of the Utah State Bulletin, on page 23. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-1-120 and Section 62A-2-118

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: These rule changes will not change the ongoing costs to the Department of Human Services (DHS) or any state entity. These rule changes will only implement compliance regarding the background screening process and have no added expenditures.
- ◆ LOCAL GOVERNMENTS: Local governments are not affected by these rule changes. There is no impact to local governments.
- ◆ SMALL BUSINESSES: Small businesses are not affected by these rule changes. This rule only impacts DHS.

- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Other persons are not affected by these rule changes. This rule only impacts DHS.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No person will bear a compliance cost. The compliance is within DHS.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After conducting a thorough analysis, it was determined that this proposal will not result in a fiscal impact to small or large businesses. This rule only impacts DHS.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
ADMINISTRATION
ROOM DHS 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:
- ◆ Janice Weinman by phone at 385-321-5586, by FAX at 801-538-4553, or by Internet E-mail at jweinman@utah.gov
 - ◆ Jonah Shaw by phone at 801-538-4219, by FAX at 801-538-3942, or by Internet E-mail at jshaw@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/02/2018

THIS RULE MAY BECOME EFFECTIVE ON: 07/09/2018

AUTHORIZED BY: Ann Williamson, Executive Director

Appendix 1: Regulatory Impact Summary Table*

| Fiscal Costs | FY 2018 | FY 2019 | FY 2020 |
|----------------------------|------------|------------|------------|
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Person | \$0 | \$0 | \$0 |
| Total Fiscal Costs: | \$0 | \$0 | \$0 |

| | | | |
|-------------------------------|------------|------------|------------|
| | | | |
| Fiscal Benefits | | | |
| State Government | \$0 | \$0 | \$0 |
| Local Government | \$0 | \$0 | \$0 |
| Small Businesses | \$0 | \$0 | \$0 |
| Non-Small Businesses | \$0 | \$0 | \$0 |
| Other Persons | \$0 | \$0 | \$0 |
| Total Fiscal Benefits: | \$0 | \$0 | \$0 |
| | | | |
| Net Fiscal Benefits: | \$0 | \$0 | \$0 |

*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

Appendix 2: Regulatory Impact to Non-Small Businesses
 These rule changes are not expected to have any impact on medium or large business because it only implements necessary changes to align with preexisting background screening Rule R501-14 and Section 62A-2-120 and has no added expenditures or costs that impact anyone listed in the chart above.

R495. Human Services, Administration.
R495-885. Employee Background Screenings.
R495-885-1. Authority and Purpose.

- (1) This Rule is authorized by Sections 62A-1-118 and 62A-2-120.
- (2) This Rule clarifies the standards for Department of Human Services' employee and volunteer background screening.
- (3) This Rule is created to hold DHS employees and volunteers to high standards of conduct, protect children and vulnerable adults, and promote public trust.
- (4) This rule does not apply to Department of Human Services Employees and Volunteers whose clearances are performed and maintained by the Department of Health for the Utah State Hospital and the Utah State Developmental Center.

R495-885-2. Definitions.

- (1) "BCI" means the Bureau of Criminal Identification, and is the designated state agency of the Division of Criminal Investigation and Technical Services Division, within the Department of Public Safety, responsible to maintain criminal records in the State of Utah.
- (2) "Child" is defined in Section 62A-2-101.
- (3) "Department" or "DHS" means the Department of Human Services.

- (4) "Direct Access" is defined in Section 62A-2-101.
- (5) "Director" means the Director of each DHS Office or Division, and includes the Director's designee.
- (6) "Directly Supervised" is defined in 62A-2-101.
- (7) "Employee" means a prospective employee who has received a job offer from DHS or a current employee of DHS, and includes paid interns.
- (8) "Executive Director" means the Executive Director of DHS or the Deputy Director designated by the Executive Director.
- (9) "FBI Rap Back" is defined in Section 53-10-108.
- (10) "Fingerprints" means an individual's fingerprints as copied electronically through a live-scan fingerprinting device or on two ten-print fingerprint cards.
- (11) "Volunteer" means an individual who donates services without pay or other compensation, except expenses actually and reasonably incurred and pre-approved by the supervising agency, and includes unpaid interns.
- (12) "Vulnerable Adult" is defined in Section 62A-2-101.

R495-885-3. Employees and Volunteers with Direct Access.

- (1) The Department finds that a criminal history or identification as a perpetrator of abuse or neglect is directly relevant to an individual's employment or volunteer activities within DHS.
- (2) All Department employees and volunteers who may have direct access and who ~~may~~ are not ~~be~~ directly supervised at all times must have an annual background screening clearance in accordance with Sections 62A-1-118 and 62A-2-120, which shall include retention of fingerprints by BCI for FBI Rap Back.
- (3) Department employees and volunteers who may have direct access and ~~may~~ are not ~~be~~ directly supervised at all times shall:
 - (a) submit a background screening application to their respective Division or Office on a form created by the Department; and
 - (b) submit fingerprints to the Department via a DHS-operated live-scan machine or two ten-print fingerprint cards produced by a law enforcement agency, an agency approved by the BCI, or another entity pre-approved by the Department; or
 - (c) ~~not~~ be required to submit fingerprints to DHS if they have submitted fingerprints for retention to:
 - (i) BCI for an Office or Division clearance, and the Office or Division ensures that the minimum standards set forth in Section 62A-2-120 are enforced; or
 - (ii) to the Department of Health for employees and volunteers of the Utah State Developmental Center per code; or
 - (iii) to the Office of Licensing as an individual associated with a license as long as the fingerprints are retained by BCI for FBI Rap Back.
- (4) The DHS Office of Licensing shall access information to perform the background checks described in Sections 62A-1-118 and 62A-2-120:
 - (a) the DHS Office of Licensing will not duplicate fingerprint-based criminal background checks on Department employees or volunteers who have a current fingerprint-based criminal background clearance pursuant to R495-885-3(3);
 - (b) the fingerprints submitted by DHS employees who are required to obtain a background screening pursuant to Section 62A-2-120 as an individual associated with a licensee shall be utilized to perform the screening required by this R495-885.

(5) Screening results shall be reviewed in accordance with both the standards ~~[required]~~ outlined by Section 62A-2-120 and this R495-885.

(6) Except as described in R495-885-5, Department employees and volunteers who would automatically be denied a background screening approval as described in Section 62A-2-120(5)(a) are not eligible for work with the Department.

(7) Except as described in R495-885-5, Department employees and volunteers who have any offense or finding described in Section 62A-2-120(6)(a) are not eligible for work with the Department. ~~[~~

~~(8) Each Division and Office shall develop and implement a protocol to ensure renewal background screening applications are submitted to the DHS Office of Licensing annually for all database systems that are not included in the FBI Rap Back fingerprint process.]~~

R495-885-4. Employees and Volunteers with No Direct Access.

(1) The Department finds that a criminal history is directly relevant to an individual's employment activities within DHS.

(2) The Department is not authorized to perform the checks described in Sections 62A-1-118 and 62A-2-120 for employees with no direct access.

(3) Each Division and Office will identify which of their positions includes no potential for direct access that is not directly supervised.

(4) Each employee who does not potentially have direct access shall submit an "Authorization and Waiver for Criminal History Check" form to a Department of Human Resources Management, DHS Field Office authorizing DHRM to perform name-based background checks.

(5) Except as described in R495-885-5, Department employees who would automatically be denied a background screening approval based upon the offenses described in Section 62A-2-120(5)(a) are not eligible for work with the Department.

(6) Except as described in R495-885-5, Department employees who have any offense described in Section 62A-2-120(6)(a) are not eligible for work with the Department.

(7) Volunteers who do not have a background screening clearance pursuant to R495-885-3 will be directly supervised.

R495-885-5. Background Screening Review.

(1) The Office of Licensing or the Department of Human Resources Management, DHS Field Office shall notify the Director of the ~~[background screening results]~~ employment eligibility status of each prospective employee, employee, and volunteer.

(2) The Director shall review the background screening results of each prospective employee, employee, and volunteer when there are any offenses present as outlined in 62A-2-120.

(3) Review ~~[criteria]~~ process for prospective or probationary employees and volunteers:

~~[(a) automatic denial offenses outlined in 62A-2-120(5)(a) are not eligible for review by the DHS Employee and Volunteer Comprehensive Review Committee;]~~ (a) Following a review of the background screening results for a prospective or probationary employee or volunteer, the Director may deny or terminate the employment of the prospective or probationary employee or refuse acceptance of the volunteer; or

(b) the Director may request further review of the background screening results by the Comprehensive Review Committee established under 62A-2-120. Review of background screening results for prospective or probationary employees or volunteers by the Comprehensive Review Committee is strictly related to the employment or volunteer eligibility of that person with DHS and is not related to the licensure of that individual by DHS, nor does it entitle any party to any of the rights granted to an applicant for licensure as defined in 62A-2-120.

(i) the Director shall notify the prospective or probationary employee that further review by the Comprehensive Review Committee has been requested.

(ii) the review for prospective employees and volunteers by the Comprehensive Review Committee shall follow the criteria outlined in 62A-2-120 and R501-14 as it relates to the process for review, the items or methods of consideration and the process and criteria used in making determinations.

(iii) Following the review, the Comprehensive Review Committee shall make one of the following findings:

(A) A determination to deny the background screening which will result in the Director denying or terminating the employment of the prospective or probationary employee or refuse the acceptance of the volunteer; or

(B) A determination of employment eligibility or to permit acceptance of the volunteer.

(iv) the determination of the Comprehensive Review Committee to deny the background screening will result in the Director denying or terminating the employment of the prospective or probationary employee or refuse acceptance of the volunteer and is final.

(v) Upon receiving the Comprehensive Review Committee determination of employment eligibility or to accept a volunteer A Director, in their sole discretion may:

(A) approve the employment or continued employment of the prospective or probationary employee or approve the acceptance of the volunteer; or

(B) deny or terminate the employment of the prospective or probationary employee or refuse the acceptance of the volunteer.

~~[the Director has sole discretion to determine whether to deny employment or refer a prospective or probationary employee or volunteer with the following background screening findings to the DHS Employee and Volunteer Comprehensive Review Committee:~~

~~(i) all other circumstances outlined in 62A-2-120(6)(a); or~~
~~(ii) any MIS supported or substantiated findings (for individuals with direct access only);~~

~~(e)]~~ (vi) the determinations of the Director and the DHS Employee and Volunteer Comprehensive Review Committee are final, and a prospective or probationary employee or volunteer has no right to appeal.

(4) Review process for non-probationary employees:

(a) the following background screening findings shall be submitted to the Director:

- (i) automatic denial offenses outlined in 62A-2-120(5)(a);
- (ii) all other circumstances outlined in 62A-2-120(6)(a); and
- (iii) any MIS supported or substantiated findings;

(b) the Director may consult with the Office of Licensing and shall consult with the Executive Director to evaluate whether the

non-probationary employee may present a risk of harm to a child or vulnerable adult, or does not meet DHS high standards of conduct or promote public trust; the Director, Executive Director and Office of Licensing, if consulted, shall consider the factors and information outlined in 62A-2-120(6) (b).

(c) the Executive Director may, in his/her sole discretion, approve the non-probationary employee for continued employment, including defining permissible and impermissible DHS-wide work-related activities, or consult the Department of Human Resource Management regarding termination of employment. The determination of the Executive Director is final.

~~**[R495-885-6. DHS Employee and Volunteer Comprehensive Review Committee.**~~

~~(1) The Director of the following Department divisions and offices shall appoint one member and one alternate to serve on the DHS Employee and Volunteer Comprehensive Review Committee:~~

- ~~(a) the Executive Director's Office;~~
- ~~(b) the Division of Aging and Adult Services;~~
- ~~(c) the Division of Child and Family Services;~~
- ~~(d) the Division of Juvenile Justice Services;~~
- ~~(e) the Division of Services for People with Disabilities;~~
- ~~(f) the Division of Substance Abuse and Mental Health; and~~
- ~~(i) the Office of Licensing.~~

~~(2) DHS Employee and Volunteer Comprehensive Review Committee members and alternates shall be professional staff persons who are familiar with the programs they represent.~~

~~(3) The appointed Office of Licensing member shall chair the DHS Employee and Volunteer Comprehensive Review Committee as a non-voting member.~~

~~(4) Four voting members shall constitute a quorum.~~

~~(5) The DHS Employee and Volunteer Comprehensive Review Committee shall conduct a comprehensive review of a prospective or probationary employee or volunteer's background screening application, criminal history records, abuse, neglect or exploitation records, and related circumstances, in accordance with Section 62A-2-120(6).~~

~~**R495-885-7. DHS Employee and Volunteer Comprehensive Review Process.**~~

~~(1) The Office or Division may inform the prospective or probationary employee or volunteer that the results of a background screening indicate they have a criminal history or supported or substantiated findings of abuse or neglect, and the employee or volunteer may:~~

- ~~(a) voluntarily withdraw a pending employment or volunteer application;~~
- ~~(b) voluntarily terminate probationary employment; or~~
- ~~(c) request further review and submit any written statements or records that the employee or volunteer wants the DHS Employee and Volunteer Comprehensive Review Committee to consider, including but not limited to non-redacted documents relating to the results, the nature and seriousness of the offense or incident; the circumstances under which the offense or incident occurred; the age of the employee or volunteer when the offense or incident occurred; whether the offense or incident was an isolated or repeated incident; whether the offense or incident directly relates to abuse of a child or vulnerable adult, evidence of rehabilitation, counseling, psychiatric~~

~~treatment received, or additional academic or vocational schooling completed:~~

~~(i) an employee or volunteer who wants the DHS Employee and Volunteer Comprehensive Review Committee to consider documents relating to the screening results shall submit the documents to the Office or Division within 15 calendar days of notification by the Office or Division.~~

~~(2) The Office or Division shall gather information from a prospective or probationary employee or volunteer who requests review and submit it to the DHS Employee and Volunteer Comprehensive Review Committee:~~

~~(a) the Division may redact any personally identifying information of the prospective or probationary employee or volunteer that does not compromise the content of the review.~~

~~(3) The DHS Employee and Volunteer Comprehensive Review Committee shall evaluate the information provided by the Office or Division and any information provided by the prospective or probationary employee or volunteer. The DHS Employee and Volunteer Comprehensive Review Committee shall consider:~~

- ~~(a) the date of the offense or incident;~~
- ~~(b) the nature and seriousness of the offense or incident;~~
- ~~(c) the circumstances under which the offense or incident occurred;~~
- ~~(d) the age of prospective or probationary employee or volunteer when the offense or incident occurred;~~
- ~~(e) whether the offense or incident was an isolated or repeated incident;~~
- ~~(f) whether the offense or incident directly relates to abuse of a child or vulnerable adult;~~
- ~~(g) whether approval would likely create a risk of harm to a child or a vulnerable adult;~~
- ~~(h) whether the information may be relevant to the employment or volunteer activities of that person;~~
- ~~(i) whether the relevant information should be relied upon to deny employment or volunteer activities; and~~
- ~~(j) that the background screening approval may be transferred to other DHS Offices or Divisions.~~

~~(4) The DHS Employee and Volunteer Comprehensive Review Committee may approve the background screening of a prospective or probationary employee or volunteer only after a simple majority of the voting members of the DHS Employee and Volunteer Comprehensive Review Committee determines that approval will not likely create a risk of harm to a child or vulnerable adult or the prospective employee does not meet DHS high standards of conduct or promote public trust, and identify permissible and impermissible DHS-wide work-related activities.~~

~~(5) The DHS Employee and Volunteer Comprehensive Review Committee shall recommend denial of the background screening of a prospective or probationary employee or volunteer when it finds that approval will likely create a risk of harm to a child or vulnerable adult in any DHS Office or Division or the prospective or probationary employee or volunteer does not meet DHS high standards of conduct or promote public trust:~~

~~(a) except as described in R495-885-7(6), a prospective employee or a volunteer whose background screening has been denied shall not be accepted as a volunteer or hired as an employee;~~

~~(b) a probationary employee whose background screening has been denied shall have no direct access and employment shall be terminated.~~

~~_____ (6) A Director may, in his/her sole discretion, appeal the decision of the DHS Employee and Volunteer Comprehensive Review Committee to the Executive Director.]~~

R495-885-[8]6. Division/Office Responsibilities.

(1) The Department shall notify the DHS Office of Licensing within five months of the termination of each employee for whom fingerprints have been retained under Section 62A-2-120 to enable the Office of Licensing to notify BCI and ensure the destruction of fingerprints.

(2) Each Division and Office shall ensure that an employee or volunteer who previously was screened based upon having no direct

access shall, prior to having any direct access, be screened and approved in accordance with R495-885.

R495-885-[9]7. Compliance.

The Department will set an implementation schedule to be in compliance with this rule no later than ~~[June 30]~~October 31, 2018.

KEY: background, employees, human services, screenings

Date of Enactment or Last Substantive Amendment: 2018

Authorizing, and Implemented or Interpreted Law: 62A-1-118; 62A-2-120

End of the Notices of Changes in Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <https://rules.utah.gov/>. 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.

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

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 42925
FILED: 05/15/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 63, provides for the licensure and regulation of contract security companies, armored car companies, armored car security officers, armed private security officers and unarmed private security officers. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-63-201(3)(a) provides that the Security Services Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the Division Director. This rule was enacted to clarify the provisions of Title 58, Chapter 63, with respect to contract security companies, armed private security officers, and unarmed private security officers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in

September 2013, this rule has been amended several times. However, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under the statutory authority provided in Title 58, Chapter 63, with respect to contract security companies, armed private security officers, and unarmed private security officers. This rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
OCCUPATIONAL AND PROFESSIONAL
LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jana Johansen by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at janajohansen@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 05/15/2018

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

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 42924
FILED: 05/15/2018

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 63, provides for the licensure and regulation of contract security companies, armored car companies, armored car security officers, armed private security officers, and unarmed private security officers. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-63-201(3)(a) provides that the Security Services Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the Division Director. This rule was enacted to clarify the provisions of Title 58, Chapter 63, with respect to armored car companies and armored car security officers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in September 2013, this rule has been amended several times. However, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under the statutory authority provided in Title 58, Chapter 63, with respect to armored car companies and armored car security officers. This rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

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

OCCUPATIONAL AND PROFESSIONAL
LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jana Johansen by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at janajohansen@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 05/15/2018

**Education, Administration
R277-104
ADA Complaint Procedure**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 42909
FILED: 05/11/2018

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized pursuant to 28 CFR 35.107 which adopts, defines, and publishes complaint procedures providing for prompt and equitable resolution of complaints filed in accordance with Title II of the Americans with Disabilities Act, as amended.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it establishes the Utah State Office of Education (USOE) and the Utah State Office of Rehabilitation (USOR) procedures for non-USOE, non-USOR and non-Board employees to file complaints under the federal ADA law and to provide appropriate classification of the records of complaints and appeals. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

EFFECTIVE: 05/11/2018

Education, Administration
R277-107
Educational Services Outside of
Educator's Regular Employment

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 42910
FILED: 05/11/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Utah Constitution Article X, Section 3, which vests general control and supervision of public education in the Utah State Board of Education (Board), Section 53A-1-402.5 which directs the Board to make rules that establish basic ethical conduct standards for employees who provide public education-related services or activities outside of their regular employment, and Subsection 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it provides direction and parameters for employees who provide or participate in public education-related services or activities outside of their regular public education employment. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

EFFECTIVE: 05/11/2018

Education, Administration
R277-436
Gang Prevention and Intervention
Programs in the Schools

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 42907
FILED: 05/11/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Utah Constitution Article X, Section 3, which vests general control and authority over public education in the Utah State Board of Education (Board), by Subsection 53A-17a-166(1)(b) which appropriates funds to be used for Gang Prevention and Intervention Programs in the schools, and Subsection 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it establishes standards and procedures for distributing funding for gang prevention and intervention programs in public schools. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

EFFECTIVE: 05/11/2018

Education, Administration
R277-614
Athletes and Students with Head Injuries

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 42908
FILED: 05/11/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Utah Constitution X, Section 3, which vests general control and supervision in the Utah State Board of Education (Board), and by Subsection 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule continues to be necessary because it directs LEAs under the general control and supervision of the Board to adopt and enforce a head injury policy for students participating in sporting events as defined in the law, including notification to parents of the policy and receipt from parents of signed statements that parents understand and will

support the LEA in the enforcement of the policy. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Angela Stallings by phone at 801-538-7550, by FAX at 801-538-7768, or by Internet E-mail at angie.stallings@schools.utah.gov

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

EFFECTIVE: 05/11/2018

Health, Family Health and Preparedness, Child Care Licensing
R430-50
Residential Certificate Child Care

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 42877
FILED: 05/09/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 26-39-301(1)(a) allows the Department of Health (Department) to "make and enforce rules to implement this chapter and, as necessary to protect children's common needs for a safe and healthy environment...".

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments submitted to the Division of Child Care Licensing regarding this rule other than specific comments submitted on the amendments to this rule in December 2017. Those comments were addressed in the adoption of the amended 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 continuation of this rule is necessary for the Department to comply with its statutory duty to make and enforce rules in accordance with Section 26-39-301 to regulate child care programs for the health and safety of children.

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

HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 CHILD CARE LICENSING
 3760 S HIGHLAND DR
 SALT LAKE CITY, UT 84106
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Simon Bolivar by phone at 801-803-4618, by FAX at 801-237-0786, or by Internet E-mail at sbolivar@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 05/09/2018

**Health, Family Health and
 Preparedness, Child Care Licensing
 R430-90
 Licensed Family Child Care**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 42876
 FILED: 05/09/2018

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 26-39-301(1)(a) allows the Department of Health (Department) to "make and enforce rules to implement this chapter and, as necessary to protect children's common needs for a safe and healthy environment...".

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments submitted to the Division of Child Care Licensing regarding this rule other than specific comments submitted on the amendments to this rule in December 2017. Those comments were addressed in the adoption of the amended 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 continuation of this rule is necessary for the Department to comply with its statutory duty to make and enforce rules in accordance with Section 26-39-301 to regulate child care programs for the health and safety of children.

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

HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 CHILD CARE LICENSING
 3760 S HIGHLAND DR
 SALT LAKE CITY, UT 84106
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Simon Bolivar by phone at 801-803-4618, by FAX at 801-237-0786, or by Internet E-mail at sbolivar@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 05/09/2018

**Insurance, Administration
 R590-219
 Credit Scoring**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 42875
 FILED: 05/04/2018

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3)(a) authorizes the Insurance Commissioner to make rules to implement the provisions of the Insurance Code, Title 31A. Subsection 31A-22-320(3) authorizes the Insurance Commissioner to write rules to regulate the use of credit information. This rule sets the minimum standards for property and casualty insurers doing private passenger automobile business in Utah that use credit history or an insurance score as part of their underwriting criteria or rating plans.

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 Department of Insurance

(Department) has received no written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary for regulating the way in which automobile insurance companies use an insured's credit score. One of the main reasons for this rule and the law is to disallow insurers from using a credit score as the sole reason to cancel an insured's policy. The law and this rule requires the presence of risk-related factors before increasing an insured's premium or canceling their policy. Since the creation of the law and this rule, the Department has received fewer and fewer complaints related to misuse of credit scores. Therefore, this rule should be continued.

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

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

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 05/04/2018

Insurance, Administration
R590-222
Life Settlements

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42874
FILED: 05/04/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3) authorizes the Insurance Commissioner to write rules to implement the provisions of the Insurance Code, Title 31A. Section 31A-36-119 authorizes the Insurance Commissioner to adopt rules regarding life settlements. This rule implements procedures for the licensure of life settlement

providers and producers, producers' annual reports, disclosures, advertising, reporting of fraud, prohibited practices, standards for life settlement payments, and procedures to request the verification of coverage.

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 Department of Insurance has received no written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides the requirements and explanations regarding the business of life settlements, including licensing, annual reports, payments, disclosures, reasonable payments, verification of coverage, advertising, fraud reporting, prohibited practices, and form filing. All are necessary for the proper regulation of this product in the marketplace and to protect the consumer. Therefore, this rule should be continued.

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

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

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 05/04/2018

Insurance, Administration
R590-223
Rule to Recognize the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42873
FILED: 05/04/2018

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3) authorizes the Insurance Commissioner to write rules to implement the provisions of the Insurance Code, Title 31A. Subsection 31A-17-402(1) authorizes the Insurance Commissioner to adopt rules specifying the liabilities to be reported by an insurer in an annual statement, as well as the methods of valuing those liabilities. Subsection 31A-22-408(11) authorizes the Insurance Commissioner to adopt rules interpreting, describing, and clarifying the application of the nonforfeiture law. Subsection 31A-22-408(6) allows the use of the tables adopted by the Insurance Commissioner by rule. This rule recognizes, permits, and prescribes the use of the 2001 Commissioners Standard Ordinary (CSO) Mortality Table in accordance with Sections 31A-17-504 and 31A-22-408, and Section R590-198-5.

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 Department of Insurance has received no written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is part of statutory accounting requirements. It prescribes a mortality table to be used for the valuation and nonforfeiture for life insurance. It establishes reserving standards consistent with that recommended by the National Association of Insurance Commissioners' (NAIC) Accounting Practices and Procedures Manual. Repealing this rule would adversely impact insurance companies and consumers. If this rule is withdrawn, it will make life insurance less affordable. Therefore, this rule should be continued.

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

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

AUTHORIZED BY: Steve Gooch, Information Specialist

EFFECTIVE: 05/04/2018

Pardons (Board of), Administration

R671-312A

**Commutation Procedures Applicable to
Persons Sentenced to Death Before
April 26, 1992**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 42905
FILED: 05/11/2018

**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 77-19-8 defines judgement of death, when suspended, and by whom; Section 77-27-2 defines the Board of Pardons and Parole (Board) creation, compensation, and functions; Section 77-27-4 defines the Board's appointment of the chairperson and vice chairperson; Section 77-27-5 defines the Board's authority; Section 77-27-5.5 defines the review procedure for commutation; Section 77-27-8 defines the Board's record of hearing; Section 77-27-9 defines the Board's parole proceedings; and Section 77-27-9.5 defines the role of the victim(s) in relation to hearing notice, attendance, and statement.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received related to this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Board supports the continuation of this rule because it is a guide for the Board to use to strive for balance and fairness with commutation procedures.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buiipi@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 05/11/2018

**Pardons (Board of), Administration
R671-312B**

**Commutation Procedures Applicable to
Persons Sentenced to Death After April
26, 1992**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 42906
FILED: 05/11/2018

**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 77-19-8 defines judgement of death, when suspended, and by whom; Section 77-27-2 defines the Board of Pardons and Parole (Board) creation, compensation, and functions; Section 77-27-4 defines the Board's appointment of the chairperson and vice chairperson; Section 77-27-5 defines the Board's authority; Section 77-27-5.5 defines the review procedure for commutation; Section 77-27-8 defines the Board's record of hearing; Section 77-27-9 defines the Board's parole proceedings; and Section 77-27-9.5 defines the role of the

victim(s) in relation to hearing notice, attendance, and statement.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received related to this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Board supports the continuation of this rule because it is a guide for the Board to use to strive for balance and fairness with commutation procedures.

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

PARDONS (BOARD OF)
ADMINISTRATION
ROOM 300
448 E 6400 S
SALT LAKE CITY, UT 84107-8530
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Bev Uipi by phone at 801-261-6446, or by Internet E-mail at buipi@utah.gov

AUTHORIZED BY: Chyleen Arbon, Chair

EFFECTIVE: 05/11/2018

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

Agriculture and Food

Administration

No. 42559 (NEW): R51-5. Rural Rehabilitation Loans

Published: 03/01/2018

Effective: 05/02/2018

Education

Administration

No. 42697 (AMD): R277-502. Educator Licensing and Data

Retention

Published: 04/01/2018

Effective: 05/08/2018

No. 42698 (AMD): R277-508. Employment of Substitute

Teachers

Published: 04/01/2018

Effective: 05/08/2018

No. 42699 (AMD): R277-521. National Board Certification

Reimbursement

Published: 04/01/2018

Effective: 05/08/2018

No. 42700 (AMD): R277-532. Local Board Policies for
Evaluation of Non-Licensed Public Education Employees
(Classified Employees)

Published: 04/01/2018

Effective: 05/08/2018

No. 42701 (AMD): R277-609. Standards for LEA Discipline
Plans and Emergency Safety Interventions

Published: 04/01/2018

Effective: 05/08/2018

No. 42702 (AMD): R277-746. Driver Education Programs for
Utah Schools

Published: 04/01/2018

Effective: 05/08/2018

No. 42703 (AMD): R277-751. Special Education Extended
School Year (ESY)

Published: 04/01/2018

Effective: 05/08/2018

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 42631 (AMD): R414-1-5. Incorporations by Reference

Published: 03/15/2018

Effective: 05/08/2018

No. 42625 (AMD): R414-2A-7. Limitations

Published: 03/15/2018

Effective: 05/08/2018

No. 42594 (AMD): R414-3A-5. Services

Published: 03/01/2018

Effective: 05/08/2018

No. 42627 (AMD): R414-302-6. Residents of Institutions

Published: 03/15/2018

Effective: 05/08/2018

No. 42628 (AMD): R414-308-3. Application and Signature

Published: 03/15/2018

Effective: 05/08/2018

No. 42629 (NEW): R414-311. Targeted Adult Medicaid

Published: 03/15/2018

Effective: 05/08/2018

NOTICES OF RULE EFFECTIVE DATES

Human Services

Administration, Administrative Services, Licensing
No. 42317 (R&R): R501-7. Child Placing Adoption Agencies
Published: 12/01/2017
Effective: 05/02/2018

No. 42317 (CPR): R501-7. Child Placing Adoption Agencies
Published: 03/15/2018
Effective: 05/02/2018

Recovery Services

No. 42638 (NEW): R527-303. Automatic Payment
Withdrawal
Published: 04/01/2018
Effective: 05/08/2018

Public Service Commission

Administration
No. 42670 (AMD): R746-1-201. Complaints
Published: 04/01/2018
Effective: 05/10/2018

School and Institutional Trust Lands

Administration
No. 42678 (AMD): R850-40. Easements
Published: 04/01/2018
Effective: 05/08/2018

No. 42677 (AMD): R850-50. Range Management
Published: 04/01/2018
Effective: 05/08/2018

Transportation

Administration
No. 42688 (AMD): R907-80. Disposition of Surplus Land
Published: 04/01/2018
Effective: 05/09/2018

Operations, Construction

No. 42690 (AMD): R916-2. Prequalification of Contractors
Published: 04/01/2018
Effective: 05/09/2018

Operations, Traffic and Safety

No. 42689 (AMD): R920-6. Snow Tire and Chain
Requirements
Published: 04/01/2018
Effective: 05/08/2018

Workforce Services

Employment Development
No. 42693 (AMD): R986-600. Workforce Innovation and
Opportunity Act
Published: 04/01/2018
Effective: 05/08/2018

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, 2018 through May 15, 2018. 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 (801-538-3003).

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 (<https://rules.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

| | |
|----------------------------------|---|
| AMD = Amendment (Proposed Rule) | LNR = Legislative Nonreauthorization |
| CPR = Change in Proposed Rule | NEW = New Rule (Proposed Rule) |
| EMR = 120-Day (Emergency) Rule | NSC = Nonsubstantive Rule Change |
| EXD = Expired Rule | R&R = Repeal and Reenact (Proposed Rule) |
| EXP = Expedited Rule | REP = Repeal (Proposed Rule) |
| EXT = Five-Year Review Extension | 5YR = Five-Year Notice of Review and Statement of Continuation |
| GEX = Governor's Extension | |

| CODE REFERENCE | TITLE | FILE NUMBER | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
|---|--|-------------|--------|----------------|---------------------|
| ADMINISTRATIVE SERVICES | | | | | |
| <u>Administration</u> | | | | | |
| R13-3 | Americans with Disabilities Act Grievance Procedures | 42634 | AMD | 04/23/2018 | 2018-6/4 |
| <u>Facilities Construction and Management</u> | | | | | |
| R23-5 | Contingency Funds | 42347 | AMD | 01/23/2018 | 2017-24/8 |
| R23-9 | Cooperation with Local Government Planning | 42348 | AMD | 01/23/2018 | 2017-24/9 |
| <u>Finance</u> | | | | | |
| R25-5 | Payment of Meeting Compensation (Per Diem) to Boards | 42570 | 5YR | 02/08/2018 | 2018-5/141 |
| R25-6 | Relocation Reimbursement | 42571 | 5YR | 02/08/2018 | 2018-5/141 |
| R25-7 | Travel-Related Reimbursements for State Employees | 42572 | 5YR | 02/08/2018 | 2018-5/142 |
| R25-8 | Overtime Meal Allowance | 42573 | 5YR | 02/08/2018 | 2018-5/142 |
| AGRICULTURE AND FOOD | | | | | |
| <u>Administration</u> | | | | | |
| R51-5 | Rural Rehabilitation Loans | 42559 | NEW | 05/02/2018 | 2018-5/4 |
| R51-6 | Agricultural Advisory Board Electronic Meeting | 42472 | NEW | 03/23/2018 | 2018-3/4 |
| <u>Plant Industry</u> | | | | | |
| R68-5 | Grain Inspection | 42530 | 5YR | 01/30/2018 | 2018-4/95 |
| R68-5 | Grain Inspection | 42531 | NSC | 02/27/2018 | Not Printed |
| R68-14 | Quarantine Pertaining to Gypsy Moth - Lymantria Dispar | 42721 | 5YR | 03/26/2018 | 2018-8/145 |
| <u>Regulatory Services</u> | | | | | |
| R70-940 | Standards and Testing of Motor Fuel | 42422 | R&R | 02/22/2018 | 2018-2/6 |
| ATTORNEY GENERAL | | | | | |
| <u>Administration</u> | | | | | |
| R105-2 | Records Access and Management | 42367 | AMD | 02/07/2018 | 2018-1/2 |
| CAREER SERVICE REVIEW OFFICE | | | | | |
| <u>Administration</u> | | | | | |
| R137-2 | Government Records Access and Management Act | 42779 | 5YR | 04/09/2018 | 2018-9/69 |

COMMERCE

Consumer Protection

| | | | | | |
|----------|---|-------|-----|------------|-------------|
| R152-1 | Utah Division of Consumer Protection Buyer Beware List | 42827 | NSC | 04/26/2018 | Not Printed |
| R152-1a | Internet Content Provider Ratings Methods | 42828 | NSC | 04/26/2018 | Not Printed |
| R152-6 | Utah Administrative Procedures Act Rules | 42830 | NSC | 04/26/2018 | Not Printed |
| R152-11 | Utah Consumer Sales Practices Act | 42831 | NSC | 04/26/2018 | Not Printed |
| R152-15 | Business Opportunity Disclosure Act Rules | 42832 | NSC | 04/26/2018 | Not Printed |
| R152-20 | New Motor Vehicle Warranties | 42833 | NSC | 04/26/2018 | Not Printed |
| R152-21 | Credit Services Organizations Act Rules | 42834 | NSC | 04/26/2018 | Not Printed |
| R152-22 | Charitable Solicitations Act | 42835 | NSC | 04/26/2018 | Not Printed |
| R152-23 | Utah Health Spa Services | 42836 | NSC | 04/26/2018 | Not Printed |
| R152-26 | Telephone Fraud Prevention Act | 42837 | NSC | 04/26/2018 | Not Printed |
| R152-32a | Pawnshop and Secondhand Merchandise Transaction Information Act Rules | 42838 | NSC | 04/26/2018 | Not Printed |
| R152-34 | Postsecondary Proprietary School Act Rules | 42839 | NSC | 04/26/2018 | Not Printed |
| R152-34a | Utah Postsecondary School State Authorization Act Rules | 42840 | NSC | 04/26/2018 | Not Printed |
| R152-39 | Child Protection Registry Rules | 42841 | NSC | 04/26/2018 | Not Printed |
| R152-42 | Uniform Debt-Management Services Act Rules | 42842 | NSC | 04/26/2018 | Not Printed |
| R152-49 | Immigration Consultants Registration Act Rules | 42843 | NSC | 04/26/2018 | Not Printed |

Occupational and Professional Licensing

| | | | | | |
|--------------|---|-------|-----|------------|-------------|
| R156-1 | General Rule of the Division of Occupational and Professional Licensing | 42582 | AMD | 04/09/2018 | 2018-5/7 |
| R156-5a | Podiatric Physician Licensing Act Rule | 42869 | 5YR | 05/01/2018 | 2018-10/155 |
| R156-24b-102 | Definitions | 42623 | NSC | 03/14/2018 | Not Printed |
| R156-31b | Nurse Practice Act Rule | 42448 | 5YR | 01/08/2018 | 2018-3/69 |
| R156-37c | Utah Controlled Substance Precursor Act Rule | 42848 | 5YR | 04/24/2018 | 2018-10/155 |
| R156-46b-401 | In General | 42428 | NSC | 01/18/2018 | Not Printed |
| R156-55b-102 | Definitions | 42429 | NSC | 01/18/2018 | Not Printed |
| R156-63a | Security Personnel Licensing Act Contract Security Rule | 42925 | 5YR | 05/15/2018 | Not Printed |
| R156-63b | Security Personnel Licensing Act Armored Car Rule | 42924 | 5YR | 05/15/2018 | Not Printed |
| R156-68 | Utah Osteopathic Medical Practice Act Rule | 42447 | 5YR | 01/08/2018 | 2018-3/70 |
| R156-72 | Acupuncture Licensing Act Rule | 42338 | AMD | 01/23/2018 | 2017-24/11 |
| R156-74 | Certified Court Reporters Licensing Act Rule | 42847 | 5YR | 04/24/2018 | 2018-10/156 |
| R156-78-502 | Unprofessional Conduct | 42243 | AMD | 01/02/2018 | 2017-22/28 |

CORRECTIONS

Administration

| | | | | | |
|----------|---|-------|-----|------------|------------|
| R251-114 | Offender Long-Term Health Care - Notice | 42637 | 5YR | 03/07/2018 | 2018-7/161 |
|----------|---|-------|-----|------------|------------|

EDUCATION

Administration

| | | | | | |
|----------|---|-------|-----|------------|-------------|
| R277-100 | Definitions for Utah State Board of Education (Board) Rules | 42749 | NSC | 04/12/2018 | Not Printed |
| R277-101 | Public Participation in Utah State Board of Education Meetings | 42750 | NSC | 04/12/2018 | Not Printed |
| R277-102 | Adjudicative Proceedings | 42751 | NSC | 04/12/2018 | Not Printed |
| R277-104 | ADA Complaint Procedure | 42909 | 5YR | 05/11/2018 | Not Printed |
| R277-105 | Recognizing Constitutional Freedoms in the Schools | 42752 | NSC | 04/12/2018 | Not Printed |
| R277-106 | Utah Professional Practices Advisory Commission Appointment Process | 42753 | NSC | 04/12/2018 | Not Printed |
| R277-107 | Educational Services Outside of Educator's Regular Employment | 42910 | 5YR | 05/11/2018 | Not Printed |
| R277-108 | Annual Assurance of Compliance by Local School Boards | 42754 | NSC | 04/12/2018 | Not Printed |
| R277-109 | Legislative Reporting and Accountability | 42755 | NSC | 04/12/2018 | Not Printed |
| R277-110 | Educator Salary Adjustment | 42756 | NSC | 04/12/2018 | Not Printed |
| R277-113 | LEA Fiscal and Auditing Policies | 42849 | EXD | 04/24/2018 | 2018-10/159 |

RULES INDEX

| | | | | | |
|------------|---|-------|-----|------------|-------------|
| R277-114 | Corrective Action and Withdrawal or Reduction of Program Funds | 42757 | NSC | 04/12/2018 | Not Printed |
| R277-116 | Audit Procedure | 42609 | AMD | 04/09/2018 | 2018-5/14 |
| R277-117 | Utah State Board of Education Protected Documents | 42758 | NSC | 04/12/2018 | Not Printed |
| R277-119 | Discretionary Funds | 42759 | NSC | 04/12/2018 | Not Printed |
| R277-120 | Licensing of Material Developed with Public Education Funds | 42760 | NSC | 04/12/2018 | Not Printed |
| R277-121 | Board Waiver of Administrative Rules | 42761 | NSC | 04/12/2018 | Not Printed |
| R277-122 | Board of Education Procurement | 42608 | AMD | 04/09/2018 | 2018-5/19 |
| R277-122 | Board of Education Procurement | 42780 | NSC | 04/13/2018 | Not Printed |
| R277-210 | Utah Professional Practices Advisory Commission (UPPAC), Definitions | 42771 | NSC | 04/13/2018 | Not Printed |
| R277-211 | Utah Professional Practices Advisory Commission (UPPAC), Rules of Procedure: Notification to Educators, Complaints and Final Disciplinary Actions | 42772 | NSC | 04/13/2018 | Not Printed |
| R277-212 | UPPAC Hearing Procedures and Reports | 42773 | NSC | 04/13/2018 | Not Printed |
| R277-213 | Request for Licensure Reinstatement and Reinstatement Procedures | 42774 | NSC | 04/13/2018 | Not Printed |
| R277-214 | Utah Professional Practices Advisory Commission Criminal Background Review | 42775 | NSC | 04/13/2018 | Not Printed |
| R277-215 | Utah Professional Practices Advisory Commission (UPPAC), Disciplinary Rebuttable Presumptions | 42776 | NSC | 04/13/2018 | Not Printed |
| R277-216 | Surrender of License with UPPAC Investigation Pending | 42777 | NSC | 04/13/2018 | Not Printed |
| R277-404 | Requirements for Assessments of Student Achievement | 42479 | AMD | 03/14/2018 | 2018-3/5 |
| R277-415 | School Nurses Matching Funds | 42480 | NEW | 03/14/2018 | 2018-3/11 |
| R277-436 | Gang Prevention and Intervention Programs in the Schools | 42907 | 5YR | 05/11/2018 | Not Printed |
| R277-469 | Instructional Materials Commission Operating Procedures | 42322 | AMD | 01/09/2018 | 2017-23/4 |
| R277-482 | Charter School Timelines and Approval Processes | 42610 | AMD | 04/09/2018 | 2018-5/22 |
| R277-490 | Beverly Taylor Sorenson Elementary Arts Learning Program (BTSALP) | 42471 | 5YR | 01/12/2018 | 2018-3/70 |
| R277-490 | Beverly Taylor Sorenson Elementary Arts Learning Program (BTSALP) | 42481 | AMD | 03/14/2018 | 2018-3/13 |
| R277-491-4 | School Community Council Principal Responsibilities | 42323 | AMD | 01/09/2018 | 2017-23/9 |
| R277-502 | Educator Licensing and Data Retention | 42697 | AMD | 05/08/2018 | 2018-7/19 |
| R277-508 | Employment of Substitute Teachers | 42762 | 5YR | 04/02/2018 | 2018-8/145 |
| R277-508 | Employment of Substitute Teachers | 42698 | AMD | 05/08/2018 | 2018-7/24 |
| R277-515 | Utah Educator Professional Standards | 42324 | AMD | 01/09/2018 | 2017-23/11 |
| R277-518 | Career and Technical Education Licenses | 42618 | 5YR | 02/26/2018 | 2018-6/47 |
| R277-519 | Educator Professional Learning Procedures and Credit | 42325 | AMD | 01/09/2018 | 2017-23/16 |
| R277-521 | National Board Certification Reimbursement | 42699 | AMD | 05/08/2018 | 2018-7/26 |
| R277-530-3 | Board Expectations for Effective Teaching, Educational Leadership, and Educational School Counselor Standards | 42439 | NSC | 01/25/2018 | Not Printed |
| R277-532 | Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees) | 42763 | 5YR | 04/02/2018 | 2018-8/146 |
| R277-532 | Local Board Policies for Evaluation of Non-Licensed Public Education Employees (Classified Employees) | 42700 | AMD | 05/08/2018 | 2018-7/29 |
| R277-609 | Standards for LEA Discipline Plans and Emergency Safety Interventions | 42701 | AMD | 05/08/2018 | 2018-7/31 |
| R277-610 | Released-Time Classes and Public Schools | 42621 | 5YR | 02/26/2018 | 2018-6/47 |
| R277-610 | Released-Time Classes and Public Schools | 42611 | AMD | 04/09/2018 | 2018-5/26 |
| R277-614 | Athletes and Students with Head Injuries | 42908 | 5YR | 05/11/2018 | Not Printed |
| R277-621 | District of Residence | 42326 | NEW | 01/09/2018 | 2017-23/17 |
| R277-700 | The Elementary and Secondary School General Core | 42482 | AMD | 03/14/2018 | 2018-3/16 |

| | | | | | |
|----------|---|-------|-----|------------|------------|
| R277-705 | Secondary School Completion and Diplomas | 42394 | AMD | 02/28/2018 | 2018-1/5 |
| R277-708 | Enhancement for At-Risk Students | 42483 | AMD | 03/14/2018 | 2018-3/23 |
| R277-709 | Education Programs Serving Youth in Custody | 42619 | 5YR | 02/26/2018 | 2018-6/48 |
| R277-709 | Education Programs Serving Youth in Custody | 42613 | AMD | 04/09/2018 | 2018-5/34 |
| R277-717 | High School Course Grading Requirements | 42484 | AMD | 03/14/2018 | 2018-3/26 |
| R277-719 | Standards for Selling Foods Outside of the Reimbursable Meal in Schools | 42620 | 5YR | 02/26/2018 | 2018-6/48 |
| R277-719 | Standards for Selling Foods Outside of the Reimbursable Meal in Schools | 42614 | AMD | 04/09/2018 | 2018-5/39 |
| R277-746 | Driver Education Programs for Utah Schools | 42764 | 5YR | 04/02/2018 | 2018-8/146 |
| R277-746 | Driver Education Programs for Utah Schools | 42702 | AMD | 05/08/2018 | 2018-7/36 |
| R277-751 | Special Education Extended School Year (ESY) | 42765 | 5YR | 04/02/2018 | 2018-8/147 |
| R277-751 | Special Education Extended School Year (ESY) | 42703 | AMD | 05/08/2018 | 2018-7/38 |
| R277-920 | Implementation of the School Turnaround and Leadership Development Act | 42327 | AMD | 01/09/2018 | 2017-23/19 |

ENVIRONMENTAL QUALITY

Air Quality

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R307-102 | General Requirements: Broadly Applicable Requirements | 42546 | EXT | 01/31/2018 | 2018-4/111 |
| R307-102 | General Requirements: Broadly Applicable Requirements | 42639 | 5YR | 03/08/2018 | 2018-7/161 |
| R307-107 | General Requirements: Breakdowns | 42640 | 5YR | 03/08/2018 | 2018-7/162 |
| R307-115 | General Conformity | 42548 | EXT | 01/31/2018 | 2018-4/111 |
| R307-115 | General Conformity | 42641 | 5YR | 03/08/2018 | 2018-7/163 |
| R307-123 | General Requirements: Clean Fuels and Vehicle Technology Grant and Loan Program | 42642 | 5YR | 03/08/2018 | 2018-7/163 |
| R307-150 | Emission Inventories | 42107 | AMD | 03/05/2018 | 2017-19/55 |
| R307-150 | Emission Inventories | 42107 | CPR | 03/05/2018 | 2018-3/46 |
| R307-170 | Continuous Emission Monitoring Program | 42550 | EXT | 01/31/2018 | 2018-4/111 |
| R307-170 | Continuous Emission Monitoring Program | 42643 | 5YR | 03/08/2018 | 2018-7/164 |
| R307-208 | Outdoor Wood Boilers | 42644 | 5YR | 03/08/2018 | 2018-7/164 |
| R307-220 | Emission Standards: Plan for Designated Facilities | 42553 | EXT | 01/31/2018 | 2018-4/111 |
| R307-220 | Emission Standards: Plan for Designated Facilities | 42645 | 5YR | 03/08/2018 | 2018-7/165 |
| R307-221 | Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills | 42552 | EXT | 01/31/2018 | 2018-4/112 |
| R307-221 | Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills | 42646 | 5YR | 03/08/2018 | 2018-7/166 |
| R307-222 | Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste | 42532 | EXT | 01/31/2018 | 2018-4/112 |
| R307-222 | Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste | 42647 | 5YR | 03/08/2018 | 2018-7/166 |
| R307-223 | Emission Standards: Existing Small Municipal Waste Combustion Units | 42533 | EXT | 01/31/2018 | 2018-4/112 |
| R307-223 | Emission Standards: Existing Small Municipal Waste Combustion Units | 42648 | 5YR | 03/08/2018 | 2018-7/167 |
| R307-224 | Mercury Emission Standards: Coal-Fired Electric Generating Units | 42534 | EXT | 01/31/2018 | 2018-4/112 |
| R307-224 | Mercury Emission Standards: Coal-Fired Electric Generating Units | 42649 | 5YR | 03/08/2018 | 2018-7/167 |
| R307-250 | Western Backstop Sulfur Dioxide Trading Program | 42535 | EXT | 01/31/2018 | 2018-4/113 |
| R307-250 | Western Backstop Sulfur Dioxide Trading Program | 42650 | 5YR | 03/08/2018 | 2018-7/168 |
| R307-303 | Commercial Cooking | 42651 | 5YR | 03/08/2018 | 2018-7/168 |
| R307-312 | Aggregate Processing Operations for PM2.5 Nonattainment Areas | 42536 | EXT | 01/31/2018 | 2018-4/113 |
| R307-312 | Aggregate Processing Operations for PM2.5 Nonattainment Areas | 42652 | 5YR | 03/08/2018 | 2018-7/169 |
| R307-342 | Adhesives and Sealants | 42653 | 5YR | 03/08/2018 | 2018-7/170 |
| R307-344 | Paper, Film, and Foil Coatings | 42537 | EXT | 01/31/2018 | 2018-4/113 |
| R307-344 | Paper, Film, and Foil Coatings | 42654 | 5YR | 03/08/2018 | 2018-7/170 |

RULES INDEX

| | | | | | |
|---|---|-------|-----|------------|-------------|
| R307-345 | Fabric and Vinyl Coatings | 42538 | EXT | 01/31/2018 | 2018-4/113 |
| R307-345 | Fabric and Vinyl Coatings | 42655 | 5YR | 03/08/2018 | 2018-7/171 |
| R307-346 | Metal Furniture Surface Coatings | 42539 | EXT | 01/31/2018 | 2018-4/114 |
| R307-346 | Metal Furniture Surface Coatings | 42656 | 5YR | 03/08/2018 | 2018-7/171 |
| R307-347 | Large Appliance Surface Coatings | 42541 | EXT | 01/31/2018 | 2018-4/114 |
| R307-347 | Large Appliance Surface Coatings | 42657 | 5YR | 03/08/2018 | 2018-7/172 |
| R307-348 | Magnet Wire Coatings | 42543 | EXT | 01/31/2018 | 2018-4/114 |
| R307-348 | Magnet Wire Coatings | 42659 | 5YR | 03/08/2018 | 2018-7/172 |
| R307-349 | Flat Wood Panel Coatings | 42540 | EXT | 01/31/2018 | 2018-4/114 |
| R307-349 | Flat Wood Paneling Coatings | 42660 | 5YR | 03/08/2018 | 2018-7/173 |
| R307-350 | Miscellaneous Metal Parts and Products Coatings | 42542 | EXT | 01/31/2018 | 2018-4/114 |
| R307-350 | Miscellaneous Metal Parts and Products Coatings | 42661 | 5YR | 03/08/2018 | 2018-7/174 |
| R307-351 | Graphic Arts | 42544 | EXT | 01/31/2018 | 2018-4/115 |
| R307-351 | Graphic Arts | 42662 | 5YR | 03/08/2018 | 2018-7/174 |
| R307-352 | Metal Container, Closure, and Coil Coatings | 42545 | EXT | 01/31/2018 | 2018-4/115 |
| R307-352 | Metal Container, Closure, and Coil Coatings | 42663 | 5YR | 03/08/2018 | 2018-7/175 |
| R307-353 | Plastic Parts Coatings | 42664 | 5YR | 03/08/2018 | 2018-7/176 |
| R307-354 | Automotive Refinishing Coatings | 42547 | EXT | 01/31/2018 | 2018-4/115 |
| R307-354 | Automotive Refinishing Coatings | 42665 | 5YR | 03/08/2018 | 2018-7/176 |
| R307-355 | Control of Emissions from Aerospace Manufacture and Rework Facilities | 42549 | EXT | 01/31/2018 | 2018-4/115 |
| R307-355 | Aerospace Manufacture and Rework Facilities | 42666 | 5YR | 03/08/2018 | 2018-7/177 |
| R307-355-3 | Exemptions | 42370 | AMD | 03/08/2018 | 2018-1/10 |
| R307-356 | Appliance Pilot Light | 42430 | EXT | 01/02/2018 | 2018-2/59 |
| R307-356 | Appliance Pilot Light | 42667 | 5YR | 03/08/2018 | 2018-7/177 |
| R307-357 | Consumer Products | 42668 | 5YR | 03/08/2018 | 2018-7/178 |
| R307-401 | Permit: New and Modified Sources | 42108 | AMD | 03/05/2018 | 2017-19/58 |
| R307-401 | Permit: New and Modified Sources | 42108 | CPR | 03/05/2018 | 2018-3/49 |
| R307-401 | Permit: New and Modified Sources | 42574 | NSC | 03/05/2018 | Not Printed |
| R307-504 | Oil and Gas Industry: Tank Truck Loading | 42109 | AMD | 03/05/2018 | 2017-19/70 |
| R307-504 | Oil and Gas Industry: Tank Truck Loading | 42109 | CPR | 03/05/2018 | 2018-3/56 |
| R307-505 | Oil and Gas Industry: Registration Requirements | 42110 | NEW | 01/26/2018 | 2017-19/71 |
| R307-506 | Oil and Gas Industry: Storage Vessels | 42111 | NEW | 03/05/2018 | 2017-19/73 |
| R307-506 | Oil and Gas Industry: Storage Vessels | 42111 | CPR | 03/05/2018 | 2018-3/58 |
| R307-507 | Oil and Gas Industry: Dehydrators | 42112 | NEW | 03/05/2018 | 2017-19/75 |
| R307-507 | Oil and Gas Industry: Dehydrators | 42112 | CPR | 03/05/2018 | 2018-3/60 |
| R307-508 | Oil and Gas Industry: VOC Control Devices | 42113 | NEW | 03/05/2018 | 2017-19/77 |
| R307-508 | Oil and Gas Industry: VOC Control Devices | 42113 | CPR | 03/05/2018 | 2018-3/62 |
| R307-509 | Oil and Gas Industry: Leak Detection and Repair Requirements | 42114 | NEW | 03/05/2018 | 2017-19/79 |
| R307-509 | Oil and Gas Industry: Leak Detection and Repair Requirements | 42114 | CPR | 03/05/2018 | 2018-3/63 |
| R307-510 | Oil and Gas Industry: Natural Gas Engine Requirements | 42115 | NEW | 03/05/2018 | 2017-19/81 |
| R307-510 | Oil and Gas Industry: Natural Gas Engine Requirements | 42115 | CPR | 03/05/2018 | 2018-3/65 |
| R307-510 | Oil and Gas Industry: Natural Gas Engine Requirements | 42858 | NSC | 05/14/2018 | Not Printed |
| R307-801 | Utah Asbestos Rule | 42551 | EXT | 01/31/2018 | 2018-4/115 |
| R307-801 | Utah Asbestos Rule | 42669 | 5YR | 03/08/2018 | 2018-7/179 |
| <u>Waste Management and Radiation Control, Radiation</u> | | | | | |
| R313-25 | License Requirements for Land Disposal of Radioactive Waste – General Provisions | 42204 | AMD | 04/09/2018 | 2017-21/83 |
| R313-25 | License Requirements for Land Disposal of Radioactive Waste – General Provisions | 42204 | CPR | 04/16/2018 | 2018-5/128 |
| <u>Waste Management and Radiation Control, Waste Management</u> | | | | | |
| R315-15 | Standards for the Management of Used Oil | 42451 | AMD | 04/19/2018 | 2018-3/35 |
| R315-15-5 | Standards for Used Oil Processors and Re-Refiners | 42615 | NSC | 03/14/2018 | Not Printed |
| R315-262-17 | General -- Conditions for Exemption for a Large Quantity Generator that Accumulates Hazardous Waste | 42672 | NSC | 03/30/2018 | Not Printed |

| | | | | | |
|---|---|-------|-----|------------|-------------|
| R315-262-17 | General -- Conditions for Exemption for a Large Quantity Generator that Accumulates Hazardous Waste | 42824 | NSC | 05/03/2018 | Not Printed |
| R315-301 | Solid Waste Authority; Definitions, and General Requirements | 42452 | 5YR | 01/12/2018 | 2018-3/71 |
| R315-302 | Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements | 42453 | 5YR | 01/12/2018 | 2018-3/72 |
| R315-303 | Landfilling Standards | 42454 | 5YR | 01/12/2018 | 2018-3/72 |
| R315-304 | Industrial Solid Waste Landfill Requirements | 42455 | 5YR | 01/12/2018 | 2018-3/73 |
| R315-305 | Class IV and VI Landfill Requirements | 42456 | 5YR | 01/12/2018 | 2018-3/74 |
| R315-306 | Incinerator Standards | 42457 | 5YR | 01/12/2018 | 2018-3/74 |
| R315-307 | Landtreatment Disposal Standards | 42458 | 5YR | 01/12/2018 | 2018-3/75 |
| R315-308 | Ground Water Monitoring Requirements | 42459 | 5YR | 01/12/2018 | 2018-3/75 |
| R315-309 | Financial Assurance | 42460 | 5YR | 01/12/2018 | 2018-3/76 |
| R315-310 | Permit Requirements for Solid Waste Facilities | 42461 | 5YR | 01/12/2018 | 2018-3/77 |
| R315-311 | Permit Approval For Solid Waste Disposal, Waste Tire Storage, Energy Recovery, And Incinerator Facilities | 42462 | 5YR | 01/12/2018 | 2018-3/77 |
| R315-312 | Recycling and Composting Facility Standards | 42463 | 5YR | 01/12/2018 | 2018-3/78 |
| R315-313 | Transfer Stations and Drop Box Facilities | 42464 | 5YR | 01/12/2018 | 2018-3/79 |
| R315-314 | Facility Standards for Piles Used for Storage and Treatment | 42465 | 5YR | 01/12/2018 | 2018-3/79 |
| R315-315 | Special Waste Requirements | 42466 | 5YR | 01/12/2018 | 2018-3/80 |
| R315-316 | Infectious Waste Requirements | 42467 | 5YR | 01/12/2018 | 2018-3/80 |
| R315-317 | Other Processes, Variances, Violations, and Petition for Rule Change | 42468 | 5YR | 01/12/2018 | 2018-3/81 |
| R315-318 | Permit by Rule | 42469 | 5YR | 01/12/2018 | 2018-3/82 |
| R315-320 | Waste Tire Transporter and Recycler Requirements | 42470 | 5YR | 01/12/2018 | 2018-3/82 |
| <u>Water Quality</u> | | | | | |
| R317-9 | Administrative Procedures | 42509 | 5YR | 01/24/2018 | 2018-4/95 |
| R317-10-10 | Examination | 42274 | AMD | 01/24/2018 | 2017-22/29 |
| R317-13 | Approvals and Permits for a Water Reuse Project | 42510 | 5YR | 01/24/2018 | 2018-4/96 |
| R317-14 | Approval of Change in Point of Discharge of POTW | 42511 | 5YR | 01/24/2018 | 2018-4/96 |
| R317-101 | Utah Wastewater Project Assistance Program | 42705 | 5YR | 03/20/2018 | 2018-8/147 |
| GOVERNOR | | | | | |
| <u>Criminal and Juvenile Justice (State Commission on)</u> | | | | | |
| R356-2-10 | Evaluation Criteria | 42337 | AMD | 04/02/2018 | 2017-24/13 |
| R356-4 | Juvenile Confinement | 42055 | NEW | 01/02/2018 | 2017-18/26 |
| <u>Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission</u> | | | | | |
| R364-1 | Conflicts of Interest for Indigent Defense Commission Members | 42351 | NEW | 01/29/2018 | 2017-24/14 |
| <u>Economic Development</u> | | | | | |
| R357-16 | Utah Outdoor Recreation Infrastructure Grant | 42332 | AMD | 01/17/2018 | 2017-23/25 |
| R357-16 | Utah Outdoor Recreation Infrastructure Grant | 42633 | NSC | 03/14/2018 | Not Printed |
| HEALTH | | | | | |
| <u>Administration</u> | | | | | |
| R380-250 | HIPAA Privacy Rule Implementation | 42784 | 5YR | 04/10/2018 | 2018-9/69 |
| <u>Center for Health Data, Vital Records and Statistics</u> | | | | | |
| R436-1 | Duties of the Department of Health | 42704 | 5YR | 03/19/2018 | 2018-8/149 |
| R436-2 | Infants of Unknown Parentage; Foundling Registration | 42706 | 5YR | 03/20/2018 | 2018-8/149 |
| R436-3 | Amendment of Vital Records | 42707 | 5YR | 03/20/2018 | 2018-8/150 |
| R436-4 | Delayed Registration of Birth | 42708 | 5YR | 03/20/2018 | 2018-8/150 |
| R436-6 | Delayed Registration of Birth or Death | 42339 | REP | 04/03/2018 | 2017-24/20 |
| R436-7 | Death Registration | 42713 | 5YR | 03/21/2018 | 2018-8/151 |

RULES INDEX

| | | | | | |
|--|--|-------|-----|------------|-------------|
| R436-8 | Authorization for Final Disposition of Deceased Persons | 42709 | 5YR | 03/20/2018 | 2018-8/151 |
| R436-9 | Persons and Institutions Required to Keep Monthly Listings of Vital Statistics Events | 42712 | 5YR | 03/21/2018 | 2018-8/152 |
| R436-10 | Birth and Death Certificates | 42710 | 5YR | 03/20/2018 | 2018-8/152 |
| R436-12 | Certified Copies of Vital Statistics Records | 42714 | 5YR | 03/21/2018 | 2018-8/153 |
| R436-13 | Disclosure of Records | 42715 | 5YR | 03/21/2018 | 2018-8/153 |
| R436-14 | Copies of Data From Vital Records | 42716 | 5YR | 03/21/2018 | 2018-8/154 |
| R436-15 | Fees | 42717 | 5YR | 03/21/2018 | 2018-8/154 |
| R436-16 | Violation of Rules | 42718 | 5YR | 03/21/2018 | 2018-8/155 |
| R436-17 | Review and Approval of Research Requests | 42719 | 5YR | 03/21/2018 | 2018-8/155 |
| <u>Children's Health Insurance Program</u> | | | | | |
| R382-1 | Benefits and Administration | 42790 | 5YR | 04/11/2018 | 2018-9/70 |
| R382-10 | Eligibility | 42791 | 5YR | 04/11/2018 | 2018-9/70 |
| <u>Disease Control and Prevention, Environmental Services</u> | | | | | |
| R392-300 | Recreation Camp Sanitation | 42516 | R&R | 03/26/2018 | 2018-4/4 |
| R392-401 | Roadway Rest Stop Sanitation | 42514 | R&R | 03/26/2018 | 2018-4/27 |
| R392-502 | Hotel, Motel and Resort Sanitation | 42515 | R&R | 03/26/2018 | 2018-4/31 |
| R392-700 | Indoor Tanning Bed Sanitation | 42491 | 5YR | 01/19/2018 | 2018-4/97 |
| <u>Disease Control and Prevention, Epidemiology</u> | | | | | |
| R386-702 | Communicable Disease Rule | 42285 | AMD | 01/02/2018 | 2017-22/31 |
| <u>Disease Control and Prevention, Health Promotion</u> | | | | | |
| R384-201 | School-Based Vision Screening for Students in Public Schools | 42569 | EXT | 02/08/2018 | 2018-5/161 |
| <u>Disease Control and Prevention, Laboratory Services</u> | | | | | |
| R438-15 | Newborn Screening | 42282 | NEW | 01/29/2018 | 2017-22/60 |
| <u>Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health</u> | | | | | |
| R388-805 | Ryan White Part B Program | 42328 | AMD | 02/01/2018 | 2017-23/28 |
| <u>Family Health and Preparedness, Child Care Licensing</u> | | | | | |
| R430-50 | Residential Certificate Child Care | 42877 | 5YR | 05/09/2018 | Not Printed |
| R430-90 | Licensed Family Child Care | 42876 | 5YR | 05/09/2018 | Not Printed |
| <u>Family Health and Preparedness, Children with Special Health Care Needs</u> | | | | | |
| R398-1 | Newborn Screening | 42279 | REP | 01/29/2018 | 2017-22/46 |
| <u>Family Health and Preparedness, Emergency Medical Services</u> | | | | | |
| R426-1 | General Definitions | 42554 | AMD | 04/19/2018 | 2018-4/43 |
| R426-2 | Emergency Medical Services Provider Designations for Pre-Hospital Providers, Critical Incident Stress Management and Quality Assurance Reviews | 42555 | AMD | 04/19/2018 | 2018-4/46 |
| R426-3 | Licensure | 42556 | AMD | 04/19/2018 | 2018-4/50 |
| R426-6 | Emergency Medical Services Per Capita and Competitive Grant Programs Rules | 42724 | 5YR | 03/28/2018 | 2018-8/148 |
| <u>Family Health and Preparedness, Licensing</u> | | | | | |
| R432-1 | General Health Care Facility Rules | 42520 | 5YR | 01/29/2018 | 2018-4/98 |
| R432-2 | General Licensing Provisions | 42521 | 5YR | 01/29/2018 | 2018-4/98 |
| R432-2-5 | Requirements for a Satellite Service Operation | 42397 | AMD | 03/22/2018 | 2018-2/9 |
| R432-2-13 | New License Required | 42396 | AMD | 03/22/2018 | 2018-2/11 |
| R432-3 | General Health Care Facility Rules Inspection and Enforcement | 42522 | 5YR | 01/29/2018 | 2018-4/99 |
| R432-4 | General Construction | 42523 | 5YR | 01/29/2018 | 2018-4/99 |
| R432-5 | Nursing Facility Construction | 42524 | 5YR | 01/29/2018 | 2018-4/100 |
| R432-6 | Assisted Living Facility General Construction | 42525 | 5YR | 01/29/2018 | 2018-4/100 |
| R432-16 | Hospice Inpatient Facility Construction | 42518 | 5YR | 01/29/2018 | 2018-4/101 |
| R432-35 | Background Screening -- Health Facilities | 42519 | 5YR | 01/29/2018 | 2018-4/101 |
| R432-150-8 | Administrator | 42201 | AMD | 01/11/2018 | 2017-21/108 |
| R432-270-19 | Medication Administration | 42200 | AMD | 01/11/2018 | 2017-21/109 |

Family Health and Preparedness, Primary Care and Rural Health

| | | | | | |
|----------|---|-------|-----|------------|-------------|
| R434-150 | Adverse Events from the Administration of Sedation or Anesthesia; Recording and Reporting | 42334 | NEW | 04/14/2018 | 2017-24/18 |
| R434-150 | Adverse Events from the Administration of Sedation or Anesthesia; Recording and Reporting | 42671 | NSC | 04/14/2018 | Not Printed |

Health Care Financing

| | | | | | |
|---------|-----------------------------------|-------|-----|------------|-----------|
| R410-14 | Administrative Hearing Procedures | 42517 | EMR | 01/29/2018 | 2018-4/81 |
|---------|-----------------------------------|-------|-----|------------|-----------|

Health Care Financing, Coverage and Reimbursement Policy

| | | | | | |
|------------|--|-------|-----|------------|------------|
| R414-1-5 | Incorporations by Reference | 42631 | AMD | 05/08/2018 | 2018-6/6 |
| R414-2A-7 | Limitations | 42625 | AMD | 05/08/2018 | 2018-6/11 |
| R414-3A | Outpatient Hospital Services | 42180 | AMD | 03/05/2018 | 2017-20/26 |
| R414-3A | Outpatient Hospital Services | 42180 | CPR | 03/05/2018 | 2018-2/42 |
| R414-3A-5 | Services | 42594 | AMD | 05/08/2018 | 2018-5/42 |
| R414-4x | Policy Statement on Denial of Payment to Medicaid Provider When Client Fails to Keep Scheduled Appointment | 42306 | REP | 01/19/2018 | 2017-23/49 |
| R414-27 | Medicaid Enrollment Process for Nursing Care Facilities | 42427 | 5YR | 01/02/2018 | 2018-2/54 |
| R414-52 | Optometry Services | 42782 | 5YR | 04/10/2018 | 2018-9/71 |
| R414-53 | Eyeglasses Services | 42783 | 5YR | 04/10/2018 | 2018-9/71 |
| R414-60 | Medicaid Policy for Pharmacy Program | 42626 | AMD | 05/01/2018 | 2018-6/13 |
| R414-301 | Medicaid General Provisions | 42440 | 5YR | 01/08/2018 | 2018-3/83 |
| R414-302 | Eligibility Requirements | 42441 | 5YR | 01/08/2018 | 2018-3/84 |
| R414-302-6 | Residents of Institutions | 42487 | EMR | 01/19/2018 | 2018-4/85 |
| R414-302-6 | Residents of Institutions | 42627 | AMD | 05/08/2018 | 2018-6/15 |
| R414-303 | Coverage Groups | 42442 | 5YR | 01/08/2018 | 2018-3/84 |
| R414-304 | Income and Budgeting | 42443 | 5YR | 01/08/2018 | 2018-3/85 |
| R414-305 | Resources | 42444 | 5YR | 01/08/2018 | 2018-3/85 |
| R414-306 | Program Benefits and Date of Eligibility | 42445 | 5YR | 01/08/2018 | 2018-3/86 |
| R414-308 | Application, Eligibility Determinations and Improper Medical Assistance | 42446 | 5YR | 01/08/2018 | 2018-3/86 |
| R414-308-3 | Application and Signature | 42488 | EMR | 01/19/2018 | 2018-4/87 |
| R414-308-3 | Application and Signature | 42628 | AMD | 05/08/2018 | 2018-6/17 |
| R414-311 | Targeted Adult Medicaid | 42489 | EMR | 01/19/2018 | 2018-4/90 |
| R414-311 | Targeted Adult Medicaid | 42629 | NEW | 05/08/2018 | 2018-6/20 |
| R414-509 | Medicaid Autism Waiver Open Enrollment Process | 42490 | REP | 04/11/2018 | 2018-4/41 |
| R414-517 | Inpatient Hospital Provider Assessments | 42353 | AMD | 01/29/2018 | 2017-24/16 |

HUMAN SERVICES

Administration

| | | | | | |
|----------|---|-------|-----|------------|-------------|
| R495-881 | Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Implementation | 42766 | 5YR | 04/02/2018 | 2018-8/156 |
| R495-885 | Employee Background Screenings | 42417 | AMD | 02/23/2018 | 2018-2/13 |
| R495-885 | Employee Background Screenings | 42845 | EMR | 04/23/2018 | 2018-10/149 |

Administration, Administrative Services, Licensing

| | | | | | |
|---------|--|-------|-----|------------|-------------|
| R501-1 | General Provisions for Licensing | 42216 | AMD | 02/23/2018 | 2017-21/111 |
| R501-7 | Child Placing Adoption Agencies | 42317 | R&R | 05/02/2018 | 2017-23/50 |
| R501-7 | Child Placing Adoption Agencies | 42317 | CPR | 05/02/2018 | 2018-6/34 |
| R501-12 | Foster Care Services | 42217 | AMD | 02/23/2018 | 2017-21/120 |
| R501-14 | Human Service Program Background Screening | 42233 | AMD | 02/23/2018 | 2017-21/130 |
| R501-18 | Recovery Residence Services | 42234 | AMD | 02/07/2018 | 2017-21/136 |

Aging and Adult Services

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R510-105 | "Out and About" Homebound Transportation Assistance Fund Rules | 42485 | 5YR | 01/17/2018 | 2018-4/102 |
|----------|--|-------|-----|------------|------------|

Child and Family Services

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R512-100 | In-Home Services | 42596 | 5YR | 02/15/2018 | 2018-5/143 |
| R512-200 | Child Protective Services, Intake Services | 42597 | 5YR | 02/15/2018 | 2018-5/143 |

RULES INDEX

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R512-201 | Child Protective Services, Investigation Services | 42598 | 5YR | 02/15/2018 | 2018-5/144 |
| R512-202 | Child Protective Services, General Allegation Categories | 42599 | 5YR | 02/15/2018 | 2018-5/144 |
| R512-300 | Out-of-Home Services | 42600 | 5YR | 02/15/2018 | 2018-5/145 |
| R512-301 | Out-of-Home Services, Responsibilities Pertaining to a Parent or Guardian | 42601 | 5YR | 02/15/2018 | 2018-5/145 |
| R512-302 | Out-of-Home Services, Responsibilities Pertaining to an Out-of-Home Caregiver | 42602 | 5YR | 02/15/2018 | 2018-5/146 |
| R512-305 | Out-of-Home Services, Transition to Adult Living Services | 42603 | 5YR | 02/15/2018 | 2018-5/146 |
| R512-309 | Out-of-Home Services, Foster Parent Reimbursement of Motor Vehicle Insurance Coverage for Youth in Foster Care | 42604 | 5YR | 02/15/2018 | 2018-5/147 |
| R512-500 | Kinship Services, Placement and Background Screening | 42605 | 5YR | 02/15/2018 | 2018-5/147 |

Recovery Services

| | | | | | |
|----------|---|-------|-----|------------|------------|
| R527-303 | Automatic Payment Withdrawal | 42638 | NEW | 05/08/2018 | 2018-7/134 |
| R527-920 | Mandatory Disbursement to Obligee Through Electronic Funds Transfer | 42720 | 5YR | 03/23/2018 | 2018-8/156 |

Services for People with Disabilities

| | | | | | |
|--------|-------------|-------|-----|------------|-------------|
| R539-1 | Eligibility | 42560 | NSC | 03/01/2018 | Not Printed |
|--------|-------------|-------|-----|------------|-------------|

Substance Abuse and Mental Health, State Hospital

| | | | | | |
|--------|----------------------------------|-------|-----|------------|-------------|
| R525-2 | Patient Rights | 42473 | 5YR | 01/16/2018 | 2018-3/87 |
| R525-3 | Medication Treatment of Patients | 42474 | 5YR | 01/16/2018 | 2018-3/87 |
| R525-3 | Medication Treatment of Patients | 42558 | NSC | 03/01/2018 | Not Printed |
| R525-4 | Visitors | 42475 | 5YR | 01/16/2018 | 2018-3/88 |
| R525-5 | Background Checks | 42476 | 5YR | 01/16/2018 | 2018-3/88 |
| R525-6 | Prohibited Items and Devices | 42477 | 5YR | 01/16/2018 | 2018-3/89 |
| R525-6 | Prohibited Items and Devices | 42557 | NSC | 03/01/2018 | Not Printed |
| R525-7 | Complaints/Suggestions/Concerns | 42478 | 5YR | 01/16/2018 | 2018-3/89 |

INSURANCE

Administration

| | | | | | |
|------------|---|-------|-----|------------|-------------|
| R590-94 | Rule Permitting Smoker/Nonsmoker Mortality Tables For Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits | 42686 | 5YR | 03/14/2018 | 2018-7/179 |
| R590-102 | Insurance Department Fee Payment Rule | 42395 | AMD | 02/08/2018 | 2018-1/11 |
| R590-154 | Unfair Marketing Practices Rule; Misleading Names | 42687 | 5YR | 03/14/2018 | 2018-7/180 |
| R590-157 | Surplus Lines Insurance Premium Tax and Stamping Fee | 42438 | 5YR | 01/04/2018 | 2018-3/90 |
| R590-218 | Permitted Language for Reservation of Discretion Clauses | 42437 | 5YR | 01/04/2018 | 2018-3/90 |
| R590-219 | Credit Scoring | 42875 | 5YR | 05/04/2018 | Not Printed |
| R590-222 | Life Settlements | 42874 | 5YR | 05/04/2018 | Not Printed |
| R590-223 | Rule to Recognize the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits | 42873 | 5YR | 05/04/2018 | Not Printed |
| R590-243 | Commercial Motor Vehicle Insurance Coverage | 42436 | 5YR | 01/04/2018 | 2018-3/91 |
| R590-266-1 | Authority | 42319 | AMD | 01/10/2018 | 2017-23/66 |
| R590-266-4 | Utah Essential Health Benefits | 42856 | NSC | 05/14/2018 | Not Printed |
| R590-276 | Record Retention for Foreign, Alien, Commercially Domiciled, Foreign Title and Foreign Fraternal | 42214 | NEW | 04/23/2018 | 2017-21/165 |
| R590-276 | Record Retention for Foreign, Alien, Commercially Domiciled, Foreign Title and Foreign Fraternal | 42214 | CPR | 04/23/2018 | 2018-6/44 |

JUDICIAL PERFORMANCE EVALUATION COMMISSION

Administration

| | | | | | |
|--------|---------------------|-------|-----|------------|------------|
| R597-5 | Electronic Meetings | 42262 | NEW | 01/02/2018 | 2017-22/68 |
|--------|---------------------|-------|-----|------------|------------|

LABOR COMMISSION

Administration

R600-1 Declaratory Orders 42622 5YR 02/26/2018 2018-6/49

Boiler, Elevator and Coal Mine Safety

R616-2-3 Safety Codes and Rules for Boilers and 42565 AMD 04/09/2018 2018-5/49
Pressure Vessels

R616-3-3 Safety Codes for Elevators 42566 AMD 04/09/2018 2018-5/51

Industrial Accidents

R612-100 Workers' Compensation Rules - General 42561 5YR 02/08/2018 2018-5/148
Provisions

R612-200 Workers' Compensation Rules - Filing and 42562 5YR 02/08/2018 2018-5/149
Paying Claims

R612-300 Workers' Compensation Rules - Medical Care 42563 5YR 02/08/2018 2018-5/149

R612-300-4 General Method for Computing Medical Fees 42567 AMD 04/09/2018 2018-5/46

R612-400 Workers' Compensation Insurance, Self- 42564 5YR 02/08/2018 2018-5/150
Insurance and Waivers

NATURAL RESOURCES

Administration

R634-3 Compensatory Mitigation Program 42309 NEW 03/26/2018 2017-23/67

R634-3 Compensatory Mitigation Program 42309 CPR 03/26/2018 2018-4/71

Oil, Gas and Mining: Administration

R642-200 Applicability 42495 5YR 01/24/2018 2018-4/102

Oil, Gas and Mining: Coal

R645-101 Restrictions on State Employees 42496 5YR 01/24/2018 2018-4/103

R645-102 Exemption for Coal Extraction Incident to 42497 5YR 01/24/2018 2018-4/103
Government-Financed Highway or Other
Construction

R645-104 Protection of Employees 42498 5YR 01/24/2018 2018-4/104

R645-401 Inspection and Enforcement: Civil Penalties 42499 5YR 01/24/2018 2018-4/104

Oil, Gas and Mining: Non-Coal

R647-1 Minerals Regulatory Program 42500 5YR 01/24/2018 2018-4/105

R647-2 Exploration 42501 5YR 01/24/2018 2018-4/105

R647-3 Small Mining Operations 42502 5YR 01/24/2018 2018-4/106

R647-4 Large Mining Operations 42503 5YR 01/24/2018 2018-4/106

R647-5 Administrative Procedures 42504 5YR 01/24/2018 2018-4/107

R647-6 Inspection and Enforcement: Division Authority 42505 5YR 01/24/2018 2018-4/108
and Procedures

R647-7 Inspection and Enforcement: Civil Penalties 42506 5YR 01/24/2018 2018-4/108

R647-8 Inspection and Enforcement: Individual Civil 42507 5YR 01/24/2018 2018-4/109
Penalties

Oil, Gas and Mining: Oil and Gas

R649-6 Gas Processing and Waste Crude Oil 42508 5YR 01/24/2018 2018-4/109
Treatment

Parks and Recreation

R651-406 Off-Highway Vehicle Registration Fees 42431 AMD 02/21/2018 2018-2/16

R651-407 Off-Highway Vehicle Advisory Council 42682 5YR 03/13/2018 2018-7/181

Water Resources

R653-9 Electronic Meetings 42257 NEW 03/02/2018 2017-22/74

Water Rights

R655-1 Wells Used for the Discovery and Production of 42606 R&R 04/09/2018 2018-5/53
Geothermal Energy in the State of Utah

R655-4 Water Wells 42607 R&R 04/09/2018 2018-5/67

RULES INDEX

Wildlife Resources

| | | | | | |
|---------|--|-------|-----|------------|-------------|
| R657-3 | Collection, Importation, Transportation, and Possession of Animals | 42624 | 5YR | 02/27/2018 | 2018-6/49 |
| R657-5 | Taking Big Game | 42371 | AMD | 02/07/2018 | 2018-1/19 |
| R657-9 | Taking Waterfowl, Wilson's Snipe and Coot | 42376 | AMD | 02/07/2018 | 2018-1/33 |
| R657-12 | Hunting and Fishing Accommodations for People With Disabilities | 42375 | NSC | 02/13/2018 | Not Printed |
| R657-19 | Taking Nongame Mammals | 42377 | AMD | 02/07/2018 | 2018-1/35 |
| R657-33 | Taking Bear | 42492 | AMD | 03/26/2018 | 2018-4/55 |
| R657-34 | Procedures for Confirmation of Ordinances on Hunting Closures | 42796 | 5YR | 04/12/2018 | 2018-9/72 |
| R657-37 | Cooperative Wildlife Management Units for Big Game or Turkey | 42795 | 5YR | 04/12/2018 | 2018-9/72 |
| R657-41 | Conservation and Sportsman Permits | 42379 | AMD | 02/07/2018 | 2018-1/38 |
| R657-42 | Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents | 42794 | 5YR | 04/12/2018 | 2018-9/73 |
| R657-45 | Wildlife License, Permit, and Certificate of Registration Forms and Terms | 42793 | 5YR | 04/12/2018 | 2018-9/73 |
| R657-53 | Amphibian and Reptile Collection, Importation, Transportation and Possession | 42792 | 5YR | 04/12/2018 | 2018-9/74 |
| R657-58 | Fishing Contests and Clinics | 42449 | 5YR | 01/09/2018 | 2018-3/91 |
| R657-62 | Drawing Application Procedures | 42374 | AMD | 02/07/2018 | 2018-1/41 |
| R657-62 | Drawing Application Procedures | 42493 | AMD | 03/26/2018 | 2018-4/57 |
| R657-67 | Utah Hunter Mentoring Program | 42372 | AMD | 02/07/2018 | 2018-1/44 |
| R657-70 | Taking Utah Prairie Dogs | 42378 | REP | 02/07/2018 | 2018-1/46 |
| R657-71 | Removal of Wild Deer from Domesticated Elk Facilities | 42373 | NEW | 02/07/2018 | 2018-1/52 |

PARDONS (BOARD OF)

Administration

| | | | | | |
|-----------|---|-------|-----|------------|-------------|
| R671-201 | Original Hearing Schedule and Notice | 42295 | AMD | 01/08/2018 | 2017-22/75 |
| R671-202 | Notification of Hearings | 42294 | AMD | 01/08/2018 | 2017-22/77 |
| R671-203 | Victim Input and Notification | 42297 | AMD | 01/08/2018 | 2017-22/78 |
| R671-205 | Credit for Time Served | 42227 | AMD | 01/08/2018 | 2017-21/169 |
| R671-206 | Competency of Offenders | 42296 | NEW | 01/08/2018 | 2017-22/81 |
| R671-304 | Hearing Record | 42231 | AMD | 01/08/2018 | 2017-21/171 |
| R671-312 | Commutation Hearings for Death Penalty Cases | 42575 | 5YR | 02/13/2018 | 2018-5/150 |
| R671-312A | Commutation Procedures Applicable to Persons Sentenced to Death Before April 26, 1992 | 42905 | 5YR | 05/11/2018 | Not Printed |
| R671-312B | Commutation Procedures Applicable to Persons Sentenced to Death After April 26, 1992 | 42906 | 5YR | 05/11/2018 | Not Printed |
| R671-509 | Parole Progress/Violation Reports | 42576 | 5YR | 02/13/2018 | 2018-5/151 |
| R671-510 | Evidence for Issuance of Warrants | 42577 | 5YR | 02/13/2018 | 2018-5/151 |
| R671-512 | Execution of the Warrant | 42578 | 5YR | 02/13/2018 | 2018-5/152 |
| R671-513 | Expedited Determination of Parolee Challenge to Probable Cause | 42579 | 5YR | 02/13/2018 | 2018-5/152 |
| R671-514 | Waiver and Pleas of Guilt | 42580 | 5YR | 02/13/2018 | 2018-5/153 |
| R671-515 | Timeliness of Parole Revocation Hearings | 42581 | 5YR | 02/13/2018 | 2018-5/153 |
| R671-516 | Parole Revocation Hearings | 42583 | 5YR | 02/13/2018 | 2018-5/154 |
| R671-517 | Evidentiary Hearings and Proceedings | 42584 | 5YR | 02/13/2018 | 2018-5/154 |
| R671-518 | Conduct of Proceedings When a Criminal Charge Results in Conviction | 42585 | 5YR | 02/13/2018 | 2018-5/155 |
| R671-519 | Proceedings When Criminal Charges Result in Acquittal | 42586 | 5YR | 02/13/2018 | 2018-5/155 |
| R671-520 | Treatment of Confidential Testimony | 42587 | 5YR | 02/13/2018 | 2018-5/156 |
| R671-522 | Continuances Due to Pending Criminal Charges | 42588 | 5YR | 02/13/2018 | 2018-5/156 |

PUBLIC SAFETY

Administration

| | | | | | |
|---------|---|-------|-----|------------|------------|
| R698-7 | Emergency Vehicles | 42797 | 5YR | 04/12/2018 | 2018-9/74 |
| R698-11 | Submission and Testing of Sexual Assault Kits | 42269 | NEW | 01/10/2018 | 2017-22/82 |

Criminal Investigations and Technical Services, Criminal Identification

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R722-300 | Concealed Firearm Permit and Instructor Rule | 42258 | AMD | 01/10/2018 | 2017-22/89 |
| R722-350 | Certificate of Eligibility | 42259 | AMD | 01/10/2018 | 2017-22/94 |
| R722-380 | Firearm Background Check Information | 42260 | AMD | 01/10/2018 | 2017-22/96 |

Driver License

| | | | | | |
|-----------|---|-------|-----|------------|-------------|
| R708-14-9 | Findings, Conclusions, Recommendations and Orders | 42865 | LNR | 05/01/2018 | 2018-10/161 |
| R708-30 | Motorcycle Rider Training Schools | 42825 | 5YR | 04/19/2018 | 2018-10/157 |

Fire Marshal

| | | | | | |
|---------|--|-------|-----|------------|------------|
| R710-5 | Automatic Fire Sprinkler System Inspecting and Testing | 42683 | 5YR | 03/14/2018 | 2018-7/181 |
| R710-12 | Hazardous Materials Training and Certification | 42674 | EXD | 03/12/2018 | 2018-7/183 |

PUBLIC SERVICE COMMISSION

Administration

| | | | | | |
|------------|---|-------|-----|------------|------------|
| R746-1-201 | Complaints | 42670 | AMD | 05/10/2018 | 2018-7/136 |
| R746-8 | Utah Universal Public Telecommunications Service Support Fund (UUSF) | 42424 | NEW | 02/21/2018 | 2018-2/18 |
| R746-8-403 | Lifeline Support | 42632 | AMD | 04/24/2018 | 2018-6/26 |
| R746-110 | Uncontested Matters to be Adjudicated Informally | 42768 | 5YR | 04/05/2018 | 2018-9/75 |
| R746-210 | Utility Service Rules Applicable Only to Electric Utilities | 42767 | 5YR | 04/05/2018 | 2018-9/75 |
| R746-240 | Telecommunication Service Rules | 42769 | 5YR | 04/05/2018 | 2018-9/76 |
| R746-330 | Rules for Water and Sewer Utilities Operating in Utah | 42590 | 5YR | 02/14/2018 | 2018-5/157 |
| R746-332 | Depreciation Rates for Water Utilities | 42593 | 5YR | 02/14/2018 | 2018-5/157 |
| R746-340 | Service Quality for Telecommunications Corporations | 42770 | 5YR | 04/05/2018 | 2018-9/77 |
| R746-341 | Lifeline Rule | 42423 | REP | 02/21/2018 | 2018-2/24 |
| R746-343 | Rule for Deaf, Severely Hearing or Speech Impaired Person | 42425 | REP | 02/21/2018 | 2018-2/28 |
| R746-347 | Extended Area Service (EAS) | 42589 | 5YR | 02/14/2018 | 2018-5/158 |
| R746-360 | Universal Public Telecommunications Service Support Fund | 42426 | REP | 02/21/2018 | 2018-2/31 |
| R746-402 | Rules Governing Reports of Accidents by Electric, Gas, Telephone, and Water Utilities | 42592 | 5YR | 02/14/2018 | 2018-5/158 |
| R746-405 | Filing of Tariffs for Gas, Electric, Telephone, and Water Utilities | 42591 | 5YR | 02/14/2018 | 2018-5/159 |
| R746-409-1 | General Provisions | 42331 | AMD | 01/09/2018 | 2017-23/75 |

REGENTS (BOARD OF)

Administration

| | | | | | |
|----------|---|-------|-----|------------|-------------|
| R765-136 | Language Proficiency in the Utah System of Higher Education | 42866 | EXD | 05/01/2018 | 2018-10/159 |
| R765-254 | Secure Area Hearing Rooms | 42867 | EXD | 05/01/2018 | 2018-10/159 |
| R765-555 | Policy on Colleges and Universities Providing Facilities, Goods and Services in Competition with Private Enterprise | 42868 | EXD | 05/01/2018 | 2018-10/159 |
| R765-605 | Higher Education Success Stipend Program | 42789 | 5YR | 04/11/2018 | 2018-9/77 |
| R765-605 | Higher Education Success Stipend Program | 42722 | NSC | 04/12/2018 | Not Printed |

University of Utah, Administration

| | | | | | |
|--------|---|-------|-----|------------|-----------|
| R805-1 | Operating Regulations for Bicycles, Skateboards, Rollerskates and Scooters (Non-Motorized Riding Devices) | 42617 | 5YR | 02/22/2018 | 2018-6/50 |
|--------|---|-------|-----|------------|-----------|

University of Utah, Commuter Services

| | | | | | |
|--------|--|-------|-----|------------|-----------|
| R810-1 | University of Utah Parking Regulations | 42512 | NEW | 04/05/2018 | 2018-4/60 |
| R810-8 | Vendor Regulations | 42513 | NEW | 04/05/2018 | 2018-4/62 |

RULES INDEX

SCHOOL AND INSTITUTIONAL TRUST LANDS

Administration

| | | | | | |
|---------|------------------|-------|-----|------------|------------|
| R850-40 | Easements | 42678 | AMD | 05/08/2018 | 2018-7/137 |
| R850-50 | Range Management | 42677 | AMD | 05/08/2018 | 2018-7/139 |

SCIENCE TECHNOLOGY AND RESEARCH GOVERNING AUTHORITY

Administration

| | | | | | |
|--------|--|-------|-----|------------|------------|
| R856-1 | USTAR Technology Acceleration Program Grants | 42360 | R&R | 01/23/2018 | 2017-24/22 |
| R856-2 | USTAR University-Industry Partnership Program Grants | 42357 | R&R | 01/23/2018 | 2017-24/28 |
| R856-3 | USTAR University Technology Acceleration Grants | 42359 | R&R | 01/23/2018 | 2017-24/36 |
| R856-4 | USTAR Science Technology Initiation Grant | 42358 | R&R | 01/23/2018 | 2017-24/41 |
| R856-5 | Utah Science, Technology, and Research (USTAR) Energy Research Triangle Professors (ERT-P) Grant | 42356 | R&R | 01/23/2018 | 2017-24/48 |
| R856-6 | Utah Science, Technology and Research (USTAR) Energy Research Triangle Scholars (ERT-S) Grant | 42355 | R&R | 01/23/2018 | 2017-24/54 |

TECHNOLOGY SERVICES

Administration

| | | | | | |
|---------|--|-------|-----|------------|------------|
| R895-12 | Telecommunications Services and Requirements | 42528 | EXD | 01/30/2018 | 2018-4/117 |
| R895-12 | Telecommunications Services and Requirements | 42529 | EMR | 01/30/2018 | 2018-4/92 |

TRANSPORTATION

Administration

| | | | | | |
|---------|-----------------------------|-------|-----|------------|------------|
| R907-80 | Disposition of Surplus Land | 42688 | AMD | 05/09/2018 | 2018-7/142 |
|---------|-----------------------------|-------|-----|------------|------------|

Motor Carrier

| | | | | | |
|---------|--|-------|-----|------------|------------|
| R909-1 | Safety Regulations for Motor Carriers | 42494 | AMD | 03/28/2018 | 2018-4/63 |
| R909-19 | Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation, and Certification | 42336 | AMD | 01/24/2018 | 2017-24/60 |

Operations, Construction

| | | | | | |
|--------|---|-------|-----|------------|------------|
| R916-2 | Prequalification of Contractors | 42690 | AMD | 05/09/2018 | 2018-7/148 |
| R916-4 | Construction Manager/General Contractor Contracts | 42616 | AMD | 04/23/2018 | 2018-6/28 |

Operations, Maintenance

| | | | | | |
|--------|---|-------|-----|------------|-----------|
| R918-6 | Maintenance Responsibility at Intersections, Overcrossings, and Interchanges between Class A Roads and Class B or Class C Roads | 42392 | AMD | 02/07/2018 | 2018-1/53 |
|--------|---|-------|-----|------------|-----------|

Operations, Traffic and Safety

| | | | | | |
|--------|----------------------------------|-------|-----|------------|------------|
| R920-6 | Snow Tire and Chain Requirements | 42689 | AMD | 05/08/2018 | 2018-7/151 |
|--------|----------------------------------|-------|-----|------------|------------|

WORKFORCE SERVICES

Administration

| | | | | | |
|----------|---------------------------|-------|-----|------------|-----------|
| R982-800 | Utah Data Research Center | 42421 | NEW | 03/01/2018 | 2018-2/38 |
|----------|---------------------------|-------|-----|------------|-----------|

Employment Development

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R986-600 | Workforce Innovation and Opportunity Act | 42693 | AMD | 05/08/2018 | 2018-7/154 |
|----------|--|-------|-----|------------|------------|

Unemployment Insurance

| | | | | | |
|----------|--|-------|-----|------------|------------|
| R994-201 | Definition of Terms in Employment Security Act | 42735 | 5YR | 03/29/2018 | 2018-8/157 |
| R994-202 | Employing Units | 42736 | 5YR | 03/29/2018 | 2018-8/157 |
| R994-208 | Wages | 42737 | 5YR | 03/29/2018 | 2018-8/158 |

| | | | | | |
|----------|---|-------|-----|------------|------------|
| R994-306 | Charging Benefit Costs to Employers | 42738 | 5YR | 03/29/2018 | 2018-8/158 |
| R994-307 | Social Costs -- Relief of Charges | 42739 | 5YR | 03/29/2018 | 2018-8/159 |
| R994-315 | Centralized New Hire Registry Reporting | 42740 | 5YR | 03/29/2018 | 2018-8/159 |
| R994-403 | Claim for Benefits | 42741 | 5YR | 03/29/2018 | 2018-8/160 |
| R994-405 | Ineligibility for Benefits | 42742 | 5YR | 03/29/2018 | 2018-8/161 |
| R994-508 | Appeal Procedures | 42743 | 5YR | 03/29/2018 | 2018-8/161 |

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>accountability</u> Education, Administration | 42755 | R277-109 | NSC | 04/12/2018 | Not Printed |
| <u>acquit</u> Pardons (Board Of), Administration | 42586 | R671-519 | 5YR | 02/13/2018 | 2018-5/155 |
| <u>acupuncture</u> Commerce, Occupational and Professional Licensing | 42338 | R156-72 | AMD | 01/23/2018 | 2017-24/11 |
| <u>ADAP</u> Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health | 42328 | R388-805 | AMD | 02/01/2018 | 2017-23/28 |
| <u>adhesives</u> Environmental Quality, Air Quality | 42653 | R307-342 | 5YR | 03/08/2018 | 2018-7/170 |
| <u>adjudicative proceedings</u> Environmental Quality, Water Quality Public Safety, Driver License | 42509 42865 | R317-9 R708-14-9 | 5YR LNR | 01/24/2018 05/01/2018 | 2018-4/95 2018-10/161 |
| <u>administrative necessary proceedings</u> Labor Commission, Industrial Accidents | 42562 | R612-200 | 5YR | 02/08/2018 | 2018-5/149 |
| <u>administrative procedures</u> Commerce, Consumer Protection Commerce, Occupational and Professional Licensing Education, Administration Labor Commission, Industrial Accidents School and Institutional Trust Lands, Administration | 42830 42428 42751 42561 42678 42677 | R152-6 R156-46b-401 R277-102 R612-100 R850-40 R850-50 | NSC NSC NSC 5YR AMD AMD | 04/26/2018 01/18/2018 04/12/2018 02/08/2018 05/08/2018 05/08/2018 | Not Printed Not Printed Not Printed 2018-5/148 2018-7/137 2018-7/139 |
| <u>administrative proceedings</u> Environmental Quality, Water Quality Public Service Commission, Administration | 42509 42670 | R317-9 R746-1-201 | 5YR AMD | 01/24/2018 05/10/2018 | 2018-4/95 2018-7/136 |
| <u>administrative rules</u> Education, Administration | 42761 | R277-121 | NSC | 04/12/2018 | Not Printed |
| <u>adult education</u> Education, Administration | 42394 | R277-705 | AMD | 02/28/2018 | 2018-1/5 |

RULES INDEX

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| <u>advertising</u> | | | | | |
| Commerce, Consumer Protection | 42841 | R152-39 | NSC | 04/26/2018 | Not Printed |
| <u>aerospace</u> | | | | | |
| Environmental Quality, Air Quality | 42549 | R307-355 | EXT | 01/31/2018 | 2018-4/115 |
| | 42666 | R307-355 | 5YR | 03/08/2018 | 2018-7/177 |
| | 42370 | R307-355-3 | AMD | 03/08/2018 | 2018-1/10 |
| <u>affordable base rate</u> | | | | | |
| Public Service Commission, Administration | 42426 | R746-360 | REP | 02/21/2018 | 2018-2/31 |
| <u>aggregate</u> | | | | | |
| Environmental Quality, Air Quality | 42536 | R307-312 | EXT | 01/31/2018 | 2018-4/113 |
| | 42652 | R307-312 | 5YR | 03/08/2018 | 2018-7/169 |
| <u>air pollution</u> | | | | | |
| Environmental Quality, Air Quality | 42546 | R307-102 | EXT | 01/31/2018 | 2018-4/111 |
| | 42639 | R307-102 | 5YR | 03/08/2018 | 2018-7/161 |
| | 42640 | R307-107 | 5YR | 03/08/2018 | 2018-7/162 |
| | 42548 | R307-115 | EXT | 01/31/2018 | 2018-4/111 |
| | 42641 | R307-115 | 5YR | 03/08/2018 | 2018-7/163 |
| | 42642 | R307-123 | 5YR | 03/08/2018 | 2018-7/163 |
| | 42107 | R307-150 | AMD | 03/05/2018 | 2017-19/55 |
| | 42107 | R307-150 | CPR | 03/05/2018 | 2018-3/46 |
| | 42550 | R307-170 | EXT | 01/31/2018 | 2018-4/111 |
| | 42643 | R307-170 | 5YR | 03/08/2018 | 2018-7/164 |
| | 42644 | R307-208 | 5YR | 03/08/2018 | 2018-7/164 |
| | 42553 | R307-220 | EXT | 01/31/2018 | 2018-4/111 |
| | 42645 | R307-220 | 5YR | 03/08/2018 | 2018-7/165 |
| | 42552 | R307-221 | EXT | 01/31/2018 | 2018-4/112 |
| | 42646 | R307-221 | 5YR | 03/08/2018 | 2018-7/166 |
| | 42532 | R307-222 | EXT | 01/31/2018 | 2018-4/112 |
| | 42647 | R307-222 | 5YR | 03/08/2018 | 2018-7/166 |
| | 42533 | R307-223 | EXT | 01/31/2018 | 2018-4/112 |
| | 42648 | R307-223 | 5YR | 03/08/2018 | 2018-7/167 |
| | 42534 | R307-224 | EXT | 01/31/2018 | 2018-4/112 |
| | 42649 | R307-224 | 5YR | 03/08/2018 | 2018-7/167 |
| | 42535 | R307-250 | EXT | 01/31/2018 | 2018-4/113 |
| | 42650 | R307-250 | 5YR | 03/08/2018 | 2018-7/168 |
| | 42536 | R307-312 | EXT | 01/31/2018 | 2018-4/113 |
| | 42652 | R307-312 | 5YR | 03/08/2018 | 2018-7/169 |
| | 42653 | R307-342 | 5YR | 03/08/2018 | 2018-7/170 |
| | 42538 | R307-345 | EXT | 01/31/2018 | 2018-4/113 |
| | 42655 | R307-345 | 5YR | 03/08/2018 | 2018-7/171 |
| | 42539 | R307-346 | EXT | 01/31/2018 | 2018-4/114 |
| | 42656 | R307-346 | 5YR | 03/08/2018 | 2018-7/171 |
| | 42541 | R307-347 | EXT | 01/31/2018 | 2018-4/114 |
| | 42657 | R307-347 | 5YR | 03/08/2018 | 2018-7/172 |
| | 42543 | R307-348 | EXT | 01/31/2018 | 2018-4/114 |
| | 42659 | R307-348 | 5YR | 03/08/2018 | 2018-7/172 |
| | 42540 | R307-349 | EXT | 01/31/2018 | 2018-4/114 |
| | 42660 | R307-349 | 5YR | 03/08/2018 | 2018-7/173 |
| | 42542 | R307-350 | EXT | 01/31/2018 | 2018-4/114 |
| | 42661 | R307-350 | 5YR | 03/08/2018 | 2018-7/174 |
| | 42544 | R307-351 | EXT | 01/31/2018 | 2018-4/115 |
| | 42662 | R307-351 | 5YR | 03/08/2018 | 2018-7/174 |
| | 42545 | R307-352 | EXT | 01/31/2018 | 2018-4/115 |
| | 42663 | R307-352 | 5YR | 03/08/2018 | 2018-7/175 |
| | 42664 | R307-353 | 5YR | 03/08/2018 | 2018-7/176 |
| | 42547 | R307-354 | EXT | 01/31/2018 | 2018-4/115 |
| | 42665 | R307-354 | 5YR | 03/08/2018 | 2018-7/176 |
| | 42549 | R307-355 | EXT | 01/31/2018 | 2018-4/115 |
| | 42666 | R307-355 | 5YR | 03/08/2018 | 2018-7/177 |
| | 42370 | R307-355-3 | AMD | 03/08/2018 | 2018-1/10 |
| | 42668 | R307-357 | 5YR | 03/08/2018 | 2018-7/178 |
| | 42108 | R307-401 | AMD | 03/05/2018 | 2017-19/58 |

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| | 42108 | R307-401 | CPR | 03/05/2018 | 2018-3/49 |
| | 42574 | R307-401 | NSC | 03/05/2018 | Not Printed |
| | 42109 | R307-504 | AMD | 03/05/2018 | 2017-19/70 |
| | 42109 | R307-504 | CPR | 03/05/2018 | 2018-3/56 |
| | 42110 | R307-505 | NEW | 01/26/2018 | 2017-19/71 |
| | 42111 | R307-506 | NEW | 03/05/2018 | 2017-19/73 |
| | 42111 | R307-506 | CPR | 03/05/2018 | 2018-3/58 |
| | 42112 | R307-507 | NEW | 03/05/2018 | 2017-19/75 |
| | 42112 | R307-507 | CPR | 03/05/2018 | 2018-3/60 |
| | 42113 | R307-508 | NEW | 03/05/2018 | 2017-19/77 |
| | 42113 | R307-508 | CPR | 03/05/2018 | 2018-3/62 |
| | 42114 | R307-509 | NEW | 03/05/2018 | 2017-19/79 |
| | 42114 | R307-509 | CPR | 03/05/2018 | 2018-3/63 |
| | 42115 | R307-510 | NEW | 03/05/2018 | 2017-19/81 |
| | 42115 | R307-510 | CPR | 03/05/2018 | 2018-3/65 |
| | 42858 | R307-510 | NSC | 05/14/2018 | Not Printed |
| | 42551 | R307-801 | EXT | 01/31/2018 | 2018-4/115 |
| | 42669 | R307-801 | 5YR | 03/08/2018 | 2018-7/179 |
| <u>air travel</u> | | | | | |
| Administrative Services, Finance | 42572 | R25-7 | 5YR | 02/08/2018 | 2018-5/142 |
| <u>allegations</u> | | | | | |
| Pardons (Board Of), Administration | 42580 | R671-514 | 5YR | 02/13/2018 | 2018-5/153 |
| <u>allowance</u> | | | | | |
| Administrative Services, Finance | 42573 | R25-8 | 5YR | 02/08/2018 | 2018-5/142 |
| <u>alternative district of residency</u> | | | | | |
| Education, Administration | 42326 | R277-621 | NEW | 01/09/2018 | 2017-23/17 |
| <u>alternative fuels</u> | | | | | |
| Environmental Quality, Air Quality | 42642 | R307-123 | 5YR | 03/08/2018 | 2018-7/163 |
| <u>amendments</u> | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 42707 | R436-3 | 5YR | 03/20/2018 | 2018-8/150 |
| <u>amphibians</u> | | | | | |
| Natural Resources, Wildlife Resources | 42792 | R657-53 | 5YR | 04/12/2018 | 2018-9/74 |
| <u>anesthesia adverse events</u> | | | | | |
| Health, Family Health and Preparedness, Primary Care and Rural Health | 42334 | R434-150 | NEW | 04/14/2018 | 2017-24/18 |
| | 42671 | R434-150 | NSC | 04/14/2018 | Not Printed |
| <u>animal protection</u> | | | | | |
| Natural Resources, Wildlife Resources | 42624 | R657-3 | 5YR | 02/27/2018 | 2018-6/49 |
| <u>appellate procedures</u> | | | | | |
| Technology Services, Administration | 42528 | R895-12 | EXD | 01/30/2018 | 2018-4/117 |
| Workforce Services, Unemployment Insurance | 42743 | R994-508 | 5YR | 03/29/2018 | 2018-8/161 |
| <u>application requirements</u> | | | | | |
| Commerce, Consumer Protection | 42840 | R152-34a | NSC | 04/26/2018 | Not Printed |
| <u>applications</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42446 | R414-308 | 5YR | 01/08/2018 | 2018-3/86 |
| | 42488 | R414-308-3 | EMR | 01/19/2018 | 2018-4/87 |
| | 42628 | R414-308-3 | AMD | 05/08/2018 | 2018-6/17 |
| <u>appointment to office</u> | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 42704 | R436-1 | 5YR | 03/19/2018 | 2018-8/149 |

RULES INDEX

| | | | | | | |
|---|-------|----------|-----|------------|-------------|--|
| <u>approval orders</u> | | | | | | |
| Environmental Quality, Air Quality | 42108 | R307-401 | AMD | 03/05/2018 | 2017-19/58 | |
| | 42108 | R307-401 | CPR | 03/05/2018 | 2018-3/49 | |
| | 42574 | R307-401 | NSC | 03/05/2018 | Not Printed | |
| <u>armored car company</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 42924 | R156-63b | 5YR | 05/15/2018 | Not Printed | |
| <u>armored car security officers</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 42924 | R156-63b | 5YR | 05/15/2018 | Not Printed | |
| <u>arts programs</u> | | | | | | |
| Education, Administration | 42471 | R277-490 | 5YR | 01/12/2018 | 2018-3/70 | |
| | 42481 | R277-490 | AMD | 03/14/2018 | 2018-3/13 | |
| <u>asbestos</u> | | | | | | |
| Environmental Quality, Air Quality | 42551 | R307-801 | EXT | 01/31/2018 | 2018-4/115 | |
| | 42669 | R307-801 | 5YR | 03/08/2018 | 2018-7/179 | |
| <u>asbestos hazard emergency response</u> | | | | | | |
| Environmental Quality, Air Quality | 42551 | R307-801 | EXT | 01/31/2018 | 2018-4/115 | |
| | 42669 | R307-801 | 5YR | 03/08/2018 | 2018-7/179 | |
| <u>asphalt</u> | | | | | | |
| Environmental Quality, Air Quality | 42536 | R307-312 | EXT | 01/31/2018 | 2018-4/113 | |
| | 42652 | R307-312 | 5YR | 03/08/2018 | 2018-7/169 | |
| <u>assessment</u> | | | | | | |
| Education, Administration | 42479 | R277-404 | AMD | 03/14/2018 | 2018-3/5 | |
| <u>assistive devices and technology</u> | | | | | | |
| Public Service Commission, Administration | 42424 | R746-8 | NEW | 02/21/2018 | 2018-2/18 | |
| | 42425 | R746-343 | REP | 02/21/2018 | 2018-2/28 | |
| <u>athletes</u> | | | | | | |
| Education, Administration | 42908 | R277-614 | 5YR | 05/11/2018 | Not Printed | |
| <u>audit committee</u> | | | | | | |
| Education, Administration | 42849 | R277-113 | EXD | 04/24/2018 | 2018-10/159 | |
| <u>automatic fire sprinklers</u> | | | | | | |
| Public Safety, Fire Marshal | 42683 | R710-5 | 5YR | 03/14/2018 | 2018-7/181 | |
| <u>automatic payment withdrawal</u> | | | | | | |
| Human Services, Recovery Services | 42638 | R527-303 | NEW | 05/08/2018 | 2018-7/134 | |
| <u>automobile repair</u> | | | | | | |
| Commerce, Consumer Protection | 42833 | R152-20 | NSC | 04/26/2018 | Not Printed | |
| <u>automobiles</u> | | | | | | |
| Commerce, Consumer Protection | 42833 | R152-20 | NSC | 04/26/2018 | Not Printed | |
| <u>automotive refinishing</u> | | | | | | |
| Environmental Quality, Air Quality | 42547 | R307-354 | EXT | 01/31/2018 | 2018-4/115 | |
| | 42665 | R307-354 | 5YR | 03/08/2018 | 2018-7/176 | |
| <u>awarding</u> | | | | | | |
| Education, Administration | 42480 | R277-415 | NEW | 03/14/2018 | 2018-3/11 | |
| <u>background</u> | | | | | | |
| Human Services, Administration | 42417 | R495-885 | AMD | 02/23/2018 | 2018-2/13 | |
| | 42845 | R495-885 | EMR | 04/23/2018 | 2018-10/149 | |
| <u>background checks</u> | | | | | | |
| Education, Administration | 42775 | R277-214 | NSC | 04/13/2018 | Not Printed | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 42476 | R525-5 | 5YR | 01/16/2018 | 2018-3/88 | |

| | | | | | |
|---|-------------------------|------------------------------------|-------------------|--|--|
| <u>background reviews</u> Education, Administration | 42775 | R277-214 | NSC | 04/13/2018 | Not Printed |
| <u>background screening</u> Human Services, Administration, Administrative Services, Licensing | 42233 | R501-14 | AMD | 02/23/2018 | 2017-21/130 |
| <u>bear</u> Natural Resources, Wildlife Resources | 42492 | R657-33 | AMD | 03/26/2018 | 2018-4/55 |
| <u>bicycles</u> Regents (Board Of), University of Utah, Administration | 42617 | R805-1 | 5YR | 02/22/2018 | 2018-6/50 |
| <u>bids</u> Transportation, Operations, Construction | 42690 | R916-2 | AMD | 05/09/2018 | 2018-7/148 |
| <u>big game seasons</u> Natural Resources, Wildlife Resources | 42371 42373 | R657-5 R657-71 | AMD NEW | 02/07/2018 02/07/2018 | 2018-1/19 2018-1/52 |
| <u>birds</u> Natural Resources, Wildlife Resources | 42376 | R657-9 | AMD | 02/07/2018 | 2018-1/33 |
| <u>birth registration</u> Health, Center for Health Data, Vital Records and Statistics | 42339 | R436-6 | REP | 04/03/2018 | 2017-24/20 |
| <u>Board of Education rules</u> Education, Administration | 42749 | R277-100 | NSC | 04/12/2018 | Not Printed |
| <u>boards</u> Administrative Services, Finance | 42570 | R25-5 | 5YR | 02/08/2018 | 2018-5/141 |
| <u>boilers</u> Labor Commission, Boiler, Elevator and Coal Mine Safety | 42565 | R616-2-3 | AMD | 04/09/2018 | 2018-5/49 |
| <u>budgeting</u> Health, Health Care Financing, Coverage and Reimbursement Policy | 42443 | R414-304 | 5YR | 01/08/2018 | 2018-3/85 |
| <u>buildings</u> Administrative Services, Facilities Construction and Management | 42347 | R23-5 | AMD | 01/23/2018 | 2017-24/8 |
| <u>buyer beware list</u> Commerce, Consumer Protection | 42827 | R152-1 | NSC | 04/26/2018 | Not Printed |
| <u>campgrounds</u> Health, Disease Control and Prevention, Environmental Services | 42516 | R392-300 | R&R | 03/26/2018 | 2018-4/4 |
| <u>camps</u> Health, Disease Control and Prevention, Environmental Services | 42516 | R392-300 | R&R | 03/26/2018 | 2018-4/4 |
| <u>capital punishment</u> Pardons (Board Of), Administration | 42575 42905 42906 | R671-312 R671-312A R671-312B | 5YR 5YR 5YR | 02/13/2018 05/11/2018 05/11/2018 | 2018-5/150 Not Printed Not Printed |
| <u>career and technical education</u> Education, Administration | 42618 | R277-518 | 5YR | 02/26/2018 | 2018-6/47 |

RULES INDEX

| | | | | | | |
|--|-------|----------|-----|------------|-------------|--|
| <u>certificate of eligibility</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 42259 | R722-350 | AMD | 01/10/2018 | 2017-22/94 | |
| <u>certificate of registration</u> | | | | | | |
| Natural Resources, Wildlife Resources | 42793 | R657-45 | 5YR | 04/12/2018 | 2018-9/73 | |
| <u>certificate of state authorization</u> | | | | | | |
| Commerce, Consumer Protection | 42840 | R152-34a | NSC | 04/26/2018 | Not Printed | |
| <u>certification</u> | | | | | | |
| Labor Commission, Boiler, Elevator and Coal Mine Safety | 42565 | R616-2-3 | AMD | 04/09/2018 | 2018-5/49 | |
| | 42566 | R616-3-3 | AMD | 04/09/2018 | 2018-5/51 | |
| <u>certifications</u> | | | | | | |
| Transportation, Motor Carrier | 42336 | R909-19 | AMD | 01/24/2018 | 2017-24/60 | |
| <u>certified foster care</u> | | | | | | |
| Human Services, Administration, Administrative Services, Licensing | 42217 | R501-12 | AMD | 02/23/2018 | 2017-21/120 | |
| <u>charbroilers</u> | | | | | | |
| Environmental Quality, Air Quality | 42651 | R307-303 | 5YR | 03/08/2018 | 2018-7/168 | |
| <u>charities</u> | | | | | | |
| Commerce, Consumer Protection | 42835 | R152-22 | NSC | 04/26/2018 | Not Printed | |
| <u>child abuse</u> | | | | | | |
| Human Services, Child and Family Services | 42597 | R512-200 | 5YR | 02/15/2018 | 2018-5/143 | |
| | 42598 | R512-201 | 5YR | 02/15/2018 | 2018-5/144 | |
| | 42599 | R512-202 | 5YR | 02/15/2018 | 2018-5/144 | |
| | 42600 | R512-300 | 5YR | 02/15/2018 | 2018-5/145 | |
| | 42601 | R512-301 | 5YR | 02/15/2018 | 2018-5/145 | |
| <u>child care facilities</u> | | | | | | |
| Health, Family Health and Preparedness, Child Care Licensing | 42877 | R430-50 | 5YR | 05/09/2018 | Not Printed | |
| | 42876 | R430-90 | 5YR | 05/09/2018 | Not Printed | |
| <u>child placing</u> | | | | | | |
| Human Services, Administration, Administrative Services, Licensing | 42317 | R501-7 | R&R | 05/02/2018 | 2017-23/50 | |
| | 42317 | R501-7 | CPR | 05/02/2018 | 2018-6/34 | |
| <u>child support</u> | | | | | | |
| Human Services, Recovery Services | 42638 | R527-303 | NEW | 05/08/2018 | 2018-7/134 | |
| | 42720 | R527-920 | 5YR | 03/23/2018 | 2018-8/156 | |
| <u>child welfare</u> | | | | | | |
| Human Services, Child and Family Services | 42596 | R512-100 | 5YR | 02/15/2018 | 2018-5/143 | |
| | 42597 | R512-200 | 5YR | 02/15/2018 | 2018-5/143 | |
| | 42598 | R512-201 | 5YR | 02/15/2018 | 2018-5/144 | |
| | 42599 | R512-202 | 5YR | 02/15/2018 | 2018-5/144 | |
| | 42600 | R512-300 | 5YR | 02/15/2018 | 2018-5/145 | |
| | 42601 | R512-301 | 5YR | 02/15/2018 | 2018-5/145 | |
| | 42602 | R512-302 | 5YR | 02/15/2018 | 2018-5/146 | |
| | 42603 | R512-305 | 5YR | 02/15/2018 | 2018-5/146 | |
| | 42604 | R512-309 | 5YR | 02/15/2018 | 2018-5/147 | |
| | 42605 | R512-500 | 5YR | 02/15/2018 | 2018-5/147 | |
| <u>children's health benefits</u> | | | | | | |
| Health, Children's Health Insurance Program | 42790 | R382-1 | 5YR | 04/11/2018 | 2018-9/70 | |
| | 42791 | R382-10 | 5YR | 04/11/2018 | 2018-9/70 | |
| <u>chronically ill</u> | | | | | | |
| Corrections, Administration | 42637 | R251-114 | 5YR | 03/07/2018 | 2018-7/161 | |

| | | | | | | |
|--|-------|------------|-----|------------|-------------|--|
| <u>citizenship</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42441 | R414-302 | 5YR | 01/08/2018 | 2018-3/84 | |
| | 42487 | R414-302-6 | EMR | 01/19/2018 | 2018-4/85 | |
| | 42627 | R414-302-6 | AMD | 05/08/2018 | 2018-6/15 | |
| <u>client rights</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42440 | R414-301 | 5YR | 01/08/2018 | 2018-3/83 | |
| <u>coal mines</u> | | | | | | |
| Natural Resources, Oil, Gas and Mining; Coal | 42496 | R645-101 | 5YR | 01/24/2018 | 2018-4/103 | |
| | 42497 | R645-102 | 5YR | 01/24/2018 | 2018-4/103 | |
| | 42498 | R645-104 | 5YR | 01/24/2018 | 2018-4/104 | |
| | 42499 | R645-401 | 5YR | 01/24/2018 | 2018-4/104 | |
| <u>coatings</u> | | | | | | |
| Environmental Quality, Air Quality | 42540 | R307-349 | EXT | 01/31/2018 | 2018-4/114 | |
| | 42660 | R307-349 | 5YR | 03/08/2018 | 2018-7/173 | |
| | 42542 | R307-350 | EXT | 01/31/2018 | 2018-4/114 | |
| | 42661 | R307-350 | 5YR | 03/08/2018 | 2018-7/174 | |
| | 42664 | R307-353 | 5YR | 03/08/2018 | 2018-7/176 | |
| | 42547 | R307-354 | EXT | 01/31/2018 | 2018-4/115 | |
| | 42665 | R307-354 | 5YR | 03/08/2018 | 2018-7/176 | |
| | 42549 | R307-355 | EXT | 01/31/2018 | 2018-4/115 | |
| | 42666 | R307-355 | 5YR | 03/08/2018 | 2018-7/177 | |
| | 42370 | R307-355-3 | AMD | 03/08/2018 | 2018-1/10 | |
| <u>coil coatings</u> | | | | | | |
| Environmental Quality, Air Quality | 42545 | R307-352 | EXT | 01/31/2018 | 2018-4/115 | |
| | 42663 | R307-352 | 5YR | 03/08/2018 | 2018-7/175 | |
| <u>colleges</u> | | | | | | |
| Regents (Board Of), Administration | 42868 | R765-555 | EXD | 05/01/2018 | 2018-10/159 | |
| <u>commercial cooking</u> | | | | | | |
| Environmental Quality, Air Quality | 42651 | R307-303 | 5YR | 03/08/2018 | 2018-7/168 | |
| <u>commercial motor vehicle insurance</u> | | | | | | |
| Insurance, Administration | 42436 | R590-243 | 5YR | 01/04/2018 | 2018-3/91 | |
| <u>communicable disease</u> | | | | | | |
| Health, Disease Control and Prevention, Epidemiology | 42285 | R386-702 | AMD | 01/02/2018 | 2017-22/31 | |
| <u>commutation</u> | | | | | | |
| Pardons (Board Of), Administration | 42905 | R671-312A | 5YR | 05/11/2018 | Not Printed | |
| | 42906 | R671-312B | 5YR | 05/11/2018 | Not Printed | |
| <u>Compensatory Mitigation Program</u> | | | | | | |
| Natural Resources, Administration | 42309 | R634-3 | NEW | 03/26/2018 | 2017-23/67 | |
| <u>complaints</u> | | | | | | |
| Education, Administration | 42909 | R277-104 | 5YR | 05/11/2018 | Not Printed | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 42478 | R525-7 | 5YR | 01/16/2018 | 2018-3/89 | |
| <u>compliance</u> | | | | | | |
| Education, Administration | 42754 | R277-108 | NSC | 04/12/2018 | Not Printed | |
| <u>concealed firearm permit instructors</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 42258 | R722-300 | AMD | 01/10/2018 | 2017-22/89 | |

RULES INDEX

| | | | | | | |
|--|-------|------------|-----|------------|-------------|--|
| <u>concealed firearm permits</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 42258 | R722-300 | AMD | 01/10/2018 | 2017-22/89 | |
| <u>concerns</u> | | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 42478 | R525-7 | 5YR | 01/16/2018 | 2018-3/89 | |
| <u>concrete</u> | | | | | | |
| Environmental Quality, Air Quality | 42536 | R307-312 | EXT | 01/31/2018 | 2018-4/113 | |
| | 42652 | R307-312 | 5YR | 03/08/2018 | 2018-7/169 | |
| <u>conduct</u> | | | | | | |
| Education, Administration | 42772 | R277-211 | NSC | 04/13/2018 | Not Printed | |
| <u>confidential information</u> | | | | | | |
| Public Service Commission, Administration | 42670 | R746-1-201 | AMD | 05/10/2018 | 2018-7/136 | |
| <u>confidential testimony</u> | | | | | | |
| Pardons (Board Of), Administration | 42587 | R671-520 | 5YR | 02/13/2018 | 2018-5/156 | |
| <u>confidentiality</u> | | | | | | |
| Education, Administration | 42758 | R277-117 | NSC | 04/12/2018 | Not Printed | |
| <u>confidentiality of information</u> | | | | | | |
| Environmental Quality, Air Quality | 42546 | R307-102 | EXT | 01/31/2018 | 2018-4/111 | |
| | 42639 | R307-102 | 5YR | 03/08/2018 | 2018-7/161 | |
| <u>conflict of interest</u> | | | | | | |
| Governor, Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission | 42351 | R364-1 | NEW | 01/29/2018 | 2017-24/14 | |
| <u>conservation permits</u> | | | | | | |
| Natural Resources, Wildlife Resources | 42379 | R657-41 | AMD | 02/07/2018 | 2018-1/38 | |
| <u>construction</u> | | | | | | |
| Administrative Services, Facilities Construction and Management | 42348 | R23-9 | AMD | 01/23/2018 | 2017-24/9 | |
| Transportation, Operations, Construction | 42616 | R916-4 | AMD | 04/23/2018 | 2018-6/28 | |
| <u>consumer products</u> | | | | | | |
| Environmental Quality, Air Quality | 42668 | R307-357 | 5YR | 03/08/2018 | 2018-7/178 | |
| <u>consumer protection</u> | | | | | | |
| Commerce, Consumer Protection | 42827 | R152-1 | NSC | 04/26/2018 | Not Printed | |
| | 42828 | R152-1a | NSC | 04/26/2018 | Not Printed | |
| | 42830 | R152-6 | NSC | 04/26/2018 | Not Printed | |
| | 42831 | R152-11 | NSC | 04/26/2018 | Not Printed | |
| | 42832 | R152-15 | NSC | 04/26/2018 | Not Printed | |
| | 42833 | R152-20 | NSC | 04/26/2018 | Not Printed | |
| | 42834 | R152-21 | NSC | 04/26/2018 | Not Printed | |
| | 42835 | R152-22 | NSC | 04/26/2018 | Not Printed | |
| | 42836 | R152-23 | NSC | 04/26/2018 | Not Printed | |
| | 42838 | R152-32a | NSC | 04/26/2018 | Not Printed | |
| | 42839 | R152-34 | NSC | 04/26/2018 | Not Printed | |
| | 42840 | R152-34a | NSC | 04/26/2018 | Not Printed | |
| | 42841 | R152-39 | NSC | 04/26/2018 | Not Printed | |
| | 42842 | R152-42 | NSC | 04/26/2018 | Not Printed | |
| | 42843 | R152-49 | NSC | 04/26/2018 | Not Printed | |
| <u>consumers</u> | | | | | | |
| Commerce, Consumer Protection | 42837 | R152-26 | NSC | 04/26/2018 | Not Printed | |
| <u>contingency fund</u> | | | | | | |
| Administrative Services, Facilities Construction and Management | 42347 | R23-5 | AMD | 01/23/2018 | 2017-24/8 | |

| | | | | | |
|--|----------------|----------------------|------------|--------------------------|--------------------------|
| <u>continuing</u> Pardons (Board Of), Administration | 42588 | R671-522 | 5YR | 02/13/2018 | 2018-5/156 |
| <u>continuous monitoring</u> Environmental Quality, Air Quality | 42550 42643 | R307-170 R307-170 | EXT 5YR | 01/31/2018 03/08/2018 | 2018-4/111 2018-7/164 |
| <u>contractor rating</u> Transportation, Operations, Construction | 42690 | R916-2 | AMD | 05/09/2018 | 2018-7/148 |
| <u>contractors</u> Commerce, Occupational and Professional Licensing | 42429 | R156-55b-102 | NSC | 01/18/2018 | Not Printed |
| <u>contracts</u> Transportation, Operations, Construction | 42690 42616 | R916-2 R916-4 | AMD AMD | 05/09/2018 04/23/2018 | 2018-7/148 2018-6/28 |
| <u>controlled substances</u> Commerce, Occupational and Professional Licensing | 42848 | R156-37c | 5YR | 04/24/2018 | 2018-10/155 |
| <u>conviction</u> Pardons (Board Of), Administration | 42585 | R671-518 | 5YR | 02/13/2018 | 2018-5/155 |
| <u>cooperative wildlife management unit</u> Natural Resources, Wildlife Resources | 42795 | R657-37 | 5YR | 04/12/2018 | 2018-9/72 |
| <u>copying process</u> Health, Center for Health Data, Vital Records and Statistics | 42716 | R436-14 | 5YR | 03/21/2018 | 2018-8/154 |
| <u>copying processes</u> Health, Center for Health Data, Vital Records and Statistics | 42715 | R436-13 | 5YR | 03/21/2018 | 2018-8/153 |
| <u>corrective action</u> Education, Administration | 42757 | R277-114 | NSC | 04/12/2018 | Not Printed |
| <u>costs</u> Administrative Services, Finance | 42571 | R25-6 | 5YR | 02/08/2018 | 2018-5/141 |
| <u>court reporting</u> Commerce, Occupational and Professional Licensing | 42847 | R156-74 | 5YR | 04/24/2018 | 2018-10/156 |
| <u>coverage groups</u> Health, Health Care Financing, Coverage and Reimbursement Policy | 42442 | R414-303 | 5YR | 01/08/2018 | 2018-3/84 |
| <u>credit</u> Education, Administration | 42484 | R277-717 | AMD | 03/14/2018 | 2018-3/26 |
| <u>credit for time served</u> Pardons (Board Of), Administration | 42227 | R671-205 | AMD | 01/08/2018 | 2017-21/169 |
| <u>credit scoring</u> Insurance, Administration | 42875 | R590-219 | 5YR | 05/04/2018 | Not Printed |
| <u>credit services</u> Commerce, Consumer Protection | 42834 | R152-21 | NSC | 04/26/2018 | Not Printed |
| <u>criminal charges</u> Pardons (Board Of), Administration | 42585 | R671-518 | 5YR | 02/13/2018 | 2018-5/155 |
| <u>criminal competency</u> Pardons (Board Of), Administration | 42296 | R671-206 | NEW | 01/08/2018 | 2017-22/81 |

RULES INDEX

| | | | | | | |
|--|-------|----------|-----|------------|-------------|--|
| <u>custody of children</u> | | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 42704 | R436-1 | 5YR | 03/19/2018 | 2018-8/149 | |
| | 42706 | R436-2 | 5YR | 03/20/2018 | 2018-8/149 | |
| <u>data processing</u> | | | | | | |
| Technology Services, Administration | 42528 | R895-12 | EXD | 01/30/2018 | 2018-4/117 | |
| <u>data research requests</u> | | | | | | |
| Workforce Services, Administration | 42421 | R982-800 | NEW | 03/01/2018 | 2018-2/38 | |
| <u>death</u> | | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 42713 | R436-7 | 5YR | 03/21/2018 | 2018-8/151 | |
| <u>debt-management</u> | | | | | | |
| Commerce, Consumer Protection | 42842 | R152-42 | NSC | 04/26/2018 | Not Printed | |
| <u>declaratory orders</u> | | | | | | |
| Labor Commission, Administration | 42622 | R600-1 | 5YR | 02/26/2018 | 2018-6/49 | |
| <u>definitions</u> | | | | | | |
| Education, Administration | 42749 | R277-100 | NSC | 04/12/2018 | Not Printed | |
| | 42771 | R277-210 | NSC | 04/13/2018 | Not Printed | |
| Workforce Services, Unemployment Insurance | 42735 | R994-201 | 5YR | 03/29/2018 | 2018-8/157 | |
| <u>depleted uranium</u> | | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Radiation | 42204 | R313-25 | AMD | 04/09/2018 | 2017-21/83 | |
| | 42204 | R313-25 | CPR | 04/16/2018 | 2018-5/128 | |
| <u>designated highways</u> | | | | | | |
| Transportation, Operations, Traffic and Safety | 42689 | R920-6 | AMD | 05/08/2018 | 2018-7/151 | |
| <u>disabilities</u> | | | | | | |
| Human Services, Services for People with Disabilities | 42560 | R539-1 | NSC | 03/01/2018 | Not Printed | |
| <u>disabled</u> | | | | | | |
| Human Services, Aging and Adult Services | 42485 | R510-105 | 5YR | 01/17/2018 | 2018-4/102 | |
| <u>disabled persons</u> | | | | | | |
| Administrative Services, Administration | 42634 | R13-3 | AMD | 04/23/2018 | 2018-6/4 | |
| Education, Administration | 42909 | R277-104 | 5YR | 05/11/2018 | Not Printed | |
| Natural Resources, Wildlife Resources | 42375 | R657-12 | NSC | 02/13/2018 | Not Printed | |
| <u>discharge</u> | | | | | | |
| Environmental Quality, Water Quality | 42511 | R317-14 | 5YR | 01/24/2018 | 2018-4/96 | |
| <u>disciplinary actions</u> | | | | | | |
| Education, Administration | 42701 | R277-609 | AMD | 05/08/2018 | 2018-7/31 | |
| <u>disciplinary presumptions</u> | | | | | | |
| Education, Administration | 42776 | R277-215 | NSC | 04/13/2018 | Not Printed | |
| <u>disciplinary problems</u> | | | | | | |
| Education, Administration | 42907 | R277-436 | 5YR | 05/11/2018 | Not Printed | |
| <u>discretionary funds</u> | | | | | | |
| Education, Administration | 42759 | R277-119 | NSC | 04/12/2018 | Not Printed | |
| <u>disruptive students</u> | | | | | | |
| Education, Administration | 42701 | R277-609 | AMD | 05/08/2018 | 2018-7/31 | |
| <u>diversion programs</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 42582 | R156-1 | AMD | 04/09/2018 | 2018-5/7 | |

| | | | | | |
|--|-------|------------|-----|------------|-------------|
| <u>domestic violence</u> | | | | | |
| Human Services, Child and Family Services | 42597 | R512-200 | 5YR | 02/15/2018 | 2018-5/143 |
| | 42598 | R512-201 | 5YR | 02/15/2018 | 2018-5/144 |
| | 42599 | R512-202 | 5YR | 02/15/2018 | 2018-5/144 |
| | 42600 | R512-300 | 5YR | 02/15/2018 | 2018-5/145 |
| | 42601 | R512-301 | 5YR | 02/15/2018 | 2018-5/145 |
| <u>driver education</u> | | | | | |
| Education, Administration | 42764 | R277-746 | 5YR | 04/02/2018 | 2018-8/146 |
| | 42702 | R277-746 | AMD | 05/08/2018 | 2018-7/36 |
| <u>e-mail</u> | | | | | |
| Commerce, Consumer Protection | 42841 | R152-39 | NSC | 04/26/2018 | Not Printed |
| <u>education</u> | | | | | |
| Commerce, Consumer Protection | 42839 | R152-34 | NSC | 04/26/2018 | Not Printed |
| Education, Administration | 42619 | R277-709 | 5YR | 02/26/2018 | 2018-6/48 |
| | 42613 | R277-709 | AMD | 04/09/2018 | 2018-5/34 |
| <u>educational administration</u> | | | | | |
| Education, Administration | 42609 | R277-116 | AMD | 04/09/2018 | 2018-5/14 |
| <u>educational policy</u> | | | | | |
| Regents (Board Of), Administration | 42868 | R765-555 | EXD | 05/01/2018 | 2018-10/159 |
| <u>educator licenses</u> | | | | | |
| Education, Administration | 42775 | R277-214 | NSC | 04/13/2018 | Not Printed |
| <u>educator licensing</u> | | | | | |
| Education, Administration | 42697 | R277-502 | AMD | 05/08/2018 | 2018-7/19 |
| | 42618 | R277-518 | 5YR | 02/26/2018 | 2018-6/47 |
| <u>educators</u> | | | | | |
| Education, Administration | 42756 | R277-110 | NSC | 04/12/2018 | Not Printed |
| | 42771 | R277-210 | NSC | 04/13/2018 | Not Printed |
| | 42773 | R277-212 | NSC | 04/13/2018 | Not Printed |
| | 42776 | R277-215 | NSC | 04/13/2018 | Not Printed |
| | 42777 | R277-216 | NSC | 04/13/2018 | Not Printed |
| | 42324 | R277-515 | AMD | 01/09/2018 | 2017-23/11 |
| | 42439 | R277-530-3 | NSC | 01/25/2018 | Not Printed |
| <u>effective date</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42445 | R414-306 | 5YR | 01/08/2018 | 2018-3/86 |
| <u>effectiveness</u> | | | | | |
| Education, Administration | 42439 | R277-530-3 | NSC | 01/25/2018 | Not Printed |
| <u>efficiency</u> | | | | | |
| Education, Administration | 42608 | R277-122 | AMD | 04/09/2018 | 2018-5/19 |
| | 42780 | R277-122 | NSC | 04/13/2018 | Not Printed |
| <u>effluent standards</u> | | | | | |
| Environmental Quality, Water Quality | 42510 | R317-13 | 5YR | 01/24/2018 | 2018-4/96 |
| <u>electric generating unit</u> | | | | | |
| Environmental Quality, Air Quality | 42534 | R307-224 | EXT | 01/31/2018 | 2018-4/112 |
| | 42649 | R307-224 | 5YR | 03/08/2018 | 2018-7/167 |
| <u>electric generating units</u> | | | | | |
| Environmental Quality, Air Quality | 42553 | R307-220 | EXT | 01/31/2018 | 2018-4/111 |
| | 42645 | R307-220 | 5YR | 03/08/2018 | 2018-7/165 |
| <u>electric utility industries</u> | | | | | |
| Public Service Commission, Administration | 42767 | R746-210 | 5YR | 04/05/2018 | 2018-9/75 |

RULES INDEX

| | | | | | |
|--|-------|--------------|-----|------------|-------------|
| <u>electricians</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 42429 | R156-55b-102 | NSC | 01/18/2018 | Not Printed |
| <u>electronic filings and meetings</u> | | | | | |
| Public Service Commission, Administration | 42670 | R746-1-201 | AMD | 05/10/2018 | 2018-7/136 |
| <u>electronic funds transfer</u> | | | | | |
| Human Services, Recovery Services | 42638 | R527-303 | NEW | 05/08/2018 | 2018-7/134 |
| | 42720 | R527-920 | 5YR | 03/23/2018 | 2018-8/156 |
| <u>electronic logging devices</u> | | | | | |
| Transportation, Motor Carrier | 42494 | R909-1 | AMD | 03/28/2018 | 2018-4/63 |
| <u>electronic meetings</u> | | | | | |
| Agriculture and Food, Administration | 42472 | R51-6 | NEW | 03/23/2018 | 2018-3/4 |
| Judicial Performance Evaluation Commission, Administration | 42262 | R597-5 | NEW | 01/02/2018 | 2017-22/68 |
| Natural Resources, Water Resources | 42257 | R653-9 | NEW | 03/02/2018 | 2017-22/74 |
| <u>elevators</u> | | | | | |
| Labor Commission, Boiler, Elevator and Coal Mine Safety | 42566 | R616-3-3 | AMD | 04/09/2018 | 2018-5/51 |
| <u>eligibility</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42446 | R414-308 | 5YR | 01/08/2018 | 2018-3/86 |
| | 42488 | R414-308-3 | EMR | 01/19/2018 | 2018-4/87 |
| | 42628 | R414-308-3 | AMD | 05/08/2018 | 2018-6/17 |
| | 42489 | R414-311 | EMR | 01/19/2018 | 2018-4/90 |
| | 42629 | R414-311 | NEW | 05/08/2018 | 2018-6/20 |
| <u>eligible educators</u> | | | | | |
| Education, Administration | 42699 | R277-521 | AMD | 05/08/2018 | 2018-7/26 |
| <u>emergency medical services</u> | | | | | |
| Health, Family Health and Preparedness, Emergency Medical Services | 42554 | R426-1 | AMD | 04/19/2018 | 2018-4/43 |
| | 42555 | R426-2 | AMD | 04/19/2018 | 2018-4/46 |
| | 42556 | R426-3 | AMD | 04/19/2018 | 2018-4/50 |
| <u>emergency medical services grants</u> | | | | | |
| Health, Family Health and Preparedness, Emergency Medical Services | 42724 | R426-6 | 5YR | 03/28/2018 | 2018-8/148 |
| <u>emergency safety interventions</u> | | | | | |
| Education, Administration | 42701 | R277-609 | AMD | 05/08/2018 | 2018-7/31 |
| <u>emergency vehicles</u> | | | | | |
| Public Safety, Administration | 42797 | R698-7 | 5YR | 04/12/2018 | 2018-9/74 |
| <u>emission controls</u> | | | | | |
| Environmental Quality, Air Quality | 42538 | R307-345 | EXT | 01/31/2018 | 2018-4/113 |
| | 42655 | R307-345 | 5YR | 03/08/2018 | 2018-7/171 |
| | 42539 | R307-346 | EXT | 01/31/2018 | 2018-4/114 |
| | 42656 | R307-346 | 5YR | 03/08/2018 | 2018-7/171 |
| | 42541 | R307-347 | EXT | 01/31/2018 | 2018-4/114 |
| | 42657 | R307-347 | 5YR | 03/08/2018 | 2018-7/172 |
| | 42543 | R307-348 | EXT | 01/31/2018 | 2018-4/114 |
| | 42659 | R307-348 | 5YR | 03/08/2018 | 2018-7/172 |
| | 42540 | R307-349 | EXT | 01/31/2018 | 2018-4/114 |
| | 42660 | R307-349 | 5YR | 03/08/2018 | 2018-7/173 |
| | 42542 | R307-350 | EXT | 01/31/2018 | 2018-4/114 |
| | 42661 | R307-350 | 5YR | 03/08/2018 | 2018-7/174 |
| | 42545 | R307-352 | EXT | 01/31/2018 | 2018-4/115 |
| | 42663 | R307-352 | 5YR | 03/08/2018 | 2018-7/175 |
| | 42664 | R307-353 | 5YR | 03/08/2018 | 2018-7/176 |

| | | | | | | |
|--|-------|------------|-----|------------|-------------|--|
| <u>employee termination</u> | | | | | | |
| Workforce Services, Unemployment Insurance | 42742 | R994-405 | 5YR | 03/29/2018 | 2018-8/161 | |
| <u>employee's rights</u> | | | | | | |
| Workforce Services, Unemployment Insurance | 42742 | R994-405 | 5YR | 03/29/2018 | 2018-8/161 | |
| <u>employees</u> | | | | | | |
| Human Services, Administration | 42417 | R495-885 | AMD | 02/23/2018 | 2018-2/13 | |
| | 42845 | R495-885 | EMR | 04/23/2018 | 2018-10/149 | |
| <u>employment</u> | | | | | | |
| Workforce Services, Unemployment Insurance | 42736 | R994-202 | 5YR | 03/29/2018 | 2018-8/157 | |
| | 42742 | R994-405 | 5YR | 03/29/2018 | 2018-8/161 | |
| <u>endowed universities</u> | | | | | | |
| Education, Administration | 42471 | R277-490 | 5YR | 01/12/2018 | 2018-3/70 | |
| | 42481 | R277-490 | AMD | 03/14/2018 | 2018-3/13 | |
| <u>Energy Research Triangle Professors Grant (ERT-P)</u> | | | | | | |
| Science Technology and Research Governing Authority, Administration | 42356 | R856-5 | R&R | 01/23/2018 | 2017-24/48 | |
| <u>Energy Research Triangle Scholars Grant (ERT-S)</u> | | | | | | |
| Science Technology and Research Governing Authority, Administration | 42355 | R856-6 | R&R | 01/23/2018 | 2017-24/54 | |
| <u>English proficiency</u> | | | | | | |
| Regents (Board Of), Administration | 42866 | R765-136 | EXD | 05/01/2018 | 2018-10/159 | |
| <u>environmental protection</u> | | | | | | |
| Environmental Quality, Air Quality | 42548 | R307-115 | EXT | 01/31/2018 | 2018-4/111 | |
| | 42641 | R307-115 | 5YR | 03/08/2018 | 2018-7/163 | |
| <u>essential health benefit</u> | | | | | | |
| Insurance, Administration | 42856 | R590-266-4 | NSC | 05/14/2018 | Not Printed | |
| <u>essential health benefit insurance</u> | | | | | | |
| Insurance, Administration | 42319 | R590-266-1 | AMD | 01/10/2018 | 2017-23/66 | |
| <u>evaluations</u> | | | | | | |
| Education, Administration | 42763 | R277-532 | 5YR | 04/02/2018 | 2018-8/146 | |
| | 42700 | R277-532 | AMD | 05/08/2018 | 2018-7/29 | |
| <u>evidence</u> | | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 42708 | R436-4 | 5YR | 03/20/2018 | 2018-8/150 | |
| <u>evidentiary</u> | | | | | | |
| Pardons (Board Of), Administration | 42584 | R671-517 | 5YR | 02/13/2018 | 2018-5/154 | |
| <u>evidentiary restrictions</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 42582 | R156-1 | AMD | 04/09/2018 | 2018-5/7 | |
| <u>exceptional children</u> | | | | | | |
| Education, Administration | 42765 | R277-751 | 5YR | 04/02/2018 | 2018-8/147 | |
| | 42703 | R277-751 | AMD | 05/08/2018 | 2018-7/38 | |
| <u>excess emissions</u> | | | | | | |
| Environmental Quality, Air Quality | 42640 | R307-107 | 5YR | 03/08/2018 | 2018-7/162 | |
| <u>expansion</u> | | | | | | |
| Education, Administration | 42610 | R277-482 | AMD | 04/09/2018 | 2018-5/22 | |
| <u>expungement</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 42259 | R722-350 | AMD | 01/10/2018 | 2017-22/94 | |

RULES INDEX

| | | | | | | |
|--|-------|------------|-----|------------|-------------|--|
| <u>extended area service</u> | | | | | | |
| Public Service Commission, Administration | 42589 | R746-347 | 5YR | 02/14/2018 | 2018-5/158 | |
| <u>extended school year</u> | | | | | | |
| Education, Administration | 42765 | R277-751 | 5YR | 04/02/2018 | 2018-8/147 | |
| | 42703 | R277-751 | AMD | 05/08/2018 | 2018-7/38 | |
| <u>eye exams</u> | | | | | | |
| Health, Disease Control and Prevention, Health Promotion | 42569 | R384-201 | EXT | 02/08/2018 | 2018-5/161 | |
| <u>eyeglasses</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42783 | R414-53 | 5YR | 04/10/2018 | 2018-9/71 | |
| <u>fabric coating</u> | | | | | | |
| Environmental Quality, Air Quality | 42538 | R307-345 | EXT | 01/31/2018 | 2018-4/113 | |
| | 42655 | R307-345 | 5YR | 03/08/2018 | 2018-7/171 | |
| <u>facility notice</u> | | | | | | |
| Corrections, Administration | 42637 | R251-114 | 5YR | 03/07/2018 | 2018-7/161 | |
| <u>fair hearings</u> | | | | | | |
| Health, Children's Health Insurance Program | 42790 | R382-1 | 5YR | 04/11/2018 | 2018-9/70 | |
| <u>fathers</u> | | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 42707 | R436-3 | 5YR | 03/20/2018 | 2018-8/150 | |
| <u>fees</u> | | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 42717 | R436-15 | 5YR | 03/21/2018 | 2018-8/154 | |
| Labor Commission, Industrial Accidents | 42563 | R612-300 | 5YR | 02/08/2018 | 2018-5/149 | |
| | 42567 | R612-300-4 | AMD | 04/09/2018 | 2018-5/46 | |
| <u>filing deadlines</u> | | | | | | |
| Labor Commission, Industrial Accidents | 42562 | R612-200 | 5YR | 02/08/2018 | 2018-5/149 | |
| Workforce Services, Unemployment Insurance | 42741 | R994-403 | 5YR | 03/29/2018 | 2018-8/160 | |
| <u>film coating</u> | | | | | | |
| Environmental Quality, Air Quality | 42537 | R307-344 | EXT | 01/31/2018 | 2018-4/113 | |
| | 42654 | R307-344 | 5YR | 03/08/2018 | 2018-7/170 | |
| <u>finance</u> | | | | | | |
| Administrative Services, Finance | 42571 | R25-6 | 5YR | 02/08/2018 | 2018-5/141 | |
| | 42573 | R25-8 | 5YR | 02/08/2018 | 2018-5/142 | |
| <u>financial aid</u> | | | | | | |
| Regents (Board Of), Administration | 42789 | R765-605 | 5YR | 04/11/2018 | 2018-9/77 | |
| | 42722 | R765-605 | NSC | 04/12/2018 | Not Printed | |
| <u>financial assurance</u> | | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Waste Management | 42451 | R315-15 | AMD | 04/19/2018 | 2018-3/35 | |
| <u>financial disclosures</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42443 | R414-304 | 5YR | 01/08/2018 | 2018-3/85 | |
| <u>fingerprinting</u> | | | | | | |
| Human Services, Administration, Administrative Services, Licensing | 42233 | R501-14 | AMD | 02/23/2018 | 2017-21/130 | |
| <u>firearm background check information</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 42260 | R722-380 | AMD | 01/10/2018 | 2017-22/96 | |

| | | | | | | |
|--|-------|----------|-----|------------|-------------|--|
| <u>firearm denials</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 42260 | R722-380 | AMD | 01/10/2018 | 2017-22/96 | |
| <u>firearm purchases</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 42260 | R722-380 | AMD | 01/10/2018 | 2017-22/96 | |
| <u>firearm releases</u> | | | | | | |
| Public Safety, Criminal Investigations and Technical Services, Criminal Identification | 42260 | R722-380 | AMD | 01/10/2018 | 2017-22/96 | |
| <u>fireplaces</u> | | | | | | |
| Environmental Quality, Air Quality | 42430 | R307-356 | EXT | 01/02/2018 | 2018-2/59 | |
| | 42667 | R307-356 | 5YR | 03/08/2018 | 2018-7/177 | |
| <u>fiscal policies and procedures</u> | | | | | | |
| Education, Administration | 42849 | R277-113 | EXD | 04/24/2018 | 2018-10/159 | |
| <u>fish</u> | | | | | | |
| Natural Resources, Wildlife Resources | 42449 | R657-58 | 5YR | 01/09/2018 | 2018-3/91 | |
| <u>fishing</u> | | | | | | |
| Natural Resources, Wildlife Resources | 42375 | R657-12 | NSC | 02/13/2018 | Not Printed | |
| | 42449 | R657-58 | 5YR | 01/09/2018 | 2018-3/91 | |
| <u>flat wood paneling</u> | | | | | | |
| Environmental Quality, Air Quality | 42540 | R307-349 | EXT | 01/31/2018 | 2018-4/114 | |
| | 42660 | R307-349 | 5YR | 03/08/2018 | 2018-7/173 | |
| <u>foil coating</u> | | | | | | |
| Environmental Quality, Air Quality | 42537 | R307-344 | EXT | 01/31/2018 | 2018-4/113 | |
| | 42654 | R307-344 | 5YR | 03/08/2018 | 2018-7/170 | |
| <u>foods</u> | | | | | | |
| Education, Administration | 42620 | R277-719 | 5YR | 02/26/2018 | 2018-6/48 | |
| | 42614 | R277-719 | AMD | 04/09/2018 | 2018-5/39 | |
| <u>former foster care youth</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42442 | R414-303 | 5YR | 01/08/2018 | 2018-3/84 | |
| <u>foster care</u> | | | | | | |
| Human Services, Administration, Administrative Services, Licensing | 42217 | R501-12 | AMD | 02/23/2018 | 2017-21/120 | |
| Human Services, Child and Family Services | 42604 | R512-309 | 5YR | 02/15/2018 | 2018-5/147 | |
| <u>franchises</u> | | | | | | |
| Commerce, Consumer Protection | 42832 | R152-15 | NSC | 04/26/2018 | Not Printed | |
| <u>fraud</u> | | | | | | |
| Commerce, Consumer Protection | 42837 | R152-26 | NSC | 04/26/2018 | Not Printed | |
| <u>free enterprise</u> | | | | | | |
| Regents (Board Of), Administration | 42868 | R765-555 | EXD | 05/01/2018 | 2018-10/159 | |
| <u>freedom of religion</u> | | | | | | |
| Education, Administration | 42752 | R277-105 | NSC | 04/12/2018 | Not Printed | |
| <u>funds</u> | | | | | | |
| Education, Administration | 42480 | R277-415 | NEW | 03/14/2018 | 2018-3/11 | |
| <u>funeral industries</u> | | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 42713 | R436-7 | 5YR | 03/21/2018 | 2018-8/151 | |
| | 42709 | R436-8 | 5YR | 03/20/2018 | 2018-8/151 | |
| | 42712 | R436-9 | 5YR | 03/21/2018 | 2018-8/152 | |

RULES INDEX

furnaces

| | | | | | |
|------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Air Quality | 42430 | R307-356 | EXT | 01/02/2018 | 2018-2/59 |
| | 42667 | R307-356 | 5YR | 03/08/2018 | 2018-7/177 |

game laws

| | | | | | |
|---------------------------------------|-------|---------|-----|------------|-----------|
| Natural Resources, Wildlife Resources | 42371 | R657-5 | AMD | 02/07/2018 | 2018-1/19 |
| | 42377 | R657-19 | AMD | 02/07/2018 | 2018-1/35 |
| | 42492 | R657-33 | AMD | 03/26/2018 | 2018-4/55 |
| | 42796 | R657-34 | 5YR | 04/12/2018 | 2018-9/72 |
| | 42372 | R657-67 | AMD | 02/07/2018 | 2018-1/44 |
| | 42378 | R657-70 | REP | 02/07/2018 | 2018-1/46 |
| | 42373 | R657-71 | NEW | 02/07/2018 | 2018-1/52 |

gangs

| | | | | | |
|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 42907 | R277-436 | 5YR | 05/11/2018 | Not Printed |
|---------------------------|-------|----------|-----|------------|-------------|

gas

| | | | | | |
|------------------------------------|-------|----------|-----|------------|-------------|
| Environmental Quality, Air Quality | 42109 | R307-504 | AMD | 03/05/2018 | 2017-19/70 |
| | 42109 | R307-504 | CPR | 03/05/2018 | 2018-3/56 |
| | 42110 | R307-505 | NEW | 01/26/2018 | 2017-19/71 |
| | 42111 | R307-506 | NEW | 03/05/2018 | 2017-19/73 |
| | 42111 | R307-506 | CPR | 03/05/2018 | 2018-3/58 |
| | 42112 | R307-507 | NEW | 03/05/2018 | 2017-19/75 |
| | 42112 | R307-507 | CPR | 03/05/2018 | 2018-3/60 |
| | 42113 | R307-508 | NEW | 03/05/2018 | 2017-19/77 |
| | 42113 | R307-508 | CPR | 03/05/2018 | 2018-3/62 |
| | 42114 | R307-509 | NEW | 03/05/2018 | 2017-19/79 |
| | 42114 | R307-509 | CPR | 03/05/2018 | 2018-3/63 |
| | 42115 | R307-510 | NEW | 03/05/2018 | 2017-19/81 |
| | 42115 | R307-510 | CPR | 03/05/2018 | 2018-3/65 |
| | 42858 | R307-510 | NSC | 05/14/2018 | Not Printed |

general conformity

| | | | | | |
|------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Air Quality | 42548 | R307-115 | EXT | 01/31/2018 | 2018-4/111 |
| | 42641 | R307-115 | 5YR | 03/08/2018 | 2018-7/163 |

generators

| | | | | | |
|--|-------|-------------|-----|------------|-------------|
| Environmental Quality, Waste Management and Radiation Control, Waste Management | 42672 | R315-262-17 | NSC | 03/30/2018 | Not Printed |
| | 42824 | R315-262-17 | NSC | 05/03/2018 | Not Printed |

geothermal resources

| | | | | | |
|---------------------------------|-------|--------|-----|------------|-----------|
| Natural Resources, Water Rights | 42606 | R655-1 | R&R | 04/09/2018 | 2018-5/53 |
|---------------------------------|-------|--------|-----|------------|-----------|

good cause

| | | | | | |
|------------------------------------|-------|----------|-----|------------|------------|
| Pardons (Board Of), Administration | 42581 | R671-515 | 5YR | 02/13/2018 | 2018-5/153 |
|------------------------------------|-------|----------|-----|------------|------------|

government documents

| | | | | | |
|----------------------------------|-------|--------|-----|------------|----------|
| Attorney General, Administration | 42367 | R105-2 | AMD | 02/07/2018 | 2018-1/2 |
|----------------------------------|-------|--------|-----|------------|----------|

government hearings

| | | | | | |
|---|-------|--------------|-----|------------|-------------|
| Commerce, Consumer Protection | 42830 | R152-6 | NSC | 04/26/2018 | Not Printed |
| Commerce, Occupational and Professional Licensing | 42428 | R156-46b-401 | NSC | 01/18/2018 | Not Printed |
| Pardons (Board Of), Administration | 42231 | R671-304 | AMD | 01/08/2018 | 2017-21/171 |

grades

| | | | | | |
|---------------------------|-------|----------|-----|------------|-----------|
| Education, Administration | 42484 | R277-717 | AMD | 03/14/2018 | 2018-3/26 |
|---------------------------|-------|----------|-----|------------|-----------|

graduation requirements

| | | | | | |
|---------------------------|-------|----------|-----|------------|-----------|
| Education, Administration | 42482 | R277-700 | AMD | 03/14/2018 | 2018-3/16 |
| | 42394 | R277-705 | AMD | 02/28/2018 | 2018-1/5 |

GRAMA

| | | | | | |
|----------------------------------|-------|--------|-----|------------|----------|
| Attorney General, Administration | 42367 | R105-2 | AMD | 02/07/2018 | 2018-1/2 |
|----------------------------------|-------|--------|-----|------------|----------|

| | | | | | |
|---|-------|-------------|-----|------------|-------------|
| <u>grants</u> | | | | | |
| Education, Administration | 42758 | R277-117 | NSC | 04/12/2018 | Not Printed |
| | 42471 | R277-490 | 5YR | 01/12/2018 | 2018-3/70 |
| | 42481 | R277-490 | AMD | 03/14/2018 | 2018-3/13 |
| Governor, Economic Development | 42332 | R357-16 | AMD | 01/17/2018 | 2017-23/25 |
| | 42633 | R357-16 | NSC | 03/14/2018 | Not Printed |
| <u>grants and loans</u> | | | | | |
| Environmental Quality, Air Quality | 42642 | R307-123 | 5YR | 03/08/2018 | 2018-7/163 |
| <u>graphic arts</u> | | | | | |
| Environmental Quality, Air Quality | 42544 | R307-351 | EXT | 01/31/2018 | 2018-4/115 |
| | 42662 | R307-351 | 5YR | 03/08/2018 | 2018-7/174 |
| <u>greenhouse gases</u> | | | | | |
| Environmental Quality, Air Quality | 42108 | R307-401 | AMD | 03/05/2018 | 2017-19/58 |
| | 42108 | R307-401 | CPR | 03/05/2018 | 2018-3/49 |
| | 42574 | R307-401 | NSC | 03/05/2018 | Not Printed |
| <u>grievance procedures</u> | | | | | |
| Administrative Services, Administration | 42634 | R13-3 | AMD | 04/23/2018 | 2018-6/4 |
| <u>hazardous materials</u> | | | | | |
| Public Safety, Fire Marshal | 42674 | R710-12 | EXD | 03/12/2018 | 2018-7/183 |
| <u>hazardous waste</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Waste Management | 42451 | R315-15 | AMD | 04/19/2018 | 2018-3/35 |
| | 42615 | R315-15-5 | NSC | 03/14/2018 | Not Printed |
| | 42672 | R315-262-17 | NSC | 03/30/2018 | Not Printed |
| | 42824 | R315-262-17 | NSC | 05/03/2018 | Not Printed |
| <u>head injuries</u> | | | | | |
| Education, Administration | 42908 | R277-614 | 5YR | 05/11/2018 | Not Printed |
| <u>health care facilities</u> | | | | | |
| Health, Family Health and Preparedness, Licensing | 42520 | R432-1 | 5YR | 01/29/2018 | 2018-4/98 |
| | 42521 | R432-2 | 5YR | 01/29/2018 | 2018-4/98 |
| | 42397 | R432-2-5 | AMD | 03/22/2018 | 2018-2/9 |
| | 42396 | R432-2-13 | AMD | 03/22/2018 | 2018-2/11 |
| | 42522 | R432-3 | 5YR | 01/29/2018 | 2018-4/99 |
| | 42523 | R432-4 | 5YR | 01/29/2018 | 2018-4/99 |
| | 42524 | R432-5 | 5YR | 01/29/2018 | 2018-4/100 |
| | 42525 | R432-6 | 5YR | 01/29/2018 | 2018-4/100 |
| | 42518 | R432-16 | 5YR | 01/29/2018 | 2018-4/101 |
| | 42519 | R432-35 | 5YR | 01/29/2018 | 2018-4/101 |
| | 42201 | R432-150-8 | AMD | 01/11/2018 | 2017-21/108 |
| | 42200 | R432-270-19 | AMD | 01/11/2018 | 2017-21/109 |
| <u>health facilities</u> | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 42712 | R436-9 | 5YR | 03/21/2018 | 2018-8/152 |
| <u>health spas</u> | | | | | |
| Commerce, Consumer Protection | 42836 | R152-23 | NSC | 04/26/2018 | Not Printed |
| <u>hearings</u> | | | | | |
| Education, Administration | 42772 | R277-211 | NSC | 04/13/2018 | Not Printed |
| | 42773 | R277-212 | NSC | 04/13/2018 | Not Printed |
| | 42774 | R277-213 | NSC | 04/13/2018 | Not Printed |
| Environmental Quality, Water Quality | 42509 | R317-9 | 5YR | 01/24/2018 | 2018-4/95 |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42440 | R414-301 | 5YR | 01/08/2018 | 2018-3/83 |
| Pardons (Board Of), Administration | 42295 | R671-201 | AMD | 01/08/2018 | 2017-22/75 |
| | 42579 | R671-513 | 5YR | 02/13/2018 | 2018-5/152 |
| | 42584 | R671-517 | 5YR | 02/13/2018 | 2018-5/154 |
| | 42586 | R671-519 | 5YR | 02/13/2018 | 2018-5/155 |

RULES INDEX

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| | 42587 | R671-520 | 5YR | 02/13/2018 | 2018-5/156 |
| | 42588 | R671-522 | 5YR | 02/13/2018 | 2018-5/156 |
| <u>high school credits</u> | | | | | |
| Education, Administration | 42394 | R277-705 | AMD | 02/28/2018 | 2018-1/5 |
| <u>higher education</u> | | | | | |
| Regents (Board Of), Administration | 42866 | R765-136 | EXD | 05/01/2018 | 2018-10/159 |
| | 42868 | R765-555 | EXD | 05/01/2018 | 2018-10/159 |
| | 42789 | R765-605 | 5YR | 04/11/2018 | 2018-9/77 |
| | 42722 | R765-605 | NSC | 04/12/2018 | Not Printed |
| <u>highways</u> | | | | | |
| Transportation, Operations, Construction | 42616 | R916-4 | AMD | 04/23/2018 | 2018-6/28 |
| <u>HIPAA</u> | | | | | |
| Health, Administration | 42784 | R380-250 | 5YR | 04/10/2018 | 2018-9/69 |
| Human Services, Administration | 42766 | R495-881 | 5YR | 04/02/2018 | 2018-8/156 |
| <u>HIV/AIDS</u> | | | | | |
| Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health | 42328 | R388-805 | AMD | 02/01/2018 | 2017-23/28 |
| <u>hospitals</u> | | | | | |
| Environmental Quality, Air Quality | 42532 | R307-222 | EXT | 01/31/2018 | 2018-4/112 |
| | 42647 | R307-222 | 5YR | 03/08/2018 | 2018-7/166 |
| <u>hotels</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 42515 | R392-502 | R&R | 03/26/2018 | 2018-4/31 |
| <u>human services</u> | | | | | |
| Human Services, Administration | 42417 | R495-885 | AMD | 02/23/2018 | 2018-2/13 |
| | 42845 | R495-885 | EMR | 04/23/2018 | 2018-10/149 |
| Human Services, Administration, Administrative Services, Licensing | 42216 | R501-1 | AMD | 02/23/2018 | 2017-21/111 |
| | 42317 | R501-7 | R&R | 05/02/2018 | 2017-23/50 |
| | 42317 | R501-7 | CPR | 05/02/2018 | 2018-6/34 |
| | 42217 | R501-12 | AMD | 02/23/2018 | 2017-21/120 |
| | 42233 | R501-14 | AMD | 02/23/2018 | 2017-21/130 |
| | 42234 | R501-18 | AMD | 02/07/2018 | 2017-21/136 |
| Human Services, Services for People with Disabilities | 42560 | R539-1 | NSC | 03/01/2018 | Not Printed |
| <u>hunter education</u> | | | | | |
| Natural Resources, Wildlife Resources | 42372 | R657-67 | AMD | 02/07/2018 | 2018-1/44 |
| <u>hunting closures</u> | | | | | |
| Natural Resources, Wildlife Resources | 42796 | R657-34 | 5YR | 04/12/2018 | 2018-9/72 |
| <u>immigration consultant</u> | | | | | |
| Commerce, Consumer Protection | 42843 | R152-49 | NSC | 04/26/2018 | Not Printed |
| <u>implements of husbandry</u> | | | | | |
| Transportation, Motor Carrier | 42494 | R909-1 | AMD | 03/28/2018 | 2018-4/63 |
| <u>import restrictions</u> | | | | | |
| Natural Resources, Wildlife Resources | 42624 | R657-3 | 5YR | 02/27/2018 | 2018-6/49 |
| | 42792 | R657-53 | 5YR | 04/12/2018 | 2018-9/74 |
| <u>incidents</u> | | | | | |
| Pardons (Board Of), Administration | 42576 | R671-509 | 5YR | 02/13/2018 | 2018-5/151 |
| <u>incinerators</u> | | | | | |
| Environmental Quality, Air Quality | 42553 | R307-220 | EXT | 01/31/2018 | 2018-4/111 |
| | 42645 | R307-220 | 5YR | 03/08/2018 | 2018-7/165 |

| | | | | | | |
|---|-------|------------|-----|------------|-------------|--|
| <u>income</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42443 | R414-304 | 5YR | 01/08/2018 | 2018-3/85 | |
| <u>industrial waste</u> | | | | | | |
| Environmental Quality, Water Quality | 42510 | R317-13 | 5YR | 01/24/2018 | 2018-4/96 | |
| <u>Industry Partnership Program (IPP)</u> | | | | | | |
| Science Technology and Research Governing Authority, Administration | 42357 | R856-2 | R&R | 01/23/2018 | 2017-24/28 | |
| <u>infectious waste</u> | | | | | | |
| Environmental Quality, Air Quality | 42532 | R307-222 | EXT | 01/31/2018 | 2018-4/112 | |
| | 42647 | R307-222 | 5YR | 03/08/2018 | 2018-7/166 | |
| <u>inmates</u> | | | | | | |
| Pardons (Board Of), Administration | 42295 | R671-201 | AMD | 01/08/2018 | 2017-22/75 | |
| | 42294 | R671-202 | AMD | 01/08/2018 | 2017-22/77 | |
| <u>inspections</u> | | | | | | |
| Agriculture and Food, Plant Industry | 42530 | R68-5 | 5YR | 01/30/2018 | 2018-4/95 | |
| | 42531 | R68-5 | NSC | 02/27/2018 | Not Printed | |
| Agriculture and Food, Regulatory Services | 42422 | R70-940 | R&R | 02/22/2018 | 2018-2/6 | |
| <u>instructional materials</u> | | | | | | |
| Education, Administration | 42322 | R277-469 | AMD | 01/09/2018 | 2017-23/4 | |
| <u>insurance</u> | | | | | | |
| Insurance, Administration | 42687 | R590-154 | 5YR | 03/14/2018 | 2018-7/180 | |
| | 42875 | R590-219 | 5YR | 05/04/2018 | Not Printed | |
| | 42874 | R590-222 | 5YR | 05/04/2018 | Not Printed | |
| | 42856 | R590-266-4 | NSC | 05/14/2018 | Not Printed | |
| | 42214 | R590-276 | NEW | 04/23/2018 | 2017-21/165 | |
| | 42214 | R590-276 | CPR | 04/23/2018 | 2018-6/44 | |
| Labor Commission, Industrial Accidents | 42564 | R612-400 | 5YR | 02/08/2018 | 2018-5/150 | |
| <u>insurance discretion clauses</u> | | | | | | |
| Insurance, Administration | 42437 | R590-218 | 5YR | 01/04/2018 | 2018-3/90 | |
| <u>insurance fee</u> | | | | | | |
| Insurance, Administration | 42438 | R590-157 | 5YR | 01/04/2018 | 2018-3/90 | |
| <u>insurance fees</u> | | | | | | |
| Insurance, Administration | 42395 | R590-102 | AMD | 02/08/2018 | 2018-1/11 | |
| <u>insurance law</u> | | | | | | |
| Insurance, Administration | 42686 | R590-94 | 5YR | 03/14/2018 | 2018-7/179 | |
| <u>insurance reserves and nonforfeitures</u> | | | | | | |
| Insurance, Administration | 42873 | R590-223 | 5YR | 05/04/2018 | Not Printed | |
| <u>interchanges</u> | | | | | | |
| Transportation, Operations, Maintenance | 42392 | R918-6 | AMD | 02/07/2018 | 2018-1/53 | |
| <u>Internet ratings</u> | | | | | | |
| Commerce, Consumer Protection | 42828 | R152-1a | NSC | 04/26/2018 | Not Printed | |
| <u>intersections</u> | | | | | | |
| Transportation, Operations, Maintenance | 42392 | R918-6 | AMD | 02/07/2018 | 2018-1/53 | |
| <u>inventories</u> | | | | | | |
| Environmental Quality, Air Quality | 42107 | R307-150 | AMD | 03/05/2018 | 2017-19/55 | |
| | 42107 | R307-150 | CPR | 03/05/2018 | 2018-3/46 | |
| <u>judges</u> | | | | | | |
| Governor, Criminal and Juvenile Justice (State Commission on) | 42337 | R356-2-10 | AMD | 04/02/2018 | 2017-24/13 | |

RULES INDEX

| | | | | | |
|---|---|--|--|--|---|
| <u>judicial nominating commissions</u> Governor, Criminal and Juvenile Justice (State Commission on) | 42337 | R356-2-10 | AMD | 04/02/2018 | 2017-24/13 |
| <u>juvenile confinement in adult jails</u> Governor, Criminal and Juvenile Justice (State Commission on) | 42055 | R356-4 | NEW | 01/02/2018 | 2017-18/26 |
| <u>juvenile confinement in lockups</u> Governor, Criminal and Juvenile Justice (State Commission on) | 42055 | R356-4 | NEW | 01/02/2018 | 2017-18/26 |
| <u>juvenile courts</u> Education, Administration | 42619 42613 | R277-709 R277-709 | 5YR AMD | 02/26/2018 04/09/2018 | 2018-6/48 2018-5/34 |
| <u>juvenile detention in adult jails</u> Governor, Criminal and Juvenile Justice (State Commission on) | 42055 | R356-4 | NEW | 01/02/2018 | 2017-18/26 |
| <u>juvenile detention in lockups</u> Governor, Criminal and Juvenile Justice (State Commission on) | 42055 | R356-4 | NEW | 01/02/2018 | 2017-18/26 |
| <u>kinship</u> Human Services, Child and Family Services | 42605 | R512-500 | 5YR | 02/15/2018 | 2018-5/147 |
| <u>Labor Commission</u> Labor Commission, Administration | 42622 | R600-1 | 5YR | 02/26/2018 | 2018-6/49 |
| <u>landfills</u> Environmental Quality, Air Quality | 42553 42645 | R307-220 R307-220 | EXT 5YR | 01/31/2018 03/08/2018 | 2018-4/111 2018-7/165 |
| <u>language proficiency</u> Regents (Board Of), Administration | 42866 | R765-136 | EXD | 05/01/2018 | 2018-10/159 |
| <u>large appliance</u> Environmental Quality, Air Quality | 42541 42657 | R307-347 R307-347 | EXT 5YR | 01/31/2018 03/08/2018 | 2018-4/114 2018-7/172 |
| <u>leadership</u> Education, Administration | 42439 | R277-530-3 | NSC | 01/25/2018 | Not Printed |
| <u>license</u> Natural Resources, Wildlife Resources | 42793 | R657-45 | 5YR | 04/12/2018 | 2018-9/73 |
| <u>license surrender</u> Education, Administration | 42777 | R277-216 | NSC | 04/13/2018 | Not Printed |
| <u>licensed family child care</u> Health, Family Health and Preparedness, Child Care Licensing | 42876 | R430-90 | 5YR | 05/09/2018 | Not Printed |
| <u>licensing</u> Commerce, Occupational and Professional Licensing | 42582 42869 42623 42448 42848 42429 42925 42924 42447 42338 42847 | R156-1 R156-5a R156-24b-102 R156-31b R156-37c R156-55b-102 R156-63a R156-63b R156-68 R156-72 R156-74 | AMD 5YR NSC 5YR 5YR NSC 5YR 5YR 5YR 5YR AMD 5YR | 04/09/2018 05/01/2018 03/14/2018 01/08/2018 04/24/2018 01/18/2018 05/15/2018 05/15/2018 01/08/2018 01/23/2018 04/24/2018 | 2018-5/7 2018-10/155 Not Printed 2018-3/69 2018-10/155 Not Printed Not Printed Not Printed 2018-3/70 2017-24/11 2018-10/156 |

| | | | | | |
|--|-------|-------------|-----|------------|-------------|
| | 42243 | R156-78-502 | AMD | 01/02/2018 | 2017-22/28 |
| Education, Administration | 42760 | R277-120 | NSC | 04/12/2018 | Not Printed |
| Human Services, Administration, Administrative Services, Licensing | 42216 | R501-1 | AMD | 02/23/2018 | 2017-21/111 |
| | 42317 | R501-7 | R&R | 05/02/2018 | 2017-23/50 |
| | 42317 | R501-7 | CPR | 05/02/2018 | 2018-6/34 |
| | 42217 | R501-12 | AMD | 02/23/2018 | 2017-21/120 |
| | 42233 | R501-14 | AMD | 02/23/2018 | 2017-21/130 |
| | 42234 | R501-18 | AMD | 02/07/2018 | 2017-21/136 |
| <u>licensure</u> | | | | | |
| Education, Administration | 42774 | R277-213 | NSC | 04/13/2018 | Not Printed |
| <u>life settlement</u> | | | | | |
| Insurance, Administration | 42874 | R590-222 | 5YR | 05/04/2018 | Not Printed |
| <u>lifeline rates</u> | | | | | |
| Public Service Commission, Administration | 42423 | R746-341 | REP | 02/21/2018 | 2018-2/24 |
| <u>lifeline support</u> | | | | | |
| Public Service Commission, Administration | 42632 | R746-8-403 | AMD | 04/24/2018 | 2018-6/26 |
| <u>loans</u> | | | | | |
| Agriculture and Food, Administration | 42559 | R51-5 | NEW | 05/02/2018 | 2018-5/4 |
| Environmental Quality, Water Quality | 42705 | R317-101 | 5YR | 03/20/2018 | 2018-8/147 |
| <u>local government</u> | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 42710 | R436-10 | 5YR | 03/20/2018 | 2018-8/152 |
| | 42714 | R436-12 | 5YR | 03/21/2018 | 2018-8/153 |
| <u>local school boards</u> | | | | | |
| Education, Administration | 42754 | R277-108 | NSC | 04/12/2018 | Not Printed |
| <u>long-term care</u> | | | | | |
| Corrections, Administration | 42637 | R251-114 | 5YR | 03/07/2018 | 2018-7/161 |
| <u>MAGI-based</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42442 | R414-303 | 5YR | 01/08/2018 | 2018-3/84 |
| <u>magnet wire</u> | | | | | |
| Environmental Quality, Air Quality | 42543 | R307-348 | EXT | 01/31/2018 | 2018-4/114 |
| | 42659 | R307-348 | 5YR | 03/08/2018 | 2018-7/172 |
| <u>maintenance</u> | | | | | |
| Transportation, Operations, Maintenance | 42392 | R918-6 | AMD | 02/07/2018 | 2018-1/53 |
| <u>management</u> | | | | | |
| School and Institutional Trust Lands, Administration | 42678 | R850-40 | AMD | 05/08/2018 | 2018-7/137 |
| <u>market trading program</u> | | | | | |
| Environmental Quality, Air Quality | 42535 | R307-250 | EXT | 01/31/2018 | 2018-4/113 |
| | 42650 | R307-250 | 5YR | 03/08/2018 | 2018-7/168 |
| <u>marketing</u> | | | | | |
| Commerce, Consumer Protection | 42832 | R152-15 | NSC | 04/26/2018 | Not Printed |
| <u>materials</u> | | | | | |
| Education, Administration | 42760 | R277-120 | NSC | 04/12/2018 | Not Printed |
| <u>Medicaid</u> | | | | | |
| Health, Health Care Financing | 42517 | R410-14 | EMR | 01/29/2018 | 2018-4/81 |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42631 | R414-1-5 | AMD | 05/08/2018 | 2018-6/6 |
| | 42625 | R414-2A-7 | AMD | 05/08/2018 | 2018-6/11 |
| | 42180 | R414-3A | AMD | 03/05/2018 | 2017-20/26 |

RULES INDEX

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| | 42180 | R414-3A | CPR | 03/05/2018 | 2018-2/42 |
| | 42594 | R414-3A-5 | AMD | 05/08/2018 | 2018-5/42 |
| | 42306 | R414-4x | REP | 01/19/2018 | 2017-23/49 |
| | 42427 | R414-27 | 5YR | 01/02/2018 | 2018-2/54 |
| | 42782 | R414-52 | 5YR | 04/10/2018 | 2018-9/71 |
| | 42783 | R414-53 | 5YR | 04/10/2018 | 2018-9/71 |
| | 42626 | R414-60 | AMD | 05/01/2018 | 2018-6/13 |
| | 42440 | R414-301 | 5YR | 01/08/2018 | 2018-3/83 |
| | 42441 | R414-302 | 5YR | 01/08/2018 | 2018-3/84 |
| | 42487 | R414-302-6 | EMR | 01/19/2018 | 2018-4/85 |
| | 42627 | R414-302-6 | AMD | 05/08/2018 | 2018-6/15 |
| | 42444 | R414-305 | 5YR | 01/08/2018 | 2018-3/85 |
| | 42446 | R414-308 | 5YR | 01/08/2018 | 2018-3/86 |
| | 42488 | R414-308-3 | EMR | 01/19/2018 | 2018-4/87 |
| | 42628 | R414-308-3 | AMD | 05/08/2018 | 2018-6/17 |
| | 42489 | R414-311 | EMR | 01/19/2018 | 2018-4/90 |
| | 42629 | R414-311 | NEW | 05/08/2018 | 2018-6/20 |
| | 42490 | R414-509 | REP | 04/11/2018 | 2018-4/41 |
| | 42353 | R414-517 | AMD | 01/29/2018 | 2017-24/16 |
| <u>medical incinerator</u> | | | | | |
| Environmental Quality, Air Quality | 42532 | R307-222 | EXT | 01/31/2018 | 2018-4/112 |
| | 42647 | R307-222 | 5YR | 03/08/2018 | 2018-7/166 |
| <u>medical practitioners</u> | | | | | |
| Labor Commission, Industrial Accidents | 42563 | R612-300 | 5YR | 02/08/2018 | 2018-5/149 |
| | 42567 | R612-300-4 | AMD | 04/09/2018 | 2018-5/46 |
| <u>medical transportation</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42445 | R414-306 | 5YR | 01/08/2018 | 2018-3/86 |
| <u>medication treatment</u> | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 42474 | R525-3 | 5YR | 01/16/2018 | 2018-3/87 |
| | 42558 | R525-3 | NSC | 03/01/2018 | Not Printed |
| <u>mercury</u> | | | | | |
| Environmental Quality, Air Quality | 42534 | R307-224 | EXT | 01/31/2018 | 2018-4/112 |
| | 42649 | R307-224 | 5YR | 03/08/2018 | 2018-7/167 |
| <u>metal containers</u> | | | | | |
| Environmental Quality, Air Quality | 42545 | R307-352 | EXT | 01/31/2018 | 2018-4/115 |
| | 42663 | R307-352 | 5YR | 03/08/2018 | 2018-7/175 |
| <u>metal furniture</u> | | | | | |
| Environmental Quality, Air Quality | 42539 | R307-346 | EXT | 01/31/2018 | 2018-4/114 |
| | 42656 | R307-346 | 5YR | 03/08/2018 | 2018-7/171 |
| <u>migratory birds</u> | | | | | |
| Natural Resources, Wildlife Resources | 42376 | R657-9 | AMD | 02/07/2018 | 2018-1/33 |
| <u>minerals reclamation</u> | | | | | |
| Natural Resources, Oil, Gas and Mining; Non-Coal | 42500 | R647-1 | 5YR | 01/24/2018 | 2018-4/105 |
| | 42501 | R647-2 | 5YR | 01/24/2018 | 2018-4/105 |
| | 42502 | R647-3 | 5YR | 01/24/2018 | 2018-4/106 |
| | 42503 | R647-4 | 5YR | 01/24/2018 | 2018-4/106 |
| | 42504 | R647-5 | 5YR | 01/24/2018 | 2018-4/107 |
| | 42505 | R647-6 | 5YR | 01/24/2018 | 2018-4/108 |
| | 42506 | R647-7 | 5YR | 01/24/2018 | 2018-4/108 |
| | 42507 | R647-8 | 5YR | 01/24/2018 | 2018-4/109 |
| <u>minors</u> | | | | | |
| Commerce, Consumer Protection | 42841 | R152-39 | NSC | 04/26/2018 | Not Printed |
| <u>miscellaneous metal parts</u> | | | | | |
| Environmental Quality, Air Quality | 42542 | R307-350 | EXT | 01/31/2018 | 2018-4/114 |

| | | | | | |
|--|-------|----------|-----|------------|-------------|
| | 42661 | R307-350 | 5YR | 03/08/2018 | 2018-7/174 |
| <u>misleading names</u> | | | | | |
| Insurance, Administration | 42687 | R590-154 | 5YR | 03/14/2018 | 2018-7/180 |
| <u>mitigation</u> | | | | | |
| Natural Resources, Administration | 42309 | R634-3 | NEW | 03/26/2018 | 2017-23/67 |
| | 42309 | R634-3 | CPR | 03/26/2018 | 2018-4/71 |
| <u>monitoring</u> | | | | | |
| Environmental Quality, Air Quality | 42550 | R307-170 | EXT | 01/31/2018 | 2018-4/111 |
| | 42643 | R307-170 | 5YR | 03/08/2018 | 2018-7/164 |
| <u>motels</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 42515 | R392-502 | R&R | 03/26/2018 | 2018-4/31 |
| <u>mothers</u> | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 42707 | R436-3 | 5YR | 03/20/2018 | 2018-8/150 |
| <u>motor fuel</u> | | | | | |
| Agriculture and Food, Regulatory Services | 42422 | R70-940 | R&R | 02/22/2018 | 2018-2/6 |
| <u>motor vehicles</u> | | | | | |
| Commerce, Consumer Protection | 42833 | R152-20 | NSC | 04/26/2018 | Not Printed |
| Environmental Quality, Air Quality | 42642 | R307-123 | 5YR | 03/08/2018 | 2018-7/163 |
| <u>motorcycle rider training schools</u> | | | | | |
| Public Safety, Driver License | 42825 | R708-30 | 5YR | 04/19/2018 | 2018-10/157 |
| <u>municipal landfills</u> | | | | | |
| Environmental Quality, Air Quality | 42552 | R307-221 | EXT | 01/31/2018 | 2018-4/112 |
| | 42646 | R307-221 | 5YR | 03/08/2018 | 2018-7/166 |
| <u>municipal waste incinerator</u> | | | | | |
| Environmental Quality, Air Quality | 42533 | R307-223 | EXT | 01/31/2018 | 2018-4/112 |
| | 42648 | R307-223 | 5YR | 03/08/2018 | 2018-7/167 |
| <u>National Board certification</u> | | | | | |
| Education, Administration | 42699 | R277-521 | AMD | 05/08/2018 | 2018-7/26 |
| <u>natural resources</u> | | | | | |
| School and Institutional Trust Lands, Administration | 42678 | R850-40 | AMD | 05/08/2018 | 2018-7/137 |
| <u>negotiated exchanges</u> | | | | | |
| Transportation, Administration | 42688 | R907-80 | AMD | 05/09/2018 | 2018-7/142 |
| <u>negotiated sales</u> | | | | | |
| Transportation, Administration | 42688 | R907-80 | AMD | 05/09/2018 | 2018-7/142 |
| <u>new hire registry</u> | | | | | |
| Workforce Services, Unemployment Insurance | 42740 | R994-315 | 5YR | 03/29/2018 | 2018-8/159 |
| <u>newborn screening</u> | | | | | |
| Health, Disease Control and Prevention, Laboratory Services | 42282 | R438-15 | NEW | 01/29/2018 | 2017-22/60 |
| Health, Family Health and Preparedness, Children with Special Health Care Needs | 42279 | R398-1 | REP | 01/29/2018 | 2017-22/46 |
| <u>non-licensed public education employees</u> | | | | | |
| Education, Administration | 42763 | R277-532 | 5YR | 04/02/2018 | 2018-8/146 |
| | 42700 | R277-532 | AMD | 05/08/2018 | 2018-7/29 |
| <u>noncompliance</u> | | | | | |
| Education, Administration | 42757 | R277-114 | NSC | 04/12/2018 | Not Printed |

RULES INDEX

nurse practitioners

| | | | | | |
|--|-------|------------|-----|------------|------------|
| Labor Commission, Industrial Accidents | 42563 | R612-300 | 5YR | 02/08/2018 | 2018-5/149 |
| | 42567 | R612-300-4 | AMD | 04/09/2018 | 2018-5/46 |

nurses

| | | | | | |
|---|-------|----------|-----|------------|-----------|
| Commerce, Occupational and Professional Licensing | 42448 | R156-31b | 5YR | 01/08/2018 | 2018-3/69 |
|---|-------|----------|-----|------------|-----------|

nutrition

| | | | | | |
|---------------------------|-------|----------|-----|------------|-----------|
| Education, Administration | 42620 | R277-719 | 5YR | 02/26/2018 | 2018-6/48 |
| | 42614 | R277-719 | AMD | 04/09/2018 | 2018-5/39 |

occupational licensing

| | | | | | |
|---|-------|--------------|-----|------------|-------------|
| Commerce, Occupational and Professional Licensing | 42428 | R156-46b-401 | NSC | 01/18/2018 | Not Printed |
| | 42429 | R156-55b-102 | NSC | 01/18/2018 | Not Printed |

off-highway vehicles

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Natural Resources, Parks and Recreation | 42431 | R651-406 | AMD | 02/21/2018 | 2018-2/16 |
| | 42682 | R651-407 | 5YR | 03/13/2018 | 2018-7/181 |

oil

| | | | | | |
|------------------------------------|-------|----------|-----|------------|-------------|
| Environmental Quality, Air Quality | 42109 | R307-504 | AMD | 03/05/2018 | 2017-19/70 |
| | 42109 | R307-504 | CPR | 03/05/2018 | 2018-3/56 |
| | 42110 | R307-505 | NEW | 01/26/2018 | 2017-19/71 |
| | 42111 | R307-506 | NEW | 03/05/2018 | 2017-19/73 |
| | 42111 | R307-506 | CPR | 03/05/2018 | 2018-3/58 |
| | 42112 | R307-507 | NEW | 03/05/2018 | 2017-19/75 |
| | 42112 | R307-507 | CPR | 03/05/2018 | 2018-3/60 |
| | 42113 | R307-508 | NEW | 03/05/2018 | 2017-19/77 |
| | 42113 | R307-508 | CPR | 03/05/2018 | 2018-3/62 |
| | 42114 | R307-509 | NEW | 03/05/2018 | 2017-19/79 |
| | 42114 | R307-509 | CPR | 03/05/2018 | 2018-3/63 |
| | 42115 | R307-510 | NEW | 03/05/2018 | 2017-19/81 |
| | 42115 | R307-510 | CPR | 03/05/2018 | 2018-3/65 |
| | 42858 | R307-510 | NSC | 05/14/2018 | Not Printed |

oil and gas law

| | | | | | |
|---|-------|--------|-----|------------|------------|
| Natural Resources, Oil, Gas and Mining; Oil and Gas | 42508 | R649-6 | 5YR | 01/24/2018 | 2018-4/109 |
|---|-------|--------|-----|------------|------------|

open government

| | | | | | |
|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 42750 | R277-101 | NSC | 04/12/2018 | Not Printed |
|---------------------------|-------|----------|-----|------------|-------------|

operator certification

| | | | | | |
|--------------------------------------|-------|------------|-----|------------|------------|
| Environmental Quality, Water Quality | 42274 | R317-10-10 | AMD | 01/24/2018 | 2017-22/29 |
|--------------------------------------|-------|------------|-----|------------|------------|

optometry

| | | | | | |
|--|-------|---------|-----|------------|-----------|
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42782 | R414-52 | 5YR | 04/10/2018 | 2018-9/71 |
|--|-------|---------|-----|------------|-----------|

osteopathic physicians

| | | | | | |
|---|-------|---------|-----|------------|-----------|
| Commerce, Occupational and Professional Licensing | 42447 | R156-68 | 5YR | 01/08/2018 | 2018-3/70 |
|---|-------|---------|-----|------------|-----------|

osteopaths

| | | | | | |
|---|-------|---------|-----|------------|-----------|
| Commerce, Occupational and Professional Licensing | 42447 | R156-68 | 5YR | 01/08/2018 | 2018-3/70 |
|---|-------|---------|-----|------------|-----------|

out-of-home care

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Human Services, Child and Family Services | 42603 | R512-305 | 5YR | 02/15/2018 | 2018-5/146 |
|---|-------|----------|-----|------------|------------|

outdoor recreation

| | | | | | |
|--------------------------------|-------|---------|-----|------------|-------------|
| Governor, Economic Development | 42332 | R357-16 | AMD | 01/17/2018 | 2017-23/25 |
| | 42633 | R357-16 | NSC | 03/14/2018 | Not Printed |

Outdoor Recreation Infrastructure Grant

| | | | | | |
|--------------------------------|-------|---------|-----|------------|-------------|
| Governor, Economic Development | 42332 | R357-16 | AMD | 01/17/2018 | 2017-23/25 |
| | 42633 | R357-16 | NSC | 03/14/2018 | Not Printed |

outdoor wood boilers

| | | | | | |
|------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Air Quality | 42644 | R307-208 | 5YR | 03/08/2018 | 2018-7/164 |
|------------------------------------|-------|----------|-----|------------|------------|

| | | | | | |
|---|-------|--------------|-----|------------|-------------|
| <u>paper coating</u> | | | | | |
| Environmental Quality, Air Quality | 42537 | R307-344 | EXT | 01/31/2018 | 2018-4/113 |
| | 42654 | R307-344 | 5YR | 03/08/2018 | 2018-7/170 |
| <u>parking facilities</u> | | | | | |
| Regents (Board Of), University of Utah, Commuter Services | 42512 | R810-1 | NEW | 04/05/2018 | 2018-4/60 |
| | 42513 | R810-8 | NEW | 04/05/2018 | 2018-4/62 |
| <u>parole</u> | | | | | |
| Pardons (Board Of), Administration | 42295 | R671-201 | AMD | 01/08/2018 | 2017-22/75 |
| | 42294 | R671-202 | AMD | 01/08/2018 | 2017-22/77 |
| | 42227 | R671-205 | AMD | 01/08/2018 | 2017-21/169 |
| | 42576 | R671-509 | 5YR | 02/13/2018 | 2018-5/151 |
| | 42577 | R671-510 | 5YR | 02/13/2018 | 2018-5/151 |
| | 42578 | R671-512 | 5YR | 02/13/2018 | 2018-5/152 |
| | 42579 | R671-513 | 5YR | 02/13/2018 | 2018-5/152 |
| | 42580 | R671-514 | 5YR | 02/13/2018 | 2018-5/153 |
| | 42581 | R671-515 | 5YR | 02/13/2018 | 2018-5/153 |
| | 42583 | R671-516 | 5YR | 02/13/2018 | 2018-5/154 |
| | 42584 | R671-517 | 5YR | 02/13/2018 | 2018-5/154 |
| | 42585 | R671-518 | 5YR | 02/13/2018 | 2018-5/155 |
| | 42586 | R671-519 | 5YR | 02/13/2018 | 2018-5/155 |
| | 42587 | R671-520 | 5YR | 02/13/2018 | 2018-5/156 |
| | 42588 | R671-522 | 5YR | 02/13/2018 | 2018-5/156 |
| <u>patient rights</u> | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 42473 | R525-2 | 5YR | 01/16/2018 | 2018-3/87 |
| <u>patient safety</u> | | | | | |
| Health, Family Health and Preparedness, Primary Care and Rural Health | 42334 | R434-150 | NEW | 04/14/2018 | 2017-24/18 |
| | 42671 | R434-150 | NSC | 04/14/2018 | Not Printed |
| <u>pawnshops</u> | | | | | |
| Commerce, Consumer Protection | 42838 | R152-32a | NSC | 04/26/2018 | Not Printed |
| <u>penalties</u> | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 42718 | R436-16 | 5YR | 03/21/2018 | 2018-8/155 |
| <u>per diem allowances</u> | | | | | |
| Administrative Services, Finance | 42570 | R25-5 | 5YR | 02/08/2018 | 2018-5/141 |
| | 42572 | R25-7 | 5YR | 02/08/2018 | 2018-5/142 |
| <u>permit</u> | | | | | |
| Natural Resources, Wildlife Resources | 42793 | R657-45 | 5YR | 04/12/2018 | 2018-9/73 |
| <u>permits</u> | | | | | |
| Environmental Quality, Air Quality | 42108 | R307-401 | AMD | 03/05/2018 | 2017-19/58 |
| | 42108 | R307-401 | CPR | 03/05/2018 | 2018-3/49 |
| | 42574 | R307-401 | NSC | 03/05/2018 | Not Printed |
| Health, Center for Health Data, Vital Records and Statistics | 42709 | R436-8 | 5YR | 03/20/2018 | 2018-8/151 |
| Natural Resources, Wildlife Resources | 42794 | R657-42 | 5YR | 04/12/2018 | 2018-9/73 |
| | 42374 | R657-62 | AMD | 02/07/2018 | 2018-1/41 |
| | 42493 | R657-62 | AMD | 03/26/2018 | 2018-4/57 |
| <u>physical therapist</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 42623 | R156-24b-102 | NSC | 03/14/2018 | Not Printed |
| <u>physical therapist assistant</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 42623 | R156-24b-102 | NSC | 03/14/2018 | Not Printed |

RULES INDEX

| | | | | | | |
|--|-------|--------------|-----|------------|-------------|--|
| <u>physical therapy</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 42623 | R156-24b-102 | NSC | 03/14/2018 | Not Printed | |
| <u>pilot lights</u> | | | | | | |
| Environmental Quality, Air Quality | 42430 | R307-356 | EXT | 01/02/2018 | 2018-2/59 | |
| | 42667 | R307-356 | 5YR | 03/08/2018 | 2018-7/177 | |
| <u>pipelines</u> | | | | | | |
| Public Service Commission, Administration | 42331 | R746-409-1 | AMD | 01/09/2018 | 2017-23/75 | |
| <u>planning</u> | | | | | | |
| Administrative Services, Facilities Construction and Management | 42348 | R23-9 | AMD | 01/23/2018 | 2017-24/9 | |
| <u>plastic parts</u> | | | | | | |
| Environmental Quality, Air Quality | 42664 | R307-353 | 5YR | 03/08/2018 | 2018-7/176 | |
| <u>pleas</u> | | | | | | |
| Pardons (Board Of), Administration | 42580 | R671-514 | 5YR | 02/13/2018 | 2018-5/153 | |
| <u>PM2.5</u> | | | | | | |
| Environmental Quality, Air Quality | 42651 | R307-303 | 5YR | 03/08/2018 | 2018-7/168 | |
| <u>podiatric physician</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 42869 | R156-5a | 5YR | 05/01/2018 | 2018-10/155 | |
| <u>podiatrists</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 42869 | R156-5a | 5YR | 05/01/2018 | 2018-10/155 | |
| <u>policies</u> | | | | | | |
| Education, Administration | 42763 | R277-532 | 5YR | 04/02/2018 | 2018-8/146 | |
| | 42700 | R277-532 | AMD | 05/08/2018 | 2018-7/29 | |
| <u>postsecondary proprietary schools</u> | | | | | | |
| Commerce, Consumer Protection | 42839 | R152-34 | NSC | 04/26/2018 | Not Printed | |
| <u>postsecondary schools</u> | | | | | | |
| Commerce, Consumer Protection | 42840 | R152-34a | NSC | 04/26/2018 | Not Printed | |
| <u>POTW</u> | | | | | | |
| Environmental Quality, Water Quality | 42511 | R317-14 | 5YR | 01/24/2018 | 2018-4/96 | |
| <u>precursor</u> | | | | | | |
| Commerce, Occupational and Professional Licensing | 42848 | R156-37c | 5YR | 04/24/2018 | 2018-10/155 | |
| <u>prequalification</u> | | | | | | |
| Transportation, Operations, Construction | 42690 | R916-2 | AMD | 05/09/2018 | 2018-7/148 | |
| <u>presumptive eligibility</u> | | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42442 | R414-303 | 5YR | 01/08/2018 | 2018-3/84 | |
| <u>primers</u> | | | | | | |
| Environmental Quality, Air Quality | 42653 | R307-342 | 5YR | 03/08/2018 | 2018-7/170 | |
| <u>principals</u> | | | | | | |
| Education, Administration | 42327 | R277-920 | AMD | 01/09/2018 | 2017-23/19 | |
| <u>printing operations</u> | | | | | | |
| Environmental Quality, Air Quality | 42544 | R307-351 | EXT | 01/31/2018 | 2018-4/115 | |
| | 42662 | R307-351 | 5YR | 03/08/2018 | 2018-7/174 | |
| <u>prison release</u> | | | | | | |
| Pardons (Board Of), Administration | 42227 | R671-205 | AMD | 01/08/2018 | 2017-21/169 | |
| <u>privacy</u> | | | | | | |
| Health, Administration | 42784 | R380-250 | 5YR | 04/10/2018 | 2018-9/69 | |

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| Human Services, Administration | 42766 | R495-881 | 5YR | 04/02/2018 | 2018-8/156 |
| <u>private security officers</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 42925 | R156-63a | 5YR | 05/15/2018 | Not Printed |
| <u>probable cause</u> | | | | | |
| Pardons (Board Of), Administration | 42577 | R671-510 | 5YR | 02/13/2018 | 2018-5/151 |
| <u>procedures</u> | | | | | |
| Judicial Performance Evaluation Commission, Administration | 42262 | R597-5 | NEW | 01/02/2018 | 2017-22/68 |
| Public Service Commission, Administration | 42767 | R746-210 | 5YR | 04/05/2018 | 2018-9/75 |
| | 42769 | R746-240 | 5YR | 04/05/2018 | 2018-9/76 |
| | 42770 | R746-340 | 5YR | 04/05/2018 | 2018-9/77 |
| <u>proceedings</u> | | | | | |
| Pardons (Board Of), Administration | 42583 | R671-516 | 5YR | 02/13/2018 | 2018-5/154 |
| <u>procurement</u> | | | | | |
| Education, Administration | 42608 | R277-122 | AMD | 04/09/2018 | 2018-5/19 |
| | 42780 | R277-122 | NSC | 04/13/2018 | Not Printed |
| <u>professional competency</u> | | | | | |
| Education, Administration | 42753 | R277-106 | NSC | 04/12/2018 | Not Printed |
| | 42697 | R277-502 | AMD | 05/08/2018 | 2018-7/19 |
| | 42762 | R277-508 | 5YR | 04/02/2018 | 2018-8/145 |
| | 42698 | R277-508 | AMD | 05/08/2018 | 2018-7/24 |
| | 42325 | R277-519 | AMD | 01/09/2018 | 2017-23/16 |
| <u>professional education</u> | | | | | |
| Education, Administration | 42618 | R277-518 | 5YR | 02/26/2018 | 2018-6/47 |
| <u>professional practices</u> | | | | | |
| Education, Administration | 42753 | R277-106 | NSC | 04/12/2018 | Not Printed |
| | 42771 | R277-210 | NSC | 04/13/2018 | Not Printed |
| <u>professionals</u> | | | | | |
| Education, Administration | 42324 | R277-515 | AMD | 01/09/2018 | 2017-23/11 |
| <u>program benefits</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42445 | R414-306 | 5YR | 01/08/2018 | 2018-3/86 |
| <u>programs</u> | | | | | |
| Education, Administration | 42757 | R277-114 | NSC | 04/12/2018 | Not Printed |
| <u>prohibited items and devices</u> | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 42477 | R525-6 | 5YR | 01/16/2018 | 2018-3/89 |
| | 42557 | R525-6 | NSC | 03/01/2018 | Not Printed |
| <u>prohibition</u> | | | | | |
| Environmental Quality, Air Quality | 42644 | R307-208 | 5YR | 03/08/2018 | 2018-7/164 |
| <u>public assistance programs</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42446 | R414-308 | 5YR | 01/08/2018 | 2018-3/86 |
| | 42488 | R414-308-3 | EMR | 01/19/2018 | 2018-4/87 |
| | 42628 | R414-308-3 | AMD | 05/08/2018 | 2018-6/17 |
| <u>public education</u> | | | | | |
| Education, Administration | 42752 | R277-105 | NSC | 04/12/2018 | Not Printed |
| <u>public funds</u> | | | | | |
| Education, Administration | 42849 | R277-113 | EXD | 04/24/2018 | 2018-10/159 |

RULES INDEX

public health

| | | | | | |
|---|-------|----------|-----|------------|-----------|
| Health, Disease Control and Prevention, Environmental Services | 42516 | R392-300 | R&R | 03/26/2018 | 2018-4/4 |
| | 42514 | R392-401 | R&R | 03/26/2018 | 2018-4/27 |
| | 42515 | R392-502 | R&R | 03/26/2018 | 2018-4/31 |

public lodging

| | | | | | |
|---|-------|----------|-----|------------|-----------|
| Health, Disease Control and Prevention, Environmental Services | 42515 | R392-502 | R&R | 03/26/2018 | 2018-4/31 |
|---|-------|----------|-----|------------|-----------|

public records

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Attorney General, Administration | 42367 | R105-2 | AMD | 02/07/2018 | 2018-1/2 |
| Career Service Review Office, Administration | 42779 | R137-2 | 5YR | 04/09/2018 | 2018-9/69 |
| Natural Resources, Oil, Gas and Mining; Administration | 42495 | R642-200 | 5YR | 01/24/2018 | 2018-4/102 |

public sales auctions

| | | | | | |
|--------------------------------|-------|---------|-----|------------|------------|
| Transportation, Administration | 42688 | R907-80 | AMD | 05/09/2018 | 2018-7/142 |
|--------------------------------|-------|---------|-----|------------|------------|

public schools

| | | | | | |
|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 42907 | R277-436 | 5YR | 05/11/2018 | Not Printed |
| | 42471 | R277-490 | 5YR | 01/12/2018 | 2018-3/70 |
| | 42481 | R277-490 | AMD | 03/14/2018 | 2018-3/13 |

public utilities

| | | | | | |
|---|-------|------------|-----|------------|------------|
| Public Service Commission, Administration | 42670 | R746-1-201 | AMD | 05/10/2018 | 2018-7/136 |
| | 42768 | R746-110 | 5YR | 04/05/2018 | 2018-9/75 |
| | 42590 | R746-330 | 5YR | 02/14/2018 | 2018-5/157 |
| | 42593 | R746-332 | 5YR | 02/14/2018 | 2018-5/157 |
| | 42589 | R746-347 | 5YR | 02/14/2018 | 2018-5/158 |
| | 42426 | R746-360 | REP | 02/21/2018 | 2018-2/31 |
| | 42592 | R746-402 | 5YR | 02/14/2018 | 2018-5/158 |
| | 42591 | R746-405 | 5YR | 02/14/2018 | 2018-5/159 |

pump installers

| | | | | | |
|---------------------------------|-------|--------|-----|------------|-----------|
| Natural Resources, Water Rights | 42607 | R655-4 | R&R | 04/09/2018 | 2018-5/67 |
|---------------------------------|-------|--------|-----|------------|-----------|

quarantine

| | | | | | |
|--------------------------------------|-------|--------|-----|------------|------------|
| Agriculture and Food, Plant Industry | 42721 | R68-14 | 5YR | 03/26/2018 | 2018-8/145 |
|--------------------------------------|-------|--------|-----|------------|------------|

rabies

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Health, Disease Control and Prevention, Epidemiology | 42285 | R386-702 | AMD | 01/02/2018 | 2017-22/31 |
|---|-------|----------|-----|------------|------------|

radiation

| | | | | | |
|---|-------|---------|-----|------------|------------|
| Environmental Quality, Waste Management and Radiation Control, Radiation | 42204 | R313-25 | AMD | 04/09/2018 | 2017-21/83 |
| | 42204 | R313-25 | CPR | 04/16/2018 | 2018-5/128 |

radioactive waste disposal

| | | | | | |
|---|-------|---------|-----|------------|------------|
| Environmental Quality, Waste Management and Radiation Control, Radiation | 42204 | R313-25 | AMD | 04/09/2018 | 2017-21/83 |
| | 42204 | R313-25 | CPR | 04/16/2018 | 2018-5/128 |

range management

| | | | | | |
|--|-------|---------|-----|------------|------------|
| School and Institutional Trust Lands, Administration | 42677 | R850-50 | AMD | 05/08/2018 | 2018-7/139 |
|--|-------|---------|-----|------------|------------|

rates

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Administrative Services, Finance | 42570 | R25-5 | 5YR | 02/08/2018 | 2018-5/141 |
| | 42573 | R25-8 | 5YR | 02/08/2018 | 2018-5/142 |
| Labor Commission, Industrial Accidents | 42564 | R612-400 | 5YR | 02/08/2018 | 2018-5/150 |
| Workforce Services, Unemployment Insurance | 42738 | R994-306 | 5YR | 03/29/2018 | 2018-8/158 |
| | 42739 | R994-307 | 5YR | 03/29/2018 | 2018-8/159 |

reclamation

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Natural Resources, Oil, Gas and Mining; Coal | 42496 | R645-101 | 5YR | 01/24/2018 | 2018-4/103 |
| | 42497 | R645-102 | 5YR | 01/24/2018 | 2018-4/103 |

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| | 42498 | R645-104 | 5YR | 01/24/2018 | 2018-4/104 |
| | 42499 | R645-401 | 5YR | 01/24/2018 | 2018-4/104 |
| <u>record retention</u> | | | | | |
| Insurance, Administration | 42214 | R590-276 | NEW | 04/23/2018 | 2017-21/165 |
| | 42214 | R590-276 | CPR | 04/23/2018 | 2018-6/44 |
| <u>records access</u> | | | | | |
| Attorney General, Administration | 42367 | R105-2 | AMD | 02/07/2018 | 2018-1/2 |
| Career Service Review Office, Administration | 42779 | R137-2 | 5YR | 04/09/2018 | 2018-9/69 |
| <u>recovery residence</u> | | | | | |
| Human Services, Administration, Administrative Services, Licensing | 42234 | R501-18 | AMD | 02/07/2018 | 2017-21/136 |
| <u>recreation areas</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 42516 | R392-300 | R&R | 03/26/2018 | 2018-4/4 |
| | 42514 | R392-401 | R&R | 03/26/2018 | 2018-4/27 |
| <u>registration</u> | | | | | |
| Commerce, Consumer Protection | 42835 | R152-22 | NSC | 04/26/2018 | Not Printed |
| | 42839 | R152-34 | NSC | 04/26/2018 | Not Printed |
| | 42843 | R152-49 | NSC | 04/26/2018 | Not Printed |
| Environmental Quality, Waste Management and Radiation Control, Waste Management | 42451 | R315-15 | AMD | 04/19/2018 | 2018-3/35 |
| Workforce Services, Unemployment Insurance | 42741 | R994-403 | 5YR | 03/29/2018 | 2018-8/160 |
| <u>reimbursements</u> | | | | | |
| Administrative Services, Finance | 42571 | R25-6 | 5YR | 02/08/2018 | 2018-5/141 |
| <u>reinstatement</u> | | | | | |
| Education, Administration | 42774 | R277-213 | NSC | 04/13/2018 | Not Printed |
| <u>released-time classes</u> | | | | | |
| Education, Administration | 42621 | R277-610 | 5YR | 02/26/2018 | 2018-6/47 |
| | 42611 | R277-610 | AMD | 04/09/2018 | 2018-5/26 |
| <u>relocation benefits</u> | | | | | |
| Administrative Services, Finance | 42571 | R25-6 | 5YR | 02/08/2018 | 2018-5/141 |
| <u>renewals</u> | | | | | |
| Environmental Quality, Water Quality | 42274 | R317-10-10 | AMD | 01/24/2018 | 2017-22/29 |
| <u>reporting</u> | | | | | |
| Education, Administration | 42755 | R277-109 | NSC | 04/12/2018 | Not Printed |
| Health, Disease Control and Prevention, Epidemiology | 42285 | R386-702 | AMD | 01/02/2018 | 2017-22/31 |
| <u>reports</u> | | | | | |
| Education, Administration | 42773 | R277-212 | NSC | 04/13/2018 | Not Printed |
| Environmental Quality, Air Quality | 42107 | R307-150 | AMD | 03/05/2018 | 2017-19/55 |
| | 42107 | R307-150 | CPR | 03/05/2018 | 2018-3/46 |
| <u>reptiles</u> | | | | | |
| Natural Resources, Wildlife Resources | 42792 | R657-53 | 5YR | 04/12/2018 | 2018-9/74 |
| <u>research</u> | | | | | |
| Health, Center for Health Data, Vital Records and Statistics | 42719 | R436-17 | 5YR | 03/21/2018 | 2018-8/155 |
| <u>residential certification</u> | | | | | |
| Health, Family Health and Preparedness, Child Care Licensing | 42877 | R430-50 | 5YR | 05/09/2018 | Not Printed |

RULES INDEX

resources

Health, Health Care Financing, Coverage and Reimbursement Policy 42444 R414-305 5YR 01/08/2018 2018-3/85

rest areas

Health, Disease Control and Prevention, Environmental Services 42514 R392-401 R&R 03/26/2018 2018-4/27

restrooms

Health, Disease Control and Prevention, Environmental Services 42514 R392-401 R&R 03/26/2018 2018-4/27

revocations

Pardons (Board Of), Administration 42583 R671-516 5YR 02/13/2018 2018-5/154

RFPs

Education, Administration 42758 R277-117 NSC 04/12/2018 Not Printed

rules

Public Service Commission, Administration 42767 R746-210 5YR 04/05/2018 2018-9/75

rules and procedures

Education, Administration 42751 R277-102 NSC 04/12/2018 Not Printed

Health, Disease Control and Prevention, Epidemiology 42285 R386-702 AMD 01/02/2018 2017-22/31

Public Service Commission, Administration 42768 R746-110 5YR 04/05/2018 2018-9/75

42593 R746-332 5YR 02/14/2018 2018-5/157

42423 R746-341 REP 02/21/2018 2018-2/24

42592 R746-402 5YR 02/14/2018 2018-5/158

42591 R746-405 5YR 02/14/2018 2018-5/159

42331 R746-409-1 AMD 01/09/2018 2017-23/75

Rural Rehabilitation Loans

Agriculture and Food, Administration 42559 R51-5 NEW 05/02/2018 2018-5/4

Ryan White Part B Program

Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health 42328 R388-805 AMD 02/01/2018 2017-23/28

safety

Labor Commission, Boiler, Elevator and Coal Mine Safety 42565 R616-2-3 AMD 04/09/2018 2018-5/49

42566 R616-3-3 AMD 04/09/2018 2018-5/51

Public Service Commission, Administration 42331 R746-409-1 AMD 01/09/2018 2017-23/75

Regents (Board Of), University of Utah, Administration 42617 R805-1 5YR 02/22/2018 2018-6/50

safety regulations

Transportation, Motor Carrier 42336 R909-19 AMD 01/24/2018 2017-24/60

Sage Grouse

Natural Resources, Administration 42309 R634-3 CPR 03/26/2018 2018-4/71

sage-grouse

Natural Resources, Administration 42309 R634-3 NEW 03/26/2018 2017-23/67

salary adjustments

Education, Administration 42756 R277-110 NSC 04/12/2018 Not Printed

salons

Health, Disease Control and Prevention, Environmental Services 42491 R392-700 5YR 01/19/2018 2018-4/97

sanitation

Health, Disease Control and Prevention, Environmental Services 42491 R392-700 5YR 01/19/2018 2018-4/97

| | | | | | |
|--|-------------------------|----------------------------------|-------------------|--|--|
| <u>satellite</u> Education, Administration | 42610 | R277-482 | AMD | 04/09/2018 | 2018-5/22 |
| <u>school boards</u> Education, Administration | 42750 | R277-101 | NSC | 04/12/2018 | Not Printed |
| <u>school community councils</u> Education, Administration | 42323 | R277-491-4 | AMD | 01/09/2018 | 2017-23/9 |
| <u>school improvements</u> Education, Administration | 42327 | R277-920 | AMD | 01/09/2018 | 2017-23/19 |
| <u>school leaders</u> Education, Administration | 42327 | R277-920 | AMD | 01/09/2018 | 2017-23/19 |
| <u>school nurses</u> Education, Administration | 42480 | R277-415 | NEW | 03/14/2018 | 2018-3/11 |
| <u>school personnel</u> Education, Administration | 42910 42762 42698 | R277-107 R277-508 R277-508 | 5YR 5YR AMD | 05/11/2018 04/02/2018 05/08/2018 | Not Printed 2018-8/145 2018-7/24 |
| <u>school sponsored activities</u> Education, Administration | 42849 | R277-113 | EXD | 04/24/2018 | 2018-10/159 |
| <u>school vision</u> Health, Disease Control and Prevention, Health Promotion | 42569 | R384-201 | EXT | 02/08/2018 | 2018-5/161 |
| <u>schools</u> Education, Administration | 42620 42614 | R277-719 R277-719 | 5YR AMD | 02/26/2018 04/09/2018 | 2018-6/48 2018-5/39 |
| Environmental Quality, Air Quality | 42551 42669 | R307-801 R307-801 | EXT 5YR | 01/31/2018 03/08/2018 | 2018-4/115 2018-7/179 |
| <u>Science Technology Initiation Grant (STIG)</u> Science Technology and Research Governing Authority, Administration | 42358 | R856-4 | R&R | 01/23/2018 | 2017-24/41 |
| <u>scooters</u> Regents (Board Of), University of Utah, Administration | 42617 | R805-1 | 5YR | 02/22/2018 | 2018-6/50 |
| <u>screening</u> Health, Disease Control and Prevention, Laboratory Services | 42282 | R438-15 | NEW | 01/29/2018 | 2017-22/60 |
| <u>screenings</u> Human Services, Administration | 42417 42845 | R495-885 R495-885 | AMD EMR | 02/23/2018 04/23/2018 | 2018-2/13 2018-10/149 |
| <u>sealants</u> Environmental Quality, Air Quality | 42653 | R307-342 | 5YR | 03/08/2018 | 2018-7/170 |
| <u>secondhand merchandise dealers</u> Commerce, Consumer Protection | 42838 | R152-32a | NSC | 04/26/2018 | Not Printed |
| <u>secure area hearing rooms</u> Regents (Board Of), Administration | 42867 | R765-254 | EXD | 05/01/2018 | 2018-10/159 |
| <u>secure areas</u> Human Services, Substance Abuse and Mental Health, State Hospital | 42477 42557 | R525-6 R525-6 | 5YR NSC | 01/16/2018 03/01/2018 | 2018-3/89 Not Printed |

RULES INDEX

security guards

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| Commerce, Occupational and Professional Licensing | 42925 | R156-63a | 5YR | 05/15/2018 | Not Printed |
| | 42924 | R156-63b | 5YR | 05/15/2018 | Not Printed |

sedation related events

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| Health, Family Health and Preparedness, Primary Care and Rural Health | 42334 | R434-150 | NEW | 04/14/2018 | 2017-24/18 |
| | 42671 | R434-150 | NSC | 04/14/2018 | Not Printed |

seniors

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Human Services, Aging and Adult Services | 42485 | R510-105 | 5YR | 01/17/2018 | 2018-4/102 |
|--|-------|----------|-----|------------|------------|

sewage treatment

| | | | | | |
|--------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Water Quality | 42705 | R317-101 | 5YR | 03/20/2018 | 2018-8/147 |
|--------------------------------------|-------|----------|-----|------------|------------|

sewerage

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Public Service Commission, Administration | 42590 | R746-330 | 5YR | 02/14/2018 | 2018-5/157 |
|---|-------|----------|-----|------------|------------|

sexual assault kit analysis

| | | | | | |
|-------------------------------|-------|---------|-----|------------|------------|
| Public Safety, Administration | 42269 | R698-11 | NEW | 01/10/2018 | 2017-22/82 |
|-------------------------------|-------|---------|-----|------------|------------|

sexual assault kits

| | | | | | |
|-------------------------------|-------|---------|-----|------------|------------|
| Public Safety, Administration | 42269 | R698-11 | NEW | 01/10/2018 | 2017-22/82 |
|-------------------------------|-------|---------|-----|------------|------------|

shorthand reporter

| | | | | | |
|---|-------|---------|-----|------------|-------------|
| Commerce, Occupational and Professional Licensing | 42847 | R156-74 | 5YR | 04/24/2018 | 2018-10/156 |
|---|-------|---------|-----|------------|-------------|

skateboards

| | | | | | |
|--|-------|--------|-----|------------|-----------|
| Regents (Board Of), University of Utah, Administration | 42617 | R805-1 | 5YR | 02/22/2018 | 2018-6/50 |
|--|-------|--------|-----|------------|-----------|

SNAP

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Workforce Services, Employment Development | 42693 | R986-600 | AMD | 05/08/2018 | 2018-7/154 |
|--|-------|----------|-----|------------|------------|

snow

| | | | | | |
|--|-------|--------|-----|------------|------------|
| Transportation, Operations, Traffic and Safety | 42689 | R920-6 | AMD | 05/08/2018 | 2018-7/151 |
|--|-------|--------|-----|------------|------------|

sober living

| | | | | | |
|--|-------|---------|-----|------------|-------------|
| Human Services, Administration, Administrative Services, Licensing | 42234 | R501-18 | AMD | 02/07/2018 | 2017-21/136 |
|--|-------|---------|-----|------------|-------------|

social security numbers

| | | | | | |
|---|-------|--------|-----|------------|-------------|
| Human Services, Services for People with Disabilities | 42560 | R539-1 | NSC | 03/01/2018 | Not Printed |
|---|-------|--------|-----|------------|-------------|

social services

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Human Services, Child and Family Services | 42597 | R512-200 | 5YR | 02/15/2018 | 2018-5/143 |
| | 42598 | R512-201 | 5YR | 02/15/2018 | 2018-5/144 |
| | 42599 | R512-202 | 5YR | 02/15/2018 | 2018-5/144 |
| | 42600 | R512-300 | 5YR | 02/15/2018 | 2018-5/145 |
| | 42601 | R512-301 | 5YR | 02/15/2018 | 2018-5/145 |
| | 42603 | R512-305 | 5YR | 02/15/2018 | 2018-5/146 |

solicitations

| | | | | | |
|-------------------------------|-------|---------|-----|------------|-------------|
| Commerce, Consumer Protection | 42835 | R152-22 | NSC | 04/26/2018 | Not Printed |
|-------------------------------|-------|---------|-----|------------|-------------|

solid waste disposal

| | | | | | |
|---|-------|----------|-----|------------|-----------|
| Environmental Quality, Waste Management and Radiation Control, Waste Management | 42452 | R315-301 | 5YR | 01/12/2018 | 2018-3/71 |
| | 42455 | R315-304 | 5YR | 01/12/2018 | 2018-3/73 |
| | 42456 | R315-305 | 5YR | 01/12/2018 | 2018-3/74 |

solid waste management

| | | | | | |
|---|-------|----------|-----|------------|-----------|
| Environmental Quality, Waste Management and Radiation Control, Waste Management | 42452 | R315-301 | 5YR | 01/12/2018 | 2018-3/71 |
| | 42453 | R315-302 | 5YR | 01/12/2018 | 2018-3/72 |
| | 42454 | R315-303 | 5YR | 01/12/2018 | 2018-3/72 |
| | 42455 | R315-304 | 5YR | 01/12/2018 | 2018-3/73 |

| | | | | | |
|---|-------|------------|-----|------------|-------------|
| | 42456 | R315-305 | 5YR | 01/12/2018 | 2018-3/74 |
| | 42457 | R315-306 | 5YR | 01/12/2018 | 2018-3/74 |
| | 42458 | R315-307 | 5YR | 01/12/2018 | 2018-3/75 |
| | 42459 | R315-308 | 5YR | 01/12/2018 | 2018-3/75 |
| | 42460 | R315-309 | 5YR | 01/12/2018 | 2018-3/76 |
| | 42461 | R315-310 | 5YR | 01/12/2018 | 2018-3/77 |
| | 42462 | R315-311 | 5YR | 01/12/2018 | 2018-3/77 |
| | 42463 | R315-312 | 5YR | 01/12/2018 | 2018-3/78 |
| | 42464 | R315-313 | 5YR | 01/12/2018 | 2018-3/79 |
| | 42465 | R315-314 | 5YR | 01/12/2018 | 2018-3/79 |
| | 42466 | R315-315 | 5YR | 01/12/2018 | 2018-3/80 |
| | 42467 | R315-316 | 5YR | 01/12/2018 | 2018-3/80 |
| | 42468 | R315-317 | 5YR | 01/12/2018 | 2018-3/81 |
| | 42469 | R315-318 | 5YR | 01/12/2018 | 2018-3/82 |
| | 42470 | R315-320 | 5YR | 01/12/2018 | 2018-3/82 |
| <u>solid waste permit</u> | | | | | |
| Environmental Quality, Waste Management and Radiation Control, Waste Management | 42453 | R315-302 | 5YR | 01/12/2018 | 2018-3/72 |
| <u>speech/hearing assistance</u> | | | | | |
| Public Service Commission, Administration | 42425 | R746-343 | REP | 02/21/2018 | 2018-2/28 |
| <u>speech/hearing challenges</u> | | | | | |
| Public Service Commission, Administration | 42424 | R746-8 | NEW | 02/21/2018 | 2018-2/18 |
| <u>sportsmen</u> | | | | | |
| Natural Resources, Wildlife Resources | 42379 | R657-41 | AMD | 02/07/2018 | 2018-1/38 |
| <u>standards</u> | | | | | |
| Education, Administration | 42324 | R277-515 | AMD | 01/09/2018 | 2017-23/11 |
| | 42439 | R277-530-3 | NSC | 01/25/2018 | Not Printed |
| | 42482 | R277-700 | AMD | 03/14/2018 | 2018-3/16 |
| Health, Center for Health Data, Vital Records and Statistics | 42704 | R436-1 | 5YR | 03/19/2018 | 2018-8/149 |
| | 42710 | R436-10 | 5YR | 03/20/2018 | 2018-8/152 |
| | 42714 | R436-12 | 5YR | 03/21/2018 | 2018-8/153 |
| | 42715 | R436-13 | 5YR | 03/21/2018 | 2018-8/153 |
| <u>State Board of Education</u> | | | | | |
| Education, Administration | 42759 | R277-119 | NSC | 04/12/2018 | Not Printed |
| <u>state employees</u> | | | | | |
| Administrative Services, Finance | 42570 | R25-5 | 5YR | 02/08/2018 | 2018-5/141 |
| | 42572 | R25-7 | 5YR | 02/08/2018 | 2018-5/142 |
| | 42573 | R25-8 | 5YR | 02/08/2018 | 2018-5/142 |
| <u>state hospital</u> | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 42477 | R525-6 | 5YR | 01/16/2018 | 2018-3/89 |
| | 42557 | R525-6 | NSC | 03/01/2018 | Not Printed |
| <u>state residency</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42441 | R414-302 | 5YR | 01/08/2018 | 2018-3/84 |
| | 42487 | R414-302-6 | EMR | 01/19/2018 | 2018-4/85 |
| | 42627 | R414-302-6 | AMD | 05/08/2018 | 2018-6/15 |
| <u>stoves</u> | | | | | |
| Environmental Quality, Air Quality | 42430 | R307-356 | EXT | 01/02/2018 | 2018-2/59 |
| | 42667 | R307-356 | 5YR | 03/08/2018 | 2018-7/177 |
| <u>structures</u> | | | | | |
| Transportation, Operations, Maintenance | 42392 | R918-6 | AMD | 02/07/2018 | 2018-1/53 |
| <u>student achievements</u> | | | | | |
| Education, Administration | 42479 | R277-404 | AMD | 03/14/2018 | 2018-3/5 |

RULES INDEX

| | | | | | |
|---|-------|----------|-----|------------|-------------|
| <u>student eligibility</u> | | | | | |
| Workforce Services, Unemployment Insurance | 42741 | R994-403 | 5YR | 03/29/2018 | 2018-8/160 |
| <u>students</u> | | | | | |
| Education, Administration | 42326 | R277-621 | NEW | 01/09/2018 | 2017-23/17 |
| | 42619 | R277-709 | 5YR | 02/26/2018 | 2018-6/48 |
| | 42613 | R277-709 | AMD | 04/09/2018 | 2018-5/34 |
| | 42484 | R277-717 | AMD | 03/14/2018 | 2018-3/26 |
| <u>students at risk</u> | | | | | |
| Education, Administration | 42907 | R277-436 | 5YR | 05/11/2018 | Not Printed |
| | 42483 | R277-708 | AMD | 03/14/2018 | 2018-3/23 |
| <u>suggestions</u> | | | | | |
| Human Services, Substance Abuse and Mental Health, State Hospital | 42478 | R525-7 | 5YR | 01/16/2018 | 2018-3/89 |
| <u>sulfur dioxide</u> | | | | | |
| Environmental Quality, Air Quality | 42535 | R307-250 | EXT | 01/31/2018 | 2018-4/113 |
| | 42650 | R307-250 | 5YR | 03/08/2018 | 2018-7/168 |
| <u>supervision</u> | | | | | |
| Commerce, Occupational and Professional Licensing | 42582 | R156-1 | AMD | 04/09/2018 | 2018-5/7 |
| <u>surcharges and disbursements</u> | | | | | |
| Public Service Commission, Administration | 42424 | R746-8 | NEW | 02/21/2018 | 2018-2/18 |
| <u>surface coating</u> | | | | | |
| Environmental Quality, Air Quality | 42539 | R307-346 | EXT | 01/31/2018 | 2018-4/114 |
| | 42656 | R307-346 | 5YR | 03/08/2018 | 2018-7/171 |
| | 42541 | R307-347 | EXT | 01/31/2018 | 2018-4/114 |
| | 42657 | R307-347 | 5YR | 03/08/2018 | 2018-7/172 |
| | 42543 | R307-348 | EXT | 01/31/2018 | 2018-4/114 |
| | 42659 | R307-348 | 5YR | 03/08/2018 | 2018-7/172 |
| <u>surplus land</u> | | | | | |
| Transportation, Administration | 42688 | R907-80 | AMD | 05/09/2018 | 2018-7/142 |
| <u>surveys</u> | | | | | |
| School and Institutional Trust Lands, Administration | 42678 | R850-40 | AMD | 05/08/2018 | 2018-7/137 |
| <u>tanning beds</u> | | | | | |
| Health, Disease Control and Prevention, Environmental Services | 42491 | R392-700 | 5YR | 01/19/2018 | 2018-4/97 |
| <u>Targeted Adult Medicaid</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42489 | R414-311 | EMR | 01/19/2018 | 2018-4/90 |
| | 42629 | R414-311 | NEW | 05/08/2018 | 2018-6/20 |
| <u>tariffs</u> | | | | | |
| Public Service Commission, Administration | 42591 | R746-405 | 5YR | 02/14/2018 | 2018-5/159 |
| <u>taxes</u> | | | | | |
| Insurance, Administration | 42438 | R590-157 | 5YR | 01/04/2018 | 2018-3/90 |
| <u>teacher certification</u> | | | | | |
| Education, Administration | 42325 | R277-519 | AMD | 01/09/2018 | 2017-23/16 |
| <u>teacher licensing</u> | | | | | |
| Education, Administration | 42772 | R277-211 | NSC | 04/13/2018 | Not Printed |
| <u>teachers</u> | | | | | |
| Education, Administration | 42762 | R277-508 | 5YR | 04/02/2018 | 2018-8/145 |
| | 42698 | R277-508 | AMD | 05/08/2018 | 2018-7/24 |

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|---|-------|------------|-----|------------|-------------|
| <u>Technology Acceleration Program (TAP) grants</u> | | | | | |
| Science Technology and Research Governing Authority, Administration | 42360 | R856-1 | R&R | 01/23/2018 | 2017-24/22 |
| <u>technology readiness level (TRL)</u> | | | | | |
| Science Technology and Research Governing Authority, Administration | 42360 | R856-1 | R&R | 01/23/2018 | 2017-24/22 |
| | 42357 | R856-2 | R&R | 01/23/2018 | 2017-24/28 |
| | 42359 | R856-3 | R&R | 01/23/2018 | 2017-24/36 |
| | 42358 | R856-4 | R&R | 01/23/2018 | 2017-24/41 |
| | 42356 | R856-5 | R&R | 01/23/2018 | 2017-24/48 |
| | 42355 | R856-6 | R&R | 01/23/2018 | 2017-24/54 |
| <u>telecommunications</u> | | | | | |
| Public Service Commission, Administration | 42769 | R746-240 | 5YR | 04/05/2018 | 2018-9/76 |
| | 42770 | R746-340 | 5YR | 04/05/2018 | 2018-9/77 |
| | 42423 | R746-341 | REP | 02/21/2018 | 2018-2/24 |
| | 42425 | R746-343 | REP | 02/21/2018 | 2018-2/28 |
| | 42589 | R746-347 | 5YR | 02/14/2018 | 2018-5/158 |
| | 42426 | R746-360 | REP | 02/21/2018 | 2018-2/31 |
| Technology Services, Administration | 42528 | R895-12 | EXD | 01/30/2018 | 2018-4/117 |
| | 42529 | R895-12 | EMR | 01/30/2018 | 2018-4/92 |
| <u>telephone utility regulations</u> | | | | | |
| Public Service Commission, Administration | 42770 | R746-340 | 5YR | 04/05/2018 | 2018-9/77 |
| <u>telephones</u> | | | | | |
| Commerce, Consumer Protection | 42837 | R152-26 | NSC | 04/26/2018 | Not Printed |
| Public Service Commission, Administration | 42769 | R746-240 | 5YR | 04/05/2018 | 2018-9/76 |
| | 42423 | R746-341 | REP | 02/21/2018 | 2018-2/24 |
| <u>terminally ill</u> | | | | | |
| Corrections, Administration | 42637 | R251-114 | 5YR | 03/07/2018 | 2018-7/161 |
| <u>third party liability</u> | | | | | |
| Health, Health Care Financing, Coverage and Reimbursement Policy | 42441 | R414-302 | 5YR | 01/08/2018 | 2018-3/84 |
| | 42487 | R414-302-6 | EMR | 01/19/2018 | 2018-4/85 |
| | 42627 | R414-302-6 | AMD | 05/08/2018 | 2018-6/15 |
| <u>time</u> | | | | | |
| Labor Commission, Industrial Accidents | 42562 | R612-200 | 5YR | 02/08/2018 | 2018-5/149 |
| <u>timelines</u> | | | | | |
| Education, Administration | 42610 | R277-482 | AMD | 04/09/2018 | 2018-5/22 |
| <u>timeliness</u> | | | | | |
| Pardons (Board Of), Administration | 42581 | R671-515 | 5YR | 02/13/2018 | 2018-5/153 |
| <u>tires</u> | | | | | |
| Transportation, Operations, Traffic and Safety | 42689 | R920-6 | AMD | 05/08/2018 | 2018-7/151 |
| <u>tow trucks</u> | | | | | |
| Transportation, Motor Carrier | 42336 | R909-19 | AMD | 01/24/2018 | 2017-24/60 |
| <u>towing</u> | | | | | |
| Transportation, Motor Carrier | 42336 | R909-19 | AMD | 01/24/2018 | 2017-24/60 |
| <u>traction devices</u> | | | | | |
| Transportation, Operations, Traffic and Safety | 42689 | R920-6 | AMD | 05/08/2018 | 2018-7/151 |
| <u>training</u> | | | | | |
| Education, Administration | 42610 | R277-482 | AMD | 04/09/2018 | 2018-5/22 |
| <u>Transition to Adult Living</u> | | | | | |
| Human Services, Child and Family Services | 42603 | R512-305 | 5YR | 02/15/2018 | 2018-5/146 |

RULES INDEX

transportation

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Administrative Services, Finance | 42572 | R25-7 | 5YR | 02/08/2018 | 2018-5/142 |
| Human Services, Aging and Adult Services | 42485 | R510-105 | 5YR | 01/17/2018 | 2018-4/102 |
| Transportation, Operations, Construction | 42616 | R916-4 | AMD | 04/23/2018 | 2018-6/28 |

transportation safety

| | | | | | |
|-------------------------------|-------|--------|-----|------------|-----------|
| Transportation, Motor Carrier | 42494 | R909-1 | AMD | 03/28/2018 | 2018-4/63 |
|-------------------------------|-------|--------|-----|------------|-----------|

treatment and care

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health | 42328 | R388-805 | AMD | 02/01/2018 | 2017-23/28 |
|---|-------|----------|-----|------------|------------|

trucks

| | | | | | |
|-------------------------------|-------|--------|-----|------------|-----------|
| Transportation, Motor Carrier | 42494 | R909-1 | AMD | 03/28/2018 | 2018-4/63 |
|-------------------------------|-------|--------|-----|------------|-----------|

ultraviolet light safety

| | | | | | |
|--|-------|----------|-----|------------|-----------|
| Health, Disease Control and Prevention, Environmental Services | 42491 | R392-700 | 5YR | 01/19/2018 | 2018-4/97 |
|--|-------|----------|-----|------------|-----------|

unavoidable breakdown

| | | | | | |
|------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Air Quality | 42640 | R307-107 | 5YR | 03/08/2018 | 2018-7/162 |
|------------------------------------|-------|----------|-----|------------|------------|

unemployment compensation

| | | | | | |
|--|-------|----------|-----|------------|------------|
| Workforce Services, Unemployment Insurance | 42735 | R994-201 | 5YR | 03/29/2018 | 2018-8/157 |
| | 42736 | R994-202 | 5YR | 03/29/2018 | 2018-8/157 |
| | 42737 | R994-208 | 5YR | 03/29/2018 | 2018-8/158 |
| | 42738 | R994-306 | 5YR | 03/29/2018 | 2018-8/158 |
| | 42739 | R994-307 | 5YR | 03/29/2018 | 2018-8/159 |
| | 42741 | R994-403 | 5YR | 03/29/2018 | 2018-8/160 |
| | 42742 | R994-405 | 5YR | 03/29/2018 | 2018-8/161 |
| | 42743 | R994-508 | 5YR | 03/29/2018 | 2018-8/161 |

unfair marketing practices

| | | | | | |
|---------------------------|-------|----------|-----|------------|------------|
| Insurance, Administration | 42687 | R590-154 | 5YR | 03/14/2018 | 2018-7/180 |
|---------------------------|-------|----------|-----|------------|------------|

universal service fund

| | | | | | |
|---|-------|----------|-----|------------|-----------|
| Public Service Commission, Administration | 42426 | R746-360 | REP | 02/21/2018 | 2018-2/31 |
|---|-------|----------|-----|------------|-----------|

University Technology Acceleration Grants (UTAG)

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|---|-------|--------|-----|------------|------------|
| Science Technology and Research Governing Auth., Administration | 42359 | R856-3 | R&R | 01/23/2018 | 2017-24/36 |
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UPPAC

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|---------------------------|-------|----------|-----|------------|-------------|
| Education, Administration | 42777 | R277-216 | NSC | 04/13/2018 | Not Printed |
|---------------------------|-------|----------|-----|------------|-------------|

used oil

| | | | | | |
|---|-------|-----------|-----|------------|-------------|
| Environmental Quality, Waste Management and Radiation Control, Waste Management | 42451 | R315-15 | AMD | 04/19/2018 | 2018-3/35 |
| | 42615 | R315-15-5 | NSC | 03/14/2018 | Not Printed |

Utah Data Research Center

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|------------------------------------|-------|----------|-----|------------|-----------|
| Workforce Services, Administration | 42421 | R982-800 | NEW | 03/01/2018 | 2018-2/38 |
|------------------------------------|-------|----------|-----|------------|-----------|

Utah Indigent Defense Commission

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|--|-------|--------|-----|------------|------------|
| Governor, Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission | 42351 | R364-1 | NEW | 01/29/2018 | 2017-24/14 |
|--|-------|--------|-----|------------|------------|

Utah Science Technology and Research (USTAR)

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|---|-------|--------|-----|------------|------------|
| Science Technology and Research Governing Authority, Administration | 42360 | R856-1 | R&R | 01/23/2018 | 2017-24/22 |
| | 42357 | R856-2 | R&R | 01/23/2018 | 2017-24/28 |
| | 42359 | R856-3 | R&R | 01/23/2018 | 2017-24/36 |
| | 42358 | R856-4 | R&R | 01/23/2018 | 2017-24/41 |
| | 42356 | R856-5 | R&R | 01/23/2018 | 2017-24/48 |
| | 42355 | R856-6 | R&R | 01/23/2018 | 2017-24/54 |

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|---|---|--|---------------------------------|--|--|
| <u>Utah State Board of Education</u> Education, Administration | 42761 | R277-121 | NSC | 04/12/2018 | Not Printed |
| <u>Utah universal service fund</u> Public Service Commission, Administration | 42424 | R746-8 | NEW | 02/21/2018 | 2018-2/18 |
| <u>utility regulations</u> Public Service Commission, Administration | 42591 | R746-405 | 5YR | 02/14/2018 | 2018-5/159 |
| <u>variances</u> Environmental Quality, Air Quality | 42546 42639 | R307-102 R307-102 | EXT 5YR | 01/31/2018 03/08/2018 | 2018-4/111 2018-7/161 |
| <u>vending machines</u> Education, Administration | 42620 42614 | R277-719 R277-719 | 5YR AMD | 02/26/2018 04/09/2018 | 2018-6/48 2018-5/39 |
| <u>victims of crimes</u> Pardons (Board Of), Administration | 42297 | R671-203 | AMD | 01/08/2018 | 2017-22/78 |
| <u>vinyl coating</u> Environmental Quality, Air Quality | 42538 42655 | R307-345 R307-345 | EXT 5YR | 01/31/2018 03/08/2018 | 2018-4/113 2018-7/171 |
| <u>vision evaluations</u> Health, Disease Control and Prevention, Health Promotion | 42569 | R384-201 | EXT | 02/08/2018 | 2018-5/161 |
| <u>visitors</u> Human Services, Substance Abuse and Mental Health, State Hospital | 42475 | R525-4 | 5YR | 01/16/2018 | 2018-3/88 |
| <u>vital statistics</u> Health, Center for Health Data, Vital Records and Statistics | 42704 | R436-1 | 5YR | 03/19/2018 | 2018-8/149 |
| | 42706 | R436-2 | 5YR | 03/20/2018 | 2018-8/149 |
| | 42707 | R436-3 | 5YR | 03/20/2018 | 2018-8/150 |
| | 42708 | R436-4 | 5YR | 03/20/2018 | 2018-8/150 |
| | 42713 | R436-7 | 5YR | 03/21/2018 | 2018-8/151 |
| | 42709 | R436-8 | 5YR | 03/20/2018 | 2018-8/151 |
| | 42712 | R436-9 | 5YR | 03/21/2018 | 2018-8/152 |
| | 42710 | R436-10 | 5YR | 03/20/2018 | 2018-8/152 |
| | 42714 | R436-12 | 5YR | 03/21/2018 | 2018-8/153 |
| | 42715 | R436-13 | 5YR | 03/21/2018 | 2018-8/153 |
| | 42716 | R436-14 | 5YR | 03/21/2018 | 2018-8/154 |
| | 42717 | R436-15 | 5YR | 03/21/2018 | 2018-8/154 |
| | 42718 | R436-16 | 5YR | 03/21/2018 | 2018-8/155 |
| | 42719 | R436-17 | 5YR | 03/21/2018 | 2018-8/155 |
| <u>VOC</u> Environmental Quality, Air Quality | 42651 42544 42662 42547 42665 | R307-303 R307-351 R307-351 R307-354 R307-354 | 5YR EXT 5YR EXT 5YR | 03/08/2018 01/31/2018 03/08/2018 01/31/2018 03/08/2018 | 2018-7/168 2018-4/115 2018-7/174 2018-4/115 2018-7/176 |
| <u>VOC emission</u> Environmental Quality, Air Quality | 42537 42654 | R307-344 R307-344 | EXT 5YR | 01/31/2018 03/08/2018 | 2018-4/113 2018-7/170 |
| <u>vocational rehabilitation counselor</u> Commerce, Occupational and Professional Licensing | 42243 | R156-78-502 | AMD | 01/02/2018 | 2017-22/28 |
| <u>wages</u> Workforce Services, Unemployment Insurance | 42737 | R994-208 | 5YR | 03/29/2018 | 2018-8/158 |

RULES INDEX

waivers

| | | | | | |
|--|-------|----------|-----|------------|-------------|
| Education, Administration | 42761 | R277-121 | NSC | 04/12/2018 | Not Printed |
| Labor Commission, Industrial Accidents | 42564 | R612-400 | 5YR | 02/08/2018 | 2018-5/150 |

warrants

| | | | | | |
|------------------------------------|-------|----------|-----|------------|------------|
| Pardons (Board Of), Administration | 42577 | R671-510 | 5YR | 02/13/2018 | 2018-5/151 |
| | 42578 | R671-512 | 5YR | 02/13/2018 | 2018-5/152 |
| | 42579 | R671-513 | 5YR | 02/13/2018 | 2018-5/152 |

waste disposal

| | | | | | |
|---|-------|----------|-----|------------|-----------|
| Environmental Quality, Waste Management and Radiation Control, Waste Management | 42453 | R315-302 | 5YR | 01/12/2018 | 2018-3/72 |
| | 42454 | R315-303 | 5YR | 01/12/2018 | 2018-3/72 |
| | 42457 | R315-306 | 5YR | 01/12/2018 | 2018-3/74 |
| | 42458 | R315-307 | 5YR | 01/12/2018 | 2018-3/75 |
| | 42459 | R315-308 | 5YR | 01/12/2018 | 2018-3/75 |
| | 42460 | R315-309 | 5YR | 01/12/2018 | 2018-3/76 |
| | 42461 | R315-310 | 5YR | 01/12/2018 | 2018-3/77 |
| | 42462 | R315-311 | 5YR | 01/12/2018 | 2018-3/77 |
| | 42463 | R315-312 | 5YR | 01/12/2018 | 2018-3/78 |
| | 42464 | R315-313 | 5YR | 01/12/2018 | 2018-3/79 |
| | 42465 | R315-314 | 5YR | 01/12/2018 | 2018-3/79 |
| | 42466 | R315-315 | 5YR | 01/12/2018 | 2018-3/80 |
| | 42467 | R315-316 | 5YR | 01/12/2018 | 2018-3/80 |
| | 42468 | R315-317 | 5YR | 01/12/2018 | 2018-3/81 |
| | 42469 | R315-318 | 5YR | 01/12/2018 | 2018-3/82 |
| | 42470 | R315-320 | 5YR | 01/12/2018 | 2018-3/82 |
| Environmental Quality, Water Quality | 42510 | R317-13 | 5YR | 01/24/2018 | 2018-4/96 |

waste to energy plant

| | | | | | |
|------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Air Quality | 42533 | R307-223 | EXT | 01/31/2018 | 2018-4/112 |
| | 42648 | R307-223 | 5YR | 03/08/2018 | 2018-7/167 |

wastewater

| | | | | | |
|--------------------------------------|-------|----------|-----|------------|------------|
| Environmental Quality, Water Quality | 42511 | R317-14 | 5YR | 01/24/2018 | 2018-4/96 |
| | 42705 | R317-101 | 5YR | 03/20/2018 | 2018-8/147 |

wastewater treatment

| | | | | | |
|--------------------------------------|-------|------------|-----|------------|------------|
| Environmental Quality, Water Quality | 42274 | R317-10-10 | AMD | 01/24/2018 | 2017-22/29 |
|--------------------------------------|-------|------------|-----|------------|------------|

water

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Public Service Commission, Administration | 42590 | R746-330 | 5YR | 02/14/2018 | 2018-5/157 |
| | 42593 | R746-332 | 5YR | 02/14/2018 | 2018-5/157 |

water pollution

| | | | | | |
|--------------------------------------|-------|------------|-----|------------|------------|
| Environmental Quality, Water Quality | 42274 | R317-10-10 | AMD | 01/24/2018 | 2017-22/29 |
| | 42510 | R317-13 | 5YR | 01/24/2018 | 2018-4/96 |

water quality

| | | | | | |
|---|-------|----------|-----|------------|------------|
| Environmental Quality, Water Quality | 42705 | R317-101 | 5YR | 03/20/2018 | 2018-8/147 |
| Public Service Commission, Administration | 42590 | R746-330 | 5YR | 02/14/2018 | 2018-5/157 |

water wells

| | | | | | |
|---------------------------------|-------|--------|-----|------------|-----------|
| Natural Resources, Water Rights | 42607 | R655-4 | R&R | 04/09/2018 | 2018-5/67 |
|---------------------------------|-------|--------|-----|------------|-----------|

waterfowl

| | | | | | |
|---------------------------------------|-------|--------|-----|------------|-----------|
| Natural Resources, Wildlife Resources | 42376 | R657-9 | AMD | 02/07/2018 | 2018-1/33 |
|---------------------------------------|-------|--------|-----|------------|-----------|

weapons

| | | | | | |
|---|-------|--------|-----|------------|-------------|
| Human Services, Substance Abuse and Mental Health, State Hospital | 42477 | R525-6 | 5YR | 01/16/2018 | 2018-3/89 |
| | 42557 | R525-6 | NSC | 03/01/2018 | Not Printed |

well drillers license

| | | | | | |
|---------------------------------|-------|--------|-----|------------|-----------|
| Natural Resources, Water Rights | 42607 | R655-4 | R&R | 04/09/2018 | 2018-5/67 |
|---------------------------------|-------|--------|-----|------------|-----------|

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|---|-------|------------|-----|------------|-------------|
| <u>wildlife</u> | | | | | |
| Natural Resources, Wildlife Resources | 42624 | R657-3 | 5YR | 02/27/2018 | 2018-6/49 |
| | 42371 | R657-5 | AMD | 02/07/2018 | 2018-1/19 |
| | 42376 | R657-9 | AMD | 02/07/2018 | 2018-1/33 |
| | 42375 | R657-12 | NSC | 02/13/2018 | Not Printed |
| | 42377 | R657-19 | AMD | 02/07/2018 | 2018-1/35 |
| | 42492 | R657-33 | AMD | 03/26/2018 | 2018-4/55 |
| | 42796 | R657-34 | 5YR | 04/12/2018 | 2018-9/72 |
| | 42795 | R657-37 | 5YR | 04/12/2018 | 2018-9/72 |
| | 42379 | R657-41 | AMD | 02/07/2018 | 2018-1/38 |
| | 42794 | R657-42 | 5YR | 04/12/2018 | 2018-9/73 |
| | 42792 | R657-53 | 5YR | 04/12/2018 | 2018-9/74 |
| | 42449 | R657-58 | 5YR | 01/09/2018 | 2018-3/91 |
| | 42374 | R657-62 | AMD | 02/07/2018 | 2018-1/41 |
| | 42493 | R657-62 | AMD | 03/26/2018 | 2018-4/57 |
| | 42372 | R657-67 | AMD | 02/07/2018 | 2018-1/44 |
| | 42378 | R657-70 | REP | 02/07/2018 | 2018-1/46 |
| | 42373 | R657-71 | NEW | 02/07/2018 | 2018-1/52 |
| <u>wildlife law</u> | | | | | |
| Natural Resources, Wildlife Resources | 42375 | R657-12 | NSC | 02/13/2018 | Not Printed |
| | 42449 | R657-58 | 5YR | 01/09/2018 | 2018-3/91 |
| <u>wildlife permits</u> | | | | | |
| Natural Resources, Wildlife Resources | 42379 | R657-41 | AMD | 02/07/2018 | 2018-1/38 |
| <u>WIOA</u> | | | | | |
| Workforce Services, Employment Development | 42693 | R986-600 | AMD | 05/08/2018 | 2018-7/154 |
| <u>workers' compensation</u> | | | | | |
| Labor Commission, Industrial Accidents | 42561 | R612-100 | 5YR | 02/08/2018 | 2018-5/148 |
| | 42562 | R612-200 | 5YR | 02/08/2018 | 2018-5/149 |
| | 42563 | R612-300 | 5YR | 02/08/2018 | 2018-5/149 |
| | 42567 | R612-300-4 | AMD | 04/09/2018 | 2018-5/46 |
| | 42564 | R612-400 | 5YR | 02/08/2018 | 2018-5/150 |
| <u>Workforce Innovation and Opportunity Act</u> | | | | | |
| Workforce Services, Employment Development | 42693 | R986-600 | AMD | 05/08/2018 | 2018-7/154 |
| <u>zoning</u> | | | | | |
| Administrative Services, Facilities Construction and Management | 42348 | R23-9 | AMD | 01/23/2018 | 2017-24/9 |
| <u>zoological animals</u> | | | | | |
| Natural Resources, Wildlife Resources | 42624 | R657-3 | 5YR | 02/27/2018 | 2018-6/49 |