

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Managing Editor

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Inquiries concerning the substance or applicability of an administrative rule that appears in the *Bulletin* should be addressed to the contact person for the rule. Questions about the *Bulletin* or the rulemaking process may be addressed to: Office of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone 801-957-7110. 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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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 17, 2024, 12:00 a.m., and October 01, 2024, 11:59 p.m. are included in this, the October 15, 2024, 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 Rules being repealed are completely struck out.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, 2024. 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, 2025, 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

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Amendment**Rule or Section Number:****R156-77****Filing ID: 56813****Agency Information**

1. Title catchline:	Commerce, Professional License	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Jeff Busjahn	801-530-6789	Jbusjahn@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R156-77. Direct-Entry Midwife Act Rule
3. Purpose of the new rule or reason for the change:
The amendment makes nonsubstantive formatting changes to bring this rule into conformity with current policies regarding rulemaking including numbering, referencing, and style policies.
4. Summary of the new rule or change:
Sections R156-77-101 (Title), R156-77-103 (Authority and Purpose), and R156-77-104 (Relationship to Rule R156-1) are being merged into a single section so that the rule conforms to current rule drafting guidelines.
Additionally, the number in Subsection R156-77-601(6)(a) contains two instances of (xiv), and this error is being fixed.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no estimated impact on the state budget. The proposed amendment is purely clerical in nature and makes only minor, nonsubstantive, changes to bring the rule into conformity with current policies regarding rulemaking including numbering, referencing, and style.
B) Local governments:
There is no estimated impact on any local government budgets. The proposed amendment is purely clerical in nature and makes only minor, nonsubstantive, changes to bring this rule into conformity with current policies regarding rulemaking including numbering, referencing, and style.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no estimated fiscal impact on small businesses. The proposed amendment is purely clerical in nature and makes only minor, nonsubstantive, changes to bring this rule into conformity with current policies regarding rulemaking including numbering, referencing, and style.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There is no estimated fiscal impact on non-small businesses. The proposed amendment is purely clerical in nature and makes only minor, nonsubstantive changes to bring this rule into conformity with current policies regarding rulemaking including numbering, referencing, and style.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no estimated fiscal impact on any person or group. The proposed amendment is purely clerical in nature and makes only minor, nonsubstantive, changes to bring this rule into conformity with current policies regarding rulemaking including numbering, referencing, and style.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no estimated costs for compliance. The proposed amendment is purely clerical in nature and makes only minor, non-substantive, changes to bring this rule into conformity with current policies regarding rulemaking including numbering, referencing, and style.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Subsection 58-1-203(1)
Subsection 58-1-203(1)(b)	Subsection 58-1-203(1)(e)	Subsection 58-1-301(3)
Subsection 58-77-601(2)	Subsection 58-77-102(7)	Subsection 58-77-102(7)(f)
Subsection 58-1-308(1)	Section 58-77-302	Subsection 58-77-302(5)
Subsection 58-77-601(1)(b)	Subsection 58-77-601(3)(b)	

Incorporations by Reference Information

7. Incorporations by Reference:	
A) This rule adds or updates the following title of materials incorporated by references:	
Official Title of Materials Incorporated (from title page)	MANA Core Competencies for Basic Midwifery Practice
Publisher	Midwives Alliance of North America (MANA)
Issue Date	2014

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until:	11/14/2024	
B) A public hearing (optional) will be held:		
Date:	Time:	Place (physical address or URL):
10/24/2024	1:00 PM	160 E 300 S – 4th floor – Salt Lake City UT and also via Google Meet Google Meet joining info Video call link: https://meet.google.com/qsj-yiyz-zrr Or dial: (US) +1 475-222-5112 PIN: 355 263 065# More phone numbers: https://tel.meet/qsj-yiyz-zrr?pin=3382240787717

9. This rule change MAY become effective on:	11/21/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	09/26/2024
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R156. Commerce, ~~Occupational and~~ Professional Licensing.

R156-77. Direct-Entry Midwife Act Rule.

R156-77-101. Title -- Authority -- Relationship to Rule R156-1.

(1) This rule is known as the "Direct-Entry Midwife Act Rule."

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 77, Direct-Entry Midwife Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-101.

R156-77-102. Definitions.

Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 77, the Direct-Entry Midwife Act. In addition [to the definitions in Title 58, Chapters 1 and 77, as used in Title 58, Chapter 77 or this rule]:

(1) "Accredited school" [as used in this rule,] includes any midwifery school that has been granted pre-accredited status by MEAC.

(2) "Apgar score" [as used in Section R156-77-601,] means an index used to evaluate the condition of a newborn based on a rating of 0, 1, or 2 for each of the five characteristics of color, heart rate, response to stimulation of the sole of the foot, muscle tone, and respiration with 10 being a perfect score.

(3) "Appropriate provider" [as used in Sections R156-77-601 and 602,] means a licensed provider who is an appropriate contact person based on the provider's level of education and scope of practice.

(4) "Approved continuing education" [as used in Subsection R156-77-303(3)(e),] means:

(a) continuing education that has been approved by a nationally recognized professional organization that approves health related continuing education;

(b) a course offered by a post-secondary education institution that is accredited by an accrediting board recognized by the U.S. Department of Education, an MEAC approved midwifery program or accredited midwifery school, or an MEAC approved program or course;

(c) continuing education that is sponsored or presented by MANA or any subgroup thereof, a government agency, a recognized direct-entry midwifery or health care association.

(5) "Collaborate"~~[, as used in Section R156-77-601,]~~ means the process by which an LDEM and another licensed health care provider jointly manage a specific condition of a client according to a mutually agreed-upon plan of care. The LDEM continues midwifery management of the client and may follow through with the medical management as agreed upon with the provider.

(6) "Consultation"~~[, as used in Section R156-77-601,]~~ means the process by which the LDEM discusses client status with an appropriate licensed health care provider by phone, written note, or in person. The provider may give a recommendation for management~~[,]~~ but does not assume the management of the client.

(7) "CPR"~~[, as used in this rule,]~~ means cardiopulmonary resuscitation.

(8) "C-section"~~[, as used in this rule,]~~ means a cesarean section.

(9) "LDEM"~~[, as used in this rule,]~~ means a licensed direct-entry midwife licensed under Title 58, Chapter 77, the Direct-Entry Midwife Act.

(10) "LDEM Outcome Database"~~[, as used in Section R156-77-604,]~~ means a web-based application created by the Division to collect data regarding the outcome of pregnancies and deliveries managed by an LDEM.

(11) "MANA"~~[, as used in this rule,]~~ means the Midwives Alliance of North America.

(12) "MEAC"~~[, as used in this rule,]~~ means the Midwifery Education Accreditation Council.

(13) "Midwifery Care"~~[, as used in this rule,]~~ has the same meaning as the practice of direct-entry midwifery as defined in Subsection 58-77-102~~(8)~~(7).

(14) "NARM"~~[, as used in this rule,]~~ means the North American Registry of Midwives.

(15) "Refer"~~[, as used in Section R156-77-601,]~~ means the process by which an LDEM directs the client to an appropriate licensed health care provider for management of a specific condition. The LDEM continues midwifery management of the client.

(16) "TOLAC"~~[, as used in Section R156-77-602,]~~ means a trial of labor after cesarean section.

(17) "Transfer"~~[, as used in Section R156-77-601,]~~ means the process by which an LDEM relinquishes management of a client to an appropriate licensed health care provider. The LDEM may provide ~~[on-going]~~ongoing support services as appropriate.

(18) "Unprofessional conduct~~[,]~~" as defined in Title 58, Chapter~~[s]~~ 1, Division of Professional Licensing Act, and Title 58, Chapter 77, the Direct-Entry Midwife Act, is further defined~~[, in accordance with]~~ under Subsection 58-1-203(1)(e)~~[,]~~ ~~and~~~~[in]~~ Section R156-77-502.

(19) "VBAC"~~[, as used in this rule,]~~ means a vaginal birth after cesarean section.

(20) "Weeks gestation"~~[, as used in this rule,]~~ means the age of a pregnancy calculated using accepted pregnancy dating criteria such as menstrual or ultrasound dating, to determine an estimated date of delivery which equals 40 weeks 0 days gestation and is noted as 40.0.

~~[R156-77-103. Authority – Purpose.~~

~~This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 77.~~

~~R156-77-104. Organization – Relationship to Rule R156-1.~~

~~The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.]~~

R156-77-302a. Qualifications for ~~[licensure]~~Licensure - Application Requirements.

~~[In accordance with]~~Under Subsections 58-1-203(1), 58-1-301(3), and 58-77-302(5), the application requirements for licensure in Section 58-77-302 are ~~[defined herein.]~~as follows:

(1) An applicant for licensure as an LDEM must submit documentation of current CPR certification for health care providers, for both adults and infants, from one of the following organizations:

- (a) American Heart Association;
- (b) American Red Cross or its affiliates; or
- (c) American Safety and Health Institute.

(2) An applicant for licensure as an LDEM must submit documentation of current newborn or neonatal resuscitation certification from one of the following organizations:

- (a) American Academy of Pediatrics;
- (b) American Heart Association; or
- (c) an MEAC approved program or accredited school.

R156-77-302b. Qualifications for ~~[licensure]~~Licensure - Education Requirements.

~~[In accordance with]~~Under Subsections 58-1-203(1)(b), 58-1-301(3), and 58-77-302~~(6)~~(5), the pharmacology course requirement for licensure in Subsection 58-77-302~~(6)~~(5) ~~[is defined herein. The course must be]~~is as follows:

(1) offered by a post-secondary educational institution that is accredited by an accrediting board recognized by the Council for Higher Education Accreditation of the American Council on Education, an MEAC approved midwifery program or accredited midwifery school, or be an MEAC approved program or course; and

(2) at least eight clock hours in length and include basic pharmacotherapeutic principles and administration of medications including the drugs listed in Subsection~~[s]~~ 58-77-102~~(8)~~(7)~~(f)(i) through (ix)~~; or

(3) a general pharmacology course of at least 20 clock hours in length from a health-related course of study.

R156-77-303. Renewal Cycle - Procedures.

(1) ~~[In accordance with]~~ Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 77, ~~the Direct-Entry Midwife Act~~, is established by rule in Subsection R156-1-308a(1).

(2) Renewal procedures shall be ~~[in accordance with]~~ under Section R156-1-308c.

(3) Each applicant for renewal shall comply with the following:

(a) submit documentation of holding a current Certified Professional Midwife certificate in good standing with NARM;

(b) submit documentation of current certifications in adult and infant CPR, and newborn resuscitation that meets the criteria established in Section R156-77-302a; and

(c) complete at least two clock hours of approved continuing education in intrapartum fetal monitoring during each preceding two year licensure cycle which may be part of the hours required in Subsection (a) to maintain certification provided the hours meet the requirements established by NARM.

(4) A licensee must be able to document completion of the continuing education hours upon the request of the Division. Such documentation shall be retained until the next licensure renewal cycle.

R156-77-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) fail~~[ure]~~ing to practice in accordance with the knowledge, clinical skills, and judgments described in the MANA Core Competencies for Basic Midwifery Practice ~~[(1994)]~~(2014), which is ~~[hereby adopted and]~~ incorporated by reference; and

(2) failing as a midwife to follow the MANA Standards and Qualifications for the Art and Practice of Midwifery (2005), which is ~~[hereby adopted and]~~ incorporated by reference.

R156-77-601. Standards of Practice.

Except as provided in Subsection 58-77-601(3)(b), and ~~[in accordance with]~~ under Subsection 58-77-601(2), the standards and circumstances that require an LDEM to recommend and facilitate consultation, collaboration, referral, transfer, or mandatory transfer of client care are established ~~[herein]~~ in this rule. These standards are at a minimum level and are hierarchical in nature. If the standard requires at least consultation for a condition, an LDEM may choose to collaborate, refer, or transfer the care of the client.

(1) Consultation:

(a) antepartum:

(i) suspected intrauterine growth restriction;

(ii) severe vomiting unresponsive to LDEM treatment;

(iii) pain unrelated to common discomforts of pregnancy;

(iv) presence of condylomata that may obstruct delivery;

(v) anemia unresponsive to LDEM treatment;

(vi) history of genital herpes;

(vii) suspected or confirmed fetal demise after 14.0 weeks gestation;

(viii) suspected multiple gestation;

(ix) confirmed chromosomal or genetic aberrations;

(x) hepatitis C;

(xi) prior c-section without a second trimester ultrasound to determine the location of placental implantation; and

(xii) any other condition in the judgment of the LDEM requires consultation.

(2) Mandatory Consultation:

(a) incomplete miscarriage after 14.0 weeks gestation;

(b) failure to deliver by 42.0 weeks gestation;

(c) a fetus in the breech position after 36.0 weeks gestation;

(d) any sign or symptom of:

(i) placenta previa;

(ii) deep vein thrombosis or pulmonary embolus; or

(iii) vaginal bleeding after 20.0 weeks gestation, in a woman with a history of a c-section who has not had an ultrasound performed;

(e) Rh isoimmunization or other red blood cell isoimmunization known to cause ~~[erythroblastosis]~~erythroblastosis fetalis; or

(f) any other condition or symptom in the judgment of the LDEM that may place the health of the pregnant woman or unborn child at unreasonable risk.

(3) Collaborate:

(a) antepartum:

(i) infection not responsive to LDEM treatment;

(ii) seizure disorder affecting the pregnancy;

(iii) history of cervical incompetence with surgical therapy;

(iv) increase in blood pressure with a systolic pressure greater than 140 mm or a diastolic pressure greater than 90 mm in two readings at least six hours apart, no more than trace ~~[proteinuria]~~proteinuria or other evidence of preeclampsia; and

(v~~[i]~~) any other condition in the judgment of the LDEM requires collaboration;

(b) postpartum:

(i) infection not responsive to LDEM treatment; and

(ii) any other condition in the judgment of the LDEM requires collaboration.

- (4) Refer:
- (a) antepartum:
 - (i) thyroid disease;
 - (ii) changes in the breasts not related to pregnancy or lactation;
 - (iii) severe psychiatric illness responsive to treatment;
 - (iv) heart disease that has been determined by a cardiologist to have potential to affect or to be affected by pregnancy, labor, or delivery; and
 - (v) any other condition in the judgment of the LDEM requires referral;
 - (b) postpartum:
 - (i) bladder dysfunction;
 - (ii) severe depression; and
 - (iii) any other condition in the judgment of the LDEM requires referral;
 - (c) newborn:
 - (i) birth injury requiring ~~[on-going]~~ongoing care;
 - (ii) minor congenital anomaly;
 - (iii) jaundice beyond physiologic levels;
 - (iv) loss of 15% of birth weight;
 - (v) inability to suck or feed; and
 - (vi) any other condition in the judgment of the LDEM requires referral.
- (5) Transfer, however may be waived ~~[in accordance with]~~under Subsection 58-77-601(3)(b):
- (a) antepartum:
 - (i) current drug or alcohol abuse;
 - (ii) current diagnosis of cancer;
 - (iii) persistent oligohydramnios not responsive to LDEM treatment;
 - (iv) confirmed intrauterine growth restriction;
 - (v) prior c-section with unknown uterine incision type provided a reasonable effort has been made to determine the uterine scar type and the client has signed an informed consent that meets the standards established in Section R156-77-602;
 - (vi) history of preterm delivery less than 34.0 weeks gestation;
 - (vii) history of severe postpartum bleeding;
 - (viii) primary genital herpes outbreak;
 - (ix) increase in blood pressure with a systolic pressure greater than 140 mm or a diastolic pressure greater than 90 mm in two readings at least six hours apart, and 1+ to 2+ ~~[proteinurea]~~proteinuria confirmed by a 24 hour urine collection of greater than 300 mg of protein; and
 - (x) any other condition in the judgment of the LDEM may require transfer;
 - (b) intrapartum:
 - (i) visible genital lesions suspicious of herpes virus infection;
 - (ii) severe hypertension defined as a sustained diastolic blood pressure of greater than 110 mm or a systolic pressure of greater than 160 mm;
 - (iii) excessive vomiting, dehydration, acidosis, or exhaustion unresponsive to LDEM treatment; and
 - (iv) any other condition in the judgment of the LDEM may require transfer;
 - (c) postpartum:
 - (i) retained placenta; and
 - (ii) any other condition in the judgment of the LDEM may require transfer;
 - (d) newborn:
 - (i) gestational age assessment less than 36 weeks gestation;
 - (ii) major congenital anomaly not diagnosed prenatally;
 - (iii) persistent hyperthermia or hypothermia unresponsive to LDEM treatment; and
 - (iv) any other condition in the judgment of the LDEM may require transfer.
- (6) Mandatory transfer:
- (a) antepartum:
 - (i) severe preeclampsia or severe pregnancy-induced hypertension as evidenced by:
 - (A) a systolic pressure greater than 160 mm or a diastolic pressure greater than 110 mm in two readings at least six hours apart, or 3+ to 4+ ~~[proteinurea]~~proteinuria, or greater than 5 ~~[gms]~~grams of protein in a 24 hour urine collection; or
 - (B) a systolic pressure greater than 140 mm or a diastolic pressure greater than 90 mm in two readings at least six hours apart, at least 1+ ~~[proteinurea]~~proteinuria, and one or more of the following:
 - ~~[(1)]~~(I) epigastric pain;
 - ~~[(2)]~~(II) headache;
 - ~~[(3)]~~(III) visual disturbances; or
 - ~~[(4)]~~(IV) decreased fetal movement;
 - (ii) eclampsia or hemolysis, elevated liver enzymes, and low platelets syndrome (HELLP);
 - (iii) documented platelet count less than 75,000 platelets per mm³ of blood;
 - (iv) placenta previa after 27.0 weeks gestation;
 - (v) confirmed ectopic pregnancy;

NOTICES OF PROPOSED RULES

- (vi) severe psychiatric illness non-responsive to treatment;
- (vii) human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS);
- (viii) diagnosed deep vein thrombosis or pulmonary embolism;
- (ix) multiple gestation;
- (x) no onset of labor by 43.0 weeks gestation;
- (xi) more than two prior c-sections;
- (xii) prior c-section with a known uterine classical, inverted T or J incision, or an extension of an incision into the upper uterine segment;
- (xiii) prior c-section without an ultrasound that rules out placental implantation over the uterine scar obtained no later than 35.0 weeks gestation or ~~prior to~~before commencement of care if the care is sought after 35.0 weeks gestation;
- (xiv) prior c-section without a signed informed consent document meeting the standards established in Section R156-77-602;
- (xv) prior c-section with a gestation greater than 42.0 weeks gestation;
- (xvi) Rh isoimmunization or other red blood cell isoimmunization known to cause ~~[erythroblastosis]~~erythroblastosis fetal, with an antibody ~~[titer]~~titer of greater than 1:8;
- (xvii) insulin-dependent diabetes;
- (xviii) significant vaginal bleeding after 20.0 weeks gestation not consistent with normal pregnancy and posing a continuing risk to mother or baby; and
- (xi~~x~~) any other condition in the judgment of the LDEM that could place the life or long-term health of the pregnant woman or unborn child at risk;
 - (b) intrapartum:
 - (i) signs of uterine rupture;
 - (ii) presentation~~(\oplus)~~ not compatible with spontaneous vaginal delivery;
 - (iii) fetus in breech presentation during labor unless delivery is imminent;
 - (iv) progressive labor ~~prior to~~before 37.0 weeks gestation except miscarriages, confirmed fetal death, or congenital anomalies incompatible with life;
 - (v) prolapsed umbilical cord unless birth is imminent;
 - (vi) clinically significant abdominal pain inconsistent with normal labor;
 - (vii) seizure;
 - (viii) undiagnosed multiple gestation, unless delivery is imminent;
 - (ix) suspected chorioamnionitis;
 - (x) prior c-section with cervical dilation progress in the current labor of less than one centimeter in three hours once labor is active;
 - (xi) non-reassuring fetal heart pattern indicative of fetal distress that does not immediately respond to treatment by the LDEM, unless delivery is imminent;
 - (xii) moderate thick, or particulate meconium in the amniotic fluid unless delivery is imminent;
 - (xiii) failure to deliver after three hours of pushing unless delivery is imminent; or
 - (xiv) any other condition in the judgment of the LDEM that would place the life or long-term health of the pregnant woman or unborn child at significant risk if not acted upon immediately;
 - (c) postpartum:
 - (i) uncontrolled hemorrhage;
 - (ii) maternal shock that is unresponsive to LDEM treatment;
 - (iii) severe psychiatric illness non-responsive to treatment;
 - (iv) signs of deep vein thrombosis or pulmonary embolism; and
 - (v) any other condition in the judgment of the LDEM that could place the life or long-term health of the mother or infant at significant risk if not acted upon immediately;
 - (d) newborn:
 - (i) non-transient respiratory distress;
 - (ii) non-transient pallor or central cyanosis;
 - (iii) Apgar score at ten minutes of less than six;
 - (iv) low heart rate of less than 60 beats per minute after one complete neonatal resuscitation cycle;
 - (v) absent heart rate except with confirmed fetal death or congenital anomalies incompatible with life, or shoulder dystocia resulting in death;
 - (vi) hemorrhage;
 - (vii) seizure;
 - (viii) persistent hypertonia, lethargy, flaccidity or irritability, or jitteriness;
 - (ix) inability to urinate or pass meconium within the first 48 hours of life; and
 - (x) any other condition in the judgment of the LDEM must be transferred.

R156-77-602. Informed Consent.

In addition to the standards for informed consent established in Subsection 58-77-601(1)(b), an informed consent for a client with a previous c-section, must include the following information about a VBAC:

(1) TOLAC is associated with the risk of uterine rupture. Uterine rupture can cause brain damage or death of the baby and result in serious hemorrhage or hysterectomy in the mother.

- (2) VBAC poses more medical risks to the baby than a scheduled repeat c-section.
- (3) Repeat c-section poses more medical risks to the mother than VBAC.
- (4) C-section after a failed TOLAC is associated with more risks than a c-section done before labor has begun.
- (5) If a complication occurs from a TOLAC outside of a hospital setting, the risk to mother and baby may be higher due to the inherent delay in obtaining access to hospital care.
- (6) Multiple c-sections are associated with ~~[-, but not limited to,]~~ increased risks due to abnormal placental implantation, hemorrhage requiring hysterectomy, and other surgical and postoperative complications.
- (7) The risks associated with TOLAC after two c-sections are greater than those after one c-section.
- (8) Risks associated with TOLAC when the type of uterine scar is unknown are greater than when the uterine scar is known to be low transverse.
- (9) The 2004 National Birth Center study revealed women who attempt TOLAC in a birth center setting have an overall transfer rate of 24%, and a vaginal delivery rate of 87%.
- (10) A woman with no previous vaginal birth and two previous c-sections for documented failure to progress, has a very low vaginal delivery success rate.

R156-77-603. Procedures for the Termination of Midwifery Care.

- (1) ~~[The procedure to]~~To terminate midwifery care for a client who has been informed that she has or may have a condition indicating the need for medical consultation, collaboration, referral, or transfer, ~~[is established herein]~~the midwife shall:
 - (a) provide no fewer than three business days written notice, unless an emergency, during which the LDEM shall continue to provide midwifery care, to enable the client to select another licensed health care provider;
 - (b) provide a referral; and
 - (c) document the termination of care in the client's records.
- (2) ~~[The procedure to]~~To terminate midwifery care ~~[to]~~for a client who has been informed that she has or may have a condition indicating the need for mandatory transfer, ~~[is established herein]~~the midwife shall:
 - (a) have the client sign a release of care indicating the LDEM has terminated providing midwifery care as of a specific date and time;
 - or
 - (b) verbally instruct the client of the termination of midwifery care and document said instruction in the client record;
 - (c) make a reasonable effort to convey significant information regarding the client's condition to the receiving provider; and
 - (d) if possible, when transferring the client by ambulance or private vehicle, the LDEM accompanies the client.

KEY: licensing, midwife, direct-entry midwife

Date of Last Change: 2024~~May 22, 2014~~

Notice of Continuation: March 30, 2021

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-1-203(1); 58-1-203(1)(b); 58-1-203(1)(e); 58-1-301(3); 58-1-308(1); 58-77-102(7); 58-77-102(7)(f); ~~58-77-202(4);~~ 58-77-302; 58-77-302(5); 58-77-601(1)(b); 58-77-601(2); 58-77-601(3)(b)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Repeal and Reenact		
Rule or Section Number:	R356-1	Filing ID: 56827

Agency Information		
1. Title catchline:	Governor, Criminal and Juvenile Justice (State Commission on)	
Building:	Utah State Capitol, Senate Building	
Street address:	350 N State Street	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 142330	
City, state and zip:	Salt Lake City, UT 84114-2330	
Contact persons:		
Name:	Phone:	Email:
Angelo Perillo	801-538-1047	aperillo@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R356-1. Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates
3. Purpose of the new rule or reason for the change:
In the 2024 General Session, the Utah Legislature passed S.B. 48, County Correctional Facility Reimbursement Amendments, which revised the County Correctional Facility Reimbursement Program. The purpose of this rule change is to repeal the language in the old rule that was codified in the statute. These changes are also designed to clarify the procedures a county must follow when submitting data to the Commission for reimbursement of eligible bed days spent by an inmate in a county correctional facility.
4. Summary of the new rule or change:
This rule describes how a county must provide data to the Commission in order to seek reimbursement for eligible bed days spent by an inmate in a county correctional facility under the County Correctional Facility Reimbursement Program.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The reenacted rule will not result in any cost or savings to the state budget because the rule merely removes the language from the repealed rule that is now codified in statute and describes the procedures that are already in place for a county to submit data to the Commission to seek reimbursement for eligible bed days spent by an inmate in a county correctional facility.
B) Local governments:
The reenacted rule will not result in any cost or savings to local governments because the rule merely removes the language from the repealed rule that is now codified in statute and describes the procedures that are already in place for a county to submit data to the Commission to seek reimbursement for eligible bed days spent by an inmate in a county correctional facility.
C) Small businesses ("small business" means a business employing 1-49 persons):
The reenacted rule will not result in any cost or savings to small businesses because it does not apply to them, only to counties seeking reimbursement for eligible bed days spent by an inmate in a county correctional facility.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
The reenacted rule will not result in any cost or savings to non-small businesses because it does not apply to them, only to counties seeking reimbursement for eligible bed days spent by an inmate in a county correctional facility.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
The reenacted rule will not result in any cost or savings to persons other than small businesses, non-small businesses, state, or local government entities because it does not apply to them, only to counties seeking reimbursement for eligible bed days spent by an inmate in a county correctional facility.
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
These changes to the rule will not result in compliance costs for affected persons because the changes remove the language from the old rule that is now codified in statute and describes the procedures that are already in place for a county to submit data to the Commission to seek reimbursement for eligible bed days spent by an inmate in a county correctional facility.
G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$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
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Commission on Criminal and Juvenile Justice, Tomm Ross, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Subsection 64-13e-104(5)		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)	
A) Comments will be accepted until:	11/14/2024

9. This rule change MAY become effective on:	11/21/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Tom Ross, Executive Director	Date:	09/30/2024
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R356. Governor, Criminal and Juvenile Justice (State Commission on).
~~[R356 1. Procedures for the Calculation and Distribution of Funds to Reimburse County Correctional Facilities Housing State Probationary Inmates or State Parole Inmates.~~

~~**R356 1 1. Authority and Purpose.**
 (1) This rule is authorized in accordance with Subsection 64-13e-104(5)(b).
 (2) The purpose of this rule is to establish procedures to reimburse counties for incarcerating state probationary inmates or state parole inmates and to determine the rate at which the counties shall be reimbursed.~~

~~**R356 1 2. Definitions.**
 In addition to terms defined in Section 64-13e-102:
 (1) "Total Inmate Days" means the total number of eligible probationary and state parole inmate incarceration days.
 (2) "Business Day" means Monday through Friday excluding holidays.~~

R356-1-3. Conditions for Reimbursement of State Probationary Inmates.

Counties shall be eligible for reimbursement for days served in county correctional facilities under the following conditions:

- (1) The inmate has been convicted of a felony, and as a condition of probation, has been sentenced to a county correctional facility for a period not exceeding one year. The reimbursement period will begin with the sentencing date.
- (2) Days served under Subsection 1 which are eligible for reimbursement may include:
 - (a) Consecutive felony probation jail sentences, pursuant to Section 76-3-401;
 - (b) The inmate is sentenced by the courts to a county correctional facility following a violation of felony probation (Order to Show Cause). If the inmate's probation has been terminated it must be reinstated for the county to be eligible for reimbursement;
 - (c) The inmate is sentenced by the courts to a county correctional facility after a court has formally entered a guilty plea that had been held in abeyance as a conviction.

R356-1-4. Conditions Not Eligible for Reimbursement of State Probationary Inmates.

Counties are not eligible for reimbursement for incarcerating inmates in the following circumstances:

- (1) Time served in a county correctional facility prior to sentencing, notwithstanding an order from the court for credit for time served;
- (2) Time served in a county correctional facility following an unsuccessful termination of probation;
- (3) Time served in a county correctional facility under a Plea in Abeyance agreement prior to the entering of the guilty plea as a conviction in the case;
- (4) Time served on a felony probation sentence outside a correctional facility on electronic monitoring;
- (5) Time served in a county correctional facility on a federal Immigration and Customs Enforcement hold beyond the number of days sentenced to jail by the Courts, even if probation is still in effect;
- (6) Time served in a county correctional facility under the jurisdiction of the Juvenile Court;
- (7) Time served in a county correctional facility on a probationary 3-day hold.

R356-1-5. Conditions for Reimbursement of State Parole Inmates.

- (1) Counties shall be eligible for reimbursement for days served in county correctional facilities by state parole inmates when the inmate is being held on a 3-day hold issued by the Board of Pardons and Parole.
- (2) Counties shall be reimbursed for state parole inmates on a 3-day hold for up to 3 business days plus weekends and holidays for a maximum of 6 days of reimbursement per 3-day hold.

R356-1-6. Conditions for Reimbursement of Felony Offenders Sanctioned in Response to an Individual's Violation of Terms of Probation or Parole.

- (1) Counties may be eligible for reimbursement for time spent by inmates in a county correctional facility as a sanction for a violation of the terms of probation or parole as ordered by the court or the Board of Pardons and Parole.
- (2) Reimbursement shall not exceed three consecutive days and shall not exceed five days within a period of 30 days.

R356-1-7. Monthly Billing Invoices.

- (1) Counties requesting reimbursement for incarcerating state probationary inmates or state parole inmates shall submit, on a monthly basis, the following information in the format specified below in an MS Excel file to CCJJ:
 - (a) Inmate name (last, first, middle initial);
 - (b) Inmate date of birth (mm/dd/yyyy);
 - (c) Sentencing date (mm/dd/yyyy);
 - (d) Court case number(s) authorizing jail as a condition of probation;
 - (e) Court location identified by Originating Agency Identifier;
 - (f) Name of judge assigned to case;
 - (g) Whether the requested reimbursement is for a 72-hour hold;
 - (h) UDC offender number if the requested reimbursement is for a 72-hour hold;
 - (i) Incarceration start date (mm/dd/yyyy);
 - (j) Release date from correctional facility (mm/dd/yyyy);
 - (k) Length (number of days) of court-ordered sentence;
 - (l) Total number of state probationary inmate days of incarceration and total number of state parole inmate days of incarceration for which the county is requesting reimbursement; and
 - (m) Total number of state inmates (probation and parole) for which the county is requesting reimbursement.
 - (n) Total number of felony offenders housed pursuant to Subsection 64-13-21(2)(b); and
 - (o) Total number of days of incarceration of felony offenders housed pursuant to Subsection 64-13-21(2)(b).
- (2) Counties shall be reimbursed for all inmate incarceration days (felony probation and felony parole) beginning on the first day of incarceration after sentencing (day of sentencing shall be included), but never the last day of incarceration (day of release). Counties incarcerating inmates beyond eligible sentence days shall only be reimbursed for those days the inmate was eligible for reimbursement.
- (3) Monthly billing invoices shall be submitted to CCJJ by the 10th business day of each month unless prior approval has been authorized by the Executive Director of CCJJ or designee. Invoices shall be submitted by email to the following email address: jailreimburse@utah.gov.

~~(4) CCJJ shall audit each billing invoice for accuracy, using Utah State Courts X-Change program and Department of Corrections Otrack-Ftrack data systems to verify information. When necessary, CCJJ shall contact the correctional facility or sentencing court to verify accuracy of information.~~

~~(5) Back billings or late billings are eligible for reimbursement within the same fiscal year period. The 10th business day of August shall be the final day to submit late billings for the previous fiscal year.~~

~~(6) For each monthly billing invoice submitted, CCJJ shall return to the county a copy of the original billing invoice with any corrections that were made to the original billing.~~

~~(7) CCJJ may request counties to submit additional information regarding inmate booking and release when necessary to complete invoice audits.~~

R356-1-8. Calculation of Payments to Counties for Reimbursement for Housing State Probationary Inmates and State Parole Inmates.

~~To ensure compliance with Subsection 64-13e-104(5)(e), CCJJ shall prepare two calculations of payment for counties. CCJJ shall determine which calculation to use based upon funds appropriated by the Legislature for payment.~~

~~(1) When funds appropriated by the Legislature are sufficient to reimburse counties at a rate of 50% of the final daily incarceration rate for the preceding fiscal year established pursuant to Section 64-13e-105, the Division of Finance shall reimburse each county that houses a state probationary inmate or state parole inmate at a rate of 50% of the state daily incarceration rate multiplied by the average inmate days of incarceration established in the Administrative Rule Section R356-1-6 for the preceding five fiscal years.~~

~~(2) When funds appropriated by the Legislature are not sufficient to reimburse counties under Subsection 64-13e-104(2), each county that houses a state probationary inmate or state parole inmate shall be reimbursed by a rate calculated on a pro rata basis, based on the total inmate days of incarceration that were approved for each county for the preceding five fiscal years. The funds appropriated by the legislature will be divided by the total of inmate days of incarceration of all counties during the previous five years to establish a pro rata rate. Each county shall be reimbursed by multiplying the pro rata rate established under this subsection by the total inmate days of incarceration for each county established in this Administrative Rule Section R356-1-6 for the preceding five fiscal years.~~

~~(3) If funds appropriated under Subsection 64-13e-104(2) remain after payments are made pursuant to Subsection 64-13e-104(8), the Division of Finance shall pay a county that houses in its jail a person convicted of a felony who is on probation or parole and who is incarcerated pursuant to Subsection 64-13-21(2)(b) on a pro rata basis not to exceed 50% of the final state daily incarceration rate.]~~

R356-1. Procedures for Administering the County Correctional Facility Reimbursement Program.

R356-1-1. Authority.

~~This rule is authorized by Subsection 64-13e-104(5).~~

R356-1-2. Purpose.

~~The purpose of this rule is to establish requirements and procedures for collecting data from counties to complete the calculations necessary to determine reimbursement for facilities.~~

R356-1-3. Definitions.

~~Terms used in this rule are found in Section 63-13e-102, in addition:~~

~~(1) "facility" means a county correctional facility;~~

~~(2) "inmate" means a state probationary inmate or state parole inmate; and~~

~~(3) "JRL" means the Jail Reimbursement Local program on the Utah Criminal Justice Information System (UCJIS) system.~~

R356-1-4. Information Required for Reimbursement.

~~(1) When requesting reimbursement for eligible bed days spent by an inmate in a facility, a county shall provide sufficient information for the commission to verify whether the county is entitled to reimbursement.~~

~~(2)(a) Information submitted by a county for reimbursement shall be submitted into JRL, including the:~~

~~(i) law enforcement agency's originating agency identifier (ORI);~~

~~(ii) inmate's state identification number (SID); and~~

~~(iii) date the inmate was:~~

~~(A) booked into the facility; and~~

~~(B) subsequently released from the facility.~~

~~(b) Before the final submission of the information described in Subsection (2)(a), the county shall verify that the inmate's full name and date of birth are correct.~~

~~(c) The commission may not accept information from a county in any other format.~~

~~(3)(a) A county shall submit all information for the preceding month by the 15th day of the next month.~~

~~(b) The commission may not accept any information or supporting documentation from a county for the preceding fiscal year after August 1st.~~

R356-1-5. Auditing of the Information Submitted by the Counties.

~~(1) A county shall be responsible for maintaining documentation that supports the county's request for reimbursement for eligible bed days spent by an inmate in a facility.~~

~~(2) The commission may perform periodic reviews of the information submitted by the counties for reimbursement.~~

~~(3) Upon request, a county shall provide the commission with documentation to support the county's request for reimbursement.~~

NOTICES OF PROPOSED RULES

(4) If a county cannot provide the supplemental documentation requested by the commission or if the supplemental documentation submitted by the county does not support the county's request for reimbursement, the county may not be reimbursed for those unsupported bed days.

(5) If the commission determines that the county was reimbursed for bed days that were not eligible for reimbursement after the county has already been reimbursed for those days, the amount that is determined to be ineligible for reimbursement shall be deducted from the county's reimbursement in the next fiscal year.

KEY: jail reimbursement, state probationary inmates, state parole inmates

Date of Last Change: 2024 | ~~February 10, 2016~~

Notice of Continuation: July 9, 2020

Authorizing, and Implemented or Interpreted Law: 64-13e-104

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R628-22

Filing ID: 56822

Agency Information

1. Title catchline:	Money Management Council, Administration	
Building:	State Capitol Building	
Street address:	350 N. State Street, Ste 180	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 2315	
City, state and zip:	Salt Lake City, UT 84114-2315	
Contact persons:		
Name:	Phone:	Email:
Ann Pedroza	801-538-1883	apedroza@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R628-22. Conditions and Procedures for the Use of Negotiable Brokered Certificates of Deposit
3. Purpose of the new rule or reason for the change:
The benchmark interest rate for floating rate certificates of deposit (CD) has been changed from LIBOR (London Interbank Offered Rate) to SOFR (<u>Secured Overnight Financing Rate</u>).
4. Summary of the new rule or change:
This change removes the bench mark interest rate LIBOR and adds the new benchmark SOFR. LIBOR was retired in 2023 as a benchmark and SOFR replaced it.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
None. This is a change in a benchmark interest rate and does not affect the state budget. It does not affect the state budget because SOFR is the "subsequent replacement" in the original rule and was used since LIBOR was retired.
B) Local governments:
None. This is a change in a benchmark interest rate and does not affect local governments or their use of certificates of deposit based on this benchmark. It does not affect local governments because SOFR is the "subsequent replacement" in the original rule and was used since LIBOR was retired.

C) Small businesses ("small business" means a business employing 1-49 persons):

None. Small businesses are not affected by the change as this rule covers use of certificates of deposit by public treasurers.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

None. Non-small businesses are not affected by the change as this rule covers use of certificates of deposit by public treasurers.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

None. Persons other than the above mention groups are not affected by the change as the rule is for public entities use of certificates of deposit.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

None. The change was considered in the language when the rule was set up and allowed for subsequent benchmark usage which was SOFR.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Chair of the Money Management Council, K. Wayne Cushing, reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 51-7-17(4)	Subsection 51-7-11(3)(p)	
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	11/14/2024
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9. This rule change MAY become effective on:	11/21/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Wayne Cushing, Chair	Date:	09/30/2024
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R628. Money Management Council, Administration.

R628-22. Conditions and Procedures for the Use of Negotiable Brokered Certificates of Deposit.

R628-22-1. Authority.

This rule is issued pursuant to Sub[§]sections 51-7-11(3)(p) and 51-7-17(4).

R628-22-2. Scope.

This rule applies to all public treasurers who purchase negotiable brokered certificates of deposit.

R628-22-3. Purpose.

The purpose of this rule is to establish requirements for the investing of public funds in negotiable brokered certificates of deposit.

R628-22-4. Definitions.

For purposes of this rule the following terms are defined in Section 51-7-3 of the Act and when used in this rule have the same meaning as in the Act:

- (1) Council;
- (2) Public funds;
- (3) Public treasurer;
- (4) Certified dealer[?]; and
- (5) Certified investment adviser.

"Negotiable brokered certificate of deposit" means: a certificate of deposit issued by a financial institution that is guaranteed by the applicable federal deposit insurance limit and that can be sold in a secondary market, but cannot be cashed in before maturity.

"Step up" negotiable brokered certificates of deposit means: the interest rate automatically increases at specified intervals.

"~~LIBOR~~SOFR" means: ~~[London Interbank Offered Rate]~~Secured Overnight Financing Rate, which is a benchmark interest rate or ~~LIBOR's~~SOFR's subsequent replacement.

R628-22-5. General Rule.

(1) A public treasurer may invest public funds in negotiable brokered certificates of deposit only through a certified investment adviser or a certified broker dealer. These negotiable certificates of deposit shall be:

- (a) limited to a maximum maturity of five years from the time of purchase settlement;
- (b) limited to a purchased par value not to exceed 97% of the stated applicable federal deposit insurance limit per each financial institution at the time of purchase[?]; and[?]
- (c) limited to purchases where the purchase price does not exceed par.

(2) The public treasurer shall ensure that there is no overlap of purchased certificates of deposits in other deposit accounts of the financial institution when purchasing brokered certificates of deposit that would cause the public entity to exceed the applicable federal deposit insurance limit.

R628-22-6. Allowed Structures.

Structures allowed for negotiable brokered certificates of deposit are:

- (1) Fixed rate;
- (2) callable;
- (3) Step up rates[?]; and
- (4) Floating rate certificates of deposit based on ~~Libor~~SOFR or ~~Libor's~~SOFR's subsequent replacement.

R628-22-7. Types of Structures Not Allowed.

Negotiable brokered deposits that are issued based on the following are not allowed:

- (1) inflation linked;
- (2) index linked;
- (3) equity linked[?]; or
- (4) other types of derivate linked securities.

R628-22-8. Reporting Requirements.

A public entity shall file a report with the Council of negotiable brokered CD's along with all other deposits and investments on or before July 31 and January 31 of each year for deposits held on June 30 and December 31 respectively.

KEY: public funds, investments, brokered certificates of deposit
Date of Last Change: 2024|August 7, 2019|
Notice of Continuation: July 30, 2024
Authorizing, and Implemented or Interpreted Law: 51-7-17(4); 51-7-11(3)(p)

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R657-13	Filing ID: 56818

Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-13. Taking Fish and Crayfish
3. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to taking fish.
4. Summary of the new rule or change:
The proposed amendments to this rule: 1) adds the definition of "Airgun" and "Shooting line"; 2) adds Pelican Lake, Causey Reservoir and Porcupine Reservoir to the list of waters allowing multiple lines while ice fishing; 3) removes the ice hole size limitation from Flaming Gorge Reservoir; 4) changes the setline hook limit from 15 to 8; 5) requires setlines be checked at least once every 48 hours; 6) opens additional waters to allow for underwater spearfishing; 7) permits underwater spearfishing 24 hours a day; 8) allows for artificial light while underwater spearfishing for Utah chub or common carp at any open waterbody in the state, and lake trout at Flaming Gorge Reservoir; 9) adds numerous species to the list of prohibited fish; and 10) makes technical corrections as needed.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The amendments to Rule R657-13 are administrative in nature, DWR determines that these changes can be initiated within the current workload and resources of DWR, therefore, DWR does not believe that these amendments would create a cost or savings impact to the state budget or the DWR's budget since the changes will not increase workload and can be carried out with existing budget.

B) Local governments:			
Local governments are not directly or indirectly impacted by these proposed amendments because the rule does not create a situation requiring services from local governments.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
The proposed rule amendments will not directly impact small businesses because a service is not required of them.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
The proposed rule amendments will not directly impact non-small businesses because a service is not required of them.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):			
The proposed rule amendments do not have the potential to financially impact other persons that take fish in Utah, nor is a service required of them. The proposed amendments add additional opportunities to fish in Utah.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
DWR determines that this amendment may not create additional costs for those individuals wishing to fish in Utah. The proposed amendments add additional opportunities at numerous waterbodies which do not add additional costs to participate.			
G) Regulatory Impact Summary Table (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 will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$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
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Executive Director of the Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.			
After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:		
Section 23A-2-304	Section 23A-2-305	Section 23A-4-201

Section 23A-2-403

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 11/14/2024

9. This rule change MAY become effective on: 11/21/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title: J. Shirley, Division Director **Date:** 09/25/2024

R657. Natural Resources, Wildlife Resources.**R657-13. Taking Fish and Crayfish.****R657-13-1. Purpose and Authority.**

(1) Under authority of Sections 23A-2-~~305~~304 and 23A-2-~~304~~305, the Wildlife Board has established this rule for taking fish and crayfish.

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

R657-13-2. Definitions.

(1) Terms used in this rule are defined in Section 23A-1-101.

(2) In addition:

(a) "Aggregate" means the combined total of two or more species of fish or two or more size classes of fish which are covered by a limit distinction.

~~(b)~~ (b) "Airgun" means any archery tackle that is capable of firing arrows or bolts, is pneumatically powered, and pressurized solely through a separate charging device.

(c) "Angling" means fishing with a rod, pole, tipup, handline, or trollboard that has a single line with legal hooks, baits, or lures attached to it, and is held in the hands of, or within sight, not to exceed 100 feet, of the person fishing.

~~(d)~~(i) "Artificial fly" means a fly made by the method known as fly tying.

(ii) "Artificial fly" does not mean a weighted jig, lure, spinner, attractor blade, or bait.

~~(e)~~(e) "Artificial lure" means a device made of rubber, wood, metal, glass, fiber, feathers, hair, or plastic with a hook or hooks attached. Artificial lures, including artificial flies, do not include fish eggs or other chemically treated or processed natural baits or any natural or human-made food, or any lures that have been treated with a natural or artificial fish attractant or feeding stimulant.

~~(f)~~(f) "Daily limit" means the maximum limit, in number or amount, of protected aquatic wildlife that one person may legally take during one day.

~~(g)~~(g) "Bait" means a digestible substance, including corn, worms, cheese, salmon eggs, marshmallows, or manufactured baits including human-made items that are chemically treated with food stuffs, chemical fish attractants or feeding stimulants.

~~(h)~~(h) "Camp" means, for the purposes of this rule, any place providing temporary overnight accommodation for anglers including a camper, campground, tent, trailer, cabin, houseboat, boat, or hotel.

~~(i)~~(i) "Chumming" means dislodging or depositing in the water any substance not attached to a hook, line, or trap, which may attract fish.

~~(j)~~(j) "Commercially prepared and chemically treated baitfish" means any fish species or fish parts which have been processed using a chemical or physical preservation technique other than freezing including irradiation, salting, cooking, or oiling and are marketed, sold or traded for financial gain as bait.

~~(k)~~(k) "Dipnet" means a small bag net with a handle that is used to scoop fish or crayfish from the water.

~~(l)~~(l) "Filleting" means the processing of fish for human consumption typically done by cutting away flesh from bones, skin, and body.

~~(m)~~(m) "Fishing contest" means any organized event or gathering where anglers are awarded prizes, points or money for their catch.

~~(n)~~(n) "Float tube" means an inflatable floating device less than 48 inches in any dimension, capable of supporting one person.

~~(o)~~(o) "Free Shafting" means to release a pointed shaft that is not tethered or attached by physical means to the diver in an attempt to take fish while engaged in underwater spearfishing.

~~(p)~~(p) "Gaff" means a spear or hook, with or without a handle, used for holding or lifting fish.

~~(q)~~(q) "Game fish" means Bonneville cisco; bluegill; bullhead; channel catfish; crappie; green sunfish; largemouth bass; northern pike; Sacramento perch; smallmouth bass; striped bass, trout including rainbow, albino, cutthroat, brown, golden, brook, lake or mackinaw, kokanee salmon, and grayling or any hybrid of the foregoing; tiger muskellunge; walleye; white bass; whitefish; wiper; and yellow perch.

~~(r)~~(r) "Handline" means a piece of line held in the hand and not attached to a pole used for taking fish or crayfish.

NOTICES OF PROPOSED RULES

([f]s) "Immediately Released" means that the fish should be quickly unhooked and released back into the water where caught. Fish that must be immediately released cannot be held on a stringer, or in a live well or any other container or restraining device.

([s]l) "Lake" means the standing water level existing at any time within a lake basin. Unless posted otherwise, a stream flowing inside or within the high water mark is not considered part of the lake.

([t]u) "Length measurement" means the greatest length between the tip of the head or snout and the tip of the caudal fin when the fin rays are squeezed together. Measurement is taken in a straight line and not over the curve of the body.

([u]v) "Liftnet" means a small net that is drawn vertically through the water column to take fish or crayfish.

([w]w) "Motor" means an electric or internal combustion engine.

([x]x) "Nongame fish" means species of fish not listed as game fish.

([y]y) "Permanent residence" means, for the purposes of this rule only, the domicile an individual claims pursuant to Subsection 23A-1-101(15).

([z]z) "Possession limit" means, for purposes of this rule only, two daily limits, including fish in a cooler, camper, tent, freezer, livewell or any other place of storage, excluding fish stored in an individual's permanent residence.

([aa]aa) "Protected aquatic wildlife" means, for purposes of this rule only, all species of fish, crustaceans, or amphibians.

([ab]bb) "Reservoir" means the standing water level existing at any time within a reservoir basin. Unless posted otherwise, a stream flowing inside or within the high water mark is not considered part of the reservoir.

([bc]cc) "Seine" means a small mesh net with a weighted line on the bottom and float line on the top that is drawn through the water. This type of net is used to enclose fish when its ends are brought together.

[____(ee)____(dd) "Setline" means a line anchored to a non-moving object and not attached to a fishing pole.

[____(dd)____(ce) "Shooting line" means the line used to connect a speargun to spearshaft and does not include float line and reel line.

____(ff) "Single hook" means a hook or multiple hooks having a common shank.

([ee]gg) "Snagging" or "gaffing" means to take a fish in a manner that the fish does not take the hook voluntarily into its mouth.

([ff]hh) "Spear" means a long-shafted, sharply pointed, hand held instrument with or without barbs used to spear fish from above the surface of the water.

([gg]ii) "Tributary" means a stream flowing into a larger stream, lake, or reservoir.

([hh]jj)(i) "Trout" means species of the family Salmonidae, including rainbow, albino, cutthroat, brown, golden, brook, tiger, lake or mackinaw, splake, kokanee salmon, and grayling or any hybrid of the foregoing.

([ii]kk) "Trout" does not include whitefish or Bonneville cisco.

([jj]ll) "Underwater spearfishing" means fishing by a person swimming, snorkeling, or SCUBA diving and using a mechanical device held in the hand, which uses a rubber band, spring, pneumatic power, or other device to propel a pointed shaft to take fish from under the surface of the water.

R657-13-3. Fishing License Requirements and Free Fishing Day.

(1) A license is not required on free fishing day, a Saturday in June, annually. All other laws and rules apply.

(2) A person 12 years of age or older shall purchase a fishing license before engaging in any regulated fishing activity pursuant to Section 23-19-18.

(3) A person under 12 years of age may fish without a license and take a full daily and possession limit.

R657-13-4. Fishing Contests.

All fishing contests shall be held pursuant to Rule R657-58 Fishing Contests and Clinics.

R657-13-5. Interstate Waters and Reciprocal Fishing Permits.

(1) When fishing interstate waters, an individual must:

(a) obtain the necessary fishing licenses and permits[~~as provided below~~]; and

(b) comply with angling regulations applicable to the state where they are fishing.

(2) Bear Lake.

(a) A person possessing a valid Utah or Idaho fishing or combination license, whether resident or nonresident, may fish both the Utah and Idaho portions of the Lake in accordance with the angling regulations applicable to the state where they are fishing.

(b) Only one daily limit may be taken in a single day, even if licensed in both states.

(3) Lake Powell Reservoir.

(a) A person possessing a valid Utah or Arizona fishing or combination license, whether resident or nonresident, may fish both the Utah and Arizona portions of the Reservoir in accordance with the angling regulations applicable to the state where they are fishing.

(b) Only one daily limit may be taken in a single day, even if licensed in both states.

(4) Flaming Gorge Reservoir.

(a)(i) A Utah resident possessing a valid Utah fishing or combination license and a Wyoming reciprocal fishing permit for Flaming Gorge Reservoir may fish the Wyoming portions of the Reservoir as prescribed in Wyoming angling regulations.

(ii) Utah residents may obtain reciprocal fishing permits for Flaming Gorge Reservoir by contacting the Wyoming Game and Fish Department.

(b)(i) A Wyoming resident possessing a valid Wyoming fishing or combination license and a Utah reciprocal fishing permit for Flaming Gorge Reservoir may fish the Utah portions of the Reservoir as prescribed in Utah angling regulations.

(ii) A Utah reciprocal fishing permit for Flaming Gorge Reservoir may be obtained through the division's [~~web site~~]website, authorized license agents, or regional offices.

- (iii) The Utah reciprocal fishing permit must be:
 - (A) used in conjunction with a valid resident Wyoming fishing or combination license; and
 - (B) signed by the holder as the holder's name appears on the Wyoming fishing or combination license.
- (iv) A Utah reciprocal fishing permit is valid for 365 days from the date of purchase.
- (c) Only one daily limit may be ~~taken in a single day~~ possessed, even if licensed in both states.

R657-13-6. Angling.

- (1) While angling, the angler shall be within sight, ~~[(not to exceed 100 feet,)]~~ of the equipment being used at all times, except setlines.
- (2) Angling with more than two lines is unlawful, except:
 - (a) while fishing for crayfish without the use of fish hooks as provided in Section R657-13-15; or
 - (b) while fishing through the ice at Flaming Gorge Reservoir, Pelican Lake, Causey Reservoir, or Porcupine Reservoir as provided in Section R657-13-7.
- (3) No artificial lure may have more than three hooks.
- ~~_____~~ (4) No line may have attached to it more than three baited hooks, three artificial flies, or three artificial lures, except for a setline.
- (5) When angling through the ice, the hole may not exceed 12 inches across at the widest point, except at Bear Lake, ~~Flaming Gorge Reservoir,~~ and Fish Lake where specific limitations apply or Flaming Gorge Reservoir where no limitation applies.

R657-13-7. Fishing With More than One Pole.

- (1) A person may use up to two fishing poles to take fish on all waters open to fishing, provided they possess an unexpired fishing or combination license, except as provided in Subsection (2) ~~[below]~~.
- (2) A person may use up to six lines when fishing at Flaming Gorge Reservoir, Pelican Lake, Causey Reservoir, and Porcupine Reservoir through the ice. When using more than ~~one~~ two lines at Flaming Gorge Reservoir, Pelican Lake, Causey Reservoir, and Porcupine Reservoir, the angler's name shall be attached to each line, pole, or tip-up, and the angler shall check only their lines.
- (3) Regardless of the number of poles or lines used, an angler may not take more than one daily limit or possess more than one possession limit.
- (4) When fishing on waters located within another state, a person must abide by that state's regulations regarding fishing with more than one pole.

R657-13-8. Setline Fishing.

- (1) A person may use a setline to take fish only in the Bear River proper downstream from the Idaho state line, including Cutler Reservoir and outlet canals; Little Bear River below Valley View Highway (SR-30); Malad River; ~~and~~ Utah Lake; and Yuba Reservoir.
- (2) A person may use up to two lines for angling while setline fishing.
- (3) No more than one setline per angler may be used and it may not contain more than ~~[15]~~ eight hooks.
- (4)(a) A setline permit may be obtained through the division's ~~[web site]~~ website, from license agents and division offices.
- (b) A setline permit is required in addition to any valid Utah fishing or combination license.
- (c) A setline permit is a 365 day permit valid only when used in conjunction with any unexpired Utah fishing or combination license.
- ~~(5) When fishing with a setline, the angler shall be within 100 yards of the surface or bank of the water being fished.~~
- ~~_____~~ (6) A setline shall have one end attached to a non-moving object, not attached to a fishing pole, have no means of mechanical retrieval, and shall have permanently attached a legible tag with the name, address, and setline permit number of the angler.
- ~~_____~~ (6) A setline shall be tended only by an angler with a setline permit.
- ~~_____~~ (7) Setlines must be checked at least once every 48 hours.

R657-13-9. Underwater Spearfishing.

- (1) A person possessing a valid Utah fishing or combination license may engage in underwater spearfishing, only as provided in this section.
- (2) The following waters are open to underwater spearfishing from January 1 through December 31 for all species of game fish, unless specified otherwise by individual water:
 - (a) Alexander Lake (Summit County);
 - ~~_____~~ (b) Big Sand Wash Reservoir (Duchesne County);
 - ~~_____~~ ~~(b)~~ (c) Brown's Draw Reservoir (Duchesne County);
 - ~~_____~~ ~~(e)~~ (d) Causey Reservoir (Weber County);
 - ~~_____~~ ~~(d)~~ (e) Chepeta Lake (Duchesne County);
 - ~~_____~~ (f) China Lake (Summit County);
 - ~~_____~~ (g) Deer Creek Reservoir (Wasatch County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
 - ~~_____~~ ~~(e)~~ (h) East Canyon Reservoir (Morgan County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
 - ~~_____~~ ~~(f)~~ (i) Echo Reservoir (Summit County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
 - ~~_____~~ ~~(g)~~ (j) Electric Lake (Emery County);

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- [~~(h)~~] (k) Fish Lake (Sevier County), except underwater spearfishing for any game fish is closed from September 10 to the first Saturday in June the following year;
- [~~(i)~~] (l) Fish Lake (Summit County);
- (m) Flaming Gorge Reservoir (Daggett County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
- [~~(j)~~] (n) Grantsville Reservoir (Tooele County);
- [~~(k)~~] (o) Hacking Lake (Uintah County);
- (p) Hoop Lake (Summit);
- (q) Hoover Lake (Duchesne County);
- (r) Jordan River, for northern pike only (Salt Lake and Utah Counties);
- [~~(l)~~] (s) Lake Powell (Garfield, Kane and San Juan Counties), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
- [~~(m)~~] (t) Moccasin Lake (Duchesne County);
- (u) Newcastle Reservoir (Iron County), except underwater spearfishing is closed for all species of game fish other than wipers and rainbow trout;
- [~~(n)~~] (v) Papoose Lake (Duchesne County);
- (w) Paradise Park Reservoir (Uintah County);
- (x) Pineview Reservoir (Weber County), except underwater spearfishing is closed for:
- (i) largemouth and small[-]mouth bass from April 1 through the fourth Saturday in June; and
 - (ii) tiger musky year round.
- ([~~e~~]y) Porcupine Reservoir (Cache County);
- ([~~p~~]z) Quail Creek Reservoir, for smallmouth bass only (Washington County);
- ([~~q~~]aa) Recapture Reservoir (San Juan County[~~;~~]), except underwater spearfishing for largemouth bass is closed from April 1 through the fourth Saturday in June;
- ([~~f~~]bb) Red Fleet Reservoir (Uintah County);
- ([~~s~~]cc) Rockport Reservoir (Summit County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
- ([~~t~~]dd) Sand Lake (Uintah County);
- [~~(u)~~] (ee) Smith[-Moorehouse] and Morehouse Reservoir (Summit County);
- [~~(v)~~] (ff) Spirit Lake (Daggett County);
- (gg) Starvation Reservoir (Duchesne County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
- [~~(w)~~] (hh) Steinaker Reservoir (Uintah County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
- [~~(x)~~] (ii) Upper Stillwater Reservoir (Duchesne County);
- (jj) Utah Lake, for northern pike and white bass only (Utah County);
- [~~(y)~~] (kk) Utah Lake tributaries, including the following tributaries, west of I-15: American Fork, Creek, Beer Creek, Dry Creek, Hobble Creek, Spanish Fork River, Spring Creek and Spring Run Creek, for northern pike and white bass only (Utah County). Spearfishing is not permitted on the Provo River or Provo River Delta;
- [~~(z)~~] (ll) Wall Lake (Summit County);
- (mm) Whitney Reservoir (Summit County);
- (nn) Wigwam Lake (Duchesne County);
- (oo) Willard Bay Reservoir (Box Elder County); and
- ([~~aa~~]pp) Yuba Reservoir (Juab and Sanpete Counties).
- (3) Nongame fish, excluding prohibited species listed in Section R657-13-13, may be taken by underwater spearfishing:
- (a) in the waters listed in Subsection (2) and at Blue Lake (Tooele County) for tilapia and pacu only; and
 - (b) during the open angling season set for a given body of water.
- (4) The waters listed in Subsections (2) and (3)(a) are the only waters open to underwater spearfishing for game or nongame fish, except carp may be taken by underwater spearfishing from any water open to angling during the open angling season set for a given body of water.
- (5)(~~a~~) Underwater spearfishing is permitted [~~from official sunrise to official sunset only, except burbot may be taken by underwater spearfishing at Flaming Gorge Reservoir (Daggett County) between official sunset and official sunrise.~~] 24 hours per day.
- [~~(b) No other species of fish may be taken with underwater spearfishing techniques at Flaming Gorge Reservoir or any other water in the state between official sunset and official sunrise.~~]
- (6)(a) Use of artificial light is unlawful while engaged in underwater spearfishing, except artificial light may be used when underwater spearfishing for Utah chub or common carp at any open waterbody in the state, lake trout at Flaming Gorge Reservoir (Daggett County), and burbot at Flaming Gorge Reservoir (Daggett County).
- [~~(b) Artificial light may not be used when underwater spearfishing for fish species other than burbot at Flaming Gorge Reservoir.~~]
- (7) Free shafting is prohibited while engaged in underwater spearfishing.
- (8) The daily limit and possession limit for underwater spearfishing is the same as the daily limit and possession limit applied to anglers using other techniques in the waters listed in Subsections (2) and (3)(a), and as identified in the annual Utah Fishing Guidebook issued by the Utah Wildlife Board.

R657-13-10. Dipnetting.

- (1) Hand-held dipnets may be used to land game fish legally taken by angling. However, they may not be used as a primary method to take game fish from Utah waters except at Bear Lake where they are permitted for ~~b~~[B]onneville ~~c~~[C]isco.
- (2) The opening of the dipnet may not exceed 18 inches.
- (3) When dipnetting through the ice, the size of the hole is unrestricted.
- (4) Hand held dipnets may also be used to take crayfish and nongame fish, except prohibited fish.

R657-13-11. Restrictions on Taking Fish and Crayfish.

- (1) Artificial light is permitted while angling, except when underwater spearfishing. However artificial light is permitted while underwater spearfishing for burbot and lake trout in Flaming Gorge~~[-or]~~; while fishing for carp with a bow, crossbow, or spear statewide; or while fishing for Utah chub with a bow or spear statewide.
- (2) A person may not obstruct a waterway, use a chemical, explosive, electricity, poison, crossbow, firearm, pellet gun, or archery equipment to take fish or crayfish, except as provided in Subsection R657-13-14(2) and Section R657-13-20.
- (3)(a) A person may not possess a gaff while angling, or take protected aquatic wildlife by snagging or gaffing, except:
 - (i) a gaff may be used at Lake Powell to land striped bass; and
 - (ii) snagging may be used at Bear Lake to take Bonneville cisco.
- (b) Except as provided in Subsection (3)(a)(ii) and Section R657-13-21, a fish hooked anywhere other than the mouth must be immediately released.
- (4) Chumming is prohibited on all waters, exceptions may occur as provided in Section R657-13-20.
- (5) The use of a float tube or a boat, with or without a motor, to take protected aquatic wildlife is permitted on many public waters. However, boaters should be aware that other agencies may have additional restrictions on the use of float tubes, boats, or boats with motors on some waters.
- (6) Nongame fish and crayfish may be taken only as provided in Sections R657-13-14 and R657-13-15.

R657-13-12. Bait.

- (1) Use or possession of corn while fishing is lawful, except as otherwise prohibited by the Wildlife Board in the Fishing Guidebook.
- (2) Use or possession of live baitfish while fishing is unlawful, except as authorized by the Wildlife Board in the Fishing Guidebook.
- (3) Use or possession of tiger salamanders, live or dead, while fishing is unlawful.
- (4) Use or possession of any bait while fishing on waters designated artificial fly and lure only is unlawful.
- (5) Use or possession of artificial baits which are commercially embedded or covered with fish or fish parts while fishing is unlawful.
- (6) Use or possession of bait in the form of fresh or frozen fish or fish parts while fishing is unlawful, except as provided below and in Subsections (7) and (8).
 - (a) Dead Bonneville cisco may be used as bait only in Bear Lake.
 - (b) Dead yellow perch may be used as bait only in: Bear River from Cutler Reservoir Dam downriver to the Great Salt Lake, Big Sand Wash, Deer Creek, Echo, Fish Lake, Gunnison, Hyrum, Johnson, Jordanelle, Mantua, Mill Meadow, Newton, Pineview, Red Fleet, Rockport, Starvation, Utah Lake, Willard Bay and Yuba reservoirs.
 - (c) Dead white bass may be used as bait only in Utah Lake and the Jordan River.
 - (d) Dead shad, from Lake Powell, may be used as bait only in Lake Powell. Dead shad must not be removed from the Glen Canyon National Recreation Area.
 - (e) Dead striped bass, from Lake Powell, may be used as bait only in Lake Powell.
 - (f) Dead fresh or frozen salt water species including sardines and anchovies may be used as bait in any water where bait is permitted.
 - (g) Dead mountain sucker, desert sucker, white sucker, Utah sucker, redbelt shiner, longnose dace, speckled dace, mottled sculpin, Paiute sculpin, ~~[fat head]~~fathead minnow -- all color variants including rosy red minnows, Utah Chub, golden shiner, and common carp may be used as bait in any water where bait is permitted.
 - (h) Dead burbot and lake trout, from Flaming Gorge Reservoir, may be used as bait only in Flaming Gorge Reservoir.
 - (7) Commercially prepared and chemically treated baitfish or their parts may be used as bait in any water where bait is permitted.
 - (8) The eggs of any species of fish caught in Utah, except prohibited fish, may be used in any water where bait is permitted. However, eggs may not be taken or used from fish that are being released.
 - (9) Use of live crayfish for bait is legal only on the water where the crayfish is captured. It is unlawful to transport live crayfish away from the water where captured.
 - (10) Manufactured, human-made items that may not be digestible, that are chemically treated with food stuffs, chemical fish attractants, or feeding stimulants may not be used on waters where bait is prohibited.
 - (11) On any water declared infested by the Wildlife Board with an aquatic invasive species, or that is subject to a closure order or control plan under Rule R657-60, it shall be unlawful to transport any species of baitfish, live or dead, from the infested water for use as bait in any other water of the state. Baitfish are defined as those species listed in Subsections (5)(b), (5)(c), (5)(f) and (8).

R657-13-13. Prohibited Fish.

- (1) The following species of fish are classified as prohibited and may not be taken or held in possession:
 - (a) Bonytail (*Gila elegans*);
 - (b) Colorado pikeminnow (*Ptychocheilus lucius*);
 - (c) Humpback chub (*Gila cypha*);
 - (d) June sucker (*Chasmistes liorus*);

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- ~~_____ (e) Razorback sucker (*Xyrauchen texanus*);~~
- ~~_____ (f) Virgin River chub (*Gila seminuda*);~~
- ~~_____ (g) Woundfin (*Plagopterus argentissimus*).~~
- ~~_____ (2) Any of these species caught while attempting to take other legal species shall be immediately released.~~
- ~~_____ (3) The following species of fish are classified as prohibited and may be held in possession provided the specimen is killed immediately:~~
 - ~~(a) Alewife (*Alosa pseudoharengus*);~~
 - ~~(b) Asian swamp eel (*Monopterus albus*);~~
 - ~~(c) Bighead carp (*Hypophthalmichthys nobilis*);~~
 - ~~(d) Black carp (*Mylopharyngodon piceus*);~~
 - ~~(e) ~~Bonytail~~ (*Gila elegans*);~~
 - ~~_____ (f) Bowfin (*Amia calva*);~~
 - ~~[_____ (g) _____ (f) Brook stickleback (*Culaea inconstans*);~~
 - ~~[_____ (h) Colorado pikeminnow (*Ptychocheilus lucius*);~~
 - ~~_____ (i) _____ (g) Eurasian ruffe (*Gymnocephalus cernuus*);~~
 - ~~[_____ (j) _____ (h) Flathead catfish (*Pylodictis olivaris*);~~
 - ~~[_____ (k) _____ (i) Gar (Family Lepisosteidae);~~
 - ~~[_____ (l) _____ (j) Grass carp (*Ctenopharyngodon idella*);~~
 - ~~[_____ (m) ~~Humpback chub~~ (*Gila cypha*);~~
 - ~~_____ (n) _____ (k) Ide (*Leuciscus idus*);~~
 - ~~[_____ (o) ~~June sucker~~ (*Chasmistes liorus*);~~
 - ~~_____ (p) _____ (l) Piranhas (all species);~~
 - ~~[_____ (q) _____ (m) Nile perch (*Lates niloticus*);~~
 - ~~[_____ (r) _____ (n) Northern snakehead (*Channa argus*);~~
 - ~~[_____ (s) ~~Razorback sucker~~ (*Xyrauchen texanus*);~~
 - ~~_____ (t) _____ (o) Red bellied pacu (*Piaractus brachypomus*);~~
 - ~~[_____ (u) _____ (p) Red shiner (*Cyprinella lutrensis*);~~
 - ~~[_____ (v) _____ (q) Round goby (*Neogobius melanostomus*);~~
 - ~~[_____ (w) _____ (r) Rudd (*Scardinius erythrophthalmus*);~~
 - ~~[_____ (x) _____ (s) Sand shiner (*Notropis stramineus*);~~
 - ~~[_____ (y) _____ (t) Sea lamprey (*Petromyzon marinus*);~~
 - ~~[_____ (z) _____ (u) Silver carp (*Hypophthalmichthys molitrix*);~~
 - ~~[_____ (aa) _____ (v) South American parasitic catfish (Family Cetopsidae and Family Trichomycteridae);~~
 - ~~[_____ (bb) _____ (w) Tiger fish (*Hydrocynus vittatus*);~~
 - ~~[_____ (cc) _____ (x) Tench (*Tinca tinca*);~~
 - ~~[_____ (dd) _____ (y) Tilapia (Genus *Coelotilapia*, Genus *Coptodon*, Genus *Heterotilapia*, Genus *Oreochromis*, and Genus *Sarotherodon*);~~
 - ~~[_____ (ee) ~~Virgin River chub~~ (*Gila seminuda*);~~
 - ~~_____ (ff) _____ (z) Walking catfish (*Clarias batrachus*); and~~
 - ~~[_____ (gg) ~~Woundfin~~ (*Plagopterus argentissimus*).~~
 - ~~_____ (2) _____ (4) Any of these species ~~taken~~ caught while attempting to take other legal species ~~may~~ ~~shall~~ not be ~~immediately~~ released alive.[.]~~

R657-13-14. Taking Nongame Fish.

- (1)(a) As provided in this [S]section, a person possessing a valid Utah fishing or combination license may take nongame fish for personal, noncommercial purposes during the open fishing season set for the given body of water.
- (b) A person may not take any species of fish designated as prohibited in [Section]Subsection R657-13-13(2).
- (2)(a) Except as provided in Subsection (2)(b), nongame fish may be taken by angling, traps, bow and arrow, liftnets, dipnets, cast nets, seine, or spear in any water of the state with an open fishing season.
- (b) Nongame fish may not be taken in the following waters, except carp may be taken by angling, archery, airgun, crossbow, spear, or underwater spearfishing statewide:
 - (i) San Juan River;
 - (ii) Colorado River;
 - (iii) Green River (from confluence with Colorado River upstream to Colorado state line in Dinosaur National Monument);
 - (iv) Green River (from Colorado state line in Brown's Park upstream to Flaming Gorge Dam, including Gorge Creek, a tributary entering the Green River at Little Hole);
 - (v) White River (Uintah County);
 - (vi) Duchesne River (from Myton to confluence with Green River);
 - (vii) Virgin River (Main stem, North, and East Forks).
 - (viii) Ash Creek;
 - (ix) Beaver Dam Wash;
 - (x) Fort Pierce Wash;
 - (xi) La Verkin Creek;

- (xii) Santa Clara River (Pine Valley Reservoir downstream to the confluence with the Virgin River);
- (xiii) Diamond Fork;
- (xiv) Thistle Creek;
- (xv) Main Canyon Creek (tributary to Wallsburg Creek);
- (xvi) Provo River (below Deer Creek Dam);
- (xvii) Spanish Fork River;
- (xviii) Hobble Creek (Utah County);
- (xix) Snake Valley waters (west and north of US-6 and that part of US-6 and US-50 in Millard and Juab counties);
- (xx) Raft River (from the Idaho state line, including all tributaries);
- (xxi) Weber River; and
- (xxii) Yellow Creek.

(c) Nongame fish[~~;~~] may be taken by underwater spearfishing in the waters and under the conditions specified in Section R657-13-9.

(3) Seines ~~shall~~ may not exceed 10 feet in length or width.

(4) Cast nets must not exceed 10 feet in diameter.

(5) Except as provided in Section R657-13-21, lawfully taken nongame fish shall be either released or killed immediately upon removing them from the water, however, they may not be left or abandoned on the shoreline.

R657-13-15. Taking Crayfish.

(1) A person possessing a valid Utah fishing or combination license may take crayfish for personal, noncommercial purposes during the open fishing season set for the given body of water.

(2) Crayfish may be taken by hand or with a trap, pole, liftnet, dipnet, handline, or seine, provided that:

(a) game fish or their parts, or any substance unlawful for angling, is not used for bait;

(b) seines ~~shall~~ may not exceed 10 feet in length or width;

(c) no more than five lines are used, and no more than two lines may have hooks attached. On unhooked lines, bait is tied to the line so that the crayfish grasps the bait with its claw; and

(d) live crayfish are not transported from the body of water where taken.

R657-13-16. Possession and Transportation of Dead Fish and Crayfish.

(1)(a) At all waters except Strawberry Reservoir, Scofield Reservoir, Panguitch Lake, Jordanelle Reservoir and Lake Powell, game fish may be dressed, filleted, have heads and~~or~~ tails removed, or otherwise be physically altered after completing the act of fishing or reaching a fish cleaning station, camp, or principal means of land transportation. It is unlawful to possess fish while engaged in the act of fishing that have been dressed or filleted. This ~~may~~~~shall~~ not apply to fish that are processed for immediate consumption or to fish held from a previous day's catch.

(b) Trout ~~and~~ or salmon taken at Strawberry Reservoir, Scofield Reservoir and Panguitch Lake, and smallmouth bass taken at Jordanelle may not be filleted and the heads or tails may not be removed in the field or in transit.

(c) Fish may be filleted at any time and anglers may possess filleted fish at any time at Lake Powell.

(2) A legal limit of game fish or crayfish may accompany the holder of a valid fishing or combination license within Utah or when leaving Utah.

(3) A person may possess or transport a legal limit of game fish or crayfish for another person when accompanied by a donation letter.

(4)(a) A person may not~~[-]~~:

(i) take more than one daily limit of game fish in any one day~~[-]~~; or

(ii) possess more than one daily limit of each species or species aggregate, unless the additional fish are:

(A) from a previous days catch;

(B) eviscerated; and

(C) within the possession limit for each species or species aggregate~~[-]~~;

(iii) possess more than one daily limit of each species or species aggregate while fishing Flaming Gorge Reservoir regardless of when the fish were caught.

(b) Fish kept at the angler's permanent residence do not count toward~~[s]~~ an angler's possession limit for that species or species aggregate.

(c) A person may possess a full possession limit of Bonneville cisco without eviscerating the fish from a previous ~~[days]~~ day's catch.

(5) A person may possess or transport dead fish on a receipt from a registered commercial fee fishing installation, a private pond owner, or a short-term fishing event. This receipt shall specify:

(a) the number and species of fish;

(b) date caught;

(c) the certificate of registration number of the installation, pond, or short-term fishing event; and

(d) the name, address, telephone number of the seller.

R657-13-17. Possession of Live Fish and Crayfish.

(1) A person may not possess or transport live protected aquatic wildlife except as provided by the Wildlife Code or the rules and proclamation of the Wildlife Board.

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(2) For purposes of this rule, a person may not transport live fish or crayfish away from the water where taken.

(3) This does not preclude the use of live fish stringers, live wells, or hold type cages as part of normal angling procedures while on the same water in which the fish or crayfish are taken.

R657-13-18. Release of Tagged or Marked Fish.

Without prior authorization from the division, a person may not:

- (1) tag, mark, or fin-clip fish for ~~the purpose of~~ offering a prize or reward as part of a contest;
- (2) introduce a tagged, marked, or fin-clipped fish into the water; or
- (3) tag, mark, or fin-clip a fish and return it to the water.

R657-13-19. Season Dates and Daily and Possession Limits.

(1) All waters of state fish rearing and spawning facilities are closed to fishing.

(2) State waterfowl management areas are closed to fishing except as specified in the proclamation of the Wildlife Board for taking fish and crayfish.

(3) The season for taking fish and crayfish is January 1 through December 31, 24 hours each day. Exceptions are specified in the proclamation of the Wildlife Board for taking fish and crayfish.

(4)(a) Daily limits and possession limits are specified in the proclamation of the Wildlife Board for taking fish and crayfish and apply statewide unless otherwise specified.

(b)(i) A person may not fish in waters that have a specific daily, possession, or size limit while possessing fish in violation of that limit.

(ii) Fish not meeting the size, daily limit, or species provisions on specified waters shall be returned to the water immediately.

(c)(i) Trout, salmon and grayling that are not immediately released and are held in possession, dead or alive, are included in the person's daily limit and possession limit.

(ii) Once a trout, salmon or grayling is held in or on a stringer, fish basket, livewell, or by any other device, a trout, salmon or grayling may not be released.

(5)(a) A person may not:

(i) take more than one daily limit in any one day; or

(ii) possess more than one daily limit of each species or species aggregate unless the additional fish are:

(A) from a previous days catch;

(B) eviscerated; and

(C) within the possession limit for each species or species aggregate;[-]

(iii) possess more than one daily limit of each species or species aggregate while fishing Flaming Gorge Reservoir regardless of when the fish were caught.

(b) A person may possess a full possession limit of Bonneville cisco without eviscerating the fish from a previous days catch.

R657-13-20. Variations to General Provisions.

Variations to season dates, times, daily and possession limits, methods of take, use of a float tube or a boat for fishing, and exceptions to closed areas are specified in the proclamation of the Wildlife Board for taking fish and crayfish.

R657-13-21. Catch-and-Kill Regulations.

(1) The Wildlife Board may designate in proclamation and guidebook waters where anglers are required to kill specified aquatic animal species that are caught.

(2) A person shall immediately kill any aquatic animal caught in a water identified by the Wildlife Board in proclamation or guidebook as catch-and-kill for that species.

(a) An aquatic animal killed subject to a catch-and-kill regulation may be:

(i) retained and consumed by the angler; or

(ii) disposed of:

(A) in the water where the aquatic animal was caught;

(B) at a fish cleaning station;

(C) at the angler's permanent residence; or

(D) at another location where disposal is authorized by law.

(3) A person may not release a live aquatic animal subject to a catch-and-kill regulation in the water it was caught or in any other water in the state.

KEY: fish, fishing, wildlife, wildlife law

Date of Last Change: [~~August 21,~~] 2024

Notice of Continuation: August 24, 2022

Authorizing, and Implemented or Interpreted Law: 23A-2-305; 23A-24-304; 23A-4-201; [~~23A~~]23-2-403

NOTICE OF SUBSTANTIVE CHANGE**TYPE OF FILING:** Repeal and Reenact**Rule or Section Number:****R657-61****Filing ID: 56817****Agency Information**

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R657-61. Valuation of Real Property Interests for Purposes of Acquisition or Disposal
3. Purpose of the new rule or reason for the change:
This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) rule pursuant to acquiring, disposing or exchanging real property.
4. Summary of the new rule or change:
The rule provides the standards and procedures for how DWR may buy, sell or exchange land. The reenacted rule language provides both DWR staff and the public with a clear understanding of the process for land acquisitions, disposals, and exchanges. The purpose of this new language is not to materially change how DWR acquires, sells or exchanges land, but rather provide more detail and clarity to the existing process. The new rule language will: 1) change the name of the rule to Acquisition, Disposal and Exchange of Real Property, to ensure the title of the rule reflects the contents; 2) restructure the rule, separating information by subject, and creating a new section for Land Exchange. Each subject (acquisition, disposal, and exchange) would have its own section for improved flow and understanding; 3) modify all definitions to improve clarity and consistency with existing real estate terms, defaulting to definitions in Utah Code; 4) Include purpose statements for both acquisitions and disposals; 5) add a requirement for DWR to obtain an appraisal review in addition to an appraisal, which is best practice for obtaining fair market value; 6) simplify the memo to file requirement when using a listed exception to the appraisal requirement for both acquisitions and disposals; 7) include references to additional sections of the Utah Code that DWR must comply with for acquisitions and disposals; 8) Explicitly state that DWR may not purchase property above, and may not sell property below, fair market value, which is required in the Utah Code; 9) allow DWR to request mitigation for unavoidable disposals, which would be consistent with the mitigation requests available to DWR for less than fee title disposals, such as easements, in Rule R657-28, Use of Division Lands; 10) clarify when Administrative Rule R657-61 is required for fee title disposals, and when Rule R657-28, Use of Division Lands is required, for less than fee title disposals; 11) explicitly state that DWR must comply with other contracts and restrictions that exist on a DWR property before disposal; and 12) Include language that DWR may only quit claim property that is being disposed, to ensure liability is protected.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The reenacted amendments to Rule R657-61 are administrative in nature, DWR determines that these changes would not create a cost or savings impact to the state budget or DWR's budget and can be instituted within the current budget and workload.

B) Local governments:

Local governments are not directly or indirectly impacted by these reenacted amendments because the rule does not create a situation requiring services from local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

The proposed reenacted amendments will not directly impact small businesses because a service will not be required of them.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

The proposed reenacted amendments will not directly impact non-small businesses because a service will not be required of them.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

The proposed reenacted amendments will not directly impact other persons as a service is not required of them.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

DWR determines that this amendment will not create additional costs because it simply clarifies the process the DWR must follow when buying, selling or exchanging real property.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of Department of Natural Resources, Joel Ferry, has reviewed and approved this fiscal analysis.

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a measurable fiscal impact to businesses.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 79-2-403	Section 23A-2-203	Section 23A-6-201
Section 23A-6-205		

Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 11/14/2024

9. This rule change MAY become effective on: 11/21/2024

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	J. Shirley, Division Director	Date:	09/25/2024
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R657. Natural Resources, Wildlife Resources.

[R657-61. Valuation of Real Property Interests for Purposes of Acquisition or Disposal.**R657-61-1. Purpose and Authority.**

(1) Pursuant to Utah Code Sections 63-34-21, 23A-2-203, and Section 23A-6-201, this rule defines the process by which the value of real property is determined for purposes of acquisition or disposal by the Division.

R657-61-2. Definitions.

- (1) For purposes of this rule:
- (a) "Appraisal" means an independent analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, an identified parcel of real property, and conducted by a state certified general appraiser.
- (b) "Value" means as an opinion on the worth of an identified parcel of real property or interest therein at a specific time and may be comprised of one or more of the following values, as commonly understood within the real estate and appraisal services business communities: assessed value, insurable value, use value, investment value, going concern value, business enterprise value, market value, and public interest value.

R657-61-3. Obtaining an Opinion of Value.

- (1) When purchasing or disposing real property interests, the Division shall obtain a written opinion on the value of the property interest in the form of an appraisal.
- (a) The division will keep and maintain the written opinion of value in its real property acquisition and disposal files.
- (2) An appraisal is not required under the following circumstances:
- (a) The market value of the subject property interest is less than One Hundred Thousand Dollars (\$100,000), as estimated by the Division;
- (b) The asking price for the property interest is considerably below prevailing market conditions, as estimated by the Division;
- (c) The asking price for the property interest is reasonable based upon prevailing market conditions, but the Division will lose the opportunity to purchase the property if time is taken to conduct an appraisal prior to making an offer;
- (d) An appraisal has been conducted on the subject property interest within the past twelve months;
- (e) The real property interest is a gift, contribution, or donation to the division; or
- (f) The real property interest is a right of way, lease, or other less than fee interest that is not perpetual.
- (3) A written opinion of value shall be rendered by a state certified general appraiser conducting an appraisal.
- (4) When values other than market value are considered in addition to or in place of an appraisal rendered by a state certified general appraiser the Division shall create and keep a memo to file describing:
- (a) the Division's consideration of said value(s);
- (b) the Division's rationale in said consideration relative to the proposed price and other terms of the purchase, sale, or exchange; and
- (c) the acquisition or disposal decision made by the Division.

R657-61-4. Congruency in Value.

(1) Based on the written opinion of value, the Division shall consider and weigh the various economic and social values associated with the real property in an effort to maintain a level of congruency between the compensation for the property and its values.]

R657-61. Acquisition, Disposal, and Exchange of Real Property.

R657-61-1. Purpose and Authority.

Pursuant to Utah Code Sections 79-2-403, 23A-2-203, 23A-6-201, and 23A-6-205, this rule defines the process by which the division may acquire, dispose of, and exchange real property, and ensure that the value of the real property is congruent with the proposed price and other terms of the acquisition, disposal, or exchange.

R657-61-2. Definitions.

Terms used in this rule are defined in Title 23A, the Wildlife Resources Act, and elsewhere in the Utah Code.

- (1) "Appraisal" as defined in Subsection 61-2g-102(1)(a)(i).
- (2) "Appraisal review assignment" as defined Subsection 61-2g-102(1)(a)(ii)(B).
- (3) "Real property" as defined in Subsection 57-1-1(3).
- (4) "State-certified general appraiser" as defined in Subsection 61-2g-102(1)(v).

R657-61-3. Acquisition of Real Property.

- (1) The division may acquire real property for authorized activities of the division, including:
 - (a) to protect and enhance wildlife populations;
 - (b) to provide the public the opportunity to hunt, trap, or fish; and
 - (c) to conserve, protect, and enhance wildlife habitat.
- (2) When acquiring real property, the division shall determine the fair market value in the form of an appraisal and an appraisal review assignment to verify the real property's value.
 - (a) The appraisal and appraisal review assignment shall be completed by a state-certified general appraiser, and complaint with the Uniform Standards of Professional Appraisal Practice (USPAP).
 - (b) The division may obtain an appraisal and appraisal review assignment compliant with the Uniform Appraisal Standards for Federal Land Acquisitions, commonly known as Yellow Book, if the division is utilizing federal funds for the acquisition.
 - (3) Subsection (2) does not apply to the acquisition of real property if:
 - (a) the value of the real property is less than \$100,000, per Subsection 79-2-403(3)(b), as estimated by the division;
 - (b) the asking price for the real property is considerably below fair market value, as estimated by the division;
 - (c) the asking price for the real property is reasonable based upon a value estimated by the division and the division may lose the opportunity to acquire the real property if time is taken to conduct an appraisal and appraisal review assignment;
 - (d) an appraisal has been conducted on the real property within the past 12 months;
 - (e) the real property is a gift, contribution, or donation to the division; or
 - (f) the real property is a right-of-way, easement, lease, or other less-than-fee title acquisition, excluding the acquisition of a conservation easement.
 - (4) If any exceptions listed in Subsection (3) are used, the division shall create and keep a memo-to-file describing:
 - (a) an explanation of which exceptions are being utilized for the acquisition and why;
 - (b) the division's estimation of value; and
 - (c) the decision made by the division.
 - (5) When acquiring real property, the division may not compensate more than the fair market value for the real property.
 - (6) When acquiring title to real property held in private ownership, the division shall comply with Sections 23A-6-202 and 23A-6-203.

R657-61-4. Disposal of Real Property.

- (1) The division may dispose of real property when the property no longer serves as wildlife habitat or for wildlife-related recreational opportunities, or when it is in the best interest of the division to do so. This Section does not apply to real property disposals of less-than-fee title interest such as easements and leases, which are subject to requirements under Rule R657-28.
- (2) If the real property is still serving as wildlife habitat or for wildlife-related recreational opportunities, but a disposal cannot be avoided, mitigation may be required in addition to compensation for fair market value. The division may require compensation for impacts of the disposal, based upon the following factors:
 - (a) number of acres impacted;
 - (b) species impacted;
 - (c) impacts to wildlife and wildlife habitat;
 - (d) impacts to public access; and
 - (e) impacts to public opportunities to engage in wildlife-related activities.
- (3) The division may not dispose of real property without first obtaining written approval of persons or entities, if any, holding contractual, funding or proprietary interests in the real property. Additional requirements may be necessary to obtain approval.
- (4) When disposing of real property, the division shall determine the fair market value in the form of an appraisal and an appraisal review assignment, to verify the real property's value.
 - (a) The appraisal and appraisal review assignment shall be completed by a state-certified general appraiser, and complaint with the Uniform Standards of Professional Appraisal Practice (USPAP).
 - (b) The division may obtain an appraisal and appraisal review assignment compliant with the Uniform Appraisal Standards for Federal Land Acquisitions, commonly known as Yellow Book, if the division utilized federal funds when the property was acquired.
 - (5) Subsection (4) does not apply to the disposal of real property if:
 - (a) The value of the real property is less than \$100,000, per Subsection 79-2-403(3)(b), as estimated by the division;

- (b) The real property will be auctioned off or part of a bid process, in which the compensation will likely exceed the fair market value, as estimated by the division; or
- (c) an appraisal has been conducted on the real property within the past 12 months;
- (6) If any exceptions listed in Subsection (5) are used, the division shall create and keep a memo-to-file describing:
 - (a) an explanation of which exceptions are being utilized for the disposal and why;
 - (b) the division's estimation of value; and
 - (c) the decision made by the division.
- (7) When disposing of real property, the division shall convey title through a quit claim deed.
- (8) When disposing of real property, the division may not receive compensation less than the fair market value for the real property.
- (9) When disposing of real property to private ownership, the division shall comply with Section 9-8a-404.

R657-61-5. Exchange of Real Property.

When exchanging real property, the division shall comply with both Subsections (3) and (4) of this rule.

KEY: wildlife, land sales, property values

Date of Last Change: 2024[October 2, 2023]

Notice of Continuation: September 18, 2023

Authorizing, and Implemented or Interpreted Law: 23A-6-201

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Repeal

Rule or Section Number:

R765-801

Filing ID: 56745

Agency Information

1. Department:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S. 400 W.	
City, state:	Salt Lake City, UT 84101	
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	hilary.renshaw@ushe.edu
Alison A. Adams	801-646-4784	alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R765-801. Student Due Process
3. Purpose of the new rule or reason for the change:
H.B. 414, which was passed by the Utah Legislature in the 2024 General Session, requires that this rule be repealed and replaced by a new rule, R765-256, which will be submitted soon.
4. Summary of the new rule or change:
This filing repeals Rule R765-801 in its entirety. This rule will be replaced by a new rule on the same or a similar topics that will be renumbered and submitted as a new rule.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
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A) State budget:			
Repealing Rule R765-801 will not affect the state budget. This rule will be replaced by Rule R765-256 pursuant to H.B. 414 (2024).			
H.B. 414 has a \$0 fiscal note attached to it.			
B) Local governments:			
Because repealing Rule R765-801 applies to institutions of higher education, it does not affect local governments' revenue and expenditures.			
As a result, the repeal will not affect local governments.			
C) Small businesses ("small business" means a business employing 1-49 persons):			
Because repealing Rule R765-801 applies to institutions of higher education, it does not affect small businesses.			
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):			
Because repealing Rule R765-801 applies to institutions of higher education, it does not affect non-small businesses.			
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an <i>agency</i>):			
Because repealing Rule R765-801 applies to institutions of higher education, it does not affect persons other than small businesses, non-small businesses, state, or local government entities.			
F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):			
This rule will be replaced by Rule R765-256 pursuant to H.B. 414 (2024).			
H.B. 414 has a \$0 fiscal note attached to it.			
G) Regulatory Impact Summary Table (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 will be included in narratives above.)			
Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$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
H) Department head comments on fiscal impact and approval of regulatory impact analysis:			
The Commissioner of Higher Education, Geoff Landward, has reviewed and approved this regulatory impact analysis.			

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

H.B. 414 (2024)		
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	11/14/2024
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9. This rule change MAY become effective on:	11/21/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Hilary Renshaw, Associate General Counsel and Designee	Date:	09/25/2024
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R765. Higher Education (Utah Board of), Administration.~~**R765-801. Student Due Process.**~~~~**R765-801-1. Purpose.**~~

~~_____ In accordance with Title 53B, Chapter 27, Part 3, Student Civil Liberties Protection Act, this rule establishes general elements of due process that institutions must provide to a student prior to being expelled or suspended for 10 days or more for non-academic code of conduct violations.~~

~~**R765-801-2. Authority.**~~

~~_____ This rule is authorized by Section 53B-27-302.~~

~~**R765-801-3. General Rights of Due Process.**~~

~~_____ (1) In matters of non-academic conduct that may result in either expulsion or a minimum 10-day suspension, each institution shall provide students the following minimum due process:~~

~~_____ (a) Prior to being interviewed about allegations of misconduct, the institution shall provide the student with notice of the allegations against the student and of the student's right to have an advisor throughout the process who may, but need not be, an attorney.~~

~~_____ (b) During an inquiry, investigation, or other informal process, an advisor may only advise the student and may not actively participate in the investigation or informal process.~~

~~_____ (c) Prior to a formal hearing, unless prohibited by reasonable circumstances, each party shall provide to the hearing committee chair or hearing officer copies of the documents they intend to submit as evidence and a list of witnesses they intend to call during the formal hearing. This information shall be shared with each party. In all circumstances, including an informal process, the institution shall provide the student an explanation of the evidence against the student.~~

~~_____ (d) Each institution shall provide the student an opportunity for a full hearing at which the student can respond to the allegations and evidence against the student. With the agreement of each party, the institution may also provide an informal hearing or opportunity to respond or an agreed-upon informal resolution.~~

~~_____ (e) At a formal adjudicatory hearing, the student may have an advisor advocate for the student. The student's advisor may be an attorney. The student's advisor may actively participate in the hearing in accordance with the institution's policies regarding active participation.~~

~~**R765-801-4. Standard of Proof.**~~

~~_____ Each student shall be presumed not to have engaged in a code of conduct violation until the institution has established a violation by a preponderance of the evidence.~~

~~**R765-801-5. Incorporations of Institutions' Policies.**~~

~~_____ (1) The following institutions have adopted the following policies that are incorporated by reference within this rule, including amendments:~~

~~_____ (a) Utah State University's:~~

~~_____ (i) Policy 305, Discrimination Complaints, May 6, 2016; and~~

~~_____ (ii) Student Code Article VIII, April 10, 2009;~~

~~_____ (b) Weber State University's PPM 6-22, Student Code, September 13, 2018;~~

~~_____ (c) University of Utah's:~~

~~_____ (i) Policy 6-400, Code of Student Rights and Responsibilities, Sections III(C), VI(C), July 9, 2009;~~

~~_____ (ii) University's Rule 1-012A, Discrimination Complaint Process Rule, February 14, 2017;~~

~~_____ (iii) University's Rule 1-012B(III)(E-K), Sexual Misconduct Complaint Process Rule, February 14, 2017; and~~

NOTICES OF PROPOSED RULES

- ~~(iv) Procedure 1-012, Discrimination Hearing Procedure, February 14, 2017;~~
- ~~(d) Utah Valley University's;~~
- ~~(i) 162 Sexual Misconduct, June 18, 2019;~~
- ~~(ii) 165 Discrimination, Harassment, and Affirmative Action, June 18, 2019;~~
- ~~(iii) 502 Determination of Utah Resident Status for Tuition Purposes, December 4, 2014; and~~
- ~~(iv) 541 Student Code of Conduct, November 29, 2018;~~
- ~~(e) Snow College's Student Rights and Responsibilities, May 31, 2019;~~
- ~~(f) Southern Utah University's Policy 11.2, Student Code of Conduct, April 29, 2016;~~
- ~~(g) Dixie State University's:~~
- ~~(i) 154, Title IX, Harassment and Nondiscrimination, September 1, 2016; and~~
- ~~(ii) 552, Student Rights and Responsibilities, April 28, 2017;~~
- ~~(h) Salt Lake Community College's Student Sexual Misconduct 3-2.02, 01/17/2017;~~
- ~~(i) Davis Technical College's~~
- ~~(i) Davis Technical College Student Code of Conduct and Discipline Policy, July 30, 2019; and~~
- ~~(ii) Davis Technical College Student Grievance Policy, July 30, 2019;~~
- ~~(j) Mountainland Technical College's Student Grievance 600.608, December 21, 2005;~~
- ~~(k) Ogden Weber Technical College's Student Rights and Responsibilities, and Code of Conduct 530.4., July 25, 2019;~~
- ~~(l) Southwest Technical College's:~~
- ~~(i) Student Conduct Policy, July 1, 2020;~~
- ~~(ii) Grievance Policy, July 21, 2020;~~
- ~~(iii) Harassment, Nondiscrimination and Equal Opportunity, July 21, 2020; and~~
- ~~(iv) Title IX Due Process Policy, July 21, 2020; and~~
- ~~(m) Tooele Technical College's:~~
- ~~(i) Student Code of Conduct and Discipline, July 31, 2019; and~~
- ~~(ii) Student Grievances, July 31, 2019.~~

~~KEY: civil liberties, due process~~

~~Date of Last Change: January 20, 2022~~

~~Authorizing, and Implemented or Interpreted Law: 53B-27-302~~

NOTICE OF SUBSTANTIVE CHANGE		
TYPE OF FILING: Amendment		
Rule or Section Number:	R861-1A-43	Filing ID: 56819

Agency Information

1. Title catchline:	Tax Commission, Administration	
Building:	Tax Commission	
Street address:	210 N 1950 W	
City, state:	Salt Lake City, UT	
Contact persons:		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R861-1A-43. Electronic Meetings Pursuant to Utah Code Ann. Section 52-4-207
3. Purpose of the new rule or reason for the change:
The purpose of this filing is to clarify the circumstances under which the commission can conduct a public meeting where all of the commissioners are attending by electronic means.

4. Summary of the new rule or change:

During the 2024 General Session, the Legislature passed H.B. 36, Open and Public Meetings Act, which authorized a public body to adopt rules governing public meetings where all members of the public body attend through an electronic connection.

The amendments to this rule provide the ability for a public commission meeting to be held where all commissioners are attending remotely through electronic means. The amendments also specify how a quorum will be determined when all members are attending remotely.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:
 This amendment is not expected to impact the state budget because there is no cost or savings associated with the remote attendance of a public meeting.

B) Local governments:
 This amendment is not expected to impact local governments because there is no cost or savings associated with the remote attendance of a public meeting.

C) Small businesses ("small business" means a business employing 1-49 persons):
 This amendment is not expected to impact small businesses because there is no cost or savings associated with the remote attendance of a public meeting.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
 This amendment is not expected to impact non-small businesses because there is no cost or savings associated with the remote attendance of a public meeting.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):
 This amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local governments because there is no cost or savings associated with the remote attendance of a public meeting.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
 This amendment is not expected to impose compliance costs on affected persons because there is no cost or savings associated with the remote attendance of a public meeting.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0

NOTICES OF PROPOSED RULES

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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:
 Commissioner of the Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 52-4-207		
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: 11/14/2024

9. This rule change MAY become effective on: 11/21/2024
 NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Rebecca Rockwell, Commissioner	Date:	09/26/2024
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R861. Tax Commission, Administration.

R861-1A. Administrative Procedures.

R861-1A-43. Electronic Meetings Pursuant to Utah Code Ann. Section 52-4-207.

- (1) A commissioner may participate electronically in a meeting open to the public under Section 52-4-207. ~~[(1)]~~
- ~~[(a)]~~ ~~two commissioners are present at a single anchor location; or~~
- ~~[(b)]~~ ~~one commissioner is present at the anchor location.~~
- ~~[(2)]~~ ~~If Subsection (1)(b) applies, the commissioner at the anchor location shall conduct the meeting.~~
- ~~[(3)]~~ ~~(2)(a) The commission shall indicate in a public notice if the public may participate electronically in a meeting open to the public under Section 52-4-207.~~
- (b) A notice provided under Subsection ~~[(3)]~~ ~~(2)(a)~~ shall direct the public on how to participate electronically in the meeting.
- ~~[(4)]~~ ~~(3) A commissioner who is participating electronically pursuant to Subsection (1) shall be included in calculating a quorum if the commissioner is:~~
 - (a) connected by audio means; and
 - (b) verbally recognized as electronically present by ~~[(a)]~~ ~~another commissioner.~~ ~~[(at the anchor location).]~~

KEY: developmental disabilities, grievance procedures, taxation, disclosure requirements

Date of Last Change: 2024 ~~[January 12, 2023]~~

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: 10-1-405; 41-1a-209; 52-4-207; 59-1-205; 59-1-207; 59-1-210; 59-1-301; 59-1-302.1; 59-1-304; 59-1-401; 59-1-403; 59-1-404; 59-1-405; 59-1-501; 59-1-502.5; 59-1-602; 59-1-611; 59-1-705; 59-1-706; 59-1-1004; 59-1-1404; 59-7-505; 59-10-512; 59-10-532; 59-10-533; 59-10-535; 59-12-107; 59-12-114; 59-12-118; 59-13-206; 59-13-210; 59-13-307; 59-10-544; 59-14-404; 59-2-212; 59-2-701; 59-2-705; 59-2-1003; 59-2-1004; 59-2-1006; 59-2-1007; 59-2-704; 59-2-924; 59-7-517; 63G-3-301; 63G-4-102; 76-8-502; 76-8-503; 59-2-701; 63G-4-201; 63G-4-202; 63G-4-203; 63G-4-204; 63G-4-205 through 63G-4-209; 63G-4-302; 63G-4-401; 63G-4-503; 63G-3-201(2); 68-3-7; 68-3-8.5; 69-2-5; 42 USC 12201; 28 CFR 25.107 1992 Edition

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment		
Rule or Section Number:	R884-24P-19	Filing ID: 56820

Agency Information

1. Title catchline:	Tax Commission, Property Tax	
Building:	Tax Commission	
Street address:	210 N 1950 W	
City, state:	Salt Lake City, UT	
Contact persons:		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R884-24P-19. Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702
3. Purpose of the new rule or reason for the change:
The purpose of this filing is to establish education, training, designation, and continuing education requirements for employees of county assessor's offices and the Tax Commission.
4. Summary of the new rule or change:
The amendments to this rule modify and clarify the education, training, designation, and continuing education requirements that must be complied with for an individual within a county assessor's office or the Property Tax Division to be authorized to value real or personal property for purposes of ad valorem property taxation.
The amendments also establish training, education, and designation requirements that must be obtained by an individual elected to the office of county assessor. These requirements are consistent with Section 59-2-702.5.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
This amendment is not expected to impact the state budget because the Tax Commission is providing this training at no charge within the Tax Commission's existing training and education budget.
B) Local governments:
This amendment is not expected to impact local governments because the Tax Commission is providing this training at no charge within the Tax Commission's existing training and education budget.
C) Small businesses ("small business" means a business employing 1-49 persons):
This amendment is not expected to impact small businesses because this training is only applicable to employees of the tax commission and county assessor's offices.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
This amendment is not expected to impact non-small businesses because this training is only applicable to employees of the tax commission and county assessor's offices.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
This amendment is not expected to impact persons other than small businesses, non-small businesses, state, or local governments because this training is only applicable to employees of the Tax Commission and county assessor's offices.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

This amendment is not expected to impose compliance costs on affected persons because the Tax Commission is providing this training at no charge within the Tax Commission's existing training and education budget.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

Commissioner of the Tax Commission, Rebecca L. Rockwell, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 59-2-701	Section 59-2-702	
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	11/14/2024
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9. This rule change MAY become effective on:	11/21/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Rebecca Rockwell, Commissioner	Date:	09/26/2024
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R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-19. Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702.

(1) As used in this section:

(a) "Basic designation course" means one or more of the following courses:

(i) Course 500, The Fundamentals of the County Assessor;

(ii) Course 501, Assessment Practice in Utah;

(iii) Course 502, Mass Appraisal of Land;

- (iv) Course 503, Development and Use of Personal Property Schedules;
- (v) Course 504, Appraisal of Public Utilities and Railroads;
- (vi) Course 505, Income Approach Applications;
- (vii) Course 506, Residential Report Writing;
- (viii) Course 508, Tax Appeals and the Valuation Process; or
- (ix) Course 509, Mass Appraisal of Real Property.
- (b) "Division" means the Property Tax Division of the State Tax Commission.
- (c)(i) "Property tax purposes" means property valued for purposes of:
 - (A) Title 59, Chapter 2, Property Tax Act;
 - (B) Title 59, Chapter 3, Tax Equivalent Property Act; and
 - (C) Title 59, Chapter 4, Privilege Tax.
- (ii) "Property tax purposes" does not include property valued for purposes of Title 59, Chapter 2, Part 4, Assessment of Transitory Personal Property and Interstate Carriers.
- (b) "State certified general appraiser" means the same as that term is defined in Section 61-2g-102.
- (c) "State certified residential appraiser" means the same as that term is defined in Section 61-2g-102.
- (d) "State licensed appraiser" means the same as that term is defined in Section 61-2g-102.
- (e) "Trainee" means the same as that term is defined in Section 61-2g-102.
- (2)(a) A county assessor, state employee, or county employee may not value real or personal property for property tax purposes without first obtaining a designation from the division as provided in this section.
- (b)(i)(A) If a county assessor does not have enough employees that hold a designation under this section to value real or personal property for property tax purposes, the county assessor shall contract with a private appraiser to value the property.
- (B) Regardless of whether a county assessor is required to contract with a private appraiser under Subsection (2)(b)(i)(A), the county assessor may contract with a private appraiser to value real or personal property for property tax purposes.
- (ii)(A) Except as provided in Subsection (2)(b)(ii)(B), if a county assessor contracts with a private appraiser under this Subsection (2)(b), the private appraiser shall be a:
 - (I) state licensed appraiser;
 - (II) state certified residential appraiser; or
 - (III) state certified general appraiser.
- (B) If a county assessor contracts with a private appraiser to value property that is commercial real property, the private appraiser shall:
 - (I) be a state certified general appraiser; or
 - (II) possess a current designation under Subsection (6).
- (c) The appraisal of real or personal property for property tax purposes shall comply with the professional conduct requirements and uniform standards of Section 61-2g-403.
- (3)(a)(i) The division may grant the following designations:
 - (A) administrator;
 - (B) centrally assessed valuation analyst;
 - (C) general real property appraiser;
 - (D) personal property auditor or appraiser; and
 - (E) residential appraiser.
- (ii) In addition to the designations described in Subsection (3)(a)(i), the division may grant the following associate designations:
 - (A) associate centrally assessed valuation analyst; and
 - (B) associate residential appraiser.
- (b) The division may only grant a designation described in Subsection (3)(a) to an individual who is employed:
 - (i) by:
 - (A) a county assessor's office; or
 - (B) the State Tax Commission; and
 - (ii) as an:
 - (A) appraiser;
 - (B) review appraiser;
 - (C) valuation auditor;
 - (D) analyst providing oversight and direction to one or more appraisers or auditors; or
 - (E) administrator providing oversight and direction to one or more appraisers or auditors.
- (c) A designation described in Subsection (3)(a) is automatically revoked on the date employment terminates if the individual granted the designation does not meet the employment requirements of Subsection (3)(b).
- (d)(i) If a designation has been revoked under Subsection (3)(c) for a period of two years or less, the designation may be reinstated if the individual:
 - (A) secures or resumes employment that meets the requirements of Subsection (3)(b); or
 - (B) contracts with a party described Subsection (3)(b)(i) to provide appraisal services.
- (ii) If a designation has been revoked under Subsection (3)(c) for a period of more than two years, the designation may be reinstated if the individual:
 - (A) secures or resumes employment as described in Subsection (3)(b); and

NOTICES OF PROPOSED RULES

(B)(I) during the period beginning on the date of revocation and ending on the date of securing or resuming employment as described in Subsection (3)(b), has:

(Aa) been employed in a closely related field as determined by the division; and

(Bb) completed all division continuing education requirements applicable to the designation; or

(II)(Aa) passed a final examination for each course applicable to the designation; and

(Bb) successfully completed to the satisfaction of the division a field practicum applicable to the designation.

(iii) Reinstatement under this Subsection (3)(d) do not apply to the designation described in Subsection (3)(a)(i)(A).

(4)(a) The division may grant the designation of administrator to a county assessor who meets the requirements of this Subsection (4).

(b) To be granted the designation of administrator, an individual shall:

(i) successfully complete the following courses:

(A) Course 500, The Fundamentals of the County Assessor;

(B) Course 501, Assessment Practice in Utah;

(C) Course 503, Development and Use of Personal Property Schedules;

(D) Course 508, Tax Appeals and the Valuation Process; and

(E) Course 509, Mass Appraisal of Real Property;

(ii) pass a final examination for each course described in Subsection (4)(b)(i);

(iii) successfully complete to the satisfaction of the division a comprehensive mass appraisal practicum; and

(iv) comply with the requirements of Section 17-17-2.

(c)(i) The division shall confer a designation of completion as required by Section 59-2-702.5 to a county assessor that the division designates as an administrator.

(ii) To maintain the designation of administrator, a county assessor shall remain in compliance with Section 59-2-702.5.

(5)(a)(i) An individual who is granted the designation of centrally assessed valuation analyst may value centrally assessed property for property tax purposes.

(ii) An individual who is granted the designation of associate centrally assessed valuation analyst may value centrally assessed property for property tax purposes under the direction of an individual designated as a centrally assessed valuation analyst.

(b) To be granted the designation of centrally assessed valuation analyst, an individual shall:

(i) successfully complete the following courses:

(A) Course 501, Assessment Practice in Utah; and

(B) Course 504, Appraisal of Public Utilities and Railroads;

(ii) pass a final examination for each course described in Subsection (5)(b)(i);

(iii) successfully complete to the satisfaction of the division a comprehensive valuation practicum; and

(iv) be a:

(A) state licensed appraiser;

(B) state certified residential appraiser; or

(C) state certified general appraiser.

(c)(i) To be granted the designation of associate centrally assessed valuation analyst, an individual shall:

(A) successfully complete the following courses:

(I) Course 101, Basic Appraisal Principles;

(II) Course 102, Basic Appraisal Practices;

(III) Course 103, Uniform Standards of Professional Appraisal Practice;

(IV) Course 104, Appraiser, Supervisor, Trainee Workshop;

(V) Course 501, Assessment Practice in Utah; and

(VI) Course 504, Appraisal of Public Utilities and Railroads;

(B) pass a final examination for each course described in Subsection (5)(c)(i)(A);

(C) successfully complete to the satisfaction of the division a comprehensive valuation practicum; and

(D) be a trainee under the direction of an individual designated as a centrally assessed valuation analyst.

(d) To maintain a designation under this Subsection (5), an individual shall:

(i) successfully complete a basic designation course and pass the associated final examination every two years; and

(ii) except as provided in Subsection (5)(c), maintain the licensing or certification requirement of Subsection (5)(b)(iv).

(6)(a) An individual who is granted the designation of general real property appraiser may value locally assessed real property for property tax purposes.

(b) To be granted the designation of general real property appraiser, an individual shall:

(i) successfully complete the following courses:

(A) Course 501, Assessment Practice in Utah;

(B) Course 502, Mass Appraisal of Land;

(C) Course 505, Income Approach Applications;

(C) Course 508, Tax Appeals and the Valuation Process; and

(D) Course 509, Mass Appraisal of Real Property;

(ii) pass a final examination for each course described in Subsection (6)(b)(i);

(iii) successfully complete to the satisfaction of the division a comprehensive residential and commercial field practicum; and

- _____ (iv) be a:
- _____ (A) state certified residential appraiser; or
- _____ (B) state certified general appraiser.
- _____ (c) To maintain a designation under this Subsection (6), an individual shall:
- _____ (i) successfully complete a basic designation course and pass the associated final examination every two years; and
- _____ (ii) maintain the certification requirement of Subsection (6)(b)(iv).
- _____ (7)(a) An individual who is granted the designation of personal property auditor and appraiser may value locally assessed personal property for property tax purposes.
- _____ (b) To be granted the designation of personal property auditor and appraiser, an individual shall:
- _____ (i) successfully complete the following courses:
- _____ (A) Course 101, Basic Appraisal Principles;
- _____ (B) Course 103, Uniform Standards of Professional Appraisal Practice;
- _____ (C) Course 501, Assessment Practice in Utah; and
- _____ (D) Course 503, Development and Use of Personal Property Schedules;
- _____ (ii) pass a final examination for each course described in Subsection (7)(b)(i); and
- _____ (iii) successfully complete to the satisfaction of the division a comprehensive auditing and appraisal practicum.
- _____ (c) To maintain a designation under this Subsection (7), an individual shall successfully complete six hours of division approved continuing education every two years.
- _____ (8)(a)(i) An individual who is granted the designation of residential appraiser may value residential, vacant, or agricultural property for property tax purposes.
- _____ (ii) An individual who is granted the designation of associate residential appraiser may value residential, vacant, or agricultural property for property tax purposes under the direction of an individual designated as a residential appraiser.
- _____ (b) To be granted the designation of residential appraiser, an individual shall:
- _____ (i) successfully complete the following courses:
- _____ (A) Course 501, Assessment Practice in Utah;
- _____ (B) Course 502, Mass Appraisal of Land;
- _____ (C) Course 506, Residential Report Writing;
- _____ (D) Course 508, Tax Appeals and the Valuation Process; and
- _____ (E) Course 509, Mass Appraisal of Real Property;
- _____ (ii) pass a final examination for each course described in Subsection (8)(b)(i);
- _____ (iii) successfully complete to the satisfaction of the division a comprehensive residential field practicum; and
- _____ (iv) be a:
- _____ (A) state licensed appraiser;
- _____ (B) state certified residential appraiser; or
- _____ (C) state certified general appraiser.
- _____ (c)(i) To be granted the designation of associate residential appraiser, the individual shall:
- _____ (A) successfully complete the following courses:
- _____ (I) Course 101, Basic Appraisal Principles;
- _____ (II) Course 102, Basic Appraisal Practices;
- _____ (III) Course 103, Uniform Standards of Professional Appraisal Practice;
- _____ (IV) Course 104, Appraiser, Supervisor, Trainee Workshop;
- _____ (V) Course 501, Assessment Practice in Utah;
- _____ (VI) Course 502, Mass Appraisal of Land;
- _____ (VII) Course 506, Residential Report Writing;
- _____ (VIII) Course 508, Tax Appeals and the Valuation Process; and
- _____ (IX) Course 509, Mass Appraisal of Real Property;
- _____ (B) pass a final examination for each course described in Subsection (8)(c)(i)(A);
- _____ (C) successfully complete to the satisfaction of the division a comprehensive residential field practicum; and
- _____ (D) be a trainee under the direction of an individual designated as a residential appraiser.
- _____ (d) To maintain a designation under this Subsection (8), an individual shall:
- _____ (i) successfully complete a basic designation course and pass the associated final examination every two years; and
- _____ (ii) except as provided in Subsection (8)(c), maintain the licensing or certification requirement of Subsection (8)(b)(iv).
- _____ (9) For purposes of this section, a course is considered to be successfully completed if the individual attended 100% of the classes for the course.
- _____ (10)(a) For purposes of this section, an individual is considered to have passed a final examination for a course if the individual's score is equal to or greater than 70%.
- _____ (b)(i) If an individual fails to pass a final examination for a course, the individual may make two additional attempts to pass the final examination.
- _____ (ii) If the individual fails to pass the final examination after the two additional attempts described in Subsection (10)(b)(i), the individual may not take the final examination again until the individual retakes the course.
- _____ (11)(a) If an individual is required to complete a practicum for a designation described in Subsections (4) through (8), the practicum shall be administered by an appraiser designated by the division upon written request of the individual's supervisor.

NOTICES OF PROPOSED RULES

~~(b) A practicum shall include the appraisal or audit of selected properties that the individual is likely to encounter in the individual's specific employment circumstances.~~

~~(12) The division may refuse to cover the costs associated with obtaining or maintaining a designation:~~

~~(a) if the individual fails to:~~

~~(i) pass a final examination after three attempts;~~

~~(ii) successfully complete the course as described in Subsection (9);~~

~~(iii) provide the division reasonable advance notice of withdrawal from a course; or~~

~~(b) under circumstances similar to those listed in Subsection (12)(a) as determined by the division.~~

~~(13)(a) The completion and delivery of the assessment roll required under Section 59-2-311 is an administrative function of a county assessor.~~

~~(b) A county assessor may complete and deliver an assessment roll as required by Section 59-2-311 without meeting any licensure, certification, designation, or educational requirements of this section.~~

~~(1) "State certified general appraiser," "state certified residential appraiser," "state licensed appraiser," and trainee are as defined in Section 61-2b-2.~~

~~(2) The ad valorem training and designation program consists of several courses and practica.~~

~~(a) Certain courses must be sanctioned by either the Appraiser Qualification Board of the Appraisal Foundation (AQB) or the Western States Association of Tax Administrators (WSATA):~~

~~(b) The courses comprising the basic designation program are:~~

~~(i) Course 101—Basic Appraisal Principles;~~

~~(ii) Course 103—Uniform Standards of Professional Appraisal Practice (AQB);~~

~~(iii) Course 501—Assessment Practice in Utah;~~

~~(iv) Course 502—Mass Appraisal of Land;~~

~~(v) Course 503—Development and Use of Personal Property Schedules;~~

~~(vi) Course 504—Appraisal of Public Utilities and Railroads (WSATA); and~~

~~(vii) Course 505—Income Approach Application.~~

~~(3) Candidates must attend 90 percent of the classes in each course and pass the final examination for each course with a grade of 70 percent or more to be successful.~~

~~(4) There are four recognized ad valorem designations: ad valorem residential appraiser, ad valorem general real property appraiser, ad valorem personal property auditor/appraiser, and ad valorem centrally assessed valuation analyst.~~

~~(a) These designations are granted only to individuals employed in a county assessor office or the Property Tax Division, working as appraisers, review appraisers, valuation auditors, or analysts/administrators providing oversight and direction to appraisers and auditors.~~

~~(b) An assessor, county employee, or state employee must hold the appropriate designation to value property for ad valorem taxation purposes.~~

~~(5) Ad valorem residential appraiser.~~

~~(a) To qualify for this designation, an individual must:~~

~~(i) successfully complete courses 501 and 502;~~

~~(ii) successfully complete a comprehensive residential field practicum; and~~

~~(iii) attain and maintain state licensed or state certified appraiser status.~~

~~(b) Upon designation, the appraiser may value residential, vacant, and agricultural property for ad valorem taxation purposes.~~

~~(6) Ad valorem general real property appraiser.~~

~~(a) In order to qualify for this designation, an individual must:~~

~~(i) successfully complete courses 501, 502, and 505;~~

~~(ii) successfully complete a comprehensive field practicum including residential and commercial properties; and~~

~~(iii) attain and maintain state certified appraiser status.~~

~~(b) Upon designation, the appraiser may value all types of locally assessed real property for ad valorem taxation purposes.~~

~~(7) Ad valorem personal property auditor/appraiser.~~

~~(a) For an individual commencing employment as an ad valorem personal property auditor/appraiser before April 15, 2019 to qualify for this designation, an individual must, by April 15, 2021:~~

~~(i) successfully complete courses 101, 103, 501, and 503; and~~

~~(ii) successfully complete a comprehensive auditing practicum.~~

~~(b) For an individual commencing employment as an ad valorem personal property auditor/appraiser on or after April 15, 2019 to qualify for this designation, an individual must within 24 months of commencing that employment:~~

~~(i) successfully complete courses 101, 103, 501, and 503; and~~

~~(ii) successfully complete a comprehensive auditing practicum.~~

~~(c) Upon designation, the auditor/appraiser may value locally assessed personal property for ad valorem taxation purposes.~~

~~(8) Ad valorem centrally assessed valuation analyst.~~

~~(a) In order to qualify for this designation, an individual must:~~

~~(i) successfully complete courses 501 and 504;~~

~~(ii) successfully complete a comprehensive valuation practicum; and~~

~~(iii) attain and maintain state licensed or state certified appraiser status.~~

~~(b) Upon designation, the analyst may value centrally assessed property for ad valorem taxation purposes.~~

- ~~(9) If a candidate fails to receive a passing grade on a final examination, two re-examinations are allowed. If the re-examinations are not successful, the individual must retake the failed course. The cost to retake the failed course will not be borne by the Tax Commission.~~
- ~~(10) A practicum involves the appraisal or audit of selected properties. The candidate's supervisor must formally request that the Property Tax Division administer a practicum.~~
- ~~(a) Emphasis is placed on those types of properties the candidate will most likely encounter on the job.~~
- ~~(b) The practicum will be administered by a designated appraiser assigned from the Property Tax Division.~~
- ~~(11) An appraiser trainee referred to in Section 59-2-701 shall be designated an ad valorem associate if the appraiser trainee:~~
- ~~(a) has completed all education and practicum requirements for designation under Subsections (5), (6), or (8); and~~
- ~~(b) has not completed the non-education requirements for licensure or certification under Title 61, Chapter 2b, Real Estate Appraiser Licensing and Certification.~~
- ~~(12) An individual holding a specified designation can qualify for other designations by meeting the additional requirements under Subsections (5), (6), (7), or (8).~~
- ~~(13)(a) Maintaining designated status for individuals designated under Subsection (7) requires completion of 6 hours of Tax Commission approved classroom work every two years.~~
- ~~(b) Maintaining designated status for individuals designated under Subsections (5), (6), and (8) requires maintaining their appraisal license or certification under Title 61, Chapter 2b, Real Estate Appraiser Licensing and Certification.~~
- ~~(14) Upon termination of employment from any Utah assessment jurisdiction, or if the individual no longer works primarily as an appraiser, review appraiser, valuation auditor, or analyst/administrator in appraisal matters, designation is automatically revoked.~~
- ~~(a) Ad valorem designation status may be reinstated if the individual secures employment in any Utah assessment jurisdiction within four years from the prior termination.~~
- ~~(b) If more than four years elapse between termination and rehire, and:~~
- ~~(i) the individual has been employed in a closely allied field, then the individual may challenge the course examinations. Upon successfully challenging all required course examinations, the prior designation status will be reinstated; or~~
- ~~(ii) if the individual has not been employed in real estate valuation or a closely allied field, the individual must retake all required courses and pass the final examinations with a score of 70 percent or more.~~
- ~~(15) All appraisal work performed by Tax Commission designated appraisers shall meet the standards set forth in section 61-2b-27.~~
- ~~(16) If appropriate Tax Commission designations are not held by assessor's office personnel, the appraisal work must be contracted out to qualified private appraisers. An assessor's office may elect to contract out appraisal work to qualified private appraisers even if personnel with the appropriate designation are available in the office. If appraisal work is contracted out, the following requirements must be met:~~
- ~~(a) The private sector appraisers performing the contracted work must hold the state certified residential appraiser or state certified general appraiser license issued by the Division of Real Estate of the Utah Department of Commerce. Only state certified general appraisers may appraise nonresidential properties.~~
- ~~(b) All appraisal work shall meet the standards set forth in Section 61-2b-27.~~
- ~~(17) The completion and delivery of the assessment roll required under Section 59-2-311 is an administrative function of the elected assessor.~~
- ~~(a) There are no specific licensure, certification, or educational requirements related to this function.~~
- ~~(b) An elected assessor may complete and deliver the assessment roll as long as the valuations and appraisals included in the assessment roll were completed by persons having the required designations.]~~

KEY: taxation, personal property, property tax, appraisals

Date of Last Change: [September 26,] 2024

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a **PROPOSED RULE** in the *Utah State Bulletin*, it may receive comment that requires the **PROPOSED RULE** to be altered before it goes into effect. A **CHANGE IN PROPOSED RULE** allows an agency to respond to comments it receives.

As with a **PROPOSED RULE**, a **CHANGE IN PROPOSED RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **CHANGE IN PROPOSED RULE** including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

While the law does not designate a comment period for a **CHANGE IN PROPOSED RULE**, it does provide for a 30-day waiting period. An agency may accept additional comments during this period and, at its option, may designate a comment period or may hold a public hearing. The 30-day waiting period for **CHANGES IN PROPOSED RULES** published in this issue of the *Utah State Bulletin* ends November 14, 2024.

Following the **RULE ANALYSIS**, the text of the **CHANGE IN PROPOSED RULE** is usually printed. The text shows only those changes made since the **PROPOSED RULE** was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (example). Deletions made to the rule appear struck out with brackets surrounding them (~~example~~). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a **CHANGE IN PROPOSED RULE** is too long to print, the Office of Administrative Rules may include only the **RULE ANALYSIS**. A copy of rules that are too long to print is available from the agency or from the Office of Administrative Rules.

From the end of the 30-day waiting period through February 12, 2025, an agency may notify the Office of Administrative Rules that it wants to make the **CHANGE IN PROPOSED RULE** effective. When an agency submits a **NOTICE OF EFFECTIVE DATE** for a **CHANGE IN PROPOSED RULE**, the **PROPOSED RULE** as amended by the **CHANGE IN PROPOSED RULE** becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of the **CHANGE IN PROPOSED RULE**. If the agency designates a public comment period, the effective date may be no fewer than seven calendar days after the close of the public comment period nor more than 120 days after the publication date. Alternatively, the agency may file another **CHANGE IN PROPOSED RULE** in response to additional comments received. If the Office of Administrative Rules does not receive a **NOTICE OF EFFECTIVE DATE** or another **CHANGE IN PROPOSED RULE** by the end of the 120-day period after publication, the **CHANGE IN PROPOSED RULE** filing, along with its associated **PROPOSED RULE**, lapses.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303, Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5b, R15-4-7, R15-4-9, and R15-4-10.

The Changes in Proposed Rules Begin on the Following Page

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: CPR (Change in Proposed Rule)		
Rule or Section Number:	R884-24P-33	Filing ID: 56782
Date of Previous Publication (Only for CPRs):	09/15/2024	

Agency Information

1. Title catchline:	Tax Commission, Property Tax	
Building:	Tax Commission	
Street address:	210 N 1950 W	
City, state:	Salt Lake City, UT 84134	
Contact persons:		
Name:	Phone:	Email:
Chantay Asper	801-297-3901	casper@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R884-24P-33. 2025 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-107.
3. Purpose of the new rule or reason for the change:
The purpose of this filing is to correct an error in the proposed amended rule published in the Utah State Bulletin on September 15, 2024.
4. Summary of the new rule or change:
On September 15, 2024, Section R884-24P-33 containing the proposed 2025 Personal Property Valuation Guides and Schedules was published in Utah State bulletin for public comment. The public comment period will end on October 15, 2024. However, an error was discovered in the proposed rule amendments and it is necessary for the Commission to submit for publication to the Office of Administrative Rules a change to the already published proposed rule. (EDITOR'S NOTE: The original proposed amendment upon which this change in proposed rule (CPR) was based was published in the September 15, 2024, issue of the Utah State Bulletin, on page 214. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the CPR and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The amount of savings or cost to state government is not affected by this rule. Tax revenue generated by taxing personal property is distributed to local governments to finance public services, programs, school districts, and local districts. No tax revenues generated by taxation of personal property will be retained by state government.
B) Local governments:
The change to the already published proposed rule is not expected to result in savings or costs to local governments because it is reinstating language that was deleted in error.

NOTICES OF CHANGES IN PROPOSED RULES

C) Small businesses ("small business" means a business employing 1-49 persons):

The change to the already published proposed rule is not expected to result in savings or costs to small businesses because it is reinstating language that was deleted in error.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

The change to the already published proposed rule is not expected to result in savings or costs to non-small businesses because it is reinstating language that was deleted in error.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The change to the already published proposed rule is not expected to result in savings or costs to persons other than small businesses, non-small businesses, and state or local government entities because it is reinstating language that was deleted in error.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

The change to the already published proposed rule is not expected to result in compliance savings or costs to affected persons because it is reinstating language that was deleted in error.

G) Regulatory Impact Summary Table (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 will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the State Tax Commission, Rebecca Rockwell, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 59-2-107		
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:	11/15/2024
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9. This rule change MAY become effective on:	11/22/2024
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NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

Agency head or designee and title:	Rebecca Rockwell, Commissioner	Date:	09/30/2024
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R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-33. 2025 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-107.

(1) As used in this rule:

(a) "Acquisition cost" means the same as that term is defined in Section 59-2-102.

(b)(i) "Actual cost" includes the value of components necessary to complete the vehicle, such as tanks, mixers, special containers, passenger compartments, special axles, installation, engineering, erection, or assembly costs.

(ii) Actual cost does not include sales or excise taxes, maintenance contracts, registration and license fees, dealer charges, tire tax, freight, or shipping costs.

(c) "Assessing authority" means:

(i) the State Tax Commission for property assessed under Title 59, Chapter 2, Part 2, Assessment of Property; and

(ii) the county assessor for property assessed under Title 59, Chapter 2, Part 3, County Assessment.

(d) "Cost new" means the actual cost of the property when purchased new.

(i) Except as otherwise provided in this rule, the assessing authority shall rely on the following sources to determine cost new:

(A) documented actual cost of the new or used vehicle; or

(B) recognized publications that provide a method for approximating cost new for new or used vehicles.

(ii) For the following property purchased used, the assessing authority may determine cost new by dividing the property's actual cost by the percent good factor for that class:

(A) Class 6 heavy and medium duty trucks;

(B) Class 13 heavy equipment;

(C) Class 17 vessels equal to or greater than 31 feet in length; and

(D) Class 21 commercial trailers.

(e) For purposes of Sections 59-2-108 and 59-2-1115, "item of taxable tangible personal property" means a piece of equipment, machinery, furniture, or other piece of tangible personal property that is functioning at its highest and best use for the purpose it was designed and constructed and is capable of performing that function without being combined with other items of personal property. An item of taxable tangible personal property is not an individual component part of a piece of machinery or equipment, but the piece of machinery or equipment. For example, a fully functioning computer is an item of taxable tangible personal property, but the motherboard, hard drive, tower, or sound card are not.

(f) "Percent good" means an estimate of value, expressed as a percentage, based on a property's acquisition cost or cost new, adjusted for depreciation and appreciation.

(i) The percent good factor shall be applied against the acquisition cost or the cost new to derive taxable value for the property.

(ii) Percent good schedules shall be derived from an analysis of the Internal Revenue Service Class Life, the Marshall and Swift Cost index, other data sources or research, and vehicle valuation guides such as Price Digests.

(2) Each year percent good schedules for use in computing personal property valuation shall be updated and recommended by the Property Tax Division for adoption by the Commission by rule in accordance with Section 59-2-107.

(a) County assessors may deviate from the schedules when warranted by specific conditions affecting an item of personal property. When a deviation will affect an entire class or type of personal property, a written report, substantiating the changes with verifiable data, must be presented to the Commission. Alternative schedules may not be used without prior written approval of the Commission.

(b) A party may request a deviation from the value established by the schedule for a specific item of property if the use of the schedule does not result in the fair market value for the property at the retail level of trade on the lien date, including any relevant installation and assemblage value.

(3) This rule does not apply to:

(a) a vehicle subject to the age-based uniform fee under Section 59-2-405.1;

(b) the following personal property subject to the age-based uniform fee under Section 59-2-405.2:

(i) an all-terrain vehicle;

NOTICES OF CHANGES IN PROPOSED RULES

- (ii) a camper;
- (iii) an other motorcycle;
- (iv) an other trailer;
- (v) a personal watercraft;
- (vi) a small motor vehicle;
- (vii) a snowmobile;
- (viii) a street motorcycle;
- (ix) a tent trailer;
- (x) a travel trailer; and
- (xi) a vessel, including an outboard motor of the vessel, that is less than 31 feet in length;
- (c) a motorhome subject to the uniform statewide fee under Section 59-2-405.3; and
- (d) an aircraft subject to the uniform statewide fee under Section 72-10-110.5.

(4) Other taxable personal property that is not included in the listed classes includes:

(a) Equipment leased or rented from inventory is subject to ad valorem tax. Refer to the appropriate property class schedule to determine taxable value.

(b) Property held for rent or lease is taxable, and is not exempt as inventory. For entities primarily engaged in rent-to-own, inventory on hand at January 1 is exempt and property out on rent-to-own contracts is taxable.

(5) Personal property valuation schedules may not be appealed to, or amended by, county boards of equalization.

(6) Taxable personal property, other than personal property subject to an age-based uniform fee under Sections 59-2-405.1 through 59-2-405.3, or a uniform statewide fee under Section 59-2-405, is classified by expected economic life as follows:

(a) Class 1 - Short Life Property.

(i) Property in this class has a typical life of more than one year and less than four years. It is fungible in that it is difficult to determine the age of an item retired from service.

(ii) Property in this class includes:

- (A) barricades or warning signs;
- (B) library materials;
- (C) patterns, jigs and dies;
- (D) pots, pans, and utensils;
- (E) canned computer software;
- (F) hotel linen;
- (G) wood and pallets;
- (H) video tapes, compact discs, and DVDs; and
- (I) uniforms.

(iii) Except as provided in Subsections (6)(a)(iv) and (v), taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

(iv) A licensee of canned computer software shall use one of the following substitutes for acquisition cost of canned computer software if no acquisition cost for the canned computer software is available:

(A) retail price of the canned computer software;

(B) if a retail price is unavailable, and the license is a nonrenewable single year license agreement, the total sum of expected payments during that 12-month period; or

(C) if the licensing agreement is a renewable agreement or is a multiple year agreement, the present value of expected licensing fees paid pursuant to the agreement.

(v) Video tapes, compact discs, and DVDs shall be valued at \$15 per tape or disc for the first year and \$3 per tape or disc thereafter.

Table 1 Short Life Property	
Year of Acquisition	Percent Good of Acquisition Cost
2024	76%
2023	47%
2022 and prior	12%

(b) Class 2 - Computer Integrated Machinery.

(i) Machinery shall be classified as computer integrated machinery if the following conditions are met:

(A) except as provided in Subsection (6)(b)(iv), equipment is sold as a single unit.

(B) the machinery cannot operate without the computer and the computer cannot perform functions outside the machinery.

(C) the machinery can perform multiple functions and is controlled by a programmable central processing unit.

(D) the total cost of the machinery and computer combined is depreciated as a unit for income tax purposes.

(E) the capabilities of the machinery cannot be expanded by substituting a more complex computer for the original.

(ii) Property in this class includes:

- (A) CNC mills;
- (B) CNC lathes; or
- (C) high-tech medical and dental equipment such as MRI equipment, CAT scanners, and mammography units.
- (iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.
- (iv) If the invoice for computer integrated machinery separately itemizes the computer from other machinery, the computer shall be valued as Class 12 property and the machinery shall be valued as Class 8 property.

Table 2 Computer Integrated Machinery	
Year of Acquisition	Percent Good of Acquisition Cost
2024	96%
2023	89%
2022	79%
2021	68%
2020	56%
2019	43%
2018	29%
2017 and prior	14%

- (c) Class 3 - Short Life Trade Fixtures.
 - (i) Property in this class is subject to rapid functional and economic obsolescence or severe wear and tear.
 - (ii) Property in this class includes:
 - (A) office machines;
 - (B) alarm systems;
 - (C) shopping carts;
 - (D) ATM machines;
 - (E) small equipment rentals;
 - (F) rent-to-own merchandise;
 - (G) telephone equipment and systems;
 - (H) music systems;
 - (I) vending machines;
 - (J) video game machines; and
 - (K) cash registers.
 - (iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

Table 3 Short Life Trade Fixtures	
Year of Acquisition	Percent Good of Acquisition Cost
2024	90%
2023	79%
2022	59%
2021	41%
2020 and prior	21%

- (d) Class 5 - Long Life Trade Fixtures.
 - (i) Property in this class is subject to functional obsolescence in the form of style changes.
 - (ii) Property in this class includes:
 - (A) furniture;
 - (B) bars and sinks;
 - (C) booths, tables and chairs;
 - (D) beauty and barber shop fixtures;
 - (E) cabinets and shelves;
 - (F) displays, cases and racks;
 - (G) office furniture;
 - (H) theater seats;
 - (I) water slides;
 - (J) signs, mechanical and electrical; and
 - (K) LED component of a billboard.

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(iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

Table 5 Long Life Trade Fixtures	
Year of Acquisition	Percent Good of Acquisition Cost
2024	96%
2023	90%
2022	83%
2021	74%
2020	64%
2019	52%
2018	39%
2017	26%
2016 and prior	13%

(e) Class 6 - Heavy and Medium Duty Trucks.

(i) Property in this class includes:

- (A) heavy duty trucks;
- (B) medium duty trucks;
- (C) crane trucks;
- (D) concrete pump trucks; and
- (E) trucks with well-boring rigs.

(ii) Taxable value shall be calculated by applying the percent good factor against the cost new.

(iii)(A) Cost new of a vehicle in this class shall be the documented actual cost of the vehicle for new vehicles.

(B) If the documented actual cost of the vehicle for new vehicles is unavailable, the cost new shall be 75% of the manufacturer's suggested retail price.

(iv) For state assessed vehicles, cost new shall include the value of attached equipment.

(v) The 2025 percent good applies to 2025 models purchased in 2024.

(vi) Trucks weighing two tons or more have a residual taxable value of \$1,750.

Table 6 Heavy and Medium Duty Trucks	
Model Year	Percent Good of Cost New
2025	98%
2024	97%
2023	95%
2022	93%
2021	87%
2020	82%
2019	76%
2018	71%
2017	65%
2016	60%
2015	54%
2014	49%
2013	43%
2012 and prior	38%

(f)(i) Class 7 - Medical and Dental Equipment.

(ii) Class 7 has been merged into Class 8.

(g) Class 8 - Machinery and Equipment and Medical and Dental Equipment.

(i) Machinery and equipment in this class is subject to considerable functional and economic obsolescence created by competition as technologically advanced and more efficient equipment becomes available. Machinery and equipment in this class includes:

- (A) manufacturing machinery;
- (B) amusement rides;
- (C) bakery equipment;
- (D) distillery equipment;

- (E) refrigeration equipment;
- (F) laundry and dry cleaning equipment;
- (G) machine shop equipment;
- (H) processing equipment;
- (I) auto service and repair equipment;
- (J) mining equipment;
- (K) ski lift machinery;
- (L) printing equipment;
- (M) bottling or cannery equipment; and
- (N) packaging equipment.

(ii) Medical and dental equipment in this class is subject to a high degree of technological development by the health industry.

Medical and dental equipment in this class includes:

- (A) medical and dental equipment and instruments;
- (B) exam tables and chairs;
- (C) microscopes; and
- (D) optical equipment.

(iii) Except as provided in Subsection (6)(g)(iv), taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

(iv) Notwithstanding Subsection (6)(g)(iii), the taxable value of pollution control equipment as defined in Section 59-2-301.9, shall be calculated pursuant to Section 59-2-301.9.

Year of Acquisition	Percent Good of Acquisition Cost
2024	97%
2023	93%
2022	89%
2021	82%
2020	74%
2019	65%
2018	54%
2017	43%
2016	33%
2015	22%
2014 and prior	11%

(h)(i) Class 9 - Off-Highway Vehicles.

(ii) As required by Section 59-2-405.2, an off-highway vehicle is subject to an age-based uniform fee in lieu of property tax.

(i)(i) Class 10 - Railroad Cars.

(ii) Property in this class is subject to heavy wear and tear, and functional and economic obsolescence resulting from developing technology within the shipping industry.

(iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

Year of Acquisition	Percent Good of Acquisition Cost
2024	97%
2023	95%
2022	93%
2021	90%
2020	85%
2019	78%
2018	69%
2017	61%
2016	53%
2015	44%
2014	36%

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2013	28%
2012	19%
2011 and prior	10%

- (j)(i) Class 11 - Street Motorcycles.
- (ii) As required by Section 59-2-405.2, a street motorcycle is subject to an age-based uniform fee in lieu of property tax.
- (k) Class 12 - Computer Hardware.
- (i) Property in this class includes:
 - (A) data processing equipment;
 - (B) personal computers;
 - (C) main frame computers;
 - (D) computer equipment peripherals;
 - (E) cad or cam systems; and
 - (F) copiers.
- (ii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

Table 12 Computer Hardware	
Year of Acquisition	Percent Good of Acquisition Cost
2024	62%
2023	46%
2022	21%
2021	9%
2020 and prior	7%

- (l) Class 13 - Heavy Equipment.
- (i) Property in this class includes:
 - (A) construction equipment;
 - (B) excavation equipment;
 - (C) loaders;
 - (D) batch plants;
 - (E) snow cats; and
 - (F) pavement sweepers.
- (ii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.
- (iii) For 2025 model equipment purchased in 2024, the model equipment is valued at 100% of acquisition cost.

Table 13 Heavy Equipment	
Model Year	Percent Good of Acquisition Cost
2024	73%
2023	71%
2022	69%
2021	66%
2020	64%
2019	62%
2018	59%
2017	57%
2016	54%
2015	52%
2014	50%
2013	47%
2012	45%
2011 and prior	42%

- (m)(i) Class 14 - Motor Homes.
- (ii) As required by Section 59-2-405.3, a motor home is subject to an age-based uniform fee in lieu of property tax.
- (n) Class 15 - Semiconductor Manufacturing Equipment.
- (i) This class applies to equipment:

- (A) used in the production of semiconductor products; and
- (B) that is subject to significant economic and functional obsolescence due to rapidly changing technology and economic conditions.
- (ii) Property in this class includes:
 - (A) crystal growing equipment;
 - (B) die assembly equipment;
 - (C) wire bonding equipment;
 - (D) encapsulation equipment;
 - (E) semiconductor test equipment;
 - (F) clean room equipment;
 - (G) chemical and gas systems related to semiconductor manufacturing;
 - (H) deionized water systems;
 - (I) electrical systems; and
 - (J) photo mask and wafer manufacturing dedicated to semiconductor production.
- (iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

Table 15 Semiconductor Manufacturing Equipment	
Year of Acquisition	Percent Good of Acquisition Cost
2024	47%
2023	34%
2022	24%
2021	15%
2020 and prior	6%

- (o) Class 16 -- Long Life Property.
 - (i) Property in this class has a long physical life with little obsolescence.
 - (ii) Property in this class includes:
 - (A) billboards , excluding LED component;
 - (B) sign towers;
 - (C) radio towers;
 - (D) ski lift and tram towers;
 - (E) non-farm grain elevators;
 - (F) bulk storage tanks;
 - (G) underground fiber optic cable;
 - (H) solar panels and supporting equipment; and
 - (I) pipe laid in or affixed to land.
 - (iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

Table 16 Long Life Property	
Year of Acquisition	Percent Good of Acquisition Cost
2024	97%
2023	96%
2022	94%
2021	91%
2020	90%
2019	89%
2018	85%
2017	80%
2016	73%
2015	67%
2014	59%
2013	56%
2012	54%
2011	47%
2010	40%
2009	31%
2008	25%

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2007	18%
2006 and prior	9%

(p) Class 17 - Vessels Equal to or Greater Than 31 Feet in Length.

(i) Property in this class includes:

- (A) houseboats equal to or greater than 31 feet in length;
- (B) sailboats equal to or greater than 31 feet in length; and
- (C) yachts equal to or greater than 31 feet in length.

(ii) A vessel, including an outboard motor of the vessel, under 31 feet in length:

- (A) is not included in Class 17;
- (B) may not be valued using Table 17; and
- (C) is subject to an age-based uniform fee under Section 59-2-405.2.

(iii) Taxable value shall be calculated by applying the percent good factor against the cost new of the property.

(iv) The assessing authority shall rely on the following sources to determine cost new for property in this class:

(A) the following publications or valuation methods:

(I) the manufacturer's suggested retail price listed in the ABOS Marine Blue Book;

(II) for property not listed in the ABOS Marine Blue Book but listed in the NADA Marine Appraisal Guide, the NADA average value

for the property divided by the percent good factor; or

(III) for property not listed in the ABOS Marine Blue Book or the NADA Appraisal Guide:

(aa) the manufacturer's suggested retail price for comparable property; or

(bb) the cost new established for that property by a documented valuation source; or

(B) the documented actual cost of new or used property in this class.

(v) The 2025 percent good applies to 2025 models purchased in 2024.

(vi) Property in this class has a residual taxable value of \$1,000.

Model Year	Percent Good of Acquisition Cost
2025	90%
2024	77%
2023	75%
2022	73%
2021	71%
2020	69%
2019	67%
2018	65%
2017	63%
2016	61%
2015	58%
2014	56%
2013	54%
2012	52%
2011	50%
2010	48%
2009	46%
2008	44%
2007	42%
2006	40%
2005	38%
2004 and prior	35%

(q)(i) Class 17a - Vessels Less Than 31 Feet in Length.

(ii) As required by Section 59-2-405.2, a vessel less than 31 feet in length is subject to an age-based uniform fee in lieu of property tax.

(r)(i) Class 18 - Travel Trailers and Class 18a -- Tent Trailers or Truck Campers.

(ii) As required by Section 59-2-405.2, a travel trailer, tent trailer, and truck camper is subject to an age-based uniform fee in lieu of property tax.

(s) Class 20 - Petroleum and Natural Gas Exploration and Production Equipment.

(i) Property in this class is subject to significant functional and economic obsolescence due to the volatile nature of the petroleum industry.

(ii) Property in this class includes:

- (A) oil and gas exploration equipment;
- (B) distillation equipment;
- (C) wellhead assemblies;
- (D) holding and storage facilities;
- (E) drill rigs;
- (F) reinjection equipment;
- (G) metering devices;
- (H) cracking equipment;
- (I) well-site generators, transformers, and power lines;
- (J) equipment sheds;
- (K) pumps;
- (L) radio telemetry units; and
- (M) support and control equipment.

(iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

Table 20 Petroleum and Natural Gas Exploration and Production Equipment	
Year of Acquisition	Percent Good of Acquisition Cost
2024	97%
2023	95%
2022	93%
2021	91%
2020	85%
2019	78%
2018	69%
2017	58%
2016	49%
2015	40%
2014	30%
2013	21%
2012 and prior	11%

(t) Class 21 - Commercial Trailers.

(i) Property in this class includes:

- (A) dry freight van trailers;
- (B) refrigerated van trailers;
- (C) flat bed trailers;
- (D) dump trailers;
- (E) livestock trailers; and
- (F) tank trailers.

(ii)(A) Taxable value shall be calculated by applying the percent good factor against the cost new of the property.

(B) For state assessed vehicles, cost new shall include the value of attached equipment.

(iii) The 2025 percent good applies to 2025 models purchased in 2024.

(iv) Commercial trailers have a residual taxable value of \$1,000.

Table 21 Commercial Trailers	
Model Year	Percent Good of Acquisition Cost
2025	95%
2024	88%
2023	85%

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2022	83%
2021	80%
2020	77%
2019	74%
2018	71%
2017	68%
2016	65%
2015	62%
2014	59%
2013	56%
2012	53%
2011	50%
2010	47%
2009 and prior	44%

(u)(i) Class 21a -- Other Non-Commercial Trailers.

(ii) As required by Section 59-2-405.2, a trailer in this class is subject to an age-based uniform fee in lieu of property tax.

(v) Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans.

(i) Property in this class is the following:

- (A) domestic passenger cars;
- (B) foreign passenger cars;
- (C) light trucks;
- (D) utility vehicles; and
- (E) vans.

(ii) As required by Section 59-2-405.1, property in this class is subject to an age-based uniform fee in lieu of property tax.

(w)(i) Class 22a - Small Motor Vehicles.

(ii) As required by Section 59-2-405.2, a small motor vehicle is subject to an age-based uniform fee in lieu of property tax.

(x)(i) Class 23 - Aircraft Required to be Registered With the State.

(ii) As required by Section 59-2-404, aircraft required to be registered with the state is subject to a statewide uniform fee in lieu of property tax.

(y) Class 24 - Leasehold Improvements on Exempt Real Property. [~~REPEALED~~]

(i) This class applies to leasehold improvements where the underlying real property is owned by an entity that is exempt from property tax under Section 59-2-1101.

(ii) Property in this class includes:

- (A) walls and partitions;
- (B) plumbing and roughed fixtures;
- (C) floor coverings other than carpet;
- (D) store fronts;
- (E) wiring;
- (F) suspended or acoustical ceilings;
- (G) heating and cooling systems; and
- (H) iron or millwork trim.

(iii) Taxable value is calculated by applying the percent good factor against the cost of acquisition, including installation.

(iv) Short life leasehold improvements shall be valued under Class 3.

Year of Acquisition	Percent Good of Acquisition Cost
2024	94%
2023	88%
2022	82%
2021	77%
2020	71%
2019	65%
2018	59%
2017	54%
2016	48%
2015	42%

2014	36%
2013	30%

(z) Class 25 - Aircraft Parts Manufacturing Tools and Dies.

(i) Property in this class is subject to heavy wear and tear, and rapid physical, functional, and economic obsolescence due to rapid technological and economic shifts in the airline parts manufacturing industry.

(ii) Property in this class includes:

(A) aircraft parts manufacturing jigs and dies;

(B) aircraft parts manufacturing molds;

(C) aircraft parts manufacturing patterns;

(D) aircraft parts manufacturing taps and gauges; and

(E) aircraft parts manufacturing test equipment.

(iii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

Year of Acquisition	Percent Good of Acquisition Cost
2024	91%
2023	79%
2022	60%
2021	42%
2020	23%
2019 and prior	4%

(aa)(i) Class 26 - Personal Watercraft.

(ii) As required by Section 59-2-405.2, a personal watercraft is subject to an age-based uniform fee in lieu of property tax.

(bb) Class 27 - Electrical Power Generating Equipment and Fixtures.

(i) Property in this class includes:

(A) electrical power generators; and

(B) control equipment.

(ii) Taxable value shall be calculated by applying the percent good factor against the acquisition cost of the property.

Year of Acquisition	Percent Good of Acquisition Cost
2024	97%
2023	95%
2022	92%
2021	90%
2020	87%
2019	84%
2018	82%
2017	79%
2016	77%
2015	74%
2014	71%
2013	69%
2012	66%
2011	64%
2010	61%
2009	58%
2008	56%
2007	53%
2006	51%
2005	48%
2004	45%
2003	43%

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2002	40%
2001	38%
2000	35%
1999	32%
1998	30%
1997	27%
1996	25%
1995	22%
1994	19%
1993	17%
1992	14%
1991	12%
1990 and prior	9%

This rule shall be implemented and become binding on taxpayers beginning January 1, 2025.

KEY: taxation, personal property, property tax, appraisals

Date of Last Change: 2024

Notice of Continuation: November 9, 2021

Authorizing, and Implemented or Interpreted Law: Art. XIII, Sec 2; 9-2-201; 11-13-302; 41-1a-202; 41-1a-301; 59-1-210; 59-2-102; 59-2-103; 59-2-103.5; 59-2-104; 59-2-201; 59-2-210; 59-2-211; 59-2-301; 59-2-301.3; 59-2-302; 59-2-303; 59-2-303.1; 59-2-305; 59-2-306; 59-2-401; 59-2-402; 59-2-404; 59-2-405; 59-2-405.1; 59-2-406; 59-2-508; 59-2-514; 59-2-515; 59-2-701; 59-2-702; 59-2-703; 59-2-704; 59-2-704.5; 59-2-705; 59-2-801; 59-2-918 through 59-2-924; 59-2-1002; 59-2-1004; 59-2-1005; 59-2-1006; 59-2-1101; 59-2-1102; 59-2-1104; 59-2-1106; 59-2-1107 through 59-2-1109; 59-2-1113; 59-2-1115; 59-2-1202; 59-2-1202(5); 59-2-1302; 59-2-1303; 59-2-1308.5; 59-2-1317; 59-2-1328; 59-2-1330; 59-2-1347; 59-2-1351; 59-2-1365; 59-2-1703

End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a **120-DAY (EMERGENCY) RULE** when it finds that regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

As with a **PROPOSED RULE**, a **120-DAY RULE** is preceded by a **RULE ANALYSIS**. This analysis provides summary information about the **120-DAY RULE** including the name of a contact person, justification for filing a **120-DAY RULE**, anticipated cost impact of the rule, and legal cross-references.

Following the **RULE ANALYSIS**, the text of the **120-DAY RULE** is printed. New text is underlined (example) and text to be deleted is struck out with brackets surrounding the deleted text (~~example~~). An emergency rule that is new is entirely underlined. Likewise, an emergency rule that repeals an existing rule shows the text completely struck out. A row of dots in the text (.) indicates that unaffected text was removed to conserve space.

A **120-DAY RULE** is effective when filed with the Office of Administrative Rules, or on a later date designated by the agency. A **120-DAY RULE** is effective for 120 days or until it is superseded by a permanent rule. Because of its temporary nature, a **120-DAY RULE** is not codified as part of the *Utah Administrative Code*.

The law does not require a public comment period for **120-DAY RULES**. However, when an agency files a **120-DAY RULE**, it may file a **PROPOSED RULE** at the same time, to make the requirements permanent.

Emergency or **120-DAY RULES** are governed by Section 63G-3-304, and Section R15-4-8.

NOTICE OF EMERGENCY (120-DAY) RULE		
Rule or Section Number:	R70-101	Filing ID: 56814
Effective Date:	09/30/2024	

Agency Information

1. Title catchline:	Agriculture and Food, Regulatory Services	
Building:	Taylorsville State Office Building, South Bldg., Floor 2	
Street address:	4315 S 2700 W	
City, state	Taylorsville, UT	
Mailing address:	PO Box 146500	
City, state and zip:	Salt Lake City, UT 84114-6500	
Contact persons:		
Name:	Phone:	Email:
Amber Brown	385-245-5222	Ambermbrown@Utah.gov
Kelly Pehrson	801-982-2200	Kwpehrson@Utah.gov
Travis Waller	801-982-2200	Twaller@Utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R70-101. Bedding, Upholstered Furniture, and Quilted Clothing
3. Purpose of the new rule or reason for the change:
The agency submits this emergency rule to extend changes from the emergency rule filed in February 2024. Since then, the agency has collaborated with industry partners to clarify online sales requirements regarding law and textile labels. The Department of Agriculture and Food (Department) filed a repeal and reenactment on June 24, 2024. Based on public comments, it filed additional clarifying changes on September 9, 2024, extending the comment period to October 15, 2024.
The agency intends for that filing to become effective around October 22, 2024. However, a lapse in requirements exists between the expiration of the emergency rule and the reenacted rule's effectiveness.
4. Summary of the new rule or change:
This additional emergency rule filing will bridge that gap while the reenacted rule remains in public comment by removing the requirements for online sales.
5A) The agency finds that regular rulemaking would:
<input checked="" type="checkbox"/> cause an imminent peril to the public health, safety, or welfare;
<input type="checkbox"/> cause an imminent budget reduction because of budget restraints or federal requirements; or
<input type="checkbox"/> place the agency in violation of federal or state law.
B) Specific reasons and justifications for this finding:
Stakeholder discussions in early spring 2024 revealed concerns about the online sales requirements, particularly regarding retailers' inability to comply with the April 2023 filing.
Some retailers considered ceasing sales in Utah, which would directly impact state revenue and could be detrimental to public welfare.

Fiscal Information

6. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
The Department has not fully implemented the changes from the rule published in April 2023. Removing these changes will not impact the states budget and the program will continue to operate under the current resources.
B) Local governments:
The changes will not impact local governments because they do not sell or regulate bedding, upholstered furniture or quilted clothing.
C) Small businesses ("small business" means a business employing 1-49 persons):
The emergency rule removing online labeling requirements will not impact small businesses as it eliminates the compliance costs related to online sales.
D) Persons other than small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):
The emergency rule will not impact other persons as it eliminates the costs associated with online sales.
E) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):
This emergency rule will not impact compliance costs because it eliminates the costs associated with complying with online labeling requirements.

F) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

This rule will not have a fiscal impact on business. Craig W. Butters, Commissioner

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 4-10-103

Agency Authorization Information

Agency head or designee and title:	Craig Butters, Commissioner	Date:	09/26/2024
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R70. Agriculture and Food, Regulatory Services.

R70-101. Bedding, Upholstered Furniture, and Quilted Clothing.

R70-101-1. Authority and Purpose.

Pursuant to Section 4-10-103, this rule establishes the standards, practices, and procedures for the manufacture, repair, sale, and distribution of bedding, upholstered furniture, quilted clothing products, and filling materials.

R70-101-2. Definitions.

(1) "Clean" means free from stains, dirt, trash, filth, pulp, sludge, oil, grease, fat, skin, epidermis, excreta, vermin, insects, insect eggs, insect carcasses, contamination, hazardous materials, or residual or objectionable substances or odors.

(2) "Department" means the Utah Department of Agriculture and Food.

(3) "Law Label or Label" means a tag attached to bedding or upholstered furniture that provides information about the product to the consumer.

(4) "Manufacture" means the making, processing, or preparing of new or secondhand bedding, upholstered furniture, quilted clothing, or filling material.

(5) "Manufacturer" means a person who makes or has employees make any bedding, upholstered furniture, quilted clothing, filling material, or any part.

(6) "Non-resident" means a person permitted under this rule who does not have premises in Utah.

~~(7) "Online Retailer" means any person who advertises and markets via the internet and another electronic network.~~

(8) "Person" means an individual, partnership, association, firm, auctioneer, trust, limited liability company, or corporation.

(9) "Premises" means any place where bedding, upholstered furniture, quilted clothing, or filling material is sold, offered for sale, exposed for sale, stored, renovated, or manufactured, and the delivery vehicle used in their transportation.

(10) "Supply dealer" means a person who manufactures, processes, or sells at wholesale any felt, batting, pads, or other fillings, loose in a bag, in a bale or a container, concealed or not concealed, intended for use in bedding, upholstered furniture, or quilted clothing.

(11) "Second Hand Law Tag" or "Tag" means a tag attached to a product or filling material that has previously been used.

(12) "Sterilization Permit Number" means the number issued by a state to be used on any filling material or on the label for bedding, upholstered furniture, or quilted clothing to identify the sterilizing facility, person, or company.

(13) "Sterilize" means a process used to make wool, feathers, down, shoddy, or hair free from bacteria or any other living microorganism.

(14) "Sterilizer" means a person who sterilizes wool, feathers, down, shoddy, or hair.

(15) "Textile Label or Label" means a tag attached to a quilted clothing product that provides information required in 16 CFR Parts 300, 301, 303 and this rule.

(16) "Uniform Registry Number or URN" means the number issued by a state to be used on the law label of bedding, furniture, or filling material to identify the manufacturing facility, person, or company.

R70-101-3. Application of Rule.

This rule shall apply to any person engaged in the business of manufacturing, retailing~~[, online retailing]~~, wholesaling, processing, repairing, sterilizing, and selling items of bedding, upholstered furniture, quilted clothing, and filling material, regardless of their point of origin.

R70-101-4. Permit Requirements for Manufacturers, Repairers, and Wholesalers.

(1) Any person who advertises, solicits, or contracts to manufacture or repair bedding, upholstered furniture, or filling material shall secure a permit from the department before the product is offered for sale in Utah.

(2) Any person who advertises, solicits, or contracts to manufacture quilted clothing shall secure a permit from the department before the product is offered for sale in Utah.

(3) Any person seeking a permit shall provide the following to the department:

(a) a completed registration form; and

NOTICES OF 120-DAY (EMERGENCY) RULES

- (b) a sample of the label that will be used.
- (4) A wholesale bedding, upholstered furniture dealer, are exempted from providing a label to the department.
- (5) A registration fee shall be assessed annually. This fee shall be paid before January 1 or a late fee shall be assessed. Each fee is listed in the department's fee schedule that is approved by the Legislature.

R70-101-5. Sterilization Permit Requirements for Sterilizers.

- (1) A person who advertises, solicits, or contracts as a sterilizer shall secure a sterilization permit from the department before sterilized products are offered for sale in Utah.
- (2) A person seeking a sterilization permit shall provide the department with a sterilization permit application completed by a department authorized third party inspector.
- (3) A permit fee shall be assessed annually. This fee shall be paid before January 1 or a late fee will be assessed. Each fee is listed in the department's fee schedule that is approved by the Legislature.
- (4) The inspection for a sterilization permit shall be conducted every three years.
- (5) A copy of the inspection report shall be submitted to the department with the renewal form for that year.

R70-101-6. Revocation of Permit.

- (1) The department shall have the authority to suspend or revoke a permit for any violation of these provisions.
- (2) A suspension or revocation shall be in accordance with Section 4-1-106.

R70-101-7. Sanitation Requirements.

- (1) The premises, delivery equipment, machinery, and any appliances, article, and devices shall be kept free from refuse, dirt, contamination, or insects.
- (2) No person shall use in the making, repairing, or renovating of bedding, upholstered furniture, or quilted clothing any filling material that:
 - (a) contains any insect, vermin, or filth;
 - (b) is not clean; or
 - (c) contains burlap or other material that has been used for baling.
- (3) Bedding, quilted clothing, and filling material shall be stored four inches off the floor.
- (4) New and used products shall be stored separately.

R70-101-8. Sterilization Requirements for New Fill Material.

- (1) Any wool, feathers, down, shoddy, and hair shall be cleaned and sterilized before being used as new filling material.
- (2) Methods for Sterilization.
 - (a) Pressure Steam. The material shall be subjected to treatment by steam at 15 PSI (.104 mPA) for 30 minutes or 20 PSI (.0138 mPA) for 20 minutes. The gauge for registering steam pressure must be visible from the outside of the room or chamber.
 - (b) Streaming Steam. Two applications of streaming steam maintained for a period of one hour each, applied at intervals of not less than six nor more than 24 hours, may be used. Valved outlets shall be provided near the bottom and the top of the room or chamber when streaming steam is employed.
 - (c) Heat. A temperature of 235 degrees F held for a period of two hours, within a closed container is considered satisfactory for proper sterilization.
 - (d) Other methods of sterilization may be approved by the department upon petition.

R70-101-9. Manufacturing, Wholesale, Sterilizers, and Supply Dealer Labeling Requirements for Quilted Clothing.

- (1) The department incorporates by reference the October 19, 2017 version of the 16 CFR Parts 300 and 301, and the November 5, 2020 version of 16 CFR Part 303.
- (2) Articles of plumage-filled clothing shall meet the following label requirements.
 - (a) Any label stating the contents of Down, Goose Down, or Duck Down shall also state the minimum percentage of Down, Goose Down, or Duck Down that is contained in the article. The down label is a qualified general label and shall include in parentheses the minimum percentage of down in the product which shall be 75% or greater.
 - (b) "Down and Waterfowl Feathers" may be used to designate any plumage product containing between 50% minimum and 74% down and plumules. The percentage of both shall be stated on the sewn-in label and hang tags.
 - (c) "Waterfowl Feathers and Down" may be used to designate any plumage product containing between 5% minimum and 49% down and plumules. The percentage of both shall be stated on the sewn-in label and hang tags.
 - (d) "Waterfowl Feathers" may be used to designate any plumage product containing less than 5% down and plumules.
 - (e) Quill feathers are not permitted unless disclosed.
 - (f) Other plumage products that do not meet the requirements for any of the listed categories from Subsection R70-101-9(2) shall be labeled accurately with each component listed separately in order of predominance.
- (3) The sterilization permit number "PER. NO. " shall be listed on the textile label.
- (4) The form of identification used on a label and a tag shall be the same as those supplied to the department with the registration application.
- (5) The textile label shall be easily accessible to the consumer for examination before purchase.

R70-101-10. Filling Material.

(1) Each term or definition of a filling material shall be the term that has been submitted and approved by the International Association of Bedding Law Officials (IABFLO), except as otherwise required by this rule.

(2) Notwithstanding Subsection R70-101-10(1), the term "recycled" may be used if the manufacturing facility:

- (a) is Global Recycled Standard (GRS) certified;
 - (b) provides proof of GRS certification to the department on the registration form; and
 - (c) provides a copy of the certificate or the certification number on the invoice to the retailer for each lot or batch of filling material.
- (3) The manufacturing facility shall provide a copy of the certificate or the certification numbers for each batch or lot to the department upon request.

(4) Plumage material shall follow the standards as outlined in the "USA-2000 Labeling Standards- Down and Feather Products" and ASTM D-4522, which are incorporated by reference.

(5) Any other filling material shall be clean.

(6) "Imperfect, irregular foam" means any foam product that shows a major imperfection or that falls below the foam manufacturer's usual standards or specifications and must be stated on the tag as "imperfect" or "irregular" along with the generic name of the foam.

(7) "Imperfect, irregular fibers" shall mean any fiber that has an imperfection or that falls below the fiber manufacturer's usual standards or specifications and must be stated on the tag as "imperfect" or "irregular" along with the generic name of the fiber.

(8) The terms "Prime," "Super," "Northern," and similar terms shall not be used unless the fill can be proved to be of superior quality and meet the terms of the qualifying statement.

R70-101-11. Generic Names, Grades, Descriptive Terms, and Definitions of Filling Material.

(1) Filling material shall be described on the label and the tag using the:

- (a) true generic name;
- (b) grade;
- (c) description terms; or
- (d) definition of the filling material that has been approved by the department.

(2) When more than one kind of filling material is used in a mixture, the percentage by weight shall be listed in order of predominance.

(a) Federal fiber tolerance standards are applicable, except as pertains to a plumage product.

(b) Blends may be described in accordance with Section R70-101-10.

(3) When a different filling material is used in different parts of the garment, the areas of the garment shall be named, followed by the name of the filling material used in that area.

R70-101-12. Manufacturer Identification and Law Label Requirements for Bedding and Upholstered Furniture.

(1) The form of identification used on a law label and tag shall be the same as those supplied to the department with the registration.

(2) For any article of bedding and upholstered furniture, the law label shall use the format adopted by the IABFLO, as listed in the "Manual of Labeling Laws" of the International Sleep Products Association, 2021 edition, which is incorporated by reference. A copy of the incorporated edition of the "Manual of Labeling Laws" is available for public inspection at the department.

(3) The law label for a newly manufactured product shall meet the following requirements:

- (a) white on each side of the label;
- (b) made of material that cannot be easily torn;
- (c) printed in black ink;
- (d) printed in English;
- (e) printed clearly and legibly; and
- (f) firmly attached to the article.

(4) Required information shall be printed on one side of the label with the opposite side remaining blank.

(5) Each law label shall state the following, in order:

(a) the phrase "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the label in capital letters no less than 1/8 inches in height;

(b) the phrase "ALL NEW MATERIAL" in bold, capital letters no less than 1/8 inch in height, followed by the phrase "CONSISTING OF", no case or height requirements, followed by the filling contents in bold capital letters no less than 1/8 inch in height;

(c) the words "CONTENTS STERILIZED" in bold capital letters no less than 1/8 inch in height;

(d) the URN issued by the state in which the firm is first registered;

(e) the sterilization permit number of the sterilization facility from which the material was obtained, in bold capital letters no less than 1/8 inch in height;

(f) the phrase, "Certification is made by the manufacturer that the materials in this article are described in accordance with law"; and

(g) the name and complete address of the manufacturer, importer, or vendor of the article.

(6) The law label shall be easily accessible to the consumer for examination [~~before purchase~~].

(a) A product that is offered for sale in a box or in other packaging that makes a law label inaccessible shall reproduce a legible facsimile of the law label on the outer container or covering.

(7) No mark, label, printed matter, illustration, sticker, or other device shall be placed upon the label.

(8) The firm's license or permit with the state that issued the URN must be kept current for the number to be valid in Utah.

(9) Each firm doing business under more than one state-issued URN or permit shall obtain a permit for each number used on a product that is offered for sale in Utah.

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R70-101-13. Second Hand Law Tags and Tagging Requirements.

- (1) A tag for second hand material shall be:
 - (a) a minimum of two inches by three inches;
 - (b) yellow on both sides of the tag;
 - (c) made of material that cannot be easily torn;
 - (d) printed in English;
 - (e) printed in black ink;
 - (f) printed clearly and legibly; and
 - (g) firmly attached to the article.
- (2) Required information shall be printed on one side of the tag with the opposite side remaining blank.
- (3) A second hand tag shall contain the following information, in order:
 - (a) the phrase "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the label in capital letters, no less than 1/8 inch in height;
 - (b) the phrase, "THIS ARTICLE CONTAINS SECOND HAND MATERIAL CONSISTING OF CONTENTS UNKNOWN". The words "SECONDHAND MATERIAL" and "CONTENTS UNKNOWN" shall be in capital letters, size not less than 1/8 inches in height;
 - (c) the phrase, "Certification is made that the materials in this article are described in accordance with law"; and
 - (d) the store name and complete corporate address.
- (4) The tag shall be easily accessible to the consumer for examination.
- (5) No mark, label, printed matter, illustration, sticker, or any other device shall be placed upon the tag.

R70-101-14. Second Hand Tag and Tagging Requirements for Repaired, Reupholstered, and Renovated Products.

- (1) A tag for a repaired, reupholstered, and renovated product shall be:
 - (a) a minimum of two inches by three inches;
 - (b) yellow on both sides of the tag;
 - (c) made of material that cannot be easily torn;
 - (d) have the required information printed on one side of the tag with the opposite side remaining blank;
 - (e) printed in English;
 - (f) printed in black ink;
 - (g) printed clearly and legibly; and
 - (h) firmly attached to the article.
- (2) A second hand tag shall contain the following information, in order:
 - (a) the phrase, "UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER" in bold at the top of the label in capital letters, no less than 1/8 inch in height;
 - (b) the phrase, "THIS ARTICLE IS NOT FOR SALE OWNER'S MATERIAL" in bold in capital letters, no less than 1/8 inch in height;
 - (c) the phrase, "CERTIFICATION IS MADE THAT THIS ARTICLE CONTAINS THE SAME MATERIAL IT DID WHEN RECEIVED FROM THE OWNER AND THAT ADDED MATERIALS ARE DESCRIBED IN THE ACCORDANCE WITH LAW, AND CONSIST OF THE FOLLOWING:" followed by a description of the filling material;
 - (d) a description of the work that was done on the product;
 - (e) the URN number;
 - (f) the name and address of the renovator or repairer; and
 - (g) the date of pick-up, owner's name, and address.

R70-101-15. Used Mattresses.

- (1) A retailer selling a customer returned, refurbished, or used mattress shall follow the second hand law tag requirements as set out in Section R70-101-13.
- (2) In addition, a retailer shall also display on the mattress a tag stating "USED" in bold capital letters.
- (3) The USED tag shall be:
 - (a) a minimum of three inches by six inches;
 - (b) yellow on both sides of the tag;
 - (c) the font shall be a minimum of one inch in height;
 - (d) printed in black ink; and
 - (e) printed in English.
- (4) Required information shall be printed on one side of the tag with the opposite side remaining blank.
- (5) The USED tag shall be clearly visible to the consumer.

R70-101-16. Variance.

- (1) The department may issue a variance on label and tag requirements.
- (2) A request for a variance shall be made to the department in writing and shall contain the following information:
 - (a) the product associated with the variance request;
 - (b) where the variance will be used;
 - (c) an explanation of the need for a variance;

- (d) a description of how the variance will be used in practice; and
- (e) an example of the label or tag that will be used in place of the required label or tag.
- (3) Approval of a variance shall be given from the department in writing.
- (4) A variance shall be subject to a period of review.

R70-101-17. Making or Selling Material or Parts.

A person shall not purchase, make, process, prepare, or sell, directly or indirectly, at wholesale or retail, or otherwise, any filling material or other component parts to be used in bedding, upholstered furniture, or quilted clothing, unless such material is appropriately tagged.

R70-101-18. Retailer Responsibilities.

- (1) A retailer[~~, including online retailers,~~] shall:
 - (a) ensure that any article of bedding, upholstered furniture, quilted clothing, or filling material sold is labeled and tagged correctly;
 - (b) ensure the label is easily accessible to the consumer for examination[~~before purchase~~];
 - (c) comply with state law and the department's rules governing false and misleading advertisement;
 - (d) ensure that the manufacturer from whom a retailer purchases a product has a valid permit with the department; and
 - (e) ensure that the importer from whom a retailer purchases a product has a valid permit with the department.
- (2) Upon request of the department, a retailer shall provide the identity of the manufacturer or wholesaler of an article of bedding, upholstered furniture, quilted clothing, or filling material sold.
 - (3) A retailer may register in lieu of the manufacturer or wholesaler if the manufacturer or wholesaler is not registered.
 - (4) A retailer shall ensure that bedding or filling material using the term "recycled":
 - (a) is from a GRS certified facility; and
 - (b) has a certificate or certification number.

R70-101-19. Violations.

- (1) Each improperly labeled or tagged article of bedding, upholstered furniture, quilted clothing, or filling material made or sold shall be a separate violation of this rule.
- (2) No person shall be in violation if that person received, from the manufacturer or supplier of the article, a guarantee in good faith that the article is not contrary to this rule in the form prescribed by the Textile Fiber Products Identification Act, 15 U.S.C. 70, Wool Products Labeling Act, 15 U.S.C. 68, and related Federal Trade Commission rules.
- (3) No person shall remove, or cause to be removed, any tag, or device placed upon any article of bedding, upholstered furniture, quilted clothing, or filling material by an inspector.
- (4) No person may remove an article that has been condemned and ordered held on inspection notice.
- (5) No person shall interfere with, obstruct, or hinder any inspector of the department in the performance of the inspector's duties.
- (6) Any article of bedding, upholstered furniture, quilted clothing, or filling material manufactured or wholesaled by a manufacturer or wholesaler who is not registered or permitted may be withheld from sale until the manufacturer or wholesaler registers or obtains a permit.
- (7) No person shall use the term "recycled" for bedding or filling material unless they meet the requirements of Subsection R701-101-10(2).

R70-101-20. Products Not Intended for Use Subject to This Rule.

- (1) The Commissioner may exclude from this rule a textile fiber product:
 - (a) that has an insignificant or inconsequential textile fiber content; or
 - (b) if the disclosure of the textile fiber content is not necessary for the protection of the consumer.

KEY: inspections, labeling, quality control, registration

Date of Last Change: September 30, 2024

Notice of Continuation: March 12, 2020

Authorizing, and Implemented or Interpreted Law: 4-10-103

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

A **REVIEW** is not followed by the rule text. The rule text that is being continued may be found in the online edition of the *Utah Administrative Code* available at adminrules.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.

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R131-1	Filing ID: 50208
Effective Date:	09/30/2024	

Agency Information

1. Title catchline:	Capitol Preservation Board (State), Administration	
Building:	State Capitol Building	
Street address:	350 N State Street	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 142110	
City, state and zip:	Salt Lake City, UT 84114-2110	
Contact persons:		
Name:	Phone:	Email:
Dana Jones	801-538-1189	danajones@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R131-1. Procurement of Architectural and Engineering Services	
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	The Capitol Preservation Board's (Board's) authority to adopt rules is provided according to Subsection 63O-2-301(2). As required by Subsection 63O-2-301(3), procurement of architectural and engineering services shall be conducted in accordance with this rule, the provisions of Title 63G, Chapter 6, or of Title 63A, Chapter 5, as determined by the Board.	
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	No comments were received during the last five-year review of this rule from interested persons supporting or opposing this rule.	

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because this rule establishes procedures for the procurement of architectural and engineering services by the State Capitol Preservation Board. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Dana Jones, Executive Director	Date:	09/30/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R131-2	Filing ID: 56243
Effective Date:	09/30/2024	

Agency Information

1. Title catchline:	Capitol Preservation Board (State), Administration		
Building:	State Capitol Building		
Street address:	350 N State Street		
City, state	Salt Lake City, UT		
Mailing address:	PO Box 142110		
City, state and zip:	Salt Lake City, UT 84114-2110		
Contact persons:			
Name:	Phone:	Email:	
Dana Jones	801-538-1189	danajones@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R131-2. Capitol Hill Complex Facility Use
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The Capitol Preservation Board's (Board's) authority to adopt rules is provided according to Subsection 63O-2-301(2). As required by Subsection 63O-2-301(3), procurement of architectural and engineering services shall be conducted in accordance with this rule, the provisions of Title 63G, Chapter 6, or of Title 63A, Chapter 5, as determined by the Board.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments were received during the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because this rule establishes procedures for the procurement of architectural and engineering services by the State Capitol Preservation Board. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Dana Jones, Executive Director	Date:	09/30/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R131-7	Filing ID: 50220
Effective Date:	09/30/2024	
Agency Information		
1. Title catchline:	Capitol Preservation Board (State), Administration	
Building:	State Capitol Building	
Street address:	350 N State Street	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 142110	
City, state and zip:	Salt Lake City, UT 84114-2110	
Contact persons:		
Name:	Phone:	Email:
Dana Jones	801-538-1189	danajones@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information	
2. Rule catchline:	R131-7. State Capitol Preservation Board Master Planning Policy
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	The Capitol Preservation Board's (Board's) authority to adopt rules is provided according to Subsection 63O-2-301(2). As required by Subsection 63O-2-301(3), procurement of architectural and engineering services shall be conducted in accordance with this rule, the provisions of Title 63G, Chapter 6, or of Title 63A, Chapter 5, as determined by the Board.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	No comments were received during the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	This rule is necessary because this rule establishes procedures for the procurement of architectural and engineering services by the State Capitol Preservation Board. Therefore, this rule should be continued.

Agency Authorization Information			
Agency head or designee and title:	Dana Jones, Executive Director	Date:	09/30/2024

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R131-8	Filing ID: 50215
Effective Date:	09/30/2024	

Agency Information	
1. Title catchline:	Capitol Preservation Board (State), Administration
Building:	State Capitol Building
Street address:	350 N State Street
City, state	Salt Lake City, UT

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Mailing address:	PO Box 142110	
City, state and zip:	Salt Lake City, UT 84114-2110	
Contact persons:		
Name:	Phone:	Email:
Dana Jones	801-538-1189	danajones@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R131-8. CPB Facilities and Grounds: Maintenance of Aesthetics
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The Capitol Preservation Board's (Board's) authority to adopt rules is provided according to Subsection 63O-2-301(2). As required by Subsection 63O-2-301(3), procurement of architectural and engineering services shall be conducted in accordance with this rule, the provisions of Title 63G, Chapter 6, or of Title 63A, Chapter 5, as determined by the Board.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments were received during the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because this rule establishes procedures for the procurement of architectural and engineering services by the State Capitol Preservation Board. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Dana Jones, Executive Director	Date:	09/30/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R131-14	Filing ID: 50230
Effective Date:	09/30/2024	

Agency Information

1. Title catchline:	Capitol Preservation Board (State), Administration	
Building:	State Capitol Building	
Street address:	350 N State Street	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 142110	
City, state and zip:	Salt Lake City, UT 84114-2110	
Contact persons:		
Name:	Phone:	Email:
Dana Jones	801-538-1189	danajones@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

R131-14. Parking on Capitol Hill
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
The Capitol Preservation Board's (Board's) authority to adopt rules is provided according to Subsection 63O-2-301(2). As required by Subsection 63O-2-301(3), procurement of architectural and engineering services shall be conducted in accordance with this rule, the provisions of Title 63G, Chapter 6, or of Title 63A, Chapter 5, as determined by the Board.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No comments were received during the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary because this rule establishes procedures for the procurement of architectural and engineering services by the State Capitol Preservation Board. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Dana Jones, Executive Director	Date:	09/30/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R311-500	Filing ID: 53289
Effective Date:	09/17/2024	

Agency Information

1. Title catchline:	Environmental Quality, Environmental Response and Remediation	
Building:	Multi Agency State Office Building (MASOB)	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 144840	
City, state and zip:	Salt Lake City, UT 84114-4840	
Contact persons:		
Name:	Phone:	Email:
Bill Rees	385-391-8120	brees@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R311-500. Illegal Drug Operations Site Reporting and Decontamination Act, Decontamination Specialist Certification Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Title 19, Chapter 6, Part 9 – Illegal Drug Operations Site Reporting and Decontamination Act, was enacted May 2004. The statute requires the Department of Environmental Quality (DEQ), Waste Management and Radiation Control Board to make rules and establish within the DEQ/Division of Environmental Response and Remediation (DERR): (a) certification standards for any private person, firm, or entity involved in the decontamination of contaminated property and (b) a process for revoking the certification of a Decontamination Specialist who fails to maintain the certification standards.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The DERR has received no comments since the last five-year review supporting or opposing Rule R311-500.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

Rule R311-500 Decontamination Certification Program Rules should continue since Title 19, Chapter 6, Part 9 - Illegal Drug Operations Site Reporting and Decontamination Act requires the DEQ/DERR to develop and maintain a certification program for Decontamination Specialists. The statute also provides a mechanism for Certified Decontamination Specialists to help remove property from the contamination list. Title 19, Chapter 6, Part 9 has not been repealed.

The DERR is required to maintain a list of certified decontamination specialists according to Rule 311-500. This list is for administrative purposes only. It is not intended to serve as an advertisement for Certified Decontamination Specialists.

Agency Authorization Information

Agency head or designee and title:	Bill Rees, VCP/Brownfields Program Section Manager	Date:	09/17/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R547-15	Filing ID: 56005
Effective Date:	09/18/2024	

Agency Information

1. Title catchline:	Health and Human Services, Juvenile Justice and Youth Services	
Building:	Multi Agency State Office Building	
Street address:	195 N 1950 W	
City, state	Salt Lake City, UT	
Mailing address:	195 N 1950 W, 3rd Floor	
City, state and zip:	Salt Lake City, UT 84116	
Contact persons:		
Name:	Phone:	Email:
Reg Garff	801-602-6261	rgarff@utah.gov
Brett Peterson	385-394-4407	brett@utah.gov
Mariah Noble	385-214-1150	mariahnoble@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R547-15. Formula for Reform Savings

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

Section 80-5-303 requires the Division of Juvenile Justice and Youth Services (Division) to create a rule to establish a formula calculating the savings from General Fund appropriations resulting from out-of-home placements for minors within the Division.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

The division has not received any written comments in support of or opposition to this rule since its last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule is necessary because it provides a formula to determine cost savings from implementing juvenile justice reform and is required by statute. Therefore, this rule should be continued.

As the Division has not received any comments in opposition to this rule, it has not responded to any such comments.

Agency Authorization Information

Agency head or designee and title:	Tracy S. Gruber, Executive Director	Date:	09/18/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R606-6	Filing ID: 51491
Effective Date:	09/18/2024	

Agency Information

1. Title catchline:	Labor Commission, Antidiscrimination and Labor, Antidiscriminat		
Building:	Heber M. Wells Bldg		
Street address:	160 E 300 S, 3 rd Floor		
City, state	Salt Lake City UT		
Mailing address:	PO Box 146600		
City, state and zip:	Salt Lake City, UT 84114-6600		
Contact persons:			
Name:	Phone:	Email:	
Tyler Whitacre	801-530-6800	twhitacre@utah.gov	
Chris Hill	801-530-6800	chill@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R606-6. Regulation of Practice and Procedure on Employer Reports and Records
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Section 43A-5-104 gives the Commission jurisdiction over the subject of employment practices and discrimination made unlawful by Title 34A, Chapter 5. It also gives the Commission authority to adopt, publish, amend, and rescind rules, consistent with and for the enforcement of Title 34a, Chapter 5
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during and since the last five-year review of the rule from interested persons supporting or opposing the rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The Labor Commission continues to have jurisdiction over discrimination in employment. This rule establishes the procedures for employers to follow in keeping personnel records in order to defend a claim of discrimination. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Jaceson R. Maughan, Commissioner	Date:	08/27/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R652-120	Filing ID:	51706
Effective Date:	09/24/2024		

Agency Information

1. Title catchline:	Natural Resources, Forestry, Fire and State Lands		
Building:	Department of Natural Resources		
Street address:	1594 W North Temple		
City, state	Salt Lake City, UT		
Mailing address:	1594 W North Temple, Ste 3520		
City, state and zip:	Salt Lake City, UT 84114-5703		
Contact persons:			
Name:	Phone:	Email:	
Emily Hawley	385-441-6667	ehawley@utah.gov	
Please address questions regarding information on this notice to the persons listed above.			

General Information

2. Rule catchline:
R652-120. Wildland Fires Responsibilities
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 65A-1-4(2) requires the Division of Forestry, Fire and State Lands (Division) to promulgate rules to fulfill the power and authority of the Division. Section 65A-8-1-101 requires the Division to provide for forestry and fire control activities and determine requirements for reciprocal agreements for fire protection.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
The Division has not received any written comments in support or opposition to this rule since the last five-year review.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary for compliance with statute, as it implements requirements for wildland fire responsibilities. Therefore, this rule should be continued. As there have been no comments in opposition to this rule, the agency has not responded to such comments.

Agency Authorization Information

Agency head or designee and title:	Joel Ferry, Executive Director	Date:	09/24/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R657-69	Filing ID:	55738
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FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Effective Date:	09/30/2024
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Agency Information

1. Title catchline:	Natural Resources, Wildlife Resources	
Building:	DNR Complex	
Street address:	1594 W North Temple	
City, state	Salt Lake City, UT	
Mailing address:	PO Box 146301	
City, state and zip:	Salt Lake City, UT 84414-6301	
Contact persons:		
Name:	Phone:	Email:
Staci Coons	801-450-3093	stacicoons@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R657-69. Turkey Depredation
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Under Sections 23A-2-305, 23A-2-304, and 23A-12-205, the Wildlife Board is authorized and required to regulate and prescribe the means for the turkey depredation program.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments supporting or opposing Rule R657-69, were received since October 2019, when the rule was created.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
Rule R657-69 provides the procedures for responding to and verifying reports of material damage caused by turkey; the procedures, standards, requirements, and limits for addressing instances of material damage caused by turkeys; and a description of the various hunts that may be held to minimize future instances of material damage caused by turkeys. Therefore this rule should be continued; for the continued success of the turkey depredation program.

Agency Authorization Information

Agency head or designee and title:	Justin Shirley, Division Director	Date:	09/25/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R671-102	Filing ID:	51806
Effective Date:	09/17/2024		

Agency Information

1. Title catchline:	Pardons (Board of), Administration	
Street address:	448 E Winchester St. #300	
City, state	Murray, UT 84107	
Contact persons:		
Name:	Phone:	Email:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Jennifer Yim	801-261-6464	jmyim@agutah.gov
Amanda Montague	801-440-0545	amontague@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R671-102. Americans with Disabilities Act Complaint Procedures
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
Subsection 63G-3-201(3) authorizes the Board to issue this rule to provide its complaint procedures of the ADA.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during and since the last five-year rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is necessary to give the public an understanding of the Board's commitment to compliance with the Americans with Disabilities Act and the procedures set forth for complaints. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	J. Scott Stephenson, Chair	Date:	09/13/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R671-201	Filing ID: 56407
Effective Date:	09/17/2024	

Agency Information

1. Title catchline:	Pardons (Board of), Administration	
Street address:	448 E Winchester St. #300	
City, state	Murray, UT 84107	
Contact persons:		
Name:	Phone:	Email:
Jennifer Yim	801-261-6464	jmyim@agutah.gov
Amanda Montague	801-440-0545	amontague@agutah.gov
Zarah Borja	385-910-3215	zborja@agutah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R671-201. Original Hearing Schedule and Notice
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Original hearings are the constitutional and statutory right of incarcerated individuals, according to Art. VII Sec. 12; 77-27-5; 77-27-7; 77-27-9. This rule articulates the conditions under which these hearings will be scheduled and notice provided.

4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:

No written comments have been received during and since the last five-year review.

5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

This rule was recently revised by the Board. As such, it is fully up to date and required to meet the Board's statutory and constitutional hearing duties. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	J. Scott Stephenson, Chair	Date:	09/13/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R765-609C	Filing ID: 54118
Effective Date:	08/16/2024	

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	hilary.renshaw@ushe.edu
Alison A. Adams	801-646-4784	alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R765-609C. Regents Scholarship
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted pursuant to Subsection 53B-8-202(8) to establish application procedures and award criteria for the Regent's Scholarship program (the Program).
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during and since the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

The Program is continuing. Thus, there is a continuing need for application procedures and award criteria. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Hilary Renshaw, Associate General Counsel and Designee	Date:	10/10/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R765-620	Filing ID: 56239
Effective Date:	08/16/2024	

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	hilary.renshaw@ushe.edu
Alison A. Adams	801-646-4784	alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R765-620. Access Utah Promise Scholarship Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted pursuant to Sections 53B-8-301 through 53B-8-304 to provide the Board of Higher Education (the "Board") policy and procedures for implementing the Access Utah Promise Scholarship (the Promise Scholarship). This program provides a statewide needs-based scholarship program to expand access to postsecondary opportunities for all students who face financial barriers in paying for college. The program provides students an award for up to full tuition and fees in qualifying circumstances.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during and since the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The Promise Scholarship is continuing. Thus, there is a continuing need for policy and procedures to enable the Board to administer and manage the Promise Scholarship. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Hilary Renshaw, Associate General Counsel and Designee	Date:	10/10/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R765-621	Filing ID: 56240
Effective Date:	08/16/2024	
Agency Information		
1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	hilary.renshaw@ushe.edu
Alison A. Adams	801-646-4784	alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information	
2. Rule catchline:	R765-621. Terrell H. Bell Education Scholarship Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:	This rule was enacted pursuant to Subsection 53B-8-116(6) to provide the rules and procedures for administration of the Terrell H. Bell Teaching Education Scholarship Program (the Program), ensuring it recruits first-generation students into teaching careers, encourages outstanding students to teach in high needs areas in Utah's public schools, and to recognize teaching as a critically important career choice for the state.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:	No written comments have been received during and since the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:	The Program is continuing. Thus, there is a continuing need for the rules and procedures provided by the rule. Proposed edits to this rule to improve the rules and procedures will be submitted in the near future. Therefore, this rule should be continued.

Agency Authorization Information		
Agency head or designee and title:	Hilary Renshaw, Associate General Counsel and Designee	Date: 10/10/2024

NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION		
Rule Number:	R765-622	Filing ID: 53425
Effective Date:	08/16/2024	

Agency Information	
1. Title catchline:	Higher Education (Utah Board of), Administration
Building:	Utah Board of Higher Education Building, The Gateway

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Street address:	60 S 400 W	
City, state	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	hilary.renshaw@ushe.edu
Alison A. Adams	801-646-4784	alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R765-622. Career and Technical Education Scholarship Program
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted pursuant to Sections 53B-8-115, 53B-16-209, 53B-18-1201, and 53B-18-301 to provide procedures for administration of the Career and Technical Education Scholarship Program (the Program), which will provide financial assistance to students pursuing career and technical education in high demand industries.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during and since the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
The Program is continuing. Thus, there is a continuing need for procedures for administration of the Program to provide financial assistance to students pursuing career and technical education in high demand industries. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Hilary Renshaw, Associate General Counsel and Designee	Date:	10/10/2024
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NOTICE OF FIVE-YEAR REVIEW AND STATEMENT OF CONTINUATION

Rule Number:	R765-803	Filing ID: 53764
Effective Date:	08/16/2024	

Agency Information

1. Title catchline:	Higher Education (Utah Board of), Administration	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	hilary.renshaw@ushe.edu
Alison A. Adams	801-646-4784	alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:
R765-803. Institutional Policy Review
3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require this rule:
This rule was enacted pursuant to Section 53B-27-3 to establish a procedure whereby a student enrolled in a public institution of higher education may petition the Board of Regents (the Board) to review a policy that directly affects the student's enumerated civil liberties, which the student believes the institution adopted without first establishing an administrative rule governing the enumerated civil liberty.
4. A summary of written comments received during and since the last five-year review of this rule from interested persons supporting or opposing this rule:
No written comments have been received during and since the last five-year review of this rule from interested persons supporting or opposing this rule.
5. A reasoned justification for continuation of this rule, including reasons why the agency disagrees with comments in opposition to this rule, if any:
This rule is required to ensure that students enrolled in a public institution of higher education continue to be able to petition the Board to review a policy that directly affects the student's enumerated civil liberties, which the student believes the institution adopted without first establishing an administrative rule governing the enumerated civil liberty. Therefore, this rule should be continued.

Agency Authorization Information

Agency head or designee and title:	Hilary Renshaw, Associate General Counsel and Designee	Date:	10/10/2024
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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR REVIEW EXTENSION (EXTENSION)** with the Office of Administrative Rules. The **EXTENSION** permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed **EXTENSIONS** for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date.

EXTENSIONS are governed by Subsection 63G-3-305(6).

NOTICE OF FIVE-YEAR REVIEW EXTENSION

Rule Number:	R765-801	Filing ID: 54121
New Deadline Date:	02/16/2025	

Agency Information

1. Title catchline:	Higher Education (Utah Board of)	
Building:	Utah Board of Higher Education Building, The Gateway	
Street address:	60 S 400 W	
City, state	Salt Lake City, UT	
Mailing address:	60 S 400 W	
City, state and zip:	Salt Lake City, UT 84101	
Contact persons:		
Name:	Phone:	Email:
Hilary Renshaw	801-646-4784	hilary.renshaw@ushe.edu
Alison A. Adams	801-646-4784	alison.adams@ushe.edu
Geoffrey T. Landward	801-646-4784	glandward@ushe.edu
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule catchline:	R765-801. Student Due Process	
3. Reason for requesting the extension:		
A repeal has been filed on this rule, but will not be effective before expiration. The extension will allow the rule to go through the standard repeal process.		

Agency Authorization Information

Agency head or designee and title:	Hilary Renshaw, Associate General Counsel and Designee	Date: 09/24/2024
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End of the Notices of Five-Year Review Extensions Section

NOTICES OF FIVE-YEAR EXPIRATIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (Section 63G-3-305). The Office of Administrative Rules (Office) is required to notify agencies of rules due for review at least 180 days prior to the anniversary date. If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file a **NOTICE OF FIVE-YEAR EXTENSION (EXTENSION)** with the Office. However, if the agency fails to file either the **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION** or the **EXTENSION** by the date provide by the Office, the rule expires.

Upon expiration of the rule, the Office files a **NOTICE OF FIVE-YEAR EXPIRATION (EXPIRATION)** to document the action. The Office is required to remove the rule from the *Utah Administrative Code*. The agency may no longer enforce the rule and it must follow regular rulemaking procedures to replace the rule if it is still needed.

The Office has filed **EXPIRATIONS** for each of the rules listed below which were not reviewed in accordance with Section 63G-3-305. These rules have expired and have been removed from the *Utah Administrative Code*.

The expiration of administrative rules for failure to comply with the five-year review requirement is governed by Subsection 63G-3-305(8).

NOTICE OF EXPIRED RULE

Rule Number:	R945-2	Filing ID: 52158
Effective Date:	09/25/2024	

Agency Information

1. Department, agency:	UTech Board of Trustees, Administration	
Street address:	Board of Regents Building, The Gateway, 60 S 400 W	
City, state, and zip:	Salt Lake City, UT 84101	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):	R945-2. Institutional Policy Review	
3. Summary:		
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.		

NOTICE OF EXPIRED RULE

Rule Number:	R947-1	Filing ID: 52166
Effective Date:	10/02/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Bridgerland Technical College	
Street address:	1301 N 600 W	
City, state, and zip:	Logan, UT 84321	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R947-1. Student Grievance and Due Process
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE

Rule Number:	R949-1	Filing ID: 52161
Effective Date:	09/24/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Davis Technical College	
Street address:	500 E 300 S	
City, state, and zip:	Kaysville, UT 84037	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R949-1. Student Due Process
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE

Rule Number:	R949-2	Filing ID: 52165
Effective Date:	09/24/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Davis Technical College	
Street address:	500 E 300 S	
City, state, and zip:	Kaysville, UT 84037	

NOTICES OF FIVE-YEAR EXPIRATIONS

Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R949-2. Free Expression on Campus
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE		
Rule Number:	R951-1	Filing ID: 52164
Effective Date:	09/27/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Dixie Technical College	
Street address:	610 S Tech Ridge Dr	
City, state, and zip:	St. George, UT 84770	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R951-1. Campus Access Rule
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE		
Rule Number:	R951-2	Filing ID: 52169
Effective Date:	09/27/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Dixie Technical College	
Street address:	610 S Tech Ridge Dr	
City, state, and zip:	St. George, UT 84770	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R951-2. Student Free Expression Rule
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE		
Rule Number:	R951-3	Filing ID: 52167
Effective Date:	09/27/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Dixie Technical College	
Street address:	610 S Tech Ridge Dr	
City, state, and zip:	St. George, UT 84770	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R951-3. Student Grievance Rule
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE		
Rule Number:	R953-1	Filing ID: 52168
Effective Date:	09/24/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Mountainland Technical College	
Street address:	Building A, 2301 W Ashton Blvd	
City, state, and zip:	Lehi, UT 84043	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R953-1. Student Due Process

3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE		
Rule Number:	R953-2	Filing ID: 52173
Effective Date:	09/24/2024	

Agency Information		
1. Department, agency:	System of Technical Colleges (Utah), Mountainland Technical College	
Street address:	Building A, 2301 W Ashton Blvd	
City, state, and zip:	Lehi, UT 84043	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information	
2. Title of rule (catchline):	R953-2. Free Expression on Campus
3. Summary:	The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE		
Rule Number:	R955-1	Filing ID: 52174
Effective Date:	10/01/2024	

Agency Information		
1. Department, agency:	System of Technical Colleges (Utah), Ogden-Weber Technical College	
Street address:	200 N Washington Blvd	
City, state, and zip:	Ogden, UT 84404	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information	
2. Title of rule (catchline):	R955-1. Student Due Process
3. Summary:	The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE

Rule Number:	R955-2	Filing ID: 52170
Effective Date:	10/01/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Ogden-Weber Technical College	
Street address:	200 N Washington Blvd	
City, state, and zip:	Ogden, UT 84404	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R955-2. Free Expression on Campus
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE

Rule Number:	R955-3	Filing ID: 52176
Effective Date:	10/01/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Ogden-Weber Technical College	
Street address:	200 N Washington Blvd	
City, state, and zip:	Ogden, UT 84404	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R955-3. Weapons on Campus
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE

Rule Number:	R957-1	Filing ID: 52994
Effective Date:	09/24/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Southwest Technical College	
Street address:	757 W 800 S	
City, state, and zip:	Cedar City, UT 84720	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R957-1. Student Due Process
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE

Rule Number:	R957-2	Filing ID: 52179
Effective Date:	09/24/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Southwest Technical College	
Street address:	757 W 800 S	
City, state, and zip:	Cedar City, UT 84720	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R957-2. Free Expression on Campus
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE

Rule Number:	R959-1	Filing ID: 52172
Effective Date:	09/24/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Tooele Technical College	
Street address:	88 S Tooele Blvd	
City, state, and zip:	Tooele, UT 84074	

Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R959-1. Student Due Process
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE

Rule Number:	R959-2	Filing ID: 52175
Effective Date:	09/24/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Tooele Technical College	
Street address:	88 S Tooele Blvd	
City, state, and zip:	Tooele, UT 84074	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R959-2. Free Expression on Campus
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE

Rule Number:	R961-1	Filing ID: 52182
Effective Date:	09/24/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Uintah Basin Technical College	
Street address:	1100 E Lagoon St	
City, state, and zip:	Roosevelt, UT 84066	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R961-1. Student Due Process
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE

Rule Number:	R961-2	Filing ID: 52177
Effective Date:	09/24/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Uintah Basin Technical College	
Street address:	1100 E Lagoon St	
City, state, and zip:	Roosevelt, UT 84066	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R961-2. Free Expression on Campus
3. Summary:
The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

NOTICE OF EXPIRED RULE

Rule Number:	R961-3	Filing ID: 52180
Effective Date:	09/24/2024	

Agency Information

1. Department, agency:	System of Technical Colleges (Utah), Uintah Basin Technical College	
Street address:	1100 E Lagoon St	
City, state, and zip:	Roosevelt, UT 84066	
Contact person(s):		
Name:	Phone:	Email:
Nancy L. Lancaster	801-957-7102	rulesonline@utah.gov

General Information

2. Title of rule (catchline):
R961-3. Weapons on Campus

3. Summary:

The five-year review and notice of continuation was not filed for this rule by the deadline. This rule has expired and will be removed from the Utah Administrative Code.

End of the Notices of Notices of Five-Year Expirations 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.

Agriculture and Food

Animal Industry

No. 56611 (Amendment) R58-2: Diseases, Inspections, and Quarantines

Published: 08/01/2024

Effective: 09/23/2024

No. 56684 (Repeal and Reenact) R58-15: Collection of Annual Fees for the Wildlife Damage Prevention Act

Published: 08/15/2024

Effective: 09/26/2024

Commerce

Administration

No. 56674 (Amendment) R151-14: New Automobile Franchise Act Rule

Published: 08/15/2024

Effective: 10/01/2024

No. 56675 (Amendment) R151-35: Powersport Vehicle Franchise Act Rule

Published: 08/15/2024

Effective: 10/01/2024

Education

Administration

No. 56715 (Amendment) R277-110: Educator Salary Adjustment

Published: 09/01/2024

Effective: 10/08/2024

No. 56716 (Repeal) R277-124: Teacher Bonuses for Extra Assignments

Published: 09/01/2024

Effective: 10/08/2024

No. 56717 (Amendment) R277-304: Teacher Preparation Programs

Published: 09/01/2024

Effective: 10/08/2024

No. 56718 (Repeal) R277-321: Paraeducator to Teacher Scholarship Program

Published: 09/01/2024

Effective: 10/08/2024

No. 56719 (Amendment) R277-324: Paraprofessional/Paraeducator Programs, Assignments, and Qualifications
Published: 09/01/2024
Effective: 10/08/2024

No. 56720 (Repeal) R277-327: School Leadership Development Grant
Published: 09/01/2024
Effective: 10/08/2024

No. 56721 (New Rule) R277-331: Stipends for Future Educators
Published: 09/01/2024
Effective: 10/08/2024

No. 56722 (New Rule) R277-443: Distribution of Money to Science Outreach Organizations
Published: 09/01/2024
Effective: 10/08/2024

No. 56723 (Amendment) R277-444: Distribution of Money to Arts and Science Organizations
Published: 09/01/2024
Effective: 10/08/2024

No. 56724 (Amendment) R277-464: School Counselor Direct and Indirect Services
Published: 09/01/2024
Effective: 10/08/2024

No. 56725 (Amendment) R277-477: Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program
Published: 09/01/2024
Effective: 10/08/2024

No. 56726 (Amendment) R277-479: Funding for Charter School Students With Disabilities on an IEP
Published: 09/01/2024
Effective: 10/08/2024

No. 56727 (New Rule) R277-482: LEA Work Email Communication Requirements
Published: 09/01/2024
Effective: 10/08/2024

No. 56728 (Amendment) R277-495: Electronic Devices in Public Schools
Published: 09/01/2024
Effective: 10/08/2024

No. 56729 (Amendment) R277-600: Student Transportation Standards and Procedures
Published: 09/01/2024
Effective: 10/08/2024

No. 56730 (Amendment) R277-613: LEA Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct
Published: 09/01/2024
Effective: 10/08/2024

No. 56731 (Amendment) R277-625: Mental Health Screeners
Published: 09/01/2024
Effective: 10/08/2024

No. 56732 (Amendment) R277-630: Child Sex Abuse and Human Trafficking Prevention Training and Instruction
Published: 09/01/2024
Effective: 10/08/2024

No. 56733 (Amendment) R277-925: Effective Teachers in High Poverty Schools Incentive Program
Published: 09/01/2024
Effective: 10/08/2024

NOTICES OF RULE EFFECTIVE DATES

No. 56735 (New Rule) R277-933: Teaching Self-Government Skills for Success, Classroom Communication, and Discipline Framework Pilot Program
Published: 09/01/2024
Effective: 10/08/2024

Environmental Quality

Waste Management and Radiation Control, Waste Management

No. 56637 (Amendment) R315-301: Solid Waste Authority, Definitions, and General Requirements

Published: 08/01/2024

Effective: 10/15/2024

No. 56638 (Amendment) R315-302: Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements

Published: 08/01/2024

Effective: 10/15/2024

No. 56639 (Amendment) R315-303: Landfilling Standards

Published: 08/01/2024

Effective: 10/15/2024

No. 56640 (Amendment) R315-304: Industrial Landfill Requirements

Published: 08/01/2024

Effective: 10/15/2024

No. 56641 (Amendment) R315-305: Class IV and VI Landfill Requirements

Published: 08/01/2024

Effective: 10/15/2024

No. 56642 (Amendment) R315-307: Standards for Design

Published: 08/01/2024

Effective: 10/15/2024

No. 56643 (Amendment) R315-308: Groundwater Monitoring Requirements

Published: 08/01/2024

Effective: 10/15/2024

No. 56644 (Amendment) R315-310: Permit Requirements for Solid Waste Facilities

Published: 08/01/2024

Effective: 10/15/2024

No. 56645 (Amendment) R315-311: General Requirements

Published: 08/01/2024

Effective: 10/15/2024

No. 56646 (Amendment) R315-314: Applicability

Published: 08/01/2024

Effective: 10/15/2024

No. 56647 (Amendment) R315-315: Special Waste Requirements

Published: 08/01/2024

Effective: 10/15/2024

No. 56648 (Amendment) R315-316: Infectious Waste Treatment and Disposal Requirements

Published: 08/01/2024

Effective: 10/15/2024

No. 56649 (Amendment) R315-317: Other Processes, Variances, Violations, and Petition for Rule Change

Published: 08/01/2024

Effective: 10/15/2024

No. 56650 (Amendment) R315-318: General Requirements
Published: 08/01/2024
Effective: 10/15/2024

No. 56651 (New Rule) R315-321: Class VII Exploration and Production Waste Landfill Requirements
Published: 08/01/2024
Effective: 10/15/2024

No. 56652 (New Rule) R315-322: Solid Waste Surface Impoundment Requirements
Published: 08/01/2024
Effective: 10/15/2024

Government Operations

Debt Collection

No. 56737 (Amendment) R21-1: Transfer of Collection Responsibility of State Agencies
Published: 09/01/2024
Effective: 10/10/2024

Governor

Criminal and Juvenile Justice (State Commission on)

No. 56692 (Amendment) R356-6: Electronic Meetings
Published: 09/01/2024
Effective: 10/10/2024

No. 56683 (New Rule) R356-8: Designation of Commission Duties
Published: 08/15/2024
Effective: 09/23/2024

No. 56662 (New Rule) R356-9: Victim Complaints
Published: 08/15/2024
Effective: 09/23/2024

No. 56673 (New Rule) R356-10: Recusal of a Member for a Conflict of Interest
Published: 08/15/2024
Effective: 09/23/2024

Economic Opportunity

No. 56663 (New Rule) R357-47: Economic Assistance Grant Rule
Published: 08/15/2024
Effective: 09/24/2024

National Guard

Administration

No. 56530 (New Rule) R630-1: Gifts to the Utah National Guard
Published: 06/15/2024
Effective: 09/16/2024

Natural Resources

Forestry, Fire and State Lands

No. 56686 (New Rule) R652-21: Great Salt Lake Mineral Extraction
Published: 09/01/2024
Effective: 10/08/2024

Wildlife Resources

No. 56678 (Amendment) R657-5: Taking Big Game
Published: 08/15/2024
Effective: 09/24/2024

NOTICES OF RULE EFFECTIVE DATES

No. 56695 (New Rule) R657-54a: Taking Wild Turkey
Published: 09/01/2024
Effective: 10/08/2024

No. 56696 (New Rule) R657-68a: Trial Hunting Authorization
Published: 09/01/2024
Effective: 10/08/2024

Pardons (Board of)

Administration

No. 56698 (Amendment) R671-103: Attorneys
Published: 09/01/2024
Effective: 10/10/2024

No. 56700 (Amendment) R671-104: Language Access
Published: 09/01/2024
Effective: 10/10/2024

No. 56699 (Amendment) R671-309: Impartial Hearings
Published: 09/01/2024
Effective: 10/10/2024

No. 56701 (Amendment) R671-403: Restitution
Published: 09/01/2024
Effective: 10/10/2024

No. 56714 (Amendment) R671-513: Expedited Determination of Parolee Challenge to Probable Cause
Published: 09/01/2024
Effective: 10/10/2024

Tax Commission

Property Tax

No. 56561 (Amendment) R884-24P-16: Assessment of Interlocal Cooperation Act Project Entity Properties Pursuant to Utah Code Ann. Section 11-13-302
Published: 07/01/2024
Effective: 09/26/2024

Transportation

Program Development

No. 56608 (Amendment) R926-17: Road Usage Charge Program
Published: 07/15/2024
Effective: 10/7/2024

End of the Notices of Rule Effective Dates Section