

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed June 02, 2018, 12:00 a.m. through June 15, 2018, 11:59 p.m.

Number 2018-13
July 01, 2018

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

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

Utah state bulletin.

Semimonthly.

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

I. Utah. Office of Administrative Rules.

KFU440.A73S7

348.792'025--DDC

85-643197

TABLE OF CONTENTS

NOTICES OF PROPOSED RULES	1
Education	
Administration	
No. 42963 (Repeal): R277-403 Student Reading Proficiency and Notice to Parents.....	3
No. 42997 (Amendment): R277-406 K-3 Reading Improvement Program and the State Reading Goal.....	5
No. 42962 (Repeal): R277-411 School District Sponsored School Seminars on Youth Protection-Related Issues.....	8
No. 42996 (Amendment): R277-463 Class Size Average and Pupil-Teacher Ratio Reporting.....	10
No. 42991 (Amendment): R277-470 Charter Schools - General Provisions.....	13
No. 42992 (Amendment): R277-481 Charter School Oversight, Monitoring and Appeals.....	16
No. 42998 (Amendment): R277-492 Utah Science Technology and Research Initiative (USTAR) Centers Program.....	20
No. 42999 (Amendment): R277-497 School Grading System.....	24
No. 42993 (Amendment): R277-525 Special Educator Stipends.....	28
No. 42994 (Amendment): R277-617 Smart School Technology Program.....	30
No. 42995 (Amendment): R277-619 Student Leadership Skills Development.....	33
Environmental Quality	
Air Quality	
No. 42976 (Amendment): R307-110-17 Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits.....	35
Health	
Family Health and Preparedness, Licensing	
No. 43006 (Amendment): R432-1 General Health Care Facility Rules.....	37
No. 43005 (Amendment): R432-2 General Licensing Provisions.....	43
No. 43004 (Amendment): R432-3 General Health Care Facility Rules Inspection and Enforcement.....	45
No. 43003 (Amendment): R432-35 Background Screening -- Health Facilities.....	50
No. 43002 (Amendment): R432-270 Assisted Living Facilities.....	53
Insurance	
Administration	
No. 43000 (Repeal and Reenact): R590-160 Administrative Proceedings.....	56
No. 43007 (Amendment): R590-164 Uniform Health Billing Rule.....	66
Natural Resources	
Wildlife Resources	
No. 42965 (Amendment): R657-3 Collection, Importation, Transportation, and Possession of Animals.....	69
No. 42966 (Amendment): R657-41 Conservation and Sportsman Permits.....	72
No. 42967 (Amendment): R657-50 Error Remedy.....	82
No. 42968 (Amendment): R657-53 Amphibian and Reptile Collection, Importation, Transportation and Possession.....	86
No. 42969 (Amendment): R657-54 Taking Wild Turkey.....	89
No. 42970 (Amendment): R657-55 Wildlife Expo Permits.....	92
No. 42971 (Amendment): R657-56 Recreational Lease of Private Lands for Free Public Walk-in Access.....	97
No. 42972 (Amendment): R657-57 Division Variance Rule.....	99
No. 42973 (Amendment): R657-62 Drawing Application Procedures.....	101
No. 42974 (Amendment): R657-64 Predator Control Incentives.....	107
No. 42975 (Amendment): R657-69 Turkey Depredation.....	112
School and Institutional Trust Lands	
Administration	
No. 42945 (Amendment): R850-6-200 Definitions.....	114

TABLE OF CONTENTS

NOTICES OF CHANGES IN PROPOSED RULES.....	117
Environmental Quality	
Air Quality	
No. 42676: R307-101-2 Definitions.....	118
No. 42675: R307-403 Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas.....	126
NOTICES 120-DAY (EMERGENCY) RULES.....	133
Health	
Family Health and Preparedness, Emergency Medical Services	
No. 42964: R426-3 Licensure.....	133
FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION.....	139
Education	
Administration	
No. 42956: R277-406 K-3 Reading Improvement Program and the State Reading Goal.....	139
No. 42957: R277-525 Special Educator Stipends.....	139
No. 42958: R277-617 Smart School Technology Program.....	140
Environmental Quality	
Administration	
No. 42979: R305-4 Clean Fuels and Vehicle Technology Fund Grant and Loan Program.....	140
Health	
Disease Control and Prevention, Health Promotion	
No. 42951: R384-201 School-Based Vision Screening for Students in Public Schools.....	141
Disease Control and Prevention, Immunization	
No. 42947: R396-100 Immunization Rule for Students.....	141
Insurance	
Administration	
No. 42984: R590-247 Universal Health Insurance Application Rule.....	142
Natural Resources	
Parks and Recreation	
No. 42989: R651-601 Definitions as Used in These Rules.....	143
No. 42990: R651-602 Aircraft and Powerless Flight.....	143
No. 42946: R651-603 Animals.....	144
No. 42948: R651-604 Audio Devices.....	144
No. 42949: R651-605 Begging and Soliciting.....	145
No. 42950: R651-606 Camping.....	145
No. 42952: R651-607 Disorderly Conduct.....	146
No. 42953: R651-608 Events of Special Uses.....	146
No. 42954: R651-609 Explosives and Fireworks.....	147
No. 42955: R651-610 Expulsion.....	147
No. 42959: R651-613 Fires.....	147
No. 42960: R651-614 Fishing, Hunting and Trapping.....	148
No. 42961: R651-615 Motor Vehicle Use.....	148
No. 42981: R651-616 Organized Sports.....	149
No. 42982: R651-617 Permit Violation.....	149
No. 42983: R651-618 Picnicking.....	150
No. 42985: R651-619 Possession of Alcoholic Beverages or Controlled Substances.....	150
No. 42986: R651-620 Protection of Resources Park System Property.....	151
No. 42987: R651-621 Reports of Injury or Damage.....	151
No. 42988: R651-630 Unsupervised Children.....	152
Forestry, Fire and State Lands	
No. 42977: R652-7 Public Petitions for Declaratory Orders.....	152
No. 42978: R652-110 Off-Highway Vehicle Designations.....	153

Public Safety
 Driver License
 No. 42980: R708-49 Temporary Identification Card..... 153

NOTICES OF RULE EFFECTIVE DATES..... 155

**RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)..... 157**

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 June 02, 2018, 12:00 a.m., and June 15, 2018, 11:59 p.m. are included in this, the July 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 31, 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 October 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

Education, Administration
R277-403
Student Reading Proficiency and
Notice to Parents

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 42963

FILED: 06/11/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-403 is due for its five-year review and staff has recommended repealing the rule. Provisions from Rule R277-403 will be added to Rule R277-406, K-3 Reading Improvement Program and the State Reading Goal. (EDITOR'S NOTE: The proposed amendment to Rule R277-406 is under Filing No. 42997 in this issue, July 1, 2018, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: In the 2018 General Session, the Early Literacy Program (previously known as the K-3 Reading Improvement Program) was amended. As such, Rule R277-403 and Rule R277-406 require amendments to further clarify and define the Utah State Board of Education and local education agency (LEA) responsibilities. Therefore, this rule is repealed in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53F-2-503 and Subsection 53A-3-401(4)

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: Repealing this rule will not have a fiscal impact on state government revenues or expenditures. Provisions of this rule will be added to Rule R277-406.

◆ LOCAL GOVERNMENTS: Repealing this rule will not have a fiscal impact on local government's revenues or expenditures. Provisions of this rule will be added to Rule R277-406.

◆ SMALL BUSINESSES: Repealing this rule will not have a fiscal impact on small businesses' revenues or expenditures. This rule is for a LEA program and does not affect small businesses. Provisions of this rule will be added to Rule R277-406.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Repealing this rule will not have a fiscal impact on other individuals' revenues or expenditures. This rule is for a LEA program and does not affect other individuals. Provisions of this rule will be added to Rule R277-406.

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: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no large businesses with a NAICS code 611110). Repealing this rule will not have a fiscal impact on large or small businesses. 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are zero large businesses with a NAICS code 611110 (Elementary and Secondary Schools). 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which have fewer than 50 employees so qualify as small businesses. Thus, this rule change is not expected to have any fiscal impact on large businesses' revenue or expenditures because there are no applicable large businesses and it does not require any expenditures of or generate any revenues for large businesses.

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.

[R277-403. Student Reading Proficiency and Notice to Parents.

R277-403-1. 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 53A-1-401, 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 53A-17a-150, which directs the Board to make rules to implement the K-3 Reading Improvement Program and to require progress reports from each LEA documenting the LEA's satisfaction with its reading goals.
- _____ (2) The purpose of this rule is:
 - _____ (a) to designate assessments required in Section 53A-1-606.6;
 - _____ (b) to provide definitions of terms used in Section 53A-1-606.6;

_____ (c) to provide necessary testing and reporting windows and timelines; and

_____ (d) to require submission by LEAs of student reading assessment data to the Board.

R277-403-2. Definitions.

_____ (1) "Benchmark reading assessment" means the Dynamic Indicators of Basic Early Literacy Skills or DIBELS assessment.

_____ (2) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or ability that has been organized into a hierarchical arrangement, leading to higher levels of knowledge, skill, or ability.

_____ (3) "Notification to parents" means notice by any reasonable means, including electronic notice, notice by telephone, written notice, or personal notice.

_____ (4) "Reading below grade level" means that a student:

- _____ (a) performs below the benchmark score on the benchmark reading assessment; and

_____ (b) requires additional instruction beyond that provided to typically developing peers in order to close the gap between the student's current level of reading achievement and that expected of all students in that grade.

_____ (5) "Reading remediation interventions" means reading instruction or reading activities, or both, given to students in addition to their regular reading instruction, during another time in the school day, outside regular instructional time, or in the summer, which is focused on specific needs as identified by reliable and valid assessments.

_____ (6) "Utah eTranscript and Record Exchange" or "UTREx" means the same as that term is defined in Section R277-404-2.

R277-403-3. Superintendent Responsibilities.

_____ (1) The Superintendent shall provide procedures for LEAs to determine expected reading competencies of students in grade 1, grade 2, and grade 3.

_____ (2) To the extent that funds are available, the Superintendent shall distribute the diagnostic reading assessment tool designated in Section 53A-1-606.7 to LEAs.

R277-403-4. LEA Responsibilities - Timelines.

_____ (1) An LEA shall administer the benchmark reading assessments in grade 1, grade 2, and grade 3 within the following testing windows:

- _____ (a) the first benchmark before September 30;
- _____ (b) the second benchmark between December 1 and January 31; and
- _____ (c) the third benchmark between the middle of April and June 15.

_____ (2) An LEA shall report benchmark reading assessment results to the Superintendent by:

- _____ (a) October 30;
- _____ (b) the last day of February; and
- _____ (c) June 30.

_____ (3) If a benchmark assessment or supplemental reading assessment indicates a student is reading below grade level, the LEA shall implement the notification and reading remediation interventions described in Section 53A-1-606.6.

~~(4) An LEA shall report benchmark reading assessment results to parents of students in grade 1, grade 2, and grade 3 by:~~

~~(a) October 30;~~

~~(b) the last day of February; and~~

~~(c) June 30.~~

~~(5) An LEA shall also report to parents the student's reading level at the end of grade 3.~~

~~(6) An LEA shall submit to UTREx the following information from the benchmark assessment:~~

~~(a) whether or not each student is reading on grade level at each administration of the assessment;~~

~~(b) whether or not each student received reading intervention; and~~

~~(c) the composite score for each student at each administration of the assessment.~~

~~(7) An LEA that selects the reading assessment technology shall use the assessment consistent with Board directives.~~

KEY: students, reading, competency

Date of Enactment or Last Substantive Amendment: October 11, 2016

Notice of Continuation: June 10, 2013

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; 53A-1-606.6(2); 53A-1-401]

Education, Administration

R277-406

K-3 Reading Improvement Program and the State Reading Goal

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42997

FILED: 06/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to outline the responsibilities of the Utah State Board of Education (Board) State Superintendent and local education agencies (LEAs) for implementation of Section 53F-2-503 and the Board's administration of Early Literacy in the state, including to: 1) set expectations for LEA Early Literacy Plans; 2) establish timelines for LEA Early Literacy Plans; 3) provide definitions and designate assessments required in Section 53E-4-307; 4) provide testing reporting windows and timelines; and 5) require LEAs to submit student reading assessment data to the Board.

SUMMARY OF THE RULE OR CHANGE: In the 2018 General Session, the Early Literacy Program (previously known as the K-3 Reading Improvement Program) was amended. As such, Board Rules R277-403 and R277-406 require amendments to further clarify and define Board and LEA responsibilities. Rule R277-406 is amended to provided

technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53E-4-307 and Subsection 53A-3-401(4) and Subsection 53F-2-503(14)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** These rule changes may have a fiscal impact on state government expenditures, but not revenues. This rule is due for its five-year review, and it required amendments to add clarity after passage of S.B. 194, Early Literacy Program, during the 2018 General Session. These rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These rule changes add additional specificity regarding the Superintendent's responsibilities in administering this program. Most of these changes reflect current practice. New language requires LEAs that do not make sufficient progress toward plan goals to be in the Board System of Support and participate in interventions to improve early literacy. The Superintendent is tasked with establishing the strategies, interventions, and techniques for schools in the Board System of Support to help schools achieve early literacy goals. These changes reflect new statutory language and may cost up to 3% of the \$15,000,000 (\$450,000) already appropriated for the Early Literacy Program. Thus, no new funding is required, but some of the funding passed through to LEAs may shift to the Board for administration of the program.

◆ **LOCAL GOVERNMENTS:** These rule changes may have a fiscal impact on local government revenues and expenditures. These rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These rule changes add additional specificity regarding the LEA responsibilities in administering this program. Most of these changes reflect current practice. New language requires LEAs that do not make sufficient progress toward plan goals to be in the Board System of Support and participate in interventions to improve early literacy. The Superintendent is tasked with establishing the strategies, interventions, and techniques for schools in the Board System of Support to help schools achieve early literacy goals. These changes reflect new statutory language. The Board may utilize up to 3% of the \$15,000,000 (\$450,000) already appropriated for the Early Literacy Program. Thus, LEAs may see a reduction in allocations from the program commensurate with the amount of funding used by the Board. For school districts, this potential impact also means the required match from local property tax revenues could decrease (charter schools receive full funding from the state and do not provide a match).

◆ **SMALL BUSINESSES:** These rule changes are not expected to have any fiscal impact on small businesses' revenues or expenditures because they affect the early literacy program which is funded by a state appropriation (and a match from school districts), and this rule clarifies and

defines Board and LEA responsibilities and does not affect small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule changes are not expected to have any fiscal impact on other individuals' revenues or expenditures because they affect the early literacy program which is funded by a state appropriation (and a match from school districts), and this rule clarifies and defines Board and LEA responsibilities and does not affect other individuals.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no large businesses with a NAICS code 611110). These rule changes apply to LEAs and the Board and will not have a fiscal impact on large or small businesses. 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are zero large businesses with a NAICS code 611110 (Elementary and Secondary Schools). 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which have fewer than 50 employees so qualify as small businesses. Thus, these rule changes are not expected to have any fiscal impact on large businesses' revenue or expenditures because there are no applicable large businesses and they do not require any expenditures of or generate any revenues for large businesses.

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.

R277-406. [K-3 Reading Improvement] Early Literacy Program and Benchmark Reading Assessment [and the State Reading Goal].

R277-406-1. 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 in accordance with its responsibilities; ~~and~~

(c) Subsection 53F-2-503(14)(a), which directs the Board to develop rules for implementing the ~~[K-3 Reading Improvement]~~ Early Literacy Program; ~~and~~

(d) Section 53E-4-307, which requires the Board to approve a benchmark assessment for statewide use to assess the reading competency of students in grades one, two, and three.

(2) The purpose of this rule is to outline the responsibilities of the Superintendent and LEAs for implementation of Section 53F-2-503 and the Board's administration of Early Literacy in the state, including to: ~~[K-3 Reading Improvement Program, and Section 53E-4-306, State Reading Goal-Reading Achievement Plan.]~~

~~(a) set expectations for LEA Early Literacy Plans;~~

~~(b) establish timelines for LEA Early Literacy Plans;~~

~~(c) provide definitions and designate assessments required in Section 53E-4-307;~~

~~(d) provide testing reporting windows, and timelines; and~~

~~(e) require LEAs to submit student reading assessment data to the Board.~~

R277-406-2. Definitions.

(1) "Benchmark reading assessment" means ~~[an]~~ the Dynamic Indicators of Basic Early Literacy Skills or DIBELS assessment that:

(a) is given three times each year; ~~at:~~

~~(i) the beginning of the school year;~~

~~(ii) the midpoint of the school year; and~~

~~(iii) the end of the school year;~~

(b) gives teachers information to:

(i) plan appropriate instruction; and

(ii) evaluate the effects of instruction; and

(c) provides data about the extent to which students are prepared to be successful on ~~[the]~~ an end of year Criterion Referenced Test.

~~(2) "Grade level in reading" means that a student gains adequate meaning from independently reading texts designed for instruction at that grade level.]~~

(2) "Evidence-based" means a strategy that has demonstrated a statistically significant effect on improving student outcomes.

(3) "Parental notification requirements" means notice by any reasonable means, including electronic notice, notice by telephone, written notice, or personal notice.

~~(3)~~(4) "[LEA p]lan" means the ~~[K-3 Reading Achievement]~~ literacy proficiency improvement plan required in the Early Literacy Program ~~[Plan]~~ that is submitted by a public school district or a charter school, as required in Subsection 53F-2-503(4).

~~(4)~~ "Midpoint of school year" means January 31 of the school year.

~~(5)~~ "Program" means the K-3 Reading Improvement Program.

~~(6)~~(5) "Program money" means the same as that term is defined in Section 53F-2-503.

(6) "Reading below grade level" means that a student:

(a) performs below the benchmark score on the benchmark reading assessment; and

~~(b) requires additional instruction beyond that provided to typically-developing peers in order to close the gap between the student's current level of reading achievement and that expected of all students in that grade.~~

(7) "Reading remediation interventions" means reading instruction or reading activities, or both, given to students in addition to their regular reading instruction, during another time in the school day, outside regular instructional time, or in the summer, which is focused on specific needs as identified by reliable and valid assessments.

(8) "Utah eTranscript and Record Exchange" or "UTREx" means the same as that term is defined in Section R277-404-2.

~~(7) "School plan" means the K-3 Reading Achievement Program Plan submitted by a public school or a charter school.]~~

R277-406-3. Benchmark Reading Assessments.

(1) An LEA shall administer the benchmark reading assessments in grade 1, grade 2, and grade 3 within the following testing windows:

(a) the first benchmark before September 30;

(b) the second benchmark between December 1 and January 31; and

(c) the third benchmark between the middle of April and June 15.

(2) An LEA shall report benchmark reading assessment results to the Superintendent by:

(a) October 30;

(b) the last day of February; and

(c) June 30.

(3) If the benchmark reading assessment indicates a student is reading below grade level, the LEA shall implement the parental notification requirements and evidence-based reading remediation interventions described in Section 53E-4-307.

(4) An LEA shall report benchmark reading assessment results to parents of students in grade 1, grade 2, and grade 3 by:

(a) October 30;

(b) the last day of February; and

(c) June 30.

(5) An LEA shall submit to UTREx the following information from the benchmark reading assessment:

(a) whether or not each student received reading intervention;

(b) UTREx Special Codes related to the benchmark reading assessment; and

(c) for an LEA not using a state-approved vendor for the benchmark reading assessment:

(i) whether or not each student is reading on or above benchmark at each administration of the assessment; and

(ii) the composite score for each student at each administration of the assessment

(6) An LEA that selects the reading assessment technology shall use the assessment consistent with Board directives.

R277-406-3]4. [Board/Superintendent Responsibilities;] Early Literacy Plans -- LEA and Superintendent Requirements - Timelines.

~~(1) The Board shall approve a program plan submitted by an LEA pursuant to Subsection R277-406-4(1).]~~

(1) To receive program money, an LEA shall submit:
(a) a plan in accordance with Subsection 53F-2-503(4);
and
(b) other required materials within established deadlines.
(2) For the 2018-19 school year:
(a)(i) any time before August 15, an LEA may submit its
plan to the Superintendent for pre-approval; and
(ii) for each LEA that submits a plan for pre-approval, the
Superintendent shall provide feedback in preparation for the LEA
submitting the plan to its local board;
(b) after its plan is approved by its local board, an LEA shall
submit a final plan to the Superintendent by no later than October 1;
(c) within three weeks of an LEA submitting a final, local
board-approved plan to the Superintendent, the Superintendent shall
notify the LEA if the plan has been approved; and
(d)(i) if the Superintendent does not approve the LEA's
plan, the LEA shall incorporate needed changes or provisions and
resubmit the amended plan by December 1; and
(ii) the Superintendent shall approve a resubmitted plan that
incorporated the requested changes by December 15.
(3) For the 2019-20 school year and subsequent school
years:
(a)(i) any time before June 15, an LEA may submit its plan
to the Superintendent for pre-approval; and
(ii) for each LEA that submits a plan for pre-approval, the
Superintendent shall provide feedback in preparation for the LEA
submitting the plan to its local board;
(b) after its plan is approved by its local board, an LEA shall
submit a final plan to the Superintendent by no later than August 1;
(c) within three weeks of an LEA submitting a final, local
board-approved plan to the Superintendent, the Superintendent shall
notify the LEA if the plan has been approved; and
(d)(i) if the Superintendent does not approve the LEA's
plan, the LEA shall incorporate needed changes or provisions and
resubmit the amended plan by October 1; and
(ii) the Superintendent shall approve a resubmitted plan that
incorporated the requested changes by October 15.
(4) When reviewing an LEA plan for approval, the
Superintendent shall evaluate:
(a) the extent to which the LEA's goals are ambitious, yet
attainable; and
(b) if the plan uses evidence-based curriculum, materials,
and practices, which will support the LEA in meeting its growth goals.
(5) All LEA plans shall be reported to the Superintendent
using a digital reporting platform.

R277-406-5. Accountability and Reporting on Early Literacy Plans.

(1) An LEA shall report progress toward the goals outlined
in the LEA's plan to the Superintendent by June 30 each year.
(2) In accordance with S[ubs]ection 53F-2-503, [the
uniform standard for] a growth goal [is that the goal] in an LEA's plan:
(a) [signifies] is calculated using the percentage of [third
grade-]students in an LEA's grades 1 through 3 who made typical,
above typical, or well-above typical progress from the beginning of the
year to the end of the year, [in third grade-] as measured by the
benchmark reading assessment; and

(b) sets the target percentage of [third graders]students in
grades 1 through 3 making typical progress or better at [47.83]a
minimum of 60 percent.

(3) The Superintendent shall use the information provided
by an LEA described in Subsection R277-406-4[(3)] to determine the
progress of each student in grades 1 through 3 within the following
categories:

- (i) well-above typical;
- (ii) above typical;
- (iii) typical;
- (iv) below typical; or
- (v) well-below typical.

(4) If an LEA does not make sufficient progress toward its
plan goals, as defined in Subsection (5), the LEA shall be in the Board
System of Support and required to participate in interventions to
improve early literacy.

(5) Sufficient progress toward plan goals means the LEA
meets:

- (a) the LEA's growth goal, as described in Subsection 53F-
2-503(4)(a)(v); and
- (b) at least one of the LEA-designated goals addressing
performance gaps, as described in Subsection 53F-2-503(4)(a)(vi).

(6) The Superintendent shall establish the strategies,
interventions, and techniques for schools that are in the Board System
of Support to help schools achieve early literacy goals.

[R277-406-4. Responsibilities of LEAs.

(1) To receive Program money, a school with K-3 grade-
levels shall submit a school plan to its local board or charter board, and
each LEA shall submit an LEA plan to the Board for reading
proficiency improvement that incorporates the components described
in Subsections 53E-4-306(3)(d) and 53F-2-503(4)(a).

(2) The school plan shall be created:

- (a) for a school in a district, under the direction of the
school community council;
- (b) for a charter school, under the direction of the charter
school governing board.

(3)(a) An LEA shall complete the report required by
Subsections 53F-2-503(13)(a) and 53F-2-503(14)(b)(i) within
timelines set by the Superintendent.

(b) The report shall include:

- (i) the information described in Subsection 53F-2-503(16)
(a) for kindergarten, first grade, second grade, and third grade,
including information from the previous five years; and
- (ii) the composite scores on the benchmark assessment of
students in grades 1 through 3 to the Superintendent:
 - (A) through UTREx; and
 - (B) on or before July 1 of each year.

(4) An LEA that loses Program money due to a failure to
meet its goal of increasing the percentage of third grade students at
grade level may reapply for the Program money upon submission of a
revised K-3 Reading Improvement Plan after one year of not receiving
Program money.]

KEY: reading, improvement, goals

Date of Enactment or Last Substantive Amendment: [October
8, 2015]2018

Notice of Continuation: June 10, 2013
Authorizing, and Implemented or Interpreted Law: Art X Sec 3;
53E-3-401(4); 53F-2-503(14)(a)

Education, Administration
R277-411
School District Sponsored School
Seminars on Youth Protection-Related
Issues

NOTICE OF PROPOSED RULE
 (Repeal)
 DAR FILE NO.: 42962
 FILED: 06/08/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah State Board of Education (USBE) recommends repealing this rule as it is no longer necessary. The ongoing requirements of this rule are already spelled out in statute.

SUMMARY OF THE RULE OR CHANGE: Rule R277-411 is up for its five-year review. This rule contains one-time requirements, the deadlines for which have passed. The ongoing requirements of this rule are already spelled out in statute. Accordingly, USBE recommends repeal of the rule as it is no longer necessary. Therefore, this rule is repealed in its entirety.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53A-15-1302 and Section 53G-9-703 and Subsection 53E-3-401(4)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Repealing this rule will not have a fiscal impact on state government revenues or expenditures. This rule contains one-time requirements whose deadlines have passed. The ongoing requirements of this rule are already spelled out in statute and thus this rule is no longer necessary.

◆ **LOCAL GOVERNMENTS:** Repealing this rule will not have a fiscal impact on local governments revenues or expenditures. This rule contains one-time requirements whose deadlines have passed. The ongoing requirements of this rule are already spelled out in statute and thus this rule is no longer necessary.

◆ **SMALL BUSINESSES:** Repealing this rule will not have a fiscal impact on small businesses' revenues or expenditures. This rule contains one-time requirements whose deadlines have passed. The ongoing requirements of this rule are already spelled out in statute and thus this rule is no longer necessary. This rule is for a local education agency (LEA) program and does not affect small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Repealing this rule will not have a fiscal impact on other individuals' revenues or expenditures. This rule contains one-time requirements whose deadlines have passed. The ongoing requirements of this rule are already spelled out in statute and thus this rule is no longer necessary. This rule is for a LEA program and does not affect other individuals.

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: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no large businesses with a NAICS code 611110). Repealing this rule will not have a fiscal impact on large or small businesses. 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are zero large businesses with a NAICS code 611110 (Elementary and Secondary Schools). 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which have fewer than 50 employees so qualify as small businesses. Thus, this rule change is not expected to have any fiscal impact on large businesses' revenue or expenditures because there are no applicable large businesses and it does not require any expenditures of or generate any revenues for large businesses.

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.

[R277-411. School District Sponsored School Seminars on Youth Protection-Related Issues.

R277-411-1. Definitions.

- _____ A. "Board" means Utah State Board of Education
- _____ B. "Opt-out," provided for in Section 53A-15-1302(5), means a written statement provided by a local school superintendent to the Board stating that the local board determined that the topics of substance abuse, bullying, mental health, depression, suicide

awareness and internet safety are not of significant interest to families in the school district.

_____ C. "School-sponsored parent seminar" means a meeting held at the school where school personnel or others invited by the school discuss topics identified in Section 53A-15-1302(2) with those in attendance.

_____ D. "USOE" means the Utah State Office of Education.

_____ E. "Youth protection-related issues" means the issues identified in Section 53A-15-1302(2) including substance abuse, including illegal drugs and prescription drugs and drug use prevention; bullying and related problems; student mental health, depression and student suicide awareness; internet safety for students, including pornography addiction and other student health related problems or issues, as identified by a school district.

R277-411-2. Authority and Purpose.

_____ A. The rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, by Section 53A-15-1302 which directs the Board to provide resources to school districts about youth protection related issues, directs the Board to accept opt-out information from local school boards and directs the Board to report to the Education Interim Committee about school district activities. The rule is also authorized by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

_____ B. The purpose of this rule is to provide information and timelines to school districts that allow and assist school districts in satisfying their responsibilities under 53A-15-1302.

R277-411-3. Board/USOE Responsibilities.

_____ A. The USOE shall provide resources, model curricula and additional information as required under Section 53A-15-1302(2) before August 30, 2013.

_____ B. To the extent of resources available, the USOE shall provide curricula, materials and resources in both electronic and paper formats.

_____ C. To the extent of resources available and if requested, the USOE shall make staff and consultants available to assist school districts with anticipated training and parent meetings.

_____ D. If school districts provide written opt-out notification to the Board, the Board shall review those documents for sufficiency and satisfaction of the law's requirements and notify school districts in a timely manner.

_____ E. The USOE shall request information from school districts under Section 53A-15-1302(4)(a),(b),(c), and (d) to compile information for the Board's November 2014 report to the Education Interim Committee. The Board may also request information and data from school districts and charter schools in order to develop meaningful curricula and materials to assist school districts.

R277-411-4. School District Responsibilities and Timelines.

_____ A. A local school board that desires to provide an opt-out notification to the Board shall do so before September 30, 2013.

_____ B. The Board shall notify a local school board/school district that the opt-out notification was received and was complete and consistent with the law before October 30, 2013.

_____ C. The notification received from a local school board and the USOE's response shall be maintained by the USOE.

~~KEY: seminars, students, youth protection~~

~~Date of Enactment or Last Substantive Amendment: July 8, 2013
Authorizing, and Implemented or Interpreted Law: Art X, Sec 3;
53A-15-1302; 53A-1-401(3)]~~

Education, Administration

R277-463

Class Size Average and Pupil-Teacher Ratio Reporting

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42996

FILED: 06/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish uniform class size and pupil-teacher ratio reporting procedures, including definitions and codes. Rule R277-463 is amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Utah State Board of Education (Board) policies.

SUMMARY OF THE RULE OR CHANGE: Rule R277-463 is amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53E-3-301 and Subsection 53E-3-401(4)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** These rule changes are not expected to have any fiscal impact on state government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These changes will not alter how class size averages or pupil-teacher ratios are calculated.

◆ **LOCAL GOVERNMENTS:** These rule changes are not expected to have any fiscal impact on local government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These changes will not alter how class size averages or pupil-teacher ratios are calculated so local education agencies will continue to report the data in the same manner they do currently.

◆ **SMALL BUSINESSES:** These rule changes are not expected to have any fiscal impacts on small businesses' revenues or expenditures because they provides technical,

conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies, and this rule applies to reporting for LEAs and does not affect small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule changes are not expected to have any fiscal impact on other individuals' revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These changes will not alter how class size averages or pupil-teacher ratios are calculated, and this rule applies to reporting for LEAs and does not affect other individuals.

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: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no large businesses with a NAICS code 611110). These rule changes apply to LEAs and the Board and will not have a fiscal impact on large or small businesses. 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are zero large businesses with a NAICS code 611110 (Elementary and Secondary Schools). 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which have fewer than 50 employees so qualify as small businesses. Thus, these rule changes are not expected to have any fiscal impact on large businesses' revenue or expenditures because there are no applicable large businesses, and they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies and do not require any expenditures of or generate any revenues for large businesses.

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.

R277-463. Class Size Average and Pupil-Teacher Ratio Reporting.

R277-463-[2]1. Authority and Purpose.

[A-](1) This rule is authorized by:
 (a) Utah Constitution Article X, Section 3, which places general control and supervision of the public school system under the Board[;];

(b) Section 53[A]E-[+]3-301, which directs the Board to report average class sizes and pupil-teacher ratios[; Section 53A-3-602.5 which directs the Board to establish rules for uniform class size reporting.]; and

(c) Subsection 53[A]E-[+]3-401[(3)](4), which allows the Board to [adopt rules in accordance with its responsibilities]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 establish uniform class size and pupil-teacher ratio reporting procedures, including definitions and codes.

R277-463-[+]2. Definitions.

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

[B-](1) "Course" means the subject matter taught to students.

([+]a) Elementary courses are designated by grade level.

([2]b) Secondary courses are determined by course content.

[C-](2) "EL" means English Learner.

[D-](3)(a) "Individual class" means a group of students organized for instruction and assigned to one or more teachers or other staff members for a designated time period.

(b) A class may include:

(i) students from multiple grades; or [may include]

(ii) students taking multiple courses [and still shall be considered a single class for purposes of class size reporting].

(c) The Superintendent shall determine [A]an individual class [shall be determined]from course data submitted to the [USOE]Superintendent using a combination of course elements, such as:

(i) CACTUS identification number[;];

(ii) teacher of record[;];

(iii) class period[;];

(iv) term of student enrollment[;]; and

(v) course cycle.

[---]E. "LEA" means a local education agency, including local school boards/public school district or charter school.]

[F-](4) "Pupil" means a student enrolled in a public school as of October 1 of the reported school year.

[G-](5) "Teacher" [for purposes of this rule]means a full-time equivalent licensed educator, such as:

(a) a regular classroom teacher[;];

(b) a school-based specialist[; and]; or

(c) a special education teacher.

[---]H. "USOE" means the Utah State Office of Education.]

R277-463-3. Class Size Average for Elementary Classes.

~~[A-](1)(a) An LEA[s] shall report student level course data providing sufficient course information to determine the number of students in individual classes.~~

~~(b) An LEA shall calculate a [C]class with students in multiple grades [shall be calculated-] as one class.~~

~~(c) An LEA shall calculate an [E]extended day classes in which one portion of the class arrives early and the other portion stays late [will be calculated-] as one class.~~

~~[B-](2)(a) The Superintendent shall calculate [A]average class size [shall be calculated-] by grade.~~

~~(b) The Superintendent shall exclude [S]special education, EL, online, and other non-traditional classes [shall be excluded-] from class size average calculations.~~

~~[C-](3) [State-]The Superintendent shall derive state and district-level class sizes [shall be derived-] from the median of school-level class sizes.~~

R277-463-4. Class Size Average for Secondary Classes.

~~[A-](1)(a) An LEA[s] shall report student level course data providing sufficient course information to determine the number of students in individual classes.~~

~~(b) An LEA shall calculate [C]classes including students enrolled in multiple courses [shall be calculated-] as one class.~~

~~[B-](2)(a) The Superintendent shall calculate [A]average class size [shall be calculated-] for core language arts, mathematics, and science courses.~~

~~(b) The Superintendent shall exclude [S]special education, EL, online, and other non-traditional classes [will be excluded-] from class size averages.~~

~~[C-](3) [State-]The Superintendent shall derive state and district-level class sizes [shall be derived-] from taking the median of school-level class sizes.~~

R277-463-5. Pupil-Teacher Ratio Calculation.

~~[A-](1)(a) The Superintendent shall calculate [P]pupil-teacher ratios [shall be calculated-] by school.~~

~~(b) The Superintendent shall calculate the pupil-teacher ratio for each school shall [be calculated by-] dividing the number of enrolled pupils by the number of full-time equivalent teachers assigned to the school.~~

~~[B-](2) The Superintendent shall derive [D]district-level ratios [shall be derived-] by taking the median of school-level ratios.~~

~~[C-](3) The Superintendent shall derive [S]state-level ratios for charter schools and traditional schools [shall be derived from] by taking the median of school-level data.~~

R277-463-6. Reporting Format and Timeline.

~~The Superintendent shall report [S]school, district and state-level ratios and class size averages [shall be reported-] to the public as required under Section [53A-1-301]53E-3-301.~~

KEY: public schools, enrollment reporting, class size average reporting, pupil-teacher ratio reporting

Date of Enactment or Last Substantive Amendment: [August 7, 2014]2018

Notice of Continuation: June 10, 2014

Authorizing, and Implemented or Interpreted Law: Art. X, Sec 3; [53A-1-301; 53A-3-602.5; 53A-1-401(3)]53E-3-301; 53E-3-401(4)

Education, Administration
R277-470
Charter Schools - General Provisions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42991

FILED: 06/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide directions to charter schools for federal funds, and startup and implementation funding. This rule also provides criteria for a charter school mentoring program and additional charter school-specific directives. Rule R277-470 is amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Utah State Board of Education (Board) policies.

SUMMARY OF THE RULE OR CHANGE: This rule had substantive amendments as part of the Board's work to enact and amend rules related to the passage of H.B. 313, Public Education Revisions, from the 2018 General Session. Rule R277-470 is also amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53F-2-702 and Subsection 53E-3-401(4)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** These rule changes are not expected to have any fiscal impact on state government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These changes are not substantive.

♦ **LOCAL GOVERNMENTS:** These rule changes are not expected to have any fiscal impact on local government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These changes are not substantive.

♦ **SMALL BUSINESSES:** These rule changes are not expected to have any fiscal impact on small businesses' revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the

Rulewriting Manual for Utah and Board policies. This rule is for charter schools and does not affect small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule changes are not expected to have any fiscal impact on other individuals' revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. This rule is for charter schools and does not affect other individuals.

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: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no large businesses with a NAICS code 611110). These rule changes apply to charter schools and will not have a fiscal impact on large or small businesses. 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are zero large businesses with a NAICS code 611110 (Elementary and Secondary Schools). 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which have fewer than 50 employees so qualify as small businesses. Thus, these rule changes are not expected to have any fiscal impact on large businesses' revenue or expenditures because there are no applicable large businesses and it does not require any expenditures of or generate any revenues for large businesses.

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

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0

R277. Education, Administration.
R277-470. Charter Schools - General Provisions.
R277-470-[2]1. Authority and Purpose.
[A-](1) This rule is authorized under:

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

~~_____~~ (b) Section 53[A]E-[1a]2-[543]702, which directs the Board to distribute funds for charter school students directly to the charter school[~~;~~]; and

~~_____~~ (c) Subsection 53[A]E-[1]3-401[~~(3)~~](4), which allows the Board to adopt rules in accordance with its responsibilities[~~;~~ and 20 U.S.C., Section 8063(3) which directs the Board to submit specific information prior to charter schools' receipt of federal funds].

[B-](2)(a) The purpose of this rule is to provide directions to charter schools for federal funds and startup and implementation funding.

~~_____~~ (b) The rule also provides criteria for a charter school mentoring program and additional charter school-specific directives.

R277-470-1]2. Definitions.

~~_____~~ A. "Board" means the Utah State Board of Education.]

[B-](1) "Charter school authorizers" means entities that authorize a charter school under Section 53[A]G-[1a]5-[501-3(2)]102.

[C-](2) "Charter schools" means schools acknowledged as charter schools by charter school authorizers under Sections 53[A]G-[1a]5-[515]305, 53[A]G-[1a]5-[521]306, and this rule or by the Board under Section 53[A]G-[1a]5-[505]304.

[D-](3) "Charter school governing board" means the board designated by the charter school to make decisions for the operation of the school.

[E-](4) "ESEA" means the federal law under the Elementary and Secondary Education Act, Title IX, Part A, 20 U.S.C. 7801.

[F-](5) "Expansion" means a proposed increase of students or adding grade level(s) in an operating charter school at a single location.

[G-](6) "Mentor," for purposes of the mentoring program, means an individual or organization with expertise or demonstrated competence, willing to advise charter schools, approved by the State Charter School Board to participate in the mentoring program.

[H-](7) "Mentoring program," for purposes of this rule, means the State Charter School Board mentoring program.

[I-](8)(a) "Satellite school" means a charter school affiliated with an operating charter school having a common governing board and a similar program of instruction, but located at a different site or in a different geographical area.

~~_____~~ (b) The parent school and all satellites shall be considered a single local education agency [~~(LEA)~~] for purposes of public school funding and reporting.

[J-](9) "State Charter School Board" means the board designated in Section 53[A]G-[1a]5-[501-5]201.

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

[L-](10) "Utah Consolidated Application" or "[-(U)CA]" means the web-based grants management tool employed by the [~~Utah State Office of Education~~]Superintendent by which local education agencies submit plans and budgets for approval of the [~~Utah State Office of Education~~]Superintendent.

[M-](11) "Utah eTranscript and Record Exchange" or "[-(UTREx)]" means a system that allows individual detailed student records to be exchanged electronically between public

education local education agencies [~~(LEAs)~~] and the [~~USOE~~]Superintendent, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

R277-470-3. Maximum Authorized Charter School Students.

[A-](1) Local school boards and institutions of higher education may approve charter schools by notifying the Board by October 1 of the state fiscal year one year prior to opening of proposed charter schools, including authorized numbers of students and other information as required in Sections 53[A]G-[1a]5-[515]305 and [53A-1a-521]53G-5-306.

[B-](2) The Board, in consultation with the State Charter School Board and charter school authorizers, may approve schools, expansions and satellite charter schools for the total number of students authorized under Sections 53[A]G-[1a]6-[502-5]504 and 53[A]G-[1a]5-[501-9]301.

[C-](3) The number of students requested from all charter school authorizers shall be considered [~~as students are allocated~~] and approved by the Board.

R277-470-4. Charter Schools and ESEA Funds.

[A-](1) Charter schools that desire to receive ESEA funds shall comply with the requirements of this R277-470-4.

[B-](2) To obtain its allocation of ESEA formula funds, a charter school shall complete all appropriate sections of the Utah Consolidated Application [~~(UCA)~~] and identify its economically disadvantaged students in the October UTREx submission.

[C-](3) If the school does not operate a federal school lunch program, the school:

(1)a) shall determine the economically disadvantaged status for its students on the basis of criteria no less stringent than those established by the U.S. Department of Agriculture for identifying students who qualify for reduced price lunch for the fiscal year in question; or

(2)b) may use the Charter School Declaration of Household Income form provided by the [~~USOE~~]Superintendent for this purpose.

[D-](4) A school which does not use the form shall maintain equivalent documentation in its records, which may be subject to audit.

R277-470-5. Charter School Start-up and Implementation Grants.

[A-](1) Charter schools that desire to receive State Charter School Board start-up and implementation grant funds shall comply with the requirements of this R277-470-5.

[B-](2) To receive a State Charter School Board start-up or implementation grant, a charter school shall be eligible and meet the requirements consistent with Section 53[A]G-[1a]5-[507]404.

~~_____~~ (3) New schools and satellite schools are eligible for start-up and implementation grant funds.];

~~_____~~ (4) [~~school expansions are not eligible.~~] A charter school may not receive start-up and implementation grant funds for school expansion.

[C-](5) Eligible charter schools shall complete an application and may be awarded a grant for no more than 36 months.

~~(D)~~(6) Only schools that have not received state start-up or implementation grant funds in prior years are eligible.

~~(E)~~(7) The State Charter School Board shall determine amounts and conditions for distribution of state start-up or implementation grant funds.

~~(F)~~(8) Grant funds may only be used for allowable expenditures as provided by the State Charter School Board.

~~(G)~~(9) Grant recipients shall participate in monitoring activities ~~of grant recipients~~ and shall provide monitoring information to the ~~[USOE] Superintendent~~, as directed.

~~(H)~~(10)(a) Charter schools shall repay grant funds to the State Charter School Board if recipients change to non-charter status within ten years of receiving grant funds.

~~(b)~~ An exception may be made for schools that convert status due to either federal or state law requirements for academic purposes.

R277-470-6. Charter School Mentoring Program.

~~(A)~~(1) The State Charter School Board shall identify critical mentoring needs of charter schools and, through an RFP application process, allocate mentoring funds to one or more qualified individuals or organizations to meet identified needs.

~~(B)~~(2) Mentoring program participants shall provide information to the ~~[USOE] Superintendent~~ as requested.

~~(C)~~(3) The State Charter School Board shall:

~~(1)~~(a) receive an annual program report from participating mentors and charter schools; and

~~(2)~~(b) evaluate the mentoring program annually.

R277-470-7. Charter School Parental Involvement.

~~(A)~~(1) Charter schools shall encourage and provide opportunities for parental involvement in management decisions at the school level.

~~(B)~~(2) Charter schools that elect to receive School LAND Trust funds shall ~~have a committee consistent with R277-477-3A~~ comply with Subsection R277-477-3(3).

R277-470-8. Transportation.

~~(A)~~(1) Charter schools are not eligible for to-and-from school transportation funds.

~~(B)~~(2) A charter school that provides transportation to students shall comply with the inspection and safety requirements of [Utah law] Section 53-8-211.

~~(C)~~(3) A school district may provide transportation for charter school students on a space-available basis on approved routes.

~~(D)~~(4)(a) School districts may provide transportation or transportation information to charter school students and their parents who participate in transportation by the school district as guests.

~~(b)~~ Charter schools ~~or~~ charter school students may forfeit with no recourse the privilege of transportation for violation of ~~the~~ district policies.

R277-470-9. Miscellaneous Provisions.

~~(A)~~(1) The State Charter School Board shall provide a form on its website for individuals to report threats to health, safety or welfare of students consistent with ~~Subsection 53[A]G-[1a]5-510(3)]503(4)(a).~~

~~(1)~~(a) Individuals making reports about threats shall report suspected criminal activity to local law enforcement and suspected child abuse to local law enforcement or the Division of Child and Family Services consistent with Section[s] 62A-4a-403 and Subsection 53[A]G-[11]9-[605]203(3)(a).

~~(2)~~(b) Additionally, individuals may report threats to the health, safety or welfare of students to the charter school governing board, provided that: [-]

~~(a)~~(i) reports shall be made in writing;

~~(b)~~(ii) reports shall be timely; and

~~(c)~~(iii) anonymous reports shall not be reviewed further.

~~(3)~~(c) Charter school governing boards shall verify that potential criminal activity or suspected child abuse has been reported consistent with state law and this rule.

~~(4)~~(d) Charter school governing boards shall act promptly to investigate disciplinary action, if appropriate, against students who may be participants in threatening activities or take appropriate and reasonable action to protect students or both.

~~(B)~~(2) The Board shall have authority for final approval of all charter schools that receive minimum school program funds.

~~(3)~~ All charter schools shall be subject to accountability standards established by the Board and to monitoring and auditing by the Board.

KEY: education, charter schools

Date of Enactment or Last Substantive Amendment: ~~[August 7, 2014]~~2018

Notice of Continuation: August 2, 2013

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; ~~[53A-1a-515; 53A-1a-505; 53A-1a-513; 53A-1-401(3); 53A-1a-510; 53A-1a-519; 53A-1a-501.5; 53A-1-301; 53A-1a-502.5; 53-8-211; 62A-4a-403; 53A-11-605; 53A-1a-522; 53A-1a-521; 53A-1a-501.3; 53A-1a-501.9; 53A-1a-513.5]~~53A-3-401(4); 53F-2-702; ~~53G-5-304, 53G-5-305, 53G-5-306; 53-8-211~~

Education, Administration R277-481 Charter School Oversight, Monitoring and Appeals

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42992

FILED: 06/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish procedures for oversight and monitoring of charter agreements and charter schools for compliance with minimum standards. Rule R277-481 is amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Utah State Board of Education (Board) policies. The substantive amendments to Rule R277-481 are part of the Board's work to enact and amend rules relating to

the passage of H.B. 313, Public Education Revisions, from the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: The substantive amendments to Rule R277-481 are part of the Board's work to enact and amend rules relating to the passage of H.B. 313 (2018) and provide changes in accordance with the Rulewriting Manual for Utah and Board policies.

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:** These rule changes are not expected to have any fiscal impact on state government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These rule changes include warning status notification coming from the school's authorizer rather than the Utah State Office of Education and the State Charter School Board staff providing technical assistance to schools on probation. However, these changes only clarify current practice.

◆ **LOCAL GOVERNMENTS:** These rule changes are not expected to have any fiscal impact on local government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These rule changes do not change processes for charter schools.

◆ **SMALL BUSINESSES:** These rule changes are not expected to have any fiscal impact on small businesses' revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule changes are not expected to have any fiscal impact on other individuals' revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. This rule is for charter schools and does not affect other individuals.

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: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no large businesses with a NAICS code 611110). These rule changes apply to charter schools and will not have a fiscal impact on large or small businesses. 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
 There are zero large businesses with a NAICS code 611110 (Elementary and Secondary Schools). 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which have fewer than 50 employees so qualify as small businesses. Thus, these rule changes are not expected to have any fiscal impact on large businesses' revenue or expenditures because there are no applicable large businesses and it does not require any expenditures of or generate any revenues for large businesses.

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.
R277-481. Charter School Oversight, Monitoring and Appeals.
R277-481-2]1. Authority and Purpose.

[A-](1) This rule is authorized under:
 (a) Utah Constitution Article X, Section 3 which vests general control and supervision over public education in the Board[; and
 (b) Subsection 53[A]E-[+]3-401[(3)](4), which allows the Board to adopt rules in accordance with its responsibilities[; and 20 U.S.C., Section 8063(3) which directs the Board to submit specific information prior to charter schools' receipt of federal funds].
 [B-](2)(a) The purpose of this rule is to establish procedures for oversight and monitoring charter agreements and charter schools for compliance with minimum standards.
 (b) The rule also provides appeals criteria and a process for schools found out of compliance with chartering entity findings.

R277-481-[+]2. Definitions.

[---]A. "Board" means the Utah State Board of Education.
 [B-](1) "Chartering entities" means entities that authorize a charter school under Subsection 53[A]G-[+a]5-[501-3]102(3).
 [C-](2) "Charter schools" means schools acknowledged as charter schools by chartering entities under Sections [53A-1a-515, 53A-1a-521]53G-5-305, 53G-5-306, and this rule or by the Board under Section 53[A-1a-505]G-5-304.
 [D-](3)(a) "Charter school agreement" or "[-(]charter agreement[)]" means the terms and conditions for the operation of an approved charter school.
 (b) The charter school agreement shall be maintained [at the USOE]by the Superintendent and is considered the final, official and complete agreement.

[E-](4) "Charter school deficiencies" means the following information:

- [(+)](a) a charter school is not satisfying financial, academic or operational obligations as required in its charter agreement;
 - [(2)](b) a charter school is not providing required documentation after being placed on warning status; or
 - [(3)](c) compelling evidence of fraud or misuse of funds by charter school governing board members or employees.
- (i) Fraud or misuse of funds need not rise to the minimal standard.
 (ii) [H]Fraud or misuse of funds may include
 (A) failure to properly account for funds received at the school;
 (B) failure to follow regularly established accounting and receipting practices; or
 (C) failure to provide data, financial records, or information as requested by the State Charter School Board or the Board.

[F-](5) "Charter school governing board" means the board designated by the charter school to make decisions for the operation of the school.

[G-](6) "Probation" means a formal process and time period during which a school is permitted to demonstrate its full compliance with its charter agreement and all applicable laws, rules and regulations.

[H-](7) "State Charter School Board" means the board designated in Section 53[A-1a-501.5]G-5-201.

[---]I. "Superintendent" means the State Superintendent of Public Instruction as designated under Section 53A-1-301.

[---]J. "USOE" means the Utah State Office of Education.]

[K-](8) "Warning status" means an informal status in which a school is placed through written notification from the [USOE]the school's authorizer for the school's failure to maintain compliance with its charter agreement, applicable laws, rules or regulations.

R277-481-3. State Charter School Board Oversight, Minimum Standards, and Consequences.

[A-](1) The State Charter School Board shall provide direct oversight to the charter schools for which it is the chartering entity, including requiring all charter schools to:
 [(+)](a) comply with their charter agreements containing clear and meaningful expectations for measuring charter school quality.
 [(2)](b) annually review charter agreements, as maintained by the [USOE]Superintendent;
 [(3)](c) regularly review other matters specific to effective charter school operations, including a comprehensive review of governing board performance at least once every five years; and
 [(4)](d) audit and investigate claims of fraud or misuse of public assets or funds.
 [B-](2) All charter schools authorized by the State Charter School Board shall also meet the following minimum standards:
 [(+)](a) charter schools shall have no unresolved material findings, financial condition findings or repeat significant findings in the school's independent financial audit, federal single audit or [USOE]Board audits;

~~[(2)](b)~~ charter schools shall maintain a minimum of 30 days cash on hand or the cash or other reserve amount required in bond covenants, whichever is greater;

~~[(3)](c)~~ charter schools shall have no violations of federal or state law or regulation, Board rules or Board directives;

~~[(4)](d)~~ charter schools shall have all teachers properly licensed and endorsed for teaching assignments in CACTUS; and

~~[(5)](e)~~ charter school governing boards shall ensure all employees and board members have criminal background checks on file.

~~[C. Warning status]~~

~~[(1)3](a)~~ A charter school that fails to meet any of the minimum standards or a significant number of performance standards may be placed on warning status and notified in writing by the ~~[USOE]~~school's authorizer.

~~[(2)](b)~~ While a school is on warning status, the school may seek technical assistance from the ~~[USOE-staff]~~school's authorizer to remedy any deficiencies.

~~[D. Probation status]~~

~~[(1)4](a)~~ If any minimum standard or a significant number of performance standards has not been met by an assigned date following designation of warning status, the State Charter School Board shall notify the school in writing of the specific minimum standard(s) the school did not meet.

~~[(2)](b)~~ Based on the State Charter School Board's review of the charter school's noncompliance, progress and response to technical assistance, the State Charter School Board may place the school on probation for up to one calendar year following the designation of warning status.

~~[(3)](c)(i)~~ Upon placing a school on probation, the State Charter School Board shall set forth a written plan outlining those provisions in the charter agreement, applicable laws, rules and regulations with which the school is not in full compliance.

~~(ii)~~ This written plan shall set forth the terms and conditions and the timeline that the school shall follow in order to be removed from probation.

~~[(4)](d)~~ If the school complies with the written plan in a timely manner, the State Charter School Board shall remove the school from probation.

~~[(5)](e)(i)~~ While a school is on probation, it shall be required to satisfy certain requirements and conditions set forth by the State Charter School Board.

~~(ii)~~ If the school fails to satisfy specific requirements and conditions by a date established by the State Charter School Board, the State Charter School Board may terminate the school's charter.

~~[(6)](f)~~ While a school is on probation, the school may seek technical assistance from the ~~[USOE]~~State Charter School Board staff to remedy any deficiencies.

~~[(7)](g)~~ The State Charter School Board may, for good cause, or if the health, safety, or welfare of the students at the school is threatened at any time during the probationary period, terminate the charter immediately.

R277-481-4. Charter School Governing Board Compliance with Law.

~~[A-](1)~~ The Board may review or terminate the charter based upon factors that may include:

~~[(1)](a)~~ failure to meet measures of charter school quality which includes adherence to a charter agreement required and monitored by chartering entities; or

~~[(2)](b)~~ charter school deficiencies; or

~~[(3)](c)~~ failure of the charter school to comply with federal or state law or regulation, Board rules, or Board directives.

~~[B-](2)~~ If a charter school's charter conflicts with applicable federal or state law or rule, the charter shall be interpreted to require compliance with such law or rule; all other provisions of the school's charter shall remain in full force and effect.

~~[C-](3)~~ A charter school governing board may amend its charter agreement by receiving approval from its chartering entity consistent with Section ~~[53A-1a-508]~~53G-5-303.

~~[D-](4)~~ Chartering entities shall obtain approval by the Board before amending charter agreements specific to:

~~(1)a~~ changes to mission and purpose;

~~(2)b~~ waivers from Board administrative rule;

~~(3)c~~ expansions of student enrollment;

~~(4)d~~ expansions of grade levels that will put students in different weighted pupil unit grade level categories; and

~~(5)e~~ revolving loans.

~~[E-](5)~~ A charter school shall notify the Board and the chartering entity of any and all lawsuits filed against the charter school within 30 days of the filing of the lawsuit.

R277-481-5. Chartering Entity Oversight and Monitoring.

~~[A-](1)~~ Local school board and institutions of higher education chartering entities shall:

~~[(1)](a)~~ visit a charter school at least once during its first year of operation in order to ensure adherence to and implementation of approved charter and to finalize a review process;

~~[(2)](b)~~ visit a charter school as determined in the review process;

~~[(3)](c)~~ provide written reports to a charter school after the visits that set forth strengths, deficiencies, corrective actions, timelines and the reason for charter termination, if applicable; and

~~[(4)](d)~~ audit and investigate claims of fraud or misuse of public assets or funds.

~~[B-](2)~~ Chartering entities shall notify the Board within 20 days of charter school deficiencies that initiate corrective action by chartering entities.

R277-481-6. Charter School Financial Practices and Training.

~~[A-](1)~~ Charter school business administrators shall attend ~~[USOE-required]~~business meetings ~~[for-charter-schools]~~required by the school's authorizer.

~~[B-](2)~~ Charter school governing board members and school administrators shall be invited to all appropriate Board-sponsored training, meetings, and sessions for traditional school district financial personnel.

~~[C-](3)~~ The Board shall work with other education agencies to encourage their inclusion of charter school representatives at training and professional development sessions.

~~[D-](4)(a)~~ A charter school shall appoint a business administrator consistent with Sections 53[A]G-[3]4-302 ~~[and]~~ through 53G-4-303.

~~(b)~~ The business administrator shall be responsible for the submission of all financial and statistical information required by the Board.

~~[E-](5)~~ The Board may interrupt disbursements to charter schools for failure to comply with financial and statistical information required by law or Board rules.

~~[F-](6)~~ Charter schools shall comply with the Utah State Procurement Code, Title 63G, Chapter 6.

~~[G-](7)~~ Charter schools are not eligible for necessarily existent small schools funding under Subsection 53[A-]E-[17a]2-[49]304(2) and Rule R277-445.

R277-481-7. Remediating Charter School Financial Deficiencies.

~~[A-](1)~~ Upon receiving credible information of charter school deficiencies, the chartering entity shall immediately direct an independent review or audit through the charter school governing board.

~~[B-](2)~~ The chartering entity or the Board through the chartering entity may direct a charter school governing board or the charter school administration to take reasonable action to protect state or federal funds consistent with Section 53[A-1a-510]G-5-503.

~~[C-](3)~~ The chartering entity or the Board may:

~~(1)(a)~~ allow a charter school governing board to hold a hearing to determine financial responsibility and assist the charter school governing board with the hearing process;

~~(2)(b)~~ immediately terminate the flow of state funds;

~~(3)(c)~~ recommend cessation of federal funding to the school;

~~(4)(d)~~ take immediate or subsequent corrective action with employees who are responsible for charter school deficiencies consistent with Section 53A-1a-509; or

~~(5)(e)~~ any combination of the foregoing ~~(1), (2), (3) and (4)~~ Subsections (3)(a) through (d).

~~[D-](4)~~ The recommendation by the chartering entity shall be made within 20 school days of receipt of complaint of deficiency(ies).

~~[E-](5)~~ The chartering entity may exercise flexibility for good cause in making recommendation(s) regarding deficiency(ies).

~~[F-](6)~~ The Board shall consider and affirm or modify the chartering entity's recommendation(s) for remediating a charter school's deficiency(ies) within 60 days of receipt of information from the chartering entity.

~~[G-](7)~~ In addition to remedies provided for in Section 53A-1a-509 53G-5-501, the chartering entity may provide for a remediation team to work with the school.

R277-481-8. Appeals Criteria and Procedures.

~~[A-](1)~~ Only an operating charter school, a charter school that has been recommended for approval to the Board, or a charter school applicant that has met State Charter School Board requirements for review by the full State Charter School Board, may appeal chartering entity administrative decisions or recommendations to the Board.

~~[B-](2)~~ The following chartering entity administrative decisions may be appealed to the Board:

~~(1)(a)~~ termination of a charter;

~~(2)(b)~~ denial of proposed amendments to charter agreement;

~~(3)(c)~~ denial or withholding of funds from charter school governing boards; and

~~(4)(d)~~ denial of a charter.

~~[C- Appeals procedures and timelines]~~

~~(1)(3)~~ The chartering entity shall, upon taking any of the administrative actions:

(a) provide written notice of denial to the charter school or approved charter school;

(b) provide written notice of appeal rights and timelines to the charter school governing board chair or authorized agent; and

(c) post information about the appeals process on its website and provide training to charter school governing board members and authorized agents regarding the appeals procedure.

~~(2)(4)~~ A charter school governing board chair or authorized agent (appellant) may submit a written appeal to the ~~[State-]Superintendent~~ within 14 calendar days of the chartering entity administrative action under Subsection (3).

~~(3)(5)(a)~~ The Superintendent shall, in consultation with Board Leadership, review the written appeal and determine if the appeal addresses an administrative decision by a chartering entity.

~~(b)~~ If the Superintendent and Board Leadership determine that the appeal is appropriate, Board Leadership shall designate three to five Board members and a hearing officer, who is not a Board member, to act as an objective hearing panel.

~~(4)(c)~~ The hearing officer, in consultation with the Superintendent, shall set a hearing date and provide notice to all parties, including the chartering entity and staff.

~~(5)(d)~~ The Hearing shall be held no more than 45 days following receipt of the written appeal.

~~(6)(e)~~ The hearing officer shall establish procedures that provide fairness for all parties, which may include:

~~(a)(i)~~ a request for parties to provide a written explanation of the appeal and related information and evidence;

~~(b)(ii)~~ a determination of time limits and scope of testimony and witnesses;

~~(c)(iii)~~ a determination for recording the hearing;

~~(d)(iv)~~ preliminary decisions about evidence; and

~~(e)(v)~~ decisions about representation of parties.

~~(7)(6)~~ The hearing panel shall make written findings and provide an appeal recommendation to the Board no more than 10 calendar days following the hearing.

~~(8)(7)~~ The Board shall take action on the hearing report findings at the next regularly scheduled Board meeting.

~~(9)(8)~~ The recommendation of the chartering entity shall be in place pending the conclusion of the appeals process, unless the Superintendent in his sole discretion, determines that the chartering entity's recommendation or failure to act presents a serious threat to students or an imminent threat to public property or resources.

~~(10)(9)~~ All parties shall work to schedule and conclude hearings as fairly and expeditiously as possible.

~~(11)(10)~~ The Board's acceptance or rejection of the hearing report is the final administrative action on the issue.

KEY: charter schools, oversight, monitoring, appeals

Date of Enactment or Last Substantive Amendment: [February 7, 2014]2018

Notice of Continuation: August 2, 2013

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; ~~53A-1-401(3); 53A-1a-501.3; 53A-1a-515; 53A-1a-521; 53A-1a-505; 53A-1a-501.5; 53A-1a-510; 53A-1a-509; 53A-1-301; 53A-3-302; 53A-3-303; 53A-17a-109; 53E-3-401(4); 53G-5~~

Education, Administration
R277-492
Utah Science Technology and
Research Initiative (USTAR) Centers
Program

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 42998
 FILED: 06/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to establish: 1) conditions for the Superintendent to manage the USTAR Program; 2) standards and procedures for a local education agency (LEA) to submit a proposal for Utah Science Technology and Research Initiative (USTAR) funding to develop and create USTAR Centers to enhance the LEA's ability to retain participating teachers, offer more opportunities for students, and use capital facilities more effectively by creating an extended contract; and 3) requirements associated with receiving USTAR funding for a recipient LEA. Rule R277-492 is amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies.

SUMMARY OF THE RULE OR CHANGE: Rule R277-492 is amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Utah State School Board of Education (Board) policies.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53F-2-205 and Subsection 53E-3-401(4)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** These rule changes are not expected to have any fiscal impact on state government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These changes will not alter the program and thus will not affect state government revenues or expenditures.

◆ **LOCAL GOVERNMENTS:** These rule change are not expected to have any fiscal impact on local government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These

changes will not alter the program for LEAs and thus will not affect local government revenues or expenditures.

◆ **SMALL BUSINESSES:** These rule changes are not expected to have any fiscal impact on small businesses' revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. This rule applies to a program for LEAs and does not affect small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule changes are not expected to have any fiscal impact on other persons' revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These changes will not alter the program and thus will not affect other individuals.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no large businesses with a NAICS code 611110). These rule changes apply to a program for LEAs and will not have a fiscal impact on large or small businesses. 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are zero large businesses with a NAICS code 611110 (Elementary and Secondary Schools). 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which have fewer than 50 employees so qualify as small businesses. Thus, these rule changes are not expected to have any fiscal impact on large businesses' revenue or expenditures because there are no applicable large businesses and they do not require any expenditures of or generate any revenues for large businesses.

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.

R277-492. Utah Science Technology and Research Initiative (USTAR) Centers Program.

R277-492-[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 53[A]E-[+]-401([3]4), which permits the Board to adopt rules ~~[in accordance with]~~to carry out its duties and responsibilities under the Utah Constitution and state law[;]; and
~~(c)~~ Section 53[A-17a-159]53F-2-505, which ~~[appropriates]~~provides for funding to establish extended contracts for ~~[mathematics and science]~~participating teachers as part of the Utah Science Technology and Research (USTAR) Centers Initiative. ~~[The USOE shall provide statewide supervision of the program and budget and shall recommend funding for USTAR programs based on USTAR objectives, Board funding priorities and available funds.]~~

~~[B-](2)~~ The purpose of ~~[F]~~this rule is to establish:
~~(a)~~ conditions for the Superintendent to manage the USTAR Program;

~~(b)~~ ~~[establishes-]~~standards and procedures for an LEA to submit a proposal for USTAR funding to develop and create USTAR Centers to enhance the LEA's ability to retain participating teachers, offer more opportunities for students, and use capital facilities more effectively by creating an extended contract; and

~~(c)~~ ~~[to-direct]~~requirements associated with receiving USTAR funding for a recipient ~~[public school districts or charter schools]~~LEA. ~~[to develop proposals that create USTAR Centers that will enhance their ability to retain mathematics and science teachers while simultaneously offering more opportunities for students and more effectively using capital facilities.]~~

R277-492-[+]-2. Definitions.

~~[A-~~ "Annual report" means information and data identified under R277-492 provided by funding recipients to the USOE annually by June 30 as a requirement for continued funding of the school or school district program.

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

~~[C-](1)~~ "Extended[~~-~~year]" means either a longer contract day or a longer contract year for participating teachers.

~~[E-~~ "School district/charter school](2) "LEA USTAR proposal" means a written proposal, including components required by the Board, developed and submitted by a school district/charter school applying for USTAR funding.

~~[D-](3)~~ "[~~Mathematics or science~~]Participating teacher" means a;

~~(a)~~ licensed mathematics teacher with a secondary (7-12) mathematics teaching assignment; or

~~(b)~~ licensed science teacher with a secondary (7-12) ~~[mathematics or-]~~science teaching assignment.

~~[F-](4)~~ "STEM" means science, technology, engineering and mathematics.

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

~~[H-~~ "USTAR" means Utah Science Technology and Research.]

[F-](5) "USTAR Program" means ~~[student and teacher opportunities to broaden their knowledge and experiences within STEM fields]~~the grant program created in Section 53F-2-505.

[-----] J. "Weighted Pupil Unit (WPU)" means the basic state funding unit.

R277-492-3. USTAR Proposal Criteria.

[A-](1) [A school district/charter school]An LEA shall first identify the purpose or goal(s) of its USTAR proposal.

[B-](2) Appropriate purposes may include:

[(+)](a) improvement in student test scores;

[(2)](b) satisfaction of specific academic goals for all students or various groups of students;

[(3)](c) increased retention of licensed educators in specific areas;

[(4)](d) improved school climate;

[(5)](e) increased opportunities for students to take remedial or college preparation courses;

[(6)](f) increased student enrollment in identified courses;

[(7)](g) additional opportunities for students to learn about specific or general higher education or career opportunities in math or science fields; or

[(8)](h) other purposes consistent with Subsection [53A-17a-159]53F-2-505(1)(b).

[C-](3) In accordance with Section 53F-2-505(1)(b)(ii), [A] an LEA[school district/charter school] shall provide a school schedule showing how it will extend hours of the school day [(Section 53A-17a-159(1)(b)(ii))]or days of the school year [(Section 53A-17a-159(1)(b)(ii))]to maximize employee and facility resources in furtherance of the proposal's goals.

[D-](4) A[The] USTAR proposal shall:

(a) explain how employees shall be used in the extended school day or [expanded]extended school year to maximize their effectiveness with students, including how various groups of employees will participate including classified employees, licensed employees, and appropriate supervisors for all groups[-];

(b) ~~[Though various school employee groups may be necessary or desirable to achieve the purposes of the proposal, the proposal shall]use USTAR grant funds only to pay for hours or days worked by [science or mathematics]participating teachers with valid, current Utah educator licenses[-], even though various school employee groups may be necessary or desirable to achieve the purposes of the proposal;~~

[E-](c) [The USTAR proposal shall]identify the number of designated employees that will participate in the [expanded]extended school year or extended school day program with the understanding that USTAR grant funds may only be used for licensed [mathematics and science]participating teachers[-];

[F-](d) [The USTAR proposal shall]identify the compensation that [all necessary employees]participating teachers shall receive, including increased insurance and benefit costs, if appropriate[-], which may be reported [compensation may be determined]by groups of employees or by individual employees[-];

[G-] (e)[The USTAR proposal shall]identify how [licensed educators]participating teachers will be evaluated for the extended hours or [expanded]extended days worked[-];

[H-](f) [The USTAR proposal shall]include a budget section, including anticipated costs and narrative[-]; and

[I-](g) [The USTAR proposal shall]include an annual evaluation component that provides opportunities for student, employee and parent participation in the assessment of the proposal's effectiveness.[Proposals shall provide for evaluations of program effectiveness at least annually.]

R277-492-4. [Board/USOE]Superintendent Responsibilities.

[A-] The USOE shall carry out the responsibilities of the Board consistent with the Board's review and direction.](1) The Superintendent shall provide statewide supervision of the USTAR program and budget, based on USTAR objectives, Board funding priorities, and available funds.

[B-](2) The [USOE]Superintendent shall solicit proposals from [school districts/charter schools]LEAs to participate in the USTAR grant program.

[C-](3) In order to qualify for funding, an LEA shall submit a proposal[Proposals shall be due] to the [USOE]Superintendent by June 2 annually.

[(+)](a) The [USOE]Superintendent [with]shall work with applicants that submit proposals early to improve proposals, to the extent of resources and time available.

[(2)](b) The [USOE]Superintendent shall deliver final charter school proposals to the State Charter School Board for [R]review and recommendation.

[D-](4)(a) The [USOE shall receive]State Charter School Board shall submit a consolidated request [from the State Charter School Board]to the Superintendent, consistent with Subsection 53[A-17a-159]53F-2-505(4), by June 20 annually.

(b) The State Charter Board and State Charter Board staff shall work with charter school applicants that submit proposals early to improve proposals, to the extent of resources and time available.

[E-](5) The [USOE]Superintendent shall receive all proposals from school districts, consider[ing] the consolidated request submitted by the State Charter Board as a proposal from one school district, and rank them on an objective scale or rubric prepared by the [USOE]Superintendent.

[F-](6) The [Board]Superintendent may appoint an expert review panel to prioritize proposals and recommend proposals for funding.

[G-](7) The expert review panel, the Superintendent, or [the USOE or]both, shall consider the priorities of Subsection [53A-17a-159]53F-2-505(5) in recommending and selecting the recipients, with the following objectives:

[(+)](a) rural, urban, large, small, growing and declining school districts (considering the consolidated charter request as one school district) having unique circumstances;

[(2)](b) as many pilot programs shall be funded as possible; and

[(3)](c) funded proposals should address the objectives and benefits of Section [53A-17a-159]53F-2-505(1)(b).

[H-](8) The [Board]Superintendent shall review recommendations, make final [decisions]recommendations to the Board for funding, and notify applicants that receive funding no later than July 31 annually.

[I-](9) The [USOE]Superintendent shall provide funds to school districts/charter schools (or the consolidated charter recipient) consistent with [USOE]Board distribution practices for grants.

R277-492-5. ~~[School District/Charter School Consolidated]LEA and State Charter School Board Proposal Responsibilities.~~

~~[A-](1)~~ School districts shall submit proposals that meet the standards of ~~[R277-717-3 and]Section [53A-17a-159]53F-2-505~~ no later than June 2 annually.

~~[B-](2)~~ The State Charter Board shall complete its work under Subsection ~~[53A-17a-159]53F-2-505(4)~~ and submit its consolidated request to the ~~[USOE]Superintendent~~ no later than June 20 annually.

~~[C-](3)~~ ~~[School district and charter school]LEA~~ proposals shall clearly demonstrate that all participants necessary for the success of a proposal are voluntary participants and understand the requirements of their participation.

~~[D-](4)~~ ~~[School district and charter school]LEA~~ participants shall demonstrate parent and community notification and support of the school district/charter school proposals.

~~[E-](5)~~ Proposals shall clearly demonstrate that at least 95% ~~[percent]~~ of allocated funds shall be used for extended ~~contracts for licensed [mathematics and science]participating teachers[contracts]~~.

~~[F-](6)~~ Proposals shall clearly demonstrate that the remaining 5%~~[five percent]~~ of allocated funds is used only for purposes identified under Subsection ~~[53A-17a-159]53F-2-505(6)~~ (b).

~~[G-](7)~~ ~~[Funded school districts and charter schools]LEAs~~ that receive USTAR funding shall provide all required evaluations to the ~~[USOE]Superintendent~~ as identified by their proposals consistent with ~~[USOE]timelines established by the Superintendent~~.

~~[H-](8)~~ ~~[Funded school districts and charter schools]LEAs~~ that receive USTAR funding shall provide information as requested by the ~~[USOE]Superintendent~~ during the time periods identified in the proposals, including allowing for visits of ~~[USOE]Board~~ staff and review of student work or assessments.

R277-492-6. Final Decision-making and Reporting Requirements.

~~[A-](1)~~ The Board's decisions for funding are final.

~~[B-](2)(a)~~ A grant recipient shall provide requested data or information related to its USTAR Funding to the Superintendent each year by June 30.

~~(b)~~ The ~~[USOE]Superintendent~~ may request additional information, data or budget information if annual reports or student assessments indicate that USTAR funding is being used ineffectively, for ineligible employees, or inconsistent~~[ly]~~ with the ~~[school district/charter school]LEA's~~ proposal or the intent of the law or this rule.

~~[C-](3)~~ The USOE may interrupt USTAR funding to school districts/charter schools that do not meet timelines required by this rule or that do not provide complete information or evaluations required under this rule.

~~[D-]~~ ~~The Board shall provide annual reports to Legislative committees as required by Section 53A-17a-159(8).]~~

KEY: science, technology, research, USTAR

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; [53A-1-401(3)]53E-3-401(4); [53A-17a-159]53F-2-505

Education, Administration
R277-497
 School Grading System
NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42999

FILED: 06/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to set performance thresholds for the purpose of assigning overall ratings to schools, establish provisions for the methodology of calculating points, and address exclusions from the school accountability system. Rule R277-497 is being amended to reflect changes in Title 53E, Chapter 5, Part 2, School Accountability System, from the 2018 General Session, H.B. 297.

SUMMARY OF THE RULE OR CHANGE: Rule R277-497 is being amended to reflect changes in Title 53E, Chapter 5, Part 2, School Accountability System, from the 2018 General Session, H.B. 297. The amendments include: setting performance thresholds for the purpose of assigning overall school ratings; detailing specific provisions on calculating points on certain indicators; and providing for exclusions from the statewide accountability system for data privacy.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Section 53E-5-202 and Subsection 53E-3-401(4)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** These rule changes are not expected to have any fiscal impact on state government revenues or expenditures. These rule changes are due to legislative changes in school accountability in Title 53E, Chapter 5, Part 2. Amendments to this rule include setting performance thresholds for school ratings, detailing specific provisions on calculation points for certain indicators, and providing for exclusions from the statewide accountability system for data privacy. These changes in calculating indicators and overall school performance may change school ratings, but they are not expected to have a fiscal impact on state government revenues or expenditures.

♦ **LOCAL GOVERNMENTS:** These rule changes are not expected to have any fiscal impact on local government revenues or expenditures. These rule changes are due to legislative changes to school accountability in Title 53E, Chapter 5, Part 2. Amendments to this rule include setting performance thresholds for school ratings, detailing specific provisions on calculation points for certain indicators, and providing for exclusions from the statewide accountability

system for data privacy. These changes in calculating indicators and overall school performance may change local education agency school ratings but they are not expected to have a fiscal impact on local education agencies (LEAs).

◆ **SMALL BUSINESSES:** These rule changes are not expected to have any fiscal impact on small businesses' revenues or expenditures. These rule changes are due to legislative changes to school accountability in Title 53E, Chapter 5, Part 2. Amendments to this rule include setting performance thresholds for school ratings, detailing specific provisions on calculation points for certain indicators, and providing for exclusions from the statewide accountability system for data privacy. This rule applies to school accountability for LEAs and does not affect small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule changes are not expected to have any fiscal impact on other individuals' revenues or expenditures. These rule changes are due to legislative changes to school accountability in Title 53E, Chapter 5, Part 2. Amendments to this rule include setting performance thresholds for school ratings, detailing specific provisions on calculation points for certain indicators, and providing for exclusions from the statewide accountability system for data privacy. This rule applies to school accountability for LEAs and does not affect other individuals.

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: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no large businesses with a NAICS code 611110). These rule changes apply to LEAs and will not have a fiscal impact on large or small businesses. 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are zero large businesses with a NAICS code 611110 (Elementary and Secondary Schools). 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there

are 15 private businesses, all of which have fewer than 50 employees so qualify as small businesses. Thus, these rule changes are not expected to have any fiscal impact on large businesses' revenue or expenditures because there are no applicable large businesses and it does not require any expenditures of or generate any revenues for large businesses.

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.

R277-497. School [Grading]Accountability System.

R277-497-1. Authority and Purpose.

(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) Section [53A-1-1113]53E-5-202, which directs the Board to adopt rules to implement a [school grading system]statewide accountability system;[

(c) Section 53A-1-1104, which authorizes the Board to make a rule to establish an accountability plan for an alternative school or special needs school that the Board has exempted from school grading;] and

[(d)](c) Subsection [53A-1-401(3)]53E-3-401(4), which allows the Board to [adopt rules in accordance with its responsibilities.]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 set performance thresholds for the purpose of assigning overall ratings to schools, establish provisions for the methodology of calculating points, and address exclusions from[provide consistent definitions, standards, and procedures for LEAs to report school data through a] the school [grading]accountability system.

[R277-497-2. Definitions.

(1) "Alternative school" means the same as that term is defined in Section 53A-1-1102.

(2) "Special needs school" means a school that only enrolls a student that:

(a) has at least one of the following disabilities:

(i) an intellectual disability;

(ii) a hearing impairment or deafness;

(iii) a speech or language impairment;

(iv) a visual impairment, including blindness;

(v) deafblindness;

(vi) an emotional disturbance;

(vii) an orthopedic impairment;

(viii) autism;

(ix) developmental delay;

(x) traumatic brain injury;

(xi) other health impairment;

(xii) multiple disabilities; or

(xiii) specific learning disabilities; and

(b) has been determined to need placement in a special school by an IEP team.

R277-497-3. Board Responsibilities.

(1) The Board may not count a student who does not participate in required testing under Section 53A-1-603 due to

parent excuse provisions of Subsection 53A-15-1403(9) and Section R277-404-6 in determining the participation rate for purposes of school grades.

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

(3) The Superintendent shall calculate student growth targets by determining scale scores set at the 40th percentile for each student as compared to the student's academic peers with similar end-of-level results.

R277-497-4. LEA Responsibilities.

(1) An LEA shall provide accurate and timely data as required under Rule R277-484 to allow for the development of the school reports:

(2) An LEA shall use the school reports as a communication tool to inform parents and the community about school performance.

(3) An LEA shall ensure that the school reports are available for all parents.

R277-497-5. School Responsibilities.

(1) A school shall provide data for the school report as provided in Rule R277-484.

(2) A school shall cooperate with the Board and LEAs to ensure that the school report is available for all parents.

R277-497-6. Exemption from School Grading.

(1)(a) As authorized by Section 53A-1-1104, an alternative school or a special needs school may submit a request for an exemption from school grading for the next three school years to the Board by July 1.

(b) The request shall demonstrate that:

(i) the school meets the definition of an alternative school or a special needs school;

(ii) the school has the approval of:

(A) the school's LEA governing board; or

(B) if the school is the Utah Schools for the Deaf and the Blind, the USDB advisory committee; and

(iii) if the school has received an exemption for a previous school year, the school has timely submitted to the Superintendent all information necessary for the Board to evaluate the school as required by Section 53A-1-1104.

(2)(a) The Board shall exempt a school from school grading if the school meets the requirements of Subsection (1):

(b) Except as provided by Subsection (2)(c), an exemption from school grading is valid for three school years.

(c) The Board may revoke an exemption if a school fails to timely submit to the Superintendent all information necessary for the Board to annually evaluate the school in accordance with the accountability plan.

R277-497-7. Accountability Plan -- General Provisions.

(1)(a) This rule incorporates by reference the Guide to Utah's Comprehensive Accountability System for Alternative Schools -- June 6, 2014, which describes the accountability plan required by Section 53A-1-1104, with the exceptions for a special needs school described in Section R277-497-8.

(b) The Superintendent shall annually evaluate a school in accordance with the accountability plan by calculating a school's

composite score, which has a maximum value of 1500, by summing the school's weighted indicator scores:

(2) The accountability plan consists of five indicators weighted as follows:

(a) growth, which measures student academic progress based on a school's median student growth percentile for all students and below proficient students, is 20% with a maximum score of 300;

(b) attendance, which is the higher of a school's attendance rate in the current year or improvement in cohort attendance rate from the previous year, is 25% with a maximum score of 375;

(c) credit earning, which measures the degree to which a student enrolled in the current year is successfully completing courses in which the student is enrolled or is making improvement in cohort credit earning rate from the previous year, is 25% with a maximum score of 375;

(d) attainment, which measures the extent to which a student successfully completes or makes substantial progress toward completion of meaningful educational goals, is 20% with a maximum score of 300; and

(e) school climate, which measures whether a school is collecting data to evaluate school climate and using results to inform efforts to improve climate, is ten percent with a maximum score of 150.

(3) The Superintendent shall assign the scores based on the rubrics established in the guide.

R277-497-8. Accountability Plan Exceptions:

(1) At the request of a special needs school, the Superintendent may exempt a student from the attendance indicator score calculation if the student has a documented medical condition that prevents the student from attending 160 days of school.

(2) In accordance with a Section 53A-1-111, a student with a disability may take an alternative assessment to determine the student's growth instead of the Student Assessment of Growth and Excellence.

(3) If required by Section R277-410-5, a special needs school shall report on the school's progress on the school's accreditation improvement plan in the School Snapshot section of the school's report card published by the Superintendent under Subsection 53A-1-1104(5)(b)(ii).]

R277-497-2. Assignment of Overall Rating for a School.

(1) The Superintendent shall assign an overall school rating in accordance with the indicators described in Section 53E-5-205 for elementary and middle schools and Section 53E-5-206 for high schools.

(2) The Board establishes the following performance thresholds for the Superintendent to assign overall ratings to schools.

(3) For an elementary or middle school:

(a) an "A" rating represents an exemplary school, where the school has earned 63.25% of the total points possible;

(b) a "B" rating represents a commendable school, where the school has earned 55% of the total points possible;

(c) a "C" rating represents a typical school, where the school has earned 43.5% of the total points possible;

(d) a "D" rating represents a developing school, where the school has earned 35.5% of the total points possible; and

(e) an "F" rating represents a critical needs school, where the school has earned less than 35.5% of the total points possible.

(4) For a high school:

(a) an "A" rating represents an exemplary school, where the school has earned 64% of the total points possible;

(b) a "B" rating represents a commendable school, where the school has earned 57% of the total points possible;

(c) a "C" rating represents a typical school, where the school has earned 46% of the total points possible;

(d) a "D" rating represents a developing school, where the school has earned 38% of the total points possible; and

(e) an "F" rating represents a critical needs school, where the school has earned less than 38% of the total points possible.

(5) In accordance with Section 53E-5-204(3)(b), for the 2017-18 school year, the Superintendent may not assign an overall rating to a school.

R277-497-3. Indexing of Points for Calculating Academic Growth.

(1) For the purposes of calculating academic growth, the Superintendent shall assign each student a student growth percentile (SGP) and a student growth target (SGT).

(2) The Superintendent shall assign points to a school for student growth relative to the percentage of students who meet their SGT as follows:

(a) if a student's SGP is greater than or equal to the student's SGT, and the student meets the SGT goal for a subject area, the student is awarded a weight based on the student's SGP using the following index:

(i) if the student's SGP is greater than 65, the weight is 1.0;

(ii) if the student's SGP is between 50 and 65, the weight is 0.75;

(iii) if the student's SGP is between 40 and 49, the weight is 0.50; and

(iv) if the student's SGP is less than 40, the weight is 0.25; or

(b) if a student's SGP is less than the student's SGT and the student does not meet the SGT goal for a subject area, the student is awarded a weight based on the student's SGP using the following index:

(i) if the student's SGP is greater than 65, the weight is 0.75;

(ii) if the student's SGP is between 50 and 65, the weight is 0.50;

(iii) if the student's SGP is between 40 and 49, the weight is 0.25; and

(iv) if the student's SGP is less than 40, the weight is 0.

(3) To determine the total growth points allocated to a school, the Superintendent shall:

(a) add all the weights and divide by the total number of tests to establish a percentage; and

(b) multiply the percentage by the total growth points possible.

R277-497-4. Specific Provisions on Calculation of Points.

(1)(a) In accordance with Section 53E-5-207(4)(c)(ii), the Superintendent shall award 10% of the points allocated for high school graduation based on a school's five-year graduation rate.

(b) A school may not earn more than the total number of points possible for the graduation rate indicator.

(2)(a) In accordance with Section 53E-5-210, the Superintendent shall determine that an ELL student meets adequate progress if the ELL student has an increase in proficiency level by 0.4 on an English language proficiency assessment approved by the Board and designated in Rule R277-404.

(3)(a) For a school that chooses to include additional quality indicators on its school report card, the school may choose up to two additional self-reported indicators.

(b) The Superintendent shall approve a list of indicators that a school may use for purposes of Subsection (4)(a), and may also approve other indicators that an LEA may submit for consideration.

(c) The Superintendent shall publish the pre-approved self-reported indicators list on the Assessment and Accountability section of the USBE website.

(d) If a school elects to include the additional self-reported indicators, the school shall notify the Superintendent by established due dates, which are published on the Assessment and Accountability section of the USBE website by July 1.

(5) When calculating postsecondary readiness points for a high school student's performance on a college readiness assessment, the Superintendent shall use the student's ACT score obtained during the statewide administration of ACT.

(6) The Superintendent shall publish the Utah Accountability Technical Manual, which includes:

(a) additional technical details on the calculation of points;

(b) business rules;

(c) detailed explanations on the methodologies for the calculation of achievement, student growth, equitable education opportunity, and postsecondary readiness and;

(d) other indicators to appropriately assess the educational impact of a school that serves a special student population.

(6) A copy of the Utah Accountability Technical Manual is located at:

(a) <https://schools.utah.gov/assessment/resources>; and

(b) the offices of the Utah State Board of Education.

R277-497-5. Exclusions From the Accountability System and Indicators for Schools Serving a Special Student Population.

(1)(a) In determining schools to exempt from the school accountability system, in accordance with Section 53E-5-203, the Superintendent shall exempt a school in which the number of students tested on a statewide assessment is less than 10.

(b) The Superintendent may not report any school indicator for which the student group size for that indicator is less than 10.

(2) The Superintendent shall publish other indicators, in addition to indicators described in Sections 53E-5-205 and 53E-5-206, to appropriately assess the educational impact of a school that serves a special student population.

KEY: school reports, school grading accountability
Date of Enactment or Last Substantive Amendment: [February 8, 2016]2018
Notice of Continuation: August 13, 2015

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; [53A-1-1104; 53A-1-1113]53E-5-202; [53A-1-401(3)]53E-3-401(4)

Education, Administration
R277-525
Special Educator Stipends

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42993

FILED: 06/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is provide standards and procedures for distributing money appropriated for stipends for special educators for additional days of work. These rule changes provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Utah State Board of Education (Board) 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.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Subsection 53A-E-401(4) and Subsection 53F-2-310(2)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** These rule changes are not expected to have any fiscal impact on state government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These changes will not alter the program.

♦ **LOCAL GOVERNMENTS:** These rule changes are not expected to have any fiscal impact on local government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These changes will not alter the program for local education agencies (LEAs), but they do clarify that LEAs may only pay the stipend for actual days worked and may not transfer stipend work days among teachers.

♦ **SMALL BUSINESSES:** These rule changes are not expected to have any fiscal impact on small businesses' revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. This rule applies to stipends for special educators.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule changes are not expected to have any fiscal

impact on other individuals' revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. This rule applies to stipends for special educators and does not affect other individuals.

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: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no large businesses with a NAICS code 611110). These rule changes apply to stipends for special educators and will not have a fiscal impact on large or small businesses because these stipends are funded with a state appropriation as detailed in Subsection 53F-2-310(2). 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
 There are zero large businesses with a NAICS code 611110 (Elementary and Secondary Schools). 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which have fewer than 50 employees so qualify as small businesses. Thus, these rule changes are not expected to have any fiscal impact on large businesses' revenue or expenditures because there are no applicable large businesses and it does not require any expenditures of or generate any revenues for large businesses.

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

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0

R277. Education, Administration.

R277-525. Special Educator Stipends.

R277-525-[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 53[A-]E-3-401[(-)](4), which [permits]allows the Board to [adopt rules in accordance with its

responsibilities;]make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Subsection 53[A-17a-158]F-2-310(2), which requires the Board to distribute money appropriated for stipends for special educators for additional days of work.

[B-](2) The purpose of this rule is provide standards and procedures for distributing money appropriated for stipends for special educators for additional days of work, recognizing:

(1)a) [in recognition of]the added duties and responsibilities assumed by special educators to comply with federal law and Board special education rules regulating the education of students with disabilities; and

(2)b) the need to attract and retain qualified special educators.

R277-525-12. Definitions.

[A-](1)a) "After the school year" means two weeks after the final day of the required contract period, as determined by the employer.

(b) For year-round schools, "after the school year" [means]includes off-track periods, but not vacation periods.

[B-](2) "Before the school year" means two weeks before the first day of the required contract period, as determined by the employer.

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

[D-](3) "Comprehensive Administration of Credentials for Teachers in Utah Schools" or "[-(]CACTUS[)]" means the electronic file maintained on all licensed Utah educators[. The file], which includes information such as:

(1)a) personal directory information;

(2)b) educational background;

(3)c) endorsements;

(4)d) employment history; and

(5)e) a record of disciplinary action taken against the

educator.

[E-](4)a) "Duties related to the IEP process" means;

(1)i) duties/responsibilities provided in Subsection 53[A-17a-156](4)F-2-310(4);

(2)ii) preparing paperwork related to the implementation of IDEA; and

(3)iii) other duties or responsibilities related to the IEP process, as determined by the special educator.

(b) "Duties related to the IEP process" do not include:

(1)i) professional development;

(2)ii) district level planning; and

(3)iii) direct student instruction.

[F-] "Federal law regulating students with disabilities" means the Individual with Disabilities Education Act (IDEA), Title I, Part A, Section 602.

G. "LEA" means a local education agency, including local school boards/public school districts and charter schools.]

[H-](5) "Special educator[;]" [for purposes of this rule,] means:

(1)a) a licensed "special education teacher[as defined under 53A-17a-158(e)];" or

(2)b) a licensed speech-language pathologist[as defined under Section 53A-17a-158(e)].

[I-](6) "Special education teacher" [means an individual who has a Utah educator license with a special education area of

concentration and whose primary assignment is the instruction of students with disabilities who are eligible for special education services]has the same meaning as described in Subsection 53F-2-310(1)(b).

[J-](7) "Speech-language pathologist" means;

(a) an individual who has a Utah educator license with a speech-language pathologist area of concentration; or

(b) a speech-language pathologist license; and

(c) whose primary assignment is the instruction of students with disabilities who are eligible for special education services.

[K-] "USOE" means the Utah State Office of Education.]

[L-](8) "Work day for special educator" means the special educator's contract day as determined by the employer.[Stipends shall only be paid for actual days worked. A teacher shall not be paid if days/hours are not actually worked. Days are not transferable among teachers.]

R277-525-3. LEA Responsibilities.

[A-](1) An LEA[s] shall contract with individual special educators[. defined under R277-525-1F,] and request in writing from the special educators:

(1)a) the number of days [(not to exceed 10 or the number of days established by the Board)]that the special educator commits to work consistent with [R277-525-1G and H]Subsection 53F-2-310(4)(b); and

(2)b) [the time period (before the school year begins or after the school year ends) that the special educator commits to working the additional days]whether the special educator will work the additional contract days before the school year begins or after the school year ends.

[B-](2) A [Special educators]special educator hired by an LEA[s] after October 15 [shall]may receive funding for extra days to the extent of funds available.

[C-](3) An LEA[s] shall [maintain a record of]report to the Superintendent the number of days worked by a special educator[s] on [CACTUS]UPIPS as follows:

(1)a) no later than October 1 for a special educator[s] who worked before the school year began; and

(2)b) no later than June 30 for a special educator[s] who worked after the school year ended.

(4) An LEA may only pay special educator stipend under this rule for actual days worked.

(5) An LEA may not transfer stipend work days under this rule among teachers.

[D-](6) An LEA[s] shall submit a final report to the [USOE]Superintendent no later than June 30 annually that provides:

(1)a) the number of contract days worked by designated special educators; and

(2)b) other assessment or evaluation information requested [from the USOE]by the Superintendent.

R277-525-4. [Board/USOE]Superintendent Responsibilities.

[A-](1) The [Board]Superintendent shall annually review this program and [determine]recommend to the Board, based upon the annual appropriation, the number of special education days [that shall]to be funded.

[B-](2) To simplify accounting and evaluation requirements for LEAs, the [USOE]Superintendent shall:

(~~1~~)a) provide model tracking and accounting materials to LEAs;

(~~2~~)b) provide a checklist of appropriate duties or tasks for special educators consistent with Subsection R277-525-~~1~~2(4);

(~~3~~)c) distribute funds to participating LEAs for eligible special educators on a semiannual basis; and

~~(4) request and collect data based on the number of work days reported on CACTUS by October 1 and June 30 or both, as requested by the Board.~~

KEY: special educators, stipends

Date of Enactment or Last Substantive Amendment: [~~January 8, 2014~~2018

Notice of Continuation: June 10, 2013

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-17a-158

Education, Administration R277-617 Smart School Technology Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42994

FILED: 06/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide criteria and procedures for the Utah State Board of Education (Board) to select schools to participate in the Smart School Technology Program. Rule R277-617 is amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies.

SUMMARY OF THE RULE OR CHANGE: Rule R277-617 is amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Subsection 53E-3-401(4) and Subsection 53F-6-202(8)(d)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** These rule changes are not expected to have any fiscal impact on state government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These changes will not alter the program.

♦ **LOCAL GOVERNMENTS:** These rule changes are not expected to have any fiscal impact on local government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the

Rulewriting Manual for Utah and Board policies. These changes will not alter the program.

♦ **SMALL BUSINESSES:** These rule changes are not expected to have any fiscal impact on small businesses' government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. This rule applies to a program for local education agencies (LEAs) and does not affect small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule changes are not expected to have any fiscal impact on other individuals' revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. This rule applies to a program for LEAs and does not affect other individuals.

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: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no large businesses with a NAICS code 611110). These rule changes apply to a program for LEAs and will not have a fiscal impact on large or small businesses. 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are zero large businesses with a NAICS code 611110 (Elementary and Secondary Schools). 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which have fewer than 50 employees so qualify as small businesses. Thus, these rule changes are not expected to have any fiscal impact on large businesses' revenue or expenditures because there are no applicable large businesses and it does not require any expenditures of or generate any revenues for large businesses.

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.

R277-617. Smart School Technology Program.

R277-617-[2]1. Authority and Purpose.

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

(a) Utah Constitution Article X, Section 3, which vests the general control and supervision of public education in the Board[-, by];

(b) Subsection 53[A-+][E-3-401(3)](4), which [authorizes]allows the Board to adopt rules [in accordance with its responsibilities]to execute the Board's duties and responsibilities under the Utah Constitution and state law[-]; and [by Section 53A-1-709(8)(d)]

(c) Subsection 53F-6-202(8)(d), which [that-]directs the Board to make rules specifying procedures and criteria to be used for selecting schools that may participate in the Smart School Technology Program.

[B-](2) The purpose of this rule is to provide criteria and procedures for the Board to select schools to participate in the Smart School Technology Program.

R277-617-[4]2. Definitions.

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

[B-](1) "Independent Evaluating Committee" means the committee established under [Section 53A-1-709(5)]Subsection 53F-6-202(5).

[C-](2) "Smart School Technology Program" or "[-(]Program[)]" means a three-year program developed by a selected technology provider for a customized whole-school technology deployment plan individualized for each school selected by the Board.

[D-](3) "Technology[-]"[-for purposes of this rule], means [technology]components provided as examples under Subsection 53[A-1-709]F-6-202(7) or other [technology]components approved by the independent evaluating committee.

[E-] "USOE" means the Utah State Office of Education.[-]

R277-617-3. School Selection Criteria.

[A-](1) A [P]public school[s] that includes any combination of grades K-12 shall be eligible for the Program

[B-](2) An applicant school shall provide a technology implementation plan with its application[-At], which shall, at a minimum[-, the plan shall]:

([1]a) identify [technology (or) technologies(}] that the school will employ;

([2]b) estimate numbers of technology devices needed based on numbers of students expected to be in the school for identified school years;

([3]c) [explain, including explaining the use of technology and providing supporting documentation,]provide a supported explanation about how technology will support the improvement of student achievement with respect to the core curriculum;

([4]d) explain how technology will improve students' skill using technology;

([5]e) explain what filtering devices or protections will be used by the school to protect students from inappropriate technology use and sites;

([6]f) agree that the school will provide all data and information required by the [USOE]Superintendent for evaluation purposes[, as requested by the USOE];

([7]g) explain the current technology capabilities and equipment available at the applicant school; and

([8]h) provide additional information requested by the [USOE]Superintendent on the application.

R277-617-4. Required Matching Funds.

[A.](1) The [USOE]Superintendent shall provide an application form, which will [provide]require specific information about the level or amount of matching funds or resources that the school must provide and when the matching funds must be available.

[B.](2) [The]An application shall explain how the school or LEA will provide matching funds to satisfy the requirement of Subsection 53[A-1-709]E-6-202(8)(d)(ii) for matching funds.

[C.](3) [The applicant school shall assure the USOE that it]An application shall include assurance that a school or LEA will meet the requirement for matching local funds through the duration of the Program or may be obligated to repay the state funds to the [USOE]Board.

R277-617-5. School Selection and Evaluation.

[A. The USOE shall provide an application for the Program before May 15, 2013.]

[B. Completed applications shall be returned to the USOE before June 1, 2013.]

(1) The Superintendent shall set application and funding deadlines based on funding availability.

[C.](2) The [USOE]Superintendent shall screen all applications for compliance with all state laws, this Rule R277-617, and application requirements.

[D.](3) The [USOE]Superintendent shall seek the participation and advice of the independent evaluating committee in selecting final applications to recommend for funding.

(4) The Board shall make final school selections.

[E.](5) To the extent possible, [selected applicants shall]the independent evaluating committee recommend schools, which represent geographic, economic and demographic diversity, in addition to other criteria provided in the [USOE]application.

[F. Funded applicants shall be selected and notified before June 30, 2013.]

[G. Selection timelines may be modified by mutual agreement between the USOE and the independent evaluating committee.]

[H.](6) The Board and the education technology provider shall evaluate the [P]program consistent with Subsection 53[A-1-709]E-6-202(9).

KEY: schools, technology

Date of Enactment or Last Substantive Amendment: [August 7, 2013]2018

Notice of Continuation: June 10, 2013

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [53A-1-401(3); 53A-1-709(8)(4)]53E-3-401(4); 53F

Education, Administration **R277-619** Student Leadership Skills Development

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42995

FILED: 06/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide criteria, procedures, and timelines for the Utah State Board of Education (Board) to designate schools and grant awards to facilitate elementary school participation in the pilot Student Leadership Skills Development program. Rule R277-619 is amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies.

SUMMARY OF THE RULE OR CHANGE: Rule R277-619 is amended to provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Article X Section 3 and Subsection 53E-3-401(4) and Subsection 53F-2-508(4)

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** These rule changes are not expected to have any fiscal impact on state government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These changes will not alter the program, but they do clarify that the program is subject to legislative appropriation because the Legislature is not providing funding for the program currently.

♦ **LOCAL GOVERNMENTS:** These rule changes are not expected to have any fiscal impact on local government revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. These changes will not alter the program for local education agencies (LEAs), but they do clarify that the program is subject to legislative appropriation because the Legislature is not providing funding for the program currently.

♦ **SMALL BUSINESSES:** These rule changes are not expected to have any fiscal impact on small businesses' revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. This rule applies to a program for LEAs and does not affect small businesses.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: These rule changes are not expected to have any fiscal impact on other individuals' revenues or expenditures because they provide technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. This rule applies to a program for LEAs and does not affect other individuals.

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: There are 1,241 entities with a NAICS code 611110 (Elementary and Secondary Schools) 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which are small businesses (there are no large businesses with a NAICS code 611110). These rule changes apply to a program for LEAs and will not have a fiscal impact on large or small businesses. 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Angela Stallings, Deputy Superintendent of Policy

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There are zero large businesses with a NAICS code 611110 (Elementary and Secondary Schools). 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 schools including public schools, charter schools, and private schools. Of the 1,241 entities, there are 15 private businesses, all of which have fewer than 50 employees so qualify as small businesses. Thus, these rule changes are not expected to have any fiscal impact on large businesses' revenue or expenditures because there are no applicable large businesses and it does not require any expenditures of or generate any revenues for large businesses.

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.
R277-619. Student Leadership Skills Development.
R277-619-[2]1. Authority and Purpose.

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

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

~~(c) Subsection 53[A-17a-169]E-2-508(4), which directs the Board to make rules for elementary school participation in this pilot grant program[, and by Section 53A-1-401(3) which allows the Board to make rules in accordance with its responsibilities].~~

~~[B-](2) The purpose of this rule is to provide criteria, procedures and timelines for the Board to designate schools and grant awards to facilitate elementary school participation in the pilot Student Leadership Skills Development program.~~

R277-619-12. Definitions.

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

~~[B-](1) "Matching funds" means an amount of funds or services that shall be provided by an applicant in the Board application to meet the match requirement of Subsection 53[A-17a-169]E-2-508(5)(a) for first year applicants.~~

~~[C-](2) "Student leadership skills development program" or "Program" means a program established in accordance with Section 53F-2-508 to develop students' behaviors and skills vital for learning and career success and that will enhance a school's learning environment.~~

~~[D-] "USOE" means the Utah State Office of Education.]~~

R277-619-3. School Selection Criteria.

~~[A-](1) [Elementary Schools] An elementary school that includes any combination of grades K-6 [shall be eligible for the program] may apply for program funds.~~

~~[B-](2) An applicant school shall provide a completed application for its pilot program, [that] which shall:~~

~~([+])a indicate how the program will develop;~~

~~(i) communication skills[;];~~

~~(ii) teamwork skills;~~

~~(iii) interpersonal skills;~~

~~(iv) initiative and self-motivation;~~

~~(v) goal setting skills;~~

~~(vi) problem solving skills; and~~

~~(vii) creativity;~~

~~([2])b estimate the number of students that will be served by the program;~~

~~([3])c agree that the school will provide all data and information required by the [USOE]Superintendent for evaluation and reporting purposes[; as requested by the USOE];[and]~~

~~(d) explain how the school will provide matching funds as required under Subsection 53F-2-505(5)(a).~~

~~([4])d provide additional information requested by the [USOE]Superintendent on the application including selection criteria and assurances provided in Subsection 53[A-17a-169]E-2-508(5).~~

~~[R277-619-4. Required Matching Funds.~~

~~The application shall explain how the first year school will provide matching funds to the amount requested by the applicant as required under Section 53A-17a-169(5)(a-)]~~

R277-619-54. School Selection and Criteria.

~~[A-] The USOE shall provide an application for the Student Leadership Skills Development pilot program before June 15 annually.~~

~~[B-] LEAs shall return completed applications to the USOE before August 15 annually.]~~

~~(1) The Superintendent shall set application and funding deadlines based on funding availability.~~

~~[C-](2) The [USOE]Superintendent shall screen all applications for compliance with all state laws, this Rule R277-619, and application requirements.~~

~~[D-](3) The [USOE]Superintendent may seek the participation and advice of an independent evaluating committee in recommending applications for funding.~~

~~(4) The Board shall make final school funding selections[consistent with the criteria of Section 53A-17a-169 and R277-619].~~

~~[E-](5) Subject to legislative appropriation, [F]the Board shall determine the final number of schools and amounts per school not to exceed \$10,000 per school for first year applicants and \$20,000 per school for second year applicants, based on the number and quality of applications.~~

~~[F-] The Board shall select and notify funded applicants before September 1 annually.~~

~~[G-] The USOE may adjust application timelines from year to year as necessary.~~

~~[H-] The Board shall evaluate the program and report on findings consistent with 53A-17a-169(7)(a-).]~~

KEY: students, leadership skills

Date of Enactment or Last Substantive Amendment: [October 9, 2014]2018

Authorizing, and Implemented or Interpreted Law: Art X, Sec 3; [53A-17a-169(4)]; [53[A-1]E-3-401(3)](4); 53F-2-508

Environmental Quality, Air Quality **R307-110-17** Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42976

FILED: 06/11/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to change the effective date to match the anticipated Air Quality Board approval date of amendments to Section IX, Part H of the Utah State Implementation Plan (SIP).

SUMMARY OF THE RULE OR CHANGE: This amendment changes the amendment date from 12/07/2016 to 09/05/2018.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)

MATERIALS INCORPORATED BY REFERENCE:
 ♦ Updates Utah State Implementation Plan, Emission Limits and Operating Practices, Section IX, Part H, published by Division of Air Quality, 09/05/2018

ANTICIPATED COST OR SAVINGS TO:
 ♦ **THE STATE BUDGET:** The state budget will have anticipated costs due to BACT modifications required on equipment at a state funded university. There is a potential for fiscal benefits to the state budget through increased health of persons and a decrease in medical cost sharing, but the impact is inestimable at this time.
 ♦ **LOCAL GOVERNMENTS:** This rule change is not expected to have any fiscal impacts on local government expenditures, because no local governments operate or finance the operations of businesses that will be affected by this rule change. There is a potential for fiscal benefits to local governments through increased health of persons and a decrease in medical cost sharing, but the impact is inestimable at this time.
 ♦ **SMALL BUSINESSES:** This rule change is not expected to have any fiscal impacts on small businesses revenues or expenditures, because no businesses affected by this rule have less than 50 employees.
 ♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule change is expected to have fiscal impacts on businesses that are required to modify equipment to comply with updated BACT requirements as identified in Section IX, Part H of the Utah State Implementation Plan.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The costs associated with equipment modifications will vary from source to source depending on the required equipment, maintenance, and labor associated with each project. The costs for each source range from \$233,000 to \$28,200,000. Detailed descriptions of cost and equipment are listed in individual TSD reports for each source, found at <https://deq.utah.gov/legacy/pollutants/p/particulate-matter/pm25/serious-area-state-implementation-plans/control-strategies.htm>.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The businesses listed in Part H will have to comply with the requirements of the SIP. The costs associated with Part H will mostly be made up of equipment modifications necessary to comply with the TSD BACT analysis. These costs will vary depending on the size of the source and what equipment is needed. The requirements in Part H need to be enforceable and meet the standard of BACT.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Thomas Gunter by phone at 801-536-4419, or by Internet E-mail at thomasgunter@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 08/15/2018

THIS RULE MAY BECOME EFFECTIVE ON: 10/04/2018

AUTHORIZED BY: Bryce Bird, Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$5,710,600	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$79,770,250	\$0	\$0
Other Person	\$0	\$0	\$0
Total Fiscal Costs:	\$85,480,850	\$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 Benefits:	\$0	\$0	\$0

Net Fiscal Benefits:	-\$85,480,850	\$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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

For a complete listing of NAICS codes used in this analysis, please contact the agency. There are ten companies operating in Utah that will incur costs necessary to comply with the amendments to the Utah State Implementation Plan, Emission Limits and Operating Practices, Section IX, Part H. These businesses will experience a fiscal cost associated with the installation or replacement of equipment that meets or exceeds Best Available Control Technology (BACT). BACT is required in serious nonattainment areas by Federal law. Although the entirety of the fiscal impact is reported in 2019, it is possible that upgrades may take until 2024 to complete. It is the agency's belief that a majority of upgrades or replacements will be completed by the end of 2019. The costs of upgrades or replacements vary between \$233,000 and \$28,200,000, depending on each company's individual requirements.

It is possible that Local and State Governments could incur a fiscal benefit due to increase air quality and its relation the overall health of affected residents. These benefits would be a result of reductions in subsidized medical coverage to residents suffering from medical conditions connected to air quality. Any qualitative information that would provide estimates of the total benefits will not be known until after the upgrades or replacements of equipment at industrial sites are installed. Therefore, any benefit analysis towards the local and state governments is inestimable at this time.

The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

R307. Environmental Quality, Air Quality.

R307-110. General Requirements: State Implementation Plan.

R307-110-17. Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits.

The Utah State Implementation Plan, Section IX, Control Measures for Area and Point Sources, Part H, Emission Limits and Operating Practices, as most recently amended by the Utah Air Quality Board on ~~December 7~~ September 5, 201~~6~~8, pursuant to Section 19-2-104, is hereby incorporated by reference and made a part of these rules.

KEY: air pollution, PM10, PM2.5, ozone

Date of Enactment or Last Substantive Amendment: ~~December 8, 2016~~ 2018

Notice of Continuation: January 27, 2017

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

**Health, Family Health and Preparedness, Licensing
R432-1
General Health Care Facility Rules**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 43006
FILED: 06/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to modify the definition of chronic noncompliance to match the current licensing inspection process for licensed health care facilities. The Health Facility Committee reviewed and approved this rule amendment on 05/09/2018. This amendment was recommended in 2017 by the legislative auditors.

SUMMARY OF THE RULE OR CHANGE: This amendment is to modify the definition of chronic noncompliance to match the current licensing inspection process as the time frames between inspections has increased over the past few years and the definition was no longer applicable.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The state government health facility survey process was thoroughly reviewed. This proposed rule amendment could lead to increased health care facility sanctions, however, with all the variables within the survey process and the facility practices, this is an inestimable benefit.

◆ **LOCAL GOVERNMENTS:** Local government city business licensing requirements were considered. This proposed rule amendment should not impact local government revenues or expenditures.

◆ **SMALL BUSINESSES:** After conducting a thorough analysis, it was determined that this rule amendment could lead to increased costs for small business licensed health care facilities as it may result in increased sanctions, however, with all the variables within the survey process and the facility practices, this is an inestimable cost. There are 661 small businesses (NAICS codes used - Homes for the Elderly 623312, Nursing Care Facilities 623110, General Medical/Surgical Hospital 622110, Psychiatric and Substance Abuse Hospitals 622210, Other Hospitals 622310, Home Health 621610, End Stage Renal Disease 621492, and Free Standing Ambulatory Surgical Centers 621493).

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to other persons because this amendment modifies health care facility requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to affected persons because this amendment modifies health care facility requirements and therefore, would not add any compliance costs to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be a fiscal impact to businesses if there is an increase in sanctions for violation of this rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 LICENSING
 3760 S HIGHLAND DR
 SALT LAKE CITY, UT 84106
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Carmen Richins by phone at 801-273-2802, by FAX at 801-274-0658, or by Internet E-mail at carmenrichins@utah.gov
 ◆ Joel Hoffman by phone at 801-273-2804, by FAX at 801-274-0658, or by Internet E-mail at jhoffman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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
 There are 114 non-small businesses (NAICS codes used - Homes for the Elderly 623312, Nursing Care Facilities 623110, General Medical/Surgical Hospital 622110, Psychiatric and Substance Abuse Hospitals 622210, Other Hospitals 622310, Home Health 621610, End Stage Renal Disease 621492, and Free Standing Ambulatory Surgical Centers 621493).

After conducting a thorough analysis, it was determined that this rule amendment could lead to increased costs for non-small business licensed health care facilities as it may result in increased sanctions, however, with all the variables within the survey process and the facility practices, this is an inestimable cost.

The Department of Health Executive Director Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

R432. Health, Family Health and Preparedness, Licensing.

R432-1. General Health Care Facility Rules.

R432-1-3. Definitions.

- (1) Terms used in this rule are defined in Section 26-21-2. In addition:
- (2) "AWOL/Elopement" means absence without leave; an unauthorized departure from the facility.
- (3) "Abortion" is defined in Section 76-7-301(1).
- (4) "Abuse" is defined in 62A-3-301 as:
 - (a) attempting to cause, or intentionally or knowingly causing physical harm, or intentionally placing another in fear of imminent physical harm;

(b) physical injury caused by criminally negligent acts or omissions;

(c) unlawful detention or unreasonable confinement;

(d) gross lewdness;

(e) deprivation of life sustaining treatment, except:

(i) as provided in Title 75, Chapter 2, Part 11, Personal Choice and Living Will Act; or

(ii) when informed consent, as defined in Section 76-5-111, has been obtained.

(5) "Act" means the Health Facility Licensure and Inspection Act, Title 26, Chapter 21.

(6) "Active Treatment" means the habilitative program of care for ICF/MR patients described in 42 CFR Part 483 (1983) that addresses training in daily living, self-help, and social skills; activities; recreation; appropriate staffing level; special resident programs; program evaluation; nursing services; documented resident surveys and progress; and social services.

(7) "Activities of Daily Living" ("ADL") means those personal functional activities required for an individual for continued well-being; including eating/nutrition, mobility, dressing, bathing, toileting, and behavior management. ADLs are divided into the following levels:

(a) "Independent" means the resident can perform the ADL without help.

(b) "Assistance" means the resident can perform some part of an activity, but cannot do it entirely alone.

(c) "Dependent" means the resident cannot perform any part of an activity; it must be done entirely by someone else.

(8) "Administering" means the direct application of a prescription drug or device, whether by injection, inhalation, ingestion, or by any other means, to the body of a human patient or research subject by another person.

(9) "Affiliation" means a relationship, usually signified by a written agreement, between two organizations, under the terms of which one organization agrees to provide specified services and personnel to meet the needs of the other, usually on a scheduled basis.

(10) "Aftercare" means post-institution services designed to help a patient maintain or improve on the gains made during inpatient treatment.

(11) "Aide or Attendant" means a person employed to assist in activities of daily living and in the direct personal care of patients.

(12) "ADAAG" means the Americans with Disability Act Accessibility Guidelines, 28 CFR 36, Appendix A, July 1993.

(13) "Ambulatory" means a person who is capable of achieving mobility sufficient to exit his residence without assistance of another person.

(14) "Annual Report" means a document containing annual statistical information from a licensed health facility or agency.

(15) "Assessment" means a process of observing, testing and evaluating a patient in order to obtain information.

(16) "Bathing Facility" means a bathtub or shower.

(17) "Bed Capacity" means the maximum number of beds which the facility is licensed to offer for patient care.

(18) "Behavior Management" means a planned, systematic application of methods and findings of behavioral science with the intent of reducing observable negative behaviors.

(19) "Birthing Room" means a room and environment designed, equipped and arranged to provide for the care of a woman

and newborn and to accommodate her support person(s) during the process of vaginal birth.

(20) "Certificate of Completion" means a document issued by the Utah Board of Education to a person who completes an approved course of study not leading to a diploma; to a person who passes a challenge exam for that same course of study; or to a person whose out-of-state credentials and certificate are acceptable to the Board.

(21) "Certified" means a health facility or agency which holds a current license issued by the Department, and which also meets the standards established for participation in federally funded programs, such as Medicare.

(22) "Certified Nurse Aide" means a nursing assistant who has completed a federally approved training program and proved competency through testing, thereby he is entitled to be employed in a licensed health care facility or agency.

(23) "Certified Registered Nurse Anesthetist" means a registered nurse who is licensed by the Utah Department of Commerce under Title 58 Chapter 31b.

(24) "Certified Nurse Midwife" means an individual licensed to practice by the Utah Department of Commerce under Title 58, Chapter 44a.

(25) "Certified Social Worker" means an individual licensed by the Utah Department of Commerce under Title 58, Chapter 60.

(26) "Chronic Noncompliance" means a violation of the same licensing administrative rule which is documented in any the last three inspections [~~within a four year period~~]. Inspections may include complaint investigations, surveys, or follow-up inspections if the violation is re-cited [~~on plans of correction;~~] or any combination of these [~~inspection[s]~~] that is documented by the Department, an accrediting organization or a federal agency.

(27) "Clinical Note" means a dated, written notation by a member of the health team which indicates contact with a patient and describes any of the following: signs and symptoms of dysfunction, treatment given or medication administered, the patient's reaction, changes in physical or emotional condition, or services provided.

(28) "Clinical Staff" means the physicians and certified providers appointed by the governing authority to practice within the health facility or agency.

(29) "Consultant" means an individual who provides professional services either upon request or on the basis of a prearranged schedule, usually on a contract basis, who is neither a member of the employed staff of the facility or agency, nor whose services are provided within the terms of an affiliation agreement.

(30) "Continuous Noncompliance" means three or more violations of a single licensing rule requirement occurring within a 12-month time period.

(31) "Contract Services" means services purchased by a health facility or agency under a contract with an individual or a provider whose personnel are not salaried employees of the facility or agency.

(32) "Control Station" means a central office or area for charting, drug preparation, and other patient-care tasks normally performed at a nursing station.

(33) "Critical Care Unit" means a special physical and functional unit for the segregation, concentration and close or continuous nursing observation and care of patients who are critically, seriously, or acutely ill.

(34) "Day Treatment" means training and habilitation services delivered outside the patient's place of residence which are intended to aid the vocational, pre-vocational, and self-sufficiency skill development of an ICF/MR patient. These services must meet active treatment requirements and must be coordinated and integrated with the active treatment program of the facility or agency.

(35) "Dentist" means a person registered and currently licensed by the Utah Department of Commerce under Title 58, Chapter 69.

(36) "Department" means the Utah Department of Health.

(37) "Developmental Disability" means a severe, chronic disability that meets all of the following conditions:

(a) Is attributable to: cerebral palsy, epilepsy, autism; or any other condition, other than mental illness, closely related to mental retardation which results in impairment of general intellectual functioning adaptive behavior, or requires treatment or services similar to those required for mentally retarded persons;

(b) Is manifested before the person reaches the age of 22;

(c) Is likely to continue indefinitely; and

(d) Results in substantial functional limitations in three or more of the following areas of major activity:

(i) self-care;

(ii) understanding and use of language;

(iii) learning;

(iv) mobility;

(v) self-direction; or

(vi) capacity for independent living.

(38) "Dietitian" means a person who is certified pursuant to Title 58, Chapter 49.

(39) "Direct Services" means services provided by salaried employees of a health facility or agency, as opposed to services provided by contract.

(40) "Direct Supervision" means the critical observation and guidance by a qualified person of another person's activities or course of action.

(41) "Discharge" means the point at which the patient's involvement with a facility or agency program is terminated and the facility or agency program no longer maintains active responsibility for the care of the patient.

(42) "Distinct Part" means a discrete, physically definable entity located within a structure constructed and equipped according to applicable codes which:

(a) provides within the structure the necessary unique physical facilities, equipment, staff, and supplies to deliver all basic services that are offered to and needed for the diagnosis, therapy, and treatment of patients, and to comply with licensing standards;

(b) provides or arranges for necessary administrative and non-unique, non-clinical, ancillary type services such as dietary, laundry, housekeeping, business office and medical records; and

(c) protects the rights of patients including freedom from unwanted intrusion by visitors, guests, staff, and residents of adjacent licensed facilities and use occupancies.

(43) "Documentation" means written supportive information, records, or references to verify information required by law or rule.

(44) "Drug History" means identifying all of the drugs used by a patient, including prescribed and unprescribed drugs.

(45) "Emergency" means any situation or event that threatens or poses a threat to the occupants of the facility or agency, or

prohibits one or more occupants (staff, patient, or visitor) from receiving services normally offered by the facility or agency, or requires action not normally performed by the facility or agency staff.

(46) "Emotional or psychological abuse" means deliberate conduct that is directed at a person through verbal or nonverbal means and that causes the individual to suffer emotional distress or to fear bodily injury, harm, or restraint.

(47) "Environment" means the physical and emotional atmosphere including architectural design, furnishings, color, privacy, and safety, as well as other people.

(48) "Executive Director" means the Executive Director of the Utah Department of Health.

(49) "Freestanding" means existing independently or physically separated from another health care facility by fire walls and doors and administrated by separate staff with separate records.

(50) "Free-standing Urgent Care Center," as distinguished from a private physician's office or emergency room setting, means a facility which provides out-patient health care service (on an as-needed basis, without appointment) to the public for diagnosis and treatment of medical conditions which do not require hospitalization or emergency intervention for a life-threatening or potentially permanently disabling condition. Diagnostic and therapeutic services provided by a free-standing urgent care center include: a medical history physical examination, assessment of health status and treatment for a variety of medical conditions commonly offered in a physician's office.

(51) "Governing Authority or Governing Body" means the board of trustees, owner, person or persons designated by the owner with ultimate authority and responsibility, both moral and legal, for the management, control, conduct and functioning of the health care facility or agency.

(52) "Governmental Unit" means the state, or any county, municipality, or other political subdivision of any department, division, board or other agency of any of the foregoing.

(53) "Guardian" means a person legally responsible for the care and management of a person who is considered by law to be incompetent to manage his own affairs.

(54) "Habilitation" means techniques and treatment which actively build and develop new or alternative styles of independent functioning and promote new behavior which results in greater self-sufficiency and sense of well-being.

(55) "Health Care Facility or Agency" means any facility or agency licensed under the authority of the Health Facility Committee and designated as such in Subsection 26-21-2([+0]13).

(56) "Health Services Supervisor" means a person with a professional medical license or certificate, such as a nurse, social worker, physical therapist, or psychologist, responsible for the development, supervision, and implementation of a written health care plan for each resident.

(57) "Homemaker" means a person who cares for the environment in the home through performance of duties such as housekeeping, meal planning and preparation, laundry, shopping and errands.

(58) "Hospitalization" means an inpatient stay of at least 24 hours, or an overnight stay or emergency care, except a stay at a freestanding ambulatory surgical center that meets the requirements of R432-500.

(59) "ICD-9-CM" means the International Classification of Diseases, 9th revision, Clinical Modification, 1986.

(60) "Imminent Danger" means a situation or condition which presents a substantial likelihood of death or serious physical or mental harm to a patient or resident in the facility or agency.

(61) "Inpatient Program" means treatment provided in a suitably equipped setting that provides services to persons who require care that warrants 24-hour supervision.

(62) "Intake" means the administrative and assessment process for admission to a program.

(63) "Interdisciplinary Team" means a group of staff members composed of representatives from different professions, disciplines, or services.

(64) "Involuntary Medication" means medication which is prescribed by the physician but not taken willingly by the patient, and is administered due to compelling medical reasons.

(65) "Joint Commission" means the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

(66) "Lavatory" means a plumbing fixture designed and equipped for handwashing purposes.

(67) "License" means the certificate issued by the Department of Health for the operation of the facility or agency. This document constitutes the authority to receive patients and residents and to perform the services included within the scope of the rule and as specified on the license.

(68) "Licensed Practical Nurse (LPN)" means a person registered and licensed by the Utah Department of Commerce under Title 58, Chapter 31b.

(69) "Licensed Practitioner" means a health professional whose license allows diagnosis, treatment, and prescribing practices within the scope of the license and established protocols.

(70) "Licensee" means the person or organization who is granted a license to operate a health facility or agency and who has ultimate authority and responsibility for the operation, management, control, conduct, and functioning of the facility or agency.

(71) "Licensing Agency" means the Bureau of Licensing of the Utah Department of Health.

(72) "Licensure" means the process of obtaining official or legal permission to operate a health facility or agency.

(73) "Living Unit" means the area or part of a facility where residents sleep and may include dining and other resident activity areas.

(74) "Low Risk Maternal Mother" means a woman who is in good general health throughout pregnancy and birth and who meets the criteria for low risk birth services as developed by the clinical staff and approved by the governing board and licensing agency for a Birthing Center.

(75) "Maladaptive (negative) Behavior" means behavior that is either self-injurious, or dangerous to others, or environmentally destructive, demonstrating a reduction in or lack of ability necessary to adjust to environmental demands.

(76) "Medical Equipment and Supplies" means items used for therapeutic or diagnostic purposes essential for patient care, such as dressings, catheters, or syringes.

(77) "Medical Staff" means, the organized body composed of all specified professional personnel, appointed by the governing body and granted privileges to practice in the facility or agency.

(78) "Medication" means any drug, chemical compound, suspension, or preparation suitable for internal or external use by persons for the treatment or prevention of disease or injury.

(79) "Mental Retardation" means significantly subaverage general intellectual functioning resulting in, or associated with, concurrent impairments in adaptive behavior and manifested during the developmental period. Significantly subaverage general intellectual functioning is operationally defined as a score of two or more standard deviations below the mean on a standardized general intelligence test. Developmental period is defined as the period between conception and the 18th birthday.

(80) "Mental Disease" means any disease listed as a mental disorder in the ICD-9-CM excluding the codes for senility or organic brain syndrome (290 through 294.9 and 310 through 310.9), the codes for adjustment reaction (309); the codes for psychic factors associated with diseases classified elsewhere (316); and the codes for mental retardation (317 through 319). Codes 314 through 315.9 may also be excluded for individuals suffering impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons. Codes 309 and 316 are also excluded.

(81) "Mobile" means a person who is able to take action for self-preservation under emergency conditions with the assistance of supportive equipment such as crutches, braces, walkers, or wheelchairs, but without the assistance, except for verbal instructions, from other persons.

(82) "Neglect" means the same as 62A-3-301(10).

(83) "New Construction" means any of the following:

(a) New medical or health care facilities licensed under these rules;

(b) Addition(s) to an existing building;

(c) Alteration(s) or modification(s) (other than strictly repair and maintenance) costing more than \$3,000 or that affect the structure, electrical or mechanical system of a health care facility.

(84) "Non-Ambulatory" means unable to walk without assistance of other persons.

(85) "Nursing Care" means assistance provided to sick or disabled individuals, by or under the direction of licensed nursing personnel, for their health care needs.

(86) "Nursing Home" means any facility licensed by the Department as a nursing care facility that provides licensed nursing care and related services to residents who need continuous health care and supervision.

(87) "Occupational Therapist" means a person currently licensed by the Utah Department of Commerce under Title 58, Chapter 42a.

(88) "Oral Surgeon" means a person who has successfully completed a postgraduate program in oral surgery accredited by a nationally recognized accrediting body approved by the U.S. Office of Education and is licensed by the Utah Department of Commerce to practice dentistry.

(89) "PRN medication" means medication which is administered pro re nata. Pro re nata means as needed. The time of medication administration is determined by the resident's need.

(90) "Parent Facility" means all free-standing health facilities under a single ownership licensed under Section 26-21-2 except home health agencies. The parent facility includes:

(a) the main structure, wings, or detached buildings where a service within the scope of the facility's license is offered and any detached building used for storage, heating or cooling equipment located on the main grounds bounded by a city, county or a state street or road, or a property line; and

(b) any structure located outside the main facility grounds connected to the main facility by a heating or cooling system or by a covered walkway where a service is provided within the scope of the parent facility's license.

(91) "Patient" means a resident or person receiving care in a health care facility or agency. Patient, client or resident terms are interchangeable meaning a person who is receiving needed services.

(92) "Patient Care Plan" means an integrated plan of care developed for the patient.

(93) "Pediatric Patients" means infants, children, adolescents, and young adults up to the age of 18.

(94) "Personal Care" means assistance provided to residents in activities of daily living.

(95) "Personal Care Aide" means a person who assists patients or residents in the activities of daily living and emergency first aid; and who may be supervised by a licensed nurse.

(96) "Personal Resource Funds" means monies received by a patient from a variety of sources which the patient may spend as needed or desired.

(97) "Personnel" means individual(s) in training or employed by the health care facility or agency.

(98) "Pharmacist" means a person currently licensed by the Utah Department of Commerce to practice pharmacology pursuant to Title 58, Chapter 17[a]b.

(99) "Physical Therapist" means a person currently licensed by the Utah Department of Commerce to practice under Title 58, Chapter 24[a]b.

(100) "Physician" means a person who is licensed to practice medicine and surgery by the Utah Department of Commerce under Section 58-67-301, the Utah Medical Practice Act, or Section 58-68-301, Utah Osteopathic Medical Practice Act, or a physician in the employment of the government of the United States who is similarly qualified.

(101) "Place of Residence" means the place a patient makes his home. This may be a house, an apartment, a relative's home, housing for the elderly, a retirement home, an assisted living facility, or a place other than a health care facility which provides continuous nursing care.

(102) "Plan of Care or Plan of Treatment" are interchangeable terms which mean a written plan based on assessment data or physician orders that identifies the patient's needs, who shall provide needed services and how often, treatment goals, and anticipated outcomes.

(103) "Podiatrist" means a person registered and licensed by the Utah Department of Commerce under Title 58, Chapter 5a.

(104) "Policies and Procedures" means a set of rules adopted by the governing body to govern the health care facility or agency's operation.

(105) "Practitioner" means a registered nurse, with advanced or specialized training, who is licensed by Utah Department of Commerce, Title 58, Chapter 31b.

(106) "Prognosis" means a statement given as:

- (a) the likelihood of an individual achieving stated goals;
- (b) the degree of independence likely to be achieved; or
- (c) the length of time to achieve goals.

(107) "Program" means a general term for an organized system of services designed to address the treatment needs of the patient.

(108) "Protected Living Arrangement" means provision for food, shelter, sleeping accommodations, and supervision of activities of daily living for persons of any age who are unable to independently maintain these basic needs and functions.

(109) "Provider" means a supplier of goods or services.

(110) "Public Agency" means an agency operated by a state or local government.

(111) "Public Health Center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers.

(112) "Qualified Mental Retardation Professional (QMRP)" means a person who has specialized training or one year of experience in treating or working with the mentally retarded including any one of the following: psychologist with a master's degree from an accredited program; licensed physician; educator with a bachelor's degree in education from an accredited program; social worker with a bachelor's degree in social work from an accredited program or a field other than social work and at least three years of social work experience under the supervision of a qualified social worker; licensed physical or occupational therapist; licensed speech pathologist or audiologist; registered nurse; therapeutic recreation specialist who is a graduate of an accredited program and is licensed to perform recreational therapy under the provisions of Title 58, Chapter 40; Rehabilitation counselor who is certified by the Committee on Rehabilitation Counselor Certification.

(113) "Quality of Care" means the provision of patient treatment, including medical or nursing care as well as restorative therapies.

(114) "Quality of Life" means how a patient experiences the state of existing and functioning in the facility environment, and is related to the human and humane processes involved in normal human functioning, including rights and freedoms.

(115) "Recovery," for birthing centers, means that period or duration of time starting at birth and ending with the discharge of a client from the birthing center, or the period of time between the birth and the time a mother leaves the premises of the birthing center.

(116) "Recreational Therapist" means any person licensed to perform recreational therapy under the provisions of Title 58, Chapter 40.

(117) "Referred Outpatient" means a person who is receiving his medical diagnosis, treatment, or other health care services from one or more sources outside the hospital, but who receives from the hospital diagnostic tests or examinations ordered by health care practitioners, legally permitted to order such tests and examinations, and to whom the hospital reports findings and results.

(118) "Refurbish" means to clean or otherwise change the appearance without making significant changes in the existing physical structure of a facility.

(119) "Registered Nurse" means any person who is registered and licensed by the Utah Department of Commerce to practice as a registered nurse under Title 58, Chapter 31b.

(120) "Rehabilitation" means a program of care designed to restore a patient to a former capacity.

(121) "Relative" means spouse, parent, stepparent, son, daughter, brother, sister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin or any such person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this

definition, even if the marriage has been terminated by death or dissolution.

(122) "Remodel" means to reconstruct or to make significant changes in the existing physical structure of a facility.

(123) "Representative" means a person employed by the Department.

(124) "Request for Hearing" means any clear expression in writing by a provider requesting an opportunity to appeal a Department action following R432-30.

(125) "Resident Living" means residential services provided by an ICF/MR facility.

(126) "Responsible Person" means an individual, relative, or close friend designated in writing by the resident, or a court-appointed guardian or person with durable power of attorney, who assists the resident and assumes responsibility for the resident's well-being and for any care not provided by the facility or agency.

(127) "Restrictive Procedures" means a class of procedures designed to reduce or eliminate maladaptive behaviors including:

(a) restricting an individual's movement;

(b) restricting an individual's ability to obtain positive reinforcement; and

(c) restricting an individual's ability to participate in programs.

(128) "Safety Device" means a protective device used to offer protection from inadvertent acts (such as falling out of bed) as well as deliberate acts (such as removing a nasogastric tube).

(129) "Seclusion" means a procedure that isolates the patient in a specific room or designated area to temporarily remove the patient from the therapeutic community and reduce external stimuli.

(130) "Self Administration of Medication" means the act by which a resident independently removes an individual dose from a properly labeled container and takes that medication. The resident must know the medication type, dosage and frequency of administration.

(131) "Service Delivery Area" means any area in the facility where a specific service or group of services is organized, performed or carried out. For example the dietary services area includes the kitchen; patient care services delivery area includes patient rooms, corridors, and adjacent areas.

(132) "Service Pattern" means a continuum of medical and psychological needs expressed as a type and used in evaluation for appropriate placement and treatment purposes.

(133) "Social Service Worker (SSW)" means a person currently licensed by the Utah Department of Commerce to function as a social service worker under Title 58, Chapter 60.

(134) "Social Worker, Certified (CSW)" means a person currently licensed by the Utah Department of Commerce to practice social work under Title 58, Chapter 60.

(135) "Specialty Hospital" means a hospital which provides specialized diagnostic, therapeutic, or rehabilitative services in the recognized specialty or specialties for which the hospital is licensed.

(136) "Speech-Language Pathologist" means a person licensed by the Utah Department of Commerce to practice speech-language pathology pursuant to Title 58, Chapter 41.

(137) "Substantial Noncompliance" means any occurrence of a Class I violation, or the occurrence of one or more Class II violations resulting in continuous noncompliance, or chronic noncompliance with one or more rule requirements in the

administrative rules specific to the health care facility licensure category.

(138) "Summary Report" means a compilation of pertinent facts from the clinical notes regarding a patient, usually submitted to the patient's physician as part of a plan of treatment.

(139) "Supervision" means guidance of another person or persons by a qualified person to assure that a service, function, or activity is provided within the scope of a license, certificate, job description, or instructions.

(140) "Support Person" means the individual(s) selected or chosen by a mother to provide emotional support and to assist her during the process of labor and childbirth.

(141) "Surgeon General" means the surgeon general of the United States public health service.

(142) "Therapist" means a professionally trained licensed or registered person (such as a physical therapist, occupational therapist, or speech therapist), who is skilled in applying treatment techniques and procedures under the general direction of a physician.

(143) "Training and Habilitation Services" means services intended to improve or aid the intellectual, sensorimotor, and emotional development of a patient or resident.

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: [~~August 7, 2001~~]**2018**

Notice of Continuation: January 29, 2018

Authorizing, and Implemented or Interpreted Law: 26-21-2

Health, Family Health and Preparedness, Licensing **R432-2** General Licensing Provisions

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 43005

FILED: 06/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to modify Section R432-2-17 to match the current licensing inspection process for licensed health care facilities. In addition, it includes several technical corrections. The Health Facility Committee reviewed and approved this rule amendment on 05/09/2018. This amendment was recommended in 2017 by the legislative auditors.

SUMMARY OF THE RULE OR CHANGE: This amendment is to modify Section R432-2-17 to state previous survey instead of previous year survey which matches the current licensing inspection process for licensed health care facilities. In addition, it includes several technical corrections to be consistent with current practices. The Health Facility

Committee reviewed and approved this rule amendment on 05/09/2018. This amendment was recommended in 2017 by the legislative auditors.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The state government health facility survey process was thoroughly reviewed. This proposed rule amendment could lead to increased health care facility sanctions, however, with all the variables within the survey process and the facility practices, this is an inestimable benefit.

◆ **LOCAL GOVERNMENTS:** Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments revenues or expenditures.

◆ **SMALL BUSINESSES:** After conducting a thorough analysis, it was determined that this rule amendment could lead to increased costs for small business licensed health care facilities as it may result in increased sanctions, however, with all the variables within the survey process and the facility practices, this is an inestimable cost. There are 661 small businesses (NAICS codes used - Homes for the Elderly 623312, Nursing Care Facilities 623110, General Medical/Surgical Hospital 622110, Psychiatric and Substance Abuse Hospitals 622210, Other Hospitals 622310, Home Health 621610, End Stage Renal Disease 621492, and Free Standing Ambulatory Surgical Centers 621493).

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to other persons because this amendment modifies health care facility requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to affected persons because this amendment modifies health care facility requirements and therefore, would not add any compliance costs to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be a fiscal impact to businesses if there is an increase in sanctions for violation of this rule.

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

HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 LICENSING
 3760 S HIGHLAND DR
 SALT LAKE CITY, UT 84106
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Carmen Richins by phone at 801-273-2802, by FAX at 801-274-0658, or by Internet E-mail at carmenrichins@utah.gov
 ◆ Joel Hoffman by phone at 801-273-2804, by FAX at 801-274-0658, or by Internet E-mail at jhoffman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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

There are 114 non-small businesses (NAICS codes used - Homes for the Elderly 623312, Nursing Care Facilities 623110, General Medical/Surgical Hospital 622110, Psychiatric and Substance Abuse Hospitals 622210, Other Hospitals 622310, Home Health 621610, End Stage Renal Disease 621492, and Free Standing Ambulatory Surgical Centers 621493).

After conducting a thorough analysis, it was determined that this rule amendment could lead to increased costs for non-small business licensed health care facilities as it may result in increased sanctions, however, with all the variables within the survey process and the facility practices, this is an inestimable cost.

The Department of Health Executive Director Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

R432. Health, Family Health and Preparedness, Licensing.

R432-2. General Licensing Provisions.

R432-2-7. Applications for License Actions.

(1) An applicant for a license shall file a Request for Agency Action/License Application with the Utah Department of Health on a form furnished by the Department.

(2) Each applicant shall comply with all zoning, fire, safety, sanitation, building and licensing laws, regulations, ordinances, and codes of the city and county in which the facility or agency is located. The applicant shall obtain the following clearances and submit them as part of the completed application to the licensing agency:

(a) A certificate of fire clearance from the State Fire Marshal or designated local fire authority certifying compliance with local and state fire codes is required with initial and renewal application, change of ownership, and at any time new construction or substantial remodeling has occurred.

(b) A satisfactory Food Services Sanitation Clearance report by a local ~~[or state sanitarian]~~ Health Department is required for facilities providing food service at initial application and upon a change of ownership.

(c) Certificate of Occupancy from the local building official at initial application, change of location and at the time of any new construction or substantial remodeling.

(3) As used in this section, an "owner" is any person or entity:

(a) ultimately responsible for operating a health care facility; or

(b) legally responsible for decisions and liabilities in a business management sense or that bears the final responsibility for operating decisions made in the capacity of a governing body.

(4) The applicant shall submit contact information for the ownership of the legal entity including the names, email addresses and mailing addresses.

(5) The applicant shall provide the following written assurances on all individuals listed in R432-2-7(4):

(a) None of the persons has been convicted of a felony;

(b) None of the persons has been found in violation of any local, state, or federal law which arises from or is otherwise related to the individual's relationship to a health care facility; and

(c) None of the persons who has currently or within the five years prior to the date of application had previous interest in a licensed health care facility that has been any of the following:

(i) subject of a patient care receivership action;

(ii) closed as a result of a settlement agreement resulting from a decertification action or a license revocation;

(iii) involuntarily terminated from participation in either Medicaid or Medicare programs; or

(iv) convicted of patient abuse, neglect or exploitation where the facts of the case prove that the licensee failed to provide adequate protection or services for the person to prevent such abuse.

R432-2-10. Initial License Issuance or Denial.

(1) The Department shall render a decision on an initial license application within 60 days of receipt of a completed application packet ~~[or within six months of the date the first component of an application packet is received; provided, in either case, a minimum of 45 days is allowed for the initial policy and procedure manual review].~~

(2) Upon verification of compliance with licensing requirements the Department shall issue a provisional license.

(3) The Department shall issue a written notice of agency decision under the procedures for adjudicative proceedings (R432-30) denying a license if the facility is not in compliance with the applicable laws, rules, or regulations. The notice shall state the reasons for denial.

(4) An applicant who is denied licensing may reapply for initial licensing as a new applicant and shall be required to initiate a new request for agency action as described in R432-2-7.

(5) The Department shall assess an administrative fee on all denied license applications. This fee shall be subtracted from any fees submitted as part of the application packet and a refund for the balance returned to the applicant.

R432-2-17. Conditional License.

(1) A conditional license is a remedial license issued to a licensee if there is a determination of substandard quality of care, immediate jeopardy or a pattern of violations which would result in a ban on admissions at the facility or if the licensee is found to have:

(a) a Class I violation or a Class II violation that remains uncorrected after the specified time for correction;

(b) more than three cited repeat Class I or II violations from the previous ~~[year]~~ survey; or

(c) fails to fully comply with administrative requirements for licensing.

(2) A standard license is revoked by the issuance of a conditional license.

(3) The Department may not issue a conditional license after the expiration of a provisional license.

(4) In granting a conditional license, the Department shall be assured that the lack of full compliance does not harm the health, safety, and welfare of the patients.

(5) The Department shall establish the period of time for the conditional license based on an assessment of the nature of the existing violations and facts available at the time of the decision.

(6) The Department shall set conditions whereby the licensee must comply with an accepted plan of correction.

(7) If the licensee fails to meet the conditions before the expiration date of the conditional license, the license shall automatically expire.

R432-2-19. Variances.

(1) A health facility may submit a request for agency action to obtain a variance from state rules at any time.

(a) An applicant requesting a variance shall file a Request for Agency Action/Variance Application with the Utah Department of Health on forms furnished by the Department.

(b) The Department may require additional information from the facility before acting on the request.

(c) The Department shall act upon each request for variance in writing within 60 days of receipt of a completed request.

(2) ~~[If the Department grants a variance, it shall amend the license in writing to indicate that the facility has been granted a variance. The]~~ A variance may be renewable or non-renewable. The licensee shall maintain a copy of the approved variance on file in the facility and make the copy available to all interested parties upon request.

(a) The Department shall file the request and variance with the license application.

(b) The terms of a requested variance may be modified upon agreement between the Department and the facility.

(c) The Department may impose conditions on the granting of a variance as it determines necessary to protect the health and safety of the residents or patients.

(d) The Department may limit the duration of any variance.

(3) The Department shall issue a written notice of agency decision denying a variance upon determination that the variance is not justified.

(4) The Department may revoke a variance if:

(a) The variance adversely affects the health, safety, or welfare of the residents.

(b) The facility fails to comply with the conditions of the variance as granted.

(c) The licensee notifies the Department in writing that it wishes to relinquish the variance and be subject to the rule previously varied.

(d) There is a change in the statute, regulations or rules.

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: ~~[March 22,] 2018~~

Notice of Continuation: January 29, 2018

Authorizing, and Implemented or Interpreted Law: 26-21-9; 26-21-11; 26-21-12; 26-21-13

**Health, Family Health and
Preparedness, Licensing
R432-3
General Health Care Facility Rules
Inspection and Enforcement**

**NOTICE OF PROPOSED RULE
(Amendment)**

**DAR FILE NO.: 43004
FILED: 06/15/2018**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to remove the Class III violations to match the current licensing inspection process for licensed health care facilities. In addition, it includes several technical corrections. The Health Facility Committee reviewed and approved this rule amendment on 05/09/2018. This amendment was recommended in 2017 by the legislative auditors.

SUMMARY OF THE RULE OR CHANGE: This amendment removes the Class III violations to match the current licensing inspection process for licensed health care facilities. In addition, it includes several technical corrections and several Federal reference and rule updates. The Health Facility Committee reviewed and approved this rule amendment on 05/09/2018. This amendment was recommended in 2017 by the legislative auditors.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The state government health facility survey process was thoroughly reviewed. This proposed rule amendment could lead to increased health care facility sanctions, however, with all the variables within the survey process and the facility practices, this is an inestimable benefit.

◆ **LOCAL GOVERNMENTS:** Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments revenues or expenditures.

◆ **SMALL BUSINESSES:** After conducting a thorough analysis, it was determined that this rule amendment could lead to increased costs for small business licensed health care facilities as it may result in increased sanctions, however, with all the variables within the survey process and the facility practices, this is an inestimable cost. There are 661 small businesses (NAICS codes used - Homes for the Elderly 623312, Nursing Care Facilities 623110, General Medical/Surgical Hospital 622110, Psychiatric and Substance Abuse Hospitals 622210, Other Hospitals 622310, Home Health 621610, End Stage Renal Disease 621492, and Free Standing Ambulatory Surgical Centers 621493).

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to other persons because this amendment modifies health care facility requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to affected persons because this amendment modifies health care facility requirements and therefore, would not add any compliance costs to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be a fiscal impact to businesses if there is an increase in sanctions for violation of this rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 LICENSING
 3760 S HIGHLAND DR
 SALT LAKE CITY, UT 84106
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Carmen Richins by phone at 801-273-2802, by FAX at 801-274-0658, or by Internet E-mail at carmenrichins@utah.gov
 ♦ Joel Hoffman by phone at 801-273-2804, by FAX at 801-274-0658, or by Internet E-mail at jhoffman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

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
 There are 114 non-small businesses (NAICS codes used - Homes for the Elderly 623312, Nursing Care Facilities 623110, General Medical/Surgical Hospital 622110, Psychiatric and Substance Abuse Hospitals 622210, Other Hospitals 622310, Home Health 621610, End Stage Renal Disease 621492, and Free Standing Ambulatory Surgical Centers 621493).

After conducting a thorough analysis, it was determined that this rule amendment could lead to increased costs for non-small business licensed health care facilities as it may result in increased sanctions, however, with all the variables within the survey process and the facility practices, this is an inestimable cost.

The Department of Health Executive Director Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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

**R432. Health, Family Health and Preparedness, Licensing.
 R432-3. General Health Care Facility Rules Inspection and Enforcement.
 R432-3-3. Deemed Status.**

The Department may grant licensing deemed status to facilities and agencies accredited by Federally approved accreditation agencies~~[The Joint Commission (TJC), Accreditation Association for Ambulatory Health Care (AAAHC), Accreditation Commission for Health Care, Community Health Accreditation Program or the American Osteopathic Association's Health Facilities Accreditation Program (AOA/HFAP)]~~ in lieu of the licensing inspection by the Department upon completion of the following by the facility or agency:

- (1) As part of the license renewal process, the licensee shall identify on the Request for Agency Action/Application its desire to:
 - (a) initiate deemed status,
 - (b) continue deemed status, or
 - (c) relinquish deemed status during the licensing year of application.

(2) This request shall constitute written authorization for the Department to attend the accrediting agency exit conference.

(3) Upon receipt from the accrediting agency, the facility shall submit copies of the following:

- (a) accreditation certificate;
- (b) ~~Joint Commission Statement of Construction;~~
- ~~(e)~~ survey reports and recommendations;

(~~d~~) progress reports of all corrective actions underway or completed in response to accrediting body's action or Department recommendations.

(4) Regardless of deemed status, the Department may assert regulatory responsibility and authority pursuant to applicable state and federal statutes to include:

- (a) inspections,
- (b) complaint investigations,
- (c) verification of the violations of state law, rule, or standard identified in a Department survey or, violations of state law, rule, or standard identified in the accrediting body's survey including:

(i) facilities or agencies granted a provisional or conditional accreditation by the ~~Joint Commission~~ accreditation agencies until a full accreditation status is achieved,

(ii) any facility or agency that does not have a current, valid accreditation certificate, or

(iii) construction, expansion, or remodeling projects required to comply with standards for construction promulgated in the rules by the Health Facility Committee.

(5) The Department may annually conduct validation inspections of facilities or agencies accredited for the purpose of determining compliance with state licensing requirements. If a validation survey discloses a failure to comply with the standards for licensing, the provisions relating to regular inspections shall apply.

R432-3-5. Statement of Findings.

(1) Whenever the Department has reason to believe that a health facility or agency is in violation of Title 26, Chapter 21 or any of the rules promulgated by the Health Facility Committee, the Department shall serve a written Statement of Findings to the licensee or his designee within the following timeframe.

(a) Statements for Class I ~~and III violations~~ are served immediately.

(b) Statements for Class II violations are served within ten working days.

(2) Violations shall be classified as Class I ~~or Class II~~ or Class II ~~and Class III~~ violations.

(a) "Class I Violation" means any violation of a statute or rule relating to the operation or maintenance of a health facility or agency which presents imminent danger to patients or residents of the facility or agency or which presents a clear hazard to the public health.

(b) "Class II Violation" means any violation of a statute or rule relating to the operation or maintenance of a health facility or agency which has a direct or immediate relationship to the health, safety, or security of patients or residents in a health facility or agency.

~~(c) "Class III Violation" means establishing, conducting, managing, or operating a health care facility or agency regulated under Title 26, Chapter 21 and this rule without a license or with an expired license.~~

(3) The Department may cite a facility or agency with one or more rule or statute violations. If the Department finds that there

are no violations, a letter shall be sent to the facility acknowledging the inspection findings.

(4) The Statement of Findings shall include:

- (a) the statute or rule violated;
- (b) a description of the violation;
- (c) the facts which constitute the violation; and
- (d) the classification of the violation.

R432-3-6. Plan of Correction.

(1) A health facility or agency shall submit within 14 calendar days of receipt of a Statement of Findings a Plan of Correction outlining the following:

- (a) how the required corrections shall be accomplished;
- (b) who is the responsible person to monitor the correction is accomplished; and
- (c) the date the facility or agency will correct the violation.

(2) Within ten working days of receipt of the Plan of Correction, the Department shall make a determination as to the acceptability of the Plan of Correction.

(3) If the Department rejects the Plan of Correction, the Department shall notify the facility or agency of the reasons for rejection and may request a revised Plan of Correction or issue a Notice of Agency Action directing a Plan of Correction and imposing a deadline for the correction. If the Department requests a revised Plan of Correction, the facility or agency shall submit the revised Plan of Correction within 14 days of receipt of the Department request.

(4) If the facility or agency corrects the violation prior to submitting the Plan of Correction, the facility or agency shall submit a report of correction.

(5) If violations remain uncorrected after the time specified for completion in the Plan of Correction or if the facility or agency fails to submit a Plan of Correction as specified, the Department shall notify the facility or agency.

(6) Any person aggrieved by the agency action shall have the right to seek review under the provisions outlined in Rule R432-30, Adjudicative Proceedings.

(7) If a licensed ~~or unlicensed~~ health facility or agency is served with a Statement of Findings citing a Class I violation, the facility or agency shall correct the situation, condition, or practice constituting the Class I violation immediately, unless a fixed period of time is determined by the Department and is specified in the Plan of Correction.

(a) The Department shall conduct a follow-up inspection within 14 calendar days or within the agreed-upon correction period to determine correction of Class I violations.

(b) If a health facility or agency fails to correct a Class I violation as outlined in the accepted Plan of Correction, the Department ~~shall pursue~~ may issue sanctions or penalties ~~through a formal adjudicative proceeding as outlined in Rule R432-30~~.

(8) A facility or agency served with a Statement of Findings citing a Class II violation shall correct the violation within the time specified in the Plan of Correction or within a time-frame approved by the Department which does not exceed 60 days unless justification is provided in the accepted Plan of Correction.

(9) The Department may issue a conditional license or impose sanctions to the license or initiate a formal adjudicative proceeding to close the facility or agency if a facility or agency is cited with a Class II violation and fails to take required corrective action as outlined in Rule R432-30.

(10) The Department shall determine which sanction to impose by considering the following:

- (a) the gravity of the violation;
- (b) the effort exhibited by the licensee to correct violations;
- (c) previous facility or agency violations; and
- (d) other relevant facts.

~~[(11) The Department shall serve a facility or agency with a Statement of Findings for a Class III violation. A facility or agency cited for a Class III violation must file a Request for Agency Action/License Application form and pay the required licensing fee within 14 days of the receipt of the Class III Statement of Findings.~~

~~(a) The Statement of Findings may include the names of individuals residing in the facility who require services outside the scope of the proposed licensing category.~~

~~(b) The facility shall arrange for all individuals to be relocated if the facility is unable to meet the individuals' needs within the scope of the proposed license category.~~

~~(c) If the facility or facility fails to submit the Request for Agency Action/License Application as specified, the Department shall issue a written Notice of Agency Action ordering closure of the facility or agency.~~

~~(d) If the Executive Director determines that the lives, health, safety or welfare of the patients or residents cannot be adequately assured pending a full formal adjudicative proceeding, he may order immediate closure of the facility or agency under an emergency adjudicative proceeding, as outlined in Rule R432-30.]~~

R432-3-7. Sanction Action on License.

(1) The Department may initiate an action against a health facility or agency pursuant to Section 26-21-11. That action may include the following sanctions:

(a) denial or revocation of a license if the facility or agency fails to comply with the rules established by the Committee, or demonstrates conduct adverse to the public health, morals, welfare, and safety of the people of the state;

(b) restriction or prohibition on admissions to a health facility or agency for:

- (i) any Class I deficiency,
- (ii) Class II deficiencies that [~~indicate a pattern of care and~~]

have resulted in the substandard quality of care of patients,

(iii) repeat Class I or II deficiencies that demonstrate continuous noncompliance or chronic noncompliance with the rules, or

(iv) permitting, aiding, or abetting the commission of any illegal act in the facility or agency;

(c) distribution of a notice of public disclosure to at least one newspaper of general circulation or other media form stating the violation of licensing rules or illegal conduct permitted by the facility or agency and the Department action taken;

(d) placement of Department employees or Department-approved individuals as monitors in the facility or agency until such time as corrective action is completed or the facility or agency is closed;

(e) assessment of the cost incurred by the Department in placing the monitors to be reimbursed by the facility or agency;

(f) during the correction period, placement of a temporary manager to ensure the health and safety of the patients; [~~or~~]

(g) issuance of a civil money penalty pursuant to UCA 26-23-6, not to exceed the sum of \$10,000 per violation; or

(h) issuance of a conditional license.

(2) If the Department imposes a restriction or prohibition on admissions to a [~~long-term~~]health care facility or agency, the Department shall send a written notice to the licensee.

(a) The licensee shall post the copies of the notice on all public entry doors to the licensed [~~long-term~~]health care facility or agency.

(b) The Department [~~shall~~]may impose the restriction or prohibition if:

(i) the [~~long-term~~]health care facility or agency has previously received a restriction or prohibition on admissions within the previous 24 month period; or

(ii) the [~~long-term~~]health care facility or agency has failed to meet the timeframes in the Plan of Correction which is the basis for the restriction or prohibition on admissions; or

(iii) circumstances in the facility or agency indicate actual harm, a pattern of harm, or a serious and immediate threat to patients.

~~[(3) If telephone inquiries are made to a long-term care facility or agency with a restriction or prohibition on admissions, the facility or agency shall inform the caller, during the call, about the restriction or prohibition on admissions. If the facility or agency fails to inform the caller, the department may assess penalties as allowed by statute and shall require the facility or agency to post a written notice on all public entry doors.]~~

R432-3-8. Immediate Closure of Facility.

(1) The Department may order the immediate closure of any licensed or unlicensed health facility or agency when the health, safety, or welfare of the patients or residents cannot be assured pending a full formal adjudicative proceeding.

(2) The provisions for an emergency adjudicative proceeding as provided in section [~~63-46-20~~]63G-4-502 shall be followed.

(3) If the Department determines to close a facility or agency, it shall serve an order that the facility or agency is ordered closed as of a given date. The order shall:

(a) state the reasons the facility is ordered closed;

(b) cite the statute or rule violated; and

(c) advise as to the commencement of a formal adjudicative proceeding in accordance with this rule.

(4) The Department may maintain an action in the name of the state for injunction or other process against the health facility or agency which disobeys a closure order as provided in section 26-21-15.

(5) The Department may assist in relocating patients or residents to another licensed facility or agency.

(6) The Department may pursue other lesser sanctions in lieu of the closure order.

(7) The Department may, in addition to emergency closure, seek criminal penalties.

[R432-3-9. Mandatory License Revocation:

~~(1) The Department may revoke a license or refuse to renew a license for a health care facility that is in chronic noncompliance with one or more of the rule requirements identified as mandatory license revocation criteria in the rules specific to the facility or agency licensing category.~~

~~(2) The Department may not revoke a license or refuse to renew a license for chronic noncompliance on the third or subsequent violation unless it has documented within 14 working days from~~

receipt of the Statement of Findings two prior violations and given the licensee or facility administrator a written warning notice. The written notice shall include a statement that continued violation could result in revocation of the license.

~~(3) If the Department revokes the license because of chronic noncompliance and the evidence supports the Department's finding of chronic noncompliance, no lesser sanction may be substituted, either by the Department or upon subsequent review by the Health Facility Committee or the courts.]~~

R432-3-1[0]1. Alternative Remedies for Nursing Facilities.

(1) The department conducts on-site inspections of nursing facilities to determine compliance with state and federal nursing home requirements. When the department finds that a nursing facility is out of compliance with requirements of participation, the department may ~~[apply]~~ recommend to CMS or the state Medicaid agency the imposition of remedies, including Federal civil money penalties (CMP) to compel the facility to implement corrective measures to achieve compliance.

(2) For Medicare and/or Medicaid certified nursing facilities the authority to apply the remedies described in this section is defined in the federal Omnibus Budget Reconciliation Act (OBRA) of 1987 (P.L. 100-203), which mandates compliance with requirements for participation in the program ~~[, and in Section 26-18-3 of the Utah Code Annotated 1953].~~ Section 1819(h) and 1919(h) of the Social Security Act specifies remedies available to ~~[a]~~ CMS or the state Medicaid agency when a skilled nursing facility (SNF) or nursing facility (NF) is out of compliance with the participation requirements. ~~The available remedies are intended to compel facilities to [is section requires the state to ensure] prompt compliance with participation requirements or be subject to termination from the Medicare or Medicaid program[, and it further specifies that the available remedies are in addition to other remedies available under state or federal law and, except for Federal CMP, are imposed prior to the conduct of a hearing].~~

(3) This rule establishes criteria for the imposition of remedies authorized by statute.

(4) The department adopts and incorporates by reference the regulations in 42 CFR, Part 488-Survey, Certification, and Enforcement Procedures, as amended in the Federal Register for ~~[November 10, 1994]~~ October 4, 2016, ~~[59 FR 56237]~~ 81 FR 68688. Remedies available for non-compliance with one or more participation requirements may include:

- (a) temporary management;
- (b) denial of payment for new admissions;
- (c) transfer of residents;
- (d) closure of the facility and transfer of residents;
- (e) directed plan of correction;
- ~~(f) directed inservice training;~~
- ~~(g) state monitoring; and~~
- ~~([f]h) Civil Money Penalties.~~ Civil Money Penalties may be imposed for either:

(i) the number of days a facility is out of compliance with one or more participation requirements; or

(ii) for each instance that a facility is not in substantial compliance.

(5) Interest shall be assessed on the unpaid balance of the Federal CMP, beginning on the due date. The interest rate charged shall be the average of the bond equivalent of the weekly 90-day U.S.

Treasury bill auction rates during the period for which interest will be charged.

(6) ~~[Disposition of Federal CMP Collected:~~

~~(a) The department shall deposit Federal CMP and corresponding interest collected from Medicaid certified facilities in the General Fund in accordance with Section 26-18-3(5).~~

~~(b) Federal CMP collected by the department must be applied in accordance with Section 1819 and 1919 of the act for the protection of the health and property of residents.~~

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: ~~[December 6, 2016]~~ 2018

Notice of Continuation: January 29, 2018

Authorizing, and Implemented or Interpreted Law: 26-21-5; 26-21-14 through 26-21-16

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

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43003

FILED: 06/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to modify this rule to allow fingerprinting of applicants under the age of 18, clarify the types of deniable charges and convictions, and to make technical changes that match the current process for background screening for licensed health care facilities. The Health Facility Committee reviewed and approved this rule amendment on 05/09/2018. H.B. 89 from the 2018 General Session allows fingerprinting of applicants under the age of 18.

SUMMARY OF THE RULE OR CHANGE: This rule amendment modifies this rule to allow fingerprinting of applicants under the age of 18 as per the statute changes from H.B. 89 (2018). It also clarifies the types of deniable charges and convictions to allow direct patient access and makes technical changes that match the current process for background screenings for licensed health care facilities.

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

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** The state government background screening process was thoroughly reviewed. This proposed

rule amendment could lead to fewer staff hours required as applicants under 18 may be fingerprinted which requires staff to process the applicant once instead of twice, however, with all the variables this is an inestimable benefit to the state budget.

◆ LOCAL GOVERNMENTS: Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments revenues or expenditures.

◆ SMALL BUSINESSES: After conducting a thorough analysis, it was determined that this rule amendment could lead to a small benefit for small business licensed health care facilities as it may require less man hours to process background screenings as they will no longer be required to resubmit information once an employee turns 18, however, with all the variables this is an inestimable benefit. There are 553 small businesses (NAICS codes used - Homes for the Elderly 623312, Nursing Care Facilities 623110, Home Health 621610 and End Stage Renal Disease).

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to other persons because this amendment modifies health care facility requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to affected persons because this amendment modifies health care facility requirements and therefore, would not add any compliance costs to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be a fiscal benefit to businesses through a savings of personnel time and effort to process background screenings for employees and applicants for employment with direct access to patient care.

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

HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 LICENSING
 3760 S HIGHLAND DR
 SALT LAKE CITY, UT 84106
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Carmen Richins by phone at 801-273-2802, by FAX at 801-274-0658, or by Internet E-mail at carmenrichins@utah.gov
 ◆ Joel Hoffman by phone at 801-273-2804, by FAX at 801-274-0658, or by Internet E-mail at jhoffman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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

There are 57 non-small business (NAICS codes used - Homes for the Elderly 623312, Nursing Care Facilities 623110, Home Health 621610 and End Stage Renal Disease).

After conducting a thorough analysis, it was determined that this rule amendment could lead to a small benefit for non-small business Licensed health care facilities as it may require less man hours to process background

screenings as they will no longer be required to resubmit information once an employee turns 18, however, with all the variables, this is an inestimable benefit.

The Department of Health Executive Director Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

R432. Health, Family Health and Preparedness, Licensing.

R432-35. Background Screening -- Health Facilities.

R432-35-4. Covered Provider - Direct Access Clearance System Process.

(1) Utah Code, Title 26, Chapter 21, Part 2 requires that a covered provider enter required information into the Direct Access Clearance System to initiate a clearance for each covered individual prior to issuance of a provisional license, license renewal or engagement as a covered individual.

(2) The covered provider must ensure that the engaged covered individual:

(a) Signs a criminal background screening authorization form which must be available for review by the department; and

(b) Submits fingerprints within 15 working days of engagement.

(3) The covered provider must ensure the Direct Access Clearance System reflects the current status of the covered individual within 5 working days of the engagement or termination.

(4) A covered provider may provisionally engage a covered individual while direct patient access clearance is pending.

(5) If the Department determines an individual is not eligible for direct patient access, based on information obtained through the Direct Access Clearance System, the Department shall send a Notice of Agency Action to the covered provider and the individual explaining the action and the individual's right of appeal as defined in R432-30.

(6) A covered provider may not allow a covered individual who has been determined to be not eligible for direct patient access to be engaged in a position with direct patient access.

(7) The Department may allow a covered individual direct patient access with conditions, during an appeal process, if the covered individual can demonstrate the work arrangement does not pose a threat to the safety and health of patients or residents.

~~(7) A covered provider that provides services in a residential setting must enter required information into the Direct Access Clearance System to initiate and obtain a clearance for all individuals 12 years of age and older, who are not residents, and reside in the residential setting. If the individual is not eligible for clearance as defined in R432-35-8, the Department may revoke an existing license or deny licensure for healthcare services in the residential setting.~~

~~(8) Covered individuals under the age of 18 are not required to submit fingerprints as part of the Direct Access Clearance process. Covered individuals, while engaged with a covered provider, are required to submit fingerprints within 15 working days of their 18th birthday.]~~

(9) Covered providers requesting to renew a license as a health care facility must ~~enter required information into~~ utilize the Direct Access Clearance System to run a verification report and verify that each covered individual's information is correct, including:

(a) employment status;

(b) address; and

~~(c) name [initiate and obtain a clearance for each covered individual].~~

(10) Individuals or covered individuals requesting to be licensed as a covered provider must submit required information to the Department to initiate and obtain a clearance prior to the issuance of the provisional license. If the individuals are not eligible for clearance as defined in R432-35-8, the Department may revoke an existing license or deny licensure as a health care facility.

R432-35-5. Covered Contractor - Direct Access Clearance System Process.

(1) Utah Code, Title 26, Chapter 21, Part 2 requires that a covered contractor enter required information into the Direct Access Clearance System to initiate a clearance for each covered individual prior to being supplied by contract to a covered provider.

(2) A covered contractor must ensure that the covered individual, being supplied by contract to a covered provider:

(a) Signs a criminal background screening authorization form which must be available for review by the department; and

(b) Submits fingerprints within 15 working days of placement with a covered provider.

(3) The covered contractor must ensure the Direct Access Clearance System reflects the current status of the covered individual within 5 working days of placement or termination.

(4) A covered contractor may provisionally supply a covered individual to a covered provider while clearance is pending.

(5) If the Department determines an individual is not eligible for direct patient access, based on information obtained through the Direct Access Clearance System, the Department shall send a Notice of Agency Action to the covered contractor and the individual explaining the action and the individual's right of appeal as defined in R432-30.

(6) A covered contractor may not supply to a covered provider a covered individual who has been determined to be not eligible to have direct patient access.

(7) The Department may allow a covered individual direct patient access with conditions, during an appeal process, if the covered individual can demonstrate the work arrangement does not pose a threat to the safety and health of patients or residents.

~~(7) Covered individuals under the age of 18 are not required to submit fingerprints as part of the Direct Access Clearance process. Covered individuals, while engaged with a covered contractor, are required to submit fingerprints within 15 working days of their 18th birthday.]~~

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

(1) ~~Criminal~~ Convictions or Pending Charges

(a) As required by Utah Code Subsection 26-21-204, if an individual or covered individual has been convicted, has pleaded no contest, or is subject to a plea in abeyance or diversion agreement, for the following offenses, they may not have direct patient access:

(i) any felony or class A conviction under Utah ~~Criminal~~ Code.

(ii) any felony, class A or B conviction under Utah Criminal Code 76-6-106(2)(b)(i)(A) Criminal Mischief - Human Life;

(iii) any felony or class A, B or C conviction under [Title 76, Chapter 5 Offenses Against the Person, Utah Criminal Code;

(iii) any felony or class A conviction under Title 76, Chapter 6, Offenses Against Property, Utah Criminal Code;

~~(iv) any felony or class A conviction under Title 76, Chapter 6a, Pyramid Schemes, Utah Criminal Code;~~

~~(v) any felony or class A conviction under Title 76, Chapter 8, Offenses Against the Administration of Government, Utah Criminal Code;~~

~~(vi) any felony or class A conviction under Title 76, Chapter 9, Offenses Against Public Order and Decency, Utah Criminal Code;~~

~~(vii) any felony or class A, B or C conviction under [the following Utah [Criminal]Codes:~~

~~(A) 76-4 Enticement of a Minor;~~

~~(B) 76-5 Offenses Against the Person;~~

~~(C) 76-9-301.8, Bestiality;~~

~~(D) 76-9-702 to 702.5 Lewdness - Sexual Battery - Public urination - Lewdness Involving Child - Voyeurism offenses;~~

~~(E) 76-10-1201 to 1229.5, Pornographic and Harmful Materials and Performances;~~

~~(F) 76-10-1301 to 1314, Prostitution; and~~

~~(G) 62A-3-305 failure to report suspected abuse, neglect, or exploitation of a vulnerable adult, [76-9-301.8, Bestiality;~~

~~(B) 76-9-702, Lewdness - Sexual Battery - Public urination; and~~

~~(C) 76-9-702.5, Lewdness Involving Child.~~

~~(viii) any felony or class A conviction under Title 76, Chapter 10, Offenses Against Public Health, Welfare, Safety and Morals, Utah Criminal Code;~~

~~(ix) any felony or class A, B or C conviction under the following Utah Criminal Codes:~~

~~(A) 76-10-1201 to 1229.5, Pornographic and Harmful Materials and Performances; and~~

~~(B) 76-10-1301 to 1314, Prostitution;~~

~~(x) any felony or class A conviction under Utah Criminal Code 76-10-2301, Contributing to the Delinquency of a Minor;]~~

(b) As required by Utah Code Subsection 26-21-204, if an individual or covered individual has a warrant for arrest or an arrest for any of the identified offenses in R432-35-8(1)(a), the department may deny clearance based on:

(i) the type of offense;

(ii) the severity of offense; and

(iii) potential risk to patients or residents.

(2) Juvenile Records

(a) As required by Utah Code Subsection 26-21-204(4)(a)

(ii)(E), juvenile court records shall be reviewed if an individual or covered individual is:

(i) under the age of 28; or

(ii) over the age of 28 and has convictions or pending charges identified in R432-35-8(1)(a).

(b) Adjudications by a juvenile court may exclude the individual from direct patient access if the adjudications refer to an act that, if committed by an adult, would be a felony or a misdemeanor.

(3) Non-Criminal Records

(a) As required by Utah Code Subsection 26-21-204(3), the Department may review findings from the following sources to determine whether an individual or covered individual should be granted or retain direct patient access:

(i) the Department of Human Services' Division of Child and Family Services Licensing Information System described in Section 62A-4a-1006;

(ii) child abuse or neglect findings described in Section 78A-6-323;

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

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

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

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

(4) Review of Relevant Information

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

(i) types and number;

(ii) passage of time;

(iii) surrounding circumstances;

(vi) intervening circumstances; and

(v) steps taken to correct or improve.

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

KEY: health care facilities, background screening

Date of Enactment or Last Substantive Amendment: [January 27, 2015]2018

Notice of Continuation: January 29, 2018

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

Health, Family Health and Preparedness, Licensing R432-270 Assisted Living Facilities

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 43002

FILED: 06/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to modify this rule regulating the new discharge notification process for licensed assisted living facilities. The Health Facility Committee reviewed and approved this rule amendment on 05/09/2018. This amendment was required by H.B. 263 from the 2018 General Session.

SUMMARY OF THE RULE OR CHANGE: This amendment is to modify this rule to include the new discharge Ombudsman notification process for licensed assisted living facilities. This amendment was required by H.B. 263 (2018).

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

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: The state government assisted living facility survey process was thoroughly reviewed. This proposed rule amendment could lead to increased health care facility deficiencies, however, with all the variables within the survey process, and the facility practices, this is an inestimable benefit.

◆ LOCAL GOVERNMENTS: Local government city business licensing requirements were considered. This proposed rule amendment should not impact local governments revenues or expenditures.

◆ SMALL BUSINESSES: After conducting a thorough analysis, it was determined that this rule amendment could lead to increased costs for small business licensed assisted living facilities as it may result in increased man hours and sanctions, however, with all the variables within the survey process, and the facility practices, this is an inestimable cost. There are 141 small businesses (NAICS codes used - Homes for the Elderly 623312).

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: After conducting a thorough analysis, it was determined that this rule amendment will not result in a fiscal impact to persons because this amendment modifies health care facility requirements and therefore, would not add any costs for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to affected persons because this amendment modifies health care facility requirements and therefore, would not add any compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be a fiscal impact to businesses if there is an increase in sanctions for violation of this rule.

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

HEALTH
 FAMILY HEALTH AND PREPAREDNESS,
 LICENSING
 3760 S HIGHLAND DR
 SALT LAKE CITY, UT 84106
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Carmen Richins by phone at 801-273-2802, by FAX at 801-274-0658, or by Internet E-mail at carmenrichins@utah.gov
 ◆ Joel Hoffman by phone at 801-273-2804, by FAX at 801-274-0658, or by Internet E-mail at jhoffman@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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

There are four non-small business (NAICS codes used - Homes for the Elderly 623312).

After conducting a thorough analysis, it was determined that this rule amendment could lead to increased costs for non-small business licensed health care facilities as it may result in increased man hours and sanctions, however, with all the variables within the survey process, and the facility practices, this is an inestimable cost.

The Department of Health Executive Director Joseph K. Miner, MD, has reviewed and approved this fiscal analysis.

R432. Health, Family Health and Preparedness, Licensing.**R432-270. Assisted Living Facilities.****R432-270-3. Definitions.**

- (1) The terms used in these rules are defined in R432-1-3.
- (2) In addition:
- (a) "Assessment" means documentation of each resident's ability or current condition in the following areas:
- (i) memory and daily decision making ability;
 - (ii) ability to communicate effectively with others;
 - (iii) physical functioning and ability to perform activities of daily living;
 - (iv) continence;
 - (v) mood and behavior patterns;
 - (vi) weight loss;
 - (vii) medication use and the ability to self-medicate;
 - (viii) special treatments and procedures;
 - (ix) disease diagnoses that have a relationship to current activities of daily living status, behavior status, medical treatments, or risk of death;
 - (x) leisure patterns and interests;
 - (xi) assistive devices; and
 - (xii) prosthetics.
- (b) "Activities of daily living (ADL)":
- (i) means those personal functional activities required for an individual for continued well-being, including:
- (A) personal grooming, including oral hygiene and denture care;
 - (B) dressing;
 - (C) bathing;
 - (D) toileting and toilet hygiene;
 - (E) eating/nutrition;
 - (F) administration of medication; and
 - (G) transferring, ambulation and mobility.
- (ii) are divided into the following levels:
- (A) "Independent" means the resident can perform the ADL without help.
- (B) "Assistance" means the resident can perform some part of an ADL, but cannot do it entirely alone.
- (C) "Dependent" means the resident cannot perform any part of an ADL; it must be done entirely by someone else.
- (c) Certification in Cardiopulmonary Resuscitation (CPR) refers to certification issued after completion of a course that is consistent with the most current version of the American Heart Association Guidelines for Health Care Provider CPR.
- (d) "Home-like" as used in statute and this rule means a place of residence which creates an atmosphere supportive of the resident's preferred lifestyle. Home-like is also supported by the use of residential building materials and furnishings.

(e) "Hospice patient" means an individual who is admitted to a hospice program or agency.

(f) "Legal representative" means an individual who is legally authorized to make health care decisions on behalf of another individual.

(g) "Monitoring device":

(i) means a video surveillance camera or a microphone or other device that captures audio; and

(ii) does not include:

(A) a device that is specifically intended to intercept wire, electronic, or oral communication without notice to or the consent of a party to the communication; or

(B) a device that is connected to the Internet or that is set up to transmit data via an electronic communication.

(h) "Licensed health care professional" means a registered nurse, physician assistant, advanced practice registered nurse, or physician licensed by the Utah Department of Commerce who has education and experience to assess and evaluate the health care needs of the resident.

(i) "Responsible person" means an individual who:

(i) is designated in writing by a resident to receive communication on behalf of the resident; or

(ii) a legal representative.

(j) "Self-direct medication administration" means the resident can:

(i) recognize medications offered by color or shape; and

(ii) question differences in the usual routine of medications.

(k) "Service Plan" means a written plan of care for services which meets the requirements of R432-270-13.

(l) "Services" means activities which help the residents develop skills to increase or maintain their level of psycho-social and physical functioning, or which assist them in activities of daily living.

(m) "Significant change" means a major change in a resident's status that is self-limiting or impacts on more than one area of the resident's health status.

(n) "Significant assistance" means the resident is unable to perform any part of an ADL and is dependent upon staff or others to accomplish the ADL as defined in R432-270-3(2)(b).

(o) "Social care" means:

(i) providing opportunities for social interaction in the facility or in the community; or

(ii) providing services to promote independence or a sense of self-direction.

(p) "Unit" means an individual living space, including living and sleeping space, bathroom, and optional kitchen area.

R432-270-11. Transfer or Discharge Requirements.

(1) A resident may be discharged, transferred, or evicted for one or more of the following reasons:

(a) The facility is no longer able to meet the resident's needs because the resident poses a threat to health or safety to self or others, or the facility is not able to provide required medical treatment.

(b) The resident fails to pay for services as required by the admission agreement.

(c) The resident fails to comply with written policies or rules of the facility.

(d) The resident wishes to transfer.

(e) The facility ceases to operate.

(2) Prior to a facility initiated transfer~~[ing]~~ or discharge~~[ing]~~ of a resident, the facility shall serve a transfer or discharge notice upon the resident and the resident's responsible person.

(a) The notice shall be either hand-delivered or sent by certified mail.

(b) The notice shall be made at least 30 days before the day on which the facility plans to transfer or discharge the resident, unless:

(i) ~~[except that the] notice for a shorter period of time is necessary to protect~~~~[may be made as soon as practicable before transfer or discharge if]~~:

(i) ~~A) the safety [or health] of individuals in the facility from endangerment due to the medical or behavioral status of the resident~~~~[persons in the facility is endangered];~~~~[or]~~

(ii) ~~B) the health of the individuals in the facility from endangerment due to the resident's continued residency;~~

(C) an immediate transfer or discharge is required by the resident's urgent medical needs~~[-];~~~~or~~

(D) ~~the resident has not resided in the facility for at least 30 days.~~

(3) The notice of transfer or discharge shall:

(a) be in writing with a copy placed in the resident file;

(b) be phrased in a manner and in a language that is most likely to be understood by the resident and the resident's responsible person~~[can understand]~~;

(c) detail the reasons for transfer or discharge;

(d) state the effective date of transfer or discharge;

(e) state the location to which the resident will be transferred or discharged, if known;

(f) state that the resident may request a conference to discuss the transfer or discharge; and

(g) contain the following information:

(i) ~~[for facility residents who are 60 years of age or older,]~~ the name, mailing address, email address and telephone number of the State Long Term Care Ombudsman;

(ii) for facility residents with developmental disabilities, the mailing address and telephone number of the agency responsible for the protection and advocacy of developmentally disabled individuals established under part C of the Developmental Disabilities Assistance and Bill of Rights Act; and

(iii) for facility residents who are mentally ill, the mailing address and telephone number of the agency responsible for the protection and advocacy of mentally ill individuals established under the Protection and Advocacy for Mentally Ill Individuals Act.

(4) The facility shall:

(i) update the transfer or discharge notice as soon as practicable before the transfer or discharge if information in the notice changes before the transfer or discharge;

(ii) orally explain to the resident, the services available through the ombudsman and the contact information for the ombudsman;

(iii) send a copy, in English, of the notice described in Subsection (2) to the State Long Term Care Ombudsman;

(A) on the same day on which the facility delivers the notice described in Subsection (2) to the resident and the resident's responsible person; and

(B) provide the notice described in Subsection (2) at least 30 days before the day on which the resident is transferred or discharged, unless notice for a shorter period of time is necessary to

protect the safety of individuals in the facility from endangerment due to the medical or behavioral status of the resident.

(5) The facility shall provide and document the provisions of~~[sufficient]~~ preparation and orientation, in a language and manner the resident is most likely to understand, for ~~[to]~~ a resident to ensure a safe and orderly transfer or discharge from the facility.

(6) The resident or the resident's responsible person may contest a transfer or discharge. If the transfer or discharge is contested, the facility shall provide an informal conference, except where undue delay might jeopardize the health, safety, or well-being of the resident or others.

(a) The resident or the resident's responsible person must request the conference within five calendar days of the day of receipt of notice of discharge to determine if a satisfactory resolution can be reached.

(b) Participants in the conference shall include the facility representatives, the resident or the resident's responsible person, and any others requested by the resident or the resident's responsible person.

(7) In the event of a facility closure, provide written notification of the closure to the State Long Term Care Ombudsman, each resident of the facility, and each resident's responsible person.

(8) The facility may not discharge a resident for the sole reason that the resident or the resident's legal representative requests to install or operate a monitoring device in the individual's room in accordance with UCA Section 26-21-304.

KEY: health care facilities

Date of Enactment or Last Substantive Amendment: ~~[November 1, 2017]~~**2018**

Notice of Continuation: April 10, 2014

Authorizing, and Implemented or Interpreted Law: 26-21-5; 26-21-1

Insurance, Administration R590-160 Administrative Proceedings

NOTICE OF PROPOSED RULE

(Repeal and Reenact)

DAR FILE NO.: 43000

FILED: 06/14/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being repealed and reenacted to update the Department of Insurance's (Department) adjudicative proceeding procedures to more closely mirror the Utah Administrative Procedures Act (UAPA) and the Utah Rules of Civil Procedure.

SUMMARY OF THE RULE OR CHANGE: This rule governs the Department's procedures in administrative proceedings under UAPA. Most of these changes do not change current procedures. Instead, these changes make the procedures easier to understand and to comply with. For example,

jargon is eliminated, definitions are clarified, rules applicable to representation, appearances and recording hearings are simplified, and pleading requirements are minimized. As to substantive changes, the standard of proof is clarified (preponderance of the evidence) and a burden of proof is established (burden lies with proponent).

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 31A-2-201(3)(a) and Subsection 63G-4-102(6) and Subsection 63G-4-203(1) and Title 63G, Chapter 4

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. These changes merely update the procedures the Department follows when administering an adjudicative proceeding.
- ◆ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local governments. These changes merely update the procedures the Department follows when administering an adjudicative proceeding.
- ◆ SMALL BUSINESSES: There is no anticipated cost or savings to small businesses. These changes merely update the procedures the Department follows when administering an adjudicative proceeding.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: There is no anticipated cost or savings to any other persons. These changes merely update the procedures the Department follows when administering an adjudicative proceeding.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for any affected persons. These changes merely update the procedures the Department follows when administering an adjudicative proceeding.

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:
 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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Steve Gooch, Information Specialist

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

This repeal and reenactment of Rule R590-160 is not expected to have any fiscal impacts on large businesses revenues or expenditures, because these changes only affect the procedures the Insurance Department follows when administering an adjudicative proceeding.

The head of the Insurance Department, Todd E. Kiser, has reviewed and approved this fiscal analysis.

R590. Insurance, Administration.

[R590-160. Administrative Proceedings.

R590-160-1. Authority.

— This rule is promulgated by the Insurance Commissioner under the general authority granted under Subsection 31A-2-201(3)(a), and, Subsection 63G-4-102(6), Subsection 63G-4-203(1) and other applicable sections of Chapter 4 of Title 63G providing for rules governing adjudicative proceedings.

R590-160-2. Purpose and Scope.

— (a) Purpose: This rule establishes procedures governing the designation and conduct of adjudicative proceedings before the insurance commissioner or the commissioner's designee.

— (b) Public hearings under Section 63G-3-302 are not covered by this rule.

— (2) Scope: This rule applies to all licensees and non-licensees involved in the business of insurance in Utah.

R590-160-3. Definitions.

— For the purposes of this rule, the commissioner adopts the definitions as set forth in Section 63G-4-103 and the following:

— (1) "Complainant" is the Utah Insurance Department in all actions against a licensee or other person who has been alleged to have committed any act or omission in violation of the Utah Insurance Code or Rules, or order of the commissioner.

— (2) "Department Representative" means the person who will represent the interests of the Utah Insurance Department, including its attorney, in any administrative action before the commissioner.

— (3) "Existing Disability" means any suspension, revocation or limitation of a license or certificate of authority or any limitation on a right to apply to the department for a license or certificate of authority.

— (4) "Intervenor" means a person permitted to intervene in a proceeding before the commissioner.

— (5) "Petitioner" is a person seeking agency action.

— (6) "Staff" means the Insurance Department staff. The staff shall have the same rights as a party to the proceedings.

R590-160-4. Designations of Proceedings.

— (1) All actions pursuant to initial determinations upon applications for a license or a certificate of authority, or any petition to remove an existing disability, or an order disapproving a rate or prohibiting the use of a form, are designated as informal adjudicative proceedings.

— (2) A proceeding may be commenced as an informal proceeding by the department when it appears to the department that no disputed issues may exist or in matters of technical or minor violation of the code or rules.

— (3) Any proceeding may be converted from a formal proceeding to an informal proceeding or from an informal proceeding to a formal proceeding upon motion of a party or sua sponte by the presiding officer, subject to the provisions of Subsection 63G-4-202(3).

R590-160-5. Rules Applicable to All Proceedings.

— (1) Liberal Construction. These rules shall be liberally construed to secure just, speedy and economical determination of all issues presented to the commissioner.

— (2) Deviation from Rules. The commissioner or presiding officer may permit a deviation from these rules insofar as compliance is found to be impracticable or unnecessary or for other good cause.

— (3) Computation of Time. The time within which any act shall be done, as herein provided, shall be computed by excluding the first day and including the last unless the last day is a Saturday, Sunday or a legal holiday, and then it is excluded and the period runs until the end of the next day that is not a Saturday, Sunday, or a legal holiday.

— (4) Parties.

— (a) Parties to a proceeding before the commissioner may be:

— (i) Any person, including the Insurance Department, who has a statutory right to be a party or any person who has a legally protected interest or right in the subject matter that may be affected by the proceeding.

— (ii) Any person may become an intervening party when it is established to the satisfaction of the commissioner or presiding officer that the person has a substantial interest in the subject matter of the proceeding and that intervention will be relevant and material to the issues before the commissioner;

— (iii) The Insurance Department staff;

— (iv) Other persons permitted by the commissioner or presiding officer.

— (b) Classification. Participants in a proceeding shall be styled "applicants", "petitioners", "complainants", "respondents", or "interveners", according to the nature of the proceeding and the relation of the parties thereto.

— (5) Appearances and Representation.

— (a) Making an Appearance. A party enters an appearance by filing an initial pleading or an initial response to a notice of agency action at the beginning of the proceeding, giving the party's name, address, telephone number, and stating the party's position or interest in the proceeding.

— (b)(i) Representation of Parties. An attorney who is an active member of the Utah State Bar may represent any party. An individual who is a party to a proceeding may represent himself or herself. An officer duly authorized by corporate resolution may represent a corporation. A general partner may represent a partnership, and a member or manager may represent a limited liability company.

— (ii) An attorney licensed to practice in another jurisdiction in the United States may apply to appear pro hac vice to represent any party in a particular matter by filing a Motion to Appear Pro Hac Vice. A Motion to Appear Pro Hac Vice shall be served on all parties and shall contain:

— (A) the name, address, telephone number, fax number, email address, bar identification number(s), and state(s) of admission of the applicant;

— (B) the name and number of the case in which the applicant is seeking to appear as the attorney of record or, if the case has not yet been filed, a description of the parties;

— (C) a statement whether, in any state, the applicant is currently suspended or disbarred from the practice of law, or has been disciplined within the prior five years, or is the subject of any pending disciplinary proceeding;

~~_____ (D) the name, address, Bar identification number, telephone number, fax number and email address of a member of the Utah State Bar to serve as associate counsel; and~~

~~_____ (E) attach a Certificate of Good Standing from the licensing state in which the applicant resides.~~

~~_____ (iii) The presiding officer may issue an order allowing the applicant to appear Pro Hac Vice if it appears that the applicant is qualified and allowing the appearance would be in the interest of justice. The order allowing the applicant to appear may be revoked at any time if the attorney fails to comply with any order or direction of the presiding officer or engages in conduct contrary to the Rules of Professional Conduct. The presiding officer may require Utah counsel to appear at all hearings.~~

~~_____ (c) An attorney or other authorized representative authorized in Subsection R590-160-5(5)(b) above, if previous appearance has not been entered, shall file a Notice of Appearance with the commissioner or presiding officer no later than five days before any hearing at which the attorney or other authorized representative shall appear.~~

~~_____ (d) Insurance Department Staff. Members of the Insurance Department staff may appear either in support of or in opposition to any cause, or solely to discover and present facts pertinent to the issue.~~

~~_____ (6) Pleadings:~~

~~_____ (a) Pleadings Enumerated. Pleadings before the commissioner shall consist of petitions, complaints, requests for hearing, responsive pleadings, motions, stipulations, affidavits, memoranda, orders, or other notices used by the commissioner in initiating a proceeding.~~

~~_____ (b) Docket Number. Upon the commencement of an adjudicative proceeding, the commissioner shall assign a docket number to the proceeding.~~

~~_____ (c) Title. Pleadings before the commissioner shall be titled in substantially the following form:~~

~~_____ (i) Centered, heading: BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH;~~

~~_____ (ii) Left side, identification of parties: (COMPLAINANT;, RESPONDENT;, PETITIONER;, etc.);~~

~~_____ (iii) Right side, identification of type of action: (NOTICE OF HEARING, ORDER TO SHOW CAUSE, etc.);~~

~~_____ (iv) Right side, docket number.~~

~~_____ (d) Size and Content of Pleadings. Pleadings shall be typewritten, double-spaced on white 8-1/2 x 11-inch paper. They must identify the proceedings by title and docket number, if known, and shall contain a clear and concise statement of the matter relied upon as a basis for the pleading, together with an appropriate request for relief when relief is sought.~~

~~_____ (e) Amendments to Pleadings. The presiding officer may allow pleadings to be amended or corrected. Amendments to pleadings shall be allowed in accordance with the Utah Rules of Civil Procedure.~~

~~_____ (f) Signing of Pleadings. Pleadings shall be signed and dated by the party or by the party's attorney or other authorized representative and shall show the signer's address, telephone number, and email address, if available. The signature shall be deemed to be a certificate by the signer that the signer has read the pleading and that, to the best of the signer's knowledge and belief, there are good grounds in support of it.~~

~~_____ (g) Petitions. All pleadings praying for affirmative relief (other than applications, complaints, notices of adjudicative~~

~~proceedings, or responsive pleadings), including requests to intervene shall be styled "petitions."~~

~~_____ (h) Motions.~~

~~_____ (i) No proceeding before the commissioner may be initiated by a motion except in the case of a Motion for an Order to Show Cause.~~

~~_____ (ii) Motions, other than at a hearing, shall be in writing and submitted for ruling on either written or oral argument. The filing of affidavits in support of the motions or in opposition thereto may be permitted by the presiding officer. Oral motions may be allowed at a hearing at the discretion of the presiding officer.~~

~~_____ (iii) Any motion shall be filed at least ten days prior to the date set for the hearing.~~

~~_____ (7) Filing and Service.~~

~~_____ (a) A document shall be deemed filed on the date it is delivered to and stamped received by the department.~~

~~_____ (b) An original and one copy of any pleading shall be filed with the department and a copy served upon all other parties to the proceeding. The presiding officer may direct that a copy of all pleadings and other papers be made available by the party filing the same to any person requesting copies thereof who the presiding officer determines may be affected by the proceedings.~~

~~_____ (c) Service may be made upon any party or other person by ordinary mail, by certified mail with return receipt requested, in accordance with the Utah Rules of Civil Procedure, or by any person specifically designated by the commissioner. Service upon licensees, if by mail, shall be to the mailing address or other address on file with the department.~~

~~_____ (d) There shall appear on all documents required to be served a Certificate of Service or Certificate of Mailing in substantially the following form: I do hereby certify that on (date), I (served or mailed by regular mail or certified mail return receipt requested, postage prepaid) (the original/a true and correct copy) of the foregoing (document title) to (name and address), (signed).~~

~~_____ (e) When any party has appeared by attorney or other authorized representative, service upon the attorney or representative constitutes service upon the party.~~

~~_____ (8) Presiding Officers - Disqualification for Bias.~~

~~_____ (a) Any party to a proceeding may move for the disqualification of an assigned presiding officer by filing with the commissioner an Affidavit of Bias alleging facts sufficient to support disqualification.~~

~~_____ (b) The commissioner shall determine the issue of disqualification as a part of the record of the case, and may request and receive any additional evidence or testimony as deemed necessary to make this determination. The hearing will not proceed until the commissioner makes this determination. No appeal shall be taken from the commissioner's Order on the determination of disqualification for bias except as part of an appeal of a final agency action.~~

~~_____ (i) If the commissioner finds that a motion for disqualification was filed without a reasonable basis or good faith belief in the facts asserted, the commissioner may order that the offending party be subject to the appropriate sanctions as are authorized to be imposed by statute or this rule.~~

~~_____ (ii) When a presiding officer is disqualified or it becomes impractical for the presiding officer to continue, the commissioner shall appoint another presiding officer.~~

~~_____ (c) A presiding officer may at any time voluntarily disqualify himself or herself.~~

(9) ~~Ex Parte Contacts Prohibited.~~ Except as to matters that by law are subject to disposition on an ex parte basis, the commissioner and the presiding officer involved in a hearing shall not have ex parte contact with persons and parties, including staff members of the department appearing as parties to a proceeding, directly or indirectly involved in any matter that is the subject of a pending administrative proceeding unless all parties are given notice and an opportunity to participate.

(10) ~~Standard of Proof.~~ All issues of fact in administrative proceedings before the commissioner shall be decided upon the basis of a preponderance of the evidence standard.

R590-160-5.5. Electronic Filing and Service of Documents in Formal and Informal Proceedings.

(1) Filing with or service on the Commissioner or a presiding officer may be accomplished by sending a copy of the document in .pdf format to uidadmineases@utah.gov.

(2) Filing with or service on the Department may be accomplished by sending a copy of the document in .pdf format to the Department's current email address as set forth in a document filed by the Department in the subject proceeding.

(3) Filing with or service on a licensee may be accomplished by sending a copy of the document in .pdf format to the current email address provided by the licensee to the Department under Utah Code Subsection 31A-23a-412(1).

(4) Filing with or service on a party's representative may be accomplished by sending a copy of the document in .pdf format to the representative's current email address set forth in a document filed by the representative in the subject proceeding.

(5)(a) Documents electronically filed or served shall be signed by a party or its representative and shall contain a signed certificate stating the date of electronic filing or service.

(b) An electronically filed or served document may be signed using any lawfully recognized signature, including an electronic signature, which is any electronic symbol or other digital form adopted by the person with the intent to sign the document.

R590-160-6. Rules Applicable to Formal Proceedings.

Hearings.

(1) ~~Conduct of Hearing.~~ All hearings shall be conducted pursuant to the provisions of Section 63G-4-206.

(2) ~~Continuance.~~ If application is made to the presiding officer within a reasonable time prior to the date of hearing, upon proper notice to the other parties, the presiding officer may grant a motion for continuance or other change in the time and place of hearing, upon good cause shown. The presiding officer may also, for good cause, continue a hearing in process if such continuance will not substantially prejudice the rights of any party.

(3) ~~Public Hearings.~~ Unless ordered by the presiding officer for good cause, all hearings shall be open to the public.

(4) ~~Telephonic Testimony.~~ The presiding officer may, when the identity of a witness can be established with reasonable assurance, take testimony telephonically. Telephonic testimony shall be taken under conditions that permit all parties to hear the testimony and examine or cross-examine the witness. It shall be within the discretion of the presiding officer as to whether or not telephonic testimony shall be allowed.

(5) ~~Record of Hearing.~~

(a) ~~Transcript of Hearing.~~ Upon two days' notice, any party may request that, at the party's own expense, a certified shorthand reporter be used to record the proceedings. If such a transcript is made, the original transcript of the proceeding shall be filed with the commissioner at no cost to the commissioner. Parties wanting a copy of the certified shorthand reporter's transcript may purchase it from the reporter at the parties' own expense.

(b) ~~Recording Device.~~ Unless otherwise ordered, the record of the proceedings shall be made by means of a tape recorder or other recording device. A duplicate copy of the tape, or other recording, will be provided by the commissioner at the request and expense of any party, providing that a copy of any transcription of any portion of the record is simultaneously provided at no cost to the commissioner. Transcriptions shall be done by a certified shorthand reporter.

(6) ~~Subpoenas and Fees.~~

(a) ~~Subpoenas.~~ On the motion of the commissioner or the presiding officer, or at the request of any party for the production of evidence or the attendance of any person in a formal adjudicative proceeding, the commissioner or the presiding officer may issue a subpoena. Any subpoena so issued shall be served in accordance with the Utah Rules of Civil Procedure or by a person designated by the commissioner.

(b) ~~Witness Fees.~~ Each witness, other than department staff, who appears before the commissioner or the presiding officer shall be entitled to receive the same fees and mileage allowed by law to witnesses in a district court, to be paid by the party at whose request the witness is subpoenaed. Witnesses appearing at the request of the commissioner shall be entitled to payment from the funds appropriated for the use of the Insurance Department. Any witness subpoenaed at the request of a party other than the commissioner may, at the time of service of the subpoena, demand one day's witness fee and mileage in advance and unless such fee is tendered, that witness shall not be required to appear.

(7) ~~Discovery.~~ Discovery may be had as the parties may agree or pursuant to an order of the presiding officer.

(8) ~~At the close of the formal hearing,~~ the presiding officer shall issue an order based upon evidence presented in the hearing. The order shall be final on the date the order is issued unless otherwise provided in the order.

R590-160-7. Rules Applicable to Informal Proceedings.

(1) ~~An informal proceeding may be commenced by the department by issuing a Notice of Informal Proceeding and Order in cases when it appears to the department that no disputed issues exist or in matters of technical or minor violation of the code. The Order shall be based upon the information contained in the files of the department, or known to the commissioner, and shall constitute a "proposed order" that shall become final 15 days after delivery or mailing to the respondent unless a written request for a hearing is received in the offices of the department prior to the expiration of 15 days.~~

(2) ~~Failure to request a hearing in an informal adjudicative proceeding will be considered a failure to exhaust administrative remedies.~~

(3) ~~When a hearing is requested in an informal adjudicative proceeding, including a request for a hearing upon the denial of an application for a license or certificate of authority, or a petition to remove an existing disability, or an order disapproving a rate or prohibiting the use of a form, a Notice of Hearing shall be issued.~~

stating the matters to be decided and giving notice of the date, time and place of an informal hearing to be held.

(4) An informal hearing shall not be of record. At an informal hearing, the presiding officer may receive testimony, proffers of evidence, affidavits and arguments relating to the issues to be decided and may issue subpoenas requiring the attendance of witnesses or the production of necessary evidence.

(5) At the close of the informal hearing, the presiding officer shall issue an order based upon evidence in the department files and the evidence or proffers of evidence received at the informal hearing. The order shall be final on the date the order is issued unless otherwise provided in the order.

R590-160-8. Agency Review.

(1) Agency review of an administrative proceeding, except an informal proceeding that becomes final without a request for a hearing pursuant to subsection 7(2), shall be available to any party to such administrative proceeding by filing a petition for review with the commissioner within 30 days of the date the order is issued in that proceeding. Failure to seek agency review shall be considered a failure to exhaust administrative remedies.

(2) Petitions for Review shall be filed in accordance with Section 63G-4-301.

(3) Review shall be conducted by the commissioner or a person or persons designated by the commissioner, including members of department staff. If the review is conducted by other than the commissioner, the persons conducting the review shall recommend a disposition to the commissioner who shall make the final decision and shall sign the order.

(4) Content of a Request for Agency Review.

(a) The content of a request for agency review shall be in accordance with Subsection 63G-4-301(1)(b). The request for agency review shall include a copy of the order, which is the subject of the request.

(b)(i) A party requesting agency review shall set forth any factual or legal basis in support of that request; and

(ii) may include supporting arguments and citation to appropriate legal authority; and

(A) to the relevant portions of the record developed during the adjudicative proceeding if the administrative proceeding being reviewed is a formal proceeding; or

(B) to the relevant portions of the department's files if the administrative proceeding being reviewed is an informal proceeding.

(c) If a party challenges a finding of fact in the order subject to review, the party must demonstrate:

(i) based on the entire record, that the finding is not supported by substantial evidence if the administrative proceeding being reviewed is a formal proceeding; or

(ii) based on the department's files, that the finding is not supported by substantial evidence if the administrative proceeding being reviewed is an informal proceeding.

(d) A party challenging a legal conclusion must support its argument with citation to any relevant authority and also:

(i) cite to those portions of the record which are relevant to that issue if the administrative proceeding being reviewed is a formal proceeding; or

(ii) cite to those parts of the department's files which are relevant to that issue if the administrative proceeding being reviewed is an informal proceeding.

(e)(i) If the grounds for agency review include any challenge to a determination of fact or conclusion of law as unsupported by or contrary to the evidence, the party seeking agency review shall:

(A) order and cause a transcript of the record relevant to such finding or conclusion to be prepared if the administrative proceeding being reviewed is a formal proceeding. R590-160-6.(5)(b) shall govern as to acquisition of hearing tapes for preparation of such transcript; or

(B) reference in its request for agency review that no transcript or hearing tapes are available if the administrative proceeding being reviewed is an informal proceeding.

(ii) When a request for agency review is filed under the circumstances set forth under R590-160-8(4)(e)(i)(A), the party seeking review shall certify that a transcript has been ordered and shall notify the commissioner when the transcript will be available for filing with the department.

(iii) The party seeking agency review shall bear the cost of the transcript.

(iv) The commissioner may waive the requirement of preparation of a written transcript and permit citation to the electronic tape recording of such administrative proceeding upon appropriate motion and a showing of reasonableness where such citation would not be extensive and the costs and period of time in preparation of a written transcript would be unduly burdensome in relation thereto.

(f) Failure to comply with this rule may result in dismissal of the request for agency review.

(5) Request of Stay.

(a) Upon the timely filing of a request for agency review, the party seeking review may request that the effective date of the order subject to review be stayed pending the completion of review.

(b) The department may oppose the request for a stay in writing within 10 days from the date the stay is requested.

(c) In determining whether to grant a request for a stay, the commissioner shall review the request and any opposing memorandum, and the findings of fact, conclusions of law and order and determine whether a stay is in the best interest of the public. If the commissioner determines it is in the best interest of the public to issue a stay, the commissioner may:

(i) issue a stay, staying all or any part of the order pending agency review; or

(ii) issue a conditional stay by imposing terms, conditions or restrictions on a party pending agency review.

(d) The commissioner may also enter an interim order granting a stay pending a final decision on the request for a stay.

(6) Memoranda.

(a) The commissioner may order or permit the parties to file memoranda to assist in conducting agency review. Any memoranda shall be filed consistent with these rules or as otherwise governed by any scheduling order entered by the commissioner or the commissioner's designee.

(b)(i) When no transcript is available or if available has been deemed unnecessary and waived by the commissioner in accordance with R590-160-8(4)(e)(iv) to conduct agency review, any memoranda supporting a request for such review shall be concurrently filed with the request.

(ii) If a transcript is necessary to conduct agency review, any supporting memoranda shall be filed no later than 15 days after the filing of the transcript with the department.

~~_____ (c) Any response in opposition to a request for agency review and any memoranda supporting that response:~~

~~_____ (i) shall be filed no later than 15 days from the filing of the request for agency review when no transcript is available or necessary to conduct agency review; or~~

~~_____ (ii) shall be filed no later than 15 days from the filing of any subsequent memoranda supporting the request for agency review if a transcript is necessary to conduct agency review.~~

~~_____ (d) Any final reply memoranda in support of the request for agency review shall be filed no later than 5 days after the filing of a response to the request for agency review and any memoranda supporting that response.~~

~~_____ (7) Oral Argument.~~

~~_____ The request for agency review or the response thereto shall state whether oral argument is sought in conjunction with agency review. The commissioner may order or permit oral argument if the commissioner determines such argument is warranted to assist in conducting agency review.~~

~~_____ (8) Standard of Review.~~

~~_____ The standards for agency review correspond to the standards for judicial review of formal adjudicative proceedings, as set forth in Subsection 63G-4-403(4).~~

~~_____ (9) Order on Review.~~

~~_____ (a) The order on review shall comply with the requirements of Subsection 63G-4-301(6).~~

~~_____ (b) An Order on Review may affirm, reverse, or amend, in whole or in part, the previous order, or remand for further proceedings or hearing.~~

~~R590-160-9. Sanctions.~~

~~_____ In the course of any proceeding the commissioner or presiding officer may, by order, impose sanctions upon any party, parties, or their counsel for contemptuous conduct in the hearing or for failure to comply with this rule or any lawful order of the presiding officer or the commissioner. Sanctions may include deferral or acceleration of proceedings, exclusion of persons who cause disturbance of the proceeding, or imposition of special conditions upon further participation, including levy and payment of any forfeiture, special costs or expenses incurred by the commissioner or by a party as a result of noncompliance with this rule or lawful orders that were necessary to effective conduct of a proceeding. In case of persistent and intentional disregard of or noncompliance with this rule, rulings, or orders, sanctions may include resolution of designated issues against the position asserted by the offending party where the contemptuous conduct or noncompliance is found to have interfered with effective development of evidence bearing on those issues. If the conduct is by a representative of a party, sanctions may include the exclusion of that representative from matters before the commissioner.~~

~~R590-160-10. Enforcement Date.~~

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

~~R590-160-11. Severability.~~

~~_____ If any provision of this rule or its application to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of the provision to other persons or circumstances shall not be affected thereby.]~~

R590-160. Adjudicative Proceedings.

R590-160-1. Authority.

_____ This rule is promulgated by the commissioner pursuant to Subsections 31A-2-201(3)(a), 63G-4-102(6), 63G-4-203(1), and applicable provisions of Title 63G, Chapter 4, Administrative Procedures Act.

R590-160-2. Purpose.

_____ (1) This rule establishes procedures governing the designation and conduct of adjudicative proceedings before the presiding officer.

_____ (2) Public hearings pursuant to Section 63G-3-302 are not governed by this rule.

R590-160-3. Definitions.

_____ In addition to the definitions in Sections 31A-1-301 and 63G-4-103, the following definitions shall apply for the purpose of this rule:

_____ (1) "Complainant" means the Department in any action against a licensee or other person alleged to have committed a violation of statute, rule, or order of the commissioner.

_____ (2) "Department" means the Utah Insurance Department.

_____ (3) "Existing Disability" means:

_____ (a) any suspension, revocation or limitation of a license or certificate of authority; or

_____ (b) any limitation on a right to apply to the commissioner for a license or certificate of authority.

_____ (4) "Intervenor" means any person, not a party, permitted to intervene in a proceeding pursuant to Section 63G-4-207.

_____ (5) "Licensee" means any person who has been issued a license or certificate under Title 31A, Insurance Code.

_____ (6) "Petitioner" means any person, other than the Department, who commences an adjudicative proceeding and seeks agency action.

_____ (7) "Pleading" means any paper or document filed, in written or electronic form, in an adjudicative proceeding.

_____ (8) "Presiding officer" means the commissioner or a presiding officer appointed by the commissioner

_____ (9) "Respondent" means any person against whom an adjudicative proceeding is initiated.

R590-160-4. Designations of Proceedings.

_____ (1) Any of the following proceedings may be commenced as an informal adjudicative proceeding:

_____ (a) the Department's initial decision on an application for a license or a certificate of authority;

_____ (b) the Department's decision on a petition to remove an existing disability;

_____ (c) the Department's decision to disapprove a rate;

_____ (d) the Department's decision to disapprove a form;

_____ (e) when it appears to the Department that the matter may have no issues;

_____ (f) when it appears to the Department that the matter involves technical or minor violations of law; or

_____ (g) proceedings for the purpose of entering stipulated findings of fact, conclusions of law and orders.

_____ (2) A complainant may commence an informal or formal adjudicative proceeding pursuant to this rule.

(3) Any petitioner may commence a formal adjudicative proceeding pursuant to this rule.

(4) The presiding officer shall conduct any informal or formal adjudicative proceeding.

(5) Any time before a final order is issued, the presiding officer may, sua sponte or upon motion of any party, convert any adjudicative proceeding from a formal to an informal adjudicative proceeding or from an informal to a formal adjudicative proceeding, provided the conversion is in the public interest and does not unfairly prejudice the rights of any party.

R590-160-5. Rules Applicable to All Proceedings.

(1) Liberal Construction. These rules shall be liberally construed to secure just, speedy and economical determination of all issues.

(2) Deviation from Rules. The presiding officer may permit a deviation from these rules if strict compliance is found to be impracticable or unnecessary or for other good cause.

(3) Computation of Time. The time within which any act shall be completed shall be computed by excluding the first day and including the last day unless the last day is a Saturday, Sunday or a legal holiday, and then the last day is excluded and the period runs until the end of the next day that is not a Saturday, Sunday, or a legal holiday.

(4) Parties.

(a) A party to a proceeding is:

(i) any person authorized by statute or agency rule to participate in the adjudicative proceeding pursuant to Subsections 63G-4-201(1)(a) or (b);

(ii) a complainant;

(iii) a petitioner;

(iv) a respondent; or

(v) an intervenor.

(b) Any participant in a proceeding shall be named in the caption as Petitioner, Complainant, Respondent or Intervenor.

(5) Appearances, Representation, and Pro Hac Vice.

(a) Making an Appearance. Any party enters an appearance by filing an initial written response to a notice of agency action at the beginning of the adjudicative proceeding, providing the party's name, address, email, telephone number, and the party's position or interest in the proceeding.

(b) Representation of Parties.

(i) An attorney who is an active member of the Utah State Bar may represent any party.

(ii) An individual who is a party to an adjudicative proceeding may represent himself or herself.

(iii) An officer duly authorized by corporate resolution may represent a corporation that is duly registered with the Department of Commerce, Division of Corporations and Commercial Code, as required by law.

(iv) A general partner may represent a partnership.

(v) An authorized member or manager may represent a limited liability company that is duly registered with the Department of Commerce, Division of Corporations and Commercial Code, as required by law.

(vi) The legal, registered owner of a business conducted under an assumed name, dba, shall be considered the legal party in interest and that business may not be represented except through the legal party in interest.

(c) Pro Hac Vice.

(i) An attorney licensed to practice in a jurisdiction outside of Utah may represent any party in a particular matter before the presiding officer without being admitted pro hac vice in Utah.

(ii) An attorney, pro hac vice attorney, or other authorized representative pursuant to R590-160-5(5)(b), if previous appearance has not been entered, shall file a Notice of Appearance with the presiding officer no later than five days before any hearing at which the attorney or other authorized representative shall appear. The Notice of Appearance shall contain:

(A) the name, address, telephone number, fax number, email address, bar identification number(s), and state(s) of admission of the pro hac vice attorney, if applicable;

(B) the name and docket number of the case in which the applicant is appearing as the attorney of record;

(C) a statement whether, in any state, the applicant is currently suspended or disbarred from the practice of law, or has been disciplined within the prior five years, or is the subject of any pending disciplinary proceeding; and

(D) the name, address, Bar identification number, telephone number, fax number and email of a member of the Utah State Bar to serve as associate counsel.

(iii) The presiding officer may require Utah counsel to appear at any hearing.

(6) Pleadings.

(a) Pleadings Allowed. Pleadings shall consist of petitions, complaints, requests for hearing, responsive pleadings, motions, stipulations, affidavits, memoranda, orders, or documents in a proceeding.

(b) Docket Number. Upon the commencement of an adjudicative proceeding, the commissioner shall assign a docket number to the proceeding.

(c) Title. Pleadings shall be titled in substantially the following form:

(i) Centered heading: BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH;

(ii) Left side, identification of parties;

(iii) Right side, identification of type of pleading;

(iv) Right side, docket number.

(d) Content of Pleadings. Any pleading shall identify the proceedings by title and docket number, if known, and shall contain a clear and concise statement of the matter relied upon as a basis for the pleading, together with an appropriate request for relief when relief is sought.

(e) Amendment to Pleading. The presiding officer may allow any pleading to be amended or corrected. Any amendment to any pleading shall be consistent with the Utah Rules of Civil Procedure.

(f) Signing of Pleading. Any pleading shall be signed and dated by the party or by the party's attorney or other authorized representative and shall show the signer's address, telephone number, and email. The signature is a certification by the signer that the signer has read the pleading and that, to the best of the signer's knowledge and belief, there are good grounds to support it.

(g) Motions.

(i) A proceeding seeking an order to secure compliance may not be initiated by motion except for a Motion for Order to Show Cause.

(ii) Any motion, other than one made orally at a hearing, shall be in writing and shall be filed and served on all parties as provided in this rule. The presiding officer may use discretion to decide any motion with or without a hearing. If either party desires a hearing on its motion, the pleadings in support or in opposition shall state that a hearing is requested and shall provide the reasons therefor. The filing of affidavits or declarations in support of the motions or in opposition thereto may be permitted or required by the presiding officer. Oral motions may be allowed at a hearing at the discretion of the presiding officer.

(iii) Any motion shall be filed and served at least ten days prior to the date set for the hearing.

(7) Filing and Service.

(a) Any pleading shall be considered filed on the date it is received by the Department.

(b) Unless filed and served electronically pursuant to R590-160-5.5, the pleading shall be filed with the Department and a copy served upon all other parties to the proceeding. The presiding officer may direct that a copy of any pleading be made available by the filer to any person requesting copies thereof who the presiding officer determines may be affected by the proceedings.

(c) Service may be made upon any party or other person by ordinary mail, by certified mail with return receipt requested, in accordance with the Utah Rules of Civil Procedure, or by any person specifically designated by the commissioner. Service upon a licensee, if by mail, shall be to the mailing address or other address on file with the Department.

(d) Any pleading required to be served by these rules shall include a Certificate of Service in substantially the following form: The undersigned hereby certifies that on this date, a true and correct copy of the (Pleading title) was served, emailed, or mailed, postage prepaid, to the following: name, street, city, state, zip code, and email address. Dated this (blank) day of (month), (year). (signed).

(e) When any party is represented by an attorney or other authorized representative, service upon the attorney or representative constitutes service upon the party.

(8) Disqualification of Presiding Officer.

(a) Any party to an adjudicative proceeding may move for the disqualification of an assigned presiding officer by filing with the commissioner an affidavit alleging facts sufficient to support disqualification.

(b) The commissioner shall determine the issue of disqualification as a part of the record of the case and may request and receive any additional evidence or testimony as considered necessary to make this determination. The adjudicative proceeding may not proceed until the commissioner makes this determination. No appeal shall be taken from the commissioner's order on the determination of disqualification except as part of an appeal of a final agency action.

(i) If the commissioner finds that a motion for disqualification was filed without a reasonable basis or good faith belief in the facts asserted, the commissioner may order that the offending party be subject to the appropriate sanctions as are authorized by statute or this rule.

(ii) When a presiding officer is disqualified or it becomes impractical for the presiding officer to continue, the commissioner shall appoint another presiding officer.

(c) A presiding officer may at any time voluntarily disqualify himself or herself.

(9) Ex Parte Contact Prohibited. Except as to matters that by law are subject to disposition on an ex parte basis, the commissioner and the presiding officer shall not have ex parte contact with any party or its representative, directly or indirectly involved in any matter that is the subject of a pending adjudicative proceeding, unless all parties are given notice and an opportunity to participate.

(10) Standard of Proof. Any issue of fact in an adjudicative proceeding before the presiding officer shall be decided upon the basis of a preponderance of the evidence standard.

(11) Burden of Proof.

(a) A party who commences an adjudicative proceeding has the burden to prove entitlement to the relief sought.

(b) A party who asserts an affirmative defense to a request for relief has the burden to prove entitlement to that defense.

R590-160-6. Electronic Filing and Service of Pleadings in Formal and Informal Proceedings.

(1) Filing with or service on the presiding officer may be accomplished by sending a copy of the pleading in PDF to uidadmincases@utah.gov.

(2) Filing with or service on the Department may be accomplished by sending a copy of the pleading in PDF to the Department's current email as provided in the subject proceeding.

(3) Filing with or service on:

(a) a licensee may be accomplished by sending a copy of the pleading in PDF to the current email provided by the licensee pursuant to Subsection 31A-23a-412(1); or

(b) a party's representative may be accomplished by sending a copy of the pleading in PDF to the representative's current email set forth in the representative's filed pleading.

(4)(a) Any pleading electronically filed or served shall be signed by a party or its representative and shall contain a signed certificate stating the date of electronic filing or service.

(b) An electronically filed or served pleading may be signed using any lawfully recognized signature, including an electronic signature.

R590-160-7. Rules Applicable to Formal Adjudicative Proceedings.

(1) Conduct of Hearing. Any hearing in a formal adjudicative proceeding shall be conducted pursuant to the provisions of Section 63G-4-206.

(2) Continuance. If application is made within a reasonable time prior to the date of hearing, upon proper notice to the other parties, the presiding officer may grant a motion for continuance or other change in the time and place of hearing, upon good cause shown. The presiding officer may also, for good cause, continue a hearing in process if such continuance will not substantially prejudice the rights of any party.

(3) Public Hearings. Unless ordered by the presiding officer for good cause, any hearing shall be open to the public.

(4) Telephonic Testimony. The presiding officer may, when the identity of a witness can be established with reasonable assurance, take testimony telephonically. If telephonic testimony is taken, any party shall be permitted to hear the testimony and examine or cross-examine the witness. The presiding officer has discretion whether telephonic testimony may be allowed. Any telephonic testimony shall be given under oath.

(5) Record of Hearing.

(a) Recording. The record of the proceeding shall be made by an audio recording. A duplicate copy of the recording, or any portion thereof, shall be provided by the presiding officer at the request and expense of any party, and at no cost to the commissioner.

(b) Transcript of Hearing. Upon reasonable notice and at the party's own expense, any party may request that a certified shorthand reporter be present to record the proceeding. If a transcript is made, the original transcript of the proceeding shall be filed with the presiding officer at no cost to the commissioner. Any party who wants a copy of the transcript may purchase it from the reporter at the party's own expense.

(6) Subpoenas, Witness Fees and Payment.(a) Subpoenas.

(i) On the presiding officer's command, or at the request of any party the presiding officer may issue a subpoena to:

(A) obtain or inspect documents;

(B) inspect premises or tangible things; or

(C) secure the attendance of a witness at a hearing or deposition in a formal adjudicative proceeding.

(ii) Any subpoena shall be issued and served in accordance with the Utah Rules of Civil Procedure, Rule 45, Subpoena.

(b) Witness Fees. Each subpoenaed witness, other than Department staff, who appears before the presiding officer shall be entitled to receive the same fees and mileage allowed by law to witnesses in a district court, to be paid by the party who requests the subpoena.

(c) Payment.

(i) Any witness appearing at the request of the presiding officer shall be entitled to payment from the funds appropriated for the use of the Department.

(ii) Any witness subpoenaed at the request of a party other than the presiding officer may, at the time of service of the subpoena, demand one day's witness fee and mileage in advance and unless such fee is tendered, that witness shall not be required to appear.

(7) Discovery. Discovery may be conducted by the parties' agreement or pursuant to an order of the presiding officer.

(8) Order. The presiding officer shall issue a written, signed order based upon evidence presented in the hearing.

R590-160-8. Rules Applicable to Informal Adjudicative Proceedings.

(1) An informal adjudicative proceeding may be commenced by the Department by issuing a Notice of Informal Adjudicative Proceeding and Order as provided in R590-160-4(1). The Order shall be based upon the information contained in the files of the Department, any declarant's testimony, and information known to the presiding officer. The Order shall constitute a proposed order that shall become final 15 days after service or mailing to the party unless a written request for a hearing is received by the Department prior to the expiration of 15 days.

(2) A respondent's failure to timely request a hearing in an informal adjudicative proceeding will be considered a failure to exhaust administrative remedies.

(3) When a hearing is requested in an informal adjudicative proceeding, a Notice of Prehearing Conference shall be issued stating the matters to be decided and giving notice of the date, time and place of the prehearing scheduling conference to be held.

(4) A hearing in an informal adjudicative proceeding may be of record.

(5) At a hearing in an informal adjudicative proceeding, the presiding officer may receive testimony, proffers of evidence, affidavits, declarations, and arguments relating to the issues to be decided and may issue subpoenas requiring the attendance of witnesses or the production of necessary evidence.

(6) At the close of the informal adjudicative proceeding, the presiding officer shall issue a written, signed order based upon evidence in the Department's files and the evidence or proffers of evidence received at the proceeding. The order shall be final on the date of the order.

R590-160-9. Agency Review.

(1) Agency review of an adjudicative proceeding, except an informal proceeding that becomes final without a request for a hearing pursuant to R590-160-7(1), shall be available to any party to the proceeding by filing a petition for review with the commissioner within 30 days of the date of the order. Failure to seek agency review shall be considered a failure to exhaust administrative remedies.

(2) A request for agency review shall be filed in accordance with Section 63G-4-301.

(3) The review shall be conducted by the commissioner or the commissioner's designee. The designee shall not be the presiding officer who issued the decision under review. If the review is conducted by a designee, the designee shall recommend a disposition to the commissioner who shall make the final decision and shall sign the order.

(4) Content of a Request for Agency Review.

(a) The content of a request for agency review shall be in accordance with Subsection 63G-4-301(1)(b) and include a copy of the order, which is the subject of the request.

(b) A party requesting agency review shall set forth any factual or legal basis in support of that request.

(c) The request for agency review may include:

(i) supporting argument;

(ii) citation to appropriate legal authority

(iii) any reference to the relevant portion of the record developed during the formal adjudicative proceeding under review; or

(iv) reference to the relevant portion of the Department's files, and other evidence or proffers of evidence received during the informal adjudicative proceeding under review.

(d) If a party challenges a finding of fact in the order subject to review, the party shall demonstrate:

(i) based on the entire record, that the finding is not supported by substantial evidence in the formal adjudicative proceeding under review; or

(ii) based on the Department's files and declarant's testimony, that the finding is not supported by substantial evidence in the informal adjudicative proceeding under review.

(e) If a party challenges a legal conclusion in the order subject to review, the party shall support its argument with citation to any relevant authority and also:

(i) cite the portion of the record which is relevant to that issue in the formal adjudicative proceeding under review; or

(ii) cite the portion of the record which is relevant to that issue based upon the evidence in the Department's files, facts appearing in the Department's files and verified by a declarant

testimony, and facts presented in evidence or proffers of evidence received in the informal adjudicative proceeding under review.

(f)(i) If the grounds for agency review include any challenge to a determination of fact or conclusion of law as unsupported by or contrary to the evidence, the party seeking agency review shall:

(A) order and cause a transcript of the recording relevant to such finding or conclusion to be prepared in the formal adjudicative proceeding under review, in accordance with R590-160-6(5)(a) and (b); or

(B) provide a statement in its request for agency review that no transcript or recording is available in the informal adjudicative proceeding under review.

(ii) In a request for agency review under R590-160-8(4)(e) (i)(A), the party seeking review shall certify that a transcript has been ordered and shall notify the presiding officer when the transcript is available for filing.

(iii) The party seeking agency review shall bear the cost of the transcript.

(iv) The presiding officer may waive the requirement of preparation of a written transcript and permit citation to the recording of such adjudicative proceeding upon motion and a reasonable showing that such citation would not be extensive and the costs and period of time in preparation of a written transcript would be unduly burdensome in relation thereto.

(5) Request for Stay.

(a) Upon the timely filing of a request for agency review, the party seeking review may request that the effective date of the order subject to review be stayed pending the completion of review.

(b) The Department may oppose the request for a stay in writing within 10 days from the date the stay is requested.

(c) In determining whether to grant a request for a stay, the presiding officer shall review the request, any opposing memorandum, the findings of fact, conclusions of law, and order and determine whether a stay is in the best interest of the public. If it is determined to be in the best interest of the public to issue a stay, the presiding officer may:

(i) issue a stay, staying all or any part of the order pending agency review, or

(ii) issue a conditional stay by imposing terms, conditions or restrictions on a party pending agency review.

(d) The presiding officer may also enter an interim order granting a stay pending a final decision on the request for a stay.

(6) Memoranda.

(a) The presiding officer may order or permit the parties to file memoranda to assist in conducting agency review. Any memoranda shall be filed consistent with these rules or as otherwise governed by any scheduling order.

(b)(i) If a transcript is necessary to conduct agency review, a supporting memorandum shall be filed no later than 15 days after the filing of the transcript with the Department.

(ii) If a transcript is unavailable or waived by the presiding officer pursuant to R590-160-8(4)(f)(iv), any supporting memoranda to the request for agency review shall be filed with the request.

(c) Any opposing memorandum shall be filed no later than 15 days after the filing of the supporting memorandum.

(d) After the filing of an opposing memorandum, a reply memorandum shall be filed no later than five days after the filing of the opposing memorandum.

(7) Oral Argument.

The request for agency review or the response thereto shall state whether oral argument is sought in conjunction with agency review. The presiding officer may order or permit oral argument if determined to be warranted to assist in conducting agency review.

(8) Standard of Review.

The standards for agency review correspond to the standards for judicial review of formal adjudicative proceedings, as set forth in Subsection 63G-4-403(4).

(9) Order on Review.

(a) The order on review shall comply with the requirements of Subsection 63G-4-301(6).

(b) An Order on Review may affirm, reverse, or amend, in whole or in part, the previous order, or remand for further adjudicative proceeding or hearing.

(10) Failure to comply with R590-160-8 may result in dismissal of the request for agency review.

R590-160-10. Sanctions.

(1) In any adjudicative proceeding the presiding officer may, by order, impose sanctions upon any party, a party's representative, any witness, or a witness's representative for contemptuous or disobedient conduct, or for failure to comply with this rule or any lawful order.

(2)(a) The presiding officer may take reasonable steps to control the conduct of an adjudicative proceeding. The presiding officer may impose a sanction against a party or a witness who fails to comply with an order or with a requirement of R590-160.

(b) A sanction may include:

(i) excluding evidence;

(ii) dismissing claims;

(iii) striking pleadings or portions of the pleadings;

(iv) entering default judgments; or

(v) ordering payment of costs, expenses and fees.

R590-160-11. Severability.

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

KEY: insurance

Date of Enactment or Last Substantive Amendment: ~~July 28, 2016~~ **2018**

Notice of Continuation: September 30, 2013

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 63G-4-102; 63G-4-203

Insurance, Administration **R590-164** Uniform Health Billing Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43007

FILED: 06/15/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to bring the standards in this rule up to date with standards that are already in use by the industry, and to update the new Section R590-164-7 to reflect the Department of Insurance's (Department) current standard.

SUMMARY OF THE RULE OR CHANGE: The primary change updates the electronic data interchange standards previously adopted by the Utah Health Information Network (UHIN). UHIN is a nonprofit organization that brings together payers and providers for the efficient processing of claims. The updated standards are already in use by industry. This amendment also includes a change to the new Section R590-164-7 that is being made to reflect the Department's current standard.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-22-614.5

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no anticipated cost or savings to the state budget. These changes merely bring the rule language in line with current standards in use by the industry.

◆ **LOCAL GOVERNMENTS:** There is no anticipated cost or savings to local government. These changes merely bring the rule language in line with current standards in use by the industry.

◆ **SMALL BUSINESSES:** There is no anticipated cost or savings to small businesses. These changes merely bring the rule language in line with current standards in use by the industry.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no anticipated cost or savings to any other persons. These changes merely bring the rule language in line with current standards in use by the industry.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for any affected persons. The industry already uses these standards and will not need to take any further action.

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 amendment will not result in a fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Steve Gooch by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at sgooch@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Steve Gooch, Information Specialist

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
 This rule change is not expected to have any fiscal impacts on large businesses revenues or expenditures because the changes merely reflect updates to electronic data interchange standards previously adopted by the Utah Health Information Network (UHIN). UHIN is a nonprofit organization that brings together payers and providers for the efficient processing of claims. The updated standards are already in use by the industry.

The head of the Insurance Department, Todd E. Kiser, has reviewed and approved this fiscal analysis.

R590. Insurance, Administration.
R590-164. Uniform Health Billing Rule.
R590-164-1. Authority.

This rule is promulgated by the Insurance Commissioner pursuant to Subsection 31A-22-614.5 which authorizes the commissioner to adopt uniform claim forms, billing codes, and compatible systems of electronic billing.

R590-164-2. Purpose.

The purpose of this rule is to designate uniform claim forms, billing codes and compatible electronic data interchange standards for use by health payers and providers.

R590-164-3. Applicability and Scope.

- (1) This rule applies to health claims, health encounters, and electronic data interchange between payers and providers.
- (2) Except as otherwise specifically provided, the requirements of this rule apply to payers and providers.
- (3) This rule does not prohibit a payer from requesting additional information required to determine eligibility of the claim under the terms of the policy or certificate issued to the claimant.
- (4) This rule does not prohibit a payer or provider from using alternative forms or procedures specified in a written contract between the payer and provider.
- (5) This rule does not exempt a payer or provider from data reporting requirements under state or federal law or regulation.

R590-164-4. Definitions.

As used in this rule:

- (1) Uniform Claim Forms are defined as:
 - (a) "UB-04" means the health insurance claim form maintained by NUBC for use by institutional care providers.
 - (b) "Form CMS 1500" means the health insurance claim form maintained by NUCC for use by health care providers.
 - (c) "J400" means the uniform dental claim form approved by the American Dental Association for use by dentists.
 - (d) "NCPDP" means the National Council for Prescription Drug Program's Claim Form or its electronic counterpart.
- (2) Uniform Claim Codes are defined as:

(a) "ASA Codes" means the codes contained in the ASA Relative Value Guide developed and maintained by the American Society of Anesthesiologists to describe anesthesia services and related modifiers.

(b) "CDT Codes" means the current dental terminology prescribed by the American Dental Association.

(c) "CPT Codes" means the current physicians procedural terminology, published by the American Medical Association.

(d) "DRG Codes" means Diagnosis Related Group codes. DRG's are universal grouping that are used to clarify the type of inpatient care received. The DRG code, along with a diagnosis code and the length of the inpatient stay, are used to determine payment and reimbursement for claims.

(e) "HCPCS" means HCFA's Common Procedure Coding System, a coding system that describes products, supplies, procedures and health professional services and includes, the American Medical Association's (AMA's) Physician Current Procedural Terminology, codes, alphanumeric codes, and related modifiers. This includes:

- (i) "HCPCS Level 1 Codes" which are the AMA's CPT codes and modifiers for professional services and procedures.
- (ii) "HCPCS Level 2 Codes" which are national alphanumeric codes and modifiers for health care products and supplies, as well as some codes for professional services not included in the AMA's CPT codes.

(f) "ICDCM Codes" means the diagnosis and procedure codes in the International Classification of Diseases, clinical modifications published by the U.S. Department of Health and Human Services.

(g) "NDC" means the National Drug Codes of the Food and Drug Administration.

(h) "UB04 Rate Codes" means the code structure and instructions established for use by the National Uniform Billing Committee.

(3) "Electronic Data Interchange Standard" means the:

(a) ASC X12N standard format developed by the Accredited Standards Committee X12N Insurance Subcommittee of the American National Standards Institute and the ASC X12N implementation guides as modified by the Utah Health Information Network (UHIN) Standards Committee;

(b) other standards developed by the UHIN Standards Committee at the request of the commissioner; and

(c) as adopted by the commissioner by rule.

(4) "HPID" means Health Plan Identifier. HPID is the national unique health plan identifier assigned to identify individual health plans.

(5) "NPI" means National Provider Identifier. A NPI is a unique ten digit identification number required by HIPAA for all health care providers in the United States. Providers must use their NPI to identify themselves in all HIPAA transactions.

(6) "Payer" means an insurer or third party administrator that pays for, or reimburses for the costs of health care expense.

(7) "Provider" means any person, partnership, association, corporation or other facility or institution that renders or causes to be rendered health care or professional services, and officers, employees or agents of any of the above acting in the course and scope of their employment.

(8) "UHIN Standards Committee" means the Standards Committee of the Utah Health Information Network.

(9) "CMS" means the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services. CMS replaced HCFA.

(10) "HIPAA" means the federal Health Insurance Portability and Accountability Act.

(11) "NUBC" means the National Uniform Billing Committee.

(12) "NUCC" means the National Uniform Claim Committee.

R590-164-5. Paper Claim Transactions.

Payers shall accept and may require the applicable uniform claim forms completed with the uniform claim codes.

R590-164-6. Electronic Data Interchange Transactions.

(1) The commissioner shall use the UHIN Standards Committee to develop electronic data interchange standards for use by payers and providers transacting health insurance business electronically. In developing standards for the commissioner, the UHIN Standards Committee shall consult with national standard setting entities including but not limited to Centers for Medicare and Medicaid Services (CMS), the National Uniform Claim Form Committee, ASC X12, NCPDP, and the National Uniform Billing Committee.

(2) Standards developed and adopted by the UHIN Standards Committee shall not be required for use by payers and providers, until adopted by the commissioner by rule.

(3) Payers shall accept the applicable electronic data if transmitted in accordance with the adopted electronic data interchange standard. Payers may reject electronic data if not transmitted in accordance with the adopted electronic data interchange standard.

(4) The following HIPAA+ electronic data interchange standards developed and adopted by the UHIN Standards Committee and adopted by the commissioner are hereby incorporated by reference with this rule and are available for public inspection at the department during normal business hours or at www.insurance.utah.gov.

(a) "999 Implementation Acknowledgement For Health Care Insurance v3.4." Purpose: To detail the standard transaction for the reporting of transmission receipt and transaction or functional group X12 and implementation guide error. This standard adopts the use of the ASC X12 999 transaction.

(b) "Administrative Transaction Acknowledgements Standard v3.1." Purpose: To create a process for acknowledging all electronic transactions between trading partners based on the communication, syntax semantic and business process specifications.

(c) "Anesthesia Standard v3.1." Purpose: to standardize the transmission of anesthesia data for health care services. This standard does not alter any contractual agreement between providers and payers.

(d) "Applied Behavioral Analysis, ABA, Billing Standard V3.0." Purpose: To provide detail of the billing for the transmission of ABA services.

(e) "Benefits and Enrollment Standard v3.1." Purpose: To detail the standard transactions for the transmission of health care benefits enrollment and maintenance.

(f) "Claim Acknowledgement Standard v3.2." Purpose: To provide a standardized claim acknowledgement in response to a claim submission. This transaction is used to report on the status of a claim/encounter at the pre-adjudication processing stage, for example,

before the payer is legally required to keep a history of the claim or encounter.

(g) "Claim Status Inquiry and Response Standard v3.2." Purpose: To detail the standard transactions for the transmission of health care claim status inquiries and response. The transaction is intended to allow the provider to reduce the need for claim follow-up and facilitate the correction of claims.

(h) "CMS 1500 Paper Claim Form Standard v3.3." Purpose: To clearly describe the standard use of each Box, for print images, and its crosswalk to the HIPAA 837 005010X222A1 Professional implementation guide.

(i) "Coordination of Benefits Standard v3.2." Purpose: To streamline the coordination of benefits process between payers and providers or payer to payers. The standard is to define the data to be exchanged for coordination of benefits and to increase effective communications.

(j) "Dental Claim Billing Standard -- J430 v3.2." Purpose: To describe the standard use of each item number, for print images, and its crosswalk to the HIPAA 837 005010x02241A1 dental implementation guide. This standard adopts the ADA dental Claim Form J340.

(k) "Electronic Remittance Advice Standard v3.5." Purpose: To detail the standard transactions for the transmission of health care remittance advices.

(l) "Eligibility Inquiry and Response Standard v3.2." Purpose: To detail the standard transactions for the transmission of health care eligibility inquiries and responses.

(m) "Health Care Claim Encounter Standard v3.2." Purpose: To detail the standard transactions for the transmission of health care claims and encounters and associated transactions.

(n) "Health Identification Card Standard v1.2." Purpose: To standardize the patient health identification card information. This identification card addresses the human-readable appearance and machine-readable information used by the healthcare industry to obtain eligibility.

(o) "Health Plan Identifier, HPID, and Other Entity Identifier, OEID, Standard v1.1." Purpose: The purpose of the standard is to inform providers of the HPID and OEID and their usage within the administrative transactions.

(p) "Home Health Standard v3.0." Purpose: To provide a uniform standard of billing for home health care claims and encounters.

(q) "ICD-10 Standard v1.2." Purpose: To create the business requirement for payers and providers to implement the International Classification of Diseases 10th Revisions, ICD-10, within the administrative transaction.

(r) "Individual Name Standard v2.[0]1." Purpose: To provide guidance for entering names into provider, payer or sponsor systems for patients, enrollees, as well as all other people associated with these records.

(s) "National Provider Identifier Standard v3.0." Purpose: To inform providers of the national provider identifier requirements and the usage within the transactions.

(t) "Pain Management Standard v3.1." Purpose: To provide a uniform method of submitting pain management claims, encounters, pre-authorizations, and notifications.

(u) "Patient Identification Number Standard v3.0." Purpose: To describe the standard for the patient identification number.

(v) "Premium Payment Standard v3.0." Purpose: To detail the standard transactions for the transmission of premium payments.

(w) "Prior Authorization/Referral Standard v3.0." Purpose: To provide general recommendations to payers and providers about handling electronic prior authorization and referrals.

(x) "Required Unknown Values Standard v3.0." Purpose: To provide guidance for the use of common data values that can be used within the HIPAA transactions when a required data element is not known by the provider, payer or sponsor for patients, enrollees, as well as all other people associated with these transactions. These data values should only be used when the data is truly not available or known. These values should not be used to replace known data.

(y) "Telehealth Standard v3.[+]2." Purpose: To provide a uniform standard of billing for health care claims and encounters delivered via telehealth.

(z) "Transparency Administration Performance Standard v1.[2]4," Purpose: To establish performance measures that report the average telephone answer time and claim turnaround time.

(aa) "Transparency Denial Standard v1.[3]4." Purpose: To establish performance measures that report the number and cost of an insurer's denied health claims and to provide guidance pertaining to the reporting method and timeline.

(ab) "UB04 Form Locator Elements Standard v3.0." Purpose: To clearly describe the use of each form locator in the UB04 claim billing form and its crosswalk to the HIPAA 837 005010X223A2 institutional implementation guide.

R590-164-7. [Enforcement Date.

~~The commissioner will begin to enforce the revised provisions of this rule April 1, 2018.~~

R590-164-8. Separability/Severability.

~~If any provision of this rule or the application to any person or circumstance situation is for any reason held to be invalid, that invalidity shall not affect any other provision or application [the remainder of the] of this rule which can be given effect without the invalid provision or [and the] application, and to this end [of] the provisions [to other persons or circumstances may not be affected] of this rule are declared to be severable.~~

KEY: insurance law

Date of Enactment or Last Substantive Amendment: [December 8, 2017]2018

Notice of Continuation: March 10, 2015

Authorizing, and Implemented or Interpreted Law: 31A-22-614.5

**Natural Resources, Wildlife Resources
R657-3**

**Collection, Importation, Transportation,
and Possession of Animals**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42965

FILED: 06/11/2018

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: The amendments to this rule: 1) remove the Certification Review Committee from rule, and 2) make technical corrections as needed.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-13-14 and Section 23-14-18 and Section 23-14-19 and Section 23-20-3 and Section 63-30-1

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** These amendment remove the creation of the Certification Review Committee from this rule. DWR has determined that these amendments will not create any cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.

◆ **LOCAL GOVERNMENTS:** None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by this rule. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** None--This filing does not create any direct cost or savings impact to small businesses because they are not directly affected by this rule. 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:** These amendments remove an internal committee from rule, therefore, this rule does not impose any additional financial requirements on persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendment remove an internal committee from rule language. DWR has determined that there is no additional compliance costs associated with these amendments.

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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Mike Fowlks, Deputy Director

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

**R657. Natural Resources, Wildlife Resources.
 R657-3. Collection, Importation, Transportation, and Possession of Animals.**

R657-3-1. Purpose and Authority.

(1) Under Title 23, Wildlife Resources Code of Utah and in accordance with a memorandum of understanding with the Department of Agriculture and Food, Department of Health, and the Division of Wildlife Resources, this rule governs the collection, importation, exportation, transportation, and possession of animals and their parts.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) In addition to this rule, the Wildlife Board may allow the collection, importation, transportation, propagation and possession of species of animal species under specific circumstances as provided in Rules R657-4 through R657-6, R657-9 through R657-11, R657-13, R657-14, R657-16, R657-19, R657-20 through R657-22, R657-33, R657-37, R657-38, R657-40, R657-41, R657-43, R657-44, R657-46 and R657-52 through R657-60. Where a more specific provision has been adopted, that provision shall control.

(4) The importation, distribution, relocation, holding in captivity or possession of coyotes and raccoons in Utah is governed by the Agricultural and Wildlife Damage Prevention Board and is prohibited under Section 4-23-11 and Rule R657-14, except as permitted by the Utah Department of Agriculture and Food.

(5) This rule does not apply to division employees acting within the scope of their assigned duties.

(6) The English and scientific names used throughout this rule for animals are, at the time of publication, the most widely accepted names. The English and the scientific names of animals change, and the names used in this rule are to be considered synonymous with names in earlier use and with names that, at any time after publication of this rule, may supersede those used herein.

R657-3-25. Importation of Animals into Utah.

(1) As provided in Rule R58-1, the Department of Agriculture and Food requires a valid certificate of veterinary inspection and an entry permit number before any live animal may be imported into Utah.

(2)(a) All live [fish]aquatic animals, including marine aquatic animals, imported into Utah and not destined for an aquaculture facility or fee fishing facility must be accompanied by the following documentation:

- (i) common or scientific names of [fish]the aquatic animals;
- (ii) name and address of the consignor and consignee;
- (iii) origin of shipment;
- (iv) final destination;
- (v) number of [fish]aquatic animals shipped; and
- (vi) certificate of veterinary inspection, Utah entry permit number issued by the Utah Department of Agriculture and Food, and any other health certifications.

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 proposed changes to Rule R657-3 are not expected to have any fiscal impact on large businesses revenues or expenditures, because there are no services required from them in order to implement these rule changes.

(b) A person may import live fish destined for an aquaculture facility or fee fishing facility only as provided by Title 4, Chapter 37, Aquaculture Act and the rules promulgated there under.

(3) Subsection (2)(a) does not apply to dead fish or crayfish caught in Lake Powell, Bear Lake, or Flaming Gorge reservoirs under the authority of a valid fishing license and in accordance with Rule R657-13 and the proclamation of the Wildlife Board for taking fish and crayfish.

R657-3-34. ~~[Certification Review Committee]~~Division Responsibilities.

(1) The division ~~shall establish a Certification Review Committee which shall~~, in consultation with the Department of Agriculture and Food and the Department of Health, will be responsible for:

- (a) reviewing:
 - (i) petitions to reclassify species and subspecies of animals; ~~and~~
 - (ii) ~~[appeals of certificates of registration; and~~
 - (iii) ~~]requests for variances to this rule; and~~
 - (b) making recommendations to the Wildlife Board.
- (2) ~~[The committee shall consist of the following individuals:~~
 - ~~(a) the division director or the director's designee who shall represent the director's office and shall act as chair of the committee;~~
 - ~~(b) the chief of the Aquatic Section;~~
 - ~~(c) the chief of the Wildlife Section;~~
 - ~~(d) the chief of the Public Services Section;~~
 - ~~(e) the chief of the Law Enforcement Section;~~
 - ~~(f) the state veterinarian or his designee; and~~
 - ~~(g) a person designated by the Department of Health.~~
- (3) The division shall require a fee for the submission of a request provided in Section R657-3-35 and R657-3-36.

R657-3-35. Request for Species Reclassification.

(1) A person may request to change the classification of a species or subspecies of animal provided in this rule.

(2) A request for reclassification must be made to the ~~[Certification Review Committee]~~division by submitting an application for reclassification.

- (3)(a) The application shall include:
 - (i) the petitioner's name, address, and phone number;
 - (ii) the species or subspecies for which the application is made;
 - (iii) the name of all interested parties known by the petitioner;
 - (iv) the current classification of the species or subspecies;
 - (v) a statement of the facts and reasons forming the basis for the reclassification; and
 - (vi) copies of scientific literature or other evidence supporting the change in classification.
- (b) In addition to the information required under Subsection (a), the applicant must provide any information requested by the ~~[committee]~~division necessary to formulate a recommendation to the Wildlife Board.

(~~3~~4)(a) The ~~[committee]~~division shall, within a reasonable time, consider the request for reclassification and shall submit its recommendation to the Wildlife Board.

(b) The ~~[committee]~~division shall send a copy of its recommendation to the applicant and other interested parties specified on the application.

(~~4~~5)(a) At the next available Wildlife Board meeting, the Wildlife Board shall:

- (i) consider the ~~[committee]~~division recommendation; and
- (ii) any information provided by the applicant or other interested parties.

(b) The Wildlife Board shall approve or deny the request for reclassification based on the issuance criteria provided in Section R657-3-14.

(~~5~~6) A change in species classification shall be made in accordance with Title ~~[63G;]63~~, Chapter ~~[3;]46a~~, Administrative Rulemaking Act.

R657-3-36. Request for Variance.

(1) A person may request a variance to this rule for the collection, importation, propagation, or possession of an animal classified as prohibited under this rule by submitting a variance request to the ~~[Certification Review Committee]~~division.

- (2)(a) A variance request shall include the following:
 - (i) the name, address, and phone number of the person making the request;
 - (ii) the species or subspecies of animal and associated activities for which the request is made; and
 - (iii) a statement of the facts and reasons forming the basis for the variance.

(b) In addition to the information required under Subsection (a), the person making the request must provide any information requested by the ~~[committee]~~division necessary to formulate a recommendation to the Wildlife Board.

(3) The ~~[committee]~~division shall, within a reasonable time, consider the request and shall submit its recommendation to the Wildlife Board.

(4) At the next available Wildlife Board meeting the Wildlife Board shall:

- (a) consider the ~~[committee]~~division recommendation; and
- (b) any information provided by the person making the request.

(5)(a) The Wildlife Board shall approve or deny the request based on the issuance criteria provided in Section R657-3-14.

(b) If the request applies to a broad class of persons and not to the unique circumstances of the applicant, the Wildlife Board shall consider changing the species classification before issuing a variance to this rule.

(6)(a) If the request is approved, the Wildlife Board may impose any restrictions on the person making the request considered necessary for that person to maintain the standards upon which the variance is made.

(b) Any restrictions imposed on the person making the request shall be included in writing on the certificate of registration which shall be signed by the person making the request before its issuance.

R657-3-37. Appeal of Certificate of Registration Denial.

(1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request [~~to the Certification Review Committee~~] consistent with R657-2.

(2) The request must be made within 30 days after the date of the denial.

~~_____ (3) The request shall include:~~

~~_____ (a) the name, address, and phone number of the applicant;~~

~~_____ (b) the date the request is mailed;~~

~~_____ (c) the species or subspecies of animals and the activity for which the application is made; and~~

~~_____ (d) supporting facts and other evidence applicable to resolving the issue.~~

~~_____ (4) The committee shall review the request within a reasonable time after it is received.~~

~~_____ (5) Upon reviewing the application and the reasons for its denial, the committee may:~~

~~_____ (a) overturn the denial and approve the application; or~~

~~_____ (b) uphold the denial.~~

~~_____ (6) The committee may overturn a denial if the denial is:~~

~~_____ (a) based on insufficient information;~~

~~_____ (b) inconsistent with prior actions of the division or the Wildlife Board;~~

~~_____ (c) arbitrary or capricious; or~~

~~_____ (d) contrary to law.~~

~~_____ (7)(a) Within a reasonable time after making its decision, the committee shall mail a notice to the applicant specifying the reasons for its decision.~~

~~_____ (b) The notice shall include information on the procedures for seeking Wildlife Board review of that decision.~~

~~_____ (8)(a) If the committee upholds the denial, the applicant may seek Wildlife Board review of the decision by submitting a request for Wildlife Board review within 30 days after its issuance.~~

~~_____ (b) The request must include the information provided in Subsection (3).~~

~~_____ (9)(a) Upon receiving a request for Wildlife Board review, the Wildlife Board shall, within a reasonable time, hold a hearing to consider the request.~~

~~_____ (b) The Wildlife Board may:~~

~~_____ (i) overturn the denial and approve the application; or~~

~~_____ (ii) uphold the denial.~~

~~_____ (c) The Wildlife Board shall provide the petitioner with a written decision within a reasonable time after making its decision.]~~

KEY: wildlife, animal protection, import restrictions, zoological animals

Date of Enactment or Last Substantive Amendment: [~~March 9, 2016~~]2018

Notice of Continuation: February 27, 2018

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-20-3; 23-13-14; 63G-7-101 et seq.

**Natural Resources, Wildlife Resources
R657-41
Conservation and Sportsman Permits**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42966

FILED: 06/11/2018

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: The proposed revisions to this rule: 1) streamline some of the internal processes, and the reporting of expenditures of the conservation permit program; 2) clarify that the permits be initially distributed through a competitive auction to the highest bidder; 3) allow for only one statewide conservation permit per species per year; 4) clarify that any weapon permits are restricted to a single season that the recipient must designate; 5) clarify reporting of retained revenue used for projects including any accrued interest; 6) amend the 90-day allowance for the funds committed to a project to be remitted to 60 days from the date of invoice; 7) clarify that retained revenue and accrued interest must be expended on approved projects or transferred to DWR by September 1 two years following the collection; 8) amend requirements for redundant information to be submitted by conservation groups; 9) require conservation groups to provide DWR with the name of the successful bidder, amount of the winning bid, and date of the event within 10 days of the event; 10) allow, in rule, for the successful bidder to designate the voucher to another person as long as the conservation group is notified, the winning bid amount is not decreased, and an affidavit is signed verifying that they are not profiting from the assignment; 11) clarify that DWR will not issue a conservation permit until the voucher information is received entirely, the recipient possesses a hunting or combination license, pays the permit fee, and is determined to be legally eligible to possess the permit; 12) clarify the same provisions for the Special Antelope Island Conservation Permit; 13) authorize the area conservation permits for turkey to be valid during the youth general season hunts if the holder qualifies as a youth; and 14) make technical corrections as needed.

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 rule amendments clarify ambiguity in the current rule but does not change the overall process or purpose of this rule. 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 the amendments only add clarity and consistency to a program that is already

established, this filing does not create any direct cost or savings impact to local governments because they are not directly affected by this rule. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** Since the amendments only add clarity and consistency to a program that is already established, this filing does not create any direct cost or savings impact to small businesses because they are not directly affected by this rule. Nor are small business indirectly impacted because this rule does not create a situation requiring services from them.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These amendments simply create more consistency and clarity to an already established program, therefore, these amendments do not have the potential to generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR has determined that these amendments will not create additional costs for residents and nonresidents wishing to hunt 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 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Mike Fowlks, Deputy Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 proposed changes to Rule R657-41 are not expected to have any fiscal impact on large businesses revenues or expenditures, because there are no services required from them in order to implement these rule changes.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.

R657-41. Conservation and Sportsman Permits.

R657-41-1. Purpose and Authority.

(1) Under the authority of Section 23-14-18 and 23-14-19, this rule provides the standards and procedures for issuing:

(a) conservation permits to conservation organizations for ~~[sale at an] auction[, or for use as an aid to wildlife related] to the highest bidder at fund -raising [activities;] events;~~

(b) sportsman permits;

(c) Special Antelope Island State Park Conservation Permits to a conservation organization for ~~[marketing and sale] auction to the highest bidder~~ at the annual wildlife exposition held pursuant to R657-55; and

(d) Special Antelope Island State Park Limited Entry Permits to successful applicants through a general drawing conducted by the ~~[Division] division.~~

(2) The division and conservation organizations shall use all revenue derived from conservation permits under Subsections R657-41-9(4) and ~~[R657-41-9](5)(b)~~ for the benefit of species for which conservation permits are issued, unless the division and conservation organization mutually agree in writing that there is a higher priority use for other species of protected wildlife.

R657-41-2. Definitions.

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

(a) "Area Conservation Permit" means a permit issued for a specific unit or hunt area for a conservation permit species, and may include an extended season, or legal weapon choice, or both, beyond the season, except area turkey permits are valid

during any season option and are valid in any open area during general season hunt.

(i) Area ~~[Conservation]~~conservation permits issued for limited entry units are not valid on cooperative wildlife management units authorized for the same species of wildlife as the area conservation permit.

(ii) Notwithstanding Subsection (a), area conservation permits issued for turkey are not valid during the youth general season hunt unless the holder qualifies as a youth.

(b) "Conservation Organization" means a nonprofit chartered institution, foundation, or association founded for the purpose of promoting the protection and preservation of one or more conservation permit species and has established tax exempt status under ~~[Internal Revenue Code, Section 501(c)-]26 U.S.C. Section 501(c)(3)~~, as amended.

(c) "Conservation Permit" means any harvest permit authorized by the Wildlife Board and issued by the division for purposes identified in Section R657-41-1.

(d) "Conservation Permit Species" means the species for which conservation permits may be issued and includes deer, elk, pronghorn, moose, bison, ~~[Rocky Mountain]~~mountain goat, Rocky Mountain bighorn sheep, desert bighorn sheep, wild turkey, cougar, and black bear.

(e) "Multi-Year Conservation Permit" means a conservation permit awarded to an eligible conservation organization pursuant to R657-41-7 for three consecutive years ~~[to sell, market or otherwise use as an aid in wildlife related fund raising activities]~~for auction to the highest bidder at fund-raising events.

(f) "Retained Revenue" means 60% of the revenue raised by a conservation ~~[organizations]~~organization from ~~[the sale of]~~auctioning conservation permits that the organization retains for eligible projects, ~~[excluding]~~including interest earned thereon less standard banking fees assessed on the account.

(g) "Special Antelope Island State Park Conservation Permit" means a permit authorized by the Wildlife Board to hunt bighorn sheep or mule deer on Antelope Island State Park which is issued pursuant to R657-41-~~[42(3)-]12.~~

(h) "Special Antelope Island State Park Limited Entry Permit" means a permit authorized by the Wildlife Board to hunt bighorn sheep or mule deer on Antelope Island State Park which is issued by the division in a general drawing, requiring all applicants to pay an application fee and the successful applicant the cost of the permit.

(i) "Sportsman Permit" means a permit which allows a permittee to hunt during the applicable season dates specified in Subsection (k), and which is authorized by the Wildlife Board and issued by the division in a general drawing, requiring all applicants to pay an application fee and the successful applicant the cost of the permit.

(j) "Single Year Conservation Permit" means a conservation permit awarded to an eligible conservation organization pursuant to R657-41-6 for one year ~~[to sell, market or otherwise use as an aid in wildlife related fund raising activities]~~for auction to the highest bidder at fund-raising events.

(k) "Statewide Conservation Permit" means a permit issued for a conservation permit species that allows a permittee to hunt:

(i) big game species on any open unit with archery equipment during the general archery season published in the big

game ~~[proclamation]~~guidebooks for the unit beginning before September 1, and with any weapon from September 1 through December 31, except pronghorn and moose from September 1 through November 15 and deer~~[and]~~ elk from September 1 through January ~~[45]15, and bison from August 1 through January 31;~~

(ii) two turkeys on any open unit from April 1 through May 31;

(iii) bear on any open unit during the season authorized by the Wildlife Board for that unit;

(iv) cougar on any open unit during the season authorized by the Wildlife Board for that unit and during the season dates authorized by the Wildlife Board on any harvest objective unit that has been closed by meeting its objective;

(v) Antelope Island is not an open unit for hunting any species of wildlife authorized by a conservation or sportsman permit, except for the Special Antelope Island State Park Conservation Permits and the Special Antelope Island State Park Limited Entry Permits; and

(vi) Rocky Mountain bighorn sheep on any open unit, excluding the Box Elder, Pilot Mountain sheep unit, which is closed to both the ~~[Sportsman]~~Sportsman permit holder and the Statewide conservation permit holder every year.

(l) "Permit voucher" or "voucher" means an authorization issued by the division that entitles the designated holder to purchase the hunting permit specified in the authorization.

R657-41-3. Determining the Number of Conservation and Sportsman Permits.

(1) The number of conservation permits authorized by the Wildlife Board shall be based on:

(a) the species population trend, size, ~~[and]~~ distribution~~[to protect the]~~, and long-term health~~[of the population];~~

(b) the hunting and viewing opportunity for the general public, both short and long term; and

(c) the potential revenue that will support protection and enhancement of the species.

(2) One statewide conservation permit may be authorized for each conservation permit species.

(3) A limited number of area conservation permits may be authorized as follows:

(a) the potential number of multi-year and single year permits available for Rocky Mountain bighorn sheep and desert bighorn sheep, assigned to a hunt area or combination of hunt areas, will be calculated based on the number permits issued the year prior to the permits being awarded using the following rule:

(i) 5-14 public permits = 1 conservation permit, 15-24 public permits = 2 conservation permits, 25-34 public permits = 3 conservation permits, 35-44 permits = 4 conservation permits, 45-54 public permits = 5 conservation permits, 55-64 = 6 conservation permits, 65-74 public permits = 7 conservation permits and >75 public permits = 8 conservation permits.

(b) the potential number of multi-year and single year permits available for the remaining conservation permit species, for any unit or hunt area, will be calculated based on the number permits issued the year prior to the permits being awarded using the following rule:

(i) 11-30 public permits = 1 conservation permit, 31-50 public permits = 2 conservation permits, 51-70 public permits = 3 conservation permits, 71-90 permits = 4 conservation permits, 91-110 public permits = 5 conservation permits, 111-130 = 6 conservation permits, 131-150 public permits = 7 conservation permits and >150 public permits = 8 conservation permits.

(4) The number of conservation permits may be reduced if the number of public permits declines during the time period ~~or~~for which multi-year permits were awarded.

(5) The actual number of conservation and sportsman permits available for use will be determined by the Wildlife Board.

(6) Area conservation permits shall be deducted from the number of public drawing permits.

(7) One sportsman permit shall be authorized for each statewide conservation permit authorized.

(8) All area conservation permits are eligible as multi-year permits, except ~~that~~the division may designate some area conservation permits as single year permits based on the applications received for single year permits.

(9) All statewide permits will be multi-year permits~~except for a second statewide permit issued for a special event~~].

R657-41-4. Eligibility for Conservation Permits.

(1) Statewide and area conservation permits may be awarded to eligible conservation organizations ~~to market and sell, or to use as an aid in wildlife-related fund-raising activities~~for auction to the highest bidder at fund-raising events.

(2) To be eligible for multi-year conservation permits, a conservation organization must have generated in conservation permit sales during the previous three year period at least one percent of the total revenue generated by all conservation organizations in conservation permit sales during the same period. Conservation organizations eligible for multi-year permits may not apply for single year permits, and conservation organizations ineligible for multi-year permits may only apply for single year permits.

(3) Conservation organizations applying for single year permits may not:

(a) bid for or obtain conservation permits if any employee, officer, or board of ~~director~~directors member of the conservation organization is an employee, officer, or board of ~~director~~directors member of any other conservation organization that is submitting a bid for single year conservation permits; or

(b) enter into any pre-bidding discussions, understandings or agreements with any other conservation organization submitting a bid for conservation permits regarding:

(i) which permits will be sought by a bidder;

(ii) what amounts will be bid for any permits; or

(iii) trading, exchanging, or transferring any permits after permits are awarded.

R657-41-5. Applying for Conservation Permits.

(1)(a) Conservation organizations may apply for conservation permits by sending an application to the division.

(b) Only one application per conservation organization may be submitted. Multiple chapters of the same conservation organization may not apply individually.

(c) Conservation organizations may apply for single year conservation permits or multi-year conservation permits. They may not apply for both types of conservation permits.

(2) The application must be submitted to the division by September ~~1~~1, unless otherwise specified on the division's website, to be considered for the following year's conservation permits. Each application must include:

(a) the name, address and telephone number of the conservation organization;

(b) a copy of the conservation organization's mission statement;

(c) verification of the conservation organization's tax exempt status under~~Internal Revenue Code, Section 501C-~~26 U.S.C. Section 501(c)(3), as amended; and

(d) the name of the president or other individual responsible for the administrative operations of the conservation organization;

(3) If applying for single year conservation permits, a conservation organization must also include in its application:

(a) the proposed bid amount for each permit requested. The proposed bid amount is the revenue the organization anticipates ~~to~~will be raised from auctioning a permit~~through auction or other lawful fund-raising activity~~];

(b) certification that there are no conflicts of interest or collusion in submitting bids, as prohibited in R657-41-4(3);

(c) acknowledgement that the conservation organization recognizes that falsely certifying the absence of collusion may result in cancellation of permits, disqualification from bidding for five years or more, and the filing of criminal charges;

(d) evidence that the application and bid has been reviewed and approved by the board of directors of the bidding conservation~~-~~organization;

(e) the type of permit, and the species for which the permit is requested; and

(f) any requested variances for an extended season or legal weapon choice for area conservation permits.

(4) An application that is incomplete or completed incorrectly may be rejected.

(5) The application of a conservation organization for conservation permits may be denied for:

(a) failing to fully report on the preceding year's conservation permits;

(b) violating any provision of this rule, Title 23 of the Utah Code, Title R657 of the Utah Administrative Code, a division ~~proclamation~~guidebook, or an order of the Wildlife Board; or

(c) violating any other law that bears a reasonable relationship to the applicant's ability to responsibly and lawfully handle conservation permits pursuant to this rule.

R657-41-6. Awarding Single Year Conservation Permits.

(1) The division shall recommend the conservation organization to receive each single year conservation permit based on:

(a)(i) the bid amount pledged to the species; and

(ii) the bid amount pledged to the species, adjusted, when applicable, by:

(i) the performance of the organization over the previous two years in meeting proposed bids;

(ii) 90% of the bid amount; and

~~[(#)]~~ (C) the organizations maintaining a minimum two-year average performance of 70% to be eligible for consideration of permits. Performance of the organization is the proportion of the total revenue generated from permit sales, divided by 90% of the bid amount for all permits, calculated annually and averaged for the last two years.

(b) ~~[(#)]~~ If two or more conservation organizations are tied using the criteria in Subsection (a), the following factors may be used to award the single year conservation permit:

~~_____~~ (i) closeness of the organization's purpose to the species of the permit; and

~~[(e) if two or more conservation organizations are tied using the criteria in Subsection (a) and (b), the~~ (ii) geographic closeness of the organization to the location of the permit.

(2)(a) Between the time the division recommends that a conservation permit be awarded to a conservation organization and the time the Wildlife Board approves that recommendation, a conservation organization may withdraw ~~[(its)]~~ the application for any given permit and assign it to or exchange [its application] it with another conservation organization eligible to receive the permit without penalty, provided the bid amount upon which the permit application was evaluated is not changed.

(b) If a conservation organization withdraws its bid for a conservation permit after being selected by the division to receive it and the bid is awarded to another organization at a lower amount, ~~[(then)]~~ the difference between the two bids will be subtracted from the organization making the higher bid for purposes of evaluating organization performance.

(3) The Wildlife Board shall make the final assignment of conservation permits ~~at a meeting prior to December 1 annually~~.

(4) The Wildlife Board may authorize a conservation permit to a conservation organization~~;~~ other than the ~~conservation organization]~~ one recommended by the division, after considering the:

(a) division recommendation;

(b) benefit to the species;

(c) historical contribution of the organization to the conservation of wildlife in Utah;

(d) previous performance of the conservation organization; and

(e) overall viability and integrity of the conservation permit program.

(5) The total of all bids for permits awarded to any one organization shall not exceed \$20,000 the first year an organization receives permits.

(6) The number of permits awarded to any one organization shall not increase by more than 100% from the previous year.

~~[(7) If the Wildlife Board authorizes a second statewide conservation permit for a species, the conservation organization receiving the permit must meet the division designated bid for that permit.]~~

R657-41-7. Awarding Multi-Year Conservation Permits.

(1) Distribution of multi-year conservation permits will be based on a sequential selection process where each eligible conservation organization is assigned a position or positions in the selection order among the other participating organizations and awarded credits with which to purchase multi-year permits at an

assigned value. The selection process and other associated details are as follows.

(2) Multi-year permits will be awarded to eligible conservation organizations for no more than three years.

(3) The division will determine the number of permits available as multi-year permits after subtracting the proposed number of single year permits.

(a) Season types for multi-year area conservation permits for elk on any given hunt unit will be designated and assigned in the following order:

(i) first permit -- multi-season;

(ii) second permit -- any-weapon;

(iii) third permit -- any-weapon;

~~_____~~ (iv) fourth permit -- archery;

(v) fifth permit -- muzzleloader;

(vi) sixth permit -- multi-season;

(vii) seventh permit -- any-weapon; and

(viii) eighth permit -- any-weapon.

(b) Season types for multi-year area conservation permits for deer on any given hunt unit will be designated and assigned in the following order:

(i) first permit -- hunter's choice of season;

(ii) second permit -- hunter's choice of season;

(iii) third permit -- muzzleloader;

(iv) fourth permit -- archery;

~~_____~~ (v) fifth permit -- any-weapon;

(vi) sixth permit -- any-weapon;

(vii) seventh permit -- muzzleloader; and

~~_____~~ (viii) eighth permit -- archery.

(c) Notwithstanding the availability of multiple seasons, an any-weapon permit opportunity offered in Subsections (3)(a) and (b) is restricted to a single season, which the recipient of the permit must designate prior to receiving the permit.

(4) The division will assign a monetary value to each multi-year permit based on the average return for the permit during the previous three _year period. If a history is not available, the value will be estimated.

(5) The division will determine the total annual value of all multi-year permits.

(6)(a) The division will calculate a market share for each eligible conservation organization applying for multi-year permits.

(b) Market share will be calculated and determined based on:

(i) the conservation organization's previous three years performance;

(ii) all conservation permits (single and multi-year) issued to a conservation organization ~~except for special permits allocated by the Wildlife Board outside the normal allocation process~~].

(iii) the percent of conservation permit revenue raised by a conservation organization during the three _year period relative to all conservation permit revenue raised during the same period by all conservation organizations applying for multi-year permits.

(7) The division will determine the credits available to spend by each group in the selection process based on their market share multiplied by the total annual value of all multi-year permits.

(8) The division will establish a selection order for the participating conservation organizations based on the relative value of each groups market share as follows:

(a) groups will be ordered based on their percent of market share;

(b) each selection position will cost a group 10% of the total market share except the last selection by a group will cost whatever percent a group has remaining;

(c) no group can have more than three positions in the selection order; and

(d) the selection order will be established as follows:

(i) the group with the highest market share will be assigned the first position and ten percent will be subtracted from their total market share;

(ii) the group with the highest remaining market share will be assigned the second position and ten percent will be subtracted from their market share; and

(iii) this procedure will continue until all groups have three positions or their market share is exhausted.

(9) At least ~~two weeks~~ one week prior to the multi-year permit selection meeting, the division will provide each conservation organization applying for multi-year permits the following items:

(a) a list of multi-year permits available with assigned value;

(b) documentation of the calculation of market share;

(c) credits available to each conservation group to use in the selection process;

(d) the selection order; and

(e) date, time and location of the selection meeting.

(10) Between ~~the~~ establishing ~~of~~ the selection order and the selection meeting, groups may trade or assign ~~draw~~ selection positions, but once the selection meeting begins ~~draw~~ selection order cannot be changed.

(11) At the selection meeting, conservation organizations will select permits from the available pool according to their respective positions in the selection order. For each permit selected, the value of that permit will be deducted from the conservation organization's available credits. The selection order will repeat itself until all available credits are used or all available permits are selected.

(12) Conservation organizations may continue to select a single permit each time their turn comes up in the selection order until all available credits are used or all available permits are selected.

(13) A conservation organization may not exceed its available credits except a group may select their last permit for up to 10% of the permit value above their remaining credits.

(14) Upon completion of the selection process, but prior to the Wildlife Board meeting where the final assignment of permits are made, conservation organizations may trade or assign permits to other conservation organizations eligible to receive multi-year permits. The group receiving a permit retains the permit for the purposes of marketing and determination of market share for the entire multi-year period.

(15) Variances for an extended season or legal weapon choice may be obtained only on area conservation permits and must be presented to the Wildlife Board prior to the final assignment of the permit to the conservation organization.

(16) Conservation organizations may not trade or transfer multi-year permits to other organizations once assigned by the Wildlife Board.

(17) Conservation organizations failing to comply with the reporting requirements in any given year during the multi-year period ~~shall~~ may lose the multi-year conservation permits for the balance of the multi-year award period.

(18) If a conservation organization is unable to complete the terms of ~~marketing the~~ auctioning assigned permits, the permits will be returned to the regular public drawing process for the duration of the multi-year allocation period.

R657-41-8. Distributing Conservation Permits.

(1) The division and conservation organization receiving permits shall enter into a contract.

(2)(a) ~~[The conservation organization]~~ Conservation organizations receiving the opportunity to distribute permits must insure [that] the [permits] permit opportunities are marketed, auctioned, and distributed by lawful means. [Conservation permits may not be distributed in a raffle except where the following conditions are met:

~~(i) the conservation organization obtains and provides the division with a written opinion from a licensed attorney or a written confirmation by the local district or county attorney that the raffle scheme is in compliance with state and local gambling laws;~~

~~(ii) except as otherwise provided in R657-41-8(5), the conservation organization does not repurchase, directly or indirectly, the right to any permit it distributes through the raffle;~~

~~(iii) the conservation organization prominently discloses in any advertisement for the raffle and at the location of the raffle that no purchase is necessary to participate; and~~

~~(iv) the conservation organization provides the division with a full accounting of any funds raised in the conservation permit raffle, and otherwise accounts for and handles the funds consistent with the requirement in Utah Admin. Code R657-41-9.]~~

(3)(a) The conservation organization must:

~~(i) obtain the name of the proposed permit recipient at the event where the permit recipient is selected; and~~

~~(ii) notify the division of the proposed permit recipient within 30 days of the recipient selection or the permit may be forfeited.~~

~~(4) If a person is selected by a qualified organization to receive a conservation permit and is also successful in obtaining a permit for the same species in the same year through the a division drawing, that person may designate another person to receive the conservation permit, provided the conservation permit has not been issued by the division to the first selected person.~~

~~(5) If a person is selected by a qualified organization to receive a conservation permit, but (i) obtain at the event where the conservation permit opportunity is auctioned the information and data requested by the division, including the:~~

~~(A) full name of the successful bidder;~~

~~(B) date of the event where the permit opportunity is auctioned; and~~

~~(C) winning bid amount for that permit opportunity;~~

~~(ii) submit the information required in Subsection (3)(a) (i) to the division within 10 days of the event where the permit opportunity is auctioned to the highest bidder; and~~

~~(iii) complete the return receipt on a conservation permit voucher and submit it to the division within 10 days of issuing the voucher to the person designated by the successful bidder.~~

~~(b) The division will not issue a conservation permit unless:~~

(i) a fully completed voucher for that permit is submitted; and

(ii) it has previously received from the conservation organization the voucher's return receipt with all required information included.

(4) If the successful bidder or a person designated by the successful bidder to receive a conservation permit voucher fails to pay the conservation organization the winning bid amount that secured the permit opportunity, the conservation organization may remarket the permit opportunity using any legal means and designate another person to receive the permit opportunity.

(5)(a) If, for any reason, the successful bidder elects not to personally use a conservation permit opportunity, they may assign that opportunity to another person, provided:

(i) the conservation organization is notified of the assignment;

(ii) the original winning bid amount for the permit opportunity is received in full by the conservation organization and not decreased;

(iii) the conservation organization handles and otherwise uses the entire winning bid amount consistent with the requirements in Section R657-41-9; and

(iv) the successful bidder executes an affidavit verifying they are not profiting from the assignment.

(A) For purposes of Subsection (iv), "profiting" does not include a reasonable fee for guiding services provided in conjunction with the assigned permit opportunity.

(b) If a person assigned a permit opportunity by the successful bidder or a person possessing a permit voucher is unable to use the permit opportunity for any reason, including obtaining another Utah permit for the same species, the conservation organization may remarket the permit opportunity using any legal means and designate another person to receive the permit opportunity, provided:

(a)i) the conservation organization selects the new recipient of the permit opportunity;

(b)ii) the amount of money received by the division for the permit opportunity is not decreased;

(c)iii) the conservation organization relinquishes to the division and otherwise uses all proceeds generated from the re-designated permit, pursuant to opportunity consistent with the requirements provided in Section R657-41-9;

(d)iv) the conservation organization and the initial designated recipient holder of the permit sign opportunity execute an affidavit indicating the initial designated recipient is not verifying neither is profiting from transferring the right to the permit; and

(e)v) the permit has not been issued by the division to the first designated person.

(6)(a) Except as otherwise provided under Subsections (4) and (5), [a person designated by a]neither the conservation organization[as a recipient], successful bidder, successful bidder's assignee, nor the holder of a conservation permit[er] voucher may [not]offer for sale, sell, or transfer the rights to that designation to any other person.[This does not preclude a person from bidding or otherwise lawfully acquiring a permit from a conservation organization on behalf of another person who will be identified as the original designated recipient.]

(7) A person cannot obtain more than one conservation permit for a single conservation permit species per year, except[for]:

(a) [elk, provided no more than]two elk permits [are]may be obtained[where], provided one or both are antlerless permits; and

(b) turkey.

(8) [the]The person designated on a conservation permit voucher must possess or obtain a current Utah hunting or combination license to redeem the voucher for the corresponding conservation permit.

R657-41-9. Conservation Permit Funds and Reporting.

(1) All permits must be [marketed]auctioned or distributed by September 1, annually.

(2) Within 30 days of the last event, but no later than September 1 annually, the conservation organization must submit to the division:

(a) a final report on the distribution of permits;

(b) the total funds raised on each permit; and

(c) the funds due to the division[and

—(d) a report on the status of each project funded in whole or in part with retained conservation permit revenue].

(3)(a) [Permits]Conservation permits shall not be issued [until the permit fees are paid to the division.]to a person possessing a conservation permit voucher unless the person redeeming the voucher:

(i) possesses a valid Utah hunting or combination license;

(ii) remits to the division the applicable permit fee ; and

(iii) is otherwise legally eligible to possess the particular hunting permit.

(b) If the conservation organization is paying the permit fees for the permit recipient, the fees must be paid from the 10% retained by the conservation organization as provided in Subsection (5)(a).

(4)(a) Conservation organizations shall remit to the division by September 1 of each year 30% of the total revenue generated by conservation permit sales in that year.

(b) The permit revenue payable to the division under Subsection (4)(a), [excluding accrued interest,]is the property of the division and may not be used by conservation organizations for projects or any other purpose.

(c) The permit revenue must be placed in a federally insured account promptly upon receipt and remain in the account until remitted to the division on or before September 1 of each year.

(d) The permit revenue payable to the division under this subsection shall not be used by the conservation organization as collateral or commingled in the same account with the organization's operation and administration funds, so that the separate identity of the permit revenue is not lost.

(e) Failure to remit 30% of the total permit revenue to the [Division]division by the September 1 deadline may result in criminal prosecution under Title 76, Chapter 6, Part 4 of the Utah Code, and may further disqualify the conservation organization from obtaining any future conservation permits.

(5) A conservation organization may retain 70% of the permit revenue generated from [the sale of]auctioning conservation permits, as follows:

(a) 10% of the permit revenue may be withheld and used by the conservation organization for administrative expenses.

(b) ~~[60% of the revenue]~~60% of the permit revenue and accrued interest, excluding standard banking fees assessed on the account where the permit revenue is deposited, may be retained and used by the conservation organization only for eligible projects, as provided in ~~[subsections]~~Subsections (i) through (ix).

(i) eligible projects include habitat improvement, habitat acquisition, transplants, targeted education efforts and other projects providing a substantial benefit to species of wildlife for which conservation permits are issued, unless the division and conservation organization mutually agree in writing that there is a higher priority use for other species of protected wildlife.

(ii) retained revenue shall not be committed to or expended on any eligible project without first obtaining the division director's written concurrence.

(iii) retained revenue shall not be used on any project that does not provide a substantial and direct benefit to conservation permit species or other protected wildlife located in Utah.

(iv) cash donations to the Wildlife Habitat Account created under Section 23-19-43, Division Species Enhancement Funds, or the Conservation Permit Fund shall be considered an eligible project and do not require the division director's approval, provided the donation is made with instructions that it be used for species of wildlife for which conservation permits are issued.

(v) funds committed to approved division projects will be transferred to the division within ~~[90]~~60 days of being ~~[committed]~~invoiced by the division.

(A) if the division-approved project to which funds are committed is completed under ~~[the]~~projected budget or is canceled, funds committed to the project that are not used will be kept by the division and credited back to the conservation organization and will be made available for the group to use on other approved projects during the current or subsequent year.

(vi) retained revenue shall not be used on any project that is inconsistent with division policy, including feeding programs, depredation management, or predator control.

(vii) retained revenue under this subsection must be placed in a federally insured account. All interest revenue earned thereon ~~[may]~~must be ~~[retained and used by the conservation organization for administrative expenses]~~accounted for and used consistent with the requirements of this subsection.

(viii) retained revenue shall not be used by the conservation organization as collateral or commingled in the same account with the organization's operation and administration funds, so that the separate identity of the retained revenue is not lost.

(ix) retained revenue must be completely expended on ~~[or committed to]~~approved eligible projects or transferred to the division by September 1, two years following the year in which the relevant conservation permits are awarded to the conservation organization by the Wildlife Board. Failure to ~~[commit or]~~expend or transfer to the division retained revenue by the September 1 deadline will disqualify the conservation organization from obtaining any future conservation permits until the unspent retained revenue is ~~[committed to]~~expended on an approved eligible project or transferred to the division.

(x) all records and receipts for projects under this subsection must be retained by the conservation organization for a

period not less than five years, and shall be produced to the division for inspection upon request.

(6)(a) Conservation organizations accepting permits shall be subject to annual audits on project expenditures and conservation permit accounts.

(b) The division shall perform annual audits on project expenditures and conservation permit accounts.

R657-41-10. Obtaining Sportsman Permits.

(1) One sportsman permit is offered to residents through a drawing for each of the following species:

- (a) desert bighorn (ram);
- (b) bison (hunter's choice);
- (c) buck deer;
- (d) bull elk;
- (e) Rocky Mountain bighorn (ram);
- (f) ~~[Rocky Mountain]~~mountain goat (hunter's choice);
- (g) bull moose;
- (h) buck pronghorn;
- (i) black bear;
- (j) cougar; and
- (k) wild turkey.

(2) The following information on sportsman permits is provided in the ~~[proclamations]~~guidebooks of the Wildlife Board for taking protected wildlife:

- (a) hunt dates;
- (b) open units or hunt areas;
- (c) application procedures;
- (d) fees; and
- (e) deadlines.

(3) ~~[a]~~A person must possess or obtain a current Utah hunting or combination license to apply for or obtain a sportsman permit.

R657-41-11. Using a Conservation or Sportsman Permit.

(1)(a) A conservation or sportsman permit allows the recipient to take only one individual of the species for which the permit is issued, except a statewide turkey conservation or sportsman permit allows the holder to take two turkeys.

(b) The species that may be taken shall be printed on the permit.

(c) The species may be taken in the area and during the season specified on the permit.

(d) The species may be taken only with the weapon specified on the permit.

(2) The recipient of a conservation or sportsman permit is subject to all ~~[of]~~the provisions of Title 23, Wildlife Resources Code, and the rules and ~~[proclamations]~~guidebooks of the Wildlife Board for taking and pursuing wildlife.

(3) Bonus points shall not be awarded or utilized:

(a) when applying for conservation or sportsman permits;

or

(b) in obtaining conservation or sportsman permits.

(4) Any person who ~~[has obtained]~~obtains a conservation or sportsman permit is subject to ~~[all]~~applicable waiting periods for purposes of obtaining a permit for the same species through a division drawing, as provided in Rules R657-62.

R657-41-12. Special Antelope Island State Park Hunting Permits.

(1)(a) The Wildlife Board may authorize a hunt for bighorn sheep and buck mule deer on Antelope Island State Park, with one or more permits made available for each species ~~[made available]~~ and designated as Special Antelope Island State Park Conservation Permits and an equal number of permits for each species made available as Special Antelope Island State Park Limited Entry Permits.

(b) The ~~[Division of Wildlife Resources]~~ division and the Division of Parks and Recreation, through their respective policy boards, will enter into a cooperative agreement for ~~[the purpose]~~ purposes of establishing:

(i) the number of permits issued annually for bighorn sheep and buck mule deer hunts on Antelope Island;

(ii) season dates for each hunt;

(iii) procedures and regulations applicable to hunting on Antelope Island;

(iv) protocols for issuing permits and conducting hunts for antlerless deer on Antelope Island when populations require management; and

(v) procedures and conditions for transferring Special Antelope Island State Park Conservation Permit revenue to the Division of Parks and Recreation.

(c) The cooperative agreement governing bighorn sheep and mule deer hunting on Antelope Island and any subsequent amendment thereto shall be presented to the Wildlife Board and the Parks Board for approval prior to holding a drawing or issuing hunting permits.

(2)(a) Special Antelope Island State Park Limited Entry Permits will be issued by the ~~[Division]~~ division through its annual bucks, bulls, and once-in-a-lifetime drawing.

(i) The mule deer Special Antelope Island State Park Limited Entry Permit is a premium limited entry buck deer permit and subject to the regulations governing such permits, as provided in this rule, R657-5, and R657-62.

(ii) The bighorn sheep Special Antelope Island State Park Limited Entry Permit is a once-in-a-lifetime Rocky Mountain bighorn sheep permit and subject to the regulations governing such permits, as provided in this rule, R657-5, and R657-62.

(b) To apply for a Special Antelope Island State Park Limited Entry Permit, the applicant must:

(i) pay the prescribed application handling fee;

(ii) possess a current Utah hunting license or combination license;

(iii) not be subject to a waiting period under R657-62 for the species of wildlife applied for; and

(iv) otherwise be eligible to hunt the species of wildlife designated on the application;

(c) A person that obtains a Special Antelope Island State Park Limited Entry Permit:

(i) must pay the applicable permit fee;

(ii) may take only one animal of the species and gender designated on the permit;

(iii) may hunt only with the weapon and during the season prescribed on the permit;

(iv) may hunt the specified species within the areas of Antelope Island designated open by the Wildlife Board and the rules and regulations of the Division of Parks and Recreation; and

(v) is subject to the:

(A) provisions of Title 23, Wildlife Resources Code, and the rules and ~~[proclamations]~~ guidebooks of the Wildlife Board for taking and pursuing wildlife; and

(B) statutes, rules, and regulations of the Division of Parks and Recreation for hunting on Antelope Island.

(d) Bonus points are awarded and utilized in applying for and obtaining a Special Antelope Island State Park Limited Entry Permit.

(e) A person who has obtained a Special Antelope Island State Park Limited Entry Permit is subject to all waiting periods applicable to the particular species, as provided in R657-62.

(f) A person cannot obtain a Special Antelope Island State Park Limited Entry Permit for a bighorn sheep or mule deer and any other permit for a male animal of the same species in the same year.

(3) Special Antelope Island State Park Conservation Permits will be provided to the conservation group awarded the wildlife expo permit series, as provided in R657-55, for ~~[marketing]~~ auction to the highest bidder at the wildlife exposition.

(a) The division and conservation organization receiving authority to auction Special Antelope Island State Park Conservation Permits shall enter into a contract.

(b) The conservation organization receiving authority to auction the opportunity for Special Antelope Island State Park Conservation Permits must insure ~~[that]~~ the permits are marketed and distributed by lawful means.

~~(e)4(a)~~ (a) The conservation organization must:

(i) obtain ~~[the name of the proposed permit recipient at the event where the permit recipient is selected]; and~~

~~(ii) notify the division of the proposed permit recipient within 10 days of the recipient selection or the permit may be forfeited; at the event where the Special Antelope Island State Park Conservation Permit is auctioned the information and data requested by the division, including the:~~

~~(A) full name of the successful bidder;~~

~~(B) date of the event where the permit opportunity is auctioned; and~~

~~(C) winning bid amount for that permit opportunity.~~

~~(i) to the division within 10 days of the event where the permit opportunity is auctioned to the highest bidder; and~~

~~(iii) complete the return receipt on a permit voucher and submit it to the division within 10 days of issuing the voucher to the person designated by the successful bidder.~~

~~(b) The division will not issue a Special Antelope Island State Park Conservation Permit unless:~~

~~(i) a fully completed voucher for that permit is submitted; and~~

~~(ii) it has previously received from the conservation organization the voucher's return receipt with all required information included.~~

~~(5) If the successful bidder or the person designated by a successful bidder to receive a Special Antelope Island State Park Conservation Permit fails to pay the conservation organization the winning bid amount, the conservation organization may remarket the permit opportunity using any legal means and designate another person to receive the permit opportunity.~~

~~(6)(a) If, for any reason, the successful bidder elects not to personally use a Special Antelope Island State Park Permit opportunity, they may assign that opportunity to another person, provided:~~

~~(i) the conservation organization is notified of the assignment;~~

~~(ii) the original winning bid amount for the permit opportunity is received in full by the conservation organization and not decreased;~~

~~(iii) the conservation organization handles and otherwise uses the entire winning bid amount consistent with the requirements in Subsection (9); and~~

~~(iv) the successful bidder executes an affidavit verifying they are not profiting from the assignment.~~

~~(A) For purposes of Subsection (iv), "profiting" does not include a reasonable fee for guiding services provided in conjunction with the assigned permit opportunity.~~

~~(d)b) If a person [is selected by a qualified organization to receive] assigned a Special Antelope Island State Park Conservation Permit [and is also successful in obtaining a] opportunity by the successful bidder or a person possessing the permit voucher is unable to use the permit opportunity for any reason, including obtaining another Utah permit for the same species [in the same year through a division drawing, that person may designate another person to receive the Special Antelope Island State Park Conservation Permit, provided the permit has not been issued by the division to the first selected person.~~

~~(e) If a person is selected by a qualified organization to receive a Special Antelope Island State Park Conservation Permit, but is unable to use the permit, the conservation organization may remarket the permit opportunity using any legal means and designate another person to receive the [permit] opportunity, provided:~~

~~(i) the conservation organization selects the new recipient of the permit opportunity;~~

~~(ii) the amount of money received by the division for the permit opportunity is not decreased;~~

~~(iii) the conservation organization relinquishes to the division [and otherwise uses] all proceeds generated from the re-designated permit, [pursuant to the requirements] as provided [below:] in Subsection (9);~~

~~(A)iv) the conservation organization and the [initial designated recipient] holder of the permit [sign] opportunity execute an affidavit [indicating the initial designated recipient is not] verifying neither is profiting from transferring the right to the permit; and~~

~~(B)v) the permit has not been issued by the division to the first designated person.~~

~~(7) Within 30 days of the exposition, but no later than May 1 annually, the conservation organization must submit to the division:~~

~~(i)a) a final report on the distribution of the Special Antelope Island State Park Conservation Permits;~~

~~(ii)b) the total funds raised on each permit; and~~

~~(iii)c) the funds due to the division.~~

~~(8)(i)a) Permits shall not be issued until the applicable permit fees are paid to the division.~~

~~(ii)b) If the conservation organization is paying the permit fees for the permit recipient, the fees must be paid from the~~

10% retained by the conservation organization as provided in [R657-41-9(5)(a)] Subsection (9)(b).

(h)9)(a)(i) Conservation organizations shall remit to the division 90% of the total revenue generated by the Special Antelope Island State Park Conservation Permit sales in that year.

(ii) Failure to remit 90% of the total permit revenue to the division by the September 1 deadline may result in criminal prosecution under Title 76, Chapter 6, Part 4 of the Utah Code.

(i)b) A conservation organization may retain 10% of the revenue generated by the permits for administrative expenses.

(j)c) Special Antelope Island State Park Conservation Permits will be issued under this section and will not be limited by the requirements of R657-41-3 through R657-41-8.

(k)d) Upon receipt of the permit revenue from the conservation organization, the division will transfer the revenue to the Division of Parks and Recreation, as provided in the cooperative agreement under Subsection (1)(b) between the two divisions.

(4)10)(a) Except as otherwise provided under Subsections (3)(d)5) and (3)(e), a person designated by a 6), neither the conservation organization [as a recipient], successful bidder, successful bidder's assignee, nor the holder of a Special Antelope Island State Park Conservation Permit [voucher may [not] offer for sale, sell, or transfer the rights to that designation to any other person. [— This does not preclude a person from bidding or otherwise lawfully acquiring a permit from a conservation organization on behalf of another person who will be identified as the original designated recipient.]

(b) A person cannot obtain a Special Antelope Island State Park Conservation Permit for a bighorn sheep or mule deer and any other permit for a male animal of the same species in the same year.

(c) The person designated to receive a Special Antelope Island State Park Conservation Permit must possess or obtain a current Utah hunting or combination license before being issued the permit.

R657-41-13. Failure to Comply.

Any conservation organization administratively or criminally found in violation of this rule or the Wildlife Resources Code may be suspended from participation in the conservation permit program and required to surrender all conservation permit vouchers.

KEY: wildlife, wildlife permits, sportsman, conservation permits

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

Natural Resources, Wildlife Resources

R657-50

Error Remedy

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42967

FILED: 06/11/2018

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: The modifications to this rule remove DWR's Error Committee from this rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-14-19 and Section 23-19-1 and Section 23-19-38

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** Since these amendments only remove the Division Error Committee from this rule, DWR has determined that this does not create a cost or savings impact to the state budget or DWR's budget.

◆ **LOCAL GOVERNMENTS:** These amendments are removing a committee from rule language. This rule does not create any direct cost or savings impact to local governments because they are not directly affected by this rule. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** These amendments are removing a committee from rule language. This rule does not create any direct cost or savings impact to small businesses because they are not directly affected by this rule. 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 rule does not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons, because this correction is only clerical in nature.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since these amendments remove the Division Error Committee from this rule, DWR has determined that there are no additional compliance costs associated with this amendment.

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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Mike Fowlks, Deputy Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 proposed changes to Rule R657-50 are not expected to have any fiscal impact on large businesses revenues or expenditures, because there are no services required from them in order to implement these rule changes.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.**R657-50. Error Remedy.****R657-50-1. Purpose and Authority.**

(1) Under the authority of Sections 23-14-19, 23-19-1, and 23-19-38 this rule is established to provide guidelines for identifying and resolving errors involving:

- (a) rejection of a wildlife document application;
- (b) denial of a wildlife document;
- (c) incorrect issuance of a wildlife document;
- (d) applying for or receiving a wildlife document;
- (e) eligibility to apply for or receive a wildlife document;

or

- (f) loss or forfeiture of bonus points.

(2) This rule provides standards and procedures in the identification and resolution of division errors, third party errors and applicant errors.

(3) Nothing in this Section shall be construed, however, as authorizing the Division to remedy or otherwise alter wildlife document ineligibility resulting from a judicial or administrative order suspending wildlife document privileges.

R657-50-2. Policy.

(1)(a) The division receives hundreds of thousands of applications and issues tens of thousands of wildlife documents each year through a variety of distribution methods, including:

- (i) drawings;
- (ii) over-the-counter sales;
- (iii) license agent sales; and
- (iv) online sales.

(b) The application procedures and eligibility requirements for wildlife documents are set forth in Utah Code, Title 23, and Utah Administrative Code Rules, Title R657.

(c) The public must comply with the procedures and requirements set forth in the statutes and rules identified in Subsection (1)(b).

(d) The division recognizes, however, that errors may be made by the division and other parties in eligibility, requesting, processing and issuing wildlife documents, including forfeiture of bonus points. Therefore, procedures are needed for evaluation, identification and resolution of errors.

(2)(a) The division may notify petitioners of rejection status for wildlife document applications completed incorrectly as provided under the applicable application correction procedures set forth in the respective statutes and rules identified in Subsection (1) (b).

(b) The division may use the data on file to correct rejection status applications. Ultimately, however, it is the responsibility of the applicant to provide all necessary information as required on the application.

(3)(a) Consistent with the requirements in this rule, the division may mitigate division, third party, and applicant errors when issuing wildlife documents or determining bonus points by:

- (i) extending a deadline;
- (ii) issuing a refund consistent with Sections 23-19-38 and 23-19-38.2;
- (iii) issuing the correct wildlife document;
- (iv) authorizing an incorrectly issued wildlife document;
- (v) restoring forfeited bonus or preference points; or
- (vi) accepting the surrender of a wildlife document and restoring applicable bonus or preference points as authorized in R657-42-4.

(b) Any mitigation efforts shall be subject to the division's determination that the applicant shall not receive an unfair benefit from the mitigation.

(c) The division may not mitigate errors caused in whole or part by the applicant's knowing and willful violation of statute, rule or proclamation.

(d) This rule applies only to errors adversely ~~effecting~~ affecting an applicant that cannot be remedied through compliance with existing processes and procedures set in statute, rule or proclamation.

- (e) The division may refund any fee collected in error.

R657-50-3. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2, and the applicable rules as provided in Section R657-50-1(b).

- (2) In addition:

(a) "Applicant" means the person directly impacted by an error adversely affecting the opportunity to obtain or use a wildlife document.

(b)(i) "Applicant error" means the applicant inadvertently or negligently fails to comply with the procedures and requirements to become eligible for, apply for, or obtain a wildlife document.

(ii) "Applicant error" includes the negligent acts and omissions committed by an individual or entity acting in the applicant's behalf.

(iii) "Applicant error" does not include knowing and willful noncompliance with division procedures and requirements by the applicant or any individual or entity acting in his or her behalf.

(c) "Application" means a request made by the applicant to receive a wildlife document whether through a drawing, license agent, division employee, or online application.

- (d)(i) "Division error" means the division or its agent:

(A) provides erroneous information to the applicant, which the applicant relies upon to his or her detriment in obtaining, or attempting to obtain a wildlife document;

(B) fails to provide information to the applicant required by law, policy, practice, or circumstance that directly leads to the applicant's ineligibility, inability, or failure to apply for or receive a wildlife document;

(C) erroneously rejects a properly completed and accurate wildlife document application;

- (D) incorrectly issues a wildlife document;

- (E) incorrectly denies issuing a wildlife document; or

(F) experiences a computer, online, or other electronic systems failure that prevents an applicant from applying for or obtaining a wildlife document.

(ii) "Division error" does not include any error made by the division or its agents acting in reliance upon inaccurate or false information provided by the applicant or any other individual acting in the applicant's behalf.

~~(e) "Error Committee" means a committee established by the Director consisting of the Wildlife Chief, Administrative Services Chief, Licensing Coordinator, and Rules Coordinator, or their designees.~~

~~(f) "Landowner association operator" for purposes of this rule, means:~~

(i) a landowner association or any of its members eligible to receive limited entry landowner permits as provided in Rule R657-43; or

(ii) Cooperative Wildlife Management Unit (CWMU) landowner association or its designated operator as provided in Rule R657-37.

~~(g) "Landowner association operator error" means a landowner association operator whose error or mistake results in an incorrect voucher redemption.~~

~~(h) "Rejection status" means the application will not be considered for a wildlife document due to:~~

- ~~(i) an applicant error on the application;~~
- ~~(ii) the application lacking required information; or~~
- ~~(iii) the applicant does not meet a specific requirement.~~

~~(i) "Third party error" means the applicant is prepared and capable of or has satisfied the procedures and requirements for obtaining a wildlife document, but the opportunity is lost due to an error by computer service, internet provider, mail carrier services or financial institutions.~~

~~(j) "Voucher" means a document issued by the division to a landowner association member or landowner association operator, to designate who may purchase a CWMU big game hunting permit or a limited entry landowner permit from a division office.~~

~~(k) "Wildlife document" means any license, permit, tag, or certificate of registration issued by the division.~~

R657-50-4. Division Error Procedures.

(1) A division error, which results in the rejection or incorrect processing of an application to obtain a wildlife document through a drawing, may be handled as provided in Subsections (a) through (d).

(a) If the drawing has not been held, the division may extend the application deadline and evaluate the application as though filed timely.

(b) If the drawing is over and the wildlife document applied for is available, the division may issue the wildlife document.

(c) If the drawing is over and the wildlife document applied for is not available, the division must follow the procedures set forth in Subsection (7).

(d) If an application is for one or more persons applying as a group, the division may treat the remaining members of the group the same as the applicant.

(2) A division error, which results in an application denial for wildlife documents other than those issued through a drawing,

may be resolved by extending the application deadline and evaluating the application as though filed timely.

(3) A division error, which results in an impermissible surrender or exchange of a wildlife document may be resolved by extending the deadline necessary to validate the surrender or exchange, provided:

(a) the applicant has not participated in the activity authorized by the surrendered wildlife document; and

(b) the applicant shall be substantially prejudiced if relief under this section is not granted.

(4) A division error, which results in the improper denial of a wildlife document, may be resolved as provided in Subsections (a) through (b).

(a) If the wildlife document erroneously denied is available, the division may issue the wildlife document.

(b) If the wildlife document erroneously denied is not available, the division must follow the procedures set forth in Subsection (7).

(5) A division error, which results in the erroneous issuance of a wildlife document may be resolved as provided in Subsections (a) through (b).

(a) If the wildlife document requested by the applicant prior to or at the time of the error is currently available, the division may issue the wildlife document.

(b) If the wildlife document requested by the applicant prior to or at the time of the error is currently not available, the division must follow the procedures set forth in Subsection (7).

(6) A division error, which directly results in the applicant's loss of bonus points or the imposition of a waiting period, may be resolved by restoring part or all of the bonus points and removing the waiting period.

(7) Procedures for issuing wildlife documents otherwise unavailable for distribution are as follows:

(a) If the applicant would have received a wildlife document absent an error, or if the applicant received a wildlife document because of an error, the division shall determine if an additional wildlife document beyond the applicable quota may be issued without detriment to the particular wildlife species in a specific hunt area.

(i) If issuing the additional wildlife document is not detrimental to the species in the hunt area, the division may issue the wildlife document, except as provided in Subsection (A).

(A) Only the Wildlife Board may approve issuing an additional permit for a once-in-a-lifetime hunt.

(B) Additional CWMU permits may not be issued.

(ii) If a wildlife document cannot be issued, the applicant may be placed at the top of the alternate drawing list.

(iii) If a wildlife document is not issued under Subsection (i) or (ii), the division may issue a bonus point or preference point, whichever is applicable.

(iv) If a bonus point or preference point does not apply, the division may issue a refund of the wildlife document and handling fee.

(b) If the applicant would not have received a wildlife document in a drawing, absent an error, the division may issue a bonus point or preference point, where applicable.

(c) If the wildlife document was applied for through a division drawing and the hunting season for that wildlife document is over, the division may:

- (i) issue a bonus point or preference point for which the application was submitted, where applicable; or
- (ii) issue a refund of the wildlife document and handling fee where bonus points or preference points do not apply.

R657-50-5. Third Party Errors.

(1) The division shall not be held responsible for third party errors, including those of a computer service, internet provider, financial institution or postal service, however, the division may mitigate a third party error as provided under this section.

(2)(a) The applicant must:

- (i) provide proof to the satisfaction of the division that the error was due to a third party; and
- (ii) provide written documentation from the third party verifying the error.

(3) Third party errors which result in failure to apply, rejection, or incorrect processing of an application to obtain a wildlife document through a drawing may be handled as provided in Subsections (a) through (c).

(a) If the error is brought to the division's attention prior to the drawing and there is sufficient time to complete the processing of the application before the drawing for which the application was submitted, the application may be included in the drawing as though filed timely.

(b) If the error is brought to the division's attention after the drawing or there is not sufficient time to complete the processing of the application before the drawing, and the applicant's application is rejected because of the error, or the applicant otherwise fails to obtain the wildlife document applied for, the division may issue a bonus point or preference point for the hunt applied for, where applicable.

(c) A refund of handling fees shall not be made for third party errors.

(4) A third party error, which results in failure to apply, rejection, or incorrect processing of an application for a wildlife document issued outside the drawing process, may be handled by extending the application deadline and evaluating the application as though filed timely.

(5) An application deadline extension under this section may not be granted unless the applicant pays the prescribed application late fee.

(6) If an application is for one or more persons applying as a group, the division may treat the remaining members of the group the same as the applicant.

(7) A third party error, which directly results in the applicant's loss of bonus points or the imposition of a waiting period, may be resolved by restoring part or all of the bonus points and removing the waiting period.

R657-50-6. Landowner Association Operator Errors.

(1)(a) The division shall not be held responsible for landowner association operator errors, however, the division may mitigate a landowner association operator error as provided under this section.

(b) The applicant must provide proof to the satisfaction of the division that the error was due to a landowner association operator.

(c) If the applicant cannot prove to the satisfaction of the division that the error was due to a landowner association operator, the division will take no mitigating action.

(2) A landowner association operator error, which results in the incorrect processing of a voucher to obtain a wildlife document, may be mitigated as provided in Rule R657-42-11(3).

R657-50-7. Applicant Errors.

(1) The division shall not be held responsible for applicant errors. However, the division may mitigate an applicant error as provided under this section.

(2)(a) The applicant must:

- (i) provide proof to the satisfaction of the division that the error was due to a negligent act or omission of the applicant or a person or entity acting in the applicant's behalf; and
- (ii) provide written documentation from the person or entity, where applicable, acknowledging and verifying the error.

(3) Applicant errors which result in failure to apply, rejection, or incorrect processing of an application for a wildlife document through a drawing may be handled as provided in Subsections (a) and (b).

(a) If the error is brought to the division's attention prior to the drawing and there is sufficient time to complete the processing of the application before the drawing for which the application was submitted, the application may be included in the drawing as though filed timely.

(b) If the error is brought to the division's attention after the drawing or there is not sufficient time to complete the processing of the application before the drawing, and the applicant's application is rejected because of the error, or the applicant otherwise fails to obtain the wildlife document applied for, the division may issue a bonus point or preference point for the hunt applied for, where applicable.

(4) An applicant error, which results in failure to apply, rejection, or incorrect processing of an application for a wildlife document issued outside the drawing process, may be handled by extending the application deadline and evaluating the application as though filed timely.

(5) An application deadline extension under this section may not be granted unless the applicant pays the prescribed application late fee.

(6) If an application is for one or more persons applying as a group, the division may treat the remaining members of the group the same as the applicant.

(7) An applicant error which directly results in the applicant's failure to earn a bonus point, loss or forfeiture of bonus points or the imposition of a waiting period, may be resolved by restoring part or all of the bonus points and removing the waiting period, provided the request for relief is submitted to the division within 180 days of the deadline for filing an application that resulted in failing to earn or forfeiting a bonus point or the imposition of a waiting period.

R657-50-8. Limitations.

An error may be reviewed at any time, but a wildlife document may not be issued or exchanged after the season closure for the activity authorized by the particular wildlife document.

R657-50-9. [~~Error Committee~~Division.

- (1) The [~~error committee shall~~division may:
 - (i) review complaints of errors on applications, vouchers, wildlife documents, and fees;
 - (ii) determine facts;
 - (iii) apply the provisions of this rule; and
 - (iv) recommend resolutions to the Director's Office or Wildlife Board.
- (2) Any relief granted [~~and decisions~~or decision made pursuant to this rule shall be reviewed and approved by the [~~Error Committee and is subject to review by the~~]division Director/designee.

KEY: wildlife, permits

Date of Enactment or Last Substantive Amendment: [~~October 22, 2009~~2018

Notice of Continuation: March 13, 2017

Authorizing, and Implemented or Interpreted Law: 23-14-19; 23-19-1; 23-19-38

Natural Resources, Wildlife Resources
R657-53
Amphibian and Reptile Collection,
Importation, Transportation and
Possession

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 42968
 FILED: 06/11/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rule amendments are to clarify procedures, standards, and requirements for the collection, importation, transportation, and possession of amphibians and reptiles.

SUMMARY OF THE RULE OR CHANGE: The amendments to this rule remove the Certification Review Committee from this rule.

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 rule amendments remove an internal committee. The Division of Wildlife Resources (DWR) has determined that by removing the Certification Review Committee from this rule does not create a cost or savings impact to the state budget or DWR's budget.
- ◆ **LOCAL GOVERNMENTS:** None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by this rule. Nor are local governments indirectly impacted because this rule does

not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** None--This filing does not create any direct cost or savings impact to small businesses because they are not directly affected by this rule. Nor are small businesses indirectly impacted because this rule does not create a situation requiring services from small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These rule amendments remove an internal committee. DWR has determined that removing the Certification Review Committee from this rule does not generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments remove an internal committee from rule language. DWR has determined that there are no additional compliance costs associated with these amendments.

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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Mike Fowlks, Deputy Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 proposed changes to Rule R657-53 are not expected to have any fiscal impact on large businesses revenues or expenditures, because there are no services required from them in order to implement these rule changes.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.
R657-53. Amphibian and Reptile Collection, Importation, Transportation and Possession.

R657-53-1. Purpose and Authority.

(1) Under Title 23, Wildlife Resources Code of Utah, this rule governs the collection, importation, transportation, possession, and propagation of amphibians and reptiles.

(2) Nothing in this rule shall be construed as superseding the provisions set forth in Title 23, Wildlife Resources Code of Utah. Any provision of this rule setting forth a criminal violation that overlaps a section of that title is provided in this rule only as a clarification or to provide greater specificity needed for the administration of the provisions of this rule.

(3) In addition to this rule, additional regulation is provided in R657-40. Where a more specific provision has been adopted, that provision shall control.

(4) Specific dates, species, areas, number of pre-authorized certificates of registration, limits and other administrative details which may change annually are published in the proclamation of the Wildlife Board for amphibians and reptiles.

(5) Amphibians and reptiles lawfully collected from wild populations in Utah and thereafter possessed remain the property of the state for the life of the animal pursuant to Section 23-13-3. The state does not assert ownership interest in lawfully possessed, captive-bred amphibians and reptiles, but does retain jurisdiction to regulate the importation, possession, propagation and use of such animals pursuant to Title 23 of the Utah Code and this rule.

(6) This rule does not apply to division employees acting within the scope of their assigned duties.

R657-53-17. [Certification Review Committee]Division Responsibilities.

(1) The division [~~shall establish a Certification Review Committee which shall~~], in consultation with the Department of Agriculture and Food and the Department of Health, will be responsible for:

- (a) reviewing:
 - (i) petitions to reclassify species and subspecies of amphibians or reptiles; and

- ~~(ii) appeals of certificates of registration; and~~
- ~~(iii) requests for variances to this rule; and~~

- (b) making recommendations to the Wildlife Board.

(2) ~~The committee shall consist of the following individuals:~~

- ~~(a) the director or the director's designee who shall represent the director's office and shall act as chair of the committee;~~
- ~~(b) the chief of the Aquatic Section;~~
- ~~(c) the chief of the Wildlife Section;~~
- ~~(d) the chief of the Administrative Services Section;~~
- ~~(e) the chief of the Law Enforcement Section;~~
- ~~(f) the state veterinarian or his designee; and~~
- ~~(g) a person designated by the Department of Health.~~

(3) The division shall require a fee for the submission of a request provided in Section R657-53-18 and R657-53-19.

R657-53-18. Request for Species Reclassification.

(1) A person may make a request to change the classification of a species or subspecies of amphibian or reptile provided in this rule.

(2) A request for reclassification must be made to the [Certification Review Committee]division by submitting an application for reclassification.

- (3)(a) The application shall include:
 - (i) the petitioner's name, address, and phone number;
 - (ii) the species or subspecies for which the application is made;

(iii) the name of all interested parties known by the petitioner;

- (iv) the current classification of the species or subspecies;
- (v) a statement of the facts and reasons forming the basis for the reclassification; and

(vi) copies of scientific literature or other evidence supporting the change in classification.

(b) In addition to the information required under Subsection (a), the petitioner must provide any information requested by the [committee]division necessary to formulate a recommendation to the Wildlife Board.

(4)(a) The ~~[committee]~~division shall, within a reasonable time, consider the request for reclassification and shall submit its recommendation to the Wildlife Board.

(b) The ~~[committee]~~division shall send a copy of its recommendation to the petitioner and other interested parties specified on the application.

(5)(a) At the next available Wildlife Board meeting the Wildlife Board shall:

(i) consider the ~~[committee]~~division recommendation; and

(ii) any information provided by the petitioner or other interested parties.

(b) The Wildlife Board shall approve or deny the request for reclassification based on the issuance criteria provided in Section R657-53-11(1).

(6) A change in species classification shall be made in accordance with Title 63G, Chapter 4, Administrative Rulemaking Act.

(7) A request for species reclassification shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.

R657-53-19. Request for Variance.

(1) A person may make a request for a variance to this rule for the collection, importation, propagation, or possession of an amphibian or reptile classified as prohibited under this rule by submitting a request for variance to the ~~[Certification Review Committee]~~division.

(2)(a) A request for variance shall include the following:

(i) the name, address, and phone number of the person making the request;

(ii) the species or subspecies of the amphibian or reptile and associated activities for which the request is made; and

(iii) a statement of the facts and reasons forming the basis for the variance.

(b) In addition to the information required under Subsection (a), the person making the request must provide any information requested by the ~~[committee]~~division necessary to formulate a recommendation to the Wildlife Board.

(3) The ~~[committee]~~division shall, within a reasonable time, consider the request and shall submit its recommendation to the Wildlife Board.

(4) At the next available Wildlife Board meeting the Wildlife Board shall:

(a) consider the ~~[committee]~~division recommendation; and

(b) any information provided by the person making the request.

(5)(a) The Wildlife Board shall approve or deny the request based on the issuance criteria provided in Section R657-53-11.

(b) If the request applies to a broad class of persons and not to unique circumstances of the applicant, the Wildlife Board shall consider changing the species classification before issuing a variance to this rule.

(6)(a) If the request is approved, the Wildlife Board may impose any restrictions on the person making the request considered necessary for that person to maintain the standards upon which the variance is made.

(b) Any restrictions imposed on the person making the request shall be included in writing on the certificate of registration which shall be signed by the person making the request.

(7) A request for variance shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.

R657-53-20. Appeal of Certificate of Registration Denial.

(1) A person may appeal the division's denial of a certificate of registration by submitting an appeal request to the ~~[Certification Review Committee]~~consistent with R657-2.

(2) The request must be made within 30 days after the date of the denial.

~~_____ (3) The request shall include:~~

~~_____ (a) the name, address, and phone number of the petitioner;~~

~~_____ (b) the date the request was mailed;~~

~~_____ (c) the species or subspecies of the amphibian or reptile and the activity for which the application was made; and~~

~~_____ (d) supporting facts and other evidence applicable to resolving the issue.~~

~~_____ (4) The committee shall review the request within a reasonable time after it is received.~~

~~_____ (5) Upon reviewing the application and the reasons for its denial, the committee may:~~

~~_____ (a) overturn the denial and approve the application; or~~

~~_____ (b) uphold the denial.~~

~~_____ (6) The committee may overturn a denial if the denial was:~~

~~_____ (a) based on insufficient information;~~

~~_____ (b) inconsistent with prior action of the division or the Wildlife Board;~~

~~_____ (c) arbitrary or capricious; or~~

~~_____ (d) contrary to law.~~

~~_____ (7)(a) Within a reasonable time after making its decision, the committee shall mail a notice to the petitioner specifying the reasons for its decision.~~

~~_____ (b) The notice shall include information that a person may seek Wildlife Board review of that decision.~~

~~_____ (8)(a) If the committee upholds the denial, the petitioner may seek Wildlife Board review of the decision by submitting a request for Wildlife Board review within 30 days after its issuance.~~

~~_____ (b) The request must include the information provided in Subsection (3).~~

~~_____ (9)(a) Upon receiving a request for Wildlife Board review, the Wildlife Board shall, within a reasonable time, hold a hearing to consider the request.~~

~~_____ (b) The Wildlife Board may:~~

~~_____ (i) overturn the denial and approve the application; or~~

~~_____ (ii) uphold the denial.~~

~~_____ (c) The Wildlife Board shall provide the petitioner with a written decision within a reasonable time after making its decision.~~

~~_____ (10) An appeal contesting initial division determination of eligibility for a certificate of registration shall be considered a request for agency action as provided in Subsection 63G-4-201(3) and Rule R657-2.]~~

KEY: wildlife, import restrictions, amphibians, reptiles

Date of Enactment or Last Substantive Amendment: [May 10, 2010]2018

Notice of Continuation: April 12, 2018
Authorizing, and Implemented or Interpreted Law: 23-14-18;
23-14-19; 23-20-3; 23-13-14

Natural Resources, Wildlife Resources
R657-54
Taking Wild Turkey

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 42969
 FILED: 06/11/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted for taking public input and reviewing the Wild Turkey Program as approved by the Wildlife Board.

SUMMARY OF THE RULE OR CHANGE: The proposed revisions to the rule: 1) add definitions for "Fall season permit", "Spring season permit", and "Wild Turkey"; 2) amend firing shot sizes to BB or smaller diameter, and authorize rimfire firearm during the fall season permit; 3) remove Wild Turkey Poaching – Reported Reward Permits from this rule and references it in Rule R657-51; 4) set bag limits for the spring and fall permit; and 5) make technical corrections as needed.

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 amendments clarify existing rule language, it does not make any changes to the process or employee workload, therefore, the Division of Wildlife Resources (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 amendments will only impact the individual sportsmen wishing to participate in turkey hunting and have no impact on the local governments, DWR finds that 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:** Since these amendments will only impact the individual sportsmen wishing to participate in turkey hunting and have no impact on small businesses, DWR finds that this filing does not create any direct cost or savings impact to small businesses. Nor are small businesses indirectly impacted because this rule does not create a situation requiring services from small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These amendments clarify existing rule language and authorize an increased opportunity in the possession of a wild turkey permit, therefore, it does have the potential to generate a cost or savings impact to sportsmen or other persons wishing to possess three fall turkey permits instead of two.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that this amendment could create additional costs for those who wish to possess an additional fall wild turkey permit.

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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Mike Fowlks, Deputy Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 proposed changes to Rule R657-54 are not expected to have any fiscal impact on large businesses revenues or expenditures, because there are no services required from them in order to implement these rule changes.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.

R657-54. Taking Wild Turkey.

R657-54-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 and in accordance with 50 CFR 20, 2003 edition, which is incorporated by reference, the Wildlife Board has established this rule for taking wild turkey.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the guidebook of the Wildlife Board for taking upland game and wild turkey.

R657-54-2. Definitions.

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

(2) In addition:

(a) "Bait" means shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that lures, attracts or entices wild turkey.

(b) "Baiting" means the direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for upland game to, on, or over any areas where hunters are attempting to take them.

(c) "CFR" means the Code of Federal Regulations.

(d) "Falconry" means the sport of taking quarry by means of a trained raptor.

(e) "Fall season permit" means any turkey hunting permit having season dates on or between August 1 to March 14, excluding turkey permits issued pursuant to R657-41 and turkey control permits issued pursuant to R657-69-6.

(f) "Spring season permit" means any turkey hunting permit having season dates on or between March 15 to July 31, excluding turkey permits issued pursuant to R657-41 and turkey control permits issued pursuant to R657-69-6.

(g) "Wild Turkey" as used in this rule means a wild, free-ranging turkey and does not include a privately-owned wild turkey, domestic turkey, or wild-domestic hybrids.

R657-54-3. [Application Procedure]Obtaining Permits for Wild Turkey.

(1) ~~[Permits for]~~A person must possess or obtain a valid hunting or combination license in order to apply for or obtain a wild turkey [will be issued pursuant to R657-62-25.]permit.

(2) General season wild turkey permits are issued over-the-counter consistent with this rule and the guidebook of the Wildlife Board for taking upland game and wild turkey.

(3) Limited entry permits for wild turkey are issued pursuant to R657-62-25.

(4) Wild turkey control permits and turkey control permit vouchers are issued pursuant to R657-69.

(5) Wild turkey conservation and sportsman's permits are issued pursuant to R657-41.

(6) Wild turkey permits available through the Expo are issued pursuant to R657-55.

(7) Wild turkey poaching-reported reward permits are issued pursuant to R657-51.

R657-54-4. Authorized Weapons.

~~[(+)]~~Wild turkey may be taken only with:

(a) Archery equipment, including a draw-lock, or a crossbow using broadhead tipped arrows or bolts~~[-or]~~;

(b) a shotgun~~[no larger than 10 gauge and no smaller than 28 gauge]~~, firing shot sizes ~~[ranging between]~~BB and ~~[no. 8.]smaller diameter; or~~

(c) a rimfire firearm during any fall season permit.

R657-54-5. Shooting Hours.

(1) Wild turkey may be taken only between one-half hour before official sunrise through one-half hour after official sunset.

(a) ~~[a]~~2 A person must add to or subtract from the official sunrise and sunset depending on the geographic location of the state. Specific times are provided in a time zone map in the guidebook of the Wildlife Board for taking upland game and wild turkey.

R657-54-16. Spotighting.

(1) Except as provided in Section 23-13-17:

(a) a person may not use or cast the rays of any spotlight, headlight or other artificial light to locate protected wildlife while having in possession a firearm or other weapon or device that could be used to take or injure protected wildlife; and

(b) the use of a spotlight or other artificial light in a field, woodland or forest where protected wildlife are generally found is ~~[prima facie evidence]~~probable cause of attempting to locate protected wildlife.

(2) The provisions of this section do not apply to:

(a) the use of the headlights of a motor vehicle or other artificial light in a usual manner where there is no attempt or intent to locate protected wildlife; or

(b) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take wildlife.

R657-54-19. Wild Turkey Poaching -Reported Reward Permits.

~~[(1) Any person who provides information leading to another person's arrest and successful prosecution for wanton destruction of a wild turkey under Section 23-20-4, within any limited entry area may receive a permit from the Division to hunt wild turkey in the following year on the same limited entry area where the violation occurred, except as provided in Subsection (2).~~

~~————(2)(a) In the event that issuance of a Poaching-Reported Reward Permit would exceed 5 percent of the total number of limited entry 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 Subsection (b).~~

~~————(b) A permit for a wild turkey, on an alternative limited entry area that has been allocated more than 20 permits, may be issued.~~

~~————(3)(a) The Division may issue only one Poaching-Reported Reward Permit for any one wild turkey 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 shall be issued to any one person in any one calendar year.~~

~~————(d) A person must possess a Utah hunting or combination license to receive a Poaching-Reported Reward Permit.~~

~~————(4)(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.~~

~~————(5) Any person who receives a Poaching-Reported Reward Permit must be eligible to hunt and obtain wild turkey permits as provided in all rules and regulations of the Wildlife Board and the Wildlife Resources Code.~~

~~————(6) For purposes of this section, "successful prosecution" means the screening, filing of charges and subsequent adjudication for the poaching incident.]Wild turkey poaching-reported reward permits are issued pursuant to R657-51.~~

R657-54-20. Season Dates, Bag and Possession Limits, and Areas Open.

~~(1) Season dates, bag and possession limits, areas open, and number of permits for taking wild turkey are provided in the guidebook of the Wildlife Board for taking upland game and wild turkey.~~

~~————(2) A person may not obtain or possess more than:~~

~~————(a) one permit during the spring season annually; or~~

~~————(b) three permits during the fall season annually.~~

KEY: wildlife, wild turkey, game laws

Date of Enactment or Last Substantive Amendment: [August 7, 2017]2018

Notice of Continuation: August 18, 2014

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

**Natural Resources, Wildlife Resources
R657-55
Wildlife Expo Permits**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42970

FILED: 06/11/2018

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: These proposed revisions to this rule: 1) harmonize the contract application and renewal process to be consistent with State procurement code; 2) clarify that DWR has authority to terminate the contract in interest of wildlife conservation, management issues, or compliance with law; 3) specify that expo permit applicants would be eligible to receive only one expo permit each year, when multiple permits are drawn, the successful applicant would need to select a permit within two business days; 4) clarify that accrued interest on application handling fee revenue dedicated to funding projects be used for projects; 5) amend the 90-day allowance for the funds committed to a project to be remitted to 60 days from the date of invoice; 6) clarify that application handling fee revenue dedicated to funding projects must be expended on approved projects or transferred to the division by August 1, two years following collection; 7) amend requirements for redundant information to be submitted by the expo contractor; and 8) make technical corrections as needed.

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 amendments clarify already established procedures that will allow one or more groups to hold the exposition and add requirements to be included with the yearly audit. 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 amendments only clarify current requirements for reporting in a policy that has

already been established and followed, this should have little to no effect on local governments. This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

♦ **SMALL BUSINESSES:** Since these amendments only clarify current requirements for reporting in a policy that has already been established and followed, this should have little to no effect on small businesses. This filing does not create any direct cost or savings impact to small businesses because they are not directly affected by this rule. Nor are small businesses indirectly impacted because this rule does not create a situation requiring services from small businesses.

♦ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These amendments place in rule clarifications for the procedures for the revenue generated by the expo application fees, it does not have the potential to increase the cost to individuals. Therefore, these amendments do not have the potential to generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR has determined that these amendments will not create additional costs for those participating in the wildlife exposition. Therefore, these rule amendments do not create a cost or savings impact to individuals.

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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Mike Fowlks, Deputy Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 proposed changes to Rule R657-55 are not expected to have any fiscal impact on large businesses revenues or expenditures, because there are no services required from them in order to implement these rule changes.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.

R657-55. Wildlife Expo Permits.

R657-55-1. Purpose and Authority.

(1) Under the authority of Sections 23-14-18 and 23-14-19 of the Utah Code, this rule provides the standards and requirements for issuing wildlife expo permits.

(2) Wildlife expo permits are authorized by the Wildlife Board and issued by the division to a qualified conservation organization for purposes of generating revenue to fund wildlife conservation activities in Utah and attracting and supporting a regional or national wildlife exposition in Utah.

(3) The selected conservation organization will conduct a random drawing at an exposition held in Utah to distribute the opportunity to receive wildlife expo permits.

(4) This rule is intended as authorization to issue one series of wildlife expo permits per year to [one] a qualified conservation organization.

R657-55-2. Definitions.

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
- (a) "Conservation organization" means a 26 U.S.C. 501(c)(3) tax exempt, nonprofit chartered institution, corporation, foundation, or association founded for the purpose of promoting wildlife conservation.
- (b) "Special nonresident expo permit" means one wildlife expo permit for each once-in-a-lifetime species that is only available to a nonresident hunter legally eligible to hunt in Utah.
- (c) "Wildlife exposition" means a multi-day event held within the state of Utah that is sponsored by one or more wildlife conservation organizations, acting through a single conservation organization, as their national or regional convention or event that is open to the general public and designed to draw nationwide attendance of more than 10,000 individuals. The wildlife exposition may include wildlife conservation fund raising activities, outdoor exhibits, retail marketing of outdoor products and services, public awareness programs, and other similar activities.
- (d) "Wildlife exposition audit" means an annual review by the division of the conservation organization's processes used to handle applications for expo permits and conduct the drawing, the protocols associated with collecting and using client data, the revenue generated from expo permit application handling fees, and the expenditure of designated expo permit application handling fee revenue on division-approved projects.
- (e) "Wildlife expo permit" means a permit which:
- (i) is authorized by the Wildlife Board to be issued to successful applicants through a drawing or random selection process conducted at a Utah wildlife exposition; and
- (ii) allows the permittee to hunt the designated species on the designated unit during the respective season for each species as authorized by the Wildlife Board.
- (f) "Wildlife expo permit series" means a single package of permits to be determined by the Wildlife Board for:
- (i) deer;
- (ii) elk;
- (iii) pronghorn;
- (iv) moose;
- (v) bison;
- (vi) ~~rocky-~~mountain goat;
- (vii) desert bighorn sheep;
- (viii) rocky mountain bighorn sheep;
- (ix) wild turkey;
- (x) cougar; or
- (xi) black bear.
- (g) "Secured opportunity" means the opportunity to receive a specified wildlife expo permit that is secured by an eligible applicant through the exposition drawing process.
- (h) "Successful applicant" means an individual selected to receive a wildlife expo permit through the drawing process.

R657-55-3. Wildlife Expo Permit Allocation.

- (1) The Wildlife Board may allocate wildlife expo permits ~~by~~ after May 1 of the year preceding the wildlife exposition.

(2) Wildlife expo permits shall be issued as a single series to one conservation organization.

(3) The number of wildlife expo permits authorized by the Wildlife Board shall be based on:

(a) the species population trend, size, ~~and~~ distribution ~~[to protect the]~~, and long-term health ~~[of the population]~~;

(b) the hunting and viewing opportunity for the general public, both short and long term; and

(c) a percentage of the permits available to nonresidents in the annual big game drawings matched by a proportionate number of resident permits.

(4) Wildlife expo permits, including special nonresident expo permits, shall not exceed 200 total permits.

(5) Wildlife expo permits designated for the exposition each year shall be deducted from the number of public drawing permits.

R657-55-4. Obtaining Authority to Distribute Wildlife Expo Permit Series.

(1)(a) Except as provided in Subsection (b), the wildlife expo permit series is issued for a period of five years.

(b) ~~[For expo contracts governing the 2017 expo, and all expo contracts thereafter, the]~~ The original five -year term may be [extended]renewed for an additional period not to exceed five years, [so long as:]provided:

(i) ~~the [division and]conservation organization, Division of Purchasing and General Services procurement officer, Wildlife Board, and division~~ mutually agree in writing to [an extension]the renewal term; and

(ii) ~~[the contract extension is approved by the Wildlife Board.]the procurement officer determines in writing pursuant to Section 63G-6a-1204(7) that the renewal term is in the division's best interest and places the writing in the conservation organization's procurement file.~~

(2)(a) The wildlife expo permit series is available to eligible conservation organizations for distribution through a drawing or other random selection process held at a wildlife exposition in Utah open to the public.

~~_____ (3) Conservation organizations may apply for the wildlife expo permit series by sending an application to the division between August 1 and September 1 of the year preceding the expiration of each wildlife exposition term, as provide in R657-55-4(1).]~~

(b) The division may unilaterally discontinue or suspend issuing the wildlife expo permit series at:

(i) the conclusion of the original five-year contract term or renewal term described in Subsection (1) and prior to issuance of a contract under this rule; or

(ii) any time during the term of a contract when in the interest of wildlife conservation, management, or compliance with law.

(3) Prior to expiration of a current wildlife exposition term or renewal term, the division may issue through the Division of Purchasing and General Services a request for proposal consistent with the Procurement Code in Title 63G, Chapter 6a of the Utah Code to solicit bids from conservation organizations desiring to distribute the wildlife expo permit series at a wildlife exposition.

~~(4) [Each application must include:]The request for proposal will solicit information relevant to successfully conducting a wildlife exposition, competently distributing the expo permit series, protecting confidential personal information acquired in distributing permits, and generating revenue for wildlife conservation in Utah, including:~~

~~(a) the name, address and telephone number of the conservation organization;~~

~~(b) a description of the conservation organization's mission statement;~~

~~(c) documentation establishing the conservation organization meets the definitional criteria in R657-55-2(2)(a) and is eligible to submit a proposal;~~

~~(d) the name of the president or other individual responsible for the administrative operations of the conservation organization; [and]~~

~~([d]e) a detailed business plan describing how the:~~

~~(i) proposed wildlife exposition will take place [and how the];~~

~~(ii) proposed wildlife exposition will satisfy the definitional criteria in R657-55-2(2)(c);~~

~~(iii) wildlife expo permit drawing procedures will be carried out[-]; and~~

~~[(5) An incomplete or incorrect application may be rejected.~~

~~(6) The division shall recommend to the Wildlife Board which conservation organization may receive the wildlife expo permit series based on:~~

~~(a) the business plan for the wildlife exposition and drawing procedures contained in the application; and]~~

~~(iv) confidential personal information acquired in the drawing process will be safeguarded;~~

~~([b]f) the conservation organization[',s, including its constituent] and any partnering entities[;]' ability, including past performance in marketing conservation permits under [Rule]R657-41, to effectively plan and complete the wildlife exposition[-;~~

~~(7) The Wildlife Board shall make the final assignment of the wildlife expo permit series based on the:~~

~~(a) division's recommendation];~~

~~([b]g) [applicant]the conservation organization's commitment to use expo permit handling fee revenue to benefit protected wildlife in Utah; and~~

~~([e]h) historical [contribution]contributions of the [applicant]conservation organization[-, including its constituent] and any partnering entities[;] to the conservation of wildlife in Utah[-; and].~~

~~[- (d) previous performance of the applicant conservation organization, including its constituent entities.]~~

~~(5) Proposals submitted in response to a request for proposal under Subsection (4) will be processed, evaluated, and acted upon consistent with the procurement requirements set forth in Title 63G, Chapter 6a of the Utah Code.~~

~~([8]6) The conservation organization receiving the wildlife expo permit series must:~~

~~(a) require each wildlife expo permit applicant to possess a current Utah hunting or combination license before applying for a wildlife expo permit;~~

~~(b) select successful applicants for wildlife [convention]expo permits by drawing or other random selection~~

process in accordance with law, provisions of this rule, ~~[proclamation,] and [order]orders~~ of the Wildlife Board;

~~(c) allow applicants to apply for wildlife expo permits without purchasing admission to the wildlife exposition;~~

~~(d) notify the division of the successful applicant of each wildlife expo permit within 10 days of the applicant's selection;~~

~~(e) maintain records demonstrating that the drawing was conducted fairly; and~~

~~(f) submit to an annual wildlife exposition audit by a division appointed auditor.~~

~~([9]7) The division shall issue the appropriate wildlife expo permit to the designated successful applicant after:~~

~~(a) completion of the random selection process;~~

~~(b) verification of the recipient being eligible for the permit; and~~

~~(c) payment of the appropriate permit fee is received by the division.~~

~~([10]8) The division and the conservation organization receiving the wildlife expo permit series [shall]will enter into a contract[-, including the] with terms that include the relevant provisions [outlined]in this rule, the request for proposal, and the conservation organization's proposal.~~

~~([11]9) If the conservation organization awarded the wildlife expo permit series withdraws before the end of the 5 -year period or any extension period under R657-55-4(1)(b), any remaining co-participant with the conservation organization may [be given an opportunity to]assume the contract and [to]distribute the expo permit series consistent with the contract and this rule for the remaining years in the applicable period, provided:~~

~~(a) The original contracted conservation organization submits a certified letter to the head of the procurement unit, as defined in Section 63G-6a-103, and the division identifying that it will no longer be participating in the exposition[-];~~

~~(b) [The partner or successor]The co-participant conservation organization [files an application]submits a request with the head of the procurement unit and the division[- as provided in Subsection (4) for the remaining period.~~

~~(c) The successor conservation organization submits its application request at least 60 days prior to the next scheduled exposition so that the Wildlife Board can evaluate the request under the criteria in this section.] for authorization to assume the remaining term of the contract ; and~~

~~[- (d) The Wildlife Board authorizes the successor conservation organization to assume the contract and complete the balance of the expo permit series period.]~~

~~(c) the head of the procurement unit, in consultation with the division and Wildlife Board, approves the application.~~

~~([12]10) The division may suspend or terminate the conservation organization's authority to distribute wildlife expo permits at any time during the original five -year award term or any [extension]renewal period for:~~

~~(a) violating any of the requirements set forth in this rule or the contract; or~~

~~(b) failing to bring or organize a wildlife exposition in Utah, as described in the business plan under R657-55-4(4)([d]e), in any given year.~~

R657-55-5. Wildlife Expo Permit Application Procedures.

(1) Any person legally eligible to hunt in Utah may apply for a wildlife expo permit, except that only a nonresident of Utah may apply for a special nonresident expo permit.

(2) The handling fee assessed by the conservation organization to process applications shall be \$5 per application submitted.

(3)(a) Except as provided in Subsection (3)(b), applicants must validate their application in person at the wildlife exposition to be eligible to participate in the wildlife expo permit drawing.

(i) No person may submit an application in behalf of another.

(ii) A person may validate their wildlife expo permit application at the exposition without having to enter the exposition and pay the admission charge.

(b) An applicant that is a member of the United States Armed Forces and unable to attend the wildlife exposition as a result of being deployed or mobilized in the interest of national defense or a national emergency is not required to validate their application in person; provided exposition administrators are furnished a copy of the written deployment or mobilization orders and the orders identify:

(i) the branch of the United States Armed forces from which the applicant is deployed or mobilized;

(ii) the location where the applicant is deployed or mobilized;

(iii) the date the applicant is required to report to duty; and

(iv) the nature and length of the applicant's deployment or mobilization.

(c) The conservation organization shall maintain a record, including copies of military orders, of all applicants that are not required to validate their applications in person pursuant to Subsection (3)(b), and submit to a division audit of these records as part of its annual audit under R657-55-4(8)(f), when requested by the division.

(4) Applicants may apply for each individual hunt for which they are eligible.

(5) Applicants may apply only once for each hunt, regardless of the number of permits for that hunt.

(6) Applicants must submit an application for each desired hunt.

(7) Applicants must possess a current Utah hunting or combination license in order to apply for a wildlife expo permit.

(8) The conservation organization shall advertise, accept, and process applications for wildlife expo permits and conduct the drawing in compliance with this rule and all other applicable laws.

R657-55-6. Drawing Procedures.

(1) A random drawing or selection process must be conducted for each wildlife expo permit.

(2) Preference and bonus points are neither awarded nor applied in the drawings.

(3) Waiting periods do not apply, except any person who obtains a wildlife expo permit for a once-in-a-lifetime species is subject to the once-in-a-lifetime restrictions applicable to obtaining a subsequent permit for the same species through a division application and drawing process, as provided in ~~[Rule]~~R657-~~[5]~~62

and the ~~[proclamation]~~guide books of the Wildlife Board for taking big game.

(4) No predetermined quotas or restrictions shall be imposed in the application or selection process for wildlife expo permits between resident and nonresident applicants, except that special nonresident expo permits may only be awarded to a nonresident of Utah.

(5) Drawings will be conducted within five days of the close of the exposition.

(6) Applicants do not have to be present at the drawing to be awarded a wildlife expo permit.

(7) The conservation organization shall identify all eligible alternates for each wildlife expo permit and provide the division with a finalized list. This list will be maintained by the conservation organization until all permits are issued.

(8) The division shall contact successful applicants~~[-by phone or mail]~~, and the conservation organization shall post the name of all successful applicants on a designated website.

R657-55-7. Issuance of Permits.

(1) The division shall provide a wildlife expo permit to the successful applicant, as designated by the conservation organization.

(2) The division must provide a wildlife expo permit to each successful applicant, except as otherwise provided in this rule.

(3) The division shall provide each successful applicant a letter indicating the permit secured in the drawing, the appropriate fee owed the division, and the date the fee is due.

(4)(a) Successful applicants must [provide]submit the permit fee payment in full to the division before receiving the permit.

(b) Subject to the limitation in Subsection (8), the division will issue the designated wildlife expo permit to the successful applicant.

(5) Residents will pay resident permit fees and nonresidents will pay nonresident permit fees.

(6) ~~[Applicants]~~Beginning in 2019, applicants are eligible to obtain only one expo permit [per species, except as provided in Rule R657-5, but no restrictions apply on obtaining permits for multiple species.]each year, regardless of species.

(7) If an applicant is selected for more than one expo permit~~[-for the same species]~~, the division will contact the applicant to determine which permit the applicant selects.

(a) The applicant must select the permit of choice within ~~[five]~~2 days of receiving notification.

(b) If the division is unable to contact the applicant within ~~[5]~~2 days, the division will issue to the applicant the permit with the most difficult ~~[drawings]~~drawing odds based on drawing results from the division's big game drawing for the preceding year.

(c) Permits not issued to the applicant will go to the next person on the alternate drawing list for that permit, provided the person is legally eligible to receive the permit and does not have a secured opportunity for any other expo permit.

(8) Any successful applicant who fails to satisfy the following requirements will be ineligible to receive the wildlife expo permit and the next drawing alternate for that permit will be selected:

(a) The applicant fails to ~~return~~ remit the appropriate permit fee in full to the division by the date provided in Subsection (3);

(b) The applicant does not possess a valid Utah hunting or combination license at the time the expo permit application was submitted ~~and the permit received~~; or

(c) The applicant is legally ineligible to possess the permit.

R657-55-8. Surrender or Transfer of Wildlife Expo Permits.

(1)(a) A person selected to receive a wildlife expo permit that is also successful in obtaining a Utah once-in-a-lifetime or limited entry permit for the same species in the same year or successful in obtaining a general permit for a male animal of the same species in the same year, may not possess both permits and must select the permit of choice.

(b) In the event a secured opportunity is ~~willingly~~ surrendered before the permit is issued, the next eligible applicant on the alternate drawing list for that permit will be selected to receive the permit, provided the person is legally eligible to receive the permit and does not:

(i) have a secured opportunity for any other expo permit;
or

(ii) possess any other expo permit valid in the same year.

(c) In the event the wildlife expo permit is surrendered, the next eligible applicant on the alternate drawing list for that permit will be selected to receive it, ~~and the~~ provided the person satisfies the eligibility requirements in Subsection (b).

(d) The permit fee on a surrendered expo permit may be refunded, as provided in Sections 23-19-38, 23-19-38.2, and R657-42-5.

(2) A person selected by a conservation organization to receive a wildlife expo permit, may not sell or transfer the permit, or any rights thereunder to another person in accordance with Section 23-19-1.

(3) If a person is successful in obtaining a wildlife expo permit but is legally ineligible to hunt in Utah, the next eligible applicant on the alternate drawing list for that permit will be selected to receive it, provided the person satisfies the eligibility requirements in Subsection (1)(b).

R657-55-9. Using a Wildlife Expo Permit.

(1) A wildlife expo permit allows the recipient to:

~~(a) take [only the species for which the permit is issued;~~

~~(b) take] only the species and sex printed on the permit;~~

~~(c) take the species only in the area and during the season specified on the permit; and~~

~~(d) take the species only with the weapon type specified on the permit.~~

(2) The recipient of a wildlife expo permit is subject to all ~~of~~ the provisions of Title 23, Wildlife Resources Code, and the rules and ~~proclamations~~ guidebooks of the Wildlife Board for taking and pursuing wildlife.

R657-55-10. Wildlife Expo Permit -- Application Handling Fee Revenue.

(1)(a) All wildlife expo permit application handling fee revenue generated by the conservation organization under R657-55-

5(2) will be deposited in a separate, federally insured account to prevent commingling with any other funds.

~~(a) [All interest]~~ Interest earned on the portion of application handling fee revenue ~~may be retained and used~~ by the conservation organization for administrative expenses ~~under Subsection (2) may be retained and used by the conservation organization.~~

(c) Interest earned on the portion of application handling fee revenue committed to fund wildlife conservation projects under Subsection (3) shall be used by the conservation organization to fund approved wildlife conservation projects.

(2) The conservation organization may retain up to \$3.50 of each \$5.00 application handling fee for administrative expenses, unless the conservation organization pledges a greater percentage of the application handling fee to wildlife conservation in:

(a) its response to the request for proposal; or

(b) the expo contract with the division.

(3) The remaining balance of each \$5.00 application ~~fee~~ handling fee and accrued interest, less standard banking fees, assessed on the account where the funding is deposited, will be used by the conservation organization to fund projects advancing wildlife interests in the state, subject to the following:

(a) project funding will not be committed to or expended on any project without first obtaining the division director's written approval;

(b) cash donations to the Wildlife Habitat Account created under Section 23-19-43 or Division Species Enhancement Funds are authorized projects that do not require the division director's approval; and

(c) application handling fee revenue dedicated to funding projects must be completely expended on ~~or committed to~~ approved projects ~~by September~~ or transferred to the division by August 1st, two years following the year in which the application handling fee revenue is collected ~~unless otherwise authorized in writing by the division director~~.

(4) Application handling fee revenue committed to division-approved projects will be transferred by the conservation organization to the division within 60 days of being invoiced by the division.

(a) If the division-approved project to which funds are committed is completed under projected budget or canceled, funds committed to the project that are not used will be kept by the division and credited back to the conservation organization and made available for the group to use on other approved projects during the current or subsequent year.

(5) All records and receipts for projects under Subsection (3) must be retained by the conservation organization for a period not less than five years, and shall be produced to the division for inspection upon request.

~~(5)~~ (6) The conservation organization shall submit a report to the division and Wildlife Board each year ~~no later than September~~ by August 1st that accounts for and documents the following:

(a) gross revenue generated from collecting \$5 wildlife expo permit application handling fees;

(b) total amount of application handling fee revenue retained for administrative expenses; and

(c) total amount of application handling fee revenue set aside and dedicated to funding projects, including bank statements showing account balances[; and

~~(d) description and records of each project funded with application fee revenue, including the date of funding, the amount of funding contributed, and the completion status of the project].~~

((6)7) [~~A~~]A partner organization that individually receives application handling fee revenue from the expo permit drawing pursuant to a co-participant contract with the conservation organization, is subject to the provisions in Subsections (1) through ((5)6).

KEY: wildlife, wildlife permits

Date of Enactment or Last Substantive Amendment: [November 10, 2015]2018

Notice of Continuation: May 5, 2015

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

Natural Resources, Wildlife Resources R657-56

Recreational Lease of Private Lands for Free Public Walk-in Access

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42971

FILED: 06/11/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted for taking public input. The purpose of this rule is to provide the standards, procedures, and requirements necessary to administer a walk-in access program to compensate private landowners for recreational lease of their property to allow free public walk-in access for fishing, hunting, and trapping.

SUMMARY OF THE RULE OR CHANGE: These amendments remove the Walk-in Access Advisory Committee from this rule.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-14-18 and Section 23-14-19 and Section 57-14-1

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** None--This is an existing program and the associated costs have been funded with monies from existing funding sources. Therefore, the Division of Wildlife Resources (DWR) has determined that this rule does not create a cost or savings impact to the state budget or DWR's budget.

◆ **LOCAL GOVERNMENTS:** None--This filing does not create any direct cost or savings impact to local governments because they are not directly affected by this rule. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** None--This filing does not create any direct cost or savings impact to small businesses because they are not directly affected by this rule. Nor are small businesses indirectly impacted because this rule does not create a situation requiring services from small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These amendments remove an internal committee from rule, therefore, this rule does not impose any additional financial requirements on persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments remove an internal committee from rule language. DWR has determined that there is no additional compliance costs associated with this amendment.

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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Mike Fowlks, Deputy Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 proposed changes to Rule R657-56 are not expected to have any fiscal impact on large businesses revenues or expenditures, because there are no services required from them in order to implement these rule changes.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.
R657-56. Recreational Lease of Private Lands for Free Public Walk-in Access.
R657-56-1. Purpose and Authority.

Under the authority of Sections 23-14-3(2), 23-14-18, and 23-14-19, this rule provides the procedures, standards, and requirements to administer a Walk-In Access program in the State of Utah designed to compensate private landowners for leasing private property for the purpose of allowing free public access for wildlife dependent recreation.

[R657-56-16. Walk-In Access Advisory Committee.
~~(1) A WIA Advisory Committee shall be created consisting of five members nominated by the five division regional supervisors, and approved by the Director.~~

- ~~(2) The committee shall include:~~
 - ~~(a) two sportsmen representatives;~~
 - ~~(b) two agricultural representatives;~~
 - ~~(c) one elected official; and~~
 - ~~(d) the division's Wildlife Section Chief, or designee.~~
- ~~(3) The committee shall be chaired by the Wildlife Section Chief, or designee, who shall be a non-voting member.~~
- ~~(4) The committee will:~~
 - ~~(a) hear complaints dealing with fair and equitable treatment of anglers, hunters, or trappers on enrolled WIA property;~~
 - ~~(b) hear complaints dealing with fair and equitable treatment of WIA private landowners; and~~
 - ~~(c) make advisory recommendations to the Director.~~
- ~~(5) The Wildlife Section Chief shall determine the agenda, time, and location of the WIA Advisory Committee meetings~~
- ~~(6) The director may mitigate or resolve issues dealing with complaints.~~
- ~~(7) Members of the advisory Committee shall serve a term of four years, except members may be appointed for a term of two years to ensure that the term of office are staggered.~~
- ~~(a) The Wildlife Section Chief is not subject to a term limitation.]~~

KEY: wildlife, private landowners, public access
Date of Enactment or Last Substantive Amendment: ~~October 24, 2011~~ 2018
Notice of Continuation: October 5, 2015
Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 57-14-1

Natural Resources, Wildlife Resources
R657-57
Division Variance Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 42972
FILED: 06/11/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is established to provide authority, standards, and procedures for granting remedial relief to persons precluded from obtaining or using a wildlife document because of an event or condition beyond their control.

SUMMARY OF THE RULE OR CHANGE: These amendments remove the Division Variance Committee from this rule.

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 amendment remove the creation of the Division Variance Committee from this rule. The Division of Wildlife Resources (DWR) has determined that these amendments will not create any cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with the existing budget.

◆ **LOCAL GOVERNMENTS:** This filing does not create any direct cost or savings impact to local governments because they are not directly affected by this rule. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** This filing does not create any direct cost or savings impact to small businesses because they are not directly affected by this rule. Nor are small businesses indirectly impacted because this rule does not create a situation requiring services from small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These amendments remove an internal committee from this rule, therefore, this rule does not impose any additional financial requirements on other persons, nor generate a cost or saving impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments remove an internal committee from rule language. DWR has determined that there is no additional compliance costs associated with these amendments.

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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Mike Fowlks, Deputy Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 proposed changes to Rule R657-57 are not expected to have any fiscal impact on large businesses revenues or expenditures, because there are no services required from them in order to implement these rule changes.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.

R657-57. Division Variance Rule.

R657-57-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 this rule is established to provide authority, standards and procedures for granting remedial relief to persons precluded from

obtaining or using a wildlife document because of an event or condition beyond their control.

R657-57-8. Division [~~Variance Committee~~].

(1) [~~The Division shall establish a variance committee consisting of the Wildlife Chief, Administrative Services Chief, Licensing Coordinator, and Rules Coordinator, or their designees, which shall:~~The Division will:

(a) review variance applications submitted [~~to the Division~~] pursuant to this rule;

(b) determine facts relative to variance requests;

(c) apply the provisions of this rule to relevant facts; and

(d) grant or deny variance requests in accordance with this rule.

(2) Any variance request granted or denied shall be reviewed and approved by the Division director/designee before notice of decision is provided to the variance request applicant.

R657-57-9. Variance Denial.

(1) The [~~variance committee and~~] Division [~~director~~] shall deny a variance request where the applicant:

(a) fails to satisfy the variance criteria set forth in this rule;

(b) is under a judicial or administrative order suspending his/her Utah hunting privileges for the species at the time:

(i) the variance request is filed or at any time during [~~a~~]an extension season; or

(ii) the wildlife document application period expired for a bonus or preference point variance;

(c) was legally ineligible to receive or use the wildlife document for which a season extension variance is sought;

(d) is legally ineligible to hunt during the extension season;

(e) is legally ineligible to use the weapon type authorized by the wildlife document during the original hunting season or the extension season;

(f) provides false or misleading information on a material fact in the variance request application; or

(g) provides false or misleading information on a material fact in a previous variance request application.

(2) The Division may deny a variance request when it is contrary to sound public policy, wildlife management objectives, Division policies and interests, or the interests sought to be served by this rule.

R657-57-10. Wildlife Board Appeals.

(1) A person may appeal the Division's decision on a variance application to the Wildlife Board pursuant to the requirements of this rule. The appeal request must be in writing and received by the Division within 30 calendar days of the issuance date on the Division's decision.

(2) The appeal shall contain the following information and documentation:

(a) name, address and telephone number of the petitioner;

(b) a statement of the variance relief sought and justification for the relief;

(c) a description of the wildlife document application for which the variance is sought, including the document number, species and sex, season dates, and weapon type;

(d) the original wildlife document for which the variance is sought;

(e) a statement describing the degree of lost opportunity because of an event or condition; and

(f) corroborating documentation of the event or condition listed in R657-57-7(3)(d) and (4)(d), which may include:

(i) a physician's written statement;

(ii) a certified death certificate photocopy;

(iii) a photocopy of the military orders;

(iv) a letter from an employment supervisor on official letterhead; or

(v) court documentation.

(3) The Wildlife Board may reject a variance appeal that is incomplete or that contains false or misleading information.

(4) The Wildlife Board may require the petitioner to provide additional information, documentation, or clarification in conjunction with the variance appeal.

(5) The Wildlife Board may set a time and date for a hearing on the variance appeal where the petitioner may be given an opportunity to address the Wildlife Board concerning the appeal.

(a) The Wildlife Board will provide the petitioner notice of the date, time, and location of the hearing.

(b) Failure to participate in the hearing may result in dismissal of the variance appeal.

(6) The Wildlife Board may sustain, overturn, or modify the Division's [~~order~~]decision which is the subject of the variance appeal, provided the relief granted is consistent with the standards, limitations, requirements, and procedures in R657-57-11 through R657-57-13.

(7) The Wildlife Board will prepare a written decision on the variance appeal and mail a copy to the petitioner.

R657-57-11. Wildlife Board Variance Authority.

(1) Except as provided otherwise in this rule, the Wildlife Board may grant a variance to any regulation promulgated in Title R657 of the Administrative Code or in proclamation concerning the acquisition or use of a wildlife document, provided the event or condition justifying the variance:

(a) is not the result of the applicant's willful misconduct or gross negligent acts or omissions;

(b) substantially precludes the applicant from participating in the activity authorized by the wildlife document; or

(c) completely or significantly impairs the applicant from filing a timely application in a Division administered drawing; and

(d) is of a nature that it deprives opportunity from the applicant in a substantially more severe manner than other similarly situated individuals.

(2) The Wildlife Board is limited to considering only those variance applications on which the Division has issued a letter indicating the variance relief sought is beyond its legal authority to grant.

(3) The Wildlife Board shall consider the Division's recommendation on a variance request.

(4) The Wildlife Board may grant a variance that extends a wildlife document season no more than one year into the future.

(5) The Wildlife Board may award a bonus or preference point pursuant to a variance request only when the applicant would have received such a point had the event or condition not intervened.

- (6) The Wildlife Board may not grant a variance:
 - (a) where the request is filed with the Division beyond the 120 day deadline established in R657-57-7(1);
 - (b) where the applicant is not substantially precluded from participating in the prescribed wildlife activity;
 - (c) for a season extension on any hunt not identified in R657-57-4(1)(a)(i) as eligible for a season extension;
 - (d) where the applicant was successful in harvesting an animal for which the wildlife document was issued; or
 - (e) in direct conflict with any provision of the Wildlife Code or elsewhere in statute.
- (7) The Wildlife Board may not refund wildlife document fees, except as authorized in Sections 23-19-38 and 23-19-38.2.

KEY: wildlife, permits

Date of Enactment or Last Substantive Amendment: ~~March 16, 2015~~ **2018**

Notice of Continuation: August 5, 2013

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

Natural Resources, Wildlife Resources R657-62 Drawing Application Procedures

NOTICE OF PROPOSED RULE (Amendment) DAR FILE NO.: 42973 FILED: 06/11/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Wildlife Board meetings conducted for taking public input and reviewing the Division of Wildlife Resources' (DWR) drawing application process.

SUMMARY OF THE RULE OR CHANGE: This rule is being amended to: 1) add language from Rule R657-55 concerning waiting periods for Expo permits; 2) add "limited entry" designation to restricted bear pursuit permits; 3) add the requirement for a hunter to possess a valid hunting or combination license in order to apply for Sandhill Crane, Sharp-tailed Grouse, Greater Sage Grouse and Swan permits; 4) allow for youth group applications for Turkey, Sandhill Crane, Sharp-tailed and Greater Sage Grouse; and 5) make technical corrections as needed. (EDITOR'S NOTE: The proposed amendment to Rule R657-55 is under Filing No. 42970 in this issue, July 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 rule amendments incorporate language from another rule and add a requirement for the

purchasing of a hunting or combination license prior to applying in the species public draw, it does not create a cost or savings to DWR. Therefore, DWR has determined that these amendments will not create any cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with the existing budget.

◆ **LOCAL GOVERNMENTS:** Since these amendments only incorporate other rule language and the hunting license requirement does not impact local governments, it does not create any direct cost or savings impact to local governments since they are not directly affected by this rule. Nor are local governments indirectly impacted because this rule does not create a situation requiring services from local governments.

◆ **SMALL BUSINESSES:** Since these amendments only incorporate other rule language and the hunting license requirement does not impact small businesses, it does not create any direct cost or savings impact to small businesses since they are not directly affected by this rule. Nor are small businesses indirectly impacted because this rule does not create a situation requiring services from small businesses.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** These amendments will add the requirement to possess a valid hunting or combination license prior to applying for Swan, Sandhill Crane, Sharp-tailed Grouse, or Greater Sage grouse. Historically, DWR receives on average upwards of 8,000 applications for these species, this past year 1,800 applicants would not have met the requirement and would have had to purchase a license prior to applying. It is difficult to estimate the number of applications each year for any given species but it is expected that 1,000 to 1,500 applicants in the upcoming years would have to purchase a license. The licenses are valid for 365 days. Therefore, DWR determines that it could generate a cost or savings impact to other persons wanting to participate in hunting these species. The total estimated increase for the purchase of 1,500 combination licenses would be \$57,000 per year, however, that number could fluctuate based on whether the applicants are youth, residents, or non-residents. The estimate was based off of adult resident applications since their is no way to accurately assume how many youth or nonresidents would apply each year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR has determined that these amendments could create a cost or savings impact to individuals who wish to participate in Swan, Sandhill Crane, Sharp-tailed Grouse, or Greater Sage Grouse hunting 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 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Mike Fowlks, Deputy Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$0	\$0	\$0
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$57,000	\$57,000	\$57,000
Total Fiscal Costs:	\$57,000	\$57,000	\$57,000
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 proposed changes to Rule R657-62 are not expected to have any fiscal impact on large businesses revenues or expenditures, because there are no services required from them in order to implement these rule changes.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.

R657-62. Drawing Application Procedures.

R657-62-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19, the Wildlife Board has established this rule for drawing applications and procedures.

(2) Specific season dates, bag and possession limits, areas open, number of permits and other administrative details that may change annually are published in the respective guidebooks of the Wildlife Board.

R657-62-17. Lifetime License Permits.

(1) Lifetime License permits shall be issued pursuant to [Rule]rule R657-17.

R657-62-18. Big Game.

(1) Permit Applications

(a) Limited entry, Cooperative Wildlife Management Unit, Once-in-a-Lifetime, Management Bull Elk, Management Buck Deer, General Buck Deer, and Youth General Any Bull Elk permit applications.

(i) A person must possess or obtain a valid hunting or combination license to apply for or obtain a big game permit.

(ii) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in [Rule]rule R657-5.

(iii) A person may obtain only one permit per species of big game, including limited entry, cooperative wildlife management unit, once-in-a-lifetime, conservation, landowner and general permits, except antlerless permits as provided in the Antlerless Addendum and permits as provided in Rule R657-42.

(b) A resident may apply in the big game drawing for the following permits:

(i) only one of the following:

(A) buck deer - limited entry and cooperative wildlife management unit;

(B) bull elk - limited entry and cooperative wildlife management unit; or

(C) buck pronghorn - limited entry and cooperative wildlife management unit; and

(ii) only one once-in-a-lifetime permit, including once-in-a-lifetime cooperative wildlife management unit permits.

(c) A nonresident may apply in the big game drawing for the following permits:

(i) all of the following:

(A) buck deer -limited entry;

(B) bull elk - limited entry;

(C) buck pronghorn - limited entry; and

(D) all once-in-a-lifetime species.

(ii) Nonresidents may not apply for cooperative management units through the big game drawing.

(d) A resident or nonresident may apply in the big game drawing by unit for:

- (i) a statewide general archery buck deer permit; or
- (ii) for general any weapon buck deer; or
- (iii) for general muzzleloader buck deer; or
- (iv) a dedicated hunter certificate of registration.

(2) Youth

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

(b) Youth applicants who apply for a general buck deer permit

(i) will automatically be considered in the youth drawing based upon their birth date.

(ii) 20% of general buck deer permits in each unit are reserved for youth hunters.

(iii) Up to four youth may apply together for youth general deer permits.

(iv) Preference points shall be used when applying.

(v) Any reserved permits remaining and any youth applicants who were not selected for reserved permits shall be returned to the general buck deer drawing.

(c) Youth applicants who apply for a management buck deer permit

(i) will automatically be considered in the youth drawing based upon their birth date.

(ii) 30% of management buck deer permits in each unit are reserved for youth hunters.

(iii) Bonus points shall be used when applying

(iv) Any reserved permits remaining and any youth applicants who were not selected for reserved permits shall be returned to the management buck deer drawing.

(3) Senior

(a) For purposes of this section "senior" means any person 65 years of age or older on the opening day of the management buck deer archery season published in the guidebook of the Wildlife Board for taking big game.

(b) Senior applicants who apply for a management buck deer permit

(i) will automatically be considered in the senior drawing based upon their birth date.

(ii) 30% of management buck deer permits in each unit are reserved for senior hunters.

(iii) Bonus points shall be used when applying.

(c) Any reserved permits remaining and any senior applicants who were not selected for reserved permits shall be returned to the management buck deer drawing.

(4) Drawing Order

(a) Permits for the big game drawing shall be drawn in the following order:

(i) limited entry, cooperative wildlife management unit and management buck deer;

(ii) limited entry, cooperative wildlife management unit and management bull elk;

(iii) limited entry and cooperative wildlife management unit buck pronghorn;

(iv) once-in-a-lifetime;

(v) general buck deer [-] lifetime license;

(vi) general buck deer [-] dedicated hunter;

(vii) general buck deer - youth;

(viii) general buck deer; and

(ix) youth general any bull elk.

(b) Any person who draws one of the following permits is not eligible to draw a once-in-a-lifetime permit:

(i) limited entry, Cooperative Wildlife Management unit or management buck deer;

(ii) limited entry, Cooperative Wildlife Management unit or management bull elk; or

(iii) a limited entry or Cooperative Wildlife Management unit buck pronghorn.

(c) If any permits listed in Subsection (a)(i) through (a)(iii) remain after the big game drawing after all choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.

(5) Groups

(a) Limited Entry

(i) Up to four people may apply together for limited entry deer, elk or pronghorn; or resident cooperative wildlife management unit permits.

(b) Group applications are not accepted for management buck deer or bull elk permits.

(c) Group applications are not accepted for Once-in-a-lifetime permits.

(d) General season

(i) Up to four people may apply together for general deer permits[-]

(ii) Up to two youth may apply together for youth general any bull elk permits.

(iii) Up to four youth may apply together for youth general deer permits.

(6) Waiting Periods

(a) Deer waiting period.

(i) Any person who draws or obtains a limited entry, premium limited entry, management, or cooperative wildlife management unit buck deer permit through the big game drawing process may not apply for or receive any of these permits again for a period of two seasons.

(ii) A waiting period does not apply to:

(A) general archery, general any weapon, general muzzleloader, conservation, sportsman, poaching-reported reward permits;[-~~or~~]

(B) cooperative wildlife management unit[-~~or~~], limited entry, premium limited entry, or landowner buck deer permits obtained through the landowner[-]; or

(C) buck deer wildlife expo permits, as provided in R657-55-6.

(b) Elk waiting period.

(i) Any person who draws or obtains a limited entry, management or cooperative wildlife management unit bull elk permit through the big game drawing process may not apply for or receive any of these permits for a period of five seasons.

(ii) A waiting period does not apply to:

(A) general archery, general any weapon, general muzzleloader, conservation, sportsman, poaching-reported reward permits;[-~~or~~]

(B) cooperative wildlife management unit or limited entry landowner bull elk permits obtained through the landowner[-]; or

(C) bull elk wildlife expo permits, as provided in R657-55-6.

(c) Pronghorn waiting period.

(i) Any person who draws or obtains a buck pronghorn or cooperative wildlife management unit buck pronghorn permit through the big game drawing may not apply for or receive any of these permits thereafter for a period of two seasons.

(ii) A waiting period does not apply to:

(A) conservation, sportsman, poaching-reported reward permits; or

(B) cooperative wildlife management unit or limited entry landowner buck pronghorn permits obtained through the landowner[-]; or

(C) buck pronghorn wildlife expo permits, as provided in R657-55-6.

(d) Once-in-a-lifetime species waiting period.

(i) Any person who draws or obtains a permit for any bull moose, bison, Rocky Mountain bighorn sheep, desert bighorn sheep or ~~Rocky Mountain~~mountain goat may not apply for or receive an once-in-a-lifetime permit for the same species in the big game drawing or sportsman permit drawing.

(ii) Except as provided in Subsection (iii), once-in-a-lifetime restrictions do not apply to obtaining wildlife expo permits for once-in-a-lifetime species in the wildlife expo drawing, as provided in R657-55.

(iii) Any person who obtains a wildlife expo permit for a once-in-a-lifetime species is subject to the once-in-a-lifetime restrictions applicable to obtaining a subsequent permit for the same species through a division application and drawing process, as provided in R657-62 and the guide books of the Wildlife Board for taking big game.

(iv) A person who has been convicted of unlawfully taking a once-in-a-lifetime species may not apply for or obtain a permit for that species.

(e) Cooperative Wildlife Management Unit and landowner permits.

(i) Waiting periods and once-in-a-lifetime restrictions do not apply to purchasing limited entry landowner or cooperative wildlife management unit permits obtained through a landowner, except as provided in Subsection (ii).

(ii) Waiting periods are incurred and applied for the purpose of applying in the big game drawing as a result of obtaining a cooperative wildlife management unit bull moose permit through a landowner.

R657-62-19. Black Bear.

(1) Permit and Pursuit Applications.

(a) For the purposes of this section, "restricted bear pursuit permit" means a limited entry permit issued in a division drawing that authorizes an individual to pursue bear using trained dogs, consistent with the restrictions found in Utah Admin. Code R657-33.

(b) A person must possess or obtain a valid hunting or combination license in order to apply for or obtain a limited entry bear permit or restricted bear pursuit permit.

(c) A person may not apply for or obtain more than one bear permit and restricted bear pursuit permit distributed pursuant to this rule within the same calendar year.

(d) A person may simultaneously possess both a limited entry bear permit and a restricted pursuit permit.

(e) Limited entry bear permits and restricted pursuit permits are valid only for the hunt unit and for the specified season designated on the permit.

(f)(i) Applicants may select up to three hunt unit choices when applying for limited entry bear or restricted bear pursuit permits. Hunt unit choices must be listed in order of preference.

(ii) Applicants must specify in the application a specific season for their limited entry or restricted bear pursuit permit.

(g) Any person intending to use bait during their bear hunt must obtain a certificate of registration as provided in Sections R657-33-13 and 14.

(h) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Sections 23-19-22.5, 23-19-11 and 23-20-20.

(2) Group applications are not accepted.

(3) Waiting periods.

(a) Any person who obtains a limited entry bear permit through the division drawing, may not apply for a permit thereafter for a period of two years.

(b) Any person who obtains a limited entry restricted bear pursuit permit through the division drawing, may not apply for a permit thereafter for a period of two years.

(c) Waiting periods do not apply to bear wildlife expo permits, as provided in R657-55-6.

(4) A person must complete a mandatory orientation course prior to applying for any bear permit offered through a division drawing or obtaining bear permits as described in R657-33-3(5).

R657-62-20. Antlerless Species.

(1) Permit Applications.

(a) A person must possess or obtain a valid hunting or combination license in order to apply for or obtain an antlerless permit.

(b) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in rule R657-5.

(c) A person may apply in the drawing for and draw the following permits, except as provided in Subsection (d):

(i) antlerless deer;

(ii) antlerless elk;

(iii) doe pronghorn;

(iv) antlerless moose, if available;

(v) ewe Rocky Mountain bighorn sheep, if available; and

(vi) ewe desert bighorn sheep, if available.

(d)(i) Any person who has obtained a buck pronghorn permit, bull moose permit, ram Rocky Mountain bighorn sheep permit, or a ram desert bighorn sheep permit may not apply in the same year for a doe pronghorn permit, antlerless moose permit, ewe Rocky Mountain bighorn sheep permit, or a ewe desert bighorn sheep permit, respectively, except for permits remaining after the drawing as provided in R657-62-15.

(ii) A resident may apply for an antlerless moose, ewe Rocky Mountain bighorn sheep, or ewe desert bighorn sheep in the antlerless drawing, but may not apply for more than one of those permits in a given year.

(iii) A nonresident may apply for all antlerless species in a given year.

(e) Applicants may select up to five hunt choices when applying for antlerless deer, antlerless elk and antlerless pronghorn.

(f) Applicants may select up to two hunt choices when applying for antlerless moose.

(g) Applicants may select up to two hunt choices when applying for ewe bighorn sheep permits.

(h) Hunt unit choices must be listed in order of preference.

(i) A person may not submit more than one application in the antlerless drawing per species. (2) Youth applications.

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

(b) Twenty percent of the antlerless deer, elk and doe pronghorn permits are reserved for youth hunters.

(c) Youth applicants who apply for an antlerless deer, elk, or doe pronghorn permit as provided in this Subsection, will automatically be considered in the youth drawing based upon their birth date.

(3) Drawing Order

(a) Permits are drawn in the order listed in the guidebook of the Wildlife Board for taking big game.

(b) Any reserved permits remaining and any youth applicants who were not selected for reserved permits shall be returned to the antlerless drawing.

(c) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.

(4) Group Applications

(a) Up to four hunters can apply together for antlerless deer, antlerless elk and doe pronghorn

(b) Group applications are not accepted for antlerless moose or ewe bighorn sheep permits.

(c) Youth hunters who wish to participate in the youth drawing must not apply as a group.

(5) Waiting Periods

(a) Antlerless moose waiting period.

(i) Any person who draws or obtains an antlerless moose permit or a cooperative wildlife management unit antlerless moose permit through the antlerless drawing process, may not apply for or receive an antlerless moose permit thereafter for a period of five seasons.

(ii) A waiting period does not apply to:

(A) cooperative wildlife management unit antlerless moose permits obtained through the landowner[:]; or

(B) antlerless moose wildlife expo permits, as provided in R657-55-6.

(b) Ewe bighorn sheep waiting period.

(i) Any person who draws or obtains a ewe bighorn sheep permit through the antlerless drawing process may not apply for or receive a permit for the same species of ewe bighorn sheep for a period of five seasons.

(ii) A waiting period does not apply to ewe bighorn sheep wildlife expo permits, as provided in R657-55-6.

R657-62-21. Sandhill Crane, Sharp-Tailed and Greater Sage Grouse.

(1) Permit applications.

(a) A person may obtain only one Sandhill Crane permit each year.

(b) A person must possess or obtain a valid hunting or combination license [is required when taking]in order to apply for or obtain Sandhill Crane, Sharp-Tailed and Greater Sage Grouse [and may be purchased when applying for the]permit.

(c) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Utah Code 23-19-24, 23-19-11 and 23-20-20.

(d) Applicants may select up to four hunt choices. Hunt unit choices must be listed in order of preference.

(2) Youth applications.

(a) For purposes of this section, "youth" means any person 17 years of age or younger on July 31for the purpose of obtaining Sandhill Crane, Sharp-tailed grouse and Greater Sage grouse permits.

(b) Fifteen percent of the Sandhill Crane, Sharp-tailed grouse and Greater sage grouse permits are reserved for youth hunters.

(c) Youth applicants who apply for a Sandhill Crane, Sharp-tailed grouse or Greater sage grouse permit as provided in this Subsection, will automatically be considered in the youth drawing based upon their birth date.

(3) Group ~~applications.~~ Applications

(a) Up to four people may apply together.

~~(b) [Youth hunters who wish to participate in the youth drawing must not]Up to four youth may apply [as a group]together in a Group Application.~~

(4) Waiting Periods do not apply.

R657-62-22. Swan.

(1) Permit applications.

(a) A person may obtain only one swan permit each year.

(i) A person may not apply more than once annually.

~~(b) [A Utah]A person must possess or obtain a valid hunting or combination license [is required when hunting Swan and may be purchased when applying for the]in order to apply for or obtain a Swan permit.~~

(c) The division shall issue no more than the number of swan permits authorized by the U.S. Fish ~~[and]&~~ Wildlife Service each year.

(d) A person must complete a one-time orientation course before applying for a swan permit, except as provided under Subsection R657-9-6 (3) (b).

(i) Remaining swan permits available for sale shall be issued only to persons having previously completed the orientation course.

(e) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Utah Code 23-19-24, 23-19-11 and 23-20-20.

(2) Youth applications.

(a) For purposes of this section, "youth" means any person 17 years of age or younger on July 31st of the year in which

the youth hunting day is held, as provided in the guidebook of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

(b) Fifteen percent of the Swan permits are reserved for youth hunters.

(c) Youth who apply for a swan permit will automatically be considered in the youth permit drawing based on their birth date.

(3) Group applications.

(a) Up to four people may apply together in a Group Application.

(b) Up to four youth may apply together in a Group Application.

(4) Waiting period does not apply.

R657-62-23. Cougar.

(1) Permit Applications

(a) A person must possess or obtain a valid hunting or combination license to apply for or obtain a cougar limited entry permit.

(b) A person may not apply for or obtain more than one cougar permit for the same year.

(c) Limited entry cougar permits are valid only for the limited entry management unit and for the specified season provided in the hunt tables of the ~~[proclamation]~~ guidebook of the Wildlife Board for taking cougar.

(d) Applicants may select up to three management unit choices when applying for limited entry cougar permits. Management unit choices must be listed in order of preference.

(e) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation shall be done allowing cross-over usage of remaining resident and nonresident permit quotas.

(f) Any limited entry cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

(g) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Utah Code 23-19-22.5, 23-19-11 and 23-20-20.

(2) Group applications are not accepted.

(3) Waiting periods.

(a) Any person who draws or purchases a limited entry cougar permit valid for the current season may not apply for a permit thereafter for a period of three seasons.

(b) Waiting periods are not incurred as a result of:

~~(i) purchasing cougar harvest objective permits[-]; or~~

~~(ii) obtaining a cougar wildlife expo permit, as provided in R657-55-6.~~

R657-62-24. Sportsman.

(1) Permit applications.

(a) One sportsman permit is offered to residents for each of the following species:

(i) desert bighorn (ram);

(ii) bison (hunter's choice);

(iii) buck deer;

(iv) bull elk;

(v) Rocky Mountain bighorn (ram);

(vi) ~~Rocky Mountain~~ mountain goat (hunter's choice);

(vii) bull moose;

(viii) buck pronghorn;

(ix) black bear;

(x) cougar; and

(xi) wild turkey.

(b) Bonus points shall not be awarded or utilized when applying for or obtaining sportsman permits.

(2) Group applications are not accepted.

(3) Waiting Periods[-]

(a) Any person who applies for or obtains a Sportsman Permit is subject to all waiting periods and exceptions as applicable to the species pursuant to ~~[Rule]~~ rule R657-41.

(b) Once-in-lifetime waiting periods[-]

(i) If you have obtained a once-in-a-lifetime permit through the sportsman drawing you are ineligible to apply for that once-in-a-lifetime species through the big game drawing.

(ii) If you have obtained a once-in-a-lifetime permit through the big game drawing you are ineligible to apply for that once-in-a-lifetime species through the sportsman drawing.

(c) Limited Entry waiting periods[-]

(i) Waiting periods do not apply to Sportsman deer, elk, pronghorn, bear or cougar.

(ii) Waiting period will not be incurred for receipt of a Sportsman deer, elk, pronghorn, bear or cougar.

R657-62-25. Turkey.

(1) Permit applications.

(a) A person must possess a valid hunting or combination license in order to apply for or obtain a wild turkey permit.

~~(b) Permit possession limitations are identified in R657-54. A person may obtain only one [limited entry or general] spring season and up to three fall season wild turkey[- permit each year. A person may obtain wild turkey conservation permits in addition to obtaining one limited entry or spring wild turkey permit as well as a fall general season permit.] permits, subject to the exceptions identified in R657-54.~~

(c) Applicants may select up to five hunt choices when applying for limited entry turkey permits. Hunt unit choices must be listed in order of preference.

(d) A turkey permit allows a person, using any legal weapon as provided in Section R657-54-7, to take one ~~[bearded]~~ wild turkey within the area, sex and season specified on the permit.

(2) Group applications.

(a) Up to four people may apply together in a Group Application.

~~(b) [Youth hunters who wish to participate in the youth drawing must not] Up to four youth may apply [as a group] together in a Group Application.~~

(3) Waiting period does not apply.

(4) Youth permits

(a) Up to 15 percent of the limited entry permits and fall general season permits are available to youth hunters.

(b) For purposes of this section "youth" means any person who is 17 years of age or younger on July 31.

(c) Youth who apply for a turkey permit will automatically be considered in the youth permit drawing based on their birth date.

(d) Bonus points shall be used when applying for youth turkey permits.

(e) Youth who are successful in obtaining a limited entry turkey permit but unsuccessful in harvesting a bird during the

limited entry hunt season, may use the limited entry turkey permit to participate in the youth 3-day turkey hunt and the spring general season turkey hunt provided no more than one bird is harvested.

KEY: wildlife, permits

Date of Enactment or Last Substantive Amendment: ~~March 26,~~ 2018

Notice of Continuation: April 14, 2014

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

Natural Resources, Wildlife Resources R657-64 Predator Control Incentives

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42974

FILED: 06/11/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted for taking public input and reviewing the Predator Control Program as approved by the Wildlife Board.

SUMMARY OF THE RULE OR CHANGE: These rule amendments: 1) require the issuance of a Certificate of Registration to participate; 2) set the standards for sample conditions of the coyote; 3) allow for altering the payments based on budget; and 4) authorize the use of an electronic application to track the coyote harvests.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-13-2 and Section 23-30-104

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** These rule amendments streamline the process and alleviate the opportunity for fraudulent claims, the Division of Wildlife Resources (DWR) has determined that these amendments will not create any cost or savings impact to the state budget or DWR's budget, and will be carried out with the money allocated by the State Legislature under the Mule Deer Protection Act.

◆ **LOCAL GOVERNMENTS:** These rule amendments streamline the process and alleviate the opportunity for fraudulent claims, DWR has determined that these amendments will not create any cost or savings impact to local governments and will be carried out with the money from the Mule Deer Protection Act.

◆ **SMALL BUSINESSES:** These rule amendments streamline the process and alleviate the opportunity for fraudulent claims, DWR has determined that these amendments will not create any cost or savings impact to small businesses and

will be carried out with the money from the Mule Deer Protection Act.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Since these rule amendments allow DWR to track coyote harvest with the use of an electronic application and allow for flexibility with payments to ensure the program stays within budget, DWR has determined this filing will create a direct cost or savings impact to other persons who participate in the program during the years that the payment is decreased.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR has determined that these rule amendments will create a cost or savings impact to individuals in Utah during the years that the payment is decreased.

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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Mike Fowlks, Deputy Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 proposed changes to Rule R657-64 are not expected to have any fiscal impact on large businesses revenues or expenditures, because there are no services required from them in order to implement these rule changes.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.

R657-64. Predator Control Incentives.

R657-64-1. Purpose and Authority.

(1) This rule is promulgated under authority of Section 23-30-104 to establish procedures for:

(a) targeted predator control and general predator control programs administered by the division for the benefit of mule deer; and

(b) creation and distribution of educational and training materials related to mule deer protection.

R657-64-2. Definitions.

(1) Terms used in this rule are defined in Section 23-30-102 and 23-13-2.

(2) In addition:

(a) "Division" means the Utah Division of Wildlife Resources.

(b) "Fiscal year" means July 1st through June 30th of the following calendar year.

(c) "General predator control" means a predatory animal removal effort by the division, which uses the public to remove predators for the benefit of mule deer.

([e]d) "GPS" means Global Positioning System location in either the form of Latitude-Longitude coordinate or Universal Transverse Mercator (UTM) coordinate.

([f]e) "Marked" means the permanent clipping or punching of ears on the predatory animal carcass or pelt.

([e]f) "Predatory animal" means a coyote.

(g) "Preserved" means drying, freezing, or chemically treating the pelt or scalp with ears attached and the lower jaw of a coyote so it is not decomposed or spoiled when presented to the division for reimbursement under R657-64-4.3.

([f]h) "Targeted area" means an area within the State of Utah specifically identified for predatory animal removal during a specified season.

([g]i) "Targeted predator control" means a predatory animal removal effort by the division or its contractors:

(i) to remove predatory animals in an area where high predation on mule deer occurs; and

(ii) that focuses on specific locations and certain times.

([h]j) "State" means State of Utah.

R657-64-3. Predatory Animal Control Programs.

(1) Two predatory animal control programs are created within the division to provide financial incentive to participants for the removal of coyotes detrimental to mule deer production.

(a) The General Predator Control Program provides a financial incentive to any ~~registered~~ participant with a predator control certificate of registration to remove coyotes within the State.

(i) The financial incentive to participate in the program and remove coyotes under the conditions prescribed in this rule and by the division is \$50 compensation per animal, unless otherwise reduced by the division pursuant to Subsections (ii) and (iii).

(ii) Compensation for coyotes in any given fiscal year is limited to the annual legislative appropriation for the program, and no further compensation will be paid once the funding allocation is exhausted.

(iii) Beginning July 1, 2019, compensation amounts may be adjusted by the division ~~to be paid in accordance with R657-64-4.~~ as follow.

(A) When annual compensation claims exceed the program funding allocation appropriated by the Legislature in a fiscal year, the compensation amount for each animal in the coming year will be reduced by \$5 from that paid in the previous year.

(B) When annual compensation claims are less than the program funding allocation appropriated by the Legislature in a fiscal year, the compensation amount for each animal in the coming year will be increased by \$5 from that paid in the previous year, provided compensation never exceeds \$50 per animal.

(b) The Targeted Predator Control Program ~~provides compensation by contract to preapproved vendors to remove coyotes~~ focuses coyote removal efforts within prescribed areas of the State and during specified times of the year where predation on deer is most prevalent~~[-:]~~ by:

(i) using personnel hired and employed by the division to undertake targeted removal efforts; or

(ii) contracting with vendors to undertake targeted removal efforts.

(2) Participants in either program are not granted special authority to take coyotes beyond that available to non-participants, and each shall comply with all applicable federal, state, and local laws.

(3)(a) Except as provided in Subsection (3)(b), participants in both programs are required to follow all relevant rules and regulations related to trapping and firearm use, as detailed in state code and rule R657-11, "Taking Furbearers."

(b) The division may exempt a participant in the Targeted Predator Control Program from specified provisions of R657-11 which the division determines necessary to effectively control coyotes in a targeted area that are detrimental to mule deer production.

R657-64-4. General Predator Control Program[;] -- Certificate of Registration Required.

(1) A person ~~[may]~~must possess a valid predator control certificate of registration issued by the division to participate in the General Predator Control Program[; provided the applicant;].

(2) To receive a predator control certificate of registration, a person must:

(a) ~~[completes]~~complete an online application, including the applicant's:

- (i) full name;
- (ii) mailing address;
- (iii) phone number;
- (iv) e-mail address;
- (v) date of birth; and
- (vi) social security number;

(b) ~~[completes]~~pay any required application and certificate of registration fees;

(c) complete an annual online orientation and training course[for participation in the program];

(~~[e]~~d) ~~[agrees]~~agree to the requirements of this rule and any additional terms and conditions specified by the division for program participation on its webpage;

(~~[d]~~ acknowledges)(~~[e]~~ acknowledge and (~~[agrees]~~ agree to the division submitting an Internal Revenue Service Form 1099 each calendar year where compensation totals require reporting under federal law;

(~~[e]~~ acknowledges)(~~[f]~~ acknowledge and (~~[agrees]~~ agree to verify that all coyotes submitted for compensation are ~~[taken]~~ killed by the applicant within the State.

(~~[f]~~ acknowledges)(~~[g]~~ acknowledge and (~~[agrees]~~ agree to collect and submit accurate GPS data documenting the precise location where each coyote is ~~[taken]~~ killed; and

(~~[g]~~ acknowledges)(~~[h]~~ acknowledge and (~~[agrees]~~ agree to not interfere with USDA Wildlife Services employees conducting similar coyote removal efforts in the area.

(~~[2]~~ 3) The division may deny an application ~~[to participate in the program]~~ for a predator control certificate of registration for any of the following reasons:

(a) the application is incomplete or filled out incorrectly;

(b) the application contains false or misleading information;

(c) the applicant ~~[has failed]~~ fails to complete ~~[the online orientation and training course required]~~ or otherwise comply with any of the requirements in Subsection (~~[1]~~ 2);

(d) the applicant has previously violated any of the terms of this rule or participation requirements imposed by the division;

(e) the applicant's hunting or trapping privileges are suspended in ~~[the State at the time of application]~~ Utah or any other state;

(f) the applicant has been convicted of or entered a plea in abeyance to any crime of dishonesty in the previous five years; or

(g) the applicant has committed any other crime, or violation of law or contract that bears a reasonable relationship to their reliability in accurately reporting the locations and times that predatory animals are ~~[taken]~~ killed.

(~~[3]~~ 4)(a) Upon approval of the application, the division ~~[shall]~~ will issue a predator control certificate of registration ~~[number authorizing]~~ to the applicant[s] authorizing their participation in the program ~~[which].~~

(b) The certificate of registration will remain valid ~~[until June 30th each year]~~ for 365 days from the date of issuance, unless earlier suspended pursuant to R657-64-11.

(c) Upon expiration of a predator control certificate of registration, a new certificate of registration must be obtained under the criteria and conditions set forth in Subsections (2) and (3) to participate in the program.

R657-64-4.3. General Predator Control Program -- Compensation

(~~[4]~~ Registered program)(~~[1]~~ a) Program participants with a valid predator control certificate of registration will be eligible to receive from the division \$50 for each qualifying coyote presented, unless otherwise ~~[adjusted]~~ reduced by the division~~[, subject to the following conditions:]~~ pursuant to R657-64-3(1)(a)

~~[-----]~~ (~~[a]~~ requests)(~~[b]~~ Requests for payment shall be made only on the designated check-in dates and at the locations identified by the division~~[;]~~.

~~[-----]~~ (~~[b]~~ any)

(2) Receipt of compensation is further subject to the following conditions:

(a) The claimant seeking compensation for a coyote must:

(i) personally kill the animal presented ~~[to the division for the incentive]~~ for payment ~~[must:~~

(i) be taken by the participant within the State on or after July 1, 2012];

~~[-----]~~ (~~[A]~~ Program participants are not authorized to trespass or take coyotes on tribal trust lands without written tribal authorization.

(ii) include the full pelt or the scalp with both ears attached, with neither previously marked or damaged to the extent that marking is unascertainable;(ii) possess a valid predator control certification of registration at the time the animal is killed and at the time it is presented to the division for payment;

(iii) include the lower jaw removed from the carcass with canine teeth intact;

(iv) be permanently marked by the division; and]

(~~[e]~~ requests for payment must be on)(iii) complete and submit a signed~~[;]~~ division-approved compensation form ~~[that]~~ in electronic or written format containing the following information:

(i) provides A the claimant's name~~[, mailing address,]~~ and certificate of registration number ~~[of the participant];~~

(ii) records B the date and exact GPS location where each coyote ~~[is taken]~~ was killed; and

~~[(iii) verifies](C) verification that the [participant] claimant personally [took]killed the coyotes, the information provided is accurate, and all program terms and conditions have been complied with[-];~~

~~(iv) present to the division at a designated check-in event the fresh or preserved:~~

~~(A) full pelt or scalp of each coyote with both ears attached; and~~

~~(B) entire lower jaw of each coyote--removed from the carcass with canine and molar teeth intact; and~~

~~(v) link or associate the pelt, scalp, and jaw of each coyote presented for reimbursement to the corresponding entry for that coyote on the division-approved compensation form.~~

~~(b) Except as provided in Subsection (3), a claimant may not seek or obtain an incentive payment under this rule for any coyote that is:~~

~~(i) killed by someone or something other than the claimant;~~

~~(ii) killed outside the State of Utah;~~

~~(iii) presented to the division for payment more than 365 days from the date it was killed;~~

~~(iv) marked as previously redeemed for payment; or~~

~~(v) presented to the division in a condition where the pelt, scalp or lower jaw:~~

~~(A) is spoiled or rotten;~~

~~(B) has maggots or other carrion organisms;~~

~~(C) is in a frozen state; or~~

~~(D) is damaged or otherwise in a condition where the species cannot be reliably verified, or the absence or presence of markings cannot be ascertained.~~

~~[(5)3] Program participants may designate a third party to check-in their coyotes with the division at the designated times and locations, provided:~~

~~(a) the compensation form referred to in [subsection (4) (e)]Subsection (2)(a)(iii) is completed and signed by the program participant that [took]killed the coyotes;~~

~~(b) the lower jaw and either the full pelt or the scalp (with both ears attached) of each coyote is presented to the division, as required in [Subsection (4)(b)(ii)]Subsections (2)(a)(iv) and [(iii)2] (b), with the compensation form; and~~

~~(c) the compensation form identifies and authorizes the person that will present it to the division for compensation.~~

~~(4) Program participants are not authorized to trespass or take coyotes on tribal trust lands without written tribal authorization.~~

~~(5) Employees and contractors of USDA Wildlife Services are ineligible to receive compensation for coyotes taken within the scope of their employment or contractual responsibilities.~~

~~(6) Compensation for qualified coyotes will be documented by written receipt at the time of submission to the division and payment by check will be mailed at a later date.~~

~~(7) Participants shall be responsible for disposing of coyote pelts and ears presented to the division for compensation, but the division may retain the lower jaw.~~

~~(8) The division will mark each coyote redeemed for payment to ensure compensation is paid only once for each animal.~~

R657-64-4.7. General Predator Control Program -- Electronic Certification.

~~(1) Beginning on July 1, 2019, program participants seeking compensation for coyotes under R657-64-4.3 must comply with the following electronic certification requirements:~~

~~(a)(i) Download the division's electronic certification application to a personal electronic device with photograph and location services capabilities.~~

~~(ii) The application will automatically record the date and GPS location of each photograph and link that data to the photograph.~~

~~(b) Using the electronic certification application, claimants must enable the location services on their electronic device and photograph each coyote at the exact location it is trapped or killed.~~

~~(c) The photographic image must:~~

~~(i) show the entire coyote carcass so it fills the frame of the image;~~

~~(ii) be uploaded to the division's designated database; and~~

~~(iii) be sufficiently clear and detailed to match a pelt or scalp presented to the division for compensation with the coyote carcass in the photographic image.~~

~~(2) Compensation will not be paid for any coyote presented to the division that has not been electronically certified by the claimant consistent with the requirements of Subsection (1).~~

R657-64-5. Targeted Predator Control Program.

~~(1) [The division may award contracts and compensate eligible vendors for targeted coyote removal services in areas of the State and at times specified in the contract.]The division may hire employees or award contracts to vendors for targeted coyote removal services.~~

~~[(a) Selected vendors will be compensated as prescribed in the contract and are ineligible to receive the \$50 incentive under the General Predator Control Program in R657-64-4 for coyotes taken under contract in the Targeted Predator Control Program.~~

~~(b) Vendors participating in the Targeted Predator Control Program must submit to the division the lower jaw removed from the carcass with canine teeth intact and either the full pelt or the scalp with both ears attached for each coyote for which compensation credit is sought.~~

~~(i) The division will document each animal and mark its ears, and may retain its lower jaw.~~

~~(c) Contract vendors shall:~~

~~(i) be responsible for disposal of all coyote pelts and ears presented to the division for compensation credit, but the division may retain the lower jaw;~~

~~(ii) not interfere with USDA Wildlife Services employees conducting similar coyote removal efforts within a targeted area;~~

~~(iii) verify that all coyotes presented for compensation credit were taken:~~

~~(A) by them personally or by another person operating under their direct supervision; and~~

~~(B) within the areas and time periods prescribed in the contract; and~~

~~(iv) provide and verify the accuracy of GPS data documenting the precise location where each coyote is taken.~~

~~(2)(a) The division may establish a list or pool of preapproved vendors for participation in the Targeted Predator Control Program.~~

~~(b) Preapproved vendors are eligible to receive a coyote removal contract.~~

~~(c) The division may select one or more of the approved vendors for use in each targeted area for the season.~~

~~(d) The division has full discretion to select any vendor to contract with among the pool of preapproved vendors and is under no obligation to use all the vendors or to provide equal opportunity to them.~~

~~(e) The division is not bound to select vendors in any year, and does not guarantee that any vendor will be selected.~~

~~(3)(a) A person or business entity may become a preapproved vendor in the Targeted Predator Control Program by complying with the following:~~

~~(i) complete and submit to the division an application on the form provided by the division; and~~

~~(ii) participate in the General Predator Control Program under R657-64-4 for one or more years with compensation credit awarded by the division for 25 or more coyotes each year.~~

~~(A) In the case of a business entity, one or more of the entity's principals or owners must satisfy the requirements in Subsection (3)(a)(ii).~~

~~(b) The division may deny an application for preapproved vendor status in the Targeted Predator Control Program for any of the following reasons:~~

~~(i) the application is incomplete or filled out incorrectly;~~

~~(ii) the application contains false or misleading information;~~

~~(iii) the applicant has previously violated any of the terms of this rule or participation requirements imposed by the division;~~

~~(iv) the applicant's hunting privileges are suspended in the State at the time of application;~~

~~(v) the applicant has been convicted of or entered a plea in abeyance to any crime of dishonesty in the previous five years; or~~

~~(vi) the applicant has committed any other crime, or violation of law or contract that bears a reasonable relationship to their reliability in accurately reporting the locations and times that predatory animals are taken.]~~

~~(2) Targeted predator control contracts will be solicited and awarded through the Division of Purchasing and General Services consistent with the procurement requirements in Title 63G, Chapter 6a of the Utah Code.~~

R657-64-6. Trap and Hunting Locations.

(1) Program participants and contract vendors are required to provide GPS data documenting the precise location where each coyote is taken.

(2) To the extent GPS data discloses the location of trap lines or hunting areas, and public disclosure of that data exposes the traps to the possibility of theft and damage or the hunting area to exploitation by others, the data may be classified as "protected" under Section 63G-2-305(2) and restricted from public disclosure pursuant to Title 63G, Chapter 2, Government Records Access and Management Act, provided the requirements of Subsection (3) are satisfied.

(3) Any person desiring to protect GPS data from public disclosure that locates trap lines or hunting areas must submit to the division a written claim of confidentiality explaining:

(a) the financial and commercial harm reasonably expected to occur if the data is subject to public disclosure; and

(b) why the person submitting the data has a greater interest in prohibiting access than the public in obtaining access.

R657-64-11. Violations.

(1)(a) The division may suspend, terminate, or deny any certificate of registration or other authorization issued under this rule to participate in either or both predatory animal control programs for any of the violations listed in R657-64-4([2]3) or R657-64-5(3)(b).

(b) Suspension proceedings involving predator control certificates of registration will be initiated and adjudicated consistent with the procedures set forth in R657-26.

(2) Providing false information to the division or otherwise violating the provisions of this rule may be criminally prosecuted under applicable offenses defined in the Utah Code.

KEY: wildlife, predators, game laws, wildlife laws

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

Notice of Continuation: July 31, 2017

Authorizing, and Implemented or Interpreted Law: 23-30-102; 23-30-104; 23-13-17

Natural Resources, Wildlife Resources **R657-69** Turkey Depredation

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42975

FILED: 06/11/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted for taking public input and reviewing the Wild Turkey Depredation Program as approved by the Wildlife Board.

SUMMARY OF THE RULE OR CHANGE: This rule is being amended to set and clarify what permits count in the possession limit and which ones do not, it also authorizes the use of rimfire firearms as legal weapons.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-14-5.2 and Section 23-17-5.1

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** These amendments set in rule which permits count in the possession limit and allows for a new weapon type, the Division of Wildlife Resources (DWR) has determined that these amendments will not create any cost or savings impact to the state budget or DWR's budget,

since the changes will not increase workload and can be carried out with the existing budget.

◆ LOCAL GOVERNMENTS: Local governments will not be directly or indirectly impacted because this rule does not create a situation requiring services from local governments.

◆ SMALL BUSINESSES: Small businesses will not be directly or indirectly impacted because this rule does not create a situation requiring services from them.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: Since these amendments only clarify the criteria for wild turkey depredation permits and allow for a new weapon type and does not incur an additional cost to participate, this filing does not have the potential to create a direct cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR has determined that these amendments will not create a cost or savings impact to individuals in Utah wishing to participate in the Turkey Depredation program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: 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 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: Mike Fowlks, Deputy Director

Appendix 1: Regulatory Impact Summary Table*

Fiscal Costs	FY 2019	FY 2020	FY 2021
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 proposed changes to Rule R657-69 are not expected to have any fiscal impact on large businesses revenues or expenditures, because there are no services required from them in order to implement these rule changes.

The head of department of Natural Resources, Michael Styler, has reviewed and approved this fiscal analysis.

R657. Natural Resources, Wildlife Resources.

R657-69. Turkey Depredation.

R657-69-1. Purpose and Authority.

(1) Under authority of Section 23-17-5.1, 23-17-5.2, this rule provides:

(a) the procedures for responding to and verifying reports of material damage caused by turkey;

(b) the procedures, standards, requirements, and limits for addressing instances of material damage caused by turkeys; and

(c) a description of the various hunts that may be held to minimize future instances of material damage caused by turkeys.

R657-69-5. Depredation Hunts for Turkey.

(1) Turkey depredation hunts are intended to:

(a) mitigate verified reports of material damage by turkeys and prevent future instances of material damage in the vicinity of the hunt area;

(b) be a focused response to verified reports of material damage;

(c) be a rapid response mechanism to verified reports of material damage; and

(d) have limited permit numbers.

(2) Turkey depredation hunts shall operate consistent with the following guidelines:

(a) turkey depredation hunts may be held August 1 through March 14;

(b) parameters for a turkey depredation hunt must comply with the provisions established in the current Wild Turkey Management Plan approved by the Wildlife Board; and

(c) the boundaries of the hunts, specific season dates, bag limits, sex of birds that may be taken, and allowable weapon types will be further defined in a depredation hunt plan by the division Regional Supervisor.

(3) Hunters will be selected to receive a depredation permit in the following order, based on permit availability:

(a) randomly selected individuals in the depredation hunter pool; and

(b) individuals on the alternate limited entry drawing list, in chronological order.

(4)(a) The turkey hunter depredation pool provides hunters an opportunity to be placed on a wait-list and become eligible to receive a depredation permit as the availability for depredation permits allows.

(b) Applications for the turkey hunter depredation pool must be submitted pursuant to instructions in the current year's Upland Game and Turkey Guidebook of the Wildlife Board for wild turkey.

(c) Applications must be received by the date published in the Upland Game and Turkey Guidebook of the Wildlife Board for wild turkey.

(d) Applications received after the date published in the proclamation Upland Game and Turkey Guidebook of the Wildlife Board for wild turkey may be used after the list of individuals within the depredation hunter pool and the alternate limited entry drawing list has been exhausted.

(5) If a hunter is successful in the depredation permit drawing and possesses a valid unfilled turkey permit for a hunt in the same calendar year as the depredation hunt, that hunter may receive a depredation permit at no cost.

(6) Hunters selected to receive a depredation permit who do not possess a valid unfilled turkey permit must purchase the appropriate permit prior to participating in the depredation hunt.

(7) Hunters selected to receive a depredation permit will not lose bonus points associated with the limited entry application process.

(8) ~~[Hunters with]Wild turkey depredation permits [for turkey may not possess any other turkey permit for that season, except as otherwise provided in this Rule, Rule R657-54, or by proclamation of the Wildlife Board.]qualify towards permit possession limits identified in R657-54.~~

(9) Depredation permits may be withheld from persons who have violated this rule, any other wildlife rule, the Wildlife Resources Code, or who are otherwise ineligible to receive a permit.

R657-69-6. Control Permits for Turkey.

(1)(a) As part of a damage mitigation and prevention plan, the division may issue a turkey control permit at no cost

directly to the affected landowner or lessee, or to their immediate family member or employee.

(b) No more than two control permits may collectively be issued per calendar year under each damage prevention and mitigation plan.

(2) A control permit allows the permit holder to take a single turkey of either sex within the boundaries designated in the damage mitigation and prevention plan.

(3) Control permit turkey hunts may be held August 1 through March 14.

(4)(a) In the event that the landowner or lessee, or the landowner or lessee's immediate family member or employee, who receives the control permit does not possess a valid hunting or combination license, the division may issue a special turkey control license at no cost to the designated permit holder for the purposes of obtaining a control permit.

(b) A special turkey control license does not authorize the license holder to take any other protected wildlife or to obtain any other permit other than a turkey control permit.

(5) Hunters who receive a control permit will not lose any bonus points accrued as part of the limited entry turkey application process.

(6) Control permits may be withheld from persons who have violated this rule, any other wildlife rule, the Wildlife Resources Code, or who are otherwise ineligible to receive a permit.

(7) Control permits issued under this section do not count towards permit possession limits identified in R657-54.

(8) Rimfire firearms may be used as a legal weapon for wild turkey permits issued pursuant to this section.

R657-69-7. Control Permit Vouchers for Turkey.

(1)(a) As part of the damage mitigation and prevention plan, the division may issue turkey control permit vouchers to the landowner or lessee.

(b) The number of control permit vouchers shall not exceed 10% of the documented turkeys on the private property or fifteen vouchers per calendar year, whichever is less.

(2)(a) Control permit vouchers do not allow turkey hunting and must be redeemed for a control permit prior to going afield.

(b) Control permit vouchers may be redeemed for a turkey control permit at a division office prior to the closing date of the control permit turkey hunt for which the voucher was issued.

(c) Individuals shall pay the required fee in order to redeem a control permit voucher for a turkey control permit.

~~(3)(a) [A landowner or lessee may retain and redeem control permit vouchers as turkey control permits if they have not met their control permit quota identified in R657-69-6(1)(b).~~

~~————(b)] A landowner or lessee transferring control permit vouchers to another individual may not receive any form of compensation or remuneration for the transfer or for allowing access to the private land for turkey hunting under a control permit on the landowner or lessee's private property.~~

~~([e]b) Turkey control permit vouchers are only transferable between the landowner or lessee and an individual redeeming that voucher for a turkey control permit.~~

~~————(d) An individual receiving a transferred control permit voucher may only receive one control permit voucher per calendar year.]~~

~~(c) Redeemed turkey control permit vouchers qualify towards permit possession limits identified in R657-54.~~

(4) Individuals redeeming a control permit voucher for a control permit will not lose accrued bonus points for limited entry turkey hunting as a result of redeeming the voucher.

KEY: wildlife, turkey, depredation

Date of Enactment or Last Substantive Amendment: [January 8, 2015]2018

Authorizing, and Implemented or Interpreted Law: 23-17-5.1; 23-17-5.2

**School and Institutional Trust Lands,
Administration
R850-6-200
Definitions**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 42945

FILED: 06/06/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to remove the agency's field offices from the list of locations where records coordinators are located and to limit the location to just the Salt Lake Office. This is the location to which all requests for agency records should be directed.

SUMMARY OF THE RULE OR CHANGE: Under Section R850-6-200, the agency's field offices have been removed as locations where records coordinators can be found, and where records access requests by the public may be submitted. All records access requests made by the public should only be submitted to the records officer in the Salt Lake office.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53C-2-102 and Subsection 53C-1-201(3)(a)(i)(A)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** The amendment to this rule will not affect the state budget in any manner as it is for housekeeping purposes only.

◆ **LOCAL GOVERNMENTS:** The amendment to this rule will not affect local governments in any manner as it is for housekeeping purposes only.

◆ **SMALL BUSINESSES:** The amendment to this rule will not affect small businesses in any manner as it is for housekeeping purposes only.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** The amendment to this rule will not affect persons other than

small businesses, businesses, or local government entities as it is for housekeeping purposes only.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendment to this rule will not create any compliance costs for affected persons as it is for housekeeping purposes only.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on businesses as a result of this rule amendment as it simply changes the location where records access requests should be submitted.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
SCHOOL AND INSTITUTIONAL TRUST LANDS
ADMINISTRATION
ROOM 500
675 E 500 S
SALT LAKE CITY, UT 84102-2818
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ David Ure by phone at 801-538-5101, by FAX at 801-538-5118, or by Internet E-mail at dure@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 07/31/2018

THIS RULE MAY BECOME EFFECTIVE ON: 08/07/2018

AUTHORIZED BY: David Ure, Director

Subsection 53C-1-201(3)(c) exempts the School and Institutional Trust Lands Administration from the requirement to conduct a thorough analysis, consistent with the criteria established by the Governor's Office of Management and Budget, of the fiscal impact a rule may have on businesses, as required in Subsection 63G-3-301(5).

R850. School and Institutional Trust Lands, Administration.

R850-6. Government Records Access and Management.

R850-6-200. Definitions.

1. Terms used in this rule are defined in Section 63G-2-103.

2. In addition:

(a) Records coordinators: individuals designated by the agency director to coordinate records access requests and to assist the public in gaining access to records maintained by the agency. Records coordinators are located in the [following:

~~i)]Salt Lake Office[Public Room], 675 East 500 South, Suite 500, Salt Lake City, UT 84102[2818.~~

~~ii) Northern Area Office, 675 East 500 South, Suite 500, Salt Lake City, UT 84102-2818.~~

~~iii) Central Area Office, 130 N Main St, Richfield, UT-84701.~~

~~iv) Southwestern Area Office, 359 East Riverside Drive, St. George, UT 84790.~~

~~v) Southeastern Area Office, 1165 South Highway 191, Suite 5, Moab, UT 84532].~~

Notice of Continuation: June 27, 2017
Authorizing, and Implemented or Interpreted Law: 53C-1-201(3)
(a)(i)(A); 53C-2-102

KEY: GRAMA, government documents, public records
Date of Enactment or Last Substantive Amendment:
~~1994~~ August 7, 2018

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 31, 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 October 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

Environmental Quality, Air Quality R307-101-2 Definitions

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 42676

FILED: 06/11/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In response to a comment received during the comment period, text was added to clarify the approval process of ammonia precursor exemptions in PM2.5 nonattainment areas.

SUMMARY OF THE RULE OR CHANGE: Added the text, "the Administrator of the EPA has approved" and "which" in subsection (1) of the PM2.5 Precursor definition. **EDITOR'S NOTE:** The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the April 1, 2018, issue of the Utah State Bulletin, on page 41. 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This change in proposed rule could have a fiscal impact on state government revenues or expenditures, but any fiscal cost or benefit is inestimable at this time because further studies and analyses must be completed.

◆ **LOCAL GOVERNMENTS:** This change in proposed rule is not expected to have any fiscal impact on local governments' revenues or expenditures, but any fiscal cost or benefit is inestimable at this time because further studies and analyses must be completed.

◆ **SMALL BUSINESSES:** This change in proposed rule is not expected to have any fiscal impact on small businesses' revenues or expenditures, but any fiscal cost or benefit is inestimable at this time because further studies and analyses must be completed.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change in proposed rule could have a fiscal impact on other individual's revenues or expenditures, but any fiscal cost or benefit is inestimable at this time because further studies and analyses must be completed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change in proposed rule is not expected to have any fiscal

impact on individual persons. However, any fiscal cost or benefit is inestimable at this time because further studies and analyses regarding ammonia emission must be completed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Due to further research and analyses regarding ammonia emissions and PM2.5 precursors, the fiscal impact on businesses is currently inestimable. Upon completion of ongoing ammonia models and a thorough Best Available Control Technology analysis, the Division of Air Quality will be able to provide an accurate fiscal impact analysis on businesses.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ◆ Thomas Gunter by phone at 801-536-4419, or by Internet E-mail at thomasgunter@utah.gov

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

AUTHORIZED BY: Bryce Bird, 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
 For a complete listing of NAICS codes used in this analysis, please contact the agency. It is possible that these businesses could experience a fiscal cost associated with the inclusion of ammonia as a precursor to PM_{2.5}. The full impact to these non-small businesses cannot be estimated because: the data necessary to determine how emission sources contribute to ammonia levels is still being studied. It is unclear at this time what controls would be required in the future, what the costs of those controls would be, or what sources would be affected.

The costs and benefits related to State, Local budgets, as well as small business and individuals are inestimable for the same reasons identified above.

The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

R307. Environmental Quality, Air Quality.
R307-101. General Requirements.
R307-101-2. Definitions.

Except where specified in individual rules, definitions in R307-101-2 are applicable to all rules adopted by the Air Quality Board.

"Actual Emissions" means the actual rate of emissions of a pollutant from an emissions unit determined as follows:

(1) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operations. The director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(2) The director may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(3) For any emission unit, other than an electric utility steam generating unit specified in (4), which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(4) For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the director, on an annual basis for a period of 5 years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the director if the director determines such a period to be more representative of normal source post-change operations.

"Acute Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Air pollutant" means a substance that qualifies as an air pollutant as defined in 42 U.S.C. Sec. 7602.

"Air Pollutant Source" means private and public sources of emissions of air pollutants.

"Air Pollution" means the presence of an air pollutant in the ambient air in such quantities and duration and under conditions and circumstances, that are injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property as determined by the standards, rules and regulations adopted by the Air Quality Board (Section 19-2-104).

"Allowable Emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to enforceable limits which restrict the operating rate, or hours of operation, or both) and the emission limitation established pursuant to R307-401-8.

"Ambient Air" means that portion of the atmosphere, external to buildings, to which the general public has access. (Section 19-2-102(4)).

"Appropriate Authority" means the governing body of any city, town or county.

"Atmosphere" means the air that envelops or surrounds the earth and includes all space outside of buildings, stacks or exterior ducts.

"Authorized Local Authority" means a city, county, city-county or district health department; a city, county or combination fire department; or other local agency duly designated by appropriate authority, with approval of the state Department of Health; and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

"Board" means Air Quality Board. See Section 19-2-102(8)

(a).

"Breakdown" means any malfunction or procedural error, to include but not limited to any malfunction or procedural error during start-up and shutdown, which will result in the inoperability or sudden loss of performance of the control equipment or process equipment causing emissions in excess of those allowed by approval order or Title R307.

"BTU" means British Thermal Unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit.

"Calibration Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is the same known upscale value.

"Carbon Adsorption System" means a device containing adsorbent material (e.g., activated carbon, aluminum, silica gel), an inlet and outlet for exhaust gases, and a system for the proper disposal or reuse of all VOC adsorbed.

"Carcinogenic Hazardous Air Pollutant" means any hazardous air pollutant that is classified as a known human carcinogen (A1) or suspected human carcinogen (A2) by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Chargeable Pollutant" means any regulated air pollutant except the following:

(1) Carbon monoxide;

(2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;

(3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

"Chronic Hazardous Air Pollutant" means any noncarcinogenic hazardous air pollutant for which a threshold limit value - time weighted average (TLV-TWA) having no threshold limit value - ceiling (TLV-C) has been adopted by the American Conference of Governmental Industrial Hygienists (ACGIH) in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Clean Air Act" means federal Clean Air Act as found in 42 U.S.C. Chapter 85.

"Clean Coal Technology" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

"Clean Coal Technology Demonstration Project" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20 percent of the total cost of the demonstration project.

"Clearing Index" means an indicator of the predicted rate of clearance of ground level pollutants from a given area. This number is provided by the National Weather Service.

"Coating" means a material that can be applied to a substrate and which cures to form a continuous solid film for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealants, adhesives, caulks, maskants, inks, and temporary protective coatings.

"Commence" as applied to construction of a major source or major modification means that the owner or operator has all necessary pre-construction approvals or permits and either has:

(1) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(2) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

"Composite vapor pressure" means the sum of the partial pressures of the compounds defined as VOCs.

"Condensable PM2.5" means material that is vapor phase at stack conditions, but which condenses and/or reacts upon cooling and dilution in the ambient air to form solid or liquid particulate matter immediately after discharge from the stack.

"Compliance Schedule" means a schedule of events, by date, which will result in compliance with these regulations.

"Construction" means any physical change or change in the method of operation including fabrication, erection, installation, demolition, or modification of a source which would result in a change in actual emissions.

"Control Apparatus" means any device which prevents or controls the emission of any air pollutant directly or indirectly into the outdoor atmosphere.

"Department" means Utah State Department of Environmental Quality. See Section 19-1-103(1).

"Director" means the Director of the Division of Air Quality. See Section 19-1-103(1).

"Division" means the Division of Air Quality.

"Electric Utility Steam Generating Unit" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

"Emission" means the act of discharge into the atmosphere of an air pollutant or an effluent which contains or may contain an air pollutant; or the effluent so discharged into the atmosphere.

"Emissions Information" means, with reference to any source operation, equipment or control apparatus:

(1) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics related to air quality of any air pollutant which has been emitted by the source operation, equipment, or control apparatus;

(2) Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any air pollutant which, under an applicable standard or limitation, the source operation was authorized to emit (including, to the extent necessary for such purposes, a description of the manner or rate of operation of the source operation), or any combination of the foregoing; and

(3) A general description of the location and/or nature of the source operation to the extent necessary to identify the source operation and to distinguish it from other source operations (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source operation).

"Emission Limitation" means a requirement established by the Board, the director or the Administrator, EPA, which limits the

quantity, rate or concentration of emission of air pollutants on a continuous emission reduction including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction (Section 302(k)).

"Emissions Unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Clean Air Act.

"Enforceable" means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the State Implementation Plan and R307, any permit requirements established pursuant to 40 CFR 52.21 or R307-401.

"EPA" means Environmental Protection Agency.

"EPA Method 9" means 40 CFR Part 60, Appendix A, Method 9, "Visual Determination of Opacity of Emissions from Stationary Sources," and Alternate 1, "Determination of the opacity of emissions from stationary sources remotely by LIDAR."

"Executive Director" means the Executive Director of the Utah Department of Environmental Quality. See Section 19-1-103(2).

"Existing Installation" means an installation, construction of which began prior to the effective date of any regulation having application to it.

"Facility" means machinery, equipment, structures of any part or accessories thereof, installed or acquired for the primary purpose of controlling or disposing of air pollution. It does not include an air conditioner, fan or other similar device for the comfort of personnel.

"Filterable PM2.5" means particles with an aerodynamic diameter equal to or less than 2.5 micrometers that are directly emitted by a source as a solid or liquid at stack or release conditions and can be captured on the filter of a stack test train.

"Fireplace" means all devices both masonry or factory built units (free standing fireplaces) with a hearth, fire chamber or similarly prepared device connected to a chimney which provides the operator with little control of combustion air, leaving its fire chamber fully or at least partially open to the room. Fireplaces include those devices with circulating systems, heat exchangers, or draft reducing doors with a net thermal efficiency of no greater than twenty percent and are used for aesthetic purposes.

"Fugitive Dust" means particulate, composed of soil and/or industrial particulates such as ash, coal, minerals, etc., which becomes airborne because of wind or mechanical disturbance of surfaces. Natural sources of dust and fugitive emissions are not fugitive dust within the meaning of this definition.

"Fugitive Emissions" means emissions from an installation or facility which are neither passed through an air cleaning device nor vented through a stack or could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

"Garbage" means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

"Gasoline" means any petroleum distillate, used as a fuel for internal combustion engines, having a Reid vapor pressure of 4 pounds or greater.

"Hazardous Air Pollutant (HAP)" means any pollutant listed by the EPA as a hazardous air pollutant in conformance with Section 112(b) of the Clean Air Act. A list of these pollutants is available at the Division of Air Quality.

"Household Waste" means any solid or liquid material normally generated by the family in a residence in the course of ordinary day-to-day living, including but not limited to garbage, paper products, rags, leaves and garden trash.

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid, or gaseous combustible wastes are ignited and burned efficiently and from which the solid and gaseous residues contain little or no combustible material.

"Installation" means a discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment shall not be considered a separate installation or installations.

"LPG" means liquified petroleum gas such as propane or butane.

"Maintenance Area" means an area that is subject to the provisions of a maintenance plan that is included in the Utah state implementation plan, and that has been redesignated by EPA from nonattainment to attainment of any National Ambient Air Quality Standard.

(a) The following areas are considered maintenance areas for ozone:

- (i) Salt Lake County, effective August 18, 1997; and
- (ii) Davis County, effective August 18, 1997.

(b) The following areas are considered maintenance areas for carbon monoxide:

- (i) Salt Lake City, effective March 22, 1999;
- (ii) Ogden City, effective May 8, 2001; and
- (iii) Provo City, effective January 3, 2006.

(c) The following areas are considered maintenance areas for PM10:

(i) Salt Lake County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015; and

(ii) Utah County, effective on the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015; and

(iii) Ogden City, effective on the date that EPA approves the maintenance plan that was adopted by the Board on December 2, 2015.

(d) The following area is considered a maintenance area for sulfur dioxide: all of Salt Lake County and the eastern portion of Tooele County above 5600 feet, effective on the date that EPA approves the maintenance plan that was adopted by the Board on January 5, 2005.

"Major Modification" means any physical change in or change in the method of operation of a major source that would result in a significant net emissions increase of any pollutant. A net emissions increase that is significant for volatile organic compounds shall be considered significant for ozone. Within Salt Lake and Davis Counties or any nonattainment area for ozone, a net emissions increase that is significant for nitrogen oxides shall be considered significant for ozone. Within areas of nonattainment for PM10, a significant net emission increase for any PM10 precursor is also a significant net emission increase for PM10. A physical change or change in the method of operation shall not include:

- (1) routine maintenance, repair and replacement;

(2) use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(3) use of an alternative fuel by reason of an order or rule under section 125 of the federal Clean Air Act;

(4) use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(5) use of an alternative fuel or raw material by a source:

(a) which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any enforceable permit condition; or

(b) which the source is otherwise approved to use;

(6) an increase in the hours of operation or in the production rate unless such change would be prohibited under any enforceable permit condition;

(7) any change in ownership at a source

(8) the addition, replacement or use of a pollution control project at an existing electric utility steam generating unit, unless the director determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:

(a) when the director has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Clean Air Act, if any, and

(b) the director determines that the increase will cause or contribute to a violation of any national ambient air quality standard or PSD increment, or visibility limitation.

(9) the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(a) the Utah State Implementation Plan; and

(b) other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Major Source" means, to the extent provided by the federal Clean Air Act as applicable to R307:

(1) any stationary source of air pollutants which emits, or has the potential to emit, one hundred tons per year or more of any pollutant subject to regulation under the Clean Air Act; or

(a) any source located in a nonattainment area for carbon monoxide which emits, or has the potential to emit, carbon monoxide in the amounts outlined in Section 187 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 187 of the federal Clean Air Act; or

(b) any source located in Salt Lake or Davis Counties or in a nonattainment area for ozone which emits, or has the potential to emit, VOC or nitrogen oxides in the amounts outlined in Section 182 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 182 of the federal Clean Air Act; or

(c) any source located in a nonattainment area for PM10 which emits, or has the potential to emit, PM10 or any PM10 precursor in the amounts outlined in Section 189 of the federal Clean Air Act with respect to the severity of the nonattainment area as outlined in Section 189 of the federal Clean Air Act.

(2) any physical change that would occur at a source not qualifying under subpart 1 as a major source, if the change would constitute a major source by itself;

(3) the fugitive emissions and fugitive dust of a stationary source shall not be included in determining for any of the purposes of these R307 rules whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(a) Coal cleaning plants (with thermal dryers);

(b) Kraft pulp mills;

(c) Portland cement plants;

(d) Primary zinc smelters;

(e) Iron and steel mills;

(f) Primary aluminum or reduction plants;

(g) Primary copper smelters;

(h) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(i) Hydrofluoric, sulfuric, or nitric acid plants;

(j) Petroleum refineries;

(k) Lime plants;

(l) Phosphate rock processing plants;

(m) Coke oven batteries;

(n) Sulfur recovery plants;

(o) Carbon black plants (furnace process);

(p) Primary lead smelters;

(q) Fuel conversion plants;

(r) Sintering plants;

(s) Secondary metal production plants;

(t) Chemical process plants;

(u) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;

(v) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(w) Taconite ore processing plants;

(x) Glass fiber processing plants;

(y) Charcoal production plants;

(z) Fossil fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input;

(aa) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the federal Clean Air Act.

"Modification" means any planned change in a source which results in a potential increase of emission.

"National Ambient Air Quality Standards (NAAQS)" means the allowable concentrations of air pollutants in the ambient air specified by the Federal Government (Title 40, Code of Federal Regulations, Part 50).

"Net Emissions Increase" means the amount by which the sum of the following exceeds zero:

(1) any increase in actual emissions from a particular physical change or change in method of operation at a source; and

(2) any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable. For purposes of determining a "net emissions increase":

(a) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction on the

particular change commences; and the date that the increase from the particular change occurs.

(b) An increase or decrease in actual emissions is creditable only if it has not been relied on in issuing a prior approval for the source which approval is in effect when the increase in actual emissions for the particular change occurs.

(c) An increase or decrease in actual emission of sulfur dioxide, nitrogen oxides or particulate matter which occurs before an applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM10 emissions will be used to evaluate this increase or decrease.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is enforceable at and after the time that actual construction on the particular change begins; and

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(iv) It has not been relied on in issuing any permit under R307-401 nor has it been relied on in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New Installation" means an installation, construction of which began after the effective date of any regulation having application to it.

"Nonattainment Area" means an area designated by the Environmental Protection Agency as nonattainment under Section 107, Clean Air Act for any National Ambient Air Quality Standard. The designations for Utah are listed in 40 CFR 81.345.

"Offset" means an amount of emission reduction, by a source, greater than the emission limitation imposed on such source by these regulations and/or the State Implementation Plan.

"Opacity" means the capacity to obstruct the transmission of light, expressed as percent.

"Open Burning" means any burning of combustible materials resulting in emission of products of combustion into ambient air without passage through a chimney or stack.

"Owner or Operator" means any person who owns, leases, controls, operates or supervises a facility, an emission source, or air pollution control equipment.

"PSD" Area means an area designated as attainment or unclassifiable under section 107(d)(1)(D) or (E) of the federal Clean Air Act.

"PM2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by an EPA reference or equivalent method.

"PM2.5 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere,

undergoes chemical or physical changes that convert it into particulate matter, specifically PM2.5.

(1) Specifically, Sulfur dioxide, Nitrogen oxides, Volatile organic compounds and Ammonia are precursors to PM2.5 in any PM2.5 nonattainment area, except where the Administrator of the EPA has approved a demonstration satisfying 40 CFR 51.1006(a)(3) which has, for a particular PM2.5 nonattainment area, determined otherwise.

(2) The following subparagraphs denote specific nonattainment areas (as defined in the July 1, 2017 version of 40 CFR 81.345), within which certain pollutants identified in paragraph (1) are exempted from the definition of PM2.5 precursor for the purposes of 40 CFR 51.165

(a) In the Logan UT-ID PM2.5 nonattainment area - Ammonia is exempted.

"PM10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an EPA reference or equivalent method.

"PM10 Precursor" means any chemical compound or substance which, after it has been emitted into the atmosphere, undergoes chemical or physical changes that convert it into particulate matter, specifically PM10.

"Part 70 Source" means any source subject to the permitting requirements of R307-415.

"Person" means an individual, trust, firm, estate, company, corporation, partnership, association, state, state or federal agency or entity, municipality, commission, or political subdivision of a state. (Subsection 19-2-103(4)).

"Pollution Control Project" means any activity or project at an existing electric utility steam generating unit for purposes of reducing emissions from such unit. Such activities or projects are limited to:

(1) The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls and electrostatic precipitators;

(2) An activity or project to accommodate switching to a fuel which is less polluting than the fuel used prior to the activity or project, including, but not limited to natural gas or coal reburning, or the cofiring of natural gas and other fuels for the purpose of controlling emissions;

(3) A permanent clean coal technology demonstration project conducted under Title II, sec. 101(d) of the Further Continuing Appropriations Act of 1985 (sec. 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency; or

(4) A permanent clean coal technology demonstration project that constitutes a repowering project.

"Potential to Emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed shall be treated as part of its design if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Primary PM2.5" means the sum of filterable PM2.5 and condensable PM2.5.

"Process Level" means the operation of a source, specific to the kind or type of fuel, input material, or mode of operation.

"Process Rate" means the quantity per unit of time of any raw material or process intermediate consumed, or product generated, through the use of any equipment, source operation, or control apparatus. For a stationary internal combustion unit or any other fuel burning equipment, this term may be expressed as the quantity of fuel burned per unit of time.

"Reactivation of a Very Clean Coal-Fired Electric Utility Steam Generating Unit" means any physical change or change in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation where the unit:

(1) Has not been in operation for the two-year period prior to the enactment of the Clean Air Act Amendments of 1990, and the emissions from such unit continue to be carried in the emission inventory at the time of enactment;

(2) Was equipped prior to shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

(3) Is equipped with low-NOx burners prior to the time of commencement of operations following reactivation; and

(4) Is otherwise in compliance with the requirements of the Clean Air Act.

"Reasonable Further Progress" means annual incremental reductions in emission of an air pollutant which are sufficient to provide for attainment of the NAAQS by the date identified in the State Implementation Plan.

"Refuse" means solid wastes, such as garbage and trash.

"Regulated air pollutant" means any of the following:

(a) Nitrogen oxides or any volatile organic compound;

(b) Any pollutant for which a national ambient air quality standard has been promulgated;

(c) Any pollutant that is subject to any standard promulgated under Section 111 of the Act, Standards of Performance for New Stationary Sources;

(d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act, Stratospheric Ozone Protection;

(e) Any pollutant subject to a standard promulgated under Section 112, Hazardous Air Pollutants, or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including any of the following:

(i) Any pollutant subject to requirements under Section 112(j) of the Act, Equivalent Emission Limitation by Permit. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established pursuant to Section 112(e) of the Act;

(ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act (Construction, Reconstruction and Modification) have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

"Repowering" means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

(1) Repowering shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy.

(2) The director shall give expedited consideration to permit applications for any source that satisfies the requirements of this definition and is granted an extension under section 409 of the Clean Air Act.

"Representative Actual Annual Emissions" means the average rate, in tons per year, at which the source is projected to emit a pollutant for the two-year period after a physical change or change in the method of operation of unit, (or a different consecutive two-year period within 10 years after that change, where the director determines that such period is more representative of source operations), considering the effect any such change will have on increasing or decreasing the hourly emissions rate and on projected capacity utilization. In projecting future emissions the director shall:

(1) Consider all relevant information, including but not limited to, historical operational data, the company's own representations, filings with the State of Federal regulatory authorities, and compliance plans under title IV of the Clean Air Act; and

(2) Exclude, in calculating any increase in emissions that results from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions following the change that could have been accommodated during the representative baseline period and is attributable to an increase in projected capacity utilization at the unit that is unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

"Residence" means a dwelling in which people live, including all ancillary buildings.

"Residential Solid Fuel Burning" device means any residential burning device except a fireplace connected to a chimney that burns solid fuel and is capable of, and intended for use as a space heater, domestic water heater, or indoor cooking appliance, and has an air-to-fuel ratio less than 35-to-1 as determined by the test procedures prescribed in 40 CFR 60.534. It must also have a useable firebox volume of less than 6.10 cubic meters or 20 cubic feet, a minimum burn rate less than 5 kilograms per hour or 11 pounds per hour as determined by test procedures prescribed in 40 CFR 60.534, and weigh less than 800 kilograms or 362.9 pounds. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved operating conditions of a residential solid fuel burning device shall be considered as such. Fireplaces are not included in this definition for solid fuel burning devices.

"Road" means any public or private road.

"Salvage Operation" means any business, trade or industry engaged in whole or in part salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

"Secondary Emissions" means emissions which would occur as a result of the construction or operation of a major source or major modification, but do not come from the major source or major modification itself.

Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

Fugitive emissions and fugitive dust from the source or modification are not considered secondary emissions.

"Secondary PM2.5" means particles that form or grow in mass through chemical reactions in the ambient air well after dilution and condensation have occurred. Secondary PM2.5 is usually formed at some distance downwind from the source.

"Significant" means:

(1) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Carbon monoxide: 100 ton per year (tpy);

Nitrogen oxides: 40 tpy;

Sulfur dioxide: 40 tpy;

PM10: 15 tpy;

PM2.5: 10 tpy;

Particulate matter: 25 tpy;

Ozone: 40 tpy of volatile organic compounds;

Lead: 0.6 tpy.

"Solid Fuel" means wood, coal, and other similar organic material or combination of these materials.

"Solvent" means organic materials which are liquid at standard conditions (Standard Temperature and Pressure) and which are used as dissolvers, viscosity reducers, or cleaning agents.

"Source" means any structure, building, facility, or installation which emits or may emit any air pollutant subject to regulation under the Clean Air Act and which is located on one or more continuous or adjacent properties and which is under the control of the same person or persons under common control. A building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (US Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

"Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

"Standards of Performance for New Stationary Sources" means the Federally established requirements for performance and record keeping (Title 40 Code of Federal Regulations, Part 60).

"State" means Utah State.

"Temporary" means not more than 180 calendar days.

"Temporary Clean Coal Technology Demonstration Project" means a clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the Utah State Implementation Plan and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated.

"Threshold Limit Value - Ceiling (TLV-C)" means the airborne concentration of a substance which may not be exceeded, as adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Threshold Limit Value - Time Weighted Average (TLV-TWA)" means the time-weighted airborne concentration of a substance adopted by the American Conference of Governmental Industrial Hygienists in its "Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices, (2009)."

"Total Suspended Particulate (TSP)" means minute separate particles of matter, collected by high volume sampler.

"Toxic Screening Level" means an ambient concentration of an air pollutant equal to a threshold limit value - ceiling (TLV-C) or threshold limit value -time weighted average (TLV-TWA) divided by a safety factor.

"Trash" means solids not considered to be highly flammable or explosive including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

"VOC content" means the weight of VOC per volume of material and is calculated by the following equation in gram/liter (or alternately in pound/gallon, or pound/pound):

$$\text{Grams of VOC per Liter of Material} = \frac{W_s - W_w - W_{es}}{V_m}$$

Where:

W_s = weight of volatile organic compounds

W_w = weight of water

W_{es} = weight of exempt compounds

V_m = volume of material

"Volatile Organic Compound (VOC)" means VOC as defined in 40 CFR 51.100(s), effective as of the date referenced in R307-101-3, is hereby adopted and incorporated by reference.

"Waste" means all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household refuse, construction or demolition debris, or other refuse including that resulting from the prosecution of any business, trade or industry.

"Zero Drift" means the change in the instrument meter readout over a stated period of time of normal continuous operation when the VOC concentration at the time of measurement is zero.

KEY: air pollution, definitions

Date of Enactment or Last Substantive Amendment: 2018

Notice of Continuation: May 8, 2014

Authorizing, and Implemented or Interpreted Law: 19-2-104(1)(a)

Environmental Quality, Air Quality
R307-403
Permits: New and Modified Sources in
Nonattainment Areas and Maintenance
Areas

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 42675

FILED: 06/11/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In response to comments received during the 30-day comment period, the text of this rule was amended as a response to those comments. The comments and Division of Air Quality (DAQ) staff responses can be found in the Air Quality Board memo at <https://deq.utah.gov/air-quality/utah-air-quality-board-meetings>.

SUMMARY OF THE RULE OR CHANGE: In Section R307-403-1, changed text to specify which portion of this rule supplements permitting requirements. Additionally, added text clarifying EPA's role in approving demonstrations satisfying 40 CFR 51.1006(a)(3). In Section R307-403-2, corrected incorrect text, clarified yearly duration by adding the word "calendar" to the text, clarified precursor by adding the word "individual" to the text, amended text to ensure more comprehensive application of NNSR requirements, "shall trigger offset requirements" was stricken and replaced with language that applies "the requirements of R307-403" to potential increases of nitrogen oxides, sulfur dioxide, and PM2.5 precursors. In Section R307-403-3, clarifies language by revising text to read: "the restrictions on new or modified sources identified in 40 CFR 52.24 are not applicable." In Section R307-403-4, the text was added to ensure emission offsets must be surplus, permanent, quantifiable, and federally enforceable as indicated in 40 CFR 50.165. Additionally, the following statement was added to the end of the paragraph: "Offsets may not be traded between pollutants, except as required only to satisfy R307-403-5(1) where it pertains to emission increases that are not considered major for PM10 or a PM10 precursor." In Section R307-403-5, text was amended to provide additional clarification, reorganized for easier use by reader, and clarifies 1 - 1 ratio requirements and rounding of measurements to meet that ratio. Additionally, multiple revisions were made to distinguish between offsetting ratios for emission increases greater than 50 tpy and emission increases between 25 - 50 tpy. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the April 1, 2018, issue of the Utah State Bulletin, on page 50. 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: Subsection 19-2-104(1)(a)

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This change in proposed rule could have a fiscal impact on state government revenues or expenditures, but any fiscal cost or benefit is inestimable at this time because further studies and analyses must be completed.

◆ **LOCAL GOVERNMENTS:** This change in proposed rule is not expected to have any fiscal impact on local governments revenues or expenditures, but any fiscal cost or benefit is inestimable at this time because further studies and analyses must be completed.

◆ **SMALL BUSINESSES:** This change in proposed rule is not expected to have any fiscal impact on small businesses' revenues or expenditures, but any fiscal cost or benefit is inestimable at this time because further studies and analyses must be completed.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This change in proposed rule could have fiscal impact on other individual's revenues or expenditures, but any fiscal cost or benefit is inestimable at this time because further studies and analyses must be completed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This change in proposed rule is not expected to have any fiscal impact on individual persons because this rule focuses on emissions from point sources. However, any fiscal cost or benefit is inestimable at this time because further studies and analyses must be completed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Due to further research and analysis regarding ammonia emissions and PM2.5 precursors, the fiscal impact on businesses is currently inestimable. Upon completion of ongoing ammonia models and a thorough Best Available Control Technology analysis, the DAQ will be able to provide an accurate fiscal impact analysis on businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Thomas Gunter by phone at 801-536-4419, or by Internet E-mail at thomasgunter@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 07/31/2018

AUTHORIZED BY: Bryce Bird, 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
 For a complete listing of NAICS codes used in this analysis, please contact the agency. It is possible that these businesses could experience a fiscal cost associated with increased emission controls. The full impact to these non-small businesses cannot be estimated because: the data necessary to determine how emission sources contribute to ammonia levels is still being studied. It is unclear at this time what controls would be required in the future, what the costs of those controls would be, or what sources would be affected.

The costs and benefits related to state, local governments, as well as small business and individuals are inestimable for the same reasons identified above.

The Executive Director of the Department of Environmental Quality, Alan Matheson, has reviewed and approved this fiscal analysis.

R307. Environmental Quality, Air Quality.
R307-403. Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas.

R307-403-1. Purpose and Definitions.

(1) Purpose. This rule implements the federal nonattainment area permitting program for major sources as required by 40 CFR 51.165. In addition, the rule contains new source review provisions for some non-major sources in PM₁₀ nonattainment areas. This rule, R307-403-5(1), supplements, but does not replace, the permitting requirements of R307-401.

(2) Unless otherwise specified, all references to 40 CFR 1307-403 shall mean the version that is in effect on July 1, 2017.

(3) Except as provided in R307-403-1(4), the definitions in 40 CFR 51.165(a)(1) are hereby incorporated by reference. The definition of PAL, or plant wide applicability limitation, in 40 CFR 51.165(f)(2)(v) is also incorporated by reference.

(4)(a) "Reviewing authority" means the director.

(b) In the definition of "significant" in 40 CFR 51.165(a)(1) (x) add the following text at the end of paragraph (F): "The following subparagraphs specify, for certain nonattainment areas, emission rates that are "significant" for Ammonia: (1) In the Provo, UT nonattainment area (as defined in the July 1, 2017 version of 40 CFR 81.345) - 70 tons per year or more (2) In the Salt Lake City, UT nonattainment area (as defined in the July 1, 2017 version of 40 CFR 81.345) - 70 tons per year or more."

(c) In the definition of "regulated NSR pollutant" in 40 CFR 51.165(a)(1)(xxxvii), paragraph (C)(2) is amended to read: "(2) Except as specified in R307-101-2 and where the Administrator of the EPA has approved a demonstration satisfying 40 CFR 51.1006(a)(3) which has, for a particular PM_{2.5} nonattainment area, determined otherwise; Sulfur dioxide, Nitrogen oxides, Volatile organic compounds and Ammonia are precursors to PM_{2.5} in any PM_{2.5} nonattainment area."

(d) The following definitions or portions of definitions that apply to the equipment repair and replacement provisions are not incorporated because these provisions were vacated by the DC Circuit Court of Appeals on March 17, 2006:

(i) in the definition of "major modification" in 40 CFR 51.165(a)(1)(v)(C), the second sentence in subparagraph (1);

(ii) the definition of "process unit" in 40 CFR 51.165(a)(1) (xliii);

(iii) the definition of "functionally equivalent component" in 40 CFR 51.165(a)(1)(xliv);

(iv) the definition of "fixed capital cost" in 40 CFR 51.165(a)(1)(xlv); and

(v) the definition of "total capital investment" in 40 CFR 51.165(a)(1)(xlvii).

R307-403-2. Applicability.

(1) R307-403 applies to any new major stationary source or major modification that is major for the pollutant or precursor pollutant for which the area is designated nonattainment under section 107(d)(1)

(A)(i) of the Clean Air Act, if the stationary source or modification would locate anywhere in the designated nonattainment area.

(a) Except as otherwise provided in paragraph R307-403-2(2), and consistent with the definition of major modification contained in 40 CFR 51.165(a)(1)(v)(A), a project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases—a significant emissions increase (as defined in 40 CFR 51.165(a)(1)(xxvii)), and a significant net emissions increase (as defined in 40 CFR 51.165(a)(1)(vi) and (x)). The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(b) The procedure for calculating (before beginning actual construction) whether a significant emissions increase (i.e., the first step of the process) will occur depends upon the type of emissions units being modified, according to paragraphs R307-403-2(1)(c) through (e)–(f). The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source (i.e., the second step of the process) is contained in the definition in 40 CFR 51.165(a)(1)(vi). Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(c) Actual-to-projected-actual applicability test for projects that only involve existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions (as defined in 40 CFR 51.165(a)(1)(xxviii)) and the baseline actual emissions (as defined in 40 CFR 51.165(a)(1)(xxxv)(A) and (B), as applicable), for each existing emissions unit, equals or exceeds the significant amount for that pollutant (as defined in 40 CFR 51.165(a)(1)(x)).

(d) Actual-to-potential test for projects that only involve construction of a new emissions unit(s). A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit (as defined in 40 CFR 51.165(a)(1)(iii)) from each new emissions unit following completion of the project and the baseline actual emissions (as defined in 40 CFR 51.165(a)(1)(xxxv)(C)) of these units before the project equals or exceeds the significant amount for that pollutant (as defined in 40 CFR 51.165(a)(1)(x)).

(e) Reserved.

(f) Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in R307-403-2(1)(c) through (d) as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant (as defined in 40 CFR 51.165(a)(1)(x)).

(2) For any major stationary source for a PAL for a regulated NSR pollutant, the major stationary source shall comply with requirements under R307-403-11.

(3) Reserved.

(4) Reserved.

(5)(a) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the state implementation plan and any other requirements under local, state or federal law.

(b) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of R307-403 shall apply to the source or modification as though construction had not yet commenced on the source or modification;

(6) The provisions of R307-403-2(6)(a) through (f) apply to projects at existing emissions units at a major stationary source (other than projects at a source with a PAL) in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase and the owner or operator elects to use the method specified in paragraphs 40 CFR 51.165(a)(1)(xxviii)(B)(1) through (3) for calculating projected actual emissions.

(a) Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

(i) A description of the project;

(ii) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

(iii) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under 40 CFR 51.165(a)(1)(xxviii)(B)(3) and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(b) If the emissions unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in R307-403-2(6)(a) to the reviewing authority. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the reviewing authority before beginning actual construction.

(c) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions units identified in paragraph R307-403-2(6)(a)(ii); and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated NSR pollutant at such emissions unit.

(d) If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the reviewing authority within 60 days after the end of each calendar year during which records must be generated under paragraph R307-403-2(6)(c) setting out the unit's annual emissions during the calendar year that preceded submission of the report.

(e) If the unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the reviewing authority if the annual emissions, in tons per year, from the project identified in paragraph R307-403-2(6)(a), exceed the baseline actual emissions (as documented and maintained pursuant to paragraph R307-403-2(6)(c), by a significant amount (as defined in 40

CFR 51.165(a)(1)(x) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to paragraph R307-403-2(6) (c). Such report shall be submitted to the reviewing authority within 60 days after the end of such year. The report shall contain the following:

- (i) The name, address and telephone number of the major stationary source;
- (ii) The annual emissions as calculated pursuant to paragraph R307-403-2(6)(c); and
- (iii) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

(f) A "reasonable possibility" under (R307-403-2(6) occurs when the owner or operator calculates the project to result in either:

(i) A projected actual emissions increase of at least 50 percent of the amount that is a "significant emissions increase," as defined in 40 CFR 51.165(a)(1)(xxvii)(without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or

(ii) A projected actual emissions increase that, added to the amount of emissions excluded under 40 CFR 51.165(a)(1)(xxviii)(B) (3), sums to at least 50 percent of the amount that is a "significant emissions increase," as defined under paragraph 40 CFR 51.165(a)(1)(xxvii) without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant. For a project for which a reasonable possibility occurs only within the meaning of this paragraph, and not also within the meaning of paragraph R307-403-2(6)(f)(i), then provisions R307-403-2(6)(b) through (e) do not apply to the project.

(7) The owner or operator of the source shall make the information required to be documented and maintained pursuant to paragraph R307-403-2(6) above available for review upon a request for inspection by the director or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).

(8) The requirements of R307-403 applicable to major stationary sources and major modifications of volatile organic compounds shall apply to nitrogen oxides emissions from major stationary sources and major modifications of nitrogen oxides in an ozone transport region or in any ozone nonattainment area, except in ozone nonattainment areas or in portions of an ozone transport region where the EPA Administrator has granted a nitrogen oxides waiver applying the standards set forth under section 182(f) of the Clean Air Act and the waiver continues to apply.

(9) Reserved.

(10) The requirements of R307-403 apply to new major sources and major modifications to existing sources. Such sources or modifications located in or impacting areas of nonattainment for ozone, PM₁₀, or PM_{2.5} shall also consider each precursor to ozone, PM₁₀, or PM_{2.5} respectively. Sources or modifications determined to be major for any of these individual precursors shall ~~for offsetting requirements;~~ also be regarded as major for that pollutant for which the area is designated nonattainment.

(a) In areas of ozone nonattainment, a new stationary source that is major for nitrogen oxides or for volatile organic compounds shall be considered major for ozone. Similarly, a major modification to an existing source that is major for nitrogen oxides or for volatile organic compounds shall be considered major for ozone.

(b) In areas of PM₁₀ nonattainment, the requirements of R307-403 applicable to major stationary sources and major modifications of PM₁₀ shall also apply to major stationary sources and major modifications of nitrogen oxides and sulfur dioxides and sulfur dioxide, except where the Administrator determines that such sources do not contribute significantly to PM₁₀ levels that exceed the PM₁₀ ambient standards in the area ~~a new stationary source that is major for nitrogen oxides or for sulfur dioxide shall trigger offset requirements for PM₁₀. Similarly, a major modification to an existing source that is major for nitrogen oxides or for sulfur dioxide shall trigger offset requirements for PM₁₀.~~

(c) In areas of PM_{2.5} nonattainment, the requirements of R307-403 applicable to major stationary sources and major modifications of PM_{2.5} shall also apply to major stationary sources and major modifications of any individual of PM_{2.5} precursor as defined in R307-403-1(4)(c) ~~a new stationary source that is major for any individual PM_{2.5} precursor, as defined in R307-403-1(4)(e), shall trigger offset requirements for PM_{2.5}. Similarly, a major modification to an existing source that is major for any individual PM_{2.5} precursor, as defined in R307-403-1(4)(e), shall trigger offset requirements for PM_{2.5}.~~

(11) Reserved.

(12) R307-403 applies to any major source or major modification that is located outside a nonattainment area and is major for the pollutant for which the area is designated nonattainment under section 107(d)(1)(A)(i) of the Clean Air Act and that causes the significant increments in R307-403-3(1) to be exceeded in the nonattainment area.

(13) R307-403-5 applies to any new or modified source in a PM₁₀ or PM_{2.5} nonattainment area.

R307-403-3. Review of Major Sources of Air Quality Impact.

Every major new source or major modification must be reviewed by the director to determine if a source will cause or contribute to a violation of the NAAQS.

(1) If the owner or operator of a source proposes to locate the source outside an area of nonattainment where the source will not cause an increase greater than the following increments in actual areas of nonattainment or in the Salt Lake City and Ogden maintenance areas for carbon monoxide and the source otherwise meets the requirements of these regulations, such source shall be approved.

TABLE
MAXIMUM ALLOWABLE MICROGRAM/CUBIC METER IMPACT
BY AVERAGING TIME

Pollutant	Annual	24-Hr	8-Hr	3-Hr	1-Hr
SULFUR DIOXIDE	1.0	5			25
PM _{2.5}	0.3	1.2			
NO ₂	1.0				
PM ₁₀	1.0	3			
CO				500	2000

(2) If the director finds that the emissions from a proposed source would cause a new violation of the NAAQS but would not contribute to an existing violation, the director shall approve the proposed source if and only if:

(a) the new source is required to meet a more stringent emission limitation, sufficient to avoid a new violation of the NAAQS and

(b) the new source has acquired sufficient offset to avoid a new violation of the NAAQS and

(c) the new emission limitations for the proposed source and for any affected existing sources are enforceable.

(3) For a proposed new major stationary source or major modification that is major for a pollutant, or any individual precursor to that pollutant, for which an area is designated nonattainment, approval shall be granted if and only if:

(a) the new major source or major modification meets an emission limitation which is the Lowest Achievable Emission Rate (LAER) for such source for the relevant pollutant(s) in the respective nonattainment area;

(b) the applicant has certified that all existing major sources in the State, owned or controlled by the owner or operator (or by any entity controlling, controlled by or under common control with such owner or operator) of the proposed source, are in compliance with all applicable rules in R307, including the Utah Implementation Plan requirements or are in compliance with an approved schedule and timetable for compliance under the Utah Implementation Plan, R307, or an enforcement order, and that the source is complying with all requirements and limitations as expeditiously as practicable;

(c) emission offsets to the extent provided in R307-403-4, R307-403-5, and R307-403-6 are sufficient such that there will be reasonable further progress toward attainment of the applicable NAAQS;

(d) the emission offsets provide a positive net air quality benefit in the affected area of nonattainment; and,

(e) ~~[there is an approved implementation plan in effect for the pollutant to be emitted by the proposed source]~~ the restrictions on new or modified sources identified in 40 CFR 52.24 are not applicable.

(4) A source which is locating outside a nonattainment area or the Salt Lake City and Ogden maintenance areas for carbon monoxide and which causes the significant increments in R307-403-3(1) to be exceeded in the nonattainment or maintenance area is subject to the requirements of R307-403-3(3).

R307-403-4. Offsets: General Requirements.

(1) All general offset permitting requirements apply for all offsets regardless of the pollutant at issue. General offset permitting requirements shall be imposed immediately and directly on all new major stationary sources or major modifications located in a nonattainment area that are major for the pollutant, or any individual precursor to the pollutant, for which the area is designated nonattainment.

(2) Emission offsets must be obtained from the same source or other sources in the same nonattainment area except that the owner or operator of a source may obtain emission offsets in another nonattainment area if:

(a) the other area has an equal or higher nonattainment classification than the area in which the source is located; and

(b) emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located or which is impacted by the source.

(3) Any emission offsets required for a new or modified source shall be in effect and enforceable before a new or modified source commences construction. The new or modified source shall assure that the total tonnage of increased emissions of the air pollutant from the new or modified source shall be offset by an equal or greater reduction, as applicable, in the actual emissions of such air pollutant from the same or other sources in the area. Offsets may not be traded between pollutants, except as required only to satisfy R307-403-5(1) where it pertains to emission increases that are not considered major for PM₁₀ or a PM₁₀ precursor.

(4) Emission offsets must be surplus, permanent, quantifiable, and federally enforceable. Emission reductions otherwise required by the federal Clean Air Act or R307, including the State Implementation Plan shall not be creditable as emission reductions for purposes of any offset requirement. Incidental emission reductions which are not otherwise required by federal or state law shall be creditable as emission reductions if such emission reductions meet the requirements of R307-403-4(2) and R307-403-4(3).

(5) Sources shall be allowed to offset, by alternative or innovative means, emission increases from rocket engine and motor firing, and cleaning related to such firing, at an existing or modified major source that tests rocket engines or motors under the conditions outlined in 42 U.S.C. 7503(e) (Section 173(e)(1) through Section 173(e)(4) of the federal Clean Air Act as amended in 1990).

R307-403-5. Offsets: Particulate Matter Nonattainment Areas.

(1) PM₁₀ Nonattainment Areas. (a) In addition to the general offsetting requirements of R307-403-4, as they apply to new major sources and major modifications as defined in R307-403-2(10)(b), ~~new sources which have a potential to emit, or modified sources which would produce an emission increase equal to or exceeding the tonnage total of combined PM₁₀, sulfur dioxide, and oxides of nitrogen listed below which are located in or impact a PM₁₀ Nonattainment Area as defined in R307-403-5(1)(a),~~ shall obtain an enforceable offset as defined in R307-403-5(1)(b) and R307-403-5(1)(c).

~~For the purpose of determining whether the owner or operator which proposes to locate a source outside a nonattainment area is required to obtain offsets, the maximum allowable impact on any nonattainment area is 1.0 microgram/cubic meter for a one-year averaging period and 3.0 micrograms/cubic meter for a 24-hour averaging period for any combination of PM₁₀, sulfur dioxide and nitrogen dioxide.~~

(b) For a total of 50 tons/year or greater, an offset established at a ratio of 1.2:1 of the emission increase is required.

(c) For a total of 25 tons/year but less than 50 tons/year, an offset established at a ratio of 1:1 of the emission increase is required.

(d) For the offset determinations required in R307-403-5(1)(b) or R307-403-5(1)(c), PM₁₀, sulfur dioxide, and oxides of nitrogen shall be considered on an equal basis. In areas where offsets are also required for ~~[PM₄₀,]~~ PM_{2.5}, and/or ozone, the most stringent emission offset ratio for oxides of nitrogen required by R307-403 or R307-420 shall apply.

~~(e) For the purpose of determining whether the owner or operator which proposes to locate a source outside a nonattainment area is required to obtain offsets, the maximum allowable impact on any nonattainment area is 1.0 microgram/cubic meter for a one-year averaging period and 3.0 micrograms/cubic meter for a 24-hour averaging period for any combination of PM₁₀, sulfur dioxide and nitrogen dioxide.~~

~~(2) PM_{2.5} Nonattainment Areas. [For the purposes of PM_{2.5} nonattainment areas a major source is:~~

~~—(a) In addition to the general offsetting requirements of R307-403-4, new major sources or major modifications to existing sources which are located in, or would impact a PM_{2.5} nonattainment area as defined in R307-403-3(1), shall obtain an enforceable offset as defined in R307-403-5(2)(d) through (f).~~

~~(b) a major source is:~~

~~(i) in a moderate nonattainment area, any stationary source of air pollutants which emits or has the potential to emit 100 tons per year or more of direct PM_{2.5}, or any individual PM_{2.5} precursor as defined in R307-403-1(4)(c).~~

~~(ii) in a serious nonattainment area, any stationary source of air pollutants which emits or has the potential to emit 70 tons per year or more of direct PM_{2.5}, or any individual PM_{2.5} precursor as defined in R307-403-1(4)(c).~~

~~(iii) any physical change that would occur at a source not qualifying under R307-403-5(2)(a)(i) or R307-403-5(2)(b)(ii) as a major source, if the change would constitute a major source by itself.~~

~~(d) in PM_{2.5} nonattainment areas, a new stationary source that is major for any individual PM_{2.5} precursor as defined in R307-403-1(4)(c) shall be considered major for PM_{2.5}. Similarly, a major modification to an existing source that is major for any individual PM_{2.5} precursor as defined in R307-403-1(4)(c) shall be considered major for PM_{2.5}.~~

~~(4) New major sources or major modifications to existing sources which are located in, or would impact a PM_{2.5} Nonattainment area as defined in R307-403-5(4)(b), shall obtain an enforceable offset as defined in R307-403-5(4)(c) through R307-403-5(4)(e).]~~

~~(a) For the purposes of determining what is a significant emission increase or a significant net emission increase and therefore a major modification, significant means a rate of emissions that would equal or exceed 10 tons per year (tpy) of direct PM_{2.5}, 40 tpy of sulfur dioxide, 40 tpy of nitrogen oxides, or 40 tpy of volatile organic compounds (VOC). In PM_{2.5} nonattainment areas where ammonia has not been exempted as a PM_{2.5} precursor, the rate of emissions that is significant is specified in R307-403-1(4)(b).~~

~~(b) For the purpose of determining whether the owner or operator which proposes to locate a source outside a nonattainment area is required to obtain offsets, the maximum allowable impact on any PM_{2.5} nonattainment area is 0.3 microgram/cubic meter for a one-year averaging period and 1.2 micrograms/cubic meter for a 24-hour averaging period for direct PM_{2.5}.~~

~~(d) Any increase in emissions that has been determined to require offsets shall be offset at a ratio of no less than 1:1. If the quantity of offsets is determined to be a non-whole number, the offset required shall be rounded up to the next whole number.~~

~~(d) [In areas where offsets may also be required for precursors to PM₁₀ and/or ozone] If offsetting requirements for PM₁₀ and/or ozone are also triggered, the most stringent emission offset ratio required by R307-403 or R307-420 shall apply.~~

~~(e) Offsets may not be traded between pollutants.~~

R307-403-6. Offsets: Ozone Nonattainment Areas.

In any ozone nonattainment area, new sources and modifications to existing sources as defined and outlined in 42 U.S.C. 7511a (Section 182 of the Clean Air Act) shall meet the offset requirements and conditions listed in that section for the applicable classified area and for the identified pollutants.

R307-403-7. Offsets: Baseline.

The baseline to be used for determination of credit for emission and air quality offsets will be the emission limitations and/or other requirements in the applicable State Implementation Plan (SIP), revised in accordance with the Clean Air Act Section 173(c)(1) or subsequent revisions thereto in effect at the time the application to construct or modify a source is filed. The offset baseline shall be the actual emissions, as defined in R307-401-2, of the source from which offset credits are obtained.

R307-403-8. Offsets: Banking of Emission Offset Credit.

Banking of emission offset credit will be permitted to the fullest extent allowed by applicable Federal Law as identified in EPA's document "Emissions Trading Policy Statement" published in the Federal Register on December 4, 1986, and 40 CFR 51.165(a)(3)(ii)(c) as amended on June 28, 1989, and 40 CFR 51, Appendix S. To preserve banked emission reductions, the director must identify them in either the Utah SIP or an order issued pursuant to R307-401 and shall provide a registry to identify the person, private entity or governmental authority that has the right to use or allocate the banked emission reductions, and to record any transfers of, or liens on these rights.

R307-403-9. Construction in Stages.

When a source is constructed or modified in stages which individually do not have the potential to emit more than the significance level for determining a major source, the allowable emission from all such stages shall be added together in determining the applicability of R307-403.

R307-403-10. Analysis of Alternatives.

The owner or operator of a major new source or major modification to be located in a nonattainment area or which would impact a nonattainment area must, in addition to the requirements in R307-403, submit with the notice of intent an adequate analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. The director shall review the analysis. The analysis and the director's comments shall be subject to public comment as required by R307-401-7. The preceding shall also apply in Salt Lake and Davis Counties for new major sources or modifications which are considered major for precursors of ozone, including volatile organic compounds and nitrogen oxides.

R307-403-11. Actuals PALS.

The provisions of 40 CFR 51.165(f)(1) through (14) are hereby incorporated by reference.

Notice of Continuation: May 15, 2017

Authorizing, and Implemented or Interpreted Law: 19-2-104; 19-2-108

KEY: air quality, nonattainment, offset

Date of Enactment or Last Substantive Amendment: 2018

End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text ([example]). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

Health, Family Health and Preparedness, Emergency Medical Services **R426-3** Licensure

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 42964
FILED: 06/11/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to return this rule to the way it was before the last amendment was made effective. This rule was amended in 04/19/2018. However, the changes to this rule were approved by the Emergency Medical Services (EMS) Committee (Committee) without correctly following the Open and Public Meetings Act. Therefore, the Committee is making effective the prior version of this rule until it can come comply with the Open and Public Meetings Act in discussing whether or not to make changes to this rule.

SUMMARY OF THE RULE OR CHANGE: This change removes the amendments to Rule R426-3 which were made effective on 04/19/2018.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-8a-401 and Section 26-8a-402

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.

JUSTIFICATION: Past amendments were not properly noticed prior to a statutory committee approval.

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** No anticipated costs or benefits to the state budget. This emergency rule does not require the state to perform any additional processes for licensing EMS providers.
- ◆ **LOCAL GOVERNMENTS:** This emergency rule will benefit three cities that are currently performing ambulance transports from hospital by an estimated \$1,200,000 due to their ability to respond to hospitals via the 911 system.
- ◆ **SMALL BUSINESSES:** This emergency rule will not affect small businesses.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: This emergency rule will not affect other persons.

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

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule was amended in 04/19/2018. However, the changes to this rule approved by the EMS Committee without correctly following the Open and Public Meetings Act. Therefore, the Committee is making effective the prior version of this rule until it can come comply with the Open and Public Meetings Act in discussing whether or not to make changes to this rule.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
EMERGENCY MEDICAL SERVICES
3760 S HIGHLAND DR
SALT LAKE CITY, UT 84106
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Guy Dansie by phone at 801-273-6671, by FAX at 801-273-4165, or by Internet E-mail at gdansie@utah.gov

EFFECTIVE: 06/11/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

R426. Health, Family Health and Preparedness, Emergency Medical Services.

R426-3. Licensure.

R426-3-100. Authority and Purpose.

(1) This Rule is established under Chapter 8, Title 26a, Chapter 8a. It establishes standards for the licensure of an air ambulance, ground ambulance, and paramedic services.

(2) The purpose of this rule is to set forth air and ground ambulance policies, rules, and standards adopted by the Utah Emergency Medical Services Committee, which promotes and protects the health and safety of the people of this state.

(3) The definitions in Title 26, Chapter 8a are adopted and incorporated by reference into this rule.

R426-3-200. Requirement for Licensure.

(1) A person who provides or represents that it provides air ambulance, ground ambulance, paramedic ground ambulance, or paramedic services shall first be licensed by the Department.

R426-3-300. Licensure Types.

(1) The Department may issue exclusive ground ambulance transport licenses for the following types of service at the given levels:

(a) emergency medical technician (EMT);

(b) advanced emergency medical technician (AEMT); and

(c) paramedic.

(2) Current emergency medical technician intermediate advanced (EMT-IA) licenses will remain in effect, no new EMT-IA ground ambulance licenses will be issued.

(3) The Department may issue exclusive ground ambulance inter-facility transport licenses for the following types of service at the given levels:

(a) emergency medical technician (EMT);

(b) advanced emergency medical technician (AEMT); and

(c) paramedic.

(4) The Department may issue exclusive paramedic, non-transport licenses.

(5) The Department may issue a paramedic tactical license that is a designation of function not geographical location.

R426-3-310. Air Ambulance Licensure Types.

(1) The Department may issue an Air Ambulance provider a license in accordance with services accredited by a Department approved accreditation vendor.

R426-3-400. Scope of Operations.

(1) A ground ambulance or paramedic licensed provider [as described in R426-3-300] may only provide service to its specific licensed geographic service area and is responsible to provide all services to its entire specific geographic service area except as provided by R426-3-900 Aid Agreements. It will provide emergency medical services for its category of licensure that corresponds to the certification[licensure] levels in R426-5 Emergency Medical Services Training[Licensure] and Certification Standards.

(2) A ground ambulance provider or paramedic service provider [as described in R426-3-300] shall provide services 24 hours a day, every day of the year.

(3) Air ambulance services shall provide services 24 hours a day, every day of the year as allowed by weather conditions.

(4) A ground ambulance provider or paramedic service provider [as described in R426-3-300] shall provide all standby services for any special event that requires ground ambulance or paramedic services within its geographic service area. The licensed provider may arrange for those services through R426-3-900 aid agreements. Designated quick response units may also support licensed ground ambulance or paramedic services at special events. If a licensed provider refuses to provide service, or is non-responsive in a timely manner to a request for a special event, the event organizer may use a licensed or designated provider of their choice.

R426-3-500. Minimum Licensure Requirements Air Ambulance, Ground Ambulance, and Paramedic Services.

A licensed provider conforming to R426-3-200 shall meet the following minimum requirements:

(1) sufficient air or ground ambulances, emergency response vehicle(s), equipment, and supplies that meet the requirements of this rule and as may be necessary to carry out its responsibilities under its license or proposed license without relying upon aid agreements with other licensed provider;

(2) locations or staging areas for stationing its vehicles;

(3) a current written dispatch agreement with a designated emergency medical dispatch center;

(4) ground ambulances ~~shall~~^{may} have current written aid agreements with other ground ambulance licensed providers to give assistance in times of unusual demand;

(5) a Department certified EMS training officer that is responsible for continuing education;

(6) a current plan of operations.

(7) a description of how the licensed provider or applicant proposes to interface with other ~~licensed and designated~~ EMS agencies~~[providers]~~.

(8) demonstrate fiscal viability;

(9) medical personnel roster which includes level of ~~certification~~^{licensure} to ensure there is sufficient trained and ~~certified~~^{licensed} staff who meet the requirements of R426-4-200 Staffing, and operational procedures.

(10) all permitted vehicles shall be equipped to allow field EMS personnel to be able to:

(a) communicate with hospital emergency departments, dispatch centers, EMS providers, and law enforcement services; and

(b) communicate on radio frequencies assigned to the Department for EMS use by the Federal Communications Commission.

(11) a current written agreement with a Department-certified off-line medical director or a medical director certified in the state where the service is based pursuant to R426-3-700.

(12) provide the Department with a copy of its certificate of insurance or if seeking application, provide proof of the ability to obtain insurance to respond to damages due to operation of a vehicle or air ambulance in the manner and following minimum amounts:

(a) liability insurance in the amount of \$1,000,000 for each individual claim; and

(b) liability insurance in the amount of \$1,000,000 for property damage from any one occurrence;

(c) the licensed provider ~~[as described in R426-3-300]~~ shall obtain the insurance from an insurance company authorized to write liability coverage in Utah or through a self-insurance program and shall:

(i) provide the Department with a copy of its certificate of insurance demonstrating compliance with this section; and

(ii) direct the insurance carrier or self-insurance program to notify the Department of all changes in insurance coverage within 60 days.

(13) not be disqualified for any of the following reasons:

(a) violation of Subsection 26-8a-504; or

(b) disciplinary action relating to an EMS license, permit, designation, or certification in this or any other state that adversely affect its service under its license; and

(14) A paramedic tactical service ~~[as described in R426-3-300]~~ shall be a public safety agency or have a letter of recommendation from a county or city law enforcement agency within the paramedic tactical service's geographic service area.

~~[(15) In areas that are served by more than one transport provider, both providers shall have an agreement addressing first response and transport responsibilities for all types of facilities listed in R426-1-200(29) in effect by June 30, 2018 and shall provide copies to the Department and all impacted PSAP's and dispatch centers. The Department may act as mediator if needed to reach agreement.]~~

R426-3-600. Cost, Quality, and Access Goals for Ground Ambulance Providers.

(1) A local government shall establish emergency medical service goals pursuant to Title 26-8a-408(7).

(2) Goals shall be renewed every four years in concurrence with the licensure process for the EMS licensed ground ambulance provider. All local governments in a licensed service area are required to participate.

(3) Goals may be amended, if necessary, due to:

(a) unforeseen changes in service delivery,

(b) community impacts, or

(c) significant unforeseen impact in the geographical service area.

(4) Goals shall be written, approved by local governments, and submitted to the Department with licensure and re-licensure application by the EMS licensed ground ambulance provider for the geographical service area.

(5) Local governments may choose to recognize EMS providers who have achieved accreditation by a Department approved accreditation organization as meeting the cost, quality, and access goals.

(6) Cost goals shall indicate the expected financial cost to the local government(s) and patients for the level of service provided.

(7) Quality goals shall indicate the expected level of service plus any additional foreseen improvements or advancements in service expectations.

(8) Access goals shall indicate the local government's expectation for access to the EMS system by any individual within the local government's geographic area.

R426-3-700. Ground Ambulance or Paramedic Service Application.

(1) An applicant desiring to obtain a new license for ground ambulance, or paramedic services shall submit the applicable fees and application on Department-approved forms to the Department. As part of the application, the applicant shall submit documentation that it meets the requirements listed in R426-3-500 along with the following:

(a) a detailed description and detailed map of the exclusive geographical areas that will be served;

(b) if the requested geographical service area is for less than all ground ambulance or paramedic services, the applicant shall include a written description and detailed map showing how the areas not included will receive ground ambulance or paramedic services;

(c) if an applicant is responding to a public bid as described in 26-8a-405.2 the applicant shall include detailed maps and descriptions for all geographical areas served in accordance with 26-8a-405.2(2);

(d) documentation showing that the applicant meets all local zoning and business licensing standards within the exclusive geographical service area that it will serve;

(e) a written description of how the applicant will communicate with dispatch centers, law enforcement agencies, on-line medical control, and patient transport destinations;

(f) patient care protocols, medications, and equipment approved by the provider's medical director based on licensure level according to Department policies; and

(g) applicant's plans for operations during times of unusual demand.

(2) An applicant desiring to renew an existing license shall submit documentation that it meets the requirements listed in R426-3-500, along with the following:

(a) a written assessment of field performance from the applicant's off-line medical director; and

(b) other information that the Department determines necessary for the processing of the application and the oversight of the licensed entity.

(3) An applicant desiring to obtain a new license or renew an existing license shall submit written cost, quality, and access goals as described in R426-3-600[-if available].

(4) A ground ambulance or paramedic service holding a license under 26-8a-404, including any political subdivision that is part of a special district may respond to a request for proposal if it complies with 26-8a-405(2).

(5) Upon receipt of an appropriately completed application, ground ambulance or paramedic service license and submission of license fees, the Department shall collect supporting documentation and review each application.

(6) If, upon Department review, the application for a new license is complete and meets all the requirements, the Department shall issue a notice of approved application as required by 26-8a-405 and 406.

(7) Award of a new license or a renewal license is contingent upon the applicant's demonstration of compliance with all applicable statute and rules and a successful Department quality assurance review.

(8) After review and before issuing a license to a new service, the Department shall directly inspect the ground vehicle(s), equipment, and required documentation.

(9) A license may be issued for up to a four-year period unless revoked or suspended by the Department. The Department may alter the length of the license to standardize renewal cycles.

R426-3-710. Air Ambulance Application.

An applicant desiring to obtain a new license or to renew its license for air ambulance services shall submit the applicable fees and application on Department-approved forms to the Department. As part of the application, the applicant shall submit documentation that it meets the requirements listed in R426-3-500 and the following:

(1) certified articles of incorporation, if incorporated;

(2) a statement summarizing the training and experience of the applicant in the air transportation and care of patients;

(3) a copy of current Federal Aviation Administration (FAA) Air Carrier Operating Certificate authorizing FAR, Part 135, operations;

(4) a copy of the current certificates of insurance demonstrating coverage for medical malpractice;

(5) a description and location of each dedicated and back-up air ambulance(s) procured for use in the air ambulance service, including the make, model, and year of manufacture, FAA-N number, insignia, name or monogram, or other distinguishing characteristics;

(6) successful completion of a Department approved accreditation process and such accreditation decision shall exclude Federal Aviation Agency or Aviation Deregulation Act regulated activities;

(7) for new air ambulance services licensed under R426-3-200, the applicant shall submit an application for accreditation by a Department approved accreditation process within one year of receiving a license under this rule; and

(8) licensed air ambulance services shall achieve accreditation and maintain accreditation.

(9) Any new air ambulance providers applying for a license who have been licensed and operating in any other state for at least one year shall provide the Department with a copy of a successful accreditation decision, or an application sent to a Department approved accreditation vendors prior to receiving an air ambulance license.

(10) Upon receipt of an appropriately completed application for air ambulance provider license and submission of license fees, the Department shall collect supporting documentation and review each application.

(11) After review and before issuing a license to a new service, the Department shall directly inspect the air vehicle(s), equipment, and required documentation.

(12) Department approved accreditation vendors shall allow a Department representative to accompany accreditation surveyors on site surveys or during any accreditation inspections at the request of the Department.

(13) If, upon Department review, the application for a new license is complete and meets all the requirements, the Department shall issue a notice of approved application as required by 26-8a-405 and 406.

(14) Award of a new license or a renewal license is contingent upon the applicant's demonstration of compliance with all applicable statute and rules and a successful Department quality assurance review.

(15) Any events impacting patient safety including death, permanent harm, or severe temporary harm, or requiring intervention to sustain life shall be reported to the Department and the associated Department approved accreditation vendor(s) by the licensed air ambulance provider within 30 days or the event.

(16) A license may be issued for up to a four-year period unless revoked or suspended by the Department. The Department may alter the length of the license to standardize renewal cycles.

R426-3-800. Medical Control.

(1) All licensed providers shall enter into a written agreement with a physician to serve as its off-line medical director to supervise the medical care or instructions provided by the field EMS personnel and dispatchers. The physician shall be familiar with:

(a) the design and operation of the local pre-hospital EMS system; and

(b) local dispatch and communication systems and procedures.

(2) The off-line medical director shall:

(a) develop and implement patient care standards which include written standing orders and triage, treatment, and transport protocols;

(b) ensure the qualification of field EMS personnel involved in patient care through the provision of ongoing continuing medical education programs and appropriate review and evaluation;

(c) develop and implement an effective quality improvement program, including medical audit, review, and critique of patient care;

(d) annually review triage, treatment, and transport protocols and update them as necessary;

(e) suspend from patient care, pending Department review, a field EMS personnel who does not comply with local medical triage, treatment and transport protocols, or who violates any of the EMS rules, or who the medical director determines is providing emergency medical service in a careless or unsafe manner. The medical director shall notify the Department within one business day of the suspension;

(f) attend meetings of the local EMS Council, if one exists, to participate in the coordination and operations of local EMS providers; and

(g) licensed providers shall notify the Department if an off-line medical director is replaced, within thirty days.

(3) It is the responsibility of the air ambulance medical director to:

(a) authorize written protocols for the use by air medical attendants and review policies and procedures of the Air ambulance service; and

(b) develop and review treatment protocols, assess field performance, and critique at least 10% of the Air ambulance service runs.

R426-3-900. Ground Ambulance or Paramedic Service Provider Aid Agreements.

~~(1) All licensed ground ambulance providers shall maintain aid agreement(s) with other ground ambulance provider(s) to call upon them for assistance during times of unusual demand, inter-facility transports, or stand-by events. (1) All licensed ground ambulance providers are expected to render mutual aid support for adjoined geographical service areas. Mutual aid support means that they may be called upon to provide assistance during times of unusual demand. Exceptions for this expectation should be submitted as part of a license application.]~~

(2) ~~Other types of]A[aid agreements shall be in writing, signed by both parties, and detail the:~~

(a) purpose of the agreement;

(b) type of assistance required;

(c) circumstances under which the assistance would be given; and

(d) duration of the agreement.

(3) The parties shall provide a copy of ~~the[any] aid agreement[(s)] [except for mutual aid support as described in R426-3-900(1)]~~ to the Department and to the ~~[designated] emergency medical dispatch center[(s)] that dispatch the licensed [ground ambulance-] providers.~~

~~[(4) When mutual aid support is given as described in R426-3-900(1), the licensed ground ambulance provider rendering support will be responsible for the following, unless otherwise stated in writing, and approved by the Department prior to the event:~~

~~(a) billing or other financial reimbursements;~~

~~(b) liability for EMS operations related to staff and patient care; and;~~

~~(c) patient care protocols for licensure level.]~~

R426-3-1100. Application Review and Award for Ground Ambulance Providers Selected by Public Bid.

(1) Upon receipt of an appropriately completed application, for ground ambulance or paramedic service license and submission of

license fees, the Department shall collect supporting documentation and review each application.

(2) If, upon Department review, the application is complete and meets all the requirements, the Department shall:

(a) for a new license application, issue a notice of approved application as required by 26-8a-405 and 406;

(b) issue a renewal license to an applicant in accordance with 26-8a-413(1) and (2) or 26-8a-405.1(3), whichever is applicable.

(c) issue a four-year renewal license to a license selected by a political subdivision if the political subdivision certified to the Department that the licensed provider has met all of the specifications of the original bid and requirements of 26-8a-413(1) through 26-8a-313(3); or

(d) issue a second four-year renewal license to a licensed provider selected by a political subdivision if:

(i) the political subdivision certified to the Department that the licensed provider has met all of the specifications of the original bid and requirements of 26-8a(1) through (3); and

(ii) if the Department or the political subdivision has not received, prior to the expiration date, written notice from an approved applicant desiring to submit a bid for ambulance or paramedic services.

(3) Upon the request of the political subdivision and the agreement of all interested parties and the Department that the public interest would be served, the renewal license may be issued for a period of less than four years or a new request for the proposal process may be commenced at any time.

R426-3-1200. Criteria for Denial or Revocation of Licensure.

(1) The Department may deny an application for a license, a renewal of a license, or revoke, suspend or restrict a license without reviewing whether a license shall be granted or renewed to meet public convenience and necessity for any of the following reasons:

(a) failure to meet substantial requirements as specified in the rules governing the service;

(b) failure to meet vehicle, equipment, staffing, or insurance requirements;

(c) failure to meet agreements covering training standards or testing standards;

(d) substantial violation of Subsection 26-8a-504(1);

(e) a history of disciplinary action relating to a license, permit, designation, or certification in this or any other state;

(f) a history of serious or substantial public complaints;

(g) a history of criminal activity by the licensee or its principals while licensed or designated as an EMS provider or while operating as an EMS service with permitted vehicles;

(h) falsification or misrepresentation of any information in the application or related documents;

(i) failure to pay the required licensing or permitting fees or other fees or failure to pay outstanding balances owed to the Department;

(j) failure to submit records and other data to the Department as required by R426-7;

(k) a history of inappropriate billing practices, such as:

(i) charging a rate that exceeds the maximum rate allowed by rule;

(ii) charging for items or services for which a charge is not allowed by statute or rule; or

(iii) Medicare or Medicaid fraud.

(l) misuse of grant funds received under Section 26-8a-207;
or

(m) violation of OSHA or other federal standards that it is required to meet in the provision of the EMS service.

(2) An applicant or licensed provider that has been denied, revoked, suspended or issued a restricted license may appeal by filing a written appeal within thirty calendar days of the receipt of the issuance of the Department's denial.

R426-3-1300. Change of Owner.

(1) A license and the vehicle permits cannot be transferred to another party.

(2) As outlined in 26-8a-415, a new owner shall submit within 10 (ten) calendar days prior to acquisition of property, applications and fees for a new license and vehicle permits.

KEY: emergency medical services, licensure

Date of Enactment or Last Substantive Amendment: June 11, 2018

Authorizing, and Implemented or Interpreted Law: 26-8a

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <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.

Education, Administration **R277-406**

K-3 Reading Improvement Program and the State Reading Goal

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42956
FILED: 06/07/2018

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 over public education in the Board; Subsection 53E-3-401(4), which allows the Board to make rules in accordance with its responsibilities; and Subsection 53F-2-503(14)(a), which directs the Board to develop rules for implementing the K-3 Reading Improvement Program. The purpose of this rule is to outline the responsibilities of the Superintendent and local education agencies (LEAs) for implementation of Section 53F-2-503, K-3 Reading Improvement Program, and Section 53E-4-306, State Reading Goal-Reading Achievement Plan.

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 the Board to develop rules for implementing the K-3 Reading Improvement Program. 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: 06/07/2018

Education, Administration **R277-525**

Special Educator Stipends

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42957
FILED: 06/07/2018

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 Board of Education (Board), Subsection 53E-3-401(4) which permits the Board to adopt rules in accordance with its responsibilities, and Subsection 53F-2-310(2), which requires the Board to distribute money appropriated for stipends for special educators for additional days of work.

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 standards and procedures for distributing money appropriated for stipends for special educators for additional days of work: 1) in recognition of the added duties and responsibilities assumed by special educators to comply with federal law regulating the education of students with disabilities; and 2) the need to attract and retain qualified special educators. 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: 06/07/2018

Education, Administration
R277-617

Smart School Technology Program

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 42958
FILED: 06/07/2018

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 the general control and supervision of public education in the Board of Education (Board); Subsection 53E-3-401(4) which allows the Board to adopt rules (in accordance with its responsibilities) to execute the Board's duties and responsibilities under the Utah Constitution and state law; and Subsection 53F-6-202(8)(d) which directs the Board to make rules specifying procedures and criteria to be used for selecting schools that may participate in the Smart School Technology Program.

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 criteria and procedures for the Board to select schools to participate in the Smart School Technology Program. 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: 06/07/2018

Environmental Quality, Administration
R305-4

Clean Fuels and Vehicle Technology
Fund Grant and Loan Program

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42979
 FILED: 06/13/2018

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: Rule R305-4 requirements are set forth in Section 19-1-401 as a result of H.B. 61, which passed in the 2014 General Session.

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 provides loans and grants for purchase of clean fuel refueling equipment for private sector business vehicles or government vehicles. Therefore, this rule should be continued.

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Jenny Potter by phone at 801-536-0095, or by Internet E-mail at jmpotter@utah.gov

AUTHORIZED BY: Alan Matheson, Executive Director

EFFECTIVE: 06/13/2018

Health, Disease Control and
 Prevention, Health Promotion

R384-201

School-Based Vision Screening for
 Students in Public Schools

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42951
 FILED: 06/07/2018

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: Rule R384-201 is authorized under Sections 26-1-5 and 26-10-5, and Subsection 53A-11-203(8)(a) (recodified to Section 53G-9-404). Section 26-1-5 gives the Department of Health (Department) rulemaking authority to carry out the provisions of Title 26, and Section 26-10-5 charges the Department to develop a plan for school health services, and to cooperate with the State Board of Education in developing the plan to coordinate activities between these agencies. The plan provides for delivery of health services in schools. Subsection 53A-11-203(8)(a) (recodified to Section 53G-9-404) specifically charges the Department with creating rules, standards, and procedures for vision screening in schools.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received either in favor or in opposition to Rule R384-201. The Division of Services for the Blind and Visually Impaired, the Utah Schools for the Deaf and Blind, in conjunction with the Department are currently working on updating this rule since many references and requirements are out-of-date. This will include updating the authorizing statutes in 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: Continuation of Rule R384-201 is recommended as it is required by statute and creates a uniform standard for vision screening students in Utah public schools.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 HEALTH
 DISEASE CONTROL AND PREVENTION,
 HEALTH PROMOTION
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY, UT 84116-3231
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ BettySue Hinkson by phone at 801-538-6814, or by Internet E-mail at bhinkson@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 06/07/2018

**Health, Disease Control and
Prevention, Immunization
R396-100
Immunization Rule for Students**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 42947
FILED: 06/07/2018

**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 Sections 53A-11-303 (recodified to 53G-9-305) and 53A-11-306 (recodified to 53G-9-308) directing the Department of Health to adopt rules and enforce immunization standards for entry into a public, private, or parochial school through grade 12, licensed day care center, child care facility, family care home, or Head Start program unless exempted for personal, medical, or religious objections.

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: One of the important reasons for requiring school vaccinations is to ensure that children and adults in school and day care group environments are protected from vaccine preventable diseases. All states have school immunization requirements and they are a highly effective public health measure in ensuring against vaccine preventable diseases. This rule also allows the option for those with a philosophical, religious, or medical reason to obtain an exemption from the requirement. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Rich Lakin by phone at 801-538-3905, or by Internet E-mail at rlakin@utah.gov

AUTHORIZED BY: Joseph Miner, MD, Executive Director

EFFECTIVE: 06/07/2018

**Insurance, Administration
R590-247
Universal Health Insurance Application
Rule**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 42984
FILED: 06/13/2018

**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: Sections 31A-22-635 and 31A-30-102 direct the Insurance Commissioner to create a universal health insurance application.

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 received four written comments regarding this rule in 2013. This rule was amended in 2013 to provide to the health insurance industry the application to be used for individual health insurance outside of the Federally Facilitated Marketplace and for small employer health insurance. Two of the comments requested the addition of "domestic partner" to the application; this was done. Another comment requested the addition of two health-related questions to make this rule more consistent with the standard federal application, and to provide special needs information to carriers. Another comment requested an employer-use application that would identify employer-chosen benefits, and made other enrollment suggestions.

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 has made it possible for an individual to complete and submit a single application for individual health insurance to multiple health insurance companies, instead of completing an application for each company. It saves time and effort for insurers and insureds alike. 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: 06/13/2018

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Tammy Wright by phone at 801-538-7359, by FAX at 801-538-7378, or by Internet E-mail at tammywright@utah.gov

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/13/2018

Natural Resources, Parks and Recreation **R651-601**

Definitions as Used in These Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42989
FILED: 06/13/2018

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 enacted under Section 79-4-304 and states that the Utah State Parks and Recreation Board has rulemaking authority. These are the definitions for those rules. The rules provide protection to park visitors.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received during or since the last five year review from anyone supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Utah State Parks and Recreation rules provide protection to park visitors and park resources. The definitions clarify several key words within the rules. Therefore, this rule should be continued.

Natural Resources, Parks and Recreation **R651-602**

Aircraft and Powerless Flight

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42990
FILED: 06/13/2018

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 enacted under Section 79-4-501 because it enhances safety for park visitors and property.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule enhances safety for park visitors and property. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE

SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

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

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/13/2018

EFFECTIVE: 06/07/2018

**Natural Resources, Parks and
Recreation
R651-603
Animals**

**Natural Resources, Parks and
Recreation
R651-604
Audio Devices**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 42946
FILED: 06/07/2018

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 42948
FILED: 06/07/2018

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Utah State Parks Board has rulemaking authority under Section 79-4-304. Park rangers are given authority under Section 79-4-501 to enforce rules for the protection of state parks and park property from misuse or damage, and to preserve peace within the state parks.

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Utah State Parks Board has rulemaking authority under Section 79-4-304. Park rangers are given authority under Section 79-4-501 to enforce rules to preserve peace within the state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is in place to protect state parks and park property from misuse or damage, and to preserve peace within the state parks to provide a more positive experience for visitors. This rule provides for health and safety of park visitors against unattended animals, dangerous animals, other animals, and wildlife. It also protects wildlife within state parks. Therefore, this rule should be continued.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is in place to preserve peace within the state parks in order to provide a more positive experience for visitors and to set perimeters for use of a public address system within a state park. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE

SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/07/2018

**Natural Resources, Parks and
Recreation
R651-605
Begging and Soliciting**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 42949
FILED: 06/07/2018

**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: The Utah State Parks Board has rulemaking authority under Section 79-4-304. Park rangers are given authority under Section 79-4-501 to enforce rules for the protection of state park visitors.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Begging and soliciting are prohibited in order to protect visitors from unwanted solicitation and begging, and to protect park property from littering that may occur as a result of soliciting. Therefore, this rule should be continued.

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

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/07/2018

**Natural Resources, Parks and
Recreation
R651-606
Camping**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**
DAR FILE NO.: 42950
FILED: 06/07/2018

**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 enacted under Section 79-4-501. The Division of Utah State Parks and Recreation has the duty to protect the state parks and park property from misuse or damage.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division of Utah State Parks and Recreation has the duty to protect the state parks and park property from misuse or damage. This rule also protects visitors within state parks who have made reservations of a site and guarantees specific use of such sites and facilities. It stipulates quiet hours so that a camping experience can be an enjoyable one. Therefore, this rule should be continued.

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

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/07/2018

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/07/2018

Natural Resources, Parks and Recreation
R651-607
 Disorderly Conduct

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 42952
 FILED: 06/07/2018

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 enacted under Section 79-4-501 and is required because the Division of Parks and Recreation (Division) has the duty to protect state parks and park property from misuse or damage.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division has the duty to protect state parks and park property from misuse or damage. It also protects visitors within state parks by eliminating disorderly conduct and allowing employees of the Division who are POST-certified peace officers to enforce rules for the protection of the state parks and park property from misuse or damage and to preserve the peace within state parks. Therefore, this rule should be continued.

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

Natural Resources, Parks and Recreation
R651-608
 Events of Special Uses

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 42953
 FILED: 06/07/2018

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 enacted under Section 79-4-501 and is created to provide a fair way for public or private entities to participate in a commercial activity or scheduled event on state park property through a permitting process.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is created to provide a fair way for public or private entities to participate in a commercial activity or scheduled event on state park property through a permitting process. Therefore, this rule should be continued.

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

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/07/2018

Natural Resources, Parks and
 Recreation
R651-609
 Explosives and Fireworks

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 42954
 FILED: 06/07/2018

**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 enacted under Section 79-4-501 and was created to protect state park visitors and resources. This rule allows employees of the Division of Parks and Recreation (Division) who are POST-certified peace officers to enforce rules for the protection of state park visitors and park property.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule was created to protect state park visitors and resources. This rule allows employees of the Division who are POST-certified peace officers to enforce rules for the protection of state park visitors and park property. Therefore, this rule should be continued.

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

NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Office of Administrative Rules.

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/07/2018

Natural Resources, Parks and
 Recreation
R651-610
 Expulsion

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**

DAR FILE NO.: 42955
 FILED: 06/07/2018

**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: Park rangers are given authority under Sections 79-4-501 and 53-13-301 to enforce rules for the protection of the state parks and park property. This rule allows for expulsion of any person or persons who are in violation of any rules promulgated under Section 79-4-304.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule allows for expulsion of visitors who are in violation of any rules promulgated under Section 79-4-304. Therefore, this rule should be continued.

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

NATURAL RESOURCES
 PARKS AND RECREATION
 ROOM 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY, UT 84116-3154
 or at the Office of Administrative Rules.

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/07/2018

Natural Resources, Parks and Recreation
R651-613
Fires

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42959
FILED: 06/07/2018

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: Park rangers are given authority under Section 79-4-501 to enforce rules for the protection of the state parks and park property, and to protect park visitors.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule designates appropriate use of fire within state parks and provides for the protection of visitors and park resources. Therefore, this rule should be continued.

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

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/07/2018

Natural Resources, Parks and Recreation
R651-614
Fishing, Hunting and Trapping

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42960
FILED: 06/07/2018

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: Park rangers are given authority under Section 79-4-501 to enforce rules for the protection of the state parks and park property from misuse or damage, and to preserve the peace within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule makes wildlife laws applicable and designates hunting for specific game and waterfowl within the state parks. This rule also provides protection for park visitors and park resources, and prohibits trapping except when authorized by permit from a park manager. Therefore, this rule should be continued.

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

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/07/2018

Natural Resources, Parks and Recreation
R651-615
Motor Vehicle Use

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42961
FILED: 06/07/2018

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 enacted under Sections 79-4-501, 41-22-10, and 79-4-203. The Division of Parks and Recreation Board may appoint and seek recommendations from the Off-Highway Vehicle Advisory Council representing the various off-highway vehicle, conservation, and other appropriate interests. Park rangers have the duty to protect the state parks and park property from misuse or damage.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule designates protection for state park resources and visitors. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/07/2018

Natural Resources, Parks and Recreation
R651-616
Organized Sports

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42981
FILED: 06/13/2018

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: The Utah State Parks Board has rulemaking authority under Section 79-4-304. Park rangers are given authority under Section 79-4-501 to enforce rules for the protection of the state parks and park property from misuse or damage, and to preserve the peace within the state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule was created to protect state park visitors and resources. It allows employees of the Division of Utah State Parks and Recreation who are POST-certified peace officers to enforce rules for the protection of state park visitors and park property. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/13/2018

Natural Resources, Parks and Recreation
R651-617
Permit Violation

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 42982
FILED: 06/13/2018

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 enacted under Section 79-4-501 and was created to protect the state park visitors and resources. It allows employees of the Division of Utah State Parks and Recreation who are POST-certified peace officers to enforce rules for the protection of the state park visitors and park property.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides a way to protect against fraudulent permits or misuse of a park annual pass. Therefore, this rule should be continued.

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

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/13/2018

Natural Resources, Parks and Recreation
R651-618
Picnicking

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 42983
FILED: 06/13/2018

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: Park rangers are given authority under Section 79-4-501 to enforce rules for the protection of the state parks and park property from misuse or damage, and to preserve the peace within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes areas that are appropriate and suitable for picnicking withing state parks. Therefore, this rule should be continued.

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

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/13/2018

Natural Resources, Parks and
Recreation
R651-619

Possession of Alcoholic Beverages or
Controlled Substances

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 42985
FILED: 06/13/2018

**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: Park rangers are given authority under Section 79-4-501 to enforce rules for the protection of the state parks and park property from misuse or damage, and to preserve the peace within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes areas that are appropriate for alcohol consumption within a state park. Park rangers have authority to enforce rules for the protection of the state parks and park resources, and to enforce them to preserve the peace within the state parks. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/13/2018

Natural Resources, Parks and
Recreation
R651-620

Protection of Resources Park System
Property

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 42986
FILED: 06/13/2018

**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: The Utah State Parks Board has rulemaking authority and under Section 79-4-502 it states that any violation of rules of the Board of Parks and Recreation is an infraction.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes that offenses against capital improvements, and natural and cultural resources will normally be handled through Utah Criminal Code. It addresses such things as trespass; tossing, throwing, or rolling of rock and other materials within the state parks; as well as collecting or cutting firewood. It prohibits use of glass containers in posted areas such as beaches and states that metal detecting is prohibited without a permit. This rule protects park property and resources, as well as park visitors. Therefore, this rule should be continued.

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

NATURAL RESOURCES
PARKS AND RECREATION
ROOM 116
1594 W NORTH TEMPLE
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/13/2018

EFFECTIVE: 06/13/2018

**Natural Resources, Parks and Recreation
R651-621**

Reports of Injury or Damage

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 42987
FILED: 06/13/2018

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: Park rangers are given authority under Section 79-4-501 to enforce rules for the protection of the state parks and park property from misuse or damage, and to preserve the peace within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule protects parks visitors and provides a process for reporting incidents that involve personal injury or damage to property, public or private. It also protects park cultural and natural resources. Therefore, this rule should be continued.

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

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

**Natural Resources, Parks and Recreation
R651-630**
Unsupervised Children

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 42988
FILED: 06/13/2018

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 enacted under Section 79-4-501 and is required because the Division of Parks and Recreation (Division) has the duty to protect the state parks and park property from misuse or damage. It allows employees of the Division who are POST-certified peace officers to serve civil process with regards to misuse of the state parks and park property. It also protects visitors within state parks.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received during or since the last five-year review from interested persons either supporting or opposing this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides protection of children by providing a requirement for adult supervision for those under age 16. It allows employees of the Division who are POST-certified peace officers to serve civil process with regards to misuse of the state parks and park resources as well. Therefore, this rule should be continued.

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

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

AUTHORIZED BY: Jeff Rasmussen, Acting Director

EFFECTIVE: 06/11/2018

EFFECTIVE: 06/13/2018

**Natural Resources; Forestry, Fire and State Lands
R652-7**

**Natural Resources; Forestry, Fire and State Lands
R652-110
Off-Highway Vehicle Designations**

Public Petitions for Declaratory Orders

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 42978
FILED: 06/11/2018

DAR FILE NO.: 42977
FILED: 06/11/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule implements Section 63G-4-503 which authorizes the Division of Forestry, Fire and State Lands (Division) to provide the procedures for submission, review, and disposition of petitions for agency declaratory orders on the applicability of statutes, rules, and orders governing, or issued by, the agency.

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule implements Section 41-22-10.1 which requires off-highway vehicle use designations.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division has received no written comments within the last five years regarding this rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Forestry, Fire and State Lands (Division) has not received an written comments regarding this rule during the last five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule authorizes the Division to provide the procedures for submission, review, and disposition of petitions for agency declaratory orders on the applicability of statutes, rules, and orders governing, or issued by, the agency. Therefore, this rule should be continued.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule implements Section 41-22-10.1 which requires off-highway vehicle (OHV) use designation on lands administered by the Division. This rule sets forth the OHV use categories, method of designating OHV use, and the Director's authority with regard to OHV use. Therefore, this rule should be continued.

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

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

NATURAL RESOURCES
FORESTRY, FIRE AND STATE LANDS
1594 W NORTH TEMPLE STE 3520
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

NATURAL RESOURCES
FORESTRY, FIRE AND STATE LANDS
1594 W NORTH TEMPLE STE 3520
SALT LAKE CITY, UT 84116-3154
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jamie Phillips-Barnes by phone at 801-538-5421, by FAX at 801-533-4111, or by Internet E-mail at jamiebarnes@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
♦ Jamie Phillips-Barnes by phone at 801-538-5421, by FAX at 801-533-4111, or by Internet E-mail at jamiebarnes@utah.gov

AUTHORIZED BY: Brian Cottam, Director

AUTHORIZED BY: Brian Cottam, Director

EFFECTIVE: 06/11/2018

**Public Safety, Driver License
R708-49
Temporary Identification Card**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 42980
FILED: 06/13/2018

**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: The authority for this rule is in Subsection 53-3-104(1)(b) which allows the Driver License Division (Division) to make rules for acceptable documentation of an applicants identity, Social Security number and resident status, proof of citizenship in the United States, honorable or general discharge from the United States military, and other proof or documentation which is required to qualify for an identification card.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received pertaining 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: If an applicant needs additional time to gather required documents, a six-month temporary identification card may be issued. This rule is still required in Section 53-3-104 for the Division to make rules for examining and acceptable documentation of an applicants identity, Social Security number and resident status, proof of citizenship in the United States, honorable or general discharge from the United States military, and other proof or documentation required to qualify for an identification card. Therefore, this rule should be continued.

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

PUBLIC SAFETY
DRIVER LICENSE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 3RD FL
SALT LAKE CITY, UT 84119-5595
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Kim Gibb by phone at 801-556-8198, by FAX at 801-964-4482, or by Internet E-mail at kgibb@utah.gov
- ◆ Marge Dalton by phone at 801-965-4456, by FAX at 801-957-8502, or by Internet E-mail at modalton@utah.gov

AUTHORIZED BY: Chris Caras, Director

EFFECTIVE: 06/13/2018

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

Commerce

Occupational and Professional Licensing

No. 42778 (AMD): R156-11a. Cosmetology and Associated Professions Licensing Act Rule

Published: 05/01/2018

Effective: 06/07/2018

No. 42785 (AMD): R156-71. Naturopathic Physician Practice Act Rule

Published: 05/01/2018

Effective: 06/07/2018

Education

Administration

No. 42800 (AMD): R277-477. Distributions of Funds from the Interest and Dividends Account and Administration of the School LAND Trust Program

Published: 05/01/2018

Effective: 06/07/2018

No. 42803 (AMD): R277-493. Kindergarten Supplemental Enrichment Program

Published: 05/01/2018

Effective: 06/07/2018

No. 42804 (NEW): R277-523. Teacher Salary Supplement Program

Published: 05/01/2018

Effective: 06/07/2018

No. 42806 (AMD): R277-533. District Educator Evaluation Systems

Published: 05/01/2018

Effective: 06/07/2018

No. 42805 (REP): R277-725. Electronic High School

Published: 05/01/2018

Effective: 06/07/2018

No. 42801 (AMD): R277-801. Services for Students who are Deaf, Hard of Hearing, Blind, Visually Impaired, and Deafblind

Published: 05/01/2018

Effective: 06/07/2018

Environmental Quality

Air Quality

No. 42673 (AMD): R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide

Published: 04/01/2018

Effective: 06/07/2018

Health

Disease Control and Prevention, Health Promotion

No. 42283 (NEW): R384-210. Co-prescription Guidelines -- Reporting

Published: 11/15/2017

Effective: 06/07/2018

No. 42283 (CPR): R384-210. Co-prescription Guidelines -- Reporting

Published: 02/15/2018

Effective: 06/07/2018

Labor Commission

Industrial Accidents

No. 42786 (AMD): R612-100-4. Designation as Informal

Proceedings

Published: 05/01/2018

Effective: 06/07/2018

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 June 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
<u>Inspector General of Medicaid Services (Office of)</u>					
R30-1	Office of Inspector General of Medicaid Services	42658	REP	06/01/2018	2018-7/6
R30-1	Office Procedures	42694	NEW	06/01/2018	2018-7/10
R30-2	Adjudicative Procedures	42695	NEW	06/01/2018	2018-7/14
R30-3	Declaratory Orders	42696	NEW	06/01/2018	2018-7/17
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>Conservation Commission</u>					
R64-2	Conservation Commission Electronic Meetings	42944	5YR	06/01/2018	2018-12/43
<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
R68-9	Utah Noxious Weed Act	42943	5YR	06/01/2018	2018-12/43
R68-14	Quarantine Pertaining to Gypsy Moth - Lymantria Dispar	42721	5YR	03/26/2018	2018-8/145
R68-16	Quarantine Pertaining to Pine Shoot Beetle, Tomiscus piniperda	42930	5YR	05/23/2018	2018-12/44
<u>Regulatory Services</u>					
R70-940	Standards and Testing of Motor Fuel	42422	R&R	02/22/2018	2018-2/6

ALCOHOLIC BEVERAGE CONTROL

Administration

R81-10 Off-Premise Beer Retailers 42931 5YR 05/23/2018 2018-12/44

ATTORNEY GENERAL

Administration

R105-2 Records Access and Management 42367 AMD 02/07/2018 2018-1/2

CAREER SERVICE REVIEW OFFICE

Administration

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
 R152-32a Pawnshop and Secondhand Merchandise Transaction Information Act Rule 42929 5YR 05/17/2018 2018-12/45
 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
 R156-11a Cosmetology and Associated Professions Licensing Act Rule 42778 AMD 06/07/2018 2018-9/4
 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 2018-11/55
 R156-63b Security Personnel Licensing Act Armored Car Rule 42924 5YR 05/15/2018 2018-11/56
 R156-68 Utah Osteopathic Medical Practice Act Rule 42447 5YR 01/08/2018 2018-3/70
 R156-71 Naturopathic Physician Practice Act Rule 42785 AMD 06/07/2018 2018-9/8
 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

RULES INDEX

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	2018-11/56
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	2018-11/57
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
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
R277-400	School Facility Emergency and Safety	42878	NSC	05/17/2018	Not Printed
R277-401	Child Abuse-Neglect Reporting by Education Personnel	42879	NSC	05/17/2018	Not Printed
R277-402	School Readiness Initiative	42880	NSC	05/17/2018	Not Printed
R277-403	Student Reading Proficiency and Notice to Parents	42881	NSC	05/17/2018	Not Printed
R277-404	Requirements for Assessments of Student Achievement	42479	AMD	03/14/2018	2018-3/5
R277-406	K-3 Reading Improvement Program and the State Reading Goal	42882	NSC	05/17/2018	Not Printed
R277-406	K-3 Reading Improvement Program and the State Reading Goal	42956	5YR	06/07/2018	Not Printed
R277-407	School Fees	42883	NSC	05/17/2018	Not Printed
R277-409	Public School Membership in Associations	42884	NSC	05/17/2018	Not Printed
R277-410	Accreditation of Schools	42885	NSC	05/17/2018	Not Printed
R277-412	State Capitol Visit Program	42886	NSC	05/17/2018	Not Printed
R277-415	School Nurses Matching Funds	42480	NEW	03/14/2018	2018-3/11
R277-417	Prohibiting LEAs and Third Party Providers from Offering Incentives or Disbursement for Enrollment or Participation	42887	NSC	05/17/2018	Not Printed

R277-418	Distance, Blended, Online, or Competency Based Learning Program	42888	NSC	05/17/2018	Not Printed
R277-419	Pupil Accounting	42889	NSC	05/17/2018	Not Printed
R277-420	Aiding Financially Distressed School Districts	42890	NSC	05/17/2018	Not Printed
R277-421	Out-of-State Tuition Reimbursement	42891	NSC	05/17/2018	Not Printed
R277-422	State Supported Voted Local Levy, Board Local Levy and Reading Improvement Program	42892	NSC	05/17/2018	Not Printed
R277-424	Indirect Costs for State Programs	42893	NSC	05/17/2018	Not Printed
R277-426	Definition of Private and Non-Profit Schools for Federal Program Services	42894	NSC	05/17/2018	Not Printed
R277-433	Disposal of Textbooks in the Public Schools	42895	NSC	05/17/2018	Not Printed
R277-436	Gang Prevention and Intervention Programs in the Schools	42907	5YR	05/11/2018	2018-11/57
R277-437	Student Enrollment Options	42896	NSC	05/17/2018	Not Printed
R277-438	Dual Enrollment	42897	NSC	05/17/2018	Not Printed
R277-444	Distribution of Money to Arts and Science Organizations	42898	NSC	05/17/2018	Not Printed
R277-445	Classifying Small Schools as Necessarily Existent	42899	NSC	05/17/2018	Not Printed
R277-454	Construction Management of School Building Projects	42900	NSC	05/17/2018	Not Printed
R277-459	Teacher Supplies and Materials Appropriation	42901	NSC	05/17/2018	Not Printed
R277-460	Distribution of Substance Abuse Prevention Account	42902	NSC	05/17/2018	Not Printed
R277-462	Comprehensive Counseling and Guidance Program	42903	NSC	05/17/2018	Not Printed
R277-468	Parent/Guardian Review of Public Education Curriculum and Review of Complaint Process	42904	NSC	05/17/2018	Not Printed
R277-469	Instructional Materials Commission Operating Procedures	42322	AMD	01/09/2018	2017-23/4
R277-477	Distributions of Funds from the Interest and Dividends Account and Administration of the School LAND Trust Program	42800	AMD	06/07/2018	2018-9/13
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
R277-493	Kindergarten Supplemental Enrichment Program	42803	AMD	06/07/2018	2018-9/18
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
R277-523	Teacher Salary Supplement Program	42804	NEW	06/07/2018	2018-9/21
R277-525	Special Educator Stipends	42957	5YR	06/07/2018	Not Printed
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
R277-533	District Educator Evaluation Systems	42806	AMD	06/07/2018	2018-9/23
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

RULES INDEX

R277-614	Athletes and Students with Head Injuries	42908	5YR	05/11/2018	2018-11/58
R277-617	Smart School Technology Program	42958	5YR	06/07/2018	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
R277-725	Electronic High School	42805	REP	06/07/2018	2018-9/33
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
R277-801	Services for Students who are Deaf, Hard of Hearing, Blind, Visually Impaired, and Deafblind	42801	AMD	06/07/2018	2018-9/35
R277-920	Implementation of the School Turnaround and Leadership Development Act	42327	AMD	01/09/2018	2017-23/19

ENVIRONMENTAL QUALITY

Administration

R305-4	Clean Fuels and Vehicle Technology Fund Grant and Loan Program	42979	5YR	06/13/2018	Not Printed
--------	---	-------	-----	------------	-------------

Air Quality

R307-101-3	Version of Code of Federal Regulations Incorporated by Reference	42433	AMD	05/23/2018	2018-3/28
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
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	42673	AMD	06/07/2018	2018-7/49
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
R307-210	Standards of Performance for New Stationary Sources	42434	AMD	05/23/2018	2018-3/29
R307-214	National Emission Standards for Hazardous Air Pollutants	42435	AMD	05/23/2018	2018-3/30
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
R307-343-4	VOC Content Limits	42938	NSC	06/12/2018	Not Printed
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
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

RULES INDEX

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>					
R317-1-7	TMDLs	42692	AMD	05/24/2018	2018-7/56
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

Criminal and Juvenile Justice (State Commission on)

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

Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission

R364-1	Conflicts of Interest for Indigent Defense Commission Members	42351	NEW	01/29/2018	2017-24/14
--------	---	-------	-----	------------	------------

Economic Development

R357-3	Economic Development Tax Increment Financing Tax Credit	42940	EXD	05/31/2018	2018-12/47
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

Administration

R380-250	HIPAA Privacy Rule Implementation	42784	5YR	04/10/2018	2018-9/69
----------	-----------------------------------	-------	-----	------------	-----------

Center for Health Data, Health Care Statistics

R428-1	Health Data Plan and Incorporated Documents	42728	AMD	05/25/2018	2018-8/104
--------	---	-------	-----	------------	------------

Center for Health Data, Vital Records and Statistics

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
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

Children's Health Insurance Program

R382-1	Benefits and Administration	42790	5YR	04/11/2018	2018-9/70
R382-10	Eligibility	42791	5YR	04/11/2018	2018-9/70

Disease Control and Prevention, Environmental Services

R392-100	Food Service Sanitation	42684	AMD	05/18/2018	2018-7/93
R392-102	Food Truck Sanitation	42685	NEW	05/18/2018	2018-7/97
R392-200	Design, Construction, Operation, Sanitation, and Safety of Schools	42732	AMD	05/31/2018	2018-8/51
R392-300	Recreation Camp Sanitation	42516	R&R	03/26/2018	2018-4/4
R392-302	Design, Construction and Operation of Public Pools	42744	AMD	05/24/2018	2018-8/66
R392-401	Roadway Rest Stop Sanitation	42514	R&R	03/26/2018	2018-4/27
R392-402	Mobile Home Park Sanitation	42731	R&R	05/24/2018	2018-8/89
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

Disease Control and Prevention, Epidemiology

R386-702	Communicable Disease Rule	42285	AMD	01/02/2018	2017-22/31
----------	---------------------------	-------	-----	------------	------------

Disease Control and Prevention, Health Promotion

R384-201	School-Based Vision Screening for Students in Public Schools	42569	EXT	02/08/2018	2018-5/161
----------	--	-------	-----	------------	------------

RULES INDEX

R384-201	School-Based Vision Screening for Students in Public Schools	42951	5YR	06/07/2018	Not Printed
R384-210	Co-prescription Guidelines -- Reporting	42283	NEW	06/07/2018	2017-22/30
R384-210	Co-prescription Guidelines -- Reporting	42283	CPR	06/07/2018	2018-4/70
<u>Disease Control and Prevention, Immunization</u>					
R396-100	Immunization Rule for Students	42947	5YR	06/07/2018	Not Printed
<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	2018-11/58
R430-90	Licensed Family Child Care	42876	5YR	05/09/2018	2018-11/59
<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
R426-3	Licensure	42964	EMR	06/11/2018	Not Printed
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
<u>Family Health and Preparedness, Primary Care and Rural Health</u>					
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
<u>Health Care Financing</u>					
R410-14	Administrative Hearing Procedures	42517	EMR	01/29/2018	2018-4/81
R410-14	Administrative Hearing Procedures	42746	AMD	05/29/2018	2018-8/95
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
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
R414-508	Requirements for Transfer of Bed Licenses	42935	5YR	05/25/2018	2018-12/46
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
R414-519	Settings for Home and Community-Based Services	42635	NEW	05/25/2018	2018-7/112

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
R510-200	Long-Term Care Ombudsman Program Policy	42636	R&R	05/30/2018	2018-7/114

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
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

RULES INDEX

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
<u>Recovery Services</u>					
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
<u>Services for People with Disabilities</u>					
R539-1	Eligibility	42560	NSC	03/01/2018	Not Printed
R539-1	Eligibility	42926	NSC	06/01/2018	Not Printed
<u>Substance Abuse and Mental Health, State Hospital</u>					
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					
<u>Administration</u>					
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	2018-11/59
R590-222	Life Settlements	42874	5YR	05/04/2018	2018-11/60
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	2018-11/60
R590-243	Commercial Motor Vehicle Insurance Coverage	42436	5YR	01/04/2018	2018-3/91
R590-247	Universal Health Insurance Application Rule	42984	5YR	06/13/2018	Not Printed
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					
<u>Administration</u>					
R597-5	Electronic Meetings	42262	NEW	01/02/2018	2017-22/68
LABOR COMMISSION					
<u>Administration</u>					
R600-1	Declaratory Orders	42622	5YR	02/26/2018	2018-6/49
<u>Boiler, Elevator and Coal Mine Safety</u>					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	42565	AMD	04/09/2018	2018-5/49

R616-3-3	Safety Codes for Elevators	42566	AMD	04/09/2018	2018-5/51
<u>Industrial Accidents</u>					
R612-100	Workers' Compensation Rules - General Provisions	42561	5YR	02/08/2018	2018-5/148
R612-100-4	Designation as Informal Proceedings	42786	AMD	06/07/2018	2018-9/66
R612-200	Workers' Compensation Rules - Filing and Paying Claims	42562	5YR	02/08/2018	2018-5/149
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-Insurance and Waivers	42564	5YR	02/08/2018	2018-5/150
NATURAL RESOURCES					
<u>Administration</u>					
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
<u>Forestry, Fire and State Lands</u>					
R652-7	Public Petitions for Declaratory Orders	42977	5YR	06/11/2018	Not Printed
R652-110	Off-Highway Vehicle Designations	42978	5YR	06/11/2018	Not Printed
<u>Oil, Gas and Mining: Administration</u>					
R642-200	Applicability	42495	5YR	01/24/2018	2018-4/102
<u>Oil, Gas and Mining: Coal</u>					
R645-101	Restrictions on State Employees	42496	5YR	01/24/2018	2018-4/103
R645-102	Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction	42497	5YR	01/24/2018	2018-4/103
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
<u>Oil, Gas and Mining: Non-Coal</u>					
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 and Procedures	42505	5YR	01/24/2018	2018-4/108
R647-7	Inspection and Enforcement: Civil Penalties	42506	5YR	01/24/2018	2018-4/108
R647-8	Inspection and Enforcement: Individual Civil Penalties	42507	5YR	01/24/2018	2018-4/109
<u>Oil, Gas and Mining: Oil and Gas</u>					
R649-6	Gas Processing and Waste Crude Oil Treatment	42508	5YR	01/24/2018	2018-4/109
<u>Parks and Recreation</u>					
R651-103	Electronic Meetings	42723	NEW	05/22/2018	2018-8/142
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
R651-601	Definitions as Used in These Rules	42989	5YR	06/13/2018	Not Printed
R651-602	Aircraft and Powerless Flight	42990	5YR	06/13/2018	Not Printed
R651-603	Animals	42946	5YR	06/07/2018	Not Printed
R651-604	Audio Devices	42948	5YR	06/07/2018	Not Printed
R651-605	Begging and Soliciting	42949	5YR	06/07/2018	Not Printed
R651-606	Camping	42950	5YR	06/07/2018	Not Printed
R651-607	Disorderly Conduct	42952	5YR	06/07/2018	Not Printed
R651-608	Events of Special Uses	42953	5YR	06/07/2018	Not Printed
R651-609	Explosives and Fireworks	42954	5YR	06/07/2018	Not Printed
R651-610	Expulsion	42955	5YR	06/07/2018	Not Printed
R651-613	Fires	42959	5YR	06/07/2018	Not Printed
R651-614	Fishing, Hunting and Trapping	42960	5YR	06/07/2018	Not Printed
R651-615	Motor Vehicle Use	42961	5YR	06/07/2018	Not Printed

RULES INDEX

R651-616	Organized Sports	42981	5YR	06/13/2018	Not Printed
R651-617	Permit Violation	42982	5YR	06/13/2018	Not Printed
R651-618	Picnicking	42983	5YR	06/13/2018	Not Printed
R651-619	Possession of Alcoholic Beverages or Controlled Substances	42985	5YR	06/13/2018	Not Printed
R651-620	Protection of Resources Park System Property	42986	5YR	06/13/2018	Not Printed
R651-621	Reports of Injury or Damage	42987	5YR	06/13/2018	Not Printed
R651-630	Unsupervised Children	42988	5YR	06/13/2018	Not Printed

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 Geothermal Energy in the State of Utah	42606	R&R	04/09/2018	2018-5/53
R655-4	Water Wells	42607	R&R	04/09/2018	2018-5/67

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	2018-11/61
R671-312B	Commutation Procedures Applicable to Persons Sentenced to Death After April 26, 1992	42906	5YR	05/11/2018	2018-11/62
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
R722-350	Certificate of Eligibility	42912	NSC	05/17/2018	Not Printed
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
R708-49	Temporary Identification Card	42980	5YR	06/13/2018	Not Printed

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

RULES INDEX

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

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 AUTH.

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

<u>Operations, Maintenance</u>					
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
<u>Operations, Traffic and Safety</u>					
R920-6	Snow Tire and Chain Requirements	42689	AMD	05/08/2018	2018-7/151
WORKFORCE SERVICES					
<u>Administration</u>					
R982-800	Utah Data Research Center	42421	NEW	03/01/2018	2018-2/38
<u>Employment Development</u>					
R986-600	Workforce Innovation and Opportunity Act	42693	AMD	05/08/2018	2018-7/154
<u>Unemployment Insurance</u>					
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>accreditation</u> Education, Administration	42885	R277-410	NSC	05/17/2018	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

RULES INDEX

adjudicative procedures

Administrative Services, Inspector General of Medicaid Services (Office of) 42695 R30-2 NEW 06/01/2018 2018-7/14

adjudicative proceedings

Environmental Quality, Water Quality 42509 R317-9 5YR 01/24/2018 2018-4/95
 Public Safety, Driver License 42865 R708-14-9 LNR 05/01/2018 2018-10/161

administrative necessary proceedings

Labor Commission, Industrial Accidents 42562 R612-200 5YR 02/08/2018 2018-5/149

administrative procedures

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
 Education, Administration 42751 R277-102 NSC 04/12/2018 Not Printed
 Labor Commission, Industrial Accidents 42561 R612-100 5YR 02/08/2018 2018-5/148
 42786 R612-100-4 AMD 06/07/2018 2018-9/66
 Natural Resources, Forestry, Fire and State Lands 42977 R652-7 5YR 06/11/2018 Not Printed
 School and Institutional Trust Lands, Administration 42678 R850-40 AMD 05/08/2018 2018-7/137
 42677 R850-50 AMD 05/08/2018 2018-7/139

administrative proceedings

Environmental Quality, Water Quality 42509 R317-9 5YR 01/24/2018 2018-4/95
 Public Service Commission, Administration 42670 R746-1-201 AMD 05/10/2018 2018-7/136

administrative rules

Education, Administration 42761 R277-121 NSC 04/12/2018 Not Printed

adult education

Education, Administration 42394 R277-705 AMD 02/28/2018 2018-1/5

advertising

Commerce, Consumer Protection 42841 R152-39 NSC 04/26/2018 Not Printed

aerospace

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

affordable base rate

Public Service Commission, Administration 42426 R746-360 REP 02/21/2018 2018-2/31

aggregate

Environmental Quality, Air Quality 42536 R307-312 EXT 01/31/2018 2018-4/113
 42652 R307-312 5YR 03/08/2018 2018-7/169

air pollution

Environmental Quality, Administration 42979 R305-4 5YR 06/13/2018 Not Printed
 Environmental Quality, Air Quality 42433 R307-101-3 AMD 05/23/2018 2018-3/28
 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
 42673 R307-110-12 AMD 06/07/2018 2018-7/49
 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
 42434 R307-210 AMD 05/23/2018 2018-3/29
 42435 R307-214 AMD 05/23/2018 2018-3/30
 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		
42938	R307-343-4	NSC	06/12/2018	Not Printed		
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>alcoholic beverages</u>						
Alcoholic Beverage Control, Administration	42931	R81-10	5YR	05/23/2018	2018-12/44	
<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	

RULES INDEX

<u>alternative district of residency</u>						
Education, Administration	42326	R277-621	NEW	01/09/2018	2017-23/17	
<u>alternative fuels</u>						
Environmental Quality, Administration	42979	R305-4	5YR	06/13/2018	Not Printed	
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>APCD</u>						
Health, Center for Health Data, Health Care Statistics	42728	R428-1	AMD	05/25/2018	2018-8/104	
<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	
<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	2018-11/56	
<u>armored car security officers</u>						
Commerce, Occupational and Professional Licensing	42924	R156-63b	5YR	05/15/2018	2018-11/56	
<u>arts</u>						
Education, Administration	42898	R277-444	NSC	05/17/2018	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>associations</u>					
Education, Administration	42884	R277-409	NSC	05/17/2018	Not Printed
<u>athletes</u>					
Education, Administration	42908	R277-614	5YR	05/11/2018	2018-11/58
<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

RULES INDEX

<u>big game seasons</u>						
Natural Resources, Wildlife Resources	42371	R657-5	AMD	02/07/2018	2018-1/19	
	42373	R657-71	NEW	02/07/2018	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>blind</u>						
Education, Administration	42801	R277-801	AMD	06/07/2018	2018-9/35	
<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	R671-312	5YR	02/13/2018	2018-5/150	
	42905	R671-312A	5YR	05/11/2018	2018-11/61	
	42906	R671-312B	5YR	05/11/2018	2018-11/62	
<u>career and technical education</u>						
Education, Administration	42618	R277-518	5YR	02/26/2018	2018-6/47	
<u>certificate of eligibility</u>						
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	42259	R722-350	AMD	01/10/2018	2017-22/94	
	42912	R722-350	NSC	05/17/2018	Not Printed	
<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>						
Education, Administration	42879	R277-401	NSC	05/17/2018	Not Printed	
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	2018-11/58	
	42876	R430-90	5YR	05/09/2018	2018-11/59	
<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>co-prescribing</u>						
Health, Disease Control and Prevention, Health Promotion	42283	R384-210	NEW	06/07/2018	2017-22/30	

RULES INDEX

	42283	R384-210	CPR	06/07/2018	2018-4/70
<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	42938	R307-343-4	NSC	06/12/2018	Not Printed
	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>committees</u>					
Education, Administration	42904	R277-468	NSC	05/17/2018	Not Printed
<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	2018-11/61
	42906	R671-312B	5YR	05/11/2018	2018-11/62
<u>Compensatory Mitigation Program</u>					
Natural Resources, Administration	42309	R634-3	NEW	03/26/2018	2017-23/67
<u>competency</u>					
Education, Administration	42881	R277-403	NSC	05/17/2018	Not Printed
<u>complaints</u>					
Education, Administration	42909	R277-104	5YR	05/11/2018	2018-11/56
	42904	R277-468	NSC	05/17/2018	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
<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
	42929	R152-32a	5YR	05/17/2018	2018-12/45
	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

RULES INDEX

<u>continuous 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>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	R916-2	AMD	05/09/2018	2018-7/148	
	42616	R916-4	AMD	04/23/2018	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>core standards</u>						
Education, Administration	42898	R277-444	NSC	05/17/2018	Not Printed	
<u>corrective action</u>						
Education, Administration	42757	R277-114	NSC	04/12/2018	Not Printed	
<u>cosmetologists/barbers</u>						
Commerce, Occupational and Professional Licensing	42778	R156-11a	AMD	06/07/2018	2018-9/4	
<u>costs</u>						
Administrative Services, Finance	42571	R25-6	5YR	02/08/2018	2018-5/141	
<u>counselors</u>						
Education, Administration	42903	R277-462	NSC	05/17/2018	Not Printed	
<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	2018-11/59	
<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	
<u>curriculum</u>						
Education, Administration	42904	R277-468	NSC	05/17/2018	Not Printed	
<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>deaf</u>						
Education, Administration	42801	R277-801	AMD	06/07/2018	2018-9/35	
<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>						
Administrative Services, Inspector General of Medicaid Services (Office of)	42696	R30-3	NEW	06/01/2018	2018-7/17	
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	
Environmental Quality, Air Quality	42433	R307-101-3	AMD	05/23/2018	2018-3/28	
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	
	42926	R539-1	NSC	06/01/2018	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	2018-11/56	
Natural Resources, Wildlife Resources	42375	R657-12	NSC	02/13/2018	Not Printed	
<u>disasters</u>						
Education, Administration	42878	R277-400	NSC	05/17/2018	Not Printed	
<u>discharge</u>						
Environmental Quality, Water Quality	42511	R317-14	5YR	01/24/2018	2018-4/96	

RULES INDEX

<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	2018-11/57	
<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>dual enrollment</u>						
Education, Administration	42897	R277-438	NSC	05/17/2018	Not Printed	
<u>e-mail</u>						
Commerce, Consumer Protection	42841	R152-39	NSC	04/26/2018	Not Printed	
<u>economic development</u>						
Governor, Economic Development	42940	R357-3	EXD	05/31/2018	2018-12/47	
<u>education</u>						
Commerce, Consumer Protection	42839	R152-34	NSC	04/26/2018	Not Printed	
Education, Administration	42883	R277-407	NSC	05/17/2018	Not Printed	
	42892	R277-422	NSC	05/17/2018	Not Printed	
	42619	R277-709	5YR	02/26/2018	2018-6/48	
	42613	R277-709	AMD	04/09/2018	2018-5/34	
<u>education finance</u>						
Education, Administration	42889	R277-419	NSC	05/17/2018	Not Printed	
	42890	R277-420	NSC	05/17/2018	Not Printed	
	42893	R277-424	NSC	05/17/2018	Not Printed	
	42894	R277-426	NSC	05/17/2018	Not Printed	
	42900	R277-454	NSC	05/17/2018	Not Printed	
<u>educational administration</u>						
Education, Administration	42609	R277-116	AMD	04/09/2018	2018-5/14	
<u>educational facilities</u>						
Education, Administration	42899	R277-445	NSC	05/17/2018	Not Printed	
	42900	R277-454	NSC	05/17/2018	Not Printed	
<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
	42806	R277-533	AMD	06/07/2018	2018-9/23
<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>elderly</u>					
Human Services, Aging and Adult Services	42636	R510-200	R&R	05/30/2018	2018-7/114
<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
<u>electricians</u>					
Commerce, Occupational and Professional Licensing	42429	R156-55b-102	NSC	01/18/2018	Not Printed
<u>electrologists</u>					
Commerce, Occupational and Professional Licensing	42778	R156-11a	AMD	06/07/2018	2018-9/4
<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 high school</u>					
Education, Administration	42805	R277-725	REP	06/07/2018	2018-9/33
<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
Agriculture and Food, Conservation Commission	42944	R64-2	5YR	06/01/2018	2018-12/43
Judicial Performance Evaluation Commission, Administration	42262	R597-5	NEW	01/02/2018	2017-22/68
Natural Resources, Parks and Recreation	42723	R651-103	NEW	05/22/2018	2018-8/142
Natural Resources, Water Resources	42257	R653-9	NEW	03/02/2018	2017-22/74

RULES INDEX

elevators

Labor Commission, Boiler, Elevator and Coal Mine Safety 42566 R616-3-3 AMD 04/09/2018 2018-5/51

eligibility

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

eligible educators

Education, Administration 42699 R277-521 AMD 05/08/2018 2018-7/26

emergency medical services

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

emergency medical services grants

Health, Family Health and Preparedness, Emergency Medical Services 42724 R426-6 5YR 03/28/2018 2018-8/148

emergency medical services licensure

Health, Family Health and Preparedness, Emergency Medical Services 42964 R426-3 EMR 06/11/2018 Not Printed

emergency preparedness

Education, Administration 42878 R277-400 NSC 05/17/2018 Not Printed

emergency safety interventions

Education, Administration 42701 R277-609 AMD 05/08/2018 2018-7/31

emergency vehicles

Public Safety, Administration 42797 R698-7 5YR 04/12/2018 2018-9/74

emission controls

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

employee termination

Workforce Services, Unemployment Insurance 42742 R994-405 5YR 03/29/2018 2018-8/161

employee's rights

Workforce Services, Unemployment Insurance 42742 R994-405 5YR 03/29/2018 2018-8/161

employees

Education, Administration 42879 R277-401 NSC 05/17/2018 Not Printed
 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>enrichments</u>						
Education, Administration	42803	R277-493	AMD	06/07/2018	2018-9/18	
<u>enrollment</u>						
Education, Administration	42887	R277-417	NSC	05/17/2018	Not Printed	
	42888	R277-418	NSC	05/17/2018	Not Printed	
<u>enrollment options</u>						
Education, Administration	42896	R277-437	NSC	05/17/2018	Not Printed	
<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>estheticians</u>						
Commerce, Occupational and Professional Licensing	42778	R156-11a	AMD	06/07/2018	2018-9/4	
<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	
	42806	R277-533	AMD	06/07/2018	2018-9/23	
<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	

RULES INDEX

expungement

Public Safety, Criminal Investigations and Technical Services, Criminal Identification 42259 R722-350 AMD 01/10/2018 2017-22/94
 42912 R722-350 NSC 05/17/2018 Not Printed

extended area service

Public Service Commission, Administration 42589 R746-347 5YR 02/14/2018 2018-5/158

extended school year

Education, Administration 42765 R277-751 5YR 04/02/2018 2018-8/147
 42703 R277-751 AMD 05/08/2018 2018-7/38

eye exams

Health, Disease Control and Prevention, Health Promotion 42569 R384-201 EXT 02/08/2018 2018-5/161
 42951 R384-201 5YR 06/07/2018 Not Printed

eyeglasses

Health, Health Care Financing, Coverage and Reimbursement Policy 42783 R414-53 5YR 04/10/2018 2018-9/71

fabric coating

Environmental Quality, Air Quality 42538 R307-345 EXT 01/31/2018 2018-4/113
 42655 R307-345 5YR 03/08/2018 2018-7/171

facility notice

Corrections, Administration 42637 R251-114 5YR 03/07/2018 2018-7/161

fair hearings

Health, Children's Health Insurance Program 42790 R382-1 5YR 04/11/2018 2018-9/70

fathers

Health, Center for Health Data, Vital Records and Statistics 42707 R436-3 5YR 03/20/2018 2018-8/150

fees

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
 Natural Resources, Parks and Recreation 42955 R651-610 5YR 06/07/2018 Not Printed

filing deadlines

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

film coating

Environmental Quality, Air Quality 42537 R307-344 EXT 01/31/2018 2018-4/113
 42654 R307-344 5YR 03/08/2018 2018-7/170

finance

Administrative Services, Finance 42571 R25-6 5YR 02/08/2018 2018-5/141
 42573 R25-8 5YR 02/08/2018 2018-5/142
 Education, Administration 42892 R277-422 NSC 05/17/2018 Not Printed

financial aid

Regents (Board Of), Administration 42789 R765-605 5YR 04/11/2018 2018-9/77
 42722 R765-605 NSC 04/12/2018 Not Printed

financial assurance

Environmental Quality, Waste Management and Radiation Control, Waste Management 42451 R315-15 AMD 04/19/2018 2018-3/35

financial disclosures

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>food services</u>						
Health, Disease Control and Prevention, Environmental Services	42684	R392-100	AMD	05/18/2018	2018-7/93	
<u>food trucks</u>						
Health, Disease Control and Prevention, Environmental Services	42685	R392-102	NEW	05/18/2018	2018-7/97	
<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	

RULES INDEX

<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	
<u>furnaces</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>game laws</u>						
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	
<u>gangs</u>						
Education, Administration	42907	R277-436	5YR	05/11/2018	2018-11/57	
<u>gas</u>						
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	
<u>general conformity</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>generators</u>						
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	
<u>geothermal resources</u>						
Natural Resources, Water Rights	42606	R655-1	R&R	04/09/2018	2018-5/53	
<u>goals</u>						
Education, Administration	42882	R277-406	NSC	05/17/2018	Not Printed	
	42956	R277-406	5YR	06/07/2018	Not Printed	

<u>good cause</u>						
Pardons (Board Of), Administration	42581	R671-515	5YR	02/13/2018	2018-5/153	
<u>government documents</u>						
Attorney General, Administration	42367	R105-2	AMD	02/07/2018	2018-1/2	
<u>government hearings</u>						
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	
<u>grades</u>						
Education, Administration	42484	R277-717	AMD	03/14/2018	2018-3/26	
<u>graduation requirements</u>						
Education, Administration	42482	R277-700	AMD	03/14/2018	2018-3/16	
	42394	R277-705	AMD	02/28/2018	2018-1/5	
<u>GRAMA</u>						
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	
	42880	R277-402	NSC	05/17/2018	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, Administration	42979	R305-4	5YR	06/13/2018	Not Printed	
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 air pollutant</u>						
Environmental Quality, Air Quality	42435	R307-214	AMD	05/23/2018	2018-3/30	
<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	2018-11/58	
<u>health</u>						
Health, Center for Health Data, Health Care Statistics	42728	R428-1	AMD	05/25/2018	2018-8/104	
<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	

RULES INDEX

	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 planning</u>					
Health, Center for Health Data, Health Care Statistics	42728	R428-1	AMD	05/25/2018	2018-8/104
<u>health policy</u>					
Health, Center for Health Data, Health Care Statistics	42728	R428-1	AMD	05/25/2018	2018-8/104
<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
	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	
	42926	R539-1	NSC	06/01/2018	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>immunizations</u>						
Health, Disease Control and Prevention, Immunization	42947	R396-100	5YR	06/07/2018	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>improvement</u>						
Education, Administration	42882	R277-406	NSC	05/17/2018	Not Printed	
	42956	R277-406	5YR	06/07/2018	Not Printed	
<u>incentives</u>						
Education, Administration	42887	R277-417	NSC	05/17/2018	Not Printed	
<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>initiatives</u>						
Education, Administration	42880	R277-402	NSC	05/17/2018	Not Printed	
<u>inmates</u>						
Pardons (Board Of), Administration	42295	R671-201	AMD	01/08/2018	2017-22/75	

RULES INDEX

	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	2018-11/59
	42874	R590-222	5YR	05/04/2018	2018-11/60
	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	2018-11/60
<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>jobs</u>					
Governor, Economic Development	42940	R357-3	EXD	05/31/2018	2018-12/47
<u>judges</u>					
Governor, Criminal and Juvenile Justice (State Commission on)	42337	R356-2-10	AMD	04/02/2018	2017-24/13
<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	R277-709	5YR	02/26/2018	2018-6/48	
	42613	R277-709	AMD	04/09/2018	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>kindergarten</u>						
Education, Administration	42803	R277-493	AMD	06/07/2018	2018-9/18	
<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>land use</u>						
Natural Resources, Forestry, Fire and State Lands	42978	R652-110	5YR	06/11/2018	Not Printed	
<u>landfills</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>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	R307-347	EXT	01/31/2018	2018-4/114	
	42657	R307-347	5YR	03/08/2018	2018-7/172	
<u>leadership</u>						
Education, Administration	42439	R277-530-3	NSC	01/25/2018	Not Printed	
<u>leases</u>						
Natural Resources, Forestry, Fire and State Lands	42978	R652-110	5YR	06/11/2018	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	2018-11/59	
<u>licensing</u>						
Commerce, Occupational and Professional Licensing	42582	R156-1	AMD	04/09/2018	2018-5/7	
	42869	R156-5a	5YR	05/01/2018	2018-10/155	
	42623	R156-24b-102	NSC	03/14/2018	Not Printed	
	42448	R156-31b	5YR	01/08/2018	2018-3/69	
	42848	R156-37c	5YR	04/24/2018	2018-10/155	
	42429	R156-55b-102	NSC	01/18/2018	Not Printed	
	42925	R156-63a	5YR	05/15/2018	2018-11/55	
	42924	R156-63b	5YR	05/15/2018	2018-11/56	
	42447	R156-68	5YR	01/08/2018	2018-3/70	
	42785	R156-71	AMD	06/07/2018	2018-9/8	
	42338	R156-72	AMD	01/23/2018	2017-24/11	
	42847	R156-74	5YR	04/24/2018	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	

RULES INDEX

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	2018-11/60
<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>LTCO</u>					
Human Services, Aging and Adult Services	42636	R510-200	R&R	05/30/2018	2018-7/114
<u>MACT</u>					
Environmental Quality, Air Quality	42435	R307-214	AMD	05/23/2018	2018-3/30
<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>manufactured home community</u>					
Health, Disease Control and Prevention, Environmental Services	42731	R392-402	R&R	05/24/2018	2018-8/89
<u>manufactured homes</u>					
Health, Disease Control and Prevention, Environmental Services	42731	R392-402	R&R	05/24/2018	2018-8/89
<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	
	42746	R410-14	AMD	05/29/2018	2018-8/95	
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	
	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	
	42935	R414-508	5YR	05/25/2018	2018-12/46	
	42490	R414-509	REP	04/11/2018	2018-4/41	
	42353	R414-517	AMD	01/29/2018	2017-24/16	
	42635	R414-519	NEW	05/25/2018	2018-7/112	
<u>Medicaid abuse</u>						
Administrative Services, Inspector General of Medicaid Services (Office of)	42658	R30-1	REP	06/01/2018	2018-7/6	
	42694	R30-1	NEW	06/01/2018	2018-7/10	
<u>Medicaid fraud</u>						
Administrative Services, Inspector General of Medicaid Services (Office of)	42658	R30-1	REP	06/01/2018	2018-7/6	
	42694	R30-1	NEW	06/01/2018	2018-7/10	
<u>Medicaid waste</u>						
Administrative Services, Inspector General of Medicaid Services (Office of)	42658	R30-1	REP	06/01/2018	2018-7/6	
	42694	R30-1	NEW	06/01/2018	2018-7/10	
<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	

RULES INDEX

<u>memberships</u>						
Education, Administration	42884	R277-409	NSC	05/17/2018	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>mobile foods</u>						
Health, Disease Control and Prevention, Environmental Services	42685	R392-102	NEW	05/18/2018	2018-7/97	
<u>mobile homes</u>						
Health, Disease Control and Prevention, Environmental Services	42731	R392-402	R&R	05/24/2018	2018-8/89	
<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, Administration	42979	R305-4	5YR	06/13/2018	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>nail technicians</u>					
Commerce, Occupational and Professional Licensing	42778	R156-11a	AMD	06/07/2018	2018-9/4
<u>naloxone</u>					
Health, Disease Control and Prevention, Health Promotion	42283	R384-210	NEW	06/07/2018	2017-22/30
	42283	R384-210	CPR	06/07/2018	2018-4/70
<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>naturopathic physician</u>					
Commerce, Occupational and Professional Licensing	42785	R156-71	AMD	06/07/2018	2018-9/8
<u>naturopaths</u>					
Commerce, Occupational and Professional Licensing	42785	R156-71	AMD	06/07/2018	2018-9/8
<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>NESHAP</u>					
Environmental Quality, Air Quality	42435	R307-214	AMD	05/23/2018	2018-3/30
<u>new hire registry</u>					
Workforce Services, Unemployment Insurance	42740	R994-315	5YR	03/29/2018	2018-8/159
<u>new source review</u>					
Environmental Quality, Air Quality	42434	R307-210	AMD	05/23/2018	2018-3/29
<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
<u>nonpublic schools</u>					
Education, Administration	42885	R277-410	NSC	05/17/2018	Not Printed
<u>nontraditional learning programs</u>					
Education, Administration	42888	R277-418	NSC	05/17/2018	Not Printed

RULES INDEX

<u>noxious weeds</u>						
Agriculture and Food, Plant Industry	42943	R68-9	5YR	06/01/2018	2018-12/43	
<u>nurse 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>nurses</u>						
Commerce, Occupational and Professional Licensing	42448	R156-31b	5YR	01/08/2018	2018-3/69	
<u>nutrition</u>						
Education, Administration	42620	R277-719	5YR	02/26/2018	2018-6/48	
	42614	R277-719	AMD	04/09/2018	2018-5/39	
<u>occupational licensing</u>						
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	
<u>off-highway vehicles</u>						
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	
	42989	R651-601	5YR	06/13/2018	Not Printed	
	42961	R651-615	5YR	06/07/2018	Not Printed	
<u>Office of the Inspector General</u>						
Administrative Services, Inspector General of Medicaid Services (Office of)	42658	R30-1	REP	06/01/2018	2018-7/6	
<u>Office of the Inspector General of Medicaid Services</u>						
Administrative Services, Inspector General of Medicaid Services (Office of)	42694	R30-1	NEW	06/01/2018	2018-7/10	
	42695	R30-2	NEW	06/01/2018	2018-7/14	
	42696	R30-3	NEW	06/01/2018	2018-7/17	
<u>oil</u>						
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	
<u>oil and gas law</u>						
Natural Resources, Oil, Gas and Mining; Oil and Gas	42508	R649-6	5YR	01/24/2018	2018-4/109	
<u>ombudsman</u>						
Human Services, Aging and Adult Services	42636	R510-200	R&R	05/30/2018	2018-7/114	
<u>open government</u>						
Education, Administration	42750	R277-101	NSC	04/12/2018	Not Printed	
<u>operator certification</u>						
Environmental Quality, Water Quality	42274	R317-10-10	AMD	01/24/2018	2017-22/29	
<u>opioid antagonist</u>						
Health, Disease Control and Prevention, Health Promotion	42283	R384-210	NEW	06/07/2018	2017-22/30	
	42283	R384-210	CPR	06/07/2018	2018-4/70	

<u>optometry</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	42782	R414-52	5YR	04/10/2018	2018-9/71	
<u>osteopathic physicians</u>						
Commerce, Occupational and Professional Licensing	42447	R156-68	5YR	01/08/2018	2018-3/70	
<u>osteopaths</u>						
Commerce, Occupational and Professional Licensing	42447	R156-68	5YR	01/08/2018	2018-3/70	
<u>out-of-home care</u>						
Human Services, Child and Family Services	42603	R512-305	5YR	02/15/2018	2018-5/146	
<u>out-of-state</u>						
Education, Administration	42891	R277-421	NSC	05/17/2018	Not Printed	
<u>outdoor recreation</u>						
Governor, Economic Development	42332	R357-16	AMD	01/17/2018	2017-23/25	
	42633	R357-16	NSC	03/14/2018	Not Printed	
<u>Outdoor Recreation Infrastructure Grant</u>						
Governor, Economic Development	42332	R357-16	AMD	01/17/2018	2017-23/25	
	42633	R357-16	NSC	03/14/2018	Not Printed	
<u>outdoor wood boilers</u>						
Environmental Quality, Air Quality	42644	R307-208	5YR	03/08/2018	2018-7/164	
<u>ozone</u>						
Environmental Quality, Air Quality	42673	R307-110-12	AMD	06/07/2018	2018-7/49	
<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>parent/guardian</u>						
Education, Administration	42904	R277-468	NSC	05/17/2018	Not Printed	
<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>parks</u>						
Natural Resources, Parks and Recreation	42989	R651-601	5YR	06/13/2018	Not Printed	
	42990	R651-602	5YR	06/13/2018	Not Printed	
	42946	R651-603	5YR	06/07/2018	Not Printed	
	42948	R651-604	5YR	06/07/2018	Not Printed	
	42949	R651-605	5YR	06/07/2018	Not Printed	
	42950	R651-606	5YR	06/07/2018	Not Printed	
	42952	R651-607	5YR	06/07/2018	Not Printed	
	42953	R651-608	5YR	06/07/2018	Not Printed	
	42954	R651-609	5YR	06/07/2018	Not Printed	
	42955	R651-610	5YR	06/07/2018	Not Printed	
	42959	R651-613	5YR	06/07/2018	Not Printed	
	42960	R651-614	5YR	06/07/2018	Not Printed	
	42961	R651-615	5YR	06/07/2018	Not Printed	
	42981	R651-616	5YR	06/13/2018	Not Printed	
	42982	R651-617	5YR	06/13/2018	Not Printed	
	42983	R651-618	5YR	06/13/2018	Not Printed	
	42985	R651-619	5YR	06/13/2018	Not Printed	
	42986	R651-620	5YR	06/13/2018	Not Printed	
	42987	R651-621	5YR	06/13/2018	Not Printed	
	42988	R651-630	5YR	06/13/2018	Not Printed	
<u>parole</u>						
Pardons (Board Of), Administration	42295	R671-201	AMD	01/08/2018	2017-22/75	

RULES INDEX

	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
	42929	R152-32a	5YR	05/17/2018	2018-12/45
<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, Forestry, Fire and State Lands	42978	R652-110	5YR	06/11/2018	Not Printed
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
<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>PM10</u>						
Environmental Quality, Air Quality	42673	R307-110-12	AMD	06/07/2018	2018-7/49	
<u>PM2.5</u>						
Environmental Quality, Air Quality	42673	R307-110-12	AMD	06/07/2018	2018-7/49	
	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>pools</u>						
Health, Disease Control and Prevention, Environmental Services	42744	R392-302	AMD	05/24/2018	2018-8/66	
<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	

RULES INDEX

<u>private schools</u>						
Education, Administration	42894	R277-426	NSC	05/17/2018	Not Printed	
<u>private security officers</u>						
Commerce, Occupational and Professional Licensing	42925	R156-63a	5YR	05/15/2018	2018-11/55	
<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	
Natural Resources, Parks and Recreation	42723	R651-103	NEW	05/22/2018	2018-8/142	
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	
	42896	R277-437	NSC	05/17/2018	Not Printed	
	42897	R277-438	NSC	05/17/2018	Not Printed	
	42903	R277-462	NSC	05/17/2018	Not Printed	

<u>public funds</u>						
Education, Administration	42849	R277-113	EXD	04/24/2018	2018-10/159	
<u>public health</u>						
Health, Disease Control and Prevention, Environmental Services	42684	R392-100	AMD	05/18/2018	2018-7/93	
	42685	R392-102	NEW	05/18/2018	2018-7/97	
	42732	R392-200	AMD	05/31/2018	2018-8/51	
	42516	R392-300	R&R	03/26/2018	2018-4/4	
	42514	R392-401	R&R	03/26/2018	2018-4/27	
	42731	R392-402	R&R	05/24/2018	2018-8/89	
	42515	R392-502	R&R	03/26/2018	2018-4/31	
<u>public lodging</u>						
Health, Disease Control and Prevention, Environmental Services	42515	R392-502	R&R	03/26/2018	2018-4/31	
<u>public petitions</u>						
Natural Resources, Forestry, Fire and State Lands	42977	R652-7	5YR	06/11/2018	Not Printed	
<u>public records</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	
Natural Resources, Oil, Gas and Mining; Administration	42495	R642-200	5YR	01/24/2018	2018-4/102	
<u>public sales auctions</u>						
Transportation, Administration	42688	R907-80	AMD	05/09/2018	2018-7/142	
<u>public schools</u>						
Education, Administration	42885	R277-410	NSC	05/17/2018	Not Printed	
	42886	R277-412	NSC	05/17/2018	Not Printed	
	42907	R277-436	5YR	05/11/2018	2018-11/57	
	42902	R277-460	NSC	05/17/2018	Not Printed	
	42471	R277-490	5YR	01/12/2018	2018-3/70	
	42481	R277-490	AMD	03/14/2018	2018-3/13	
<u>public utilities</u>						
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	
<u>pump installers</u>						
Natural Resources, Water Rights	42607	R655-4	R&R	04/09/2018	2018-5/67	
<u>pupil accounting</u>						
Education, Administration	42889	R277-419	NSC	05/17/2018	Not Printed	
<u>quarantine</u>						
Agriculture and Food, Plant Industry	42721	R68-14	5YR	03/26/2018	2018-8/145	
	42930	R68-16	5YR	05/23/2018	2018-12/44	
<u>rabies</u>						
Health, Disease Control and Prevention, Epidemiology	42285	R386-702	AMD	01/02/2018	2017-22/31	
<u>radiation</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	

RULES INDEX

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

readiness

Education, Administration	42880	R277-402	NSC	05/17/2018	Not Printed
---------------------------	-------	----------	-----	------------	-------------

reading

Education, Administration	42881	R277-403	NSC	05/17/2018	Not Printed
	42882	R277-406	NSC	05/17/2018	Not Printed
	42956	R277-406	5YR	06/07/2018	Not Printed

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

record retention

Insurance, Administration	42214	R590-276	NEW	04/23/2018	2017-21/165
	42214	R590-276	CPR	04/23/2018	2018-6/44

records access

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

recovery residence

Human Services, Administration, Administrative Services, Licensing	42234	R501-18	AMD	02/07/2018	2017-21/136
--	-------	---------	-----	------------	-------------

recreation areas

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

registration

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

reimbursements

Administrative Services, Finance	42571	R25-6	5YR	02/08/2018	2018-5/141
Education, Administration	42891	R277-421	NSC	05/17/2018	Not Printed

reinstatement

Education, Administration	42774	R277-213	NSC	04/13/2018	Not Printed
---------------------------	-------	----------	-----	------------	-------------

released-time classes

Education, Administration	42621	R277-610	5YR	02/26/2018	2018-6/47
	42611	R277-610	AMD	04/09/2018	2018-5/26

relocation benefits

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	
	42879	R277-401	NSC	05/17/2018	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	2018-11/58	
<u>resources</u>						
Health, Health Care Financing, Coverage and Reimbursement Policy	42444	R414-305	5YR	01/08/2018	2018-3/85	
<u>rest areas</u>						
Health, Disease Control and Prevention, Environmental Services	42514	R392-401	R&R	03/26/2018	2018-4/27	
<u>restrooms</u>						
Health, Disease Control and Prevention, Environmental Services	42514	R392-401	R&R	03/26/2018	2018-4/27	
<u>revocations</u>						
Pardons (Board Of), Administration	42583	R671-516	5YR	02/13/2018	2018-5/154	
<u>RFPs</u>						
Education, Administration	42758	R277-117	NSC	04/12/2018	Not Printed	
<u>roads</u>						
Natural Resources, Forestry, Fire and State Lands	42978	R652-110	5YR	06/11/2018	Not Printed	
<u>rules</u>						
Public Service Commission, Administration	42767	R746-210	5YR	04/05/2018	2018-9/75	
<u>rules and procedures</u>						
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	
Health, Disease Control and Prevention, Immunization	42947	R396-100	5YR	06/07/2018	Not Printed	
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	
<u>Rural Rehabilitation Loans</u>						
Agriculture and Food, Administration	42559	R51-5	NEW	05/02/2018	2018-5/4	

RULES INDEX

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

Education, Administration 42878 R277-400 NSC 05/17/2018 Not Printed

Labor Commission, Boiler, Elevator and Coal Mine Safety 42565 R616-2-3 AMD 04/09/2018 2018-5/49

Public Service Commission, Administration 42566 R616-3-3 AMD 04/09/2018 2018-5/51

Regents (Board Of), University of Utah, Administration 42331 R746-409-1 AMD 01/09/2018 2017-23/75

42617 R805-1 5YR 02/22/2018 2018-6/50

safety education

Education, Administration 42878 R277-400 NSC 05/17/2018 Not Printed

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

Education, Administration 42804 R277-523 NEW 06/07/2018 2018-9/21

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 42684 R392-100 AMD 05/18/2018 2018-7/93

42685 R392-102 NEW 05/18/2018 2018-7/97

42491 R392-700 5YR 01/19/2018 2018-4/97

satellite

Education, Administration 42610 R277-482 AMD 04/09/2018 2018-5/22

school boards

Education, Administration 42750 R277-101 NSC 04/12/2018 Not Printed

school community councils

Education, Administration 42800 R277-477 AMD 06/07/2018 2018-9/13

42323 R277-491-4 AMD 01/09/2018 2017-23/9

school enrollment

Education, Administration 42889 R277-419 NSC 05/17/2018 Not Printed

42899 R277-445 NSC 05/17/2018 Not Printed

school fees

Education, Administration 42883 R277-407 NSC 05/17/2018 Not Printed

school improvements

Education, Administration 42327 R277-920 AMD 01/09/2018 2017-23/19

school leaders

Education, Administration 42327 R277-920 AMD 01/09/2018 2017-23/19

school nurses

Education, Administration 42480 R277-415 NEW 03/14/2018 2018-3/11

<u>school personnel</u>					
Education, Administration	42910	R277-107	5YR	05/11/2018	2018-11/57
	42762	R277-508	5YR	04/02/2018	2018-8/145
	42698	R277-508	AMD	05/08/2018	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
	42951	R384-201	5YR	06/07/2018	Not Printed
<u>schools</u>					
Education, Administration	42880	R277-402	NSC	05/17/2018	Not Printed
	42884	R277-409	NSC	05/17/2018	Not Printed
	42800	R277-477	AMD	06/07/2018	2018-9/13
	42958	R277-617	5YR	06/07/2018	Not Printed
	42620	R277-719	5YR	02/26/2018	2018-6/48
	42614	R277-719	AMD	04/09/2018	2018-5/39
Environmental Quality, Air Quality	42551	R307-801	EXT	01/31/2018	2018-4/115
	42669	R307-801	5YR	03/08/2018	2018-7/179
Health, Disease Control and Prevention, Environmental Services	42732	R392-200	AMD	05/31/2018	2018-8/51
<u>science</u>					
Education, Administration	42898	R277-444	NSC	05/17/2018	Not Printed
<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	R495-885	AMD	02/23/2018	2018-2/13
	42845	R495-885	EMR	04/23/2018	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
	42929	R152-32a	5YR	05/17/2018	2018-12/45
<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	R525-6	5YR	01/16/2018	2018-3/89
	42557	R525-6	NSC	03/01/2018	Not Printed
<u>security guards</u>					
Commerce, Occupational and Professional Licensing	42925	R156-63a	5YR	05/15/2018	2018-11/55
	42924	R156-63b	5YR	05/15/2018	2018-11/56
<u>sedation related 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

RULES INDEX

<u>seniors</u>						
Human Services, Aging and Adult Services	42485	R510-105	5YR	01/17/2018	2018-4/102	
<u>services</u>						
Education, Administration	42801	R277-801	AMD	06/07/2018	2018-9/35	
<u>sewage treatment</u>						
Environmental Quality, Water Quality	42705	R317-101	5YR	03/20/2018	2018-8/147	
<u>sewerage</u>						
Public Service Commission, Administration	42590	R746-330	5YR	02/14/2018	2018-5/157	
<u>sexual assault kit analysis</u>						
Public Safety, Administration	42269	R698-11	NEW	01/10/2018	2017-22/82	
<u>sexual assault kits</u>						
Public Safety, Administration	42269	R698-11	NEW	01/10/2018	2017-22/82	
<u>shorthand reporter</u>						
Commerce, Occupational and Professional Licensing	42847	R156-74	5YR	04/24/2018	2018-10/156	
<u>skateboards</u>						
Regents (Board Of), University of Utah, Administration	42617	R805-1	5YR	02/22/2018	2018-6/50	
<u>SNAP</u>						
Workforce Services, Employment Development	42693	R986-600	AMD	05/08/2018	2018-7/154	
<u>snow</u>						
Transportation, Operations, Traffic and Safety	42689	R920-6	AMD	05/08/2018	2018-7/151	
<u>sober living</u>						
Human Services, Administration, Administrative Services, Licensing	42234	R501-18	AMD	02/07/2018	2017-21/136	
<u>social security numbers</u>						
Human Services, Services for People with Disabilities	42560	R539-1	NSC	03/01/2018	Not Printed	
	42926	R539-1	NSC	06/01/2018	Not Printed	
<u>social services</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	
	42603	R512-305	5YR	02/15/2018	2018-5/146	
<u>solicitations</u>						
Commerce, Consumer Protection	42835	R152-22	NSC	04/26/2018	Not Printed	
<u>solid waste disposal</u>						
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	
<u>solid waste management</u>						
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>spas</u>					
Health, Disease Control and Prevention, Environmental Services	42744	R392-302	AMD	05/24/2018	2018-8/66
<u>special educators</u>					
Education, Administration	42957	R277-525	5YR	06/07/2018	Not Printed
<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 Capitol visits</u>					
Education, Administration	42886	R277-412	NSC	05/17/2018	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>stationary sources</u>					
Environmental Quality, Air Quality	42434	R307-210	AMD	05/23/2018	2018-3/29

RULES INDEX

<u>stipends</u>						
Education, Administration	42957	R277-525	5YR	06/07/2018	Not Printed	
<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</u>						
Education, Administration	42888	R277-418	NSC	05/17/2018	Not Printed	
<u>student achievements</u>						
Education, Administration	42479	R277-404	AMD	03/14/2018	2018-3/5	
<u>student eligibility</u>						
Workforce Services, Unemployment Insurance	42741	R994-403	5YR	03/29/2018	2018-8/160	
<u>students</u>						
Education, Administration	42879	R277-401	NSC	05/17/2018	Not Printed	
	42881	R277-403	NSC	05/17/2018	Not Printed	
	42887	R277-417	NSC	05/17/2018	Not Printed	
	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	
	42801	R277-801	AMD	06/07/2018	2018-9/35	
<u>students at risk</u>						
Education, Administration	42907	R277-436	5YR	05/11/2018	2018-11/57	
	42483	R277-708	AMD	03/14/2018	2018-3/23	
<u>substance abuse prevention</u>						
Education, Administration	42902	R277-460	NSC	05/17/2018	Not Printed	
<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>supplementals</u>						
Education, Administration	42803	R277-493	AMD	06/07/2018	2018-9/18	
<u>supplies</u>						
Education, Administration	42901	R277-459	NSC	05/17/2018	Not Printed	
<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>swimming</u>						
Health, Disease Control and Prevention, Environmental Services	42744	R392-302	AMD	05/24/2018	2018-8/66	
<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>tax credit</u>						
Governor, Economic Development	42940	R357-3	EXD	05/31/2018	2018-12/47	
<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	42901	R277-459	NSC	05/17/2018	Not Printed	
	42762	R277-508	5YR	04/02/2018	2018-8/145	
	42698	R277-508	AMD	05/08/2018	2018-7/24	
<u>technology</u>						
Education, Administration	42958	R277-617	5YR	06/07/2018	Not Printed	
<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	

RULES INDEX

Public Service Commission, Administration	42769 42423	R746-240 R746-341	5YR REP	04/05/2018 02/21/2018	2018-9/76 2018-2/24
<u>temporary identification card</u> Public Safety, Driver License	42980	R708-49	5YR	06/13/2018	Not Printed
<u>terminally ill</u> Corrections, Administration	42637	R251-114	5YR	03/07/2018	2018-7/161
<u>textbooks</u> Education, Administration	42895	R277-433	NSC	05/17/2018	Not Printed
<u>third party liability</u> Health, Health Care Financing, Coverage and Reimbursement Policy	42441 42487 42627	R414-302 R414-302-6 R414-302-6	5YR EMR AMD	01/08/2018 01/19/2018 05/08/2018	2018-3/84 2018-4/85 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>TMDL</u> Environmental Quality, Water Quality	42692	R317-1-7	AMD	05/24/2018	2018-7/56
<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
<u>transportation</u> Administrative Services, Finance Human Services, Aging and Adult Services Transportation, Operations, Construction	42572 42485 42616	R25-7 R510-105 R916-4	5YR 5YR AMD	02/08/2018 01/17/2018 04/23/2018	2018-5/142 2018-4/102 2018-6/28
<u>transportation safety</u> Transportation, Motor Carrier	42494	R909-1	AMD	03/28/2018	2018-4/63
<u>treatment and care</u> Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	42328	R388-805	AMD	02/01/2018	2017-23/28
<u>trespass</u> Natural Resources, Parks and Recreation	42986	R651-620	5YR	06/13/2018	Not Printed
<u>trucks</u> Transportation, Motor Carrier	42494	R909-1	AMD	03/28/2018	2018-4/63

<u>trust lands funds</u>						
Education, Administration	42800	R277-477	AMD	06/07/2018	2018-9/13	
<u>TSSP</u>						
Education, Administration	42804	R277-523	NEW	06/07/2018	2018-9/21	
<u>tuition</u>						
Education, Administration	42891	R277-421	NSC	05/17/2018	Not Printed	
<u>ultraviolet light safety</u>						
Health, Disease Control and Prevention, Environmental Services	42491	R392-700	5YR	01/19/2018	2018-4/97	
<u>unavoidable breakdown</u>						
Environmental Quality, Air Quality	42640	R307-107	5YR	03/08/2018	2018-7/162	
<u>unemployment compensation</u>						
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	
<u>unfair marketing practices</u>						
Insurance, Administration	42687	R590-154	5YR	03/14/2018	2018-7/180	
<u>universal health insurance application</u>						
Insurance, Administration	42984	R590-247	5YR	06/13/2018	Not Printed	
<u>universal service fund</u>						
Public Service Commission, Administration	42426	R746-360	REP	02/21/2018	2018-2/31	
<u>University Technology Acceleration Grants (UTAG)</u>						
Science Technology and Research Governing Auth., Administration	42359	R856-3	R&R	01/23/2018	2017-24/36	
<u>UPPAC</u>						
Education, Administration	42777	R277-216	NSC	04/13/2018	Not Printed	
<u>used oil</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	
<u>Utah Data Research Center</u>						
Workforce Services, Administration	42421	R982-800	NEW	03/01/2018	2018-2/38	
<u>Utah Indigent Defense Commission</u>						
Governor, Criminal and Juvenile Justice (State Commission on), Indigent Defense Commission	42351	R364-1	NEW	01/29/2018	2017-24/14	
<u>Utah Science Technology and Research (USTAR)</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>Utah State Board of Education</u>						
Education, Administration	42761	R277-121	NSC	04/12/2018	Not Printed	

RULES INDEX

<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	R307-102	EXT	01/31/2018	2018-4/111	
	42639	R307-102	5YR	03/08/2018	2018-7/161	
<u>vending machines</u>						
Education, Administration	42620	R277-719	5YR	02/26/2018	2018-6/48	
	42614	R277-719	AMD	04/09/2018	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	R307-345	EXT	01/31/2018	2018-4/113	
	42655	R307-345	5YR	03/08/2018	2018-7/171	
<u>vision evaluations</u>						
Health, Disease Control and Prevention, Health Promotion	42569	R384-201	EXT	02/08/2018	2018-5/161	
	42951	R384-201	5YR	06/07/2018	Not Printed	
<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	R307-303	5YR	03/08/2018	2018-7/168	
	42544	R307-351	EXT	01/31/2018	2018-4/115	
	42662	R307-351	5YR	03/08/2018	2018-7/174	
	42547	R307-354	EXT	01/31/2018	2018-4/115	
	42665	R307-354	5YR	03/08/2018	2018-7/176	
<u>VOC emission</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>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	
<u>waivers</u>						
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	

<u>warrants</u>					
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
<u>waste disposal</u>					
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
<u>waste to energy plant</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>wastewater</u>					
Environmental Quality, Water Quality	42511	R317-14	5YR	01/24/2018	2018-4/96
	42705	R317-101	5YR	03/20/2018	2018-8/147
<u>wastewater treatment</u>					
Environmental Quality, Water Quality	42274	R317-10-10	AMD	01/24/2018	2017-22/29
<u>water</u>					
Health, Disease Control and Prevention, Environmental Services	42744	R392-302	AMD	05/24/2018	2018-8/66
Public Service Commission, Administration	42590	R746-330	5YR	02/14/2018	2018-5/157
	42593	R746-332	5YR	02/14/2018	2018-5/157
<u>water pollution</u>					
Environmental Quality, Water Quality	42692	R317-1-7	AMD	05/24/2018	2018-7/56
	42274	R317-10-10	AMD	01/24/2018	2017-22/29
	42510	R317-13	5YR	01/24/2018	2018-4/96
<u>water quality</u>					
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
<u>water wells</u>					
Natural Resources, Water Rights	42607	R655-4	R&R	04/09/2018	2018-5/67
<u>waterfowl</u>					
Natural Resources, Wildlife Resources	42376	R657-9	AMD	02/07/2018	2018-1/33
<u>weapons</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>weed classifications</u>					
Agriculture and Food, Plant Industry	42943	R68-9	5YR	06/01/2018	2018-12/43

RULES INDEX

<u>weed control</u>					
Agriculture and Food, Plant Industry	42943	R68-9	5YR	06/01/2018	2018-12/43
<u>well drillers license</u>					
Natural Resources, Water Rights	42607	R655-4	R&R	04/09/2018	2018-5/67
<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>wood furniture</u>					
Environmental Quality, Air Quality	42938	R307-343-4	NSC	06/12/2018	Not Printed
<u>workers' compensation</u>					
Labor Commission, Industrial Accidents	42561	R612-100	5YR	02/08/2018	2018-5/148
	42786	R612-100-4	AMD	06/07/2018	2018-9/66
	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