

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed September 15, 2018, 12:00 a.m. through October 01, 2018, 11:59 p.m.

Number 2018-20
October 15, 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

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Utah state bulletin.

Semimonthly.

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

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SPECIAL NOTICES

Commerce Occupational and Professional Licensing

Public Notice of 2019 Board/Commission/Committee Meeting Schedules

NOTE: Meetings are subject to change - contact the Division at 801-530-6628 to confirm meetings or check the Public Meeting Notice website (www.pmn.utah.gov). Most meetings are held in the Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.

January

- 2 Residence Lien Recovery Fund Advisory Board 8:15 a.m.
- 2 Plumbers Licensing Board 9:00 a.m.
- 2 Contract Security Education Peer Committee 1:00 p.m.
- 2 Utah Board of Accountancy 1:30 p.m.
- 3 Alarm System Security and Licensing Board 9:00 a.m.
- 9 Podiatric Physician Board 8:30 a.m.
- 9 Clinical Mental Health Counselor Licensing Board 9:00 a.m.
- 10 Board of Nursing 8:30 a.m.
- 10 Substance Use Disorder Counselor Licensing Board 9:00 a.m.
- 15 Board of Massage Therapy 9:00 a.m.
- 15 Hunting Guides and Outfitters Licensing Board 1:00 p.m.
- 15 UBCC Education Advisory Committee 1:30 p.m.
- 16 Professional Engineers/Professional Land Surveyors Licensing Board 9:00 a.m.
- 17 Electricians Licensing Board 9:00 a.m.
- 17 Physicians Licensing Board 9:00 a.m.
- 17 Veterinary Board 9:00 a.m.
- 17 Psychologist Licensing Board 1:00 p.m.
- 22 Utah State Board of Pharmacy 8:30 a.m.
- 22 Chiropractic Physician Licensing Board 9:00 a.m.
- 22 Athletic Trainers Licensing Board 9:00 a.m.
- 24 Hearing Instrument Specialist Licensing Board 9:00 a.m.
- 29 Optometrist Licensing Board 9:00 a.m.
- 30 Construction Services Commission 9:00 a.m.

February

- 4 Cosmetology and Associated Professions Board 9:00 a.m.
- 6 Residence Lien Recovery Fund Advisory Board 8:15 a.m.
- 6 Plumbers Licensing Board 9:00 a.m.
- 6 Utah Board of Accountancy 1:30 p.m.
- 7 Nurse Education Peer Committee 8:30 a.m.
- 7 Social Worker Licensing Board 9:00 a.m.
- 13 Architects Licensing Board 10:00 a.m.
- 13 Certified Nurse Midwife Board 3:00 p.m.
- 14 Board of Nursing 8:30 a.m.
- 14 Security Services Licensing Board 9:00 a.m.
- 14 Osteopathic Physicians and Surgeons Licensing Board 9:00 a.m.
- 14 Professional Geologists Licensing Board 10:00 a.m.
- 19 Acupuncture Licensing Board 9:00 a.m.
- 19 Recreation Therapy Board 9:00 a.m.
- 19 UBCC Education Advisory Committee 1:30 p.m.
- 20 Funeral Service Board 9:00 a.m.
- 21 Online Prescribing, Dispensing and Facilitation Licensing Board 8:30 a.m.
- 21 Electricians Licensing Board 9:00 a.m.
- 21 Private Probation Provider Licensing Board 10:00 a.m.
- 26 Utah State Board of Pharmacy 8:30 a.m.
- 26 Health Facility Administrators Licensing Board 9:00 a.m.
- 27 Construction Services Commission 9:00 a.m.

SPECIAL NOTICES

March

- 1 Dentist and Dental Hygienist Licensing Board 9:00 a.m.
- 6 Residence Lien Recovery Fund Advisory Board 8:15 a.m.
- 6 Plumbers Licensing Board 9:00 a.m.
- 6 Genetic Counselor Licensing Board 9:00 a.m.
- 6 Utah Board of Accountancy 1:30 p.m.
- 7 Alarm System Security and Licensing Board 9:00 a.m.
- 8 Marriage and Family Therapist Licensing Board 9:00 a.m.
- 11 Physician Assistant Licensing Board 9:00 a.m.
- 11 Controlled Substances Advisory Committee 4:00 p.m.
- 13 Dietitian Board 9:00 a.m.
- 13 Clinical Mental Health Counselor Licensing Board 9:00 a.m.
- 14 Board of Nursing 8:30 a.m.
- 14 Radiology Technologist Licensing Board 1:00 p.m.
- 18 Building Inspector Licensing Board 9:00 a.m.
- 19 Physical Therapy Licensing Board 9:00 a.m.
- 19 Board of Massage Therapy 9:00 a.m.
- 19 Respiratory Care Licensing Board 1:00 p.m.
- 19 UBCC Education Advisory Committee 1:30 p.m.
- 20 Professional Engineers/Professional Land Surveyors Licensing Board 9:00 a.m.
- 21 Physicians Licensing Board 9:00 a.m.
- 21 Electricians Licensing Board 9:00 a.m.
- 26 Utah State Board of Pharmacy 8:30 a.m.
- 27 Construction Services Commission 9:00 a.m.

April

- 1 Cosmetology and Associated Professions Board 9:00 a.m.
- 3 Residence Lien Recovery Fund Advisory Board 8:15 a.m.
- 3 Environmental Health Scientist Licensing Board 9:00 a.m.
- 3 Plumbers Licensing Board 9:00 a.m.
- 3 Contract Security Education Peer Committee 1:00 p.m.
- 3 Utah Board of Accountancy 1:30 p.m.
- 4 Social Worker Licensing Board 9:00 a.m.
- 10 Podiatric Physician Board 8:30 a.m.
- 10 Architects Licensing Board 10:00 a.m.
- 11 Board of Nursing 8:30 a.m.
- 11 Security Services Licensing Board 9:00 a.m.
- 11 Substance Use Disorder Counselor Licensing Board 9:00 a.m.
- 16 Acupuncture Licensing Board 9:00 a.m.
- 16 Hunting Guides and Outfitters Licensing Board 1:00 p.m.
- 16 UBCC Education Advisory Committee 1:30 p.m.
- 17 Landscape Architects Licensing Board 1:00 p.m.
- 17 Deception Detection Examiners Board 1:00 p.m.
- 18 Vocational Rehabilitation Counselors Licensing Board 2:00 p.m.
- 18 Electricians Licensing Board 9:00 a.m.
- 18 Private Probation Provider Licensing Board 10:00 a.m.
- 18 Psychologist Licensing Board 1:00 p.m.
- 18 Certified Court Reporter Licensing Board 2:00 p.m.
- 19 Licensed Direct-Entry Midwife Board 9:00 a.m.
- 23 Utah State Board of Pharmacy 8:30 a.m.
- 23 Athletic Trainers Licensing Board 9:00 a.m.
- 23 Chiropractic Physician Licensing Board 9:00 a.m.
- 24 Construction Services Commission 9:00 a.m.
- 25 Hearing Instrument Specialist Licensing Board 9:00 a.m.
- 30 Optometrist Licensing Board 9:00 a.m.

May

- 1 Residence Lien Recovery Fund Advisory Board 8:15 a.m.
- 1 Plumbers Licensing Board 9:00 a.m.

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- 1 Utah Board of Accountancy 1:30 p.m.
 - 2 Nurse Education Peer Committee 8:30 a.m.
 - 2 Alarm System Security and Licensing Board 9:00 a.m.
 - 7 Board of Occupational Therapy 9:00 a.m.
 - 8 Clinical Mental Health Counselor Licensing Board 9:00 a.m.
 - 9 Board of Nursing 8:30 a.m.
 - 9 Osteopathic Physicians and Surgeons Licensing Board 9:00 a.m.
 - 15 Funeral Service Board 9:00 a.m.
 - 15 Professional Engineers/Professional Land Surveyors Licensing Board 9:00 a.m.
 - 15 Certified Nurse Midwife Board 3:00 p.m.
 - 16 Electricians Licensing Board 9:00 a.m.
 - 16 Veterinary Board 9:00 a.m.
 - 16 Physicians Licensing Board 9:00 a.m.
 - 21 Board of Massage Therapy 9:00 a.m.
 - 21 Recreation Therapy Board 9:00 a.m.
 - 21 UBCC Education Advisory Committee 1:30 p.m.
 - 28 Utah State Board of Pharmacy 8:30 a.m.
 - 29 Construction Services Commission 9:00 a.m.

June

- 3 Cosmetology and Associated Professions Board 9:00 a.m.
- 5 Residence Lien Recovery Fund Advisory Board 8:15 a.m.
- 5 Plumbers Licensing Board 9:00 a.m.
- 5 Genetic Counselor Licensing Board 9:00 a.m.
- 5 Utah Board of Accountancy 1:30 p.m.
- 6 Social Worker Licensing Board 9:00 a.m.
- 7 Dentist and Dental Hygienist Licensing Board 9:00 a.m.
- 10 Physician Assistant Licensing Board 9:00 a.m.
- 12 Architects Licensing Board 10:00 a.m.
- 13 Board of Nursing 8:30 a.m.
- 13 Naturopathic Physicians Licensing Board 9:00 a.m.
- 13 Professional Geologists Licensing Board 10:00 a.m.
- 13 Security Services Licensing Board 9:00 a.m.
- 14 Marriage and Family Therapist Licensing Board 9:00 a.m.
- 18 Physical Therapy Licensing Board 9:00 a.m.
- 18 Acupuncture Licensing Board 9:00 a.m.
- 18 Building Inspector Licensing Board 9:00 a.m.
- 18 UBCC Education Advisory Committee 1:30 p.m.
- 20 Electricians Licensing Board 9:00 a.m.
- 20 Private Probation Provider Licensing Board 10:00 a.m.
- 25 Utah State Board of Pharmacy 8:30 a.m.
- 26 Construction Services Commission 9:00 a.m.

July

- 3 Residence Lien Recovery Fund Advisory Board 8:15 a.m.
- 3 Plumbers Licensing Board 9:00 a.m.
- 3 Contract Security Education Peer Committee 1:00 p.m.
- 3 Utah Board of Accountancy 1:30 p.m.
- 10 Podiatric Physician Board 8:30 a.m.
- 10 Clinical Mental Health Counselor Licensing Board 9:00 a.m.
- 11 Board of Nursing 8:30 a.m.
- 11 Substance Use Disorder Counselor Licensing Board 9:00 a.m.
- 11 Radiology Technologist Licensing Board 1:00 p.m.
- 16 Board of Massage Therapy 9:00 a.m.
- 16 Hunting Guides and Outfitters Licensing Board 1:00 p.m.
- 16 UBCC Education Advisory Committee 1:30 p.m.
- 17 Professional Engineers/Professional Land Surveyors Licensing Board 9:00 a.m.
- 18 Electricians Licensing Board 9:00 a.m.
- 18 Physicians Licensing Board 9:00 a.m.

SPECIAL NOTICES

- 18 Psychologist Licensing Board 1:00 p.m.
- 23 Chiropractic Physician Licensing Board 9:00 a.m.
- 23 Athletic Trainers Licensing Board 9:00 a.m.
- 25 Hearing Instrument Specialist Licensing Board 9:00 a.m.
- 30 Utah State Board of Pharmacy 8:30 a.m.
- 30 Optometrist Licensing Board 9:00 a.m.
- 31 Construction Services Commission 9:00 a.m.

August

- 1 Nurse Education Peer Committee 8:30 a.m.
- 1 Social Worker Licensing Board 9:00 a.m.
- 5 Cosmetology and Associated Professions Board 9:00 a.m.
- 7 Residence Lien Recovery Fund Advisory Board 8:15 a.m.
- 7 Plumbers Licensing Board 9:00 a.m.
- 7 Utah Board of Accountancy 1:30 p.m.
- 8 Board of Nursing 8:30 a.m.
- 8 Osteopathic Physicians and Surgeons Licensing Board 9:00 a.m.
- 8 Security Services Licensing Board 9:00 a.m.
- 14 Architects Licensing Board 10:00 a.m.
- 14 Certified Nurse Midwife Board 3:00 p.m.
- 15 Online Prescribing, Dispensing and Facilitation Licensing Board 8:30 a.m.
- 15 Electricians Licensing Board 9:00 a.m.
- 15 Private Probation Provider Licensing Board 10:00 a.m.
- 20 Recreation Therapy Board 9:00 a.m.
- 20 Acupuncture Licensing Board 9:00 a.m.
- 20 UBCC Education Advisory Committee 1:30 p.m.
- 21 Funeral Service Board 9:00 a.m.
- 27 Utah State Board of Pharmacy 8:30 a.m.
- 27 Health Facility Administrators Licensing Board 9:00 a.m.
- 28 Construction Services Commission 9:00 a.m.

September

- 4 Residence Lien Recovery Fund Advisory Board 8:15 a.m.
- 4 Plumbers Licensing Board 9:00 a.m.
- 4 Genetic Counselor Licensing Board 9:00 a.m.
- 4 Utah Board of Accountancy 1:30 p.m.
- 5 Alarm System Security and Licensing Board 9:00 a.m.
- 6 Dentist and Dental Hygienist Licensing Board 9:00 a.m.
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- 9 Physician Assistant Licensing Board 9:00 a.m.
- 9 Controlled Substances Advisory Committee 4:00 p.m.
- 11 Dietitian Board 9:00 a.m.
- 11 Clinical Mental Health Counselor Licensing Board 9:00 a.m.
- 12 Board of Nursing 8:30 a.m.
- 17 Board of Massage Therapy 9:00 a.m.
- 17 Building Inspector Licensing Board 9:00 a.m.
- 17 Physical Therapy Licensing Board 9:00 a.m.
- 17 Respiratory Care Licensing Board 1:00 p.m.
- 17 UBCC Education Advisory Committee 1:30 p.m.
- 18 Professional Engineers/Professional Land Surveyors Licensing Board 9:00 a.m.
- 18 Deception Detection Examiners Board 1:00 p.m.
- 19 Electricians Licensing Board 9:00 a.m.
- 19 Veterinary Board 9:00 a.m.
- 19 Physicians Licensing Board 9:00 a.m.
- 24 Utah State Board of Pharmacy 8:30 a.m.
- 25 Construction Services Commission 9:00 a.m.

October

- 2 Residence Lien Recovery Fund Advisory Board 8:15 a.m.

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- 2 Plumbers Licensing Board 9:00 a.m.
 - 2 Contract Security Education Peer Committee 1:00 p.m.
 - 2 Utah Board of Accountancy 1:30 p.m.
 - 3 Environmental Health Scientist Licensing Board 9:00 a.m.
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 - 10 Psychologist Licensing Board 1:00 p.m.
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 - 15 Hunting Guides and Outfitters Licensing Board 1:00 p.m.
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 - 17 Vocational Rehabilitation Counselors Licensing Board 2:00 p.m.
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 - 22 Utah State Board of Pharmacy 8:30 a.m.
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 - 22 Athletic Trainers Licensing Board 9:00 a.m.
 - 24 Substance Use Disorder Counselor Licensing Board 9:00 a.m.
 - 24 Hearing Instrument Specialist Licensing Board 9:00 a.m.
 - 29 Optometrist Licensing Board 9:00 a.m.
 - 30 Construction Services Commission 9:00 a.m.

November

- 3 Utah Board of Accountancy 1:30 p.m.
- 5 Board of Occupational Therapy 9:00 a.m.
- 6 Residence Lien Recovery Fund Advisory Board 8:15 a.m.
- 6 Plumbers Licensing Board 9:00 a.m.
- 7 Nurse Education Peer Committee 8:30 a.m.
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- 21 Electricians Licensing Board 9:00 a.m.
- 21 Physicians Licensing Board 9:00 a.m.
- 27 Construction Services Commission 9:00 a.m.

December

- 2 Cosmetology and Associated Professions Board 9:00 a.m.
- 4 Residence Lien Recovery Fund Advisory Board 8:15 a.m.
- 4 Plumbers Licensing Board 9:00 a.m.
- 4 Utah Board of Accountancy 1:30 p.m.
- 5 Social Worker Licensing Board 9:00 a.m.

- 7 Dentist and Dental Hygienist Licensing Board 9:00 a.m.
 - 9 Physician Assistant Licensing Board 9:00 a.m.
 - 11 Architects Licensing Board 10:00 a.m.
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 - 12 Security Services Licensing Board 9:00 a.m.
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 - 17 Utah State Board of Pharmacy 8:30 a.m.
 - 17 Physical Therapy Licensing Board 9:00 a.m.
 - 17 Acupuncture Licensing Board 9:00 a.m.
 - 17 Building Inspector Licensing Board 9:00 a.m.
 - 17 UBCC Education Advisory Committee 1:30 p.m.
 - 18 Construction Services Commission 9:00 a.m.
 - 19 Electricians Licensing Board 9:00 a.m.
 - 19 Private Probation Provider Licensing Board 10:00 a.m.
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Health
Health Care Financing, Coverage and Reimbursement Policy

Notice for November 2018 Medicaid Rate Changes

Effective November 1, 2018, Utah Medicaid will adjust its rates consistent with approved methodologies. Rate adjustments include new codes priced consistent with approved Medicaid methodologies as well as potential adjustments to existing codes. All rate changes are posted to the web and can be viewed at:
<http://health.utah.gov/medicaid/stplan/lookup/CoverageLookup.php>.

End of the Special Notices Section

EXECUTIVE DOCUMENTS

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

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

Wildland Fire Management, Utah Exec. Order No. 2018-7

EXECUTIVE ORDER

Wildland Fire Management

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

WHEREAS, wildfires are currently burning in some areas of the State;

WHEREAS, fire restrictions and wildfire warnings are in place across the State;

WHEREAS, counties throughout the State have made drought declarations;

WHEREAS, extreme dry conditions have occurred and are forecasted throughout the State;

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

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

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

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

It is found, determined and declared that a "State of Emergency" exists Statewide due to the threat to public safety, property, critical infrastructure, natural resources and the environment, effective for the month of October 2018, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 1st day of October 2018.

(State Seal)

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2018/0007/EO

Declaring a State of Emergency Due to Potential Flooding, Utah Exec. Order No. 2018-8

EXECUTIVE ORDER

Declaring a State of Emergency Due to Potential Flooding

WHEREAS, the State of Utah is expecting storm impacts from the remnants of Hurricane Rosa to be seen across much of the state--including thunderstorms, heavy rain, flooding, and debris flows;

WHEREAS, the National Weather Service has issued a flash flood watch for much of Utah, as well as the surrounding states of Wyoming, Idaho, Colorado, California, Nevada, and Arizona;

WHEREAS, the National Weather Service warned that some communities are at increased risk of flash flooding due to changes in the landscape caused by wildfire burn scars across the state;

WHEREAS, flooding and debris flows pose imminent threats to public safety that may require the evacuation of individuals and businesses and may result in closed roadways, damaged bridges, and imperiled critical infrastructure;

WHEREAS, many communities have declared local states of emergency and have requested resources and support from the State of Utah's departments and agencies to assist in preparing for and dealing with this emergency;

WHEREAS, the Utah Division of Emergency Management has activated the State Emergency Operations Center and resources have been deployed, including the Utah National Guard, Utah Department of Transportation, sandbags, and barricades to areas where the impact is expected to be the greatest;

WHEREAS, declaring a state of emergency facilitates the protection of persons and property from the impacts of the storm and expedites the use of necessary state-level resources, as well as the deployment of federal and interstate resources;

WHEREAS, the declaration of emergency also permits the State of Utah to request and receive mutual aid assistance from other states through the Emergency Management Assistance Compact, if required;

WHEREAS, the declaration of emergency facilitates the immediate procurement and deployment of goods and services necessary to ensure a prompt and effective response to, and recovery from, this storm.

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, pursuant to the power vested in me by the Constitution and the Laws of the State of Utah, do hereby order that:

It is found, determined and declared that a "State of Emergency" exists Statewide due to the threat of public safety, property, critical infrastructure, natural resources, and the environment. This State of Emergency is declared and effective immediately and shall remain in effect until I find the threat or danger has passed or the disaster reduced to the extent that emergency conditions no longer exist.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 2nd day of October 2018.

(State Seal)

Gary R. Herbert
Governor

Attest:

Spencer J. Cox
Lieutenant Governor

2018/008/EO

End of the Executive Documents Section

NOTICES OF PROPOSED RULES

A state agency may file a **PROPOSED RULE** when it determines the need for a substantive change to an existing rule. With a **NOTICE OF PROPOSED RULE**, an agency may create a new rule, amend an existing rule, repeal an existing rule, or repeal an existing rule and reenact a new rule. Filings received between September 15, 2018, 12:00 a.m., and October 01, 2018, 11:59 p.m. are included in this, the October 15, 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 November 14, 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 February 12, 2019, 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** or 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

Corrections, Administration
R251-105
Applicant Qualifications for
Employment with Department of
Corrections

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43218

FILED: 09/19/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide policies and procedures for the screening, testing, interviewing, and selecting of applicants for Department of Corrections employment. A minor change is needed to reflect evolving practices.

SUMMARY OF THE RULE OR CHANGE: The words "dishonesty", "use", and "possession" have been stricken from Section R251-105-3 in the "General Requirements" area, which reflects old practices. An applicant is no longer categorically disqualified from employment in the event of a past minor infraction.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63G-3-201 and Section 64-13-10 and Section 64-13-25

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There could be minor savings in terms of cost-avoidance by enabling broadened hiring practices and minimizing some of the mandatory overtime for officers working at the prison.

◆ **LOCAL GOVERNMENTS:** Some local agencies have similar practices in place today. Local governments may actually benefit by gaining highly-trained officers down the road, since many applicants and new cadets in state corrections often eventually merge over to county or city employment after working for some time with the state. This is not expected to markedly increase competition for new correctional officers between the state and county facilities, particularly where this rule change is just formalizing today's practices.

◆ **SMALL BUSINESSES:** There should not be an impact since corrections does not compete with small businesses. There are no privately run facilities in the state.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Future applicants could be impacted by having increased opportunities for these positions in spite of minor infractions.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no additional compliance cost necessary to achieve this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This will continue to enable the hiring of more correctional officers and potentially cut down on some of the need for mandatory overtime among current officers, particularly given the nation-wide shortage of new hires in this particular field. It is anticipated this will occur without detriment to the high caliber of individuals being hired in this important position, particularly where there are still other disqualifiers for certain criminal histories that would be a concern to an individual potentially working in this field. Additional checks and balances exist to screen out individuals who are not mentally, physically or emotionally ready for the realities and rigor involved in this line of work.

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

CORRECTIONS
 ADMINISTRATION
 14717 S MINUTEMAN DR
 DRAPER, UT 84020-9549
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Steve Gehrke by phone at 801-545-5617, or by Internet E-mail at sgehrke@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2018

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2018

AUTHORIZED BY: Michael Haddon, 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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
 There are 0 (zero) non-small businesses in the industry in question in Utah. These rule changes are not expected to have any fiscal impacts on non-small businesses' revenues or expenditures because there are no businesses that provide the same services or employ people in this line of work.

The head of the Utah Department of Corrections, Michael Haddon, has reviewed and approved this fiscal analysis.

R251. Corrections, Administration.
R251-105. Applicant Qualifications for Employment with Department of Corrections.
R251-105-1. Authority and Purpose.

- (1) This rule is authorized by Section 63G-3-201, 64-13-10, and 64-13-25.
- (2) The purpose of this rule is to provide policies and procedures for the screening, testing, interviewing, and selecting of applicants for Department of Corrections employment.

R251-105-2. Definitions.
 (1) "Department" means Utah Department of Corrections.
 (2) "POST" means Peace Officer Standards and Training.

R251-105-3. General Requirements.
 It is the policy of the Department that applicants for employment:
 (1) shall, for POST-certified positions, be a citizen of the United States;

- (2) shall, for POST-certified positions, be a minimum of 21 years of age;
- (3) shall, as a minimum, be the holder of a high school diploma or furnish evidence of successful completion of an examination indicating an equivalent achievement;
- (4) may be required to pass pre-employment tests depending on position requirements;
- (5) shall be free from any physical, emotional, or mental conditions which would prevent the applicant from performing the essential functions of the job;
- (6) shall not have been convicted of a crime for which the applicant could have been imprisoned in a penitentiary of this or another state and shall not have been convicted of an offense involving [dishonesty,]unlawful sexual conduct, physical violence, or the unlawful [use,]sale [or possession]of a controlled substance. This subsection may not apply to all positions;
- (7) shall, if required, become a POST-certified officer and maintain certification through successful completion of at least 40 hours of POST training per fiscal year; and
- (8) may undergo a background investigation which may include verification of personal history, employment history and criminal records check.

- R251-105-4. Disqualification of Applicants.**
- (1) Applicants may be disqualified for failure:
 - (a) to meet education or experience qualifications;
 - (b) to appear for testing or interviews; or
 - (c) to meet minimum test score requirements.
 - (2) Applicants may be disqualified if found to be unsuitable for Department employment as indicated by a background investigation or psychological evaluation.
 - (3) Falsification of application is grounds for denying employment or for terminating employment if discovered after the applicant is hired.
 - (4) Disqualified applicants shall be notified in writing.

KEY: corrections, employment, prisons
Date of Enactment or Last Substantive Amendment: ~~February 26, 2009~~2018
Notice of Continuation: September 30, 2013
Authorizing, and Implemented or Interpreted Law: 63-46a-3; 64-13-10; 64-13-25

Education, Administration
R277-108
 Annual Assurance of Compliance by
 Local School Boards

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 43225
 FILED: 09/27/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R277-108 is being updated to reflect the current assurance to be sought from local education agencies (LEAs) as required by federal law, state statute, and Board of Education (Board) rule.

SUMMARY OF THE RULE OR CHANGE: This rule is being updated to reflect the current assurances to be sought from LEAs as required by federal law, state statute, and Board rule, and has been changed to create deference to those sources of law generally rather than listing them out specifically. It also creates flexibility in the reporting method because of recent changes in moving more systems to an online or digital approach.

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

MATERIALS INCORPORATED BY REFERENCE:

- ◆ Adds LEA Compliance and Assurance Checklist, published by Utah State Board of Education, 09/06/2018

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** This rule change is not expected to have any fiscal impact on state government revenues or expenditures because it provides technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. This rule is being updated to reflect the current assurances to be sought from LEAs as required by federal law, state statute, and Board rule, and has been changed to create deference to those sources of law generally rather than listing them out specifically. It also creates flexibility in the reporting method because of recent changes in moving more systems to an online or digital approach.

◆ **LOCAL GOVERNMENTS:** This rule change is not expected to have any material impact on local governments' revenues or expenditures because it provides technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. This rule is being updated to reflect the current assurances to be sought from LEAs as required by federal law, state statute, and Board rule, and has been changed to create deference to those sources of law generally rather than listing them out specifically. It also creates flexibility in the reporting method because of recent changes in moving more systems to an online or digital approach.

◆ **SMALL BUSINESSES:** This rule change is not expected to have any fiscal impact on small businesses' revenues or expenditures because it provides technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. This rule is being updated to reflect the current assurances to be sought from LEAs as required by federal law, state statute, and Board rule and has been changed to create deference to those sources of law

generally rather than listing them out specifically. It also creates flexibility in the reporting method because of recent changes in moving more systems to an online or digital approach.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** This rule change is not expected to have any fiscal impact on persons other than small businesses, businesses, or local government entities because it provides technical, conforming, and stylistic changes in accordance with the Rulewriting Manual for Utah and Board policies. This rule is being updated to reflect the current assurances to be sought from LEAs as required by federal law, state statute, and Board rule and has been changed to create deference to those sources of law generally rather than listing them out specifically. It also creates flexibility in the reporting method because of recent changes in moving more systems to an online or digital approach.

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 non-small businesses with a NAICS code 611110). This rule change has no fiscal impact on local education agencies and will not have a fiscal impact on non-small 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

◆ Jeffrey Van Hulten by phone at 801-538-7521, or by Internet E-mail at jeffrey.vanhulten@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2018

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2018

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 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 non-small businesses with a NAICS code 611110). These rule changes have no fiscal impact on local education agencies and will not have a fiscal impact on non-small 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.

R277. Education, Administration.

R277-108. Annual Assurance of Compliance by Local School Boards.

R277-108-1. Authority and Purpose.

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

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law and allows the Board to interrupt disbursements of state aid to any district which fails to comply with rules adopted in accordance with the law.

(2) The purpose of this rule is to provide local school boards with a list of laws requiring local school board action and a means of assuring that local boards are in compliance.

R277-108-2. Definitions.

"Annual assurance letter" means a letter required annually from each local school board by the Board to be received no later than October 1 of each year that provides the required compliance information and documentation, if directed, for identified programs and funds. (1) "Assurance document" means the Annual Assurances of Compliance list outlined in Subsection R277-108-3.

R277-108-3. Incorporation of Annual Assurances of Compliance.

(1) This rule incorporates by reference the Local Education Agency (LEA) Compliance and Assurance Checklist for 2018-2019 School Year (09/06/2018), which lists the required state and federal compliance information for identified programs and funds, including:

- (a) Board Rule;
- (b) State statute;
- (c) Federal Code of Regulations; and
- (d) Federal Law.

(2) A copy of the current Annual Assurances of Compliance List is located at:

- (a) <https://www.schools.utah.gov/financialoperations/formsapplications?mid=2382&tid=2>; and
- (b) the Utah State Board of Education - 250 East 500 South, Salt Lake City, Utah 84111.

R277-108-[3]4. [Superintendent Responsibilities.] Assurance Document Creation and Availability.

(1) The Superintendent shall provide a list of laws and a list of State Board of Education Administrative Rules which require action or compliance by June 1[30] of each year to school district superintendents, the superintendent for the Utah School for the Deaf and the Blind and charter school directors.

(2) The list described in Subsection (1) shall be approved by the Board and shall identify laws and rules along with required compliance dates and reporting forms, if different or necessary than or in addition to the annual assurance [letter] document.

(3) The Superintendent shall consolidate all required reporting and compliance forms and provide for electronic reporting, to the extent possible and ensure the assurance document is available publicly.

R277-108-4]5. [LEA Responsibilities.]Process, Procedures, and Penalties.

(1) An LEA shall submit the required annual [assurance letter]responses to the assurance document and other compliance forms on or before dates identified by the Board.

(2) An LEA's assurance document shall contain a signed attestation by the appropriate authority attesting to the accuracy and validity of all responses and assurances provided by an LEA.

(3)[2] In the event that an LEA is unable to provide required assurances, compliance information or forms by required dates, an LEA shall provide to the Superintendent a written explanation of the LEA's inability and provide [a compliance date]an anticipated submission date.

(4)[3] An LEA's request for additional time to provide the assurance shall be reviewed by the Superintendent and accepted or rejected in a timely manner.

(5) The Superintendent shall request a written explanation from an LEA and identified schools that fail to meet the reporting and compliance deadlines and that have not provided an explanation and request for a delayed submission date.

(6) Following an opportunity to provide explanations and request a delayed submission date, an LEA and identified schools shall be notified of penalties assessed by the Board against the LEA in accordance with rule R277-114, state law, or federal law.

[R277-108-5. Assurances.

An LEA shall provide, consistent with state law, written assurance of the following:

(1) the National motto is displayed in schools consistent with Subsection 53G-10-302(6);

(2) the Pledge of Allegiance is recited in public schools consistent with Subsection 53G-10-304(3);

(3) a policy has been developed, in consultation with school personnel, parents, and school community, to provide for effective implementation of student education plans and plans for college and career readiness consistent with Subsection 53E-2-304(2)(b);

(4) compliance with Section 53G-11-205, that the LEA does not endorse or provide preferential treatment for any education employee association;

(5) a policy has been developed for the Quality Teaching Block Grant Program consistent with Section 53F-2-517;

(6) a policy has been developed on education association leave consistent with Section 53G-11-206;

(7) each public school within the LEA has established a community council consistent with Section 53G-7-1202, and the community council members have been advised of their responsibilities consistent with Sections 53G-7-1202 and 53G-7-1204;

(8) the LEA has provided the Superintendent with required Utah Performance Assessment System for Students (U-PASS) test results in order for the Superintendent to fulfill the requirements of Section 53E-4-311;

(9) the LEA does not make payroll deductions from the wages of its employees for political purposes consistent with Subsection 34-32-1.1(2);

(10) the LEA has implemented a training program for school administrators consistent with Subsection 53G-4-402(1)(f);

(11) for a school district, the local school board has an educator evaluation program developed by a joint committee including

classroom teachers, parents and administrators consistent with Section 53G-11-506;

(12) the local school board or charter school governing board has presented and implemented an electronic device policy consistent with the timelines and provisions of R277-495;

(13) the LEA has posted the LEA's collective bargaining agreement on the LEA's website within ten days of the ratification or modification of any collective bargaining agreement consistent with Section 53G-11-207;

(14) by May 15 of each year, the LEA has posted certain public financial information on the LEA's website consistent with Sections 63A-3-401 through 63A-3-404; and

(15) the LEA has trained educators employed by the LEA on the Utah Educator Professional Standards described in Rules R277-515 and R277-516 as required in Section R277-515-7.]

R277-108-6. Reporting Deadlines.

[Letters]Responses for the assurance document from an LEA[s assuring compliance with the laws described in Section R277-108-5] are due to the Superintendent no later than [October]July 1 of each year.

[R277-108-7. Penalties for Noncompliance.

(1) The Superintendent shall request written explanation from an LEA and identified schools that fail to meet reporting and compliance deadlines.

(2) Following an opportunity to provide explanations and request delays, LEAs and identified schools shall be notified of penalties assessed by the Board against the LEAs in accordance with R277-114.]

R277-108-[8]7. Record Retention.

(1) [Letters of assurance]Responses to the assurance document, as required by the Board, shall be kept on file by the Superintendent for five years, together with letters of explanation and documentation of penalties, as directed by the Board.

KEY: local school boards, compliance

Date of Enactment or Last Substantive Amendment: [November 7, 2017]2018

Notice of Continuation: September 13, 2017

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4)

Governor, Economic Development
R357-14
Electronic Meetings

NOTICE OF PROPOSED RULE
(Repeal and Reenact)
DAR FILE NO.: 43224
FILED: 09/25/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to simplify the process

for conducting electronic meetings and to clearly identify that the Governor's Rural Partnership Board is governed by this rule.

SUMMARY OF THE RULE OR CHANGE: Section R357-14-101 establishes that public bodies that are within Title 63N, Governor's Office of Economic Development, and Title 63C, Chapter 10, Part 1, Governor's Rural Partnership Board may conduct electronic meetings. Subsection R357-14-101(1)(a) establishes that an agency director or designee may initiate an electronic meeting. Subsection R357-14-101(1)(b) establishes that any member of the public body may request an electronic meeting and the office will evaluate each request based on budget, public policy, or logistical considerations. Subsection R357-14-101(2) establishes that a quorum is not required at a single anchor location.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 52-4-207

ANTICIPATED COST OR SAVINGS TO:

- ◆ **THE STATE BUDGET:** There is no aggregate anticipated cost or savings to the state budget. These changes merely update the procedures the office will follow when conducting electronic meetings.
- ◆ **LOCAL GOVERNMENTS:** There is no aggregate anticipated cost or savings to local governments. These changes merely update the procedures the office will follow when conducting electronic meetings.
- ◆ **SMALL BUSINESSES:** There is no aggregate anticipated cost or savings to small businesses. These changes merely update the procedures the office will follow when conducting electronic meetings.
- ◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no aggregate anticipated cost or savings to persons other than small businesses, businesses, or local government entities. These changes merely update the procedures the office will follow when conducting electronic meetings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. These changes merely update the procedures the office will follow when conducting electronic meetings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal and reenactment of this rule will not result in fiscal impact to businesses. These changes merely update the procedures the office will follow when conducting electronic meetings.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Dane Ishihara by phone at 801-538-8865, or by Internet E-mail at dishihara@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2018

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2018

AUTHORIZED BY: Val Hale, 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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses

There is no regulatory impact creating financial cost to small businesses, non-small businesses, or other persons.

This rule filing is to clarify the standards for participation in electronic meetings.

R357. Governor's Office of Economic Development.

R357-14. Electronic Meetings.

R357-14-101. Purpose and Procedure.

(1) Purpose. Section 52-4-207 requires any public body that convenes or conducts an electronic meeting to adopt a rule governing the use of electronic meetings. This Rule establishes procedures for conducting meetings by electronic means for any and all boards, commissions, committees, and task forces statutorily provided in the Governor's Office of Economic Development's (GOED) code, Title 63N.

(2) Procedure. The following provisions govern any meeting at which one or more board, commission, committee, and task force members (hereinafter "member(s)") appear electronically pursuant to Section 52-4-207:

(a) If one or members desire to participate electronically, such member(s) shall contact the Executive Director of the Governor's Office of Economic Development or their designee(s) (hereinafter "Executive Director"). The Executive Director shall assess the practicality of facility requirements needed to conduct the meeting electronically in a manner that allows for the attendance, participation and monitoring as required by this Rule. If it is practical, the Executive Director shall determine whether to allow for such electronic participation, and the public notice of the meeting shall so indicate. In addition, the notice shall specify the anchor location where the members not participating electronically will be present and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

(b) Notice of the meeting and the agenda shall be posted at the anchor location and be provided in accordance with the Open and Public Meetings Act. The anchor location is the physical location where the electronic meeting originates or where the participants are connected. The anchor location shall be identified in the public notice for the meeting. Unless otherwise designated in the notice, the anchor location shall be a room in the offices of GOED where such meetings would normally be held.

(c) Notice of the possibility of an electronic meeting shall be given to the member(s) at least 24 hours before the meeting. In addition, the notice shall describe how a member(s) may participate in the meeting electronically.

(d) When notice is given of the possibility of a member(s) participating electronically, any member(s) may do so and any voting member(s), whether at the anchor location or participating electronically, shall be counted as present for purposes of a quorum and may fully participate and vote. At the commencement of the meeting, or at such time as any member(s) initially appears electronically, the Executive Director shall identify for the record all those who are participating electronically. Votes by member(s) who are not at the anchor location of the meeting shall be confirmed by the Executive Director.

(e) The anchor location will have space and facilities so that interested persons and the public may attend, monitor and participate in the open portions of the meeting, as appropriate. In accordance with Section 52-4-207, the following shall apply to electronic meetings held by any "public body", as defined in Subsection 52-4-103 (9), within Title 63N, Governor's Office of Economic Development and Title 63C, Chapter 10, Part 1, Governor's Rural Partnership Board.

(1)(a) An agency director or designee, on his/her own initiative, may establish an electronic meeting.

(b) Any member of a public body may also request an agency director or designee to establish an electronic meeting.

(i) Any such request shall be made not less than three business days prior to a meeting. The agency director or designee may shorten this time frame upon a determination of reasonable need.

(ii) The agency director or designee may determine whether such a request should be granted based on budget, public policy, or logistical considerations.

(2) A quorum of the public body is not required to be present at a single anchor location for an electronic meeting.

KEY: electronic meetings, open and public meetings

Date of Enactment or Last Substantive Amendment: [September 10, 2015] 2018

Authorizing, and Implemented or Interpreted Law: 52-4-207

Governor, Energy Development (Office of) **R362-4** High Cost Infrastructure Development Tax Credit Act

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43223

FILED: 09/24/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Pursuant to the "High Cost Infrastructure Development Tax Credit Act" at Section 63M-4-601 et seq. (the Act), and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, these rule amendments clarify eligibility requirements by the Utah Governor's Office of Energy Development (OED) of the Act.

SUMMARY OF THE RULE OR CHANGE: These rule amendments clarify eligibility requirements for High Cost Infrastructure Tax Credits; amend and clarify procedures for eligible taxpayers to follow when applying for High Cost Infrastructure Tax Credits; clarify approval process by the Board; establish reporting requirements by applicants; and provide clarification on how High Cost Infrastructure Tax Credits may be calculated by the Board.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63M-4-601

ANTICIPATED COST OR SAVINGS TO:

♦ **THE STATE BUDGET:** It is expected that the majority of incentives provided under this rule will have a positive impact on the state budget. The tax credit incentive will generally target infrastructure investments that create new state

revenues, or retain state revenues that would otherwise be lost. As a new incentive program, it is uncertain how many projects will apply for and receive these incentives, and therefore, the office cannot forecast the amount of new state revenues that may be generated. Projects that expand or create new industrial, mining, manufacturing, or agricultural activity where the infrastructure investment will be 10% or more of the cost of the project, or \$10,000,000 or more of infrastructure investment will be considered for the non-refundable tax credit. Infrastructure investment that is certified by OED and approved by the Board will generally receive a non-refundable tax credit of 30% of qualifying infrastructure-related state revenue generated during a qualifying tax period. The total tax credit available will be capped at 50% of the cost of the infrastructure construction unless it is a fuel standard compliance project, which will be capped at 30%. The tax credit will generally only apply to new state revenues that are directly attributable to new infrastructure investment. For non-refinery projects, tax credits will be calculated from state revenues generated after the completion of a fuel standard compliance project.

◆ **LOCAL GOVERNMENTS:** This incentive recognizes the crucial role new infrastructure investment plays in advancing economic development, especially in rural Utah. In particular, new infrastructure investment provides greater access to Utah's abundant natural resources that in turn promotes affordable and abundant energy and resources to advance Utah's economy. It is expected that this incentive will encourage greater investment in infrastructure that will grow local economies and grow local tax base.

◆ **SMALL BUSINESSES:** This incentive will be available to qualifying small businesses. Generally, projects that expand or create new industrial, mining, manufacturing, or agricultural activity where the infrastructure investment will be 10% or more of the cost of the project will qualify. The tax credit incentive will support investment in infrastructure projects needed by some small businesses to expand.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** Projects that expand or create new industrial, mining, manufacturing, or agricultural activity where the infrastructure investment will be 10% or more of the cost of the project, or \$10,000,000 or more of infrastructure investment will be considered for the non-refundable tax credit. Infrastructure investment that is certified by OED and approved by the Board will generally receive a non-refundable tax credit of 30% of qualifying infrastructure-related state revenue generated during a qualifying tax period. The total tax credit available will be capped at 50% of the cost of the infrastructure construction unless it is a fuel standard compliance project, which will be capped at 30%. The tax credit will generally only apply to new state revenues that are directly attributable to new infrastructure investment. For non-refinery projects, tax credits will be calculated from state revenues generated after the completion of a fuel standard compliance project.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As an incentive, any compliance costs for qualifying entities will be

minimal compared to the tax benefit received. Nevertheless, annual reporting requirements which must be completed by an independent certified public accountant, will cost an estimated \$500 to \$5,000, depending on the size of the reporting entity.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The High Cost Infrastructure Tax Credit will support qualifying businesses' ability to make strategic infrastructure investments that will promote business expansion. In particular, one of the main focuses of the incentive will be encouraging infrastructure investments in rural Utah that provide greater access to Utah's abundant natural resources, which in turn provides the affordable and abundant energy and resources needed to advance Utah's economy. This incentive also protects Utah taxpayers since it only provides non-refundable tax credits for infrastructure investments.

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

GOVERNOR
 ENERGY DEVELOPMENT (OFFICE OF)
 60 E SOUTH TEMPLE 3RD FLR
 SALT LAKE CITY, UT 84111
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Richard Bell by phone at 801-538-8682, or by Internet E-mail at rbell1@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2018

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2018

AUTHORIZED BY: Laura Nelson, 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 in the narrative. Inestimable impacts for Non-Small Businesses are described in Appendix 2.

Appendix 2: Regulatory Impact to Non-Small Businesses
 The Governor's Office of Energy Development does not anticipate any fiscal impacts on non-small businesses as a result of these amendments. These amendments clarify the eligibility criteria for the Board to take into consideration when evaluating the net value for potential project benefits in Utah.

The Executive Director of The Governor's Office of Energy Development, Dr. Laura Nelson, has reviewed and approved this fiscal analysis.

**R362. Governor, Energy Development (Office of).
 R362-4. High Cost Infrastructure Development Tax Credit Act.
 R362-4-1. Purpose.**

(1) Pursuant to the High Cost Infrastructure Development Tax Credit Act at Utah Code Section 63M-4-601 et seq. ("the Act"), and in accordance with Utah Code Title 63G, Chapter 3, Utah Administrative Rulemaking Act, this Rule clarifies requirements and establishes procedures for implementation by the Utah Governor's Office of Energy Development ("OED") of the Act.

(2) This Rule clarifies eligibility requirements for high cost infrastructure tax credits; establishes procedures for eligible taxpayers to follow when applying for high cost infrastructure tax credits; clarifies approval, certification and reporting requirements, and provides clarification on how high cost infrastructure tax credits will be calculated.

R362-4-2. Authority.

Pursuant to Utah Code Section 63M-4-6 et seq., OED has authority to establish requirements and procedures for awarding tax credits to qualifying entities.

R362-4-3. Definitions.

(1) Terms in this Rule are defined in Utah Code Section 63M-4-602. The definitions below are in addition to or serve to clarify those found in Utah Code Section 63M-4-602, 63M-4-603, and 63M-4-604.

(a) "Infrastructure" includes an energy delivery project designed to transmit, deliver or otherwise increase the capacity for the delivery of energy to a user.

(b) "Infrastructure-related revenue" means an amount of tax revenue for an entity creating a high cost infrastructure project in a taxable year that is directly attributable to the high cost infrastructure project, under:

(i) Utah Code Title 59, Chapter 7, Corporate Franchise and Income Taxes;

(ii) Utah Code Title 59, Chapter 10, Individual Income Tax Act; and,

(aa) Utah Code Title 59, Chapter 10, Individual Income Tax Act revenue shall be calculated by taking 75% of the employer state tax wage withholdings for the qualifying entity claiming a tax credit in the same taxable year for which the tax credit is being claimed.

(iii) Utah Code Title 59, Chapter 12, Sales and Use Tax Act.

(iv) For a fuel standard compliance project, as defined under Utah Code Section 63M-4-602(2), infrastructure-related revenue means state revenues generated by an applicant after the completion of a fuel standard compliance project under: Title 59, Chapter 7, Corporate Franchise and Income Taxes; Title 59, Chapter 10, Individual Income Tax; and Title 59, Chapter 12, Sales and Use Tax Act.

(c) "Office" means the Governor's Office of Energy Development created under Utah Code Section 63M-4-401.

(d) "Board" means the Utah Energy Infrastructure Authority Board created under Utah Code Section 63H-2-202.

(e) "Tax credit" means a certificate issued by the Office and recognized by the Utah State Tax Commission to an infrastructure cost-burdened entity under Utah Code Section 59-7-619 or Utah Code Section 59-10-1034.

R362-4-4. Eligibility for Tax Credit.

(1) Requirements for establishing tax credit eligibility, include:

(a) Meeting the definition of a high cost infrastructure project under Utah Code Section 63M-4-602;

(i) All high cost infrastructure projects, including fuel standard compliance projects, must be physically located in the State of Utah.

(b) Completing an application approved by the Office, including providing sufficient information to determine applicant eligibility;

(c) Office determination that that applicant meets all eligibility requirements and referral to the Board for Board approval;

(d) Receiving a favorable Board recommendation for granting tax credits to the applicant based on the Board's evaluation of the applicant project's benefit to the State of Utah based on factors described in Utah Code Section 63M-4-603(2); and,

(i) The Board may find the applicant's project sufficiently benefits the State [even] if the project [~~does not satisfy one or more of the factors~~] satisfies some or all of the criteria described in Utah Code Section 63M-4-603(2).

(e) Entering into an agreement with the Office described in Utah Code Section 63M-4-603(3) authorizing a post-performance, non-refundable tax credit calculated in accordance with Utah Code 63M-4-603 and Utah Administrative Rules R362-4-5.

R362-4-5. Calculation of Tax Credit.

(1) An eligible applicant that has a qualifying high cost infrastructure project shall be granted a tax credit, on an annual basis, equal to 30% of the applicant's infrastructure-related revenues reported to the Utah State Tax Commission for the same tax year for which the tax credit is being claimed.

(a) An eligible applicant may continue to receive tax credits for infrastructure-related revenues on an annual basis, as described above, until it has received tax credits totaling 50% of the cost of the infrastructure construction associated with the high cost infrastructure project, unless or until any other time period described in Utah Code Section 63M-4-603(4) has occurred.

(2) An eligible applicant that has completed a fuel standard compliance project shall be granted a tax credit, on an annual basis, not to exceed 30% of applicant's infrastructure-related revenues reported to the Utah State Tax Commission for the same tax year for which the tax credit is being claimed. The exact percentage of the tax credit will be determined by the Board based on criteria described in Utah Code Section 63M-4-603.

(a) An eligible applicant that has completed a fuel standard compliance project may continue to receive tax credits for infrastructure-related revenues on an annual basis, as described above, until it has received tax credits totaling 30% of the cost of the infrastructure construction associated with the high cost infrastructure project, unless or until any other time period described in Utah Code Section 63M-4-603(4) has occurred.

(3) An independent certified public accountant, paid for by the infrastructure cost-burdened entity, shall certify applicant's infrastructure-related revenues reported to the Utah State Tax Commission for the same tax year for which the tax credit is being claimed

R362-4-6. Application Process.

(1) The Office is responsible for certifying the high cost infrastructure project and authorizing any tax credit certificate.

(2) Applications for tax credits are to be made on forms developed by the Office to gather information necessary to certify the high cost infrastructure project and authorize tax credits based on the applicant's infrastructure related revenues.

(3) The Office will evaluate each application according to the definitions and criteria established by statute and by this Rule. If the information contained within an application is inadequate to determine eligibility according to this Rule, the Office reserves the right to request additional information from the applicant. If an applicant is unable or unwilling to provide adequate information needed to determine eligibility, the Office may deny the application until sufficient information is provided.

(4) In order to verify the information submitted in the application and provided to the Board, the applicant may be required to supply additional information at the request of the Office.

(5) All applicants for a tax credit under this Rule shall provide the following information:

(a) The legal name of the person or entity seeking a tax credit.

(b) The tax identification number of the person or entity seeking the tax credit.

(c) The physical address, plat number, or global positioning satellite coordinates of the property where the high cost infrastructure project will be constructed, or such other information necessary to permit the Office staff to locate the site for on-site verification of the information in the application.

(d) A description of the high cost infrastructure project, including timeline. This description is to be accompanied by an itemized summary of all projected and/or actual costs to be incurred during construction of the high cost infrastructure project.

(e) ~~[The documentation provided shall be sufficient to allow the Office to identify the cost of the infrastructure construction associated with the high cost infrastructure project, both realized and/or anticipated.]~~ The applicant shall disclose any other tax credit(s) it has applied for or has received for the infrastructure burdened project when applying for a high cost infrastructure tax credit or during the performance period of a high cost infrastructure tax credit agreement.

(f) The documentation provided shall be sufficient to allow the Office to identify the cost of the infrastructure construction associated with the high cost infrastructure project, both realized and/or anticipated.

(6) Those applicants seeking a tax credit for the development of a fuel standard compliance project shall also include:

(a) A description of their current operation, including the current fuel standards being met by their existing operation.

(b) A description of the fuel standard compliance project to be undertaken by the company to produce fuel at a Utah refinery that will meet Tier 3 gasoline standards under 40 C.F.R. Section 79.54 and 80.1603.

(7) If, after evaluating an application, the Office determines that it meets all eligibility requirements, then it will be referred to the Board for Board approval.

(a) If, after evaluating an application, the Office determines that applicant is not eligible, the Office shall provide the applicant with a letter including an explanation for the denial.

(8) The Board shall consider the application for approval of tax credits at the next regularly scheduled Board meeting.

(9) An eligible applicant who has received a favorable recommendation from the Board for approval of tax credits shall enter into an agreement described in Utah Code Section 63M-4-603(3) with the Office.

R362-4-7. Tax Credit Approval and Certification.

(1) The Office is responsible for certifying high cost infrastructure tax credits.

(2) After receiving a complete application, including all requested documents supporting an applicant's tax credit eligibility, the Office shall determine whether the applicant has met the eligibility requirements described in Utah Code Section 63M-4-603(1) and in this Rule.

(3) If, after evaluating an application, the Office determines that an applicant is eligible for a tax credit, the Office shall refer the applicant to the Board for Board approval of tax credits based on the Board's evaluation of the project's benefit to Utah based on considerations described in Utah Code Section 63M-4-603(4) and in this Rule.

(a) The Board may find the applicant's project benefits the State ~~even~~ if the project ~~[does not satisfy all of the factors]~~ satisfies some or all of the criteria described in Utah Code Section 63M-4-603.

(4) If an eligible applicant receives a favorable recommendation from the Board as described in Utah Code Section 63M-4-603(3) and this Rule, the Office will enter into an agreement described in Utah Code Section 63M-4-603(3).

(a) The agreement may include a tax credit authorization based upon the projected cost of the high cost infrastructure project as submitted in the completed application. Nevertheless, the Applicant may only claim a tax credit with a tax credit certificate based on the applicant's actual infrastructure-related revenues reported to the Utah State Tax Commission for the same tax year for which the tax credit is being claimed.

(b) The agreement may contain other terms and conditions necessary to administer the tax credit and satisfy the requirements of the Act, including requiring the Applicant to provide the actual cost to complete the high cost infrastructure project when available to allow the Office to correctly adjust the tax credit authorization.

(c) The agreement may also include conditions under which the agreement and/or the tax credit may be modified or withdrawn, including addressing substantive changes to the Applicant's project not included in the application.

(d) As part of the agreement, applicant must provide the Office annual reports prepared by an independent certified public accountant verifying the high cost infrastructure project's infrastructure-related revenue during the taxable year for which a tax credit is being claimed, as well as granting the Office access to relevant tax records.

(5) Subject to the Act, Rule and agreement, the Office will deliver a tax credit certificate for each qualifying tax year to the applicant or the legal entity the applicant has assigned the tax credit to in accordance with Utah Administrative Rules R362-4-7(6), and provide a copy of the certificate to the Utah State Tax Commission.

(6) Applications for tax credits authorized under this chapter must state the legal entity who will claim the tax credit if other than the Applicant. As part of the tax credit application and approval process, the Office and Board must approve the assignment of the tax credit to the stated recipient.

(a) Any additional assignments and/or transfers of the tax credit are prohibited without the express consent of the Office and Board.

(7) Tax credits authorized by the Office can only be used to offset the applicant's Utah State tax liability under Title 59, Chapter 7, Corporate Franchise and Income Taxes; and, Title 59, Chapter 10, Individual Income Tax.

~~[(8) High Cost Infrastructure tax credits are non-refundable and cannot be used in conjunction with any refundable state tax credits.]~~ (8) The Applicant must notify the Office and the Board of other tax credits it has applied for or has received when applying for a high cost infrastructure tax credit or during the performance period of a high cost infrastructure tax credit agreement. Additional tax credits and incentives may be taken into consideration in the Board evaluation of the project's benefit to Utah based on the criteria contained in 63M-4-603.

(a) If the Applicant receives other tax credits or incentives after a high cost infrastructure tax credit Agreement has been established with the Office, the Board may reconsider the project's benefit to Utah based on the criteria contained in 63M-4-603, and the

Office may amend the Agreement based on the Board's reconsideration of high cost infrastructure tax credit approval for the project.

R362-4-8. Tax Credit Period and Reporting Requirements.

(1) The first reporting period shall begin on the commencement date of the tax credit period, which will be determined by the Office, and shall continue through December 31 of that calendar year. The remaining tax credit and reporting periods shall each span consecutive calendar years from January 1 until December 31. The final tax credit and reporting period will start on January 1 of the calendar year and end on the tax credit termination date as determined when any time period described in Utah Code Section 63M-4-603(4) has occurred.

(2) Within 300 days of the end of each reporting period, the infrastructure cost-burdened entity shall provide the Office an annual report. Reasonable extensions to the 300 day reporting requirement may be granted by the Office.

(a) The report must be prepared by an independent certified public accountant.

(b) The report shall include the amount of infrastructure-related revenue that has been generated during the taxable year for which the tax credit will be claimed, the total amount of tax credit that the infrastructure cost burdened entity has received, and the projected economic life of the high cost infrastructure project.

R362-4-9. Confidentiality.

(1) In accordance with requirements laid out in Utah Code Section 63M-4-604, the Office will treat applicant documents as protected records under Utah Code Section 63G-2-305 and 309. Notwithstanding this policy, applicant will be responsible for providing the Office a business confidentiality form for documents submitted to the Office that it wants protected from public disclosure and clearly marking those documents confidential.

(2) Applicant understands and agrees to provide the Office sufficient information to determine eligibility, and the Board sufficient information to make a recommendation, as well as disclose sufficient information for the Office to meet its statutory reporting requirements.

(3) As part of the duties assigned to the Office in administering the tax credit, the Office is required to report to the Revenue and Taxation Interim Committee of the Utah State Legislature information related to the amount of tax credits granted, and the amount of infrastructure-related revenue generated by the high cost infrastructure projects receiving those tax credits.

(4) In accordance with the Utah Open and Public Meetings Act, Board meetings where voting on the approval of tax credits takes place will be open to the public.

R362-4-10. Appeals Procedure.

(1) A denial of an applicant's request for a tax credit may be appealed by written request pursuant to Utah Code Section 63G-4-201, and in accordance with this Rule.

(2) Hearings must be requested within 30 calendar days from the date that the Office sends written notice of its denial of tax credit.

(3) Failure to submit a timely request for a hearing constitutes a waiver of due process rights. The request must explain why the party is seeking agency relief, and the party must submit the request on the "Request for Hearing/Agency Action" form. The party

must then mail or fax the form to the address or fax number contained on the denial.

(4) The Board considers a hearing request that a recipient sends via mail to be filed on the date of the postmark. If the postmark date is illegible, erroneous, or omitted, the Board considers the request to be filed on the date that the Board receives it, unless the sender can demonstrate through convincing evidence that it was mailed before the date of receipt.

(5) The Board shall hold informal adjudicative proceedings in accordance with Utah Code Section 63G-4-202 and 203. The Board shall notify the petitioner and Board representative of the date, time and place of the hearing at least ten days in advance of the hearing. Continuances of scheduled hearings are not favored, but may be for good cause shown. Failure by any party to appear at the hearing after notice has been given shall be grounds for default and shall waive both the right to contest the allegations and the right to the hearing.

(6) The Petitioner named in the notice of agency action and the Board shall be permitted to testify, present evidence, and comment on the issues. Formal rules of evidence shall not apply; however,

(a) Testimony may be taken under oath.

(b) All hearings are open to all parties.

(c) Discovery is prohibited; informal disclosures will be ruled on at the pre-hearing conference.

(d) A respondent shall have access to relevant information contained in the Board's files and to material gathered in the investigation of respondent to the extent permitted by law.

(e) The Board may cause an official record of the hearing to be made, at the Board's expense.

(7) Within a reasonable time, not to exceed 60 days after the close of the informal proceeding, the Board shall issue a signed decision in writing that includes a findings of fact and conclusions of law, and time limits for appeals rights, and administrative or judicial review in accordance with Utah Code Section 63G-4-203(i).

KEY: incentives

Date of Enactment or Last Substantive Amendment: ~~July 14, 2016~~ **2018**

Authorizing, and Implemented or Interpreted Law: 63M-4-601

Health, Family Health and Preparedness, Children with Special Health Care Needs

R398-2

Newborn Hearing Screening

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43226

FILED: 09/28/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: With changes in the federal terminology to the newborn hearing screening requirements, these rule changes will update terminology to be consistent with the federal

changes, create consistency with word usage, and clarify follow up and reporting timelines.

SUMMARY OF THE RULE OR CHANGE: These changes update terminology to be consistent with the federal changes in newborn hearing screening requirements. The current practice is to use deaf or hard of hearing instead of hearing loss. These changes also create consistency with word usage, and clarify follow up and reporting timelines.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-10-6

ANTICIPATED COST OR SAVINGS TO:

◆ THE STATE BUDGET: May have a minimal cost if reprinting of rule is needed.

◆ LOCAL GOVERNMENTS: No cost to local governments as these rule changes have been standard practice for the past several years.

◆ SMALL BUSINESSES: No cost to small businesses as these rule changes have been standard practice for the past several years.

◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: No cost to individuals as these rule changes have been standard practice for the past several years.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs for affected persons as these rule changes have been standard practice for the past several years.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These proposed changes update terminology to be consistent with federal changes, create consistency with word usage, and clarify follow-up and reporting timelines. There is no fiscal impact to businesses.

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

HEALTH
FAMILY HEALTH AND PREPAREDNESS,
CHILDREN WITH SPECIAL HEALTH CARE NEEDS
44 N MARIO CAPECCHI DR
SALT LAKE CITY, UT 84113
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Joyce McStotts by phone at 801-584-8239, by FAX at 801-584-8488, or by Internet E-mail at jmcstotts@utah.gov or mail at PO Box 144720, Salt Lake City, UT 84114-4720

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2018

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2018

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

Appendix 2: Regulatory Impact to Non-Small Businesses

These rule changes are not expected to have any fiscal impact on non-small businesses' revenues and expenditures because the reporting requirements remain the same. These rule changes update terminology, create consistency with word usage, and clarify follow up and reporting timelines.

These rule changes are not expected to have any fiscal impact on hospitals, primary care providers, or audiologists as this has been the standard of practice for the past several years. With changes in the Federal terminology to the newborn hearing screening requirements, these rule changes will update terminology to be consistent with these Federal changes, create consistency with word usage, and clarify follow up and reporting timelines.

R398. Health, Family Health and Preparedness, Children with Special Health Care Needs.

R398-2. Newborn Hearing Screening: Early Hearing Detection and Intervention (EHDI) Program.

R398-2-1. Purpose and Authority.

~~(1) The purpose of this rule is to facilitate early detection, prompt referral, and early habilitation of infants with significant, permanent hearing loss.~~

~~(2) Authority for the Newborn Hearing Screening program and promulgation of rules to implement the program are found in Section 26-10-6.]~~**R398-2-1. Authority and Purpose.**

(1) Authority for the Newborn Hearing Screening: Early Hearing Detection and Intervention program and promulgation of rules to implement the program are found in Section 26-10-6.

(2) The purpose of this rule is to facilitate early detection, prompt referral, and early intervention of infants who are deaf or hard of hearing.

R398-2-2. Definitions.

~~(1)~~(1) "Audiologist" means a person who is licensed by the state where services are provided and has expertise in infant and pediatric audiology.

~~(2)~~(2) "Auditory brainstem response" means an objective electrophysiologic measurement of the brainstem's response to acoustic stimulation of the ear.

~~(3)~~(3) "Automated auditory brainstem response" means objective electrophysiologic measurement of the brainstem's response to acoustic stimulation of the ear, obtained with equipment which automatically provides a pass/refer outcome.

~~(4)~~(4) "~~Hearing loss~~**Deaf or Hard of Hearing**" means a dysfunction of the auditory system of any type or degree that is sufficient to interfere with the acquisition and development of speech and language skills.

~~(5)~~(5) "Department" means the Utah Department of Health, Newborn Hearing Screening: Early Hearing Detection and Intervention (EHDI) program.

(6) "Diagnostic procedures" means audiometric and medical procedures required to diagnose ~~hearing loss.~~an infant as deaf or hard of hearing.

(7) "Early intervention" means auditory habilitation and/or enrollment into a formal early intervention program.

~~(8)~~(8) "Evoked otoacoustic emissions" means an ~~specific~~objective test method which elicits a physiologic response from the cochlea, and may include Transient Evoked Otoacoustic Emissions and Distortion Products Otoacoustic Emissions test procedures.

(9) "Follow-up" means appropriate services and procedures relating to the confirmation of hearing ~~loss~~status and appropriate referrals for ~~newborn children~~infants with abnormal or inconclusive screening or diagnostic results.

~~(10)~~(10) "Institution" means a facility licensed by the State of Utah for birthing babies.

~~(11)~~(11) "Lost to follow-up" means ~~those newborns~~infants who cannot be identified through tracking, and who have not completed the screening, diagnostic [and] or early intervention referral processes.

~~(12)~~(12) "Newborn Hearing Screening" means the completion of an objective, physiological test or battery of tests administered to determine the infant's hearing status and the need

for further diagnostic testing by an audiologist with expertise in infant and pediatric audiology or physician with the Department approved instrumentation, protocols and pass/refer criteria.

~~(15)~~(13) "Parent" means a natural biological parent, a step-parent, adoptive parent, legal guardian, or other legal custodian of a child.

(14) "Primary care provider" means the ~~[newborn or]~~ infant's primary medical caregiver.

~~(10)~~(15) "Referral" means to direct an ~~an~~ [newborn]infant to an ~~[health care professional]~~audiologist or physician for appropriate diagnostic procedures to diagnose and determine ~~[the existence and extent of a hearing loss;]~~hearing status and for appropriate ~~[habilitation of a hearing loss;]~~early intervention.

~~(11)~~(16) "Tracking" means the use of information about the infant's newborn hearing screening status to ensure ~~[that]~~the infant receives timely and appropriate services to complete the screening, diagnostic and early intervention referral processes.

R398-2-3. Implementation.

Each newborn in the state of Utah shall submit to the Newborn Hearing Screening testing, except as provided in Section 26-10-6(1).

R398-2-4. Responsibility for Screening.

(1) Each institution shall designate a person to be responsible for the newborn hearing screening program in that institution.

(2) An audiologist who is licensed by the State of Utah shall oversee each newborn hearing screening program. This audiologist may be full or part time, on or off site, an employee of the institution, or under contract or other arrangement that allows him/her to oversee the newborn hearing screening program. This audiologist shall advise the institution about all aspects of the newborn hearing screening program, including screening, tracking, follow-up, and referral for diagnosis.

(3) ~~[Beginning July 1, 1998, if the newborn is born in an institution with 100 or more births annually, and beginning July 1, 1999, if the newborn is born in an institution with less than 100 births annually, the]~~The institution must provide newborn hearing screening services as required by this rule prior to discharge, unless the infant is transferred to another institution before screening is completed.

(4) ~~[Beginning July 1, 1998, if]~~If the [newborn]infant is transferred to another institution before screening is completed, the receiving institution must provide hearing screening services as required by this rule prior to discharge.

(5) ~~[Beginning July 1, 1999, if]~~If the [newborn]infant is born outside of an institution, the person in attendance at the birth must perform or arrange for the infant's hearing screening before 14 days of age as required by this rule.

(6) ~~[Beginning July 1, 1999, if]~~If there is no person in attendance at the birth, a parent must have the infant's hearing screened, according to Department protocols, [by the time]before the infant is [one month]14 days of age.

(7) Newborn hearing screening shall be performed by a person who is appropriately trained and supervised, according to ~~[rules]protocols~~ as ~~[may be]~~established by the Department with input from Newborn Hearing Screening Committee.

R398-2-5. Information to Parents and Primary Care Providers.

(1) Institutions or persons primarily responsible for births shall provide information about newborn hearing screening to parents and primary care providers of ~~[newborns]~~infants. This shall include:

(a) information, which shall be available to parents at the time of birth, about the purpose of newborn hearing screening, the procedures used for screening, the benefits of newborn hearing screening; ~~[-, and the consequences of hearing loss;]~~

(b) whether each live birth was screened prior to discharge from the institution~~[-];~~

(c) the results of the completed newborn hearing screening procedure;

(d) what follow-up screening procedures, if any, are recommended and where those procedures can be obtained~~[-];~~ and

~~_____~~ (e) cytomegalovirus testing when appropriate.

(2) For ~~[babies]~~infants who require additional procedures to complete the screening after being discharged from the birthing institution, the institution shall provide parents and the primary care providers with written notice about the availability and importance of the additional screening procedures. For ~~[babies]~~infants who do not complete additional hearing screening procedures, the institution shall send a second written notice to the parents and the primary care provider.

(3) For ~~[babies]~~infants who do not pass the complete newborn hearing screening procedure, the institution or the provider who completes the newborn hearing screening procedure shall provide the parents and the primary care provider with written notice about the results of the screening, recommended diagnostic procedures, where those procedures can be obtained, and resources available for infants and toddlers ~~[with hearing loss]~~who are deaf or hard of hearing.

(4) For ~~[babies]~~infants who need additional procedures to complete the screening due to a missed test, inconclusive results, or a failure to pass, and who do not return for the needed newborn hearing screening procedures ~~[within 15]~~before 14 days of age, or for ~~[babies]~~infants who are "lost to follow-up," the institution or the person in attendance at birth shall make reasonable efforts ~~[within 30 days]~~to locate the parents and inform them of the need for [a] testing. To be considered a reasonable effort, the institution must have documentation of at least two attempts to contact the infant's parents by mail or phone, and at least one attempt to contact the infant's primary care provider. If necessary, the institution must use information available from its own records, adoption agencies, and the ~~[newborn's]~~infant's primary care provider. Contact with the parent may be made by mail, email, telephone, text, primary care provider, or public health worker.

R398-2-6. Reporting to Utah Department of Health.

(1) All institutions or persons in attendance at births shall submit information to the Department about the newborn hearing screening procedures being used, the results of the screening, and other information necessary to ensure timely referral where necessary. This information shall be provided to the Department at least ~~[monthly]~~weekly. This information shall include:

(a) for each live birth, identifying information for the ~~[baby]~~infant (last name, date of birth, Newborn screening kit number, birth mother's first and last name and/or other information as determined by the Department) and the hearing screening status,

e.g., passed, referred, inconclusive, refused, missed, transferred, deceased;

(b) for ~~[babies]~~infants who did not pass the newborn hearing screening or who were not screened, ~~[the mother's name]~~this additional information is required: primary contact's first and last name, address, telephone number~~[-if known]~~, and primary care provider's first and last name, and/or other information as determined by the Department;

(c) any information the institution or practitioner has about the results of follow-up screening, ~~[or]~~diagnostic procedures, and cytomegalovirus lab results; including whether the infant has been "lost to follow-up."

(2) All institutions or persons in attendance at births shall submit information to the Department a summary of the procedures used by the institution or screening program to do newborn hearing screening, including the name of the program director, equipment, screening protocols, referral criteria, and parent education materials and other information as determined by the Department. This information shall be provided to the ~~[Utah]~~Department ~~[of Health]~~ bi-annually and within 30 days of any changes to the existing procedures.

(3) Persons who conduct any procedure necessary to complete an infant's hearing screening or audiological diagnostic assessment as a result of a referral from an institution, birth attendant, audiologist or primary care provider, shall report the results of these procedures to the institution where the infant was born and to the Department within 7 days.

(4) The ~~[Utah]~~Department ~~[of Health]~~shall have access to infant~~['s]~~ medical, diagnostic, and early intervention records to obtain information necessary to ensure the provision of timely and appropriate follow-up diagnostic and intervention services.

R398-2-7. Confidentiality of Reported Information.

(1) All information reported to the Department under this rule is confidential and not open to public inspection. The confidentiality of personal information obtained under this rule shall be maintained according to the provisions of Utah Code, Title 26, Chapter 3.

(2) Persons who report information covered by this rule, either voluntarily or as required by rule, may not be held liable for reporting the information to the Department, as provided in Title 26, Chapter 25.

R398-2-[7]8. Penalty for Violation of Rule.

Any person who violates any provision of this rule may be assessed a penalty as provided in Section 26-23-6.

KEY: newborn hearing screening

Date of Enactment or Last Substantive Amendment: ~~[March 15, 2010]~~**2018**

Notice of Continuation: June 19, 2018

Authorizing, and Implemented or Interpreted Law: 26-10-6

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-516** Nursing Facility Non-State Government-Owned Upper Payment Limit Quality Improvement Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43227

FILED: 09/28/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to clarify Quality Improvement (QI) participation requirements for the Nursing Facility Non-State Government-Owned Upper Payment Limit (NF NSGO UPL) program.

SUMMARY OF THE RULE OR CHANGE: This amendment clarifies QI participation requirements for providers that enter the NF NSGO UPL program during the first program calendar year. It also makes other technical changes.

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

ANTICIPATED COST OR SAVINGS TO:

◆ **THE STATE BUDGET:** There is no impact to the state budget because this change only clarifies QI participation requirements for the NF NSGO UPL program. It neither affects patient services nor provider reimbursement.

◆ **LOCAL GOVERNMENTS:** There is no impact on local governments because they neither fund nor administer the NF NSGO UPL program.

◆ **SMALL BUSINESSES:** There is no impact on small businesses because this change only clarifies QI participation requirements for the NF NSGO UPL program. It neither affects patient services nor provider reimbursement.

◆ **PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES:** There is no impact on Medicaid providers and Medicaid members because this change only clarifies QI participation requirements for the NF NSGO UPL program. It neither affects patient services nor provider reimbursement.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs to a single Medicaid provider or to a Medicaid member because this change only clarifies QI participation requirements for the NF NSGO UPL program. It neither affects patient services nor provider reimbursement.

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 change will not result in a fiscal impact to businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

◆ Craig Devashrayee by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov or mail to PO Box 143102, Salt Lake City, UT 84114-3102

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/14/2018

THIS RULE MAY BECOME EFFECTIVE ON: 11/21/2018

AUTHORIZED BY: Joseph Miner, MD, Executive Director

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
None of the 50 non-state government-owned nursing facilities will be impacted because this change only clarifies participation requirements for the Quality Improvement (QI) program. It neither affects patient services nor provider reimbursement.

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

R414-516. Nursing Facility Non-State Government-Owned Upper Payment Limit Quality Improvement Program.

R414-516-1. Introduction and Authority.

This rule defines the participation requirements for the Quality Improvement (QI) program within the Nursing Care Facility Non-State Government-Owned Upper Payment Limit (NF NSGO UPL) program. This rule ~~only applies~~ **applies only** to ~~NF~~ **nursing facility** providers who are part of a ~~C~~ contract with the Department to participate in the NF NSGO UPL program. This rule is authorized by Sections 26-1-5 and 26-18-3.

R414-516-3. Quality Improvement Program Requirements of Participation.

(1) A program is required to earn quality improvement (QI) points to participate in the NF NSGO UPL Program. A program shall earn and document:

- (a) In Calendar Year 2018, 10 or more QI points with a minimum of five QI points from S[ubs]ection R414-516-6;
- (b) In Calendar Year 2019, 12 or more QI points with a minimum of six QI points from S[ubs]ection R414-516-6;
- (c) In Calendar Year 2020 and beyond, 14 or more QI points with a minimum of seven from S[ubs]ection R414-516-6.

(2) QI points may be earned from any combination of the QI Program Categories as long as the minimum number of QI points are earned from S[ubs]ection R414-516-6.

(3) When calculating compliance under Section R414-516-6, a program shall not count residents who are in the facility less than 14 days.

(4) Each program shall submit to the Division a compliance form, using the current Division form, within 30 days of the end of the calendar year documenting that the program qualifies to earn points under the selected QI program categories. A compliance form must be

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

mailed or electronically mailed to the correct address found at www.health.utah.gov/medicaid/stplan/longtermcarefqi.htm.

(5) The Division does not require a provider that enters the NF NSGO UPL program for only part of a calendar year to comply with the QI provisions of Section R414-516-3 in the first program calendar year.

KEY: Medicaid

Date of Enactment or Last Substantive Amendment: ~~January 1,~~ **2018**

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

**Labor Commission, Industrial Accidents
R612-400-5
Premium Rates for the Uninsured
Employers' Fund and the Employers'
Reinsurance Fund**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 43215

FILED: 09/17/2018

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Workers' compensation insurance premiums in Utah include assessments to fund the Employer's Reinsurance Fund (ERF) and the Uninsured Employers' Fund (UEF). These assessment rates are reviewed annually, and amended as appropriate, in order to ensure the funds remain viable and are fully funded. These proposed changes establish these assessment rates for the 2019 calendar year.

SUMMARY OF THE RULE OR CHANGE: This rule update establishes the premium rates for 2019 at 0.25% for the UEF and 2.0% for the ERF. This is an overall decrease in the rates of 1.0%.

STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 59-9-101(2)

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: There will be a cost savings to the state budget as the overall premium rate will go down.
- ◆ LOCAL GOVERNMENTS: There will be a cost savings to local governments as the overall premium rate will go down.
- ◆ SMALL BUSINESSES: There will be a cost savings to small businesses as the overall premium rate will go down.
- ◆ PERSONS OTHER THAN SMALL BUSINESSES, BUSINESSES, OR LOCAL GOVERNMENTAL ENTITIES: It is not anticipated that there will be a cost or savings to persons other than small businesses, businesses, or local government entities, because the assessment is against

workers' compensation insurance premiums paid by employers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be an overall cost savings to affected persons, because the assessment rate will go down by 1%.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be an overall cost savings to affected persons, because the assessment rate will go down by 1%.

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

LABOR COMMISSION
INDUSTRIAL ACCIDENTS
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

- ◆ Christopher Hill by phone at 801-530-6113, by FAX at 801-530-6390, or by Internet E-mail at chill@utah.gov
- ◆ Ron Dressler by phone at 801-530-6841, by FAX at 801-530-6804, or by Internet E-mail at rdressler@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS NO LATER THAN AT 5:00 PM ON 11/15/2018

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2019

AUTHORIZED BY: Jaceson Maughan, Commissioner

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
 A portion of the premiums paid on workers' compensation insurance funds the Uninsured Employers' Fund, the Employers' Reinsurance Fund, the Industrial Accidents Restricted Account, and the Workplace Safety Account.

The total premium collected for these funds will be 3%, which is 1% lower than last year. This should result in

certain savings for the State of Utah, local governments, and businesses depending on how much of the cost savings insurance carriers will pass on to their policy holders.

**R612. Labor Commission, Industrial Accidents.
 R612-400. Workers' Compensation Insurance, Self-Insurance and Waivers.
 R612-400-5. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund.**

A. Pursuant to Section 59-9-101(2), Section 59-9-101.3 and 34A-2-202 the workers' compensation premium rates effective January 1, 201[8]2, as established by the Labor Commission, shall be:

1. 0.25% for the Uninsured Employers' Fund;
2. [3]2.0% for the Employers' Reinsurance Fund;

B. The premium rates are a percentage of the total workers' compensation insurance premium income as detailed in Section 59-9-101(2)(a).

KEY: workers' compensation, insurance, rates, waivers
Date of Enactment or Last Substantive Amendment: [~~December 27, 2017~~2019]
Notice of Continuation: February 8, 2018
Authorizing, and Implemented or Interpreted Law: 59-9-101(2)

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the agency is required to review the rule. This review is intended to help the agency determine, and to notify the public, that the administrative rule in force is still authorized by statute and necessary. Upon reviewing a rule, an agency may: repeal the rule by filing a **PROPOSED RULE**; continue the rule as it is by filing a **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (REVIEW)**; or amend the rule by filing a **PROPOSED RULE** and by filing a **REVIEW**. By filing a **REVIEW**, the agency indicates that the rule is still necessary.

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at <https://rules.utah.gov/> The rule text may also be inspected at the agency or the Office of Administrative Rules. **REVIEWS** are effective upon filing.

REVIEWS are governed by Section 63G-3-305.

Commerce, Occupational and Professional Licensing **R156-61** Psychologist Licensing Act Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 43216
FILED: 09/18/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 61, provides for the licensure and regulation of psychologists and certified psychology residents. Subsection 58-1-106(1)(a) provides that the Division of Occupational and Professional Licensing (Division) may adopt and enforce rules to administer Title 58. Subsection 58-61-201(3) provides that the Psychologist Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the Division Director. This rule was enacted to clarify the provisions of Title 58, Chapter 61, with respect to psychologists and certified psychology residents.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in January 2014, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 61, with respect to psychologists and certified psychology residents. This rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements, and provides licensees with information concerning unprofessional conduct, definitions, and ethical standards relating to the profession.

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL
LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY, UT 84111-2316
or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

♦ Jennifer Zaelit by phone at 801-530-7632, or by Internet E-mail at jzaelit@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 09/18/2018

Corrections, Administration
R251-105
 Applicant Qualifications for
 Employment with Department of
 Corrections

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 43217
 FILED: 09/19/2018

**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 63G-3-201, 64-13-10, and 64-13-25. The purpose of this rule is to provide policies and procedures for the screening, testing, interviewing, and selecting of applicants for Department of Corrections employment.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no comments received. However, an amendment has been filed to make some identified corrections. (EDITOR'S NOTE: A proposed amendment to Rule R251-105 is under Filing No. 43218 in this issue, October 15, 2018, of the Bulletin.)

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 simply needed to continue to guide hiring practices.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 CORRECTIONS
 ADMINISTRATION
 14717 S MINUTEMAN DR
 DRAPER, UT 84020-9549
 or at the Office of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 ♦ Steve Gehrke by phone at 801-545-5617, or by Internet E-mail at sgehrke@utah.gov

AUTHORIZED BY: Michael Haddon, Executive Director

EFFECTIVE: 09/19/2018

Insurance, Administration
R590-160
 Adjudicative Proceedings

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
 OF CONTINUATION**
 DAR FILE NO.: 43221
 FILED: 09/21/2018

**NOTICE OF REVIEW AND STATEMENT OF
 CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3)(a) authorizes the Insurance Commissioner to write rules to implement the provisions of the Insurance Code, Title 31A. Subsection 63G-4-102(6) authorizes the Department of Insurance (Department) to enact rules affecting or governing adjudicative proceedings. Subsection 63G-4-203(1) authorizes the Department to designate one or more categories of adjudicative proceedings as informal and to proscribe procedures for these informal hearings. Section R590-160-4 designates the categories for informal hearings, and Sections R590-160-7 and R590-160-8 set the rules for proceedings and their review.

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 has received no written comments regarding this rule during the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is important for the activities of the Department and its regulation of the industry. It sets fair and equitable standards governing administrative procedures. This helps all involved in the process to know what is expected of them and what to expect of the process. 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: 09/21/2018

Insurance, Administration
R590-161
Disability Income Policy Disclosure

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 43219

FILED: 09/21/2018

**NOTICE OF REVIEW AND STATEMENT OF
CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3) authorizes the Insurance Commissioner to write rules to implement the Insurance Code, Title 31A. This rule requires insurers of disability policies to clearly explain in their policies, group certificates, or outline of coverage forms, if the policy limits will be reduced as a result of other coverage.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Insurance Department has received no written comments regarding this rule during the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides protection for consumers by requiring disclosure of what other types of income are considered for reducing a benefit under a disability income policy. Without this rule, consumers may not realize that their policy benefits will be reduced if they are receiving benefits from other policies, social security, or workers' compensation. 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: 09/21/2018

Insurance, Administration
R590-162
**Actuarial Opinion and Memorandum
Rule**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT
OF CONTINUATION**

DAR FILE NO.: 43220

FILED: 09/21/2018

**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 sets standards and the wording to be used in an actuarial opinion and memorandum as required in Section 31A-17-503. The opinion and memorandum are to be filed by all life and fraternal insurance companies along with their annual statements.

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 Insurance Department received two written comments from members of the industry during the past five years. Both were submitted in response to amendments the Department made to this rule in 2015 and both were supportive of the changes.

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 must be continued because it is an important requirement for financial regulators to gain a comfort level for insurance company reserves and for asset adequacy and liability matching. This rule is also required by the National Association of Insurance Commissioners for Utah to keep its national accreditation.

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: 09/21/2018

Insurance, Administration
R590-245
Self-Service Storage Insurance

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE NO.: 43222
 FILED: 09/21/2018

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3) authorizes the Insurance Commissioner to write rules to implement the provisions of the Insurance Code, Title 31A. Subsection 31A-23a-106(2)(c)(vii) classifies self-service storage insurance as a limited line license. Subsections 31A-23a-104(2) and 31A-23a-110(1) authorize the Insurance Commissioner to prescribe the form in which licenses covered under Chapter 23a are to be issued or renewed. Subsection 31A-23a-110(10) authorizes the Insurance Commissioner to prescribe, by rule, license renewal and reinstatement procedures.

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 Insurance Department has received no written comments regarding this rule during the past five years.

REASONED JUSTIFICATION FOR THE CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the guidelines and standards for licensing in order to sell self-service storage insurance coverage in Utah. This coverage benefits those without personal property or tenant liability coverage through some other insurance policy, such as a homeowners insurance policy. 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: 09/21/2018

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

Administrative Services

Finance

No. 43095 (AMD): R25-7. Travel-Related Reimbursements for State Employees

Published: 08/15/2018

Effective: 09/21/2018

Career Service Review Office

Administration

No. 42844 (AMD): R137-1. Grievance Procedure Rules

Published: 05/15/2018

Effective: 09/28/2018

No. 42844 (CPR): R137-1. Grievance Procedure Rules

Published: 06/15/2018

Effective: 09/28/2018

Health

Family Health and Preparedness, Children with Special Health Care Needs

No. 43105 (AMD): R398-10. Autism Spectrum Disorders and Intellectual Disability Reporting

Published: 08/15/2018

Effective: 09/24/2018

Transportation

Preconstruction

No. 43096 (AMD): R930-8. Utility Relocations Required by Highway Projects

Published: 08/15/2018

Effective: 09/28/2018

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 October 01, 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>					
R13-1	Public Petitions for Declaratory Orders	43059	5YR	07/05/2018	2018-15/99
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
R23-23	Health Reform -- Health Insurance Coverage in State Contracts -- Implementation	42846	AMD	06/26/2018	2018-10/6
R23-30	State Facility Energy Efficiency Fund	43069	5YR	07/11/2018	2018-15/99
<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
R25-7	Travel-Related Reimbursements for State Employees	42854	AMD	06/21/2018	2018-10/9
R25-7	Travel-Related Reimbursements for State Employees	43095	AMD	09/21/2018	2018-16/6
R25-7-6	Reimbursement for Meals	43008	NSC	07/03/2018	Not Printed
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
<u>Purchasing and General Services</u>					
R33-7	Request for Proposals	42932	AMD	07/26/2018	2018-12/6
<u>Risk Management</u>					
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	42934	EMR	07/01/2018	2018-12/39
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

Conservation Commission

R64-2 Conservation Commission Electronic Meetings 42944 5YR 06/01/2018 2018-12/43

Plant Industry

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,
 Tomicus piniperda 42930 5YR 05/23/2018 2018-12/44
 R68-20 Utah Organic Standards 42872 AMD 07/09/2018 2018-11/6

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R70-940 Standards and Testing of Motor Fuel 42422 R&R 02/22/2018 2018-2/6

ALCOHOLIC BEVERAGE CONTROL

Administration

R81-4C Limited Restaurant Licenses 43057 5YR 07/03/2018 2018-15/100
 R81-4D On-Premise Banquet License 43058 5YR 07/03/2018 2018-15/101
 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
 R105-2 Records Access and Management 43075 AMD 09/07/2018 2018-15/52

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Administration

R137-1 Grievance Procedure Rules 42844 AMD 09/28/2018 2018-10/15
 R137-1 Grievance Procedure Rules 42844 CPR 09/28/2018 2018-12/36
 R137-2 Government Records Access and Management
 Act 42779 5YR 04/09/2018 2018-9/69

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 Beware List 42827 NSC 04/26/2018 Not Printed
 R152-1a Internet Content Provider Ratings Methods 42828 NSC 04/26/2018 Not Printed
 R152-1a-1 Authority and Purpose 43196 NSC 09/27/2018 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
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 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

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R154-100 Utah Administrative Procedures Act Rules 43184 5YR 09/11/2018 2018-19/97

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R156-9	Funeral Service Licensing Act Rule	43092	AMD	09/10/2018	2018-15/53
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
R156-38a	Residence Lien Restriction and Lien Recovery Fund Rule	43015	AMD	08/21/2018	2018-14/6
R156-42a	Occupational Therapy Practice Act Rule	43017	AMD	08/23/2018	2018-14/9
R156-44a	Nurse Midwife Practice Act Rule	43171	5YR	08/28/2018	2018-18/33
R156-46b-401	In General	42428	NSC	01/18/2018	Not Printed
R156-55b-102	Definitions	42429	NSC	01/18/2018	Not Printed
R156-61	Psychologist Licensing Act Rule	43216	5YR	09/18/2018	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
R156-70a	Physician Assistant Practice Act Rule	42807	AMD	06/21/2018	2018-10/24
R156-71	Naturopathic Physician Practice Act Rule	42785	AMD	06/07/2018	2018-9/8
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R162-2f	Real Estate Licensing and Practices Rules	43012	AMD	08/21/2018	2018-14/12
R162-2g	Real Estate Appraiser Licensing and Certification Administrative Rules	43011	AMD	09/04/2018	2018-14/16

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R251-105	Applicant Qualifications for Employment with Department of Corrections	43217	5YR	09/19/2018	Not Printed
R251-114	Offender Long-Term Health Care - Notice	42637	5YR	03/07/2018	2018-7/161

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R277-104	ADA Complaint Procedure	42909	5YR	05/11/2018	2018-11/56
R277-104	ADA Complaint Procedure	42914	AMD	07/09/2018	2018-11/9
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
R277-107	Educational Services Outside of Educator's Regular Employment	42915	AMD	07/09/2018	2018-11/12
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
R277-113	LEA Fiscal and Auditing Policies	42857	NEW	06/22/2018	2018-10/28

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
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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
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R277-403	Student Reading Proficiency and Notice to Parents	42881	NSC	05/17/2018	Not Printed
R277-403	Student Reading Proficiency and Notice to Parents	42963	REP	08/07/2018	2018-13/3
R277-404	Requirements for Assessments of Student Achievement	42479	AMD	03/14/2018	2018-3/5
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R277-406	K-3 Reading Improvement Program and the State Reading Goal	42956	5YR	06/07/2018	2018-13/139
R277-406	K-3 Reading Improvement Program and the State Reading Goal	42997	AMD	08/07/2018	2018-13/5
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R277-411	School District Sponsored School Seminars on Youth Protection-Related Issues	42962	REP	08/07/2018	2018-13/8
R277-412	State Capitol Visit Program	42886	NSC	05/17/2018	Not Printed
R277-412	State Capitol Visit Program	43194	5YR	09/13/2018	2018-19/98
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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
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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

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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
R277-461	Elementary School Counselor Grant Program	42923	NEW	07/09/2018	2018-11/25
R277-462	Comprehensive Counseling and Guidance Program	42903	NSC	05/17/2018	Not Printed
R277-463	Class Size Average and Pupil-Teacher Ratio Reporting	42996	AMD	08/07/2018	2018-13/10
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
R277-469	Instructional Materials Commission Operating Procedures	43018	NSC	07/06/2018	Not Printed
R277-470	Charter Schools - General Provisions	43082	5YR	07/13/2018	2018-15/101
R277-470	Charter Schools - General Provisions	42991	AMD	08/07/2018	2018-13/13
R277-471	School Construction Oversight, Inspections, Training and Reporting	43019	NSC	07/06/2018	Not Printed
R277-472	Charter School Student Enrollment and Transfers and School District Capacity Information	43020	NSC	07/06/2018	Not Printed
R277-474	School Instruction and Human Sexuality	43021	NSC	07/06/2018	Not Printed
R277-475	Patriotic, Civic and Character Education	43022	NSC	07/06/2018	Not Printed
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
R277-479	Funding for Charter School Students With Disabilities on an IEP	43023	NSC	07/06/2018	Not Printed
R277-480	Charter School Revolving Account	43025	NSC	07/06/2018	Not Printed
R277-481	Charter School Oversight, Monitoring and Appeals	43083	5YR	07/13/2018	2018-15/102
R277-481	Charter School Oversight, Monitoring and Appeals	42992	AMD	08/07/2018	2018-13/16
R277-482	Charter School Timelines and Approval Processes	42610	AMD	04/09/2018	2018-5/22
R277-485	Loss of Enrollment	43026	NSC	07/06/2018	Not Printed
R277-486	Professional Staff Cost Program	43027	NSC	07/06/2018	Not Printed
R277-488	Critical Languages and Dual Language Immersion Program	43028	NSC	07/06/2018	Not Printed
R277-489	Kindergarten Entry and Exit Assessment - Early Intervention Program	43029	NSC	07/06/2018	Not Printed
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
R277-490	Beverly Taylor Sorenson Elementary Arts Learning Program (BTSALP)	43030	NSC	07/06/2018	Not Printed
R277-491-4	School Community Council Principal Responsibilities	42323	AMD	01/09/2018	2017-23/9
R277-492	Utah Science Technology and Research Initiative (USTAR) Centers Program	43084	5YR	07/13/2018	2018-15/102
R277-492	Utah Science Technology and Research Initiative (USTAR) Centers Program	42998	AMD	08/07/2018	2018-13/20
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R277-494	Charter, Online, Home, and Private School Student Participation in Extracurricular or Co-curricular School Activities	43031	NSC	07/06/2018	Not Printed
R277-495	Required Policies for Electronic Devices in Public Schools	43032	NSC	07/06/2018	Not Printed
R277-496	K-3 Reading Software Licenses	43033	NSC	07/06/2018	Not Printed
R277-497	School Grading System	42999	AMD	08/07/2018	2018-13/24
R277-498	Grant for Math Teaching Training	43034	NSC	07/06/2018	Not Printed
R277-499	Seal of Biliteracy	43035	NSC	07/06/2018	Not Printed
R277-502	Educator Licensing and Data Retention	42697	AMD	05/08/2018	2018-7/19
R277-505	Education Leadership License Areas of Concentration and Programs	43050	NSC	07/06/2018	Not Printed
R277-506	School Psychologists, School Social Workers, School Counselors, Communication Disorders (Audiologists), Speech-Language Pathologists, and Speech-Language Technicians Licenses and Programs	43051	NSC	07/06/2018	Not Printed
R277-507	Driver Education Endorsement	43049	NSC	07/06/2018	Not Printed
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
R277-509	Licensure of Student Teachers and Interns	43052	NSC	07/06/2018	Not Printed
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
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R277-523	Teacher Salary Supplement Program	42804	NEW	06/07/2018	2018-9/21
R277-525	Special Educator Stipends	42957	5YR	06/07/2018	2018-13/139
R277-525	Special Educator Stipends	42993	AMD	08/07/2018	2018-13/28
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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
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R657-62	Drawing Application Procedures	42973	AMD	08/09/2018	2018-13/101
R657-64	Predator Control Incentives	42974	AMD	08/09/2018	2018-13/107
R657-65	Urban Deer Control	43097	5YR	07/19/2018	2018-16/38
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R907-67	Debarment of Contractors from Work on Department Projects -- Reasons	43169	5YR	08/27/2018	2018-18/37
R907-80	Disposition of Surplus Land	42688	AMD	05/09/2018	2018-7/142

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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	
R994-405	Ineligibility for Benefits	42861	AMD	06/21/2018	2018-10/144	
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ABBREVIATIONS

AMD = Amendment (Proposed Rule)	LNR = Legislative Nonreauthorization
CPR = Change in Proposed Rule	NEW = New Rule (Proposed Rule)
EMR = 120-Day (Emergency) Rule	NSC = Nonsubstantive Rule Change
EXD = Expired Rule	R&R = Repeal and Reenact (Proposed Rule)
EXP = Expedited Rule	REP = Repeal (Proposed Rule)
EXT = Five-Year Review Extension	5YR = Five-Year Notice of Review and Statement of Continuation
GEX = Governor's Extension	

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<u>abusive conduct</u> Education, Administration Human Resource Management, Administration	42921 42821	R277-613 R477-16	R&R AMD	07/09/2018 07/01/2018	2018-11/27 2018-10/94
<u>accountability</u> Education, Administration	42755	R277-109	NSC	04/12/2018	Not Printed
<u>accreditation</u> Education, Administration	42885 43050	R277-410 R277-505	NSC NSC	05/17/2018 07/06/2018	Not Printed Not Printed
<u>acquit</u> Pardons (Board Of), Administration	42586	R671-519	5YR	02/13/2018	2018-5/155
<u>activities</u> Education, Administration	43031	R277-494	NSC	07/06/2018	Not Printed
<u>acupuncture</u> Commerce, Occupational and Professional Licensing	42338	R156-72	AMD	01/23/2018	2017-24/11
<u>ADAP</u> Health, Disease Control and Prevention; HIV/AIDS, Tuberculosis Control/Refugee Health	42328	R388-805	AMD	02/01/2018	2017-23/28
<u>adhesives</u> Environmental Quality, Air Quality	42653	R307-342	5YR	03/08/2018	2018-7/170
<u>adjudicative procedures</u> Administrative Services, Inspector General of Medicaid Services (Office of)	42695	R30-2	NEW	06/01/2018	2018-7/14
<u>adjudicative proceedings</u> Environmental Quality, Water Quality Public Safety, Driver License School and Institutional Trust Lands, Administration	42509 42865 43102	R317-9 R708-14-9 R850-8	5YR LNR NSC	01/24/2018 05/01/2018 08/01/2018	2018-4/95 2018-10/161 Not Printed
<u>administrative law judges</u> Human Resource Management, Administration	42822	R477-101	AMD	07/01/2018	2018-10/96
<u>administrative necessary proceedings</u> Labor Commission, Industrial Accidents	42562	R612-200	5YR	02/08/2018	2018-5/149
<u>administrative procedure</u> Commerce, Corporations and Commercial Code	43184	R154-100	5YR	09/11/2018	2018-19/97
<u>administrative procedures</u> Administrative Services, Administration Commerce, Consumer Protection Commerce, Occupational and Professional Licensing Education, Administration Human Resource Management, Administration Labor Commission, Adjudication Labor Commission, Industrial Accidents Lieutenant Governor, Administration Natural Resources, Forestry, Fire and State Lands School and Institutional Trust Lands, Administration	43059 42830 42428 42751 42820 42821 43127 43126 43125 42561 42786 43157 42977 43103 43102	R13-1 R152-6 R156-46b-401 R277-102 R477-12 R477-16 R602-4 R602-5 R602-6 R612-100 R612-100-4 R622-1 R652-7 R850-5-300 R850-8	5YR NSC NSC NSC AMD AMD 5YR 5YR 5YR 5YR AMD 5YR 5YR NSC NSC	07/05/2018 04/26/2018 01/18/2018 04/12/2018 07/01/2018 07/01/2018 08/01/2018 08/01/2018 08/01/2018 02/08/2018 06/07/2018 08/20/2018 06/11/2018 08/01/2018 08/01/2018	2018-15/99 Not Printed Not Printed Not Printed 2018-10/92 2018-10/94 2018-16/34 2018-16/35 2018-16/35 2018-5/148 2018-9/66 2018-18/35 2018-13/152 Not Printed Not Printed

	42678	R850-40	AMD	05/08/2018	2018-7/137
	42677	R850-50	AMD	05/08/2018	2018-7/139
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	42394	R277-705	AMD	02/28/2018	2018-1/5
	43155	R277-705	NSC	08/31/2018	Not Printed
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	42370	R307-355-3	AMD	03/08/2018	2018-1/10
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	42652	R307-312	5YR	03/08/2018	2018-7/169
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	42546	R307-102	EXT	01/31/2018	2018-4/111
	42639	R307-102	5YR	03/08/2018	2018-7/161
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	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
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	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
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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	
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42938	R307-343-4	NSC	06/12/2018	Not Printed	
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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	
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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	
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Environmental Quality, Air Quality	42675	R307-403	AMD	08/02/2018	2018-7/50
	42675	R307-403	CPR	08/02/2018	2018-13/126
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Administrative Services, Finance	42572	R25-7	5YR	02/08/2018	2018-5/142
	42854	R25-7	AMD	06/21/2018	2018-10/9
	43095	R25-7	AMD	09/21/2018	2018-16/6
	43008	R25-7-6	NSC	07/03/2018	Not Printed
<u>airports of regional significance</u>					
Transportation Commission, Administration	43175	R940-4	5YR	08/30/2018	2018-18/39

<u>Alaskan Natives</u>						
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Alcoholic Beverage Control, Administration	43057	R81-4C	5YR	07/03/2018	2018-15/100	
	43058	R81-4D	5YR	07/03/2018	2018-15/101	
	42931	R81-10	5YR	05/23/2018	2018-12/44	
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Administrative Services, Finance	42573	R25-8	5YR	02/08/2018	2018-5/142	
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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	2018-13/140	
Environmental Quality, Air Quality	42642	R307-123	5YR	03/08/2018	2018-7/163	
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Health, Center for Health Data, Vital Records and Statistics	42707	R436-3	5YR	03/20/2018	2018-8/150	
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Natural Resources, Wildlife Resources	42792	R657-53	5YR	04/12/2018	2018-9/74	
	42968	R657-53	AMD	08/09/2018	2018-13/86	
<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	
	42965	R657-3	AMD	08/09/2018	2018-13/69	
<u>animals</u>						
Health, Disease Control and Prevention, Laboratory Services	43078	R438-13	EXT	07/12/2018	2018-15/109	
<u>APCD</u>						
Health, Center for Health Data, Health Care Statistics	42728	R428-1	AMD	05/25/2018	2018-8/104	
<u>appeals</u>						
Education, Administration	43083	R277-481	5YR	07/13/2018	2018-15/102	
	42992	R277-481	AMD	08/07/2018	2018-13/16	
<u>appellate procedures</u>						
Administrative Services, Administration	43059	R13-1	5YR	07/05/2018	2018-15/99	
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	
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Commerce, Consumer Protection	42840	R152-34a	NSC	04/26/2018	Not Printed	
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	42488	R414-308-3	EMR	01/19/2018	2018-4/87	
	42628	R414-308-3	AMD	05/08/2018	2018-6/17	
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	42108	R307-401	CPR	03/05/2018	2018-3/49	
	42574	R307-401	NSC	03/05/2018	Not Printed	
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<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	
	43030	R277-490	NSC	07/06/2018	Not Printed	
<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>						
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	42850	R746-8	AMD	06/21/2018	2018-10/118	
	42425	R746-343	REP	02/21/2018	2018-2/28	
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	42857	R277-113	NEW	06/22/2018	2018-10/28	
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<u>automobiles</u> Commerce, Consumer Protection	42833	R152-20	NSC	04/26/2018	Not Printed
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	42912	R722-350	NSC	05/17/2018	Not Printed	
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	42862	R501-12	AMD	07/01/2018	2018-10/101	
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	42991	R277-470	AMD	08/07/2018	2018-13/13	
	43020	R277-472	NSC	07/06/2018	Not Printed	
	43023	R277-479	NSC	07/06/2018	Not Printed	
	43025	R277-480	NSC	07/06/2018	Not Printed	
	43083	R277-481	5YR	07/13/2018	2018-15/102	
	42992	R277-481	AMD	08/07/2018	2018-13/16	
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	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	
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	42726	R381-70	AMD	08/10/2018	2018-8/19	
	42725	R381-100	AMD	08/10/2018	2018-8/33	
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	42877	R430-50	5YR	05/09/2018	2018-11/58
	42734	R430-50	AMD	08/10/2018	2018-8/112
	42876	R430-90	5YR	05/09/2018	2018-11/59
	42733	R430-90	AMD	08/10/2018	2018-8/125

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	42317	R501-7	CPR	05/02/2018	2018-6/34

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	42720	R527-920	5YR	03/23/2018	2018-8/156

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	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
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	42791	R382-10	5YR	04/11/2018	2018-9/70

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	42487	R414-302-6	EMR	01/19/2018	2018-4/85
	42627	R414-302-6	AMD	05/08/2018	2018-6/15

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Education, Administration	43022	R277-475	NSC	07/06/2018	Not Printed
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	42283	R384-210	CPR	06/07/2018	2018-4/70

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	42499	R645-401	5YR	01/24/2018	2018-4/104
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	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
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	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
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	42663	R307-352	5YR	03/08/2018	2018-7/175
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	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
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	42839	R152-34	NSC	04/26/2018	Not Printed
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	42841	R152-39	NSC	04/26/2018	Not Printed
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<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>						
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<u>market trading program</u>					
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	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
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<u>math teaching training</u>					
Education, Administration	43034	R277-498	NSC	07/06/2018	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
	43122	R414-9	5YR	07/27/2018	2018-16/33
	42427	R414-27	5YR	01/02/2018	2018-2/54
	42871	R414-42	AMD	07/01/2018	2018-10/45
	43053	R414-42	5YR	07/02/2018	2018-14/52
	42782	R414-52	5YR	04/10/2018	2018-9/71
	42783	R414-53	5YR	04/10/2018	2018-9/71
	43036	R414-55	REP	09/04/2018	2018-14/43
	42626	R414-60	AMD	05/01/2018	2018-6/13
	42787	R414-60A	AMD	06/27/2018	2018-9/61
	42788	R414-60B	AMD	06/27/2018	2018-9/63
	42936	R414-61-2	AMD	07/27/2018	2018-12/14
	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
	42851	R414-401-3	AMD	07/01/2018	2018-10/47
	42935	R414-508	5YR	05/25/2018	2018-12/46
	42490	R414-509	REP	04/11/2018	2018-4/41
	42941	R414-510	R&R	07/27/2018	2018-12/16
	43204	R414-511	5YR	09/14/2018	2018-19/100
	42353	R414-517	AMD	01/29/2018	2017-24/16
	42635	R414-519	NEW	05/25/2018	2018-7/112
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	42694	R30-1	NEW	06/01/2018	2018-7/10
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	42694	R30-1	NEW	06/01/2018	2018-7/10
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	42656	R307-346	5YR	03/08/2018	2018-7/171
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	42110	R307-505	NEW	01/26/2018	2017-19/71	
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	42113	R307-508	NEW	03/05/2018	2017-19/77	
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	42114	R307-509	NEW	03/05/2018	2017-19/79	
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	42115	R307-510	NEW	03/05/2018	2017-19/81	
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	42850	R746-8	AMD	06/21/2018	2018-10/118
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	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
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Health, Disease Control and Prevention, Environmental Services	42491	R392-700	5YR	01/19/2018	2018-4/97
<u>Targeted Adult Medicaid</u>					
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	42629	R414-311	NEW	05/08/2018	2018-6/20
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Public Service Commission, Administration	42591	R746-405	5YR	02/14/2018	2018-5/159
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	42325	R277-519	AMD	01/09/2018	2017-23/16
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Education, Administration	42772	R277-211	NSC	04/13/2018	Not Printed
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Education, Administration	43052	R277-509	NSC	07/06/2018	Not Printed
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	42762	R277-508	5YR	04/02/2018	2018-8/145
	42698	R277-508	AMD	05/08/2018	2018-7/24
	43066	R277-608	NSC	07/26/2018	Not Printed

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	42998	R277-492	AMD	08/07/2018	2018-13/20	
	42958	R277-617	5YR	06/07/2018	2018-13/140	
	42994	R277-617	AMD	08/07/2018	2018-13/30	
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	42359	R856-3	R&R	01/23/2018	2017-24/36	
	42358	R856-4	R&R	01/23/2018	2017-24/41	
	42356	R856-5	R&R	01/23/2018	2017-24/48	
	42355	R856-6	R&R	01/23/2018	2017-24/54	
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	42770	R746-340	5YR	04/05/2018	2018-9/77	
	42423	R746-341	REP	02/21/2018	2018-2/24	
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	43056	R746-344	5YR	07/03/2018	2018-15/105	
	43087	R746-345	5YR	07/16/2018	2018-15/106	
	42589	R746-347	5YR	02/14/2018	2018-5/158	
	42426	R746-360	REP	02/21/2018	2018-2/31	
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	42529	R895-12	EMR	01/30/2018	2018-4/92	
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	42487	R414-302-6	EMR	01/19/2018	2018-4/85	
	42627	R414-302-6	AMD	05/08/2018	2018-6/15	
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Transportation, Motor Carrier	42336	R909-19	AMD	01/24/2018	2017-24/60	
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	42794	R657-42	5YR	04/12/2018	2018-9/73	
	42967	R657-50	AMD	08/09/2018	2018-13/82	
	42913	R657-51	NEW	07/09/2018	2018-11/44	
	42792	R657-53	5YR	04/12/2018	2018-9/74	
	42968	R657-53	AMD	08/09/2018	2018-13/86	
	42969	R657-54	AMD	08/09/2018	2018-13/89	
	42970	R657-55	AMD	08/09/2018	2018-13/92	
	42971	R657-56	AMD	08/09/2018	2018-13/97	
	43100	R657-57	5YR	07/19/2018	2018-16/36	
	42972	R657-57	AMD	08/09/2018	2018-13/99	
	42449	R657-58	5YR	01/09/2018	2018-3/91	
	43101	R657-59	5YR	07/19/2018	2018-16/37	
	43098	R657-60	5YR	07/19/2018	2018-16/37	
	42374	R657-62	AMD	02/07/2018	2018-1/41	
	42493	R657-62	AMD	03/26/2018	2018-4/57	
	42973	R657-62	AMD	08/09/2018	2018-13/101	
	42974	R657-64	AMD	08/09/2018	2018-13/107	
	43097	R657-65	5YR	07/19/2018	2018-16/38	
	42372	R657-67	AMD	02/07/2018	2018-1/44	
	42975	R657-69	AMD	08/09/2018	2018-13/112	
	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	
	42972	R657-57	AMD	08/09/2018	2018-13/99	
	42449	R657-58	5YR	01/09/2018	2018-3/91	
	43098	R657-60	5YR	07/19/2018	2018-16/37	
<u>wildlife permits</u>						
Natural Resources, Wildlife Resources	42379	R657-41	AMD	02/07/2018	2018-1/38	
	42970	R657-55	AMD	08/09/2018	2018-13/92	
<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>work-based learning</u>						
Education, Administration	43110	R277-915	NSC	08/01/2018	Not Printed	
<u>workers' compensation</u>						
Labor Commission, Adjudication	43127	R602-4	5YR	08/01/2018	2018-16/34	
	43126	R602-5	5YR	08/01/2018	2018-16/35	
	43125	R602-6	5YR	08/01/2018	2018-16/35	
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>world languages</u>						
Education, Administration	43035	R277-499	NSC	07/06/2018	Not Printed	
<u>youth protection</u>						
Education, Administration	42962	R277-411	REP	08/07/2018	2018-13/8	
<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	
	42965	R657-3	AMD	08/09/2018	2018-13/69	