



2015 General Session Bills that Appear to Require Agency Rulemaking

(Bracketed Language is Repealed; Underlined Language is New)

(July 1, 2015)

H.B. 23, Insurance Licensee Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

153 (f) (i) A producer shall provide to a large customer listed in this Subsection (4)(f) an
154 annual accounting, as defined by rule made by the department in accordance with Title 63G,
155 Chapter 3, Utah Administrative Rulemaking Act, of all amounts the producer receives in
156 commission compensation from an insurer or third party administrator as a result of the sale or
157 placement of insurance to a large customer . . .

H.B. 28, Medicaid Management of Emergency Department Utilization

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

79 (4) [(a)] The department shall[,]:
80 (a) through administrative rule adopted by the department, **develop quality**
81 **measurements that evaluate an accountable care organization's delivery of:**
82 (i) appropriate emergency [room] department services to recipients enrolled in the
83 accountable care plan;
84 (ii) **expanded primary care and urgent care for recipients enrolled in the accountable**
85 **care plan, with consideration of the accountable care organization's:**

86 [(A) emergency room diversion plans;]
87 **(A) delivery of primary care, urgent care, and after hours care through means other than**
88 **the emergency department;**

H.B. 122, Technology Services Amendments

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

205 (1) The chief information officer shall establish, by rule made in accordance with Title
206 63G, Chapter 3, Utah Administrative Rulemaking Act:
207 (a) minimum standards for accessibility of executive branch agency information
208 technology by an individual with a disability that:
209 (i) include accessibility criteria for:
210 (A) agency websites;
211 (B) hardware and software procured by an executive branch agency; and
212 (C) information systems used by executive branch agency employees; and
213 (ii) include a protocol to evaluate the standards via testing by individuals with a variety
214 of access limitations;
215 (b) grievance procedures for an individual with a disability who is unable to access
216 executive branch agency information technology, including:
217 (i) a process for an individual with a disability to report the access issue to the chief
218 information officer; and
219 (ii) a mechanism through which the chief information officer can respond to the report;
220 and
221 (c) are, at minimum, consistent with the Web Content Accessibility 2.0 guidelines
222 published by the World Wide Web Consortium.

H.B. 124, Education Background Check Amendments

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

691 (2) (a) An LEA or qualifying private school shall make decisions regarding criminal
692 history information for the individuals subject to the background check requirements under

693 Section 53A-15-1503 in accordance with:
694 (i) Subsection (3);
695 (ii) administrative procedures established by the LEA or qualifying private school; and
696 (iii) rules established by the State Board of Education.
697 (b) The State Board of Education shall make decisions regarding criminal history
698 information for licensed educators in accordance with:
699 (i) Subsection (3);
700 (ii) Title 53A, Chapter 6, Educator Licensing and Professional Practices Act; and
701 (iii) rules established by the State Board of Education. . .
717 (1) Individuals subject to the background check requirements under this part shall
718 self-report conviction, arrest, or offense information in accordance with rules established by
the
719 State Board of Education.
720 (2) An LEA shall report conviction, arrest, or offense information received from
721 licensed educators under Subsection (1) to the State Board of Education in accordance with
722 rules established by the State Board of Education. . .
725 On or before September 1, 2015:
726 (1) the board shall update the board's criminal background check rules consistent with
727 this part; and
728 (2) an LEA shall update the LEA's criminal background check policies consistent with
729 this part.

H.B. 145, Vulnerable Adult Worker Amendments

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

194 [(4)] (5) The department shall [adopt] make rules in accordance with Title 63G,
195 Chapter 3, Utah Administrative Rulemaking Act, defining permissible and impermissible
196 work-related activities for a department employee or volunteer with a criminal history or with
197 one or more substantiated or supported findings of abuse [or], neglect, or exploitation. . .

479 (3) The office: . . .
517 (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
518 Rulemaking Act, to implement the provisions of this Subsection (3) relating to background
519 checks. . . .
659 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
660 office **shall make rules**, consistent with this chapter:
661 (i) defining procedures for the challenge of its background check decision described in
662 Subsection (11)(c); and
663 (ii) expediting the process for renewal of a license under the requirements of this
664 section and other applicable sections.

H.B. 191, Utah Emergency Medical Services System Act Amendments

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

85 (4) The department **shall make rules**, in accordance with Title 63G, Chapter 3, Utah
86 Administrative Rulemaking Act, **that specify**:
87 (a) the criteria the department will use under Subsection (3) to determine whether to
88 grant, deny, or revoke background clearance; and
89 (b) the other personal identification information an individual seeking certification
90 under Section 26-8a-302 must submit under Subsection (1).

H.B. 197, Educator Licensing Amendments

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

36 (3) The board **shall make rules** for an administrative/supervisory license that allow the
37 board to license individuals from a variety of professional backgrounds, including individuals
38 who do not:
39 (a) hold a teaching license; or
40 (b) have a graduate degree in an education area.

H.B. 198, Strengthening College and Career Readiness

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

- 53 (3) The State Board of Education shall: . .
 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
65 make rules specifying:
66 (i) procedures for applying for and awarding grants under this section;
67 (ii) criteria for awarding grants; and
68 (iii) reporting requirements for grantees.

H.B. 216, Workplace Abusive Conduct Amendments to Promote a Healthy Workplace

(effective July 1, 2015 - - Initiate Rulemaking by July 1, 2015)

- 45 (2) By July 1, 2015, the department shall make a rule, in accordance with Title 63G,
46 Chapter 3, Utah Administrative Rulemaking Act, consistent with the definitions in Subsection
47 (1).

H.B. 226, Air Quality Revisions

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

- 35 (b) The board shall consider the differences between an industry that continuously
36 produces emissions and an industry that episodically produces emissions, and make rules that
37 reflect those differences.

H.B. 261, Horse Tripping Amendments

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

- 130 (4) The department, in consultation with the board, shall make rules in accordance with
131 Title 63, Chapter 3, Utah Administrative Rulemaking Act, as necessary to enforce this part.

H.B. 288, Line-of-duty Death Benefits for Peace Officers and Firefighters

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

411 (3) The **commissioner shall:**

418 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

419 **make rules** to implement this chapter.

H.B. 289, Highway Special Event Permitting

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

29 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
30 in consultation with representatives of the Utah League of Cities and Towns and the Utah
31 Association of Counties, **the department shall make rules** that are not inconsistent with this
32 chapter or the constitution and laws of this state or of the United States governing the issuance
33 of a special use permit to maintain public safety and serve the needs of the traveling public. . . .

55 (5) **The rules shall consider:**

56 (a) traveler safety and mobility;

57 (b) the safety of special use or special event participants;

58 (c) emergency access;

59 (d) the mobility of residents close to the event or use;

60 (e) access and economic impact to businesses affected by changes to the normal
61 operation of highway traffic; and

62 (f) past performance of an applicant's adherence to special use permit requirements.

H.B. 292, Emergency Medical Service Providers Amendments

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

31 The **department shall:**

38 ~~[(4)]~~ (5) **adopt rules** in accordance with Title 63G, Chapter 3, Utah Administrative
39 Rulemaking Act, to:

40 (a) license ambulance providers and paramedic providers;

41 (b) permit ambulances and emergency medical response vehicles, including approving
42 an emergency vehicle operator's course in accordance with Section 26-8a-304;
43 (c) establish:
44 (i) the qualifications for membership of the peer review board created by this section;
45 (ii) a process for placing restrictions on a certification while an investigation is
46 pending;
47 (iii) the process for the investigation and recommendation by the peer review board;
48 and
49 (iv) the process for determining the status of a license or certification while a peer
50 review board investigation is pending; . . .

H.B. 324, Search and Rescue Financial Assistance Amendments

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

80 (7) The division, with the approval of the Search and Rescue Advisory Board, **shall**
81 **make rules** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
82 consistent with this [act] section: . . .
83 (c) defining a participant in the assistance card program, including:
84 (i) individuals; and
85 (ii) families and organized groups who qualify as participants;
86 (d) defining the procedure for issuing a card to a participant;
87 (e) defining excluded expenses that may not be reimbursed under the program,
88 including medical expenses;
89 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
90 Program;
91 (g) establishing the frequency of review of the fee schedule;
92 (h) providing for the administration of the program; and

H.B. 343 Utah Communication Authority Emergency Radio and 911 Amendments

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

1059 (5) The [committee] 911 Division shall [make] recommend to the executive director,
1060 for approval by the board, rules in accordance with Title 63G, Chapter 3, Utah Administrative
1061 Rulemaking Act, to:
1062 (a) administer the program funded by the Unified Statewide 911 Emergency Service
1063 restricted account created in Section [63H-7-304] 63H-7a-304, including rules that establish
1064 the criteria, standards, technology, and equipment that a [local entity or state agency] public
1065 safety answering point in Utah must adopt in order to qualify for [funds] goods or services that
1066 are funded from the restricted account[.]; and
1067 [(6) The committee shall make rules in accordance with Title 63G, Chapter 3, Utah
1068 Administrative Rulemaking Act, to]
1069 (b) administer the Computer Aided Dispatch Restricted Account created in Section
1070 [63H-7-310] 63H-7a-303, including rules that establish the criteria, standards, technology, and
1071 equipment that [a local entity or state agency] a public safety answering point must adopt in
1072 order to qualify as a recipient [of a computer aided dispatch system] of goods or services that
1073 are funded from the restricted account. . . .
1263 [(3) (a) Committee members shall elect a chair from their number and establish rules
1264 for the organization and operation of the committee, with the chair selected by representatives
1265 from Subsections (1)(a), (b), and (c) every year.] . . .
1276 (6) An advisory committee member can be removed from the advisory committee by
1277 the board based on rules adopted by the board. . . .
1301 (1) The Radio Network Division shall:
1323 (d) recommend to the executive director administrative rules for approval by the board
1324 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer
1325 the program funded by the restricted account created in Section 63H-7a-403, including rules
1326 that establish the criteria, standards, technology, equipment, and services that will qualify for

1327 goods or services that are funded from the restricted accounts; and . . .
1442 (c) can be removed from the advisory committee by the board based on rules adopted
1443 by the board. . . .
1549 (iii) can be removed from the advisory committee by the board based on rules adopted
1550 by the board.

H.B. 345, Education Abuse Policy

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

86 (6) The board **shall make rules** establishing UPPAC duties and procedures.

H.B. 348, Criminal Justice Program Amendments

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

4940 (2) The division shall: . . .
5043 (h) **establish by rule**, in accordance with Title 63G, Chapter 3, Utah Administrative
5044 Rulemaking Act, minimum standards and requirements for the provision of substance abuse
5045 and mental health treatment to individuals who are required to participate in treatment by the
5046 court or the Board of Pardons and Parole, or who are incarcerated, including:
5047 (i) collaboration with the Department of Corrections, the Utah Substance Abuse
5048 Advisory Council to develop and coordinate the standards, including standards for county and
5049 state programs serving individuals convicted of class A and class B misdemeanors;
5050 (ii) determining that the standards ensure available treatment includes the most current
5051 practices and procedures demonstrated by recognized scientific research to reduce recidivism,
5052 including focus on the individual's criminal risk factors; and
5053 (iii) requiring that all public and private treatment programs meet the standards
5054 established under this Subsection (2)(h) in order to receive public funds allocated to the
5055 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
5056 for the costs of providing screening, assessment, prevention, treatment, and recovery support;
5057 (i) **establish by rule**, in accordance with Title 63G, Chapter 3, Utah Administrative

5058 Rulemaking Act, the requirements and procedures for the certification of licensed public and
5059 private providers who provide, as part of their practice, substance abuse and mental health
5060 treatment to individuals involved in the criminal justice system, including:
5061 (i) collaboration with the Department of Corrections, the Utah Substance Abuse
5062 Advisory Council, and the Utah Association of Counties to develop, coordinate, and implement
5063 the certification process;
5064 (ii) basing the certification process on the standards developed under Subsection (2)(h)
5065 for the treatment of individuals involved in the criminal justice system; and
5066 (iii) the requirement that all public and private providers of treatment to individuals
5067 involved in the criminal justice system shall obtain certification on or before July 1, 2016, and
5068 shall renew the certification every two years, in order to qualify for funds allocated to the
5069 division, the Department of Corrections, or the Commission on Criminal and Juvenile Justice
5070 on or after July 1, 2016; . . .

5409 (b) Standards for the supervision of offenders shall be established by the department in
5410 accordance with [Title 63G, Chapter 3, Utah Administrative Rulemaking Act] sentencing
5411 guidelines, including the graduated sanctions matrix, established by the Utah Sentencing
5412 Commission, giving priority, based on available resources, to felony offenders and offenders
5413 sentenced pursuant to Subsection 58-37-8(2)(b)(ii).

5520 (iv) The department shall establish the standards by administrative rule pursuant to
5521 Title 63G, Chapter 3, Utah Administrative Rulemaking Act. . . .

5547 (d) The department shall establish the certification program by administrative rule
5548 pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

H.B. 363, School Land Trust Program Amendments

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

446 [(ii) the amount allocated to the charter schools combined under Subsection (3)(a)(i)
447 **shall be distributed among charter schools in accordance with a formula specified in rules**
448 adopted by the State Board of Education in consultation with the State Charter School Board;
449 and] . . .
459 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
460 the State Board of Education shall make rules specifying a formula to distribute the amount
461 allocated under Subsection (4)(a)(ii) to charter schools.
462 (ii) In making rules under Subsection (4)(b)(i), the State Board of Education shall:
463 (A) consult with the State Charter School Board; and
464 (B) ensure that the rules include a provision that allows a charter school in the charter
465 school's first year of operations to receive funding based on projected enrollment, to be
466 adjusted in future years based on actual enrollment. . .
477 [(b)] (c) the school's principal shall provide a signed, written assurance [in accordance
478 with rules of the State Board of Education that the membership of the school community
479 council is consistent with the membership requirements specified in Section 53A-1a-108] that
480 the school is in compliance with Subsection (5)(a) or (b).

H.B. 364, Suicide Prevention Amendments

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

209 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
210 division shall make rules governing the implementation of the state suicide prevention
211 program, consistent with this section.

H.B. 378, White Collar Crime Registry

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

- 167 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
168 **attorney general shall make rules** necessary to implement this chapter, including:
169 (a) the method for dissemination of registry information; and
170 (b) instructions to the public regarding acceptable use of the information. . . .

H.B. 395, Controlled Substance Database Amendments

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

- 85 ~~[(3) (a)]~~ (4) The division shall make rules, in accordance with Title 63G, Chapter 3,
86 Utah Administrative Rulemaking Act, to establish submission requirements under this part,
87 including the electronic format in which the information required under this section shall be
88 submitted to the division.

H.B. 402, New Convention Facilities Development Incentive Act Amendments

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

- 273 (1) **In accordance with rules** adopted by the office under Section [63M-1-3408]
274 63M-1-3409, **the board shall** establish a separate, independent review committee to[:] provide
275 recommendations to the office regarding the terms and conditions of an agreement and to
276 consult with the office as provided in this part or in rule.
277 **[(a) review each initial tax credit application submitted under this part for compliance**
278 **with the requirements of this part and the agreement; and]**
279 **[(b) consult with the office, as provided in this part.]**

H.B. 406, Natural Gas Vehicle Amendments

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

81 (b) **The board shall**, in accordance with Title 63G, Chapter 3, Utah Administrative
82 Rulemaking Act, **make rules** to establish a process whereby a taxpayer may reserve a potential
83 tax credit under this section for a limited time to allow the taxpayer to make a qualifying
84 purchase with the assurance that the aggregate limit under Subsection (5)(a) will not be met
85 before the taxpayer is able to submit an application for a tax credit certificate.

86 (6) (a) (i) A taxpayer wishing to claim a tax credit under this section shall, **using forms**
87 **the board requires by rule:** . . .

177 (b) **The board shall**, in accordance with Title 63G, Chapter 3, Utah Administrative
178 Rulemaking Act, **make rules** to establish a process whereby a taxpayer may reserve a potential
179 tax credit under this section for a limited time to allow the taxpayer to make a qualifying
180 purchase with the assurance that the aggregate limit under Subsection (5)(a) will not be met
181 before the taxpayer is able to submit an application for a tax credit certificate.

182 (6) (a) (i) A claimant, estate, or trust wishing to claim a tax credit under this section
183 shall, **using forms the board requires by rule:** . . .

H.B. 415, Regulation of Electronic Cigarettes

(effective July 1, 2015 - - Initiate Rulemaking by January 1, 2016)

132 (1) **The department shall**, in consultation with a local health department, as defined in
133 Section 26A-1-102, and with input from members of the public, **establish**, no later than January
134 1, 2016, **by rule** made in accordance with Title 63G, Chapter 3, Utah Administrative
135 Rulemaking Act, standards for electronic cigarette substance:

136 (a) labeling;

137 (b) nicotine content;

138 (c) packaging; and

139 (d) product quality.

S.B. 17, Employment Support Act Revisions

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

114 [(4)] (7) "Child care services" means care of a child by a responsible person who is not
115 the child's parent or legal guardian, for a portion of the day that is less than 24 hours in a
116 qualified setting, as defined by [rule, by a responsible person who is not the child's parent or
117 legal guardian] rules made by the department in accordance with Title 63G, Chapter 3, Utah
118 Administrative Rulemaking Act. . . .
981 (iii) if a parent volunteers to fully participate in a department-approved employment
982 and training activity **as prescribed by rules made by the department** in accordance with Title
983 63G, Chapter 3, Utah Administrative Rulemaking Act. . . .
1004 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1005 **department shall make rules** for the provision of transitional cash assistance under this section.

S.B. 18, Governor's Office of Economic Development Revisions

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

4098 (2) (a) By following the procedures and requirements of Title 63G, Chapter 3, Utah
4099 Administrative Rulemaking Act, the office shall make rules establishing the [conditions that]
4100 requirements for a business entity or local government entity [shall meet] to qualify for a tax
4101 credit for a new commercial project in a development zone under this part.

S.B. 32, Amendments to Limitations and Reporting for Food and Awards

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

135 (8) "Food reimbursement rate" means the total amount **set by the director of the**
136 **Division of Finance, by rule**, under Subsection 63A-3-107, for in-state meal reimbursement, for
137 an employee of the executive branch, for an entire day.

S.B. 60, American Civics Education Initiative

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

- 58 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, **the**
59 **board shall make rules** that:
- 60 (a) require an LEA that serves secondary students to administer a basic civics test or
61 alternate assessment to a public school student enrolled in the LEA;
 - 62 (b) require an adult education program provider to administer a basic civics test to an
63 individual who intends to receive an adult education secondary diploma;
 - 64 (c) allow an individual to take a basic civics test as many times as needed in order to
65 pass the test; and
 - 66 (d) for the alternate assessment described in Subsection (2)(b), describe:
 - 67 (i) the content of an alternate assessment;
 - 68 (ii) how a public school student qualifies for an alternate assessment; and
 - 69 (iii) how an LEA determines if a student passes an alternate assessment.

S.B. 61, Medicaid Audit Amendments

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

- 42 (1) (a) The **department shall adopt administrative rules** in accordance with Title 63G,
43 Chapter 3, Utah Administrative Rulemaking Act, and in consultation with providers and health
44 care professionals subject to audit and investigation under the state Medicaid program, to
45 establish procedures for audits and investigations that are fair and consistent with the duties of
46 the department as the single state agency responsible for the administration of the Medicaid
47 program under Section 26-18-3 and Title XIX of the Social Security Act.

S.B. 75, Elementary Arts Learning Program Amendments

(effective March 2, 2015 - - Initiate rulemaking by August 29, 2015)

120 (8) The State Board of Education shall[,]:

121 (a) **make rules** in accordance with Title 63G, Chapter 3, Utah Administrative

122 Rulemaking Act, to administer the Beverley Taylor Sorenson Elementary Arts Learning

123 Program; and

124 (b) after consultation with [the Utah Arts Council, make] endowed chairs and the

125 integrated arts advocate, submit an annual written report [during the 2009, 2010, and 2011

126 interims] to the Education Interim Committee describing the program's impact on students in

127 kindergarten through grade six.

S.B. 76, Rural Physician Loan Repayment Program

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

83 (6) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

84 **the department shall make rules** governing the administration of the program, **including rules**

85 **that address:**

86 (i) application procedures;

87 (ii) eligibility criteria;

88 (iii) verification of the amount provided by a rural hospital to a physician for

89 repayment of the physician's education loans;

90 (iv) service conditions, which at a minimum shall include professional service by the

91 physician in the rural hospital providing loan repayment assistance to the physician;

92 (v) selection criteria and assistance amounts;

93 (vi) penalties for failure to comply with service conditions or other terms of a loan

94 repayment assistance contract; and

95 (vii) criteria for modifying or waiving service conditions or penalties in the case of

96 extreme hardship or for other good cause.

S.B. 77, Adoption Records Amendments

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

- 190 (6) The **office shall make rules** in accordance with Title 63G, Chapter 3, Utah
191 Administrative Rulemaking Act, establishing procedures and the content of forms as follows:
192 (a) for a birth parent's election to permit identifying information about the birth parent
193 to be made available, under Section 78B-6-141;
194 (b) for the release of information by the mutual-consent, voluntary adoption registry,
195 under Section 78B-6-144; and
196 (c) for collecting fees and donations pursuant to Section 78B-6-144.5.

S.B. 90, Utah Navajo Royalties Amendments

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

- 336 (4) The **trust administrator shall:**
337 (a) **make rules** in accordance with Subsection (6) that:
338 (i) establish policies and criteria for expenditure of fund money; and
339 (ii) establish performance evaluation criteria with which to evaluate the success of
340 expenditures from the fund after they are made; . . .
353 (6) The trust administrator **shall make a rule** described in Subsection (4)(a):
354 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
355 (b) with the input and recommendation of the Diné Advisory Committee; and
356 (c) with the approval of the board.

S.B. 116, Public School Dropout Recovery

(effective May 12, 2015 - - Initiate rulemaking November 8, 2015)

- 120 (7) The **State Board of Education shall:**
121 (a) **make rules** specifying procedures for calculating average daily membership under
122 Subsection (6)(b)(i); and . . .

S.B. 122, State Surplus Property Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

262 [(i) rules made under the rulemaking authority described in Subsections (2)(b)(v) and

263 (vii) apply only to surplus vehicles; and]

264 [(ii) rules made under the rulemaking authority described in Subsection (2)(b)(viii)

265 apply only to surplus vehicles and federal surplus property.] . . .

403 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

404 **division shall make rules** pertaining to the process and procedures relating to services provided

405 by a person awarded a contract under Subsection (1). . . .

409 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

410 division shall make rules that permit a state agency to dispose of property with a minimal value

411 that the state agency has declared to be state surplus property as provided in Subsection

412 63A-2-401(7).

413 (3) The **division's rules** under Subsection (2) shall permit a state agency to dispose of

414 state surplus property with a minimal value by:

415 (a) destroying the property;

416 (b) disposing of the property as waste; or

417 (c) donating the property to:

418 (i) a charitable organization; or

419 (ii) an employee of the state agency.

427 Section 12. Repealer.

428 This bill repeals:

429 Section 63A-2-406, **Rulemaking** on giving priority to state and local agencies in

430 purchasing surplus property -- **Rulemaking** on the sale or use of a personal handheld

431 electronic device.

S.B. 147, Epinephrine Auto-injector Use Expansion

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

155 [(7) The department shall adopt rules in accordance with Title 63G, Chapter 3, Utah
156 Administrative Rulemaking Act, to:
157 (a) establish and approve training programs in accordance with this section; and
158 (b) establish a procedure for determining the need for training under Subsection
159 (6)(b)(v).]

203 The **department shall adopt rules** in accordance with Title 63G, Chapter 3, Utah
204 Administrative Rulemaking Act, to:

205 (1) establish and approve training programs in accordance with Section 26-41-104;

206 (2) establish a procedure for determining who is eligible for training as a qualified
207 adult under Subsection 26-41-104(6)(b)(v); and

208 (3) establish standards for storage of emergency auto-injectors by a qualified entity
209 under Section 26-41-104.

S.B. 158, Pharmacy Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

470 (1) The **division shall adopt administrative rules** in accordance with Title 63G, Chapter
471 3, Utah Administrative Rulemaking Act, in consultation with hospital pharmacies and the
472 boards of dispensing medical practitioners to establish guidelines under which a dispensing
473 medical practitioner may dispense prescription drugs to a patient in a hospital emergency
474 department if:

475 (a) the hospital pharmacy is closed;

476 (b) in the professional judgment of the dispensing medical practitioner, dispensing the
477 drug is necessary for the patient's immediate needs; and

478 (c) dispensing the prescription drug meets protocols established by the hospital
479 pharmacy.

S.B. 167, Juvenile Offender Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

423 (4) The Division of Juvenile Justice Services shall adopt procedures by rule, pursuant
424 to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the transfer of a
425 minor provisionally housed in a division facility under Subsection (2) to the custody of the
426 Department of Corrections. . . .

S.B. 172, Emergency Medical Services Amendments

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

62 (2) The division shall:
63 (a) collect the assessment described in Subsection (1);
64 (b) determine, by rule made in accordance with Title 63G, Chapter 3, Utah
65 Administrative Rulemaking Act, standards and procedures for implementing and enforcing the
66 provisions of this chapter; and . . .
99 The division shall require an ambulance service provider that fails to pay an assessment
100 due under this chapter to pay the division, in addition to the assessment, a penalty determined
101 by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
102 Rulemaking Act.

S.B. 173, Financial Assurance Determination Review Process

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

570 (12) [The board shall by rule establish] In accordance with Title 63G, Chapter 3, Utah
571 Administrative Rulemaking Act, the board shall make rules that establish financial assurance
572 requirements for closure and postclosure care of radioactive waste land disposal facilities[,,
573 taking into account existing financial assurance requirements].
574 (13) The rules described in Subsection (12) shall include the following provisions:
575 (a) the financial assurance shall be based on an annual calculation and shall include the
576 costs of closure and postclosure care of radioactive waste land disposal facilities in all areas

577 subject to the licensed or permitted portions of the facility;
578 (b) financial assurance for closing the areas within the disposal embankments shall be
579 limited to the cost of closing areas where waste has been disposed; and
580 (c) at the option of the licensee or permittee, the financial assurance requirements shall
581 be based on:
582 (i) an annual calculation using the current edition of RS Means Facilities Construction
583 Cost Data or using a process, including an indirect cost multiplier, previously agreed to
584 between the licensee or permittee and the director; or
585 (ii) (A) for an initial financial assurance determination and for each financial assurance
586 determination every five years thereafter, a competitive site-specific bid for closure and
587 postclosure care of the facility at least once every five years; and
588 (B) for each year between a financial assurance determination as described in
589 Subsection (13)(c)(ii)(A), an annual inflation adjustment to the financial assurance
590 determination using the Gross Domestic Product Implicit Price Deflator of the Bureau of
591 Economic Analysis, United States Department of Commerce, calculated by dividing the latest
592 annual deflator by the deflator for the previous year.

S.B. 179, Amendments to Economic Development

(effective September 1, 2015 - - Initiate rulemaking by February 28, 2016)

192 (2) (a) [By following the procedures and requirements of] In accordance with Title
193 63G, Chapter 3, Utah Administrative Rulemaking Act, the **office shall make rules** establishing
194 the [conditions that] requirements for a business entity or local government entity [shall meet]
195 to qualify for a tax credit for a new commercial project in a development zone under this part.

S.B. 194, Arts and Culture Business Alliance

(effective July 1, 2015 - - Initiate Rulemaking by December 28, 2015)

137 **The division shall:**

138 (1) provide staff support for the alliance; and

139 (2) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

140 **make rules, in consultation with the alliance, for a process for the alliance to accept and**

141 **consider applications for arts development projects, and to distribute account money, under this**

142 **part.**

S.B. 196, Math Competency Initiative

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

33 **(2) The State Board of Education shall, in accordance with Title 63G, Chapter 3, Utah**

34 **Administrative Rulemaking Act, make rules that:**

35 **(a) (i) establish the mathematics competency standards described in Subsection (3) as a**

36 **graduation requirement beginning with the 2016-17 school year; and**

37 **(ii) include the qualifying scores described in Subsection (4); and**

38 **(b) establish systematic reporting of college and career ready mathematics**

39 **achievement.**

S.B. 204, Parental Rights in Public Education Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

213 **[(b) The State Board of Education shall ensure through board rule that neither an LEA**

214 **nor its employees are negatively impacted through school grading or employee evaluation due**

215 **to a student not taking a test pursuant to Subsection (9)(a).]**

223 **(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the**

224 **State Board of Education shall make rules:**

225 **(i) to establish a statewide procedure for excusing a student under Subsection (9)(a)**

226 **that:**

227 (A) does not place an undue burden on a parent or guardian; and
228 (B) may be completed online; and
229 (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or
230 an LEA's employees through school grading or employee evaluations due to a student not
231 taking a test under Subsection (9)(a).

S.B. 207, Political Activity Amendments

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

971 **[(f) The lieutenant governor shall issue rules that]**
972 (f) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
973 director of elections, within the Office of the Lieutenant Governor, **shall make rules** that:
974 (i) provide for the use of statistical sampling procedures [for] that:
975 (A) filing officers are required to use to verify signatures under Subsection (3)(d)[.
976 The statistical sampling procedures shall]; and
977 (B) reflect a bona fide effort to determine the validity of a candidate's entire
978 submission, using widely recognized statistical sampling techniques [. The lieutenant governor
979 may also issue supplemental rules and guidance that]; and . . .

S.B. 235, Education Modifications

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

264 (5) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
265 **the board shall make rules** to establish an appeals process for:
266 (i) a low performing district school that is not granted approval from the district
267 school's local school board under Subsection 53A-1-1204(5)(b);
268 (ii) a low performing charter school that is not granted approval from the charter
269 school's charter school governing board under Subsection 53A-1-1205(7)(b); and
270 (iii) a local school board or charter school governing board that is not granted approval

271 from the board under Subsection (4)(b).

272 (b) The board shall ensure that rules made under Subsection (5)(a) require an appeals
273 process described in:

274 (i) Subsections (5)(a)(i) and (ii) to be resolved on or before April 1 of the initial
275 remedial year; and

276 (ii) Subsection (5)(a)(iii) to be resolved on or before May 15 of the initial remedial
277 year. . . .

309 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
310 **board shall make rules** establishing consequences for a low performing school that:

311 (a) (i) does not improve the school's grade within three school years after the day on
312 which the school is designated a low performing school; and

313 (ii) is not granted an extension under Subsection (2); or

314 (b) (i) is granted an extension under Subsection (2); and

315 (ii) does not improve the school's grade within two school years after the day on which
316 the low performing school is granted an extension.

317 (4) The board shall ensure that the rules established under Subsection (3) include a
318 mechanism for:

319 (a) restructuring a district school that may include:

320 (i) contract management;

321 (ii) conversion to a charter school; or

322 (iii) state takeover; and

323 (b) restructuring a charter school that may include:

324 (i) termination of a school's charter;

325 (ii) closure of a charter school; or

326 (iii) transferring operation and control of the charter school to:

327 (A) a high performing charter school; or

328 (B) the school district in which the charter school is located. . . .

385 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

386 **board shall make rules** specifying:
387 (a) eligibility criteria for a school leader to participate in the School Leadership
388 Development Program;
389 (b) application procedures for the School Leadership Development Program;
390 (c) criteria for selecting school leaders from the application pool; and
391 (d) procedures for awarding incentive pay under Subsection (4).

S.B. 246, Licensing of Autism Providers

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

181 (1) (a) The division shall issue each license under this part with a two-year renewal
182 cycle **established by division rule.**

S.B. 281, Water Infrastructure Funding

(effective May 12, 2015 - - Initiate rulemaking by November 8, 2015)

69 (1) The **division and the board shall make rules**, in accordance with Title 63G, Chapter
70 3, Utah Administrative Rulemaking Act in preparation to make loans from available funds to
71 repair, replace, or improve underfunded federal water infrastructure projects.
72 (2) The **rules described in Subsection (1)(a) shall:**
73 (a) specify the amount of money that may be loaned;
74 (b) specify the criteria the division and the board shall consider in prioritizing and
75 awarding loans;
76 (c) specify the minimum qualifications for an individual who, or entity that, receives a
77 loan, including the amount of cost-sharing to be the responsibility of the individual or entity
78 applying for a loan;
79 (d) specify the terms of the loan, including the terms of repayment; and
80 (e) require all applicants for a loan to apply on forms provided by the division and in a
81 manner required by the division. . . .
(2) Any money utilized for the repair, replacement, or improvement of federal water

88 infrastructure projects when federal funds are not available shall be repaid pursuant to the
89 terms and conditions **established by the division and the board by rule** under Section
90 73-10g-105.