

2014 General Session Bills That Appear to Require Agency Rulemaking
(OLRGC, September 26, 2014)

H.B. 24, Insurance Related Amendments
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

4150 (7) "Resident" is as defined by rule made by the commissioner in accordance with Title
4151 63G, Chapter 3, Utah Administrative Rulemaking Act.

4289 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4290 commissioner shall[,] by rule[: (i) publish a list of insurance professional designations
whose

4291 continuing education requirements can be used to meet the requirements for continuing
4292 education under Subsection (3)(b); and (ii)] authorize one or more continuing education
4293 providers, including a state or national professional producer or consultant associations,
to:

4294 [(A)] (i) offer a qualified program on a geographically accessible basis; and
4295 [(B)] (ii) collect a reasonable fee for funding and administration of a continuing
4296 education program, subject to the review and approval of the commissioner.

4699 (5) The requirements of this section do not apply to [members]:

4700 (a) a member of the Utah State Bar[.]; or

4701 (b) an applicant for the crop insurance license class who has satisfactorily completed:

4702 (i) a national crop adjuster program, as adopted by the commissioner by rule; or

5937 (g) (i) The commissioner **shall establish rules** in accordance with Title 63G, Chapter 3,
5938 Utah Administrative Rulemaking Act, to:

5939 (A) implement this chapter; [and]

5942 (C) promote transparency of rating practices of health benefit plans, except that a
5943 carrier may not be required to disclose proprietary information.

5944 (ii) The **rules** described in Subsection (1)(g)(i) **may include rules that: . . .**

5951 [(C) implement the individual enrollment cap under Section 31A-30-110, including
5952 specifying:]

5953 [(I) the contents for certification;]

5954 [(II) auditing standards;]

5955 [(III) underwriting criteria for uninsurable classification; and]

5956 [(IV) limitations on high risk enrollees under Section 31A-30-111; and]

5957 [(D) establish the individual enrollment cap under Subsection 31A-30-110(1).]

5958 [(h) Before implementing regulations for underwriting criteria for uninsurable
5959 classification, the commissioner shall contract with an independent consulting
organization to

5960 develop industry-wide underwriting criteria for uninsurability based on an individual's

expected

5961 claims under open enrollment coverage exceeding 325% of that expected for a standard
5962 insurable individual with the same case characteristics.]

6563 Section 67. Section 31A-43-304 is amended to read:

6564 31A-43-304. Administrative rules.

6565 The commissioner may adopt administrative rules in accordance with Title 63G,
6566 Chapter 3, Utah Administrative Rulemaking Act, to:

6567 (1) implement this chapter;

6568 [(2) assure that differences in rates charged are reasonable and reflect objective
6569 differences in plan design;]

H.B. 28, Wildlife License Expiration Amendments

(effective 05/13/14 - - Initiate rulemaking for REPEAL by November 9, 2014)

35 (2) [A person 12 years of age or older, upon] Upon paying the fee prescribed by the
36 Wildlife Board, a person may obtain a license to fish[:] and engage in a regulated fishing
37 activity in accordance with the rules, proclamations, and orders of the Wildlife Board.

41 (3) A person under 12 years of age may fish without a license [according to] in
42 accordance with the rules, proclamations, and orders [set forth by] of the Wildlife Board.

43 [(4) The effective date shall be indicated on the license.]

H.B. 31, Pollution Control Amendments

(effective 05/13/14 - - Initiate rulemaking for REPEAL by November 9, 2014)

1308 Section 14. Repealer.

1309 **This bill repeals:** . . .

1316 Section 19-2-127, **Rules for administering certification for tax relief.**

H.B. 40, Beer Excise Tax Revenue Amendments

(effective 07/01/14 - - Initiate rulemaking by December 27, 2014)

67 (f) (i) "Prevention" is as defined by rule, in accordance with Title 63G, Chapter 3, Utah
68 Administrative Rulemaking Act, by the Division of Substance Abuse and Mental Health
within

69 the Department of Human Services.

70 (ii) In defining the term "prevention," the Division of Substance Abuse and Mental
71 Health shall:

72 (A) include only evidence-based or evidence-informed programs; and

73 (B) provide for coordination with local substance abuse authorities designated to

74 provide substance abuse services in accordance with Section 17-43-201.
302 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,
303 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account
Act.

H.B. 61, Clean Air Programs

(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

204 19-1-405. Air Quality Board duties -- Rulemaking.
205 (1) By following the procedures and requirements of Title 63G, Chapter 3, Utah
206 Administrative Rulemaking Act, the Air Quality Board may make rules to: . . .
217 [(d) certify a fuel, vehicle, retrofit, or fuel system if it is at least as effective in reducing
218 air pollution as fuels under Subsection 19-1-402(1)(a) or vehicles under Subsection
219 19-1-402(2); or]
220 [(e) establish criteria for determining the effectiveness of a fuel, vehicle, retrofit, or
221 fuel system in reducing air pollution.]

247 (7) "Eligible vehicle" means a vehicle operated and, if applicable, registered in Utah
248 that is: . . .

254 (e) another type of vehicle **identified by the board in rule** as being a significant
255 potential source of air pollution, as defined in Subsection 19-2-102(3).

267 (ii) other equipment or products **identified by the board in rule** as being a significant
268 potential source of air pollution, as defined in Subsection 19-2-102(3).

H.B. 76, Insurance Related Amendments

(Effective May 13, 2014 - - Initiate rulemaking by November 9, 2014)

1478 (7) An insurer that withdraws from writing all lines of insurance in this state may not
1479 resume writing insurance in this state for five years unless[: (a)] the commissioner finds
that
1480 the prohibition should be waived because the waiver is:
1481 [(i)] (a) in the public interest to promote competition; or
1482 [(ii)] (b) to resolve inequity in the marketplace[: and].
1483 [(b) the insurer complies with Subsection 31A-30-108(5), if applicable.]
1484 (8) The commissioner **shall adopt rules** necessary to implement this section.

3380 (10) "Resident" is as defined by rule made by the commissioner in accordance with
3381 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3618 [(3) A nonresident producer licensee who moves to this state and applies for a resident
3619 license within 90 days of establishing legal residence in this state shall be exempt from
any line
3620 of authority examination that the producer was authorized on the producer's nonresident
3621 producer license, **except where the commissioner determines otherwise by rule.**]

4157 (7) "Resident" is as defined by rule made by the commissioner in accordance with Title
4158 63G, Chapter 3, Utah Administrative Rulemaking Act.

4296 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4297 commissioner shall[,] by rule[: (i) publish a list of insurance professional designations
whose
4298 continuing education requirements can be used to meet the requirements for continuing
4299 education under Subsection (3)(b); and (ii)] authorize one or more continuing education
4300 providers, including a state or national professional producer or consultant associations,
to: . . .

5944 (g) (i) The commissioner shall establish rules in accordance with Title 63G, Chapter 3,
5945 Utah Administrative Rulemaking Act, to: . . .
5949 (C) promote transparency of rating practices of health benefit plans, except that a
5950 carrier may not be required to disclose proprietary information.

5951 (ii) The **rules described** in Subsection (1)(g)(i) **may include rules that:**
5952 (A) assure that differences in rates charged for health benefit products by carriers who
5953 offer health benefit plans to individuals are reasonable and reflect objective differences in
plan
5954 design, not including differences due to the nature of the individuals assumed to select
5955 particular health benefit products; and
5956 (B) prescribe the manner in which case characteristics may be used by carriers who
5957 offer health benefit plans to individuals[;];
5958 [(C) implement the individual enrollment cap under Section 31A-30-110, including
5959 specifying:]
5960 [(I) the contents for certification;]
5961 [(II) auditing standards;]
5962 [(III) underwriting criteria for uninsurable classification; and]
5963 [(IV) limitations on high risk enrollees under Section 31A-30-111; and]
5964 [(D) establish the individual enrollment cap under Subsection 31A-30-110(1).]
5965 [(h) Before implementing regulations for underwriting criteria for uninsurable
5966 classification, the commissioner shall contract with an independent consulting
organization to
5967 develop industry-wide underwriting criteria for uninsurability based on an individual's
expected
5968 claims under open enrollment coverage exceeding 325% of that expected for a standard

5969 insurable individual with the same case characteristics.]

6570 Section 67. Section 31A-43-304 is amended to read:

6571 31A-43-304. Administrative rules.

6572 The commissioner may adopt administrative rules in accordance with Title 63G,

6573 Chapter 3, Utah Administrative Rulemaking Act, to:

6574 (1) implement this chapter;

6575 [(2) assure that differences in rates charged are reasonable and reflect objective

6576 differences in plan design;]

H.B. 88, Autism Program Amendments

(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

198 (4) The committee [may] **shall**, in accordance with Title 63G, Chapter 3, Utah
199 Administrative Rulemaking Act, **make rules** governing the committee's activities[, which
rules

200 shall: (a)] that comply with the requirements of this title]; and], **including rules that:**

201 [(b) include:]

202 [(i) qualification criteria and procedures for selecting children who may qualify for
203 assistance from the account;]

204 [(ii) qualifications, criteria, and procedures for evaluating the services and providers to
205 include in the program, which shall include at least:]

206 (a) establish criteria and procedures for selecting qualified children to participate in the
207 program;

208 (b) establish the services, providers, and treatments to include in the program, and the
209 qualifications, criteria, and procedures for evaluating the providers and treatments; and

210 (c) address and avoid conflicts of interest that may arise in relation to the committee
211 and its duties.

H.B. 96, Utah School Readiness Initiative

(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

294 (13) The State Board of Education and the Department of Workforce Services **shall**
295 **make rules** to effectively administer and monitor the High Quality School Readiness
Grant

296 Program, **including:**

297 (a) requiring grant recipients to use the pre- and post-assessment selected by the board
298 in accordance with Section 53A-1b-110; and

299 (b) establishing reporting requirements for grant recipients.

H.B. 105, Plant Extract Amendments
(effective 07/01/14 - - Initiate rulemaking by December 27, 2014)

78 (4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
79 Administrative Rulemaking Act, to ensure any industrial hemp project meets the
standards of
80 an agricultural pilot project, as defined by Section 7606 of the U.S. Agricultural Act of
2014.

140 (4) The department shall make rules in accordance with Title 63G, Chapter 3, Utah
141 Administrative Rulemaking Act, to:
142 (a) establish the information an applicant is required to provide to the department under
143 Subsections (1)(e)(iii) and (2)(e)(iv); and
144 (b) establish, in accordance with recommendations from the Department of Public
145 Safety, the form and content of the hemp extract registration card.

H.B. 130, Mobility and Pedestrian Vehicles
(effective 07/01/14 - - Initiate rulemaking by December 27, 2014)

59 [(b) Authority to operate a pedestrian vehicle on public highways or sidewalks shall be
60 granted according to rules promulgated by the commissioner of public safety.]

85 (2) A person may operate a mobility vehicle on a public highway in accordance with
86 rules made by the division under Subsection (3).
87 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
88 division shall make rules:
89 (a) establishing procedures for certification of a vehicle to be operated as a mobility
90 vehicle;
91 (b) specifying the vehicle requirements for a vehicle to qualify as a mobility vehicle;
92 (c) for acceptable documentation of a mobility vehicle permit applicant's identity,
93 Social Security number if applicable, Utah resident status, and Utah residence address;
94 (d) establishing procedures for the issuance of a mobility vehicle permit to an
95 individual with a physical disability;
96 (e) for examining applicants for a mobility vehicle permit, as necessary for the safety
97 and welfare of the applicant and the traveling public; and
98 (f) granting authority and specifying the conditions and restrictions for a person to
99 operate a mobility vehicle on a public highway.

H.B. 132, Temporary Homeless Youth Shelter Amendments
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

38 Section 1. Section 62A-2-108.8 is enacted to read:
39 62A-2-108.8. Residential support program -- Temporary homeless youth shelter.
40 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
41 office **shall make rules** that establish age-appropriate and gender-appropriate sleeping
quarters
42 in temporary homeless youth shelters, as defined in Section 62A-4a-501, that provide
overnight
43 shelter to minors.

H.B. 133, Contingent Management for Federal Facilities
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

133 (2) The director of the Outdoor Recreation Office, created in Section 63M-1-3304, in
134 consultation with the executive director of the Governor's Office of Economic
Development,
135 **shall determine, by rule,** the priority of national parks, national monuments, national
forests,
136 and national recreation areas in the state.

H.B. 134, Firearm Safety Amendments
(effective 07/01/14 - - Initiate rulemaking by December 27, 2014)

89 The bureau shall:
149 (18) within funds appropriated by the Legislature for the purpose, **implement** and
150 manage the operation of a firearm safety program, in conjunction with the state suicide
151 prevention coordinator, as described in this section and Section 62A-15-1101, **including:** .
. . .
158 (a)(i)(A) **rules** for safe handling, storage, and use of firearms in a home environment; . . .
188 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
189 **making rules that** establish procedures for:
190 (i) producing and distributing the firearm safety brochures and packets;
191 (ii) procuring the cable-style gun locks for distribution; and
192 (iii) administering the redeemable coupon program; and . . .

H.B. 138, Underground Petroleum Storage Tank Amendments
(bill is effective 05/13/14, but amendments to Section 19-6-409 (lines 405-420) take effect July 1, 2014, and amendments to Section 19-6-410.5 (lines 464-471) take effect January 1, 2015) - -
Initiate rulemaking by December 27, 2014, and June 29, 2015, respectively)

- 405 (8)(b) A loan made under this section shall:
406 (i) have a fixed annual interest rate of 0%;
407 (ii) have a term no longer than 10 years;
408 (iii) be made on the condition the loan applicant obtains adequate security for the loan
409 as established by board rule under Subsection (9); and
410 (iv) comply with rules made by the board under Subsection (9).
411 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
412 board shall make rules establishing:
413 (a) form, content, and procedure for a loan application;
414 (b) criteria and procedures for prioritizing a loan application;
415 (c) requirements and procedures for securing a loan;
416 (d) procedures for making a loan;
417 (e) procedures for administering and ensuring repayment of a loan, including late
418 payment penalties;
419 (f) procedures for recovering on a defaulted loan; and
420 (g) the maximum amount of the fund that may be used for loans.
- 464 (d) By January 1, 2015, the division shall, by rule, create:
465 (i) a model for assessing the risk profile of each facility participating in the program,
466 for purposes of qualifying for a rebate of a portion of the environmental assurance fee
467 described in Subsection (4) collected from an owner or operator that participates in the
468 program; and
469 (ii) a rebate schedule listing the amount of the environmental assurance fee that an
470 owner or operator participating in the program may qualify for based on risk profiles
471 determined by the model developed under Subsection (5)(d)(i).

H.B. 141, Health Reform Amendments
(effective 05/13/14 - - Initiate rulemaking for REPEAL by November 9, 2014)

- 866 [(d)] (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
867 Act, the commissioner shall, by rule: (i) publish a list of insurance professional
designations
868 whose continuing education requirements can be used to meet the requirements for
continuing
869 education under Subsection (3)(b); and (ii)], authorize one or more continuing education
870 providers, including a state or national professional producer or consultant associations, to:

H.B. 143, Psychiatric Nurse Amendments
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

95 [(g) have successfully completed clinical practice in psychiatric and mental health
96 nursing, including psychotherapy as defined by division rule, after completion of a
doctorate or
97 master's degree required for licensure, to practice within the psychiatric and mental health
98 nursing specialty;]
99 (g) to practice within the psychiatric mental health nursing specialty, **demonstrate, as**
100 **described in division rule**, that the applicant, after completion of a doctorate or master's
degree
101 required for licensure, is in the process of completing the applicant's clinical practice
102 requirements in psychiatric mental health nursing, including in psychotherapy;

157 (2) The division shall renew the license of a licensee who, at the time of renewal:
158 (a) [complete and submit] completes and submits an application for renewal in a form
159 prescribed by the division [and pay the renewal fee determined];
160 (b) pays a renewal fee established by the division under Section 63J-1-504; and
161 [(b)] (c) [meet] meets continuing competency requirements as established by rule[,]
162 [which shall include continuing education requirements for medication aide certified
163 established by the board and adopted by the division by rule].

H.B. 150, Science, Technology, Engineering, and Mathematics Amendments
(Effective 04/01/14, date of Governor's signature - - Initiate rulemaking by September 27, 2014)

356 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
357 State Board of Education **shall make rules** to establish how a STEM education
endorsement
358 incentive described in Subsection (1)(a) will be valued on a salary scale for educators.

H.B. 152, Highway Sponsorship Program Act
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

89 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
90 department **shall make and enforce rules** governing:
91 (a) the placement and size restrictions for acknowledgment signs at rest areas; and
92 (b) other size, placement, and content restrictions that the department determines are
93 necessary.

H.B. 155, Utah Communication Agency Network and Utah 911 Committee Amendments
(effective 07/01/14 - - Initiate rulemaking by December 27, 2014)

965 (3) with the approval of the [executive committee] board, develop and [promulgate]
966 make administrative rules which are within the authority granted by this title for the
967 administration of the [Utah Communications Agency Network] authority;

1119 (5) The committee shall [adopt] make rules in accordance with Title 63G,
Chapter 3,
1120 Utah Administrative Rulemaking Act, to administer the program funded by the restricted
1121 account created in Section [53-10-603] 63H-7-304 including rules that establish the
criteria,
1122 standards, technology, and equipment that a local entity or state agency must adopt in
order to
1123 qualify for [grants] funds from the restricted account.
1124 (6) The committee shall make rules in accordance with Title 63G, Chapter 3, Utah
1125 Administrative Rulemaking Act, to administer the restricted account created in Section
1126 63H-7-310, including rules that establish the criteria, standards, technology, and
equipment that
1127 a local entity or state agency must adopt in order to qualify as a recipient of a computer
aided
1128 dispatch system.

H.B. 159, Regulation of Child Care Programs
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

172 Section 6. Section 26-39-203 is enacted to read:
173 26-39-203. Duties of the Child Care Center Licensing Committee.
174 (1) The licensing committee shall:
175 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
176 make rules that govern center based child care as necessary to protect qualifying
children's
177 common needs for a safe and healthy environment, to provide for:
178 (i) adequate facilities and equipment; and
179 (ii) competent caregivers considering the age of the children and the type of program
180 offered by the licensee;
181 (b) make rules necessary to carry out the purposes of this chapter that govern center
182 based child care, in the following areas:
183 (i) requirements for applications, the application process, and compliance with other
184 applicable statutes and rules;
185 (ii) documentation and policies and procedures that providers shall have in place in
186 order to be licensed, in accordance with Subsection (1);

187 (iii) categories, classifications, and duration of initial and ongoing licenses;
188 (iv) changes of ownership or name, changes in licensure status, and changes in
189 operational status;
190 (v) license expiration and renewal, contents, and posting requirements;
191 (vi) procedures for inspections, complaint resolution, disciplinary actions, and other
192 procedural measures to encourage and assure compliance with statute and rule; and
193 (vii) guidelines necessary to assure consistency and appropriateness in the regulation
194 and discipline of licensees;

261 [(8)] (9) The licensing committee and the department shall develop, by rule, a five-year
262 phased-in compliance schedule for playground equipment safety standards.

H.B. 160, Utah Wilderness Act

(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

159 (7) DNR shall make rules governing the protection of a protected wilderness area.

182 (5) Within an area designated as a protected wilderness area by this chapter:
183 (a) subject to the rules established by DNR, the use of a motor vehicle, aircraft, or
184 motorboat is authorized where:
185 (i) the use of a motor vehicle, aircraft, or motorboat is already established;
186 (ii) the motor vehicle, aircraft, or motorboat is used by the Division of Wildlife
187 Resources in furtherance of its wildlife management responsibilities, as described in Title
188 23,
189 Wildlife Resources Code of Utah; or
189 (iii) the use of a motor vehicle, aircraft, or motorboat is necessary for emergency
190 services or law enforcement purposes; and

H.B. 168, School and Institutional Trust Lands and Funds Management Provisions

(effective 07/01/14 - - Initiate rulemaking by December 27, 2014)

142 (4) The State Board of Education shall make rules regarding:
143 (a) regular reporting from the School Children's Trust Section director to the State
144 Board of Education, to allow the State Board of Education to fulfill its duties in
145 representing
145 the trust beneficiaries; and
146 (b) the day-to-day reporting of the School Children's Trust Section director.

396 (4) (a) In making rules under this chapter, the director is subject to and shall comply
397 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, except as provided in
398 Subsection (4)(b).

399 (b) Subsections 63G-3-301(6) and (7) and Section 63G-3-601 do not apply to the
400 director's making of rules under this chapter.

618 (2) The director shall: . . .

633 (g) adopt rules, as provided in Subsection 53D-1-103(3), that are necessary for the
634 proper exercise of the director's duties under this chapter and policies established by the
board;

813 Part 7. Review of Decisions or Actions

814 53D-1-701. Petition for review of director or office decision or action -- Hearing
815 examiner -- Decision -- Judicial review.

816 (1) (a) Subject to Subsection (1)(b), a person aggrieved by a decision or action of the
817 director or office may, in accordance with rules adopted by the board under Section
53D-1-702,

818 petition the board for an administrative review of the decision or action.

838 Section 28. Section 53D-1-702 is enacted to read:

839 53D-1-702. Board rules on petition for review of director or office decision or
840 action.

841 (1) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
842 Administrative Rulemaking Act, to govern proceedings on a petition under Section
53D-1-701.

843 (2) Rules under Subsection (1) shall ensure procedural due process in proceedings
844 relating to a petition under Section 53D-1-701.

H.B. 196, Fleet Management Amendments

(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

29 (2) An employee shall use, and the attorney general shall authorize the use of, a vehicle
30 under Subsection (1) subject to the rules adopted by the Division of Fleet Operations in
31 accordance with Section 63A-9-401.

H.B. 211, Substance Abuse Amendments

(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

248 Section 2. Section 62A-2-108.2 is amended to read:

249 62A-2-108.2. Licensing residential treatment programs and recovery residences --
250 Notification of local government.

251 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
252 the office shall make rules that establish categories of residential treatment and recovery
253 residence licenses based on differences in the types of residential treatment programs and
254 recovery residences.

260 (2) Subject to the requirements of federal and state law, and pursuant to the authority
261 granted by Section 62A-2-106, the office shall establish and enforce rules that:
262 (a) relate generally to all categories of residential treatment program and recovery
263 residence licenses; and
264 (b) relate to specific categories of residential treatment program and recovery residence
265 licenses on the basis of the regulatory needs, as determined by the office, of residential
266 treatment programs and recovery residences within those specific categories.

H.B. 219, Veterans' Separation Amendments
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

31 Section 1. Section 53-3-104 is amended to read:
32 53-3-104. Division duties.
33 The division **shall**:
34 (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
35 **make rules**:
36 (a) for examining applicants for a license, as necessary for the safety and welfare of the
37 traveling public;
38 (b) for acceptable documentation of an applicant's identity, Social Security number,
39 Utah resident status, Utah residence address, proof of legal presence, proof of citizenship in
40 the
41 United States, honorable or general discharge from the United States military, and other
proof
41 or documentation required under this chapter;

H.B. 277, Music Therapist Licensure Amendments
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

72 (2) Each applicant for state certification as a state certified music therapist shall: . . .
76 (d) provide satisfactory documentation that the applicant is board certified by, and in
77 good standing with, the Certification Board for Music Therapists, or an equivalent board as
78 determined by division rule.
79 Section 5. Section 58-84-202 is enacted to read:
80 58-84-202. Term of state certification.
81 (1) The division shall grant state certification under this chapter in accordance with a
82 two-year renewal cycle established by division rule.
83 (2) At the time of renewal, an applicant for renewal shall provide satisfactory
84 documentation that the applicant is board certified by, and in good standing with, the
85 Certification Board for Music Therapists, or an equivalent board as determined by
division
86 rule.

H.B. 320, Educators' Professional Learning
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

187 (2) A school district or charter school shall implement high quality professional
188 learning that meets the following standards: . . .
201 (g) professional learning aligns its outcomes with:
202 (i) performance standards for teachers and school administrators as described in rules
203 of the State Board of Education; and

H.B. 332, Real Estate Amendments
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

1044 (c) If a criminal background check reveals that an applicant failed to accurately
1045 disclose a criminal history other than a type described in Subsection (4)(b), the division
shall
1046 review the application and, in accordance with rules made by the division pursuant to
Title
1047 63G, Chapter 3, Utah Administrative Rulemaking Act, may:
1048 (i) place one or more conditions on the license, certification, or registration;
1049 (ii) place one or more restrictions on the license, certification, or registration;
1050 (iii) revoke the license, certification, or registration; or
1051 (iv) refer the application to the board for a decision.

1114 (4) To qualify as a state-licensed appraiser, an applicant must:
1115 (a) be of good moral character;
1116 (b) demonstrate honesty, competency, integrity, [and] truthfulness, and general fitness
1117 to command the confidence of the community;
1118 (c) pass the licensing examination with a satisfactory score as determined by the
1119 Appraisal Qualification Board;
1120 (d) successfully complete [not less than 150 classroom hours in courses of study that
1121 relate to:] the educational requirements established by rule in accordance with Subsection
(5);

1127 (e) possess [the minimum number of hours of] the experience in real property appraisal
1128 [as] established by rule in accordance with Subsection (5).

1137 (5) (a) The division shall, with the concurrence of the board, make rules in accordance
1138 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
1139 (i) the educational requirements described in Subsection (4)(d); and
1140 (ii) the experience in real property appraisal described in Subsection (4)(e).

1157 (3) A state-certified appraiser who satisfies all requirements described in this chapter

1158 and in rule made under this chapter may supervise trainees as allowed by rule.

1172 [(ii) successfully passing a curriculum **determined by rule** of collegiate level subject
1173 matter courses from an accredited:]

1178 [(d) satisfactory completion of not less than 200 classroom hours in a curriculum:]
1179 [(i) of specific appraisal education **determined by rule** made by the board, with the
1180 concurrence of the division; and]

1183 (c) completion of the educational requirements established by rule in accordance with
1184 Subsection (3); and
1185 [(e)] (d) [the minimum number of hours of] experience in real property appraisal as
1186 established by rule[; and] in accordance with Subsection (3).
1187 [(f) acquiring the experience required under Subsection (1)(e) within a reasonable
1188 period, as determined by rule, immediately preceding the filing of the application for
1189 certification.]

1204 (3) (a) The division shall, with the concurrence of the board, make rules in accordance
1205 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
1206 (i) the educational requirements described in Subsection (1)(c); and
1207 (ii) the experience in real property appraisal described in Subsection (1)(d).

1219 [(c) (i) a bachelors degree or higher degree from an accredited college or university; or]
1220 [(ii) successfully passing a curriculum **determined by rule** of collegiate level subject
1221 matter courses from an accredited:]

1227 [(i) of specific appraisal education determined by rule; and]
1228 [(ii) that includes a course in the Uniform Standards of Professional Practice or its
1229 equivalent that has been approved by the Appraisal Qualification Board;]
1230 (c) completion of the educational requirements established by rule in accordance with
1231 Subsection (3); and
1232 [(e)] (d) [the minimum number of hours of] experience in real property appraisal as
1233 established by rule[; and] in accordance with Subsection (3).
1234 [(f) acquiring the experience required under Subsection (1)(e) within a reasonable
1235 period, as determined by rule, immediately preceding the filing of the application for
1236 certification.]

1251 (3) (a) The division shall, with the concurrence of the board, make rules in accordance
1252 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
1253 (i) the educational requirements described in Subsection (1)(c); and
1254 (ii) the experience in real property appraisal described in Subsection (1)(d).

H.B. 346, Foster Children Amendments

(Effective 03/27/14, date of Governor's signature - - Initiate rulemaking by September 23, 2014)

87 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
88 division shall adopt rules establishing the procedures for verifying that private agencies
89 providing out-of-home placement under contract with the division comply with and
promote
90 this part.

H.B. 349, Repeal of Transportation Related Funds

(effective 05/13/14 - - Initiate rulemaking for REPEAL by November 9, 2014)

25 This bill repeals: . . .
27 Section 72-2-122, Aeronautics Construction Revolving Loan Fund -- Distribution
28 -- Repayment -- **Rulemaking.**

H.B. 356, New Convention Facility Development Incentive Provisions

(Effective May 13, 2014 (except Section 59-7-616 (lines 108-114 only)) takes effect for a taxable year beginning on or after January 1, 2015 - - Initiate rulemaking by November 9, 2014 and June 29, 2015, respectively)

108 (5) (a) In accordance with any rules prescribed by the commission under Subsection
109 (5)(b), the commission shall:
110 (i) make a refund to a tax credit recipient that claims a tax credit under this section if
111 the amount of the tax credit exceeds the tax credit recipient's tax liability under this
chapter;
112 and
113 (ii) transfer at least annually from the General Fund into the Education Fund an amount
114 equal to the amount of tax credit claimed under this section.

821 Section 10. Section 63M-1-3404 is enacted to read:

822 63M-1-3404. Independent review committee.

823 (1) In accordance with rules adopted by the office under Section 63M-1-3408, the
824 board shall establish a separate, independent review committee to:

825 (a) review each initial tax credit application submitted under this part for compliance
826 with the requirements of this part and the agreement; and

827 (b) consult with the office, as provided in this part.

917 Section 13. Section 63M-1-3407 is enacted to read:

918 63M-1-3407. Assigning tax credit.

919 (1) A host local government that enters into an agreement with the office may, by

920 resolution, assign a tax credit to a community development and renewal agency, in
921 accordance

921 with rules adopted by the office.

924 Section 14. Section 63M-1-3408 is enacted to read:

925 63M-1-3408. Payment of incremental property tax revenue.

926 (1) (a) In accordance with rules adopted by the office, a host agency shall be paid

927 incremental property tax revenue during the eligibility period.

943 Section 15. Section 63M-1-3409 is enacted to read:

944 63M-1-3409. Rulemaking authority -- Requirements for rules.

945 (1) The office shall, in accordance with Title 63G, Chapter 3, Utah Administrative

946 Rulemaking Act, make rules to carry out its responsibilities under this part and to
947 implement

947 the provisions of this part.

948 (2) The rules the office makes under Subsection (1) shall:

949 (a) establish, consistent with this part, the conditions that a tax credit applicant is
950 required to meet to qualify for a tax credit;

951 (b) require that a significant capital investment be made in the development of the
952 hotel property;

953 (c) require a tax credit applicant to meet all applicable requirements in order to receive
954 a tax credit certificate;

955 (d) require that a qualified hotel owner meet the county's requirements to receive an
956 endorsement letter; and

957 (e) provide for the establishment of an independent review committee, in accordance

958 with the requirements of Section 63M-1-3404.

1022 (5) (a) In accordance with office rules, the board shall annually pay up to \$2,100,000 of
1023 money in the mitigation fund:

1024 (i) to affected hotels;

1025 (ii) for four consecutive years, beginning 12 months after the date of initial occupancy
1026 of the qualified hotel occurs; and

1027 (iii) to mitigate direct losses.

1037 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1038 office shall, in consultation with the Utah Hotel and Lodging Association and the county
1039 in

1039 which the qualified hotel is located, make rules establishing procedures and criteria
1040 governing

1040 payments under Subsection (5)(a) to affected hotels.

H.B. 367, Physical Therapy Scope of Practice Amendments
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

- 169 (2) The division **shall make rules**, in accordance with Title 63G, Chapter 3, Utah
170 Administrative Rulemaking Act, that establish:
171 (a) the criteria for approving a course described in Subsection (1)(b); and
172 (b) the requirements described in Subsection (1)(e).

H.B. 405 Postsecondary School State Authorization
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

- 410 Section 9. Section 13-34a-103 is enacted to read:
411 13-34a-103. Duties of the division.
412 (1) The division shall administer and enforce the provisions of this chapter.
413 (2) In administering this chapter, **the division shall:** . . .
420 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
421 consistent with this chapter, **make rules** governing:
422 (i) the content and form of a registration form;
423 (ii) the filing and review procedures relating to a registration form submitted under this
424 chapter;
425 (iii) the filing and review of complaints filed with the division under this chapter;
426 (iv) the denial, suspension, or revocation of a certificate of postsecondary school state
427 authorization; and
428 (v) enforcement of the provisions of this chapter.

H.B. 419, Charter School Revisions
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

- 1206 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1207 State Board of Education **shall make rules** regarding the expansion of a charter school,
1208 **including** establishing a satellite campus, that provide:
1209 (a) requirements for a charter school to apply and qualify for expansion; and
1210 (b) procedures and deadlines for the application process.
- 1249 (4) The State Charter School Board **shall, in accordance with** State Board of Education
1250 **rules**, establish and make public the State Charter School Board's:
1251 (a) application requirements, in accordance with Section 53A-1a-504;
1252 (b) application process, including timelines, in accordance with this section; and
1253 (c) minimum academic, financial, and enrollment standards.
- 1768 (10) Before a local school board accepts a charter school application, the local school

1769 board shall, in accordance with State Board of Education rules, establish and make public the

1770 local school board's:

1771 (a) application requirements, in accordance with Section 53A-1a-504;

1772 (b) application process, including timelines, in accordance with this section; and

1773 (c) minimum academic, financial, and enrollment standards.

1886 (10) Before a board of trustees accepts a charter school application, the board of

1887 trustees shall, in accordance with State Board of Education rules, establish and make public the

1888 board of trustees':

1889 (a) application requirements, in accordance with Section 53A-1a-504;

1890 (b) application process, including timelines, in accordance with this section; and

1891 (c) minimum academic, financial, and enrollment standards.

H.B. 426, Retirement Participation Modifications

(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

38 Section 1. Section 49-11-623 is enacted to read:

39 49-11-623. Withdrawing entity -- Participation election date -- Withdrawal costs

40 -- Rulemaking. . .

75 (6) The board shall make rules to implement this section.

S.B. 16, Veterans Tuition Gap Coverage

(effective 07/01/14 - - Initiate rulemaking by December 27, 2014)

54 (4) (a) "Qualifying military veteran" means an individual who:

55 (i) is a resident student under Section 53B-8-102 and rules of the board;

79 (3) (a) An institution shall award a program grant to a qualifying military veteran on an

80 annual basis but distribute the money one quarter or semester at a time, with continuing awards

81 contingent upon the qualifying military veteran maintaining satisfactory academic progress

as

82 defined by the institution in published policies or rules.

S.B. 22, Workforce Services Job Listing Amendments
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

144 (6) The rules of the applicable rulemaking authority for the executive branch
145 procurement unit shall require, for each contract and request for proposals, the inclusion
146 of a
147 clause that requires the issuing procurement unit, for the duration of the contract, to make
148 available contact information of the winning contractor to the Department of Workforce
149 Services in accordance with Section 35A-2-203. This requirement does not preclude a
contractor from advertising job openings in other forums throughout the state.

S.B. 39, Home School Amendments
(effective 05/13/14 - - Initiate rulemaking for REPEAL by November 9, 2014)

70 [(b) Each minor who attends a home school shall receive instruction:]
71 [(i) in the subjects the State Board of Education requires to be taught in public schools
72 in accordance with the law; and]
73 [(ii) for the same length of time as minors are required by law to receive instruction in
74 public schools, **as provided by rules** of the State Board of Education.]

S.B. 47, Emergency Management Act Amendments
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

132 (3) An out-of-state business or an out-of-state employee that remains in the state after
133 the disaster period shall complete state and local registration, licensing, and filing
134 requirements
135 that establish the requisite business presence or residency in the state.
136 (4) The Division of Occupational and Professional Licensing shall:
(a) make rules necessary to implement Subsection (3);

S.B. 53, Amendments to Private Investigator Regulations
(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

46 (c) The bureau shall notify each licensee under this chapter when a licensee's license is
47 due for renewal in accordance with procedures established by rule.

S.B. 54, Election Amendments
(Effective January 1, 2015 - - Initiate rulemaking by June 29, 2015)

- 1189 (d) **The filing officer shall:** . . .
1199 (v) utilize procedures described in Section 20A-7-206.3 to verify submitted nomination
1200 petition signatures, or use statistical sampling procedures to verify submitted nomination
1201 petition signatures **pursuant to rules** issued by the lieutenant governor under Subsection
(3)(f).
- 1206 (f) The lieutenant governor **shall issue rules** that provide for the use of statistical
1207 sampling procedures for filing officers to verify signatures under Subsection (3)(d). . . .
- 1589 Section 19. Section 20A-9-410 is enacted to read:
1590 20A-9-410. Rulemaking authority.
1591 The director of elections, within the Office of the Lieutenant Governor, **shall make**
1592 **rules**, in accordance with the provisions of Title 63G, Chapter 3, Utah Administrative
1593 Rulemaking Act, relating to procedures for complying with, and verifying compliance
with, the
1594 candidate nominating process described in this part.

S.B. 55, Pharmaceutical Dispensing Amendments
(effective 07/01/14 - - Initiate rulemaking by December 27, 2014)

- 357 (55) (a) "Practice as a dispensing medical practitioner" means the practice of pharmacy,
358 specifically relating to the dispensing of a prescription drug in accordance with Part 8,
359 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy,
and
360 **division rule adopted after consultation** with the Board of Pharmacy and the governing
boards
361 of the practitioners described in Subsection (23)(a).
362 (b) "Practice as a dispensing medical practitioner" does not include:
363 (i) using a vending type of dispenser **as defined by the division by administrative rule;**
..
- 505 [(B) listed as a cosmetic drug **subject to the exemption under this section by the**
506 **division by administrative rule** or has been expressly approved for online dispensing,
whether
507 or not it is dispensed online or through a physician's office; and]
- 516 [(B) listed as an injectable prescription drug subject to exemption under this section by
517 the division by administrative rule; and]

561 [(c) follows labeling, record keeping, patient counseling, storage, purchasing and
562 distribution, operating, treatment, and quality of care requirements established by
563 administrative rule adopted by the division in consultation with the boards listed in
Subsection
564 (5)(a); and]

567 [(5) (a) The division, in consultation with the board under this chapter and the relevant
568 professional board, including the Physician Licensing Board, the Osteopathic Physician
569 Licensing Board, the Physician Assistant Licensing Board, the Board of Nursing, the
570 Optometrist Licensing Board, or the Online Prescribing, Dispensing, and Facilitation
Board,
571 shall adopt administrative rules pursuant to Title 63G, Chapter 3, Utah Administrative
572 Rulemaking Act to designate:]
573 [(i) the prescription drugs that may be dispensed as a cosmetic drug or weight loss drug
574 under this section; and]
575 [(ii) the requirements under Subsection (4)(c).]

785 (ii) (A) is listed as a cosmetic drug **subject to the exemption** under this section by the
786 division **by administrative rule**; or

800 (ii) listed as an injectable prescription drug **subject to exemption** under this section by
801 the division **by administrative rule**.

821 (3) A dispensing medical practitioner **may dispense**, in accordance with this part: . . .

829 (c) a pre-packaged drug to an employee or a dependent of an employee at an employer
830 sponsored clinic **if** the dispensing medical practitioner: . . .

835 (iv) **complies with administrative rules** adopted by the division **in consultation with the**
836 **Board of Pharmacy** that establish labeling, record keeping, patient counseling, purchasing
and
837 distribution, operating, treatment, quality of care, and storage requirements.

S.B. 57, Autism Services Amendments
(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

84 (2) Notwithstanding the provisions of Section 31A-22-618.5, a health benefit plan
85 offered in the individual market or the large group market and entered into or renewed on
or
86 after January 1, 2016, shall provide coverage for the diagnosis and treatment of autism
87 spectrum disorder:
88 (a) for a child who is at least two years old, but younger than 10 years old; and
89 (b) **in accordance with** the requirements of this section and **rules** made by the
90 commissioner.

S.B. 59, Independent Entities Financial Transparency Disclosure
(effective 05/13/14 - - Initiate rulemaking for REPEAL by November 9, 2014)

62 [(3)] (4) "Participating local entity" means each of the following local entities, if the
63 entity meets the size or budget thresholds established by the **[rules authorized]** board
under
64 Subsection [63A-3-404(2)(a)] 63A-3-403(3)(e): . . .

S.B. 70, State Data Portal Amendments
(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

193 (12) (a) The department, in consultation with the board, shall establish by rule any
194 restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d),
on
195 the website described in Subsection (10) if the inclusion would pose a potential security
196 concern.

S.B. 72, Uninsured Motorist Provisions
(Effective 01/01/15 - - Initiate rulemaking by June 29, 2015)

154 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
155 division shall make rules establishing procedures for a person to apply for a
reimbursement
156 under Subsection (4)(d).

S.B. 75, Primary Care Grants Amendments
(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

182 [(1)] (4) The department shall establish rules in accordance with Title 63G, Chapter 3,
183 Utah Administrative Rulemaking Act, governing the application form, the process, and the
184 criteria [it] the department will use in [awarding] reviewing, ranking, and awarding grants
and
185 contracts under this chapter.

241 Section 6. Section 26-10b-105 is enacted to read:
242 26-10b-105. Primary Care Grant Committee.

243 (1) The Primary Care Grant Committee created in Section 26-1-7 shall: . . .
255 (f) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
256 Rulemaking Act, that govern the committee, including the committee's grant selection
criteria.

S.B. 77, Pharmacy Practice Act Amendments
(effective 07/01/14 - - Initiate rulemaking by December 27, 2014)

97 [(c) an individual engaging in the practice of pharmacy technician under the direct
98 personal supervision of a pharmacist while making satisfactory progress in an approved
99 program **as defined in division rule;**]

106 [(3) In accordance with Subsection 58-1-303(1)(a), an individual exempt under
107 Subsection (2)(c) must take all examinations as required by division rule following
completion
108 of an approved curriculum of education, within the required time frame. This exemption
109 expires immediately upon notification of a failing score of an examination, and the
individual
110 may not continue working as a pharmacy technician even under direct supervision.]

175 (2) The division shall establish, in accordance with Title 63G, Chapter 3, Utah
176 Administrative Rulemaking Act, prescription drug labeling and control standards for a
177 prescription drug that a pharmacy provides to a practitioner under this section.

S.B. 122, Parental Rights in Public Education
(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

89 (b) The State Board of Education shall ensure through board rule that neither an LEA
90 nor its employees are negatively impacted through school grading or employee evaluation
due
91 to a student not taking a test pursuant to Subsection (9)(a).

S.B. 132, Human Services Amendments
(effective 05/13/14 - - Initiate rulemaking for REPEAL by November 9, 2014)

281 (8) (a) Upon receipt of the court's order, described in [Subsection (3), the director or
282 the director's designee] Subsections (3)(c) and (d), the office shall assign the case to [an
283 eligible] a private attorney guardian ad litem, if available [and as established by rule
under
284 Subsection (17)]., in accordance with this section.

S.B. 143, Nail Technician Practice Amendments
(effective 07/01/14 - - Initiate rulemaking by December 27, 2014)

46 (4) In IMC, Table 403.3, Note h is deleted and replaced with the following:
47 "1. For a nail salon where a nail technician files or shapes an acrylic nail, as defined by
48 rule by the Division of Occupational and Professional Licensing, in accordance with Title
63G,
49 Chapter 3, Utah Administrative Rulemaking Act, . . .

S.B. 160, Workers' Compensation Amendments
(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

73 (6) A full and final settlement effectuating a compromise or commutation may provide
74 for payment of benefits:
75 (a) in cash or cash equivalents; or
76 (b) through an insurance contract or by a third party if the commission determines that
77 the payment provisions:
78 (i) are secure and assign, transfer, or reinsure the financial obligation to make benefit
79 payments to a qualified third party in compliance with commission rules; or

S.B. 179, Procurement Revisions
(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

1655 Section 23. Section 63G-6a-108 is amended to read:
1656 63G-6a-108. Limitations on and responsibility of executive branch procurement
1657 units.
1658 (1) [Except as provided in Subsection (2), a] An executive branch procurement unit
1659 may not engage in a procurement unless:
1660 (a) the procurement is made under the direction and control of the division; or
1661 [(b) the division, pursuant to rules made by the board, permits the procurement unit to
1662 make the procurement on its own.]

1705 (5) Notwithstanding Subsection 63G-3-301(13)(b), an applicable rulemaking authority
1706 is[, on or before May 13, 2014,] required to initiate rulemaking proceedings, for rules
required
1707 to be made under this chapter[.], on or before:
1708 (a) May 13, 2014, if the applicable rulemaking authority is the board; or
1709 (b) January 1, 2015, for each other applicable rulemaking authority.

2464 [(e) includes **any other information required by rule** made by the applicable
rulemaking

2465 authority.]

- 3438 [(2) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah
3439 Administrative Rulemaking Act, that establish:]
3440 [(a) circumstances and procedures under which the requirement for paying a security
3441 deposit or posting a bond may be waived or reduced on grounds, including:]
3442 [(i) that the person filing the appeal is impecunious;]
3443 [(ii) circumstances where certain small purchases are involved; or]
3444 [(iii) other grounds determined by the Division of Purchasing and General Services to
3445 be appropriate; and]
3446 [(b) the method used to determine:]
3447 [(i) the estimated contract cost described in Subsections (1)(c)(ii) and (1)(d)(ii); and]
3448 [(ii) the amount described in Subsection (1)(e).]

S.B. 180, Property Tax Modifications

(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

- 684 (2) Subject to Subsection (3), and in accordance with Title 63G, Chapter 3, Utah
685 Administrative Rulemaking Act, the auditor **shall make rules** providing for the allocation
686 of
687 money in the Property Tax Valuation Agency Fund.
688 (3) **The rules** described in Subsection (2) **shall give priority in the allocation of money**
689 in the Property Tax Valuation Agency Fund to the counties of the fourth, fifth, or sixth
690 class
691 that the state auditor determines:
692 (a) in accordance with the study required by Subsection (1), to have the highest tax
693 burden; or
694 (b) to have the greatest need to improve:
695 (i) the accurate valuation and uniform assessment levels of property as required by
696 Section 59-2-103; or
697 (ii) the efficiency of the property tax system.

S.B. 186, Contractor Licensing and Continuing Education Amendments

(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

- 29 (1) Each applicant for a license under this chapter **shall**:
30 (e) if an applicant for a contractor's license:
31 (iii) **except as otherwise provided by rule** by the commission with the concurrence of
32 the director, complete a 20-hour course **established by rule** by the commission with the
33 concurrence of the director, which course may include:
34 (A) construction business practices;

- 51 (B) bookkeeping fundamentals;
- 52 (C) mechanics lien fundamentals; and
- 53 (D) other aspects of business and construction principles considered important by the
- 54 commission with the concurrence of the director;

S.B. 209, School Grading Revisions
(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

80 [(4)] (7) "Sufficient growth" means [a measurement of growth greater than or equal to
81 growth at a specific percentile in the 2011-12 year **adopted by** the State Board of
Education in
82 **rule.] a student's scale score on a statewide assessment is equal to or exceeds the student's**
83 **growth target established pursuant to Section 53A-1-1107.5.**

193 (ii) Among a cohort of students with the same scale score on a particular statewide
194 assessment in the 2010-11 school year, the scale score of the student who scores in the
2011-12
195 school year, at a percentile **determined by the board in rule**, becomes the 2013-14
growth target
196 for any student with a scale score in the 2012-13 school year that is the same as the cohort's
197 scale score in the 2010-11 school year.

210 (ii) Among a cohort of students with the same scale score on a particular statewide
211 assessment in the 2013-14 school year, the scale score of the student who scores on a
similar
212 statewide assessment in the 2014-15 school year, at a percentile **determined by the board**
in
213 **rule**, becomes the year 2 growth target for statewide assessments administered in the
2014-15
214 school year and succeeding years for any student with a year 1 scale score that is the same
as
215 the cohort's scale score in the 2013-14 school year.

275 (b) the State Board of Education **shall determine, by rule:**
276 (i) how to measure growth of a school's students on statewide assessments of language
277 arts, mathematics, and science achievement; and
278 (ii) a standard for sufficient growth;

S.B. 231, Agricultural Amendments
(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

257 (4) A used mattress shall be tagged with the word "USED," in accordance with rules
258 established by the department.

376 (9) (a) A license to engage in an activity listed in Subsection (7) or (8) may be obtained
377 by: . . .

381 [(iii) complying with the rules adopted as authorized by this chapter.]

382 (ii) showing evidence of competence in the pesticide profession, as established by rule,
383 and complying with the rules adopted by the department under this chapter;

415 (3) The department shall issue a business registration certificate to a pesticide
416 applicator business if the individual or entity:

417 (a) has complied with the requirements of this section;

418 (b) has shown evidence of competence in the pesticide profession and meets the
419 certification requirements established by rule;

S.B. 237, Urban Farming Amendments
(effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

84 [(iii) other acceptable standards of agricultural production **designated** by the
85 commission **by rule** adopted in accordance with Title 63G, Chapter 3, Utah Administrative
86 Rulemaking Act, using:]

87 [(A) information provided annually to the commission by the county assessor in a
88 county where urban farming occurs; and]

89 [(B) other information the commission determines is appropriate.]

S.B. 258, Educator Licensure Amendments
(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

25 Section 1. Section 53A-6-113 is enacted to read:

26 53A-6-113. Alternative preparation program -- Work experience requirement.

27 An individual who is employed at least half time in a position for which a teacher's

28 license is **required pursuant to board rule, including** a position in an online school or a
school

29 that uses digital technologies for instruction or blended learning, satisfies the work
experience

30 requirement for participation in an alternative preparation program.

S.B. 263, Small Business Innovation Research
(effective 07/01/14 - - Initiate rulemaking by December 27, 2014)

123 (b) [The Governor's Office of Economic Development shall develop] In accordance
124 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make
rules
125 for a process to determine whether [a college or university] an institution of higher
education
126 that receives a grant under this part must return the grant proceeds or a portion of the grant
127 proceeds if . . .

S.B. 264, Retention of Outside Counsel, Expert Witnesses, and Litigation Support Services
(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

29 Section 1. Section 67-5-32 is amended to read:
30 67-5-32. Rulemaking authority regarding the procurement of outside counsel,
31 expert witnesses, and other litigation support services.
32 (1) (a) The attorney [general's office] general shall, [on or before August 1, 2012] in
33 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to
34 establish public disclosure, transparency, accountability, reasonable fees and limits on fees,
and
35 reporting in relation to the procurement of outside counsel, expert witnesses, and other
36 litigation support services.

45 (2) The **rules** described in Subsection (1) **shall**: . . .
53 (d) ensure that fees for outside counsel, whether based on an hourly rate, contingency
54 fee, or other arrangement, are reasonable and consistent with industry standards;
55 (e) ensure that contingency fee arrangements do not encourage high risk litigation that
56 is not in the best interests of the citizens of the state;
57 [(d)] (f) provide for oversight and control, by the attorney general's office, in relation to
58 outside counsel [hired under a contingency], regardless of the type of fee arrangement under
59 which outside counsel is hired;
60 (g) prohibit outside counsel from adding a party to a lawsuit or causing a new party to
61 be served with process without the express written authorization of the attorney general's
62 office;

S.B. 269, Annual Leave Program II for State Employees
(Effective 05/13/14 - - Initiate rulemaking by November 9, 2014)

60 (2) In accordance with the Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
61 the Division of Finance shall establish a date that is no later than January 2, 2016, when a

state

62 agency shall offer annual leave II in lieu of annual leave to an employee who is eligible to
63 receive paid leave.

67 (4) (a) At the time of employee accrual of annual leave II, an employing agency shall
68 set aside the cost of each hour of annual leave II for each eligible employee in an amount
69 determined in accordance with rules made by the Division of Finance.

70 (b) **The rules** made under Subsection (4)(a) **shall consider:**

71 (i) the employee hourly rate of pay;

72 (ii) applicable employer paid taxes that would be required if the employee was paid for
73 the annual leave II instead of using it for time off;

74 (iii) other applicable employer paid benefits; and

75 (iv) adjustments due to employee hourly rate changes, including the effect on accrued
76 annual leave II balances.

83 (7) **In accordance with** Title 63G, Chapter 3, Utah Administrative **Rulemaking Act:**

84 (a) the department **shall make rules** for the accrual and use of annual leave II provided
85 under this section; and

86 (b) the Division of Finance **shall make rules** for the set aside provisions under
87 Subsections (4) and (5).

127 (6) The board of trustees shall ensure that: . . .

130 (b) assets of the trust fund are dedicated to providing annual leave II **established by**
131 **statute and rule.**