

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT

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Kenneth A. Hansen, Director

Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is the official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the Bulletin under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules-related information, and on-line versions of these publications, visit the division's web site at: <http://www.rules.state.ut.us/>

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TABLE OF CONTENTS

1. SPECIAL NOTICES

Department of Administrative Services, Archives and Records Service: Public Notice	1
Governor's Executive Order: Task Force on Longitudinal Access to Interstate Highway Rights-of-Way	1

2. NOTICES OF PROPOSED RULES

Administrative Services

Facilities Construction and Management

No. 21212 (Amendment): R23-1. Procurement of Construction	4
No. 21213 (Amendment): R23-4. Suspension/Debarment from Consideration for Award of State Contracts	7
No. 21206 (Repeal): R23-12. State of Utah Parking Policy	9
No. 21208 (Amendment): R23-29. Across the Board Delegation	10

Corrections

Administration

No. 21198 (Repeal): R251-307. Community Service	12
---	----

Insurance

Administration

No. 21224 (New): R590-184. Agent/Agency and Insurance Company Contract Termination	12
No. 21204 (New): R590-187. Assessment of Title Insurance Agencies and Title Insurers for Costs Related to Regulation of Title Insurance	14

Public Safety

Highway Patrol

No. 21197 (Repeal): R714-400. Compressed and Liquefied Gas Fuel Systems	15
---	----

Tax Commission

Auditing

No. 21194 (Amendment): R865-13G-14. Environmental Assurance Fee Pursuant to Utah Code Ann. Section 19-6-410.5	19
No. 21195 (Amendment): R865-19S-90. Telephone Service Defined Pursuant to Utah Code Ann. Section 59-12-103	20
No. 21220 (Amendment): R865-19S-103. Municipal Energy Sales and Use Tax Pursuant to Utah Code Ann. Sections 10-1-303 and 10-1-306	22
No. 21219 (Amendment): R865-25X-1. Brine Shrimp Royalty Procedures Pursuant to Utah Code Ann. Section 59-23-4	22

Motor Vehicle

No. 21221 (Amendment): R873-22M-38. Procedure for Reinstatement of Registration Revoked for Lack of Owner's or Operator's Security Pursuant to Utah Code Ann. Section 41-1a-1220	23
--	----

TABLE OF CONTENTS

Motor Vehicle Enforcement
No. 21196 (Amendment): R877-23V-17. Reasonable Cause for Denial, Suspension, or
Revocation of License Pursuant to Utah Code Ann. Sections 41-3-105 and 41-3-209 24

Property Tax
No. 21222 (Amendment): R884-24P-60. Age-Based Uniform Fee on Tangible Personal Property
Required to be Registered with the State Pursuant to Utah Code Ann. Section 59-2-405.1 25

No. 21223 (Amendment): R884-24P-61. 1.5 Percent Uniform Fee on Tangible Personal Property
Required to be Registered with the State Pursuant to Utah Code Ann. Sections 41-1a-202, 59-2-104,
59-2-401, 59-2-402, and 59-2-405 26

Workers' Compensation Fund
Administration
No. 21214 (Repeal): R980-1. Workers' Compensation Fund of Utah Dispute Resolution 28

3. FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Corrections
Administration
No. 21207: R251-307. Community Service 30

Education
Administration
No. 21191: R277-104. USOE ADA Complaint Procedure 30

No. 21192: R277-436. Gang Prevention and Intervention Programs in the Schools 31

Insurance
Administration
No. 21205: R590-154. Unfair Marketing Practices Rule 31

Labor Commission
Administration
No. 21215: R600-1. Declaratory Orders 32

Industrial Accidents
No. 21216: R612-2. Workers' Compensation Rules - Health Care Providers 32

No. 21217: R612-3. Workers' Compensation Rules - Self-Insurance 33

No. 21218: R612-5. Employee Leasing Company Workers' Compensation Insurance
Policy Endorsements 33

Workforce Services
Workforce Information and Payment Services
No. 21209: R994-306. Charging Benefit Costs to Employers 34

No. 21210: R994-307. Social Costs -- Relief of Charges 34

No. 21211: R994-508. Appeal Procedures 35

4. NOTICES OF RULE EFFECTIVE DATES 36

5. RULES INDEX 38

SPECIAL NOTICES

DEPARTMENT OF ADMINISTRATIVE SERVICES ARCHIVES AND RECORDS SERVICE

PUBLIC NOTICE June 17, 1998

The Utah State Archives, Records Analysis Section hereby invites public comment in the records scheduling process. The State Records Committee (consisting of the State Auditor's designee, the Division of State History director, a records manager from the private sector, the Governor or his designee, a citizen member, an elected official representing political subdivisions, and an individual representing the news media) is statutorily mandated to "review and approve retention and disposal of records." Certain records from state and local government agencies are expected to be presented to the State Records Committee for retention and disposition approval. These retention schedules may be viewed on location in our Research Room or via our web page (<http://www.archives.state.ut.us/recmanag/retsched.htm>).

Comments from citizens are invited between July 13, 1998, and August 11, 1998. Contact the Utah State Archives at (801) 538-3012 for more information.

EXECUTIVE ORDER

I, Michael O. Leavitt, Governor of the State of Utah, do hereby order the following:

(1) There is created the Governor's Task Force on Longitudinal Access to Interstate Highway Rights-of-Way.

(2) The task force shall study and make recommendations relating to the sale, lease, reservation, transfer, or other disposition of longitudinal access along interstate highway corridors for installation of telecommunications facilities. The issues studied may include:

- (a) the cost of providing, and any compensation payable for access;
- (b) planning for and accommodating telecommunication infrastructure needs; and
- (c) any other issue relating to longitudinal access on interstate transportation corridors.

(3) The task force shall consist of eleven members, appointed by the governor, including:

- (a) the executive director of the Department of Transportation, who shall serve as chair;
- (b) the chief information officer or his designee;
- (c) a member of the Senate recommended by the President of the Senate;
- (d) a member of the House of Representatives recommended by the Speaker of the House;
- (e) two members of the Transportation Commission;
- (f) an elected municipal official;
- (g) an elected county official;
- (h) a member of the Public Service Commission;
- (i) two additional members with expertise or experience in the issues to be considered.

SPECIAL NOTICES

(4) A majority of attendees constitutes a quorum for voting purposes, and all action shall be by majority vote.

(5) The task force shall meet as often as necessary to complete its study and make recommendations in a timely fashion. The task force may make interim recommendations as it considers appropriate; however, it shall submit its final recommendations to the governor no later than August 31, 1998.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 18th day of June 1998.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

Attest:
OLENE WALKER
Lieutenant Governor

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between June 1, 1998, 5:01 p.m., and June 15, 1998, 5:00 p.m., are included in this, the July 1, 1998, issue of the *Utah State Bulletin*.

In this publication, each PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least July 31, 1998. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through October 29, 1998, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

The public, interest groups, and governmental agencies are invited to review and comment on PROPOSED RULES. *Comment may be directed to the contact person identified on the RULE ANALYSIS for each rule.*

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Administrative Services, Facilities
Construction and Management

R23-1

Procurement of Construction

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21212

FILED: 06/12/1998, 10:52

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The amendments to R23-1 will implement the provisions of H.B. 128 and H.B. 338 that were passed by the 1998 Legislature. They also clarify the impact of S.B. 95 that was passed in the 1997 Legislative session.

(DAR Note: H.B. 128 is found at 1998 Utah Laws 99, and was effective July 1, 1998. H.B. 338 is found at 1998 Utah Laws 142, and was effective July 1, 1998. S.B. 95 is found at 1997 Utah Laws 89, and was effective May 5, 1997.)

SUMMARY OF THE RULE OR CHANGE: Implements state law changes regarding subcontractors lists and the use of Construction Managers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-5-103 et seq., and Subsection 63-56-14(2)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None.
- ❖ LOCAL GOVERNMENTS: None.
- ❖ OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Proposed rule change is a clarification of the proper forms to submit with bid documents.

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

Administrative Services
Facilities Construction and Management
4110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

April L. Conti at the above address, by phone at (801) 538-3261, by FAX at (801) 538-3267, or by Internet E-mail at fcmmain.aconti@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Raylene Ireland, Executive Director

R23. Administrative Services, Facilities Construction and Management.

R23-1. Procurement of Construction.

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R23-1-5. Competitive Sealed Bidding.

(1) General. Competitive sealed bidding, which includes multi-step sealed bidding, is generally the preferred method for the procurement of construction when the single prime contractor method is used.

(2) Public Notice to Contractors of Invitations For Bids.

(a) Public notice to contractors of Invitations For Bids shall be publicized in a newspaper having general circulation in the state; and may be publicized in any or all of the following as determined appropriate:

(i) In a newspaper having general circulation in the area in which the project is located;

(ii) In appropriate trade publications;

(iii) By electronic means;

(iv) By any other method determined appropriate.

(b) A copy of the public notice shall be available for public inspection at the principal office of the Division in Salt Lake City, Utah.

(3) Content of the Public Notice to Contractors for Invitation For Bids. The public notice to Contractors for Invitation For Bids (herein referred to as the "Notice") shall include the following:

(a) The closing time and date for the submission of bids;

(b) The address of the office to which bids are to be delivered;

(c) The address where the bidding documents may be obtained;

(d) A brief description of the project;

(e) Notice of any mandatory pre-bid meetings.

(4) Bidding Time. Bidding time is the period of time between the date of the first publication of the notice and the final date and time set for the receipt of bids by the Division. Bidding time shall be set to provide bidders with reasonable time to prepare their bids, not less than ten calendar days, unless a shorter time is deemed necessary for a particular project as determined in writing by the Director.

(5) Proposal Form. The bidding documents for an Invitation For Bids shall include a proposal form having a space in which the bid prices shall be inserted and which the bidder shall sign and submit along with all other required documents and materials.

(6) Addenda to the Bidding Documents.

(a) Addenda shall be sent by the person responsible for the issuance of bidding documents to all known persons who have obtained the bidding documents.

(b) Addenda shall be distributed within a reasonable time to allow all prospective bidders to consider them in preparing bids. If the time set for the final receipt of bids will not permit appropriate consideration, the bidding time shall be extended to allow proper consideration of the addenda. The person responsible for the

issuance of bidding documents shall confirm in writing, any addenda communicated to bidders by telephone.

(7) Pre-Opening Modification or Withdrawal of Bids.

(a) Bids may be modified or withdrawn by the bidder by written notice delivered to the place designated in the notice where bids are to be delivered prior to the time set for the opening of bids.

(b) Bid security, if any, shall be returned to the bidder when withdrawal of the bid is permitted.

(c) All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate project file.

(8) Late Bids, Late Withdrawals, and Late Modifications. Any bid, withdrawal of bid, or modification of bid received after the time and date set for the submission of bids at the place designated in the notice shall be deemed to be late and shall not be considered, unless it is the only bid received in which case it may be considered.

(9) Receipt, Opening, and Recording of Bids.

(a) Upon receipt, all bids and modifications shall be stored in a secure place until the time for bid opening.

(b) Bids and modifications shall be opened publicly, in the presence of one or more witnesses, at the time and place designated in the notice. The names of the bidders, the bid price, and other information as is deemed appropriate by the Director shall be read aloud or otherwise made available to the public. After the bid opening, the bids shall be tabulated or a bid abstract made. The names and addresses of at least one of the witnesses shall also be recorded in the official minutes of the bid opening meeting. The opened bids shall be available for public inspection.

(10) Mistakes in Bids.

(a) If the mistake is attributable to an error in judgment, the bid may not be corrected. Bid correction or withdrawal by reason of an inadvertent, nonjudgmental mistake is permissible but only at the discretion of the Director and to the extent it is not contrary to the interest of the procuring agencies or the fair treatment of other bidders.

(b) When it appears from a review of the bid that a mistake may have been made, the Director may request the bidder to confirm the bid in writing. Situations in which confirmation may be requested include obvious, apparent errors on the face of the bid or a bid unreasonably lower than the other bids submitted.

(c) This subsection sets forth procedures to be applied in three situations described below in which mistakes in bids are discovered after opening but before award. After the bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the procuring agencies or fair competition shall be permitted.

(i) Minor formalities are matters which, in the discretion of the Division, are of form rather than substance evident from the bid document, or insignificant mistakes that can be waived or corrected without prejudice to other bidders and with respect to which, in the Director's discretion, the effect on price, quantity, quality, delivery, or contractual conditions is not or will not be significant. The Director, in his sole discretion, may waive minor formalities or allow the bidder to correct them depending on which is in the best interest of the procuring agencies. Examples include the failure of a bidder to:

(A) Sign the bid, but only if the unsigned bid is accompanied by other material indicating the bidder's intent to be bound;

(B) Acknowledge receipt of any addenda to the Invitation For Bids, but only if it is clear from the bid that the bidder received the addenda and intended to be bound by its terms; the addenda

involved had a negligible effect on price, quantity, quality, or delivery; or the bidder acknowledged receipt of the addenda at the bid opening.

(ii) If the Director determines that the mistake and the intended bid are clearly evident on the face of the bid document, the bid shall be corrected to the intended bid and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.

(iii) A bidder may be permitted to withdraw a low bid if the Director determines a mistake is clearly evident on the face of the bid document but the intended amount of the bid is not similarly evident, or the bidder submits to the Division proof of evidentiary value which, in the Director's sole judgment, clearly and convincingly demonstrates that a mistake was made.

(iv) No bidder shall be allowed to correct a mistake or withdraw a bid because of a mistake discovered after award of the contract; provided, that mistakes of the types described in Subsection R23-1-5(10) hereof may be corrected or the award of the contract canceled if the Director determines that correction or cancellation will not prejudice the interests of the procuring agencies or fair competition.

(v) The Director shall approve or deny, by written determination, all requests to correct or withdraw a bid. This approval or denial may be indicated on the bidder's written request for correction or withdrawal.

(11) Bid Evaluation and Award. Except as provided in the following sentence, the contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the bidding documents and no bid shall be evaluated for any requirements or criteria that are not disclosed in the bidding documents. A reciprocal preference shall be granted to a resident contractor as provided in Section 63-56-20.6.

(12) Cancellation of Invitations For Bids; Rejection Of Bids in Whole or In Part.

(a) Although issuance of an Invitation For Bids does not compel award of a contract, the Division may cancel an Invitation For Bids or reject bids received in whole or in part only when the Director determines that there are cogent and compelling reasons to believe it is in the best interests of the procuring agencies to do so.

(b) The reasons for cancellation or rejection shall be made a part of the project file and available for public inspection. Any determination of nonresponsibility of a bidder or offeror shall be made by the Director in writing and shall be based upon the criteria that the Director shall establish as relevant to this determination with respect to the particular project. An unreasonable failure of the bidder or offeror to promptly supply information regarding responsibility may be grounds for a determination of nonresponsibility. Any bidder or offeror determined to be nonresponsible shall be provided with a copy of the written determination within a reasonable time. Information furnished by a bidder or offeror pursuant to any inquiry concerning responsibility shall not be disclosed to the public by the Division without the prior written consent of the bidder or offeror.

(13) Subcontractor Lists.~~[Disclosure of Subcontractor Bids.]~~ For purposes of this section R23-1-5(13), the definitions of Section 63A-5-208 shall be applicable. Within 24 hours after the bid opening time, not including Saturdays, Sundays and state holidays,

the apparent lowest three bidders, as well as other bidders that desire to be considered, shall submit to the Division a list of their first-tier subcontractors that are in excess of the dollar amounts stated in Section 63-A-5-208(3)(a).

- (a) The subcontractor list shall include the following:
 - (i) the type of work the subcontractor is to perform;
 - (ii) the subcontractor's name;
 - (iii) the subcontractor's bid amount;
 - (iv) the license number of the subcontractor issued by the Utah Division of Occupational and Professional Licensing, if such license is required under Utah law; and

(v) the impact that the selection of any alternate included in the solicitation would have on the information required by this section R23-1-5(13).

(b) The contract documents for a specific project may require that additional information be provided regarding any contractor, subcontractor, or supplier.

(c) In addition to the requirements of Section 63A-5-208(4), any bidder that intends to perform any of the work himself in lieu of a subcontractor that would otherwise be required to be on the subcontractor list, must clearly list himself on the subcontractor list form.

(d) A bidder may also list himself as a subcontractor, when the bidder was unable to obtain a qualified or reasonable bid under the provisions of Section 63A-5-208(4). The bidder shall provide documentation with the subcontractor list describing the bidder's efforts to obtain a bid of a qualified subcontractor at a reasonable cost and why the bidder was unable to obtain a qualified subcontractor. The Director shall supervise the bidder's efforts to obtain a qualified subcontractor bid. The amount of the awarded contract may not be adjusted to reflect the actual amount of the subcontractor's bid.

(e) Errors on the subcontractor list will not disqualify the bidder if the bidder can demonstrate that the error is a result of his reasonable reliance on information that was provided by the subcontractor and was used to meet the requirements of this section, and, provided that this does not result in an adjustment to the bidder's contract amount.

(f) Pursuant to Sections 63A-5-208 and 63-2-304, information contained in the subcontractor list submitted to the Division shall be classified public except for the amount of subcontractor bids which shall be classified as protected until a contract has been awarded to the bidder at which time the subcontractor bid amounts shall be classified as public. During the time that the subcontractor bids are classified protected, they may only be made available to procurement and other officials involved with the review and approval of bids.

(14) Twenty-four hours after the bid opening, the contractor may change his listed subcontractors only after receiving written permission from the Director based on complying with all of the following:

(a) The contractor has established in writing that the change is in the best interest of the State and that the contractor establishes an appropriate reason for the change, which may include, but is not limited to, the following reasons:

- (i) the original subcontractor has failed to perform, or is not qualified or capable of performing;
- (ii) the subcontractor has requested in writing to be released;

(b) The circumstances related to the request for the change do not indicate any bad faith in the original listing of the subcontractors;

(c) Any requirement set forth by the Director to ensure that the process used to select a new subcontractor does not give rise to bid shopping;

(d) Any increase in the cost of the subject subcontractor work shall be borne by the contractor; and

(e) Any decrease in the cost of the subject subcontractor work shall result in a deductive change order being issued for the contract for such decreased amount.

•••••

R23-1-45. Methods of Construction Contract Management.

(1) Application. This section contains provisions applicable to the selection of the appropriate type of construction contract management.

(2) Flexibility. It is intended that the Director have sufficient flexibility in formulating the construction contract management method for a particular project to fulfill the needs of the procuring agencies. In each instance consideration commensurate with the project's size and importance should be given to all the appropriate and effective means of obtaining both the design and construction of the project. The methods for achieving the purposes set forth in this rule are not to be construed as an exclusive list.

(3) Selecting the Method of Construction Contracting. In selecting the construction contracting method, the Director should consider the results achieved on similar projects in the past and the methods used. Consideration should be given to all appropriate and effective methods and their comparative advantages and disadvantages and how they might be adapted or combined to fulfill the needs of the procuring agencies.

(4) Criteria for Selecting Construction Contracting Methods. Before choosing the construction contracting method to use, a careful assessment must be made by the Director of requirements the project must satisfy and those other characteristics that would be desirable. Some of the factors to consider are:

- (a) when the project must be ready to be occupied;
- (b) the type of project, for example, housing, offices, labs, heavy or specialized construction;
- (c) the extent to which the requirements of the procuring agencies and the ways in which they are to be met are known;
- (d) the location of the project;
- (e) the size, scope, complexity, and economics of the project;
- (f) the amount and type of financing available for the project, including whether the budget is fixed or what the source of funding is, for example, general or special appropriation, federal assistance moneys, general obligation bonds or revenue bonds;
- (g) the availability, qualification, and experience of State personnel to be assigned to the project and how much time the State personnel can devote to the project;
- (h) the availability, experience and qualifications of outside consultants and contractors to complete the project under the various methods being considered.

(5) General Descriptions.

(a) Use of Descriptions. The following descriptions are provided for the more common contracting methods. The methods described are not all mutually exclusive and may be combined on

a project. These descriptions are not intended to be fixed in respect to all construction projects of the State. In each project, these descriptions may be adapted to fit the circumstances of that project. However, the Director should endeavor to ensure that these terms are described adequately in the appropriate contracts, are not used in a misleading manner, and are understood by all relevant parties.

(b) Single Prime Contractor. The single prime contractor method is typified by one business, acting as a general contractor, contracting with the state to timely complete an entire construction project in accordance with drawings and specifications provided by the state. Generally the drawings and specifications are prepared by an architectural or engineering firm under contract with the state. Further, while the general contractor may take responsibility for successful completion of the project, much of the work may be performed by specialty contractors with whom the prime contractor has entered into subcontracts.

(c) Multiple Prime Contractors. Under the multiple prime contractor method, the Division or the Division's agent contracts directly with a number of specialty contractors to complete portions of the project in accordance with the Division's drawings and specifications. The Division or its agent may have primary responsibility for successful completion of the entire project, or the contracts may provide that one of the multiple prime contractors has this responsibility.

(d) Design-Build. In a design-build project, a business contracts directly with the Division to meet the Division's requirements as described in a set of performance specifications. Design responsibility and construction responsibility both rest with the design-build contractor. This method can include instances where the design-build contractor supplies the site as part of the package.

(e) Construction Manager. A Construction Manager, including a Construction Manager/General Contractor, shall be selected using one of the source selection methods provided for in Sections 63-56-20 through 63-56-35.8 of the Utah Procurement Code. A construction manager is a person experienced in construction that has the ability to evaluate and to implement drawings and specifications as they affect time, cost, and quality of construction and the ability to coordinate the construction of the project, including the administration of change orders. The Division may contract with the construction manager early in a project to assist in the development of a cost effective design. The construction manager may become the single prime contractor, or may guarantee that the project will be completed on time and will not exceed a specified maximum price. This method is frequently used on fast track projects with the construction manager obtaining subcontractors through the issuance of multiple bid packages as the design is developed. The procurement of a construction manager may be based, among other criteria, on proposals for a management fee which is either a lump sum or a percentage of construction costs with a guaranteed maximum cost. If the design is sufficiently developed prior to the selection of a construction manager, the procurement may be based on proposals for a lump sum or guaranteed maximum cost for the construction of the project. The contract with the construction manager may provide for a sharing of any savings which are achieved below the guaranteed maximum cost. When entering into any subcontract that was not specifically

included in the Construction Manager/General Contractor's cost proposal submitted in accordance with law, the Construction Manager/General Contractor shall procure that subcontractor by using one of the source selection methods provided for in Sections 63-56-20 through 63-56-35.8 of the Utah Procurement Code in the same manner as if the subcontract work was procured directly by the State.

(f) Sequential Design and Construction. Sequential design and construction denotes a method in which design of substantially the entire structure is completed prior to beginning the construction process.

(g) Phased Design and Construction. Phased design and construction denotes a method in which construction is begun when appropriate portions have been designed but before design of the entire structure has been completed. This method is also known as fast track construction.

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KEY: contracts, public buildings, procurement*
[May 8, 1995]1998 **63A-5-103 et seq.**
Notice of Continuation July 1, 1997 **63-56-14(2)**

◆ ————— ◆
**Administrative Services, Facilities
Construction and Management
R23-4
Suspension/Debarment from
Consideration for Award of State
Contracts**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 21213
FILED: 06/12/1998, 11:51
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The amendments to R23-4 will implement the provisions of H.B. 128 and H.B. 338 that were passed by the 1998 Legislature. They also clarify the impact of S.B. 95 that was passed in the 1997 Legislative session.

(DAR Note: H.B. 128 is found at 1998 Utah Laws 99, and was effective July 1, 1998. H.B. 338 is found at 1998 Utah Laws 142, and was effective July 1, 1998. S.B. 95 is found at 1997 Utah Laws 89, and was effective May 5, 1997.)

SUMMARY OF THE RULE OR CHANGE: Implements new state statute allowing the Director to create a Contract Performance Committee.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63A-5-103 et seq., 63-56-5, and 63-56-48

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The debarment hearing procedure is transferred to a panel of three, permitting a more open process and hopefully reducing prolonged litigation.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Authority for debarment is granted in statute. The Rule allows for a hearing procedure that is more equitable in reviewing issues of debarment.

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

Administrative Services
Facilities Construction and Management
4110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

April L. Conti at the above address, by phone at (801) 538-3261, by FAX at (801) 538-3267, or by Internet E-mail at fcmmain.aconti@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Raylene Ireland, Executive Director

R23. Administrative Services, Facilities Construction and Management.

R23-4. Contract Performance Review Committee and Suspension/Debarment From Consideration for Award of State Contracts.

R23-4-1. Purpose.

This rule sets forth the requirements regarding the Contract Performance Review Committee as well as the basis and guidelines for suspension or debarment from consideration for award of state contracts.

R23-4-2. Authority.

This rule is authorized under Subsection 63A-5-208(6), which allows for the creation of a contract Performance Review Committee, Subsection 63A-5-103(1), which directs the Building Board to make rules necessary for the discharge of the duties of the Division of Facilities Construction and Management, and Subsection 63-56-14(2), ~~also authorizing~~ which authorizes the Building Board to make rules regarding the procurement of construction, architect-engineering services, and leases.

.....

R23-4-4. Causes for Suspension/Debarment and Procedure.

(1) The statutory authority and procedures for suspension/debarment are found in Section 63-56-48 as well as Section 63A-5-208(8), ~~which specifically sets out the causes for debarment.~~

(2) The procedures for suspension/debarment pursuant to Subsection 63-56-48(1) are as follows:

(a) The director, after consultation with the using agency and the Attorney General, may suspend a person from consideration for award of contracts for a period not to exceed three months if there is probable cause to believe that the person has engaged in any activity which may lead to debarment. If an indictment has been issued for an offense which would be a cause for debarment, the suspension, at the request of the Attorney General, shall remain in effect until after the trial of the suspended person.

(b) The person involved in the suspension and possible debarment shall be given written notice of the state's intention to initiate a debarment proceeding. The using agency and the Attorney General will be consulted by the director and may attend any hearing.

(c) The person involved in the suspension and debarment will be provided the opportunity for a hearing where he may present relevant evidence and testimony. The director may establish a reasonable time limit for the hearing.

(d) The director, following the hearing on suspension and debarment shall promptly issue a written decision, if it is not settled by written agreement.

(e) The decision shall state the specific reasons for the action taken, inform the person of his right to judicial or administrative review, and shall be mailed or delivered to the suspended and debarred person.

(f) The debarment shall be for a period as set by the Director of the Division of Facilities Construction and Management, but shall not exceed three years.

(3) The Director may establish a contract Performance Review Committee (hereinafter "Committee" for purposes of this subsection) that shall be subject to the following:

(a) The Committee shall adjudicate complaints about contractor, subcontractor, and supplier performance by following the procedures of Section 63-56-48;

(b) The Committee shall, when appropriate, impose suspensions or debarments from bidding on state building contracts on contractors, subcontractors, and suppliers for cause; and

(c) The Director may request the Committee to hear other matters, such as any properly filed contract claims against the Division, issues regarding terminations of contracts or defective work, and any other matters that the Director determines will assist the Division in carrying out its responsibilities.

(d) In regard to (a) and (b) above, the Committee is acting as the chief procurement officer or the head of a purchasing agency for purposes of Section 63-56-48. Notwithstanding Rule R23-4-42)above, when the Director creates a Contract Performance Review Committee, the "Director" as referred to in Rule R23-4-4(2) shall mean the "Contract Performance Review Committee."

(e) In regard to (c) above, the Committee is acting as a recommending authority to the Director.

R23-12-3. Procedures.

~~The interim guidelines are as follows:~~

- ~~(1) Universities and Colleges~~
~~0.8 space per faculty/staff persons, plus 0.3 space per daytime student, representing 70% of total student enrollment.~~
- ~~Medical Centers~~
 - ~~(a) Hospital component - 1.0 space per day shift employee and staff member, plus 1.0 space per licensed bed.~~
 - ~~(b) University component - 0.8 space per daytime faculty/staff person, plus 0.3 space per daytime student.~~
- ~~(2) Vocational Centers~~
~~0.7 space per daytime student and staff.~~
- ~~(3) Office Buildings~~
 - ~~(a) 0.8 space per employee outside a city center, plus space for government vehicles not utilized by employees for daily home-to-work transportation.~~
 - ~~(b) 0.6 space per employee at a downtown location which is served by public transit.~~
- ~~(4) Regional Centers~~
~~0.9 space per employee, plus space for government vehicles not utilized by employees for daily home-to-work transportation. This standard is developed for smaller cities not benefiting from public transit resulting in greater dependence on the automobile.~~
- ~~(5) Liquor Stores~~
~~5.0 spaces per 1,000 square feet of gross floor area.~~
- ~~(6) It is further the policy of the Utah State Building Board that:~~
 - ~~(a) The Board will recommend costs for new construction at facilities which are below standard and will recommend shared costs for maintenance of existing parking lots based on the percentage of parking demand identified by application of the standards; cost-sharing will be reviewed annually.~~
 - ~~(b) Agencies and institutions carry the burden of proof to justify any modification of the interim standards prior to complete collection of data.~~
 - ~~(c) DFCM staff develop procedures to collect and analyze effective parking demand within which peak, off-peak and average demand may be considered. This refers to the managed demand reflecting direct and indirect agency/institution policies. Resultant effect to be development of a comprehensive research file, updated on an annual basis.~~
 - ~~(d) Components of the planning process encompass:~~
 - ~~(i) inventory existing parking supply and related policies of the responsible agency;~~
 - ~~(ii) determine parking demand and compare to existing supply;~~
 - ~~(iii) consider cost-effective means to reduce parking demand to levels acceptable to the State, and~~
 - ~~(iv) establish modified standards of demand for Board review and approval.~~
 - ~~(e) Description of parking demand based on collected data will become part of the agency/institution's comprehensive master plan. Statements of need will, therefore, be required with each submittal for new planning and/or construction request.~~

KEY: transportation law, parking facilities*

~~1987~~

~~63-1-33 et seq.~~

~~Notice of Continuation 1993]~~

◆ ◆

Administrative Services, Facilities Construction and Management **R23-29** Across the Board Delegation

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21208

FILED: 06/11/1998, 15:27

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R23-29 will implement the action by the Utah State Building Board regarding the delegation to the University of Utah.

SUMMARY OF THE RULE OR CHANGE: Provides for changes in the delegation rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-A-5-206

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No impact on business is anticipated. This rule change potentially increases the number of construction projects that will be managed by the University but does not alter the requirements of the Procurement Code or the competitive process for awarding construction contracts.

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

Administrative Services
Facilities Construction and Management
4110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

April L. Conti at the above address, by phone at (801) 538-3261, by FAX at (801) 538-3267, or by Internet E-mail at fcmain.aconti@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Raylene Ireland, Executive Director

R23. Administrative Services, Facilities Construction and Management.

R23-29. Across the Board Delegation.

R23-29-1. Purpose.

This rule provides the procedures for delegation of construction projects to the University of Utah and Utah State University.

R23-29-2. Authority.

This rule is authorized under Subsection 63A-5-103, which directs the Building Board to make rules necessary for the discharge of its duties and the duties of the Division of Facilities Construction and Management.

R23-29-3. Authority and Extent of Delegation.

(1) As permitted by subsection 63A-5-206(3)(a)(ii)(B), authority is delegated to the University of Utah and Utah State University, "the Institutions," to exercise direct supervision over the design and construction of all alterations, repairs, and improvements to existing facilities on their respective campuses up to the dollar amounts stated below.

(2) As permitted by subsection 63A-5-206(5)(c), the Board expresses its intent to authorize the delegation of the design and construction of new facilities on a project-by-project basis up to the dollar amounts stated below. New facilities means the addition of new space costing more than \$100,000.

(3) This delegation is granted to Utah State University for projects having a total budget for design and construction of less than \$5,000,000 for the University of Utah and less than \$2,000,000 for Utah State University.

(4)

(a) This delegation is granted to the University of Utah for the design and construction of all alteration, repair and improvement projects unless the Utah State Building Board, after consultation with the University of Utah, determines that the project should be managed by DFCM.

(b) For projects having a total budget for design and construction greater than \$5,000,000, the University of Utah shall provide the following in writing to the Director of DFCM prior to initiating a project under this delegation:

(i) a notice of the University's desire to manage the project under this delegation authorization; and

(ii) a project management and staffing plan for the project.

(5) Projects may not be subdivided into multiple projects in order to arrive at projects which are small enough to meet the dollar limits for delegation.

(6) Substantial benefit and justification must be demonstrated before consideration will be given to any delegation requests from these institutions for projects larger than the above limits.

(7) When applicable, this delegation authority shall not take effect for a specific project until the following requirements are met:

(a) Legislative authorization for design and construction has been obtained for the construction of all new space costing more than \$100,000.

(b) The requirements of section R23-29-15 regarding the completion of a DFCM administered architectural program have been satisfied.

.....

R23-29-5. Building Official.

(1) Each Institution is designated as the Building Official for projects delegated. Institutions shall comply with all requirements of the Uniform Building Standards Act, Chapter 58-56. If an Institution does not have the internal staff to comply with this requirement, it must contract for the appropriate service.

(2) During the transition period, in areas where the Institutions lack properly qualified and licensed staff to meet this requirement, they may contract for such services or utilize DFCM staff. The Institutions shall have licensed inspectors in place by June 30, 1994.

.....

R23-29-20. Transition Period.

(1) DFCM and the Institutions shall identify projects which are underway under DFCM supervision at the time this rule is adopted which meet the criteria for across the board delegation under this rule.

(2) DFCM and the Institutions shall jointly determine which of these projects can beneficially be delegated to the appropriate Institution based on its current status.

(3) DFCM and the Institutions shall work together to provide for an orderly transition of such projects from DFCM supervision to delegation to the Institutions.

(4) DFCM shall report to the Building Board which projects are delegated under this section.

R23-29-21. Trial Period.

(1) The delegation of authority granted to the Institutions under this rule shall be in effect until December 31, 1996.

(2) During the trial period, performance will be evaluated on an ongoing basis through monthly reports to the Building Board and the Board of Regents. An overall evaluation shall be completed by December 31, 1996.

(3)

R23-29-20. Review of Delegated Projects.

Upon direction of the Building Board, DFCM staff may review the management of delegated projects and report its findings to the Board on specific actions of the Institutions.

R23-29-21. Authority to Modify Delegation.

The Building Board may modify or repeal the authority delegated under this rule by amending or repealing this rule.

KEY: buildings, delegation*
[August 23, 1996]1998

63A-5-206

AUTHORIZED BY: H. L. Haun, Executive Director

◆ ----- ◆
Corrections, Administration
R251-307
Community Service

NOTICE OF PROPOSED RULE

(Repeal)
DAR FILE NO.: 21198
FILED: 06/09/1998, 10:20
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Department is no longer involved in the supervision of this program.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 64-13-10

ANTICIPATED COST OR SAVINGS TO:

- ◆ THE STATE BUDGET: None.
- ◆ LOCAL GOVERNMENTS: None.
- ◆ OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None. The Department will no longer be involved in this program.

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

Corrections
Administration
Suite 400
6100 South Fashion Blvd.
Murray, UT 84107, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5726, or by Internet E-mail at crdeptdo.crdept.pelliott@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

R251. Corrections, Administration.

~~[R251-307. Community Service:~~

~~R251-307-1. Authority and Purpose:~~

~~— (1) This rule is authorized by Section 64-13-10.~~

~~— (2) The purpose of this rule is to provide the Department's rules for the Community Service Program within the Field Operations Division.~~

~~R251-307-2. Definitions:~~

~~— (1) "Department" means the Department of Corrections.~~

~~— (2) "Field Operations" means a Division within the Department of Corrections which supervises offenders in Community Correctional Centers or in the community on probation or parole.~~

~~— (3) "Placement agency" means a selected non-profit or governmental organization.~~

~~R251-307-3. Policy:~~

~~— It is the policy of the Department that:~~

~~— (1) the Field Operations Division shall provide supervision for offenders convicted of a Class B or A misdemeanor or felony and ordered to complete community service hours;~~

~~— (2) community service hours shall be completed at a placement agency where an offender is not currently receiving treatment;~~

~~— (3) placement agencies shall be non-profit or governmental and possess adequate Worker's Compensation Insurance or a similar private insurance;~~

~~— (4) placement agencies shall:~~

~~— (a) provide notification to the Department if an offender fails to report as scheduled;~~

~~— (b) inform the Department of non-satisfactory performance or behavior;~~

~~— (c) provide immediate notification if injury occurs to or is caused by an offender, followed by written documentation within three working days; and~~

~~— (d) prohibit staff from assigning personal work to offenders; and~~

~~— (5) failure by a placement agency to comply with this rule shall result in removal from the approved placement agency list.~~

KEY: corrections, community service*

1993

64-13-10]

◆ ----- ◆
Insurance, Administration

R590-184

**Agent/Agency and Insurance Company
Contract Termination**

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 21224

FILED: 06/15/1998, 15:35

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To identify an unfairly discriminatory practice of an insurance company.

SUMMARY OF THE RULE OR CHANGE: This rule identifies actions taken by an insurance company that would be constituted as unfairly discriminatory. They are: 1) canceling or non-renewing a policy, against the desire of the policyholder, due to the termination of the agent's or agency's appointment with the insurer; 2) Issuing a new policy, rather than a renewal policy, and removing premium credits, when the policyholder's agent or agency appointment with the insurer is terminated. The rule states that the policyholder has the right to renew their policy with the insurer, even though their agent is no longer appointed with their insurer. At the request of the policyholder, the insurer shall provide the name and address of an appointed agent in the policyholder's area.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 31A-23-302(8)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The State's income on premium taxes might be reduced very slightly as a result of the premium of a few policyholders not increasing.

❖LOCAL GOVERNMENTS: Changes in insurance premiums should not affect the income for local government.

❖OTHER PERSONS: The impact on the insurer and policyholder would vary according to the type of risk insured. Some agents may lose a few more policyholders when the policyholder learns that he can stay with his current insurer by having his business transferred to an appointed agent. It is thought that the impact of this rule will be minimal. The number of policyholders and insurers that will be affected by this rule is unknown.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This will save the policyholder, who decides to stay with his insurer when his agent loses his company appointment. The amount saved per policyholder would depend on the risk insured. The effect on insurers would be minimal. The number of policyholders that will switch insurers is unknown but is estimated to be few.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule addresses a problem that occurs infrequently but may be considered important to those that it directly affects. The rule should have minimal fiscal impact on business. It potentially affects only those Independent Insurance agents who write personal lines accounts. This would be less than 25% of licensed agents which currently totals 25,000.

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

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.**R590-184. Agent/Agency and Insurance Company Contract Termination.****R590-184-1. Authority.**

This rule is promulgated pursuant to Section 31A-23-302(8) which allows the commissioner to make rules defining unfair acts and practices.

R590-184-2. Purpose.

The purpose of this rule is to identify certain practices of insurance companies which the commissioner finds to be unfairly discriminatory.

R590-184-3. Scope and Applicability.

This rule applies to all personal lines property and casualty insurance policies delivered or issued for delivery in this state on or after the effective date of this rule.

R590-184-4. Definition.

For the purpose of this rule the following definition will apply: "Personal lines insurance" means property or casualty insurance written on personal property, real property and liability exposures.

R590-184-5. Findings.

The following are hereby found to be acts or practices on the part of an insurance company which constitute unfair discrimination among members of the same class:

(1) Canceling or refusing to continue to insure a policyholder because the agent or agency contract or appointment between the insurance company and the agent or agency servicing the policyholder has been terminated and the policyholder communicates a desire to continue coverage with that insurance company.

(2) Rewriting an insurance policyholder as a new applicant, rather than as a renewal, and negating or removing any favorable premium modifications to the policyholder at renewal when the agent or agency contract and appointment between the insurance company and the agent or agency servicing the policyholder has been terminated but the policy holder requests continuation of coverage with that insurer.

R590-184-6. Rule.

When an agent or agency contract or appointments with an insurance company is terminated, a policyholder who would have been renewed had the agent/agency not been terminated, has a right to continue coverage with the insurance company if the insured desires to renew with that carrier. The insurance company shall, upon written request of the policyholder, provide the policyholder with the name, address and telephone number of another agent or agency appointed by the insurance company who is located in the policyholder's area from which the policyholder may continue to receive policyholder services. The policyholder shall be considered as a renewing policyholder and not as a new applicant.

R590-184-7. Penalties.

Violations of this rule are punishable pursuant to Section 31A-2-308.

**KEY: insurance
1998**

31A-23-302



Insurance, Administration
R590-187
Assessment of Title Insurance
Agencies and Title Insurers for Costs
Related to Regulation of Title
Insurance

NOTICE OF PROPOSED RULE

(New)
DAR FILE NO.: 21204
FILED: 06/09/1998, 16:30
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: 1) To establish the cost to the department of administering, investigating and enforcing the provisions of Sections 31A-23-300s and 31A-23-400s that are related to the marketing of title insurance; 2) determine the filing date that title agencies and insurers are to report to the commissioner the number of offices that they maintain; and 3) establish a deadline for the payment of the assessment.

SUMMARY OF THE RULE OR CHANGE: Section R590-187-3 delineates the costs that will be covered by the assessment imposed by Section 31A-23-315, which includes the salary for one investigator, a computer and related data processing equipment, office space costs, and any additional increases approved by the Legislature. Section R590-187-4 requires that agencies and insurers obtain the required reporting form from the Insurance Department and report the counties in which they maintain offices by February 1 each year. Section R590-187-5 requires title insurers and agencies to pay the assessment 45 days after receiving their assessment notice. Payment is to be made by check. Dishonored checks will be considered nonpayment.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-23-315

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: Around \$45,000 - \$50,000 will be deposited into the State Fund as a dedicated credit to be spent by the Insurance Department solely for the expenses of a title investigator.
 - ❖LOCAL GOVERNMENTS: None.
 - ❖OTHER PERSONS: This assessment of the title insurers and agencies will total between \$45,000 - \$50,000.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: Title insurers and agencies will be assessed \$150 for each county in which they operate an office and will include a factor for the premium written by each insurer.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will impact 17 title insurance companies and 101 title insurance agencies since they will be required to pay the assessment required by H.B. 265. The minimum assessment for a title agency will be \$150. The title insurers will pay substantially more since their assessment incorporates a premium factor. The total assessments can not exceed \$50,000 in the aggregate for both agencies and insurers. Use of the funds is restricted to administering and enforcing statutes relating to title insurance. Failure to pay the assessment may result in additional costs to agencies and insurers in the form of fines or penalties.

(DAR Note: H.B. 265 is found at 1998 Utah Laws 130, and was effective March 14, 1998.)

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

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at jdmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-187. Assessment of Title Insurance Agencies and Title Insurers for Costs Related to Regulation of Title Insurance.

R590-187-1. Authority.

This rule is promulgated by the commissioner pursuant to Section 31A-23-315(2)(d).

R590-187-2. Purpose.

The purpose of this rule is:

(1) to establish the costs and expenses incurred by the department in administering, investigating and enforcing the provisions of Title 31A, Chapter 23, Parts III and IV related to the marketing of title insurance;

(2) to determine a filing date for each title insurance agency or insurer to report the number of counties in which a title insurance agency or a title insurer maintains an office to the commissioner; and

(3) to establish a deadline for the payment of the assessments.

R590-187-3. Costs and Expenses.

(1) The amount of costs and expenses that will be covered by the assessment imposed by 31A 23-315 for the fiscal year 1999 will consist of the following:

(a) the salary and state paid benefits for an Insurance Department, Compliance and Enforcement Investigator I. The expenditure for the fiscal year 1999 will be \$37,600;

(b) data processing expense of \$3,000 for the purchase of a computer and associated data processing equipment; and

(c) a capital outlay of \$3,600 for the investigator's office space.

(2) The amount of costs and expenses that will be covered by the assessment imposed by 31A-23-315 for the fiscal years 2000 and 2001 will consist of the salary and state paid benefits for an Insurance Department, Compliance and Enforcement Investigator I as determined by the department's budget approved by the Utah State Legislature and would include any salary increases or increases in benefits.

R590-187-4. Reporting of Counties.

(1) A title insurance agency and title insurer shall report the name of each county in which the agency or insurer maintains an office to the commissioner by February 1 of each year.

(2) County Office Report forms are available from the Utah State Insurance Department and shall be utilized in reporting the names of counties required by this rule.

R590-187-5. Assessment Payment Deadline.

(1) Assessments shall be paid within 45 days of the assessment date.

(2) A fee payment for the assessment, which is delivered by mail, will be considered to have been paid as of the date of the postmark.

(3) Payment by check.

(a) Checks shall be made payable to the Utah Insurance Department.

(b) A check which is dishonored in the process of the collection will not constitute payment of the assessment. Tender of a check to the department that is subsequently dishonored is a violation of this rule.

R590-187-6. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, that invalidity will not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: insurance

1998

31A-23-315

Public Safety, Highway Patrol

R714-400

Compressed and Liquefied Gas Fuel Systems

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 21197

FILED: 06/09/1998, 09:08

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: There is no authority in the Utah Safety Inspection Code to promulgate this rule.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-6-117

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None.

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

Public Safety
Highway Patrol
First Floor, Calvin L. Rampton Complex
4501 South 2700 West
Box 141100
Salt Lake City, UT 84114-1100, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

J. Francis Valerga at the above address, by phone at (801) 965-4463, by FAX at (801) 965-4608, or by Internet E-mail at psdomain.psmain.jfvalerg@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Richard A. Greenwood, Superintendent

R714. Public Safety, Highway Patrol.

[R714-400. Compressed and Liquefied Gas Fuel Systems.

R714-400-1. Scope.

— This rule applies to liquefied petroleum gas and compressed or liquefied natural gas systems used in conjunction with motor vehicles with a gross vehicle weight rating of 6,000 lb or less manufactured after January 1, 1966, and on all vehicles regardless of gross vehicle weight rating manufactured after January 1, 1969. This rule does not apply to any motor vehicle with a diesel engine that has been converted to the use of gaseous fuel before January 1, 1973.

R714-400-2. Definitions.

— The following definitions shall apply wherever the terms are used in this rule:

— (1) "Allowable working pressure" means the pounds per square inch for which the container was constructed, or if conditions have changed, the maximum pressure at specified temperatures permitted at the most recent inspection by a certified inspector.

— (2) "Alteration" means any change in the construction, design, or installation of a container that affects the strength or safety of the system.

— (3) "ASME Code" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code: Section VIII, Division 1, and Section IX of the 1971 and later editions.

— (4) "ASTM" means the American Society for Testing and Materials.

— (5) "Certified inspector" means any person who holds a certificate issued by the National Board of Boiler and Pressure Vessel Inspectors certifying that he is qualified to inspect unfired pressure vessels.

— (6) "CFR" means Code of Federal Regulations.

— (7) "CGA" means the Compressed Gas Association.

— (8) "DOT" means the U.S. Department of Transportation.

— (9) "Fuel supply container" means a tank or cylinder installed on a vehicle to supply fuel for the propulsion system of the vehicle.

— (10) "ICC" means the Interstate Commerce Commission (now functionally superseded by DOT in matters relating to safety).

— (11) "Supply line" means the piping, tubing, or hose, including all related fittings, through which vapor or liquid passes between the first shut-off valve at the container and the final stage regulator or vaporizer.

— (12) "NFPA" means the National Fire Protection Association.

— (13) "UL" means the Underwriters' Laboratories, Inc.

— (14) "Vaporizer" means a device that converts liquefied natural gas and liquefied petroleum gas to the gaseous state by means of heat.

— (15) "CTC" means the Canadian Transportation Commission.

R714-400-3. Reference Publications.

— Regulator, statutory, and informational publications may be obtained at the addresses indicated:

— (1) ASME Code. The American Society of Mechanical Engineers construction codes for boilers and pressure vessels may be obtained from:

— UNITED ENGINEERING CENTER
— 345 EAST 47TH STREET
— NEW YORK, NY 10017

— (2) ASTM Standards. The American Society for Testing and Materials Standards may be purchased from:

— AMERICAN SOCIETY FOR TESTING AND MATERIALS
— 1916 RACE STREET
— PHILADELPHIA, PA 19103

— (3) Bureau of Explosives. Information on approval of safety devices by the Bureau of Explosives may be obtained from:

— BUREAU OF EXPLOSIVES
— ASSOCIATION OF AMERICAN RAILROADS
— 1920 L STREET, N.W.
— WASHINGTON, DC 20036

— (4) CGA Pamphlet. The Compressed Gas Association pamphlet may be obtained from:

— COMPRESSED GAS ASSOCIATION
— 500 FIFTH AVENUE
— NEW YORK, NY 10036

— (5) Code of Federal Regulations. The Code of Federal Regulations, Title 49, "Transportation," Parts 100 to 199, may be purchased from:

— SUPERINTENDENT OF DOCUMENTS
— U.S. GOVERNMENT PRINTING OFFICE
— WASHINGTON, DC 20402

R714-400-4. Liquefied Petroleum Gas.

— Installation and maintenance of fuel systems using liquefied petroleum gas (LPG) shall meet the requirements listed in the National Fire Protection Association, Pamphlet 58, 1992 edition, chapter 8, Engine Fuel Systems, and the manufactures recommended installation procedures. The above stated requirements are referenced in the Utah Code Annotated, 53-7-305(1)(b), Liquefied Petroleum Gas Board, and the Utah Administrative Code, R710-6-1.1(a), Liquefied Petroleum Gas Rules.

R714-400-5. Compressed Natural Gas:

— Fuel systems using compressed natural gas (CNG) shall meet the following requirements in addition to those in Section R714-400-7 of this rule:

— A. Fuel Supply Container. Each CNG fuel supply container shall be constructed and inspected in accordance with DOT or CTC regulations and shall have a rated service pressure of not less than 2250 psi at 70 deg. F. It shall not be filled beyond the working pressure stamped on the tank and marked near the filler connection, corrected for the ambient temperature at time of filling as prescribed by DOT.

— B. Identification Markings. Each CNG fuel supply container shall have the following identification markings:

— (1) The letters DOT or CTC with the appropriate specification and working pressure:

— (2) Serial number:

— (3) Year tested:

— (4) Manufacturer's name, initials, or trademark:

— (5) The words "FOR CNG ONLY" in letters at least 1 in. high and visible after installation. (Decals or stencils are acceptable.)

— C. Shut-off Valve. A manually operated shut-off valve shall be in direct communication with the container and shall be marked with the words "SHUT-OFF VALVE." (Decals or stencils are acceptable.) No valve shall be used for CNG unless it has been certified for that purpose by the manufacturer. The shut-off valve shall be securely mounted and shielded or installed in a protected location to prevent damage from vibration and unsecured objects.

— D. Safety Relief Devices. One or more safety relief devices shall be installed in the fuel supply container in communication with the fuel and vented to the outside of the vehicle compartment. Relief devices shall be approved as to type, size, quantity, and location by the Bureau of Explosives and shall have the following permanent identification markings:

— (1) Manufacturer's name, initials, or trademark:

— (2) Flow capacity (cfm):

— (3) Yield temperature rating (°F):

— E. Gages. Gages used in CNG systems shall be designed and installed as follows:

— (1) A pressure gauge, if provided, shall be capable of reading at least 1.2 times the system design pressure:

— (2) Gages shall be securely mounted and shielded or installed in a protected location to prevent damage from vibration and unsecured objects:

— F. Pressure Reducing Regulators. An automatic pressure reducing regulator or regulators shall be installed in CNG systems to reduce container pressure to a value consistent with the working pressure required by the carburetor. Means shall be provided to prevent malfunction due to refrigeration effects. Regulators shall be installed so that their weight is not placed on, or supported alone by, the attaching line or lines. Regulators shall be designed to a container's maximum working pressure and temperature with a pressure safety factor of not less than four times the working pressure.

— G. Vents. Every compartment in which a CNG container is installed shall be vented to the atmosphere, unless all piping and connections are exterior to the compartment or vapor sealed and vented to the atmosphere. The vent or vents shall be installed at the highest practicable point of the compartment and shall have an open area totaling not less than 3 sq. in.

R714-400-6. Liquefied Natural Gas:

— Fuel systems using liquefied natural gas (LNG) shall meet the following requirements in addition to those in Section R714-400-7 of this rule:

— A. Fuel Supply Container. Each LNG fuel supply container shall be constructed and inspected in accordance with 49 CFR 178.57 specification 4L for welded insulated cylinders with the exception of Sections 178.57-13 and 178.57-20 and the report to the Bureau of Explosives in Section 178.57-4(d). Each LNG container shall meet the following additional requirements:

— (1) The unrelieved fuel pressure inside the container shall not exceed 100 psi within a total 72-h period consisting of 48-h at 60 deg. F, 12-h at 70 deg. F, and 12-h at 90 deg. F ambient temperatures when the container has been filled with LNG conditioned at one atmosphere:

— (2) The container shall be equipped with a liquid level gaging device and a dip tube to prevent filling beyond 90% by volume at atmospheric pressure:

— (3) Each completed container, including its supporting structure and valves, enclosures, and lines normally attached thereto, shall have structural integrity to withstand damage from deceleration and acceleration forces resulting from 30 mph front-end and rear-end collision of the type of vehicle in which the container is installed. A test or other means shall demonstrate that the container and its openings do not rupture in such collisions:

— (4) Fuel Supply Container Markings. Each LNG fuel supply container shall have the following permanent identification markings:

— (a) The letters UHP followed by numbers indicating the service pressure:

— (b) Serial number:

— (c) Manufacturer's name, initials, or trademark as registered with the Utah Highway Patrol:

— (d) Inspector's mark:

— (e) Date tested:

— (f) The words "FOR LPG ONLY" in letters not less than 1 in. high and visible after installation. (Decals or stencils are acceptable.)

— (g) All inlets and outlets except relief valves and gaging devices shall be marked to designate whether they communicate with vapor or liquid space:

— B. Valves. Valves shall be certified for LNG use by the manufacturer or certified for cryogenic service at temperatures down to and including -320 deg. F. All valves shall be securely mounted and shall be shielded or installed in a protected location to prevent damage from vibration and unsecured objects:

— (1) Safety Relief Valves. Each container shall be equipped with one or more safety relief valves. The safety relief valve shall be installed in a line that communicates with the vapor space of the container. A safety relief valve shall be installed between two shut-off valves in a supply line to prevent a buildup of pressure between the valves in the off position. The discharge pressure of safety relief valves shall not exceed 125% of the service pressure of the container. Relief valves shall have sufficient capacity to meet the requirements of either the Bureau of Explosives for approval of safety relief valves or NFPA59(A) Appendix A and be capable of preventing explosion of the normally charged cylinder when it is placed in a fire. Relief valves shall have the following permanent identification markings:

- (a) Manufacturer's name, initials, or trademark.
- (b) Catalog number.
- (c) Discharge pressure (psi).
- (d) Discharge capacity (cfm air at 60 deg. F. and 14.7 psia.)
- (2) Shut-off Valves. One manually operated shut-off valve shall be secured directly to the tank vapor outlet with no intervening fitting other than the relief valve and shall be marked with the words "VAPOR SHUT-OFF VALVE". Another manually operated shut-off valve shall be secured directly to the tank liquid outlet and shall be marked with the words "LIQUID SHUT-OFF VALVE". (Decals or stencils are acceptable.) Normally closed automatic shut-off valves that are held open by electrical current may be used in lieu of manual shut-off valves at either the tank vapor port or tank liquid port, or both. An automatic shut-off valve shall be wired so it shuts off when the ignition switch is in the off and accessory positions and when engine vacuum is not present.
- (3) Control Valve. A positive shut-off control valve shall be installed in the fuel supply lines as close to the containers as possible, automatically closing off and preventing the flow of fuel to the carburetor when the ignition switch is off or in the accessory position.
- C. Pressure Reducing Regulators. LNG systems shall be equipped with one-stage or two-stage pressure reducing regulators that reduce the pressure to the level certified and approved by the Utah Air Resources Board. The regulators shall be installed so that their weight is not placed on, or supported alone by, the attaching tubing or flexible lines.
- D. Vents. Every compartment in which an LNG container is installed shall be vented to the atmosphere unless all piping and connectors are exterior to the compartment. The vent or vents shall be installed at the highest practicable point of the compartment and shall have an open area totaling not less than 3 sq. in.

R714-400-7. Installation.

- The installation of compressed natural gas, or liquefied natural gas fuel systems on motor vehicles equipped with gaseous fuel carburetors certified or approved by the State Air Resources Board shall be in accordance with the following requirements:
- A. Driver, Passenger, and Luggage Compartments. Fuel supply containers on buses shall not be located in or above the passenger compartment. Fuel supply containers on vehicles other than buses shall be installed and fitted so that no gas from fueling and gaging operations or from relief valves can be released inside the driver, passenger, or luggage compartments.
- B. Fuel Supply Containers. Fuel supply containers shall meet all appropriate requirements of the ASME code, the DOT regulations, or the regulations contained in this rule and shall be marked in accordance with Sections R714-400-4, R714-400-5, and R714-400-6 of this rule. Fuel supply containers other than cargo containers shall comply with the following requirements:
 - (1) Each container and container cradle shall be mounted in protected locations to minimize damage from collision.
 - (2) To prevent damage from road hazards, slippage, loosening, or rotation, each container or cradle shall be secured to the vehicle body, bed, or frame by either of the following means:
 - (a) By attaching bolts not less than 7/16 in. in diameter that meet SAE Standard J429 for Grade 5 threaded fasteners in the 1965 or later edition of the SAE Handbook and self-locking nuts to at least four securement points and, where bolts pierce body metal but

- not the frame, by reinforcing both sides of each securement point with metal plates at least 1/8 in. thick and 7 sq. in. in area, or
- (b) By using other means capable of withstanding in any direction a static force of eight times the weight of the fully loaded container.
- (3) Each container in a cradle shall be secured to its cradle by means capable of withstanding in any direction a static force of eight times the weight of the fully loaded container.
- (4) No portion of the container or container valves in communication with the liquid or vapor shall be located behind the rear frame cross member of the vehicle.
- (5) The weight of the container shall not in any way be supported by outlets, valves, manifold, or other fuel connections.
- (6) No part of the container shall be field welded. Only saddle plates, brackets, or other non-pressure parts that were provided and installed by the manufacturer of the container may be field welded.
- (7) No container shall be repaired until the contemplated repair has been authorized by a certified inspector. DOT containers shall be repaired under DOT regulations and control. The replacement of valves, fittings, and accessories intended for the same purpose is not considered a repair.
- (8) Containers located less than 8 in. from the engine or exhaust system shall be shielded against direct heat.
- C. Visibility of Required Markings. Markings of set-to-discharge pressure for safety relief devices and working pressure of fuel supply containers required by Sections R714-400-4, R714-400-5, and R714-400-6 of this rule shall be visible either directly or by use of a mirror after installation. All remote filling inlets shall be visibly marked with the lowest working pressure of any fuel supply container in the system.
- D. Discharge Lines and Outlets. All safety devices that may discharge to the atmosphere shall be vented to the outside of the vehicle, and all discharge lines and outlets shall be installed as follows:
 - (1) Lines shall be constructed of metal other than aluminum and shall be of a size and so located and maintained as not to restrict the maximum gas flow of the safety device. Flexible metallic lines shall be used when necessary.
 - (2) The discharge line of a container installed inside a compartment shall extend to the outside of the compartment.
 - (3) Lines shall be located as far from the exhaust outlet as is practicable and shall direct escaping gas upward or downward within 45 deg. of the vertical. Escaping gas shall not impinge upon fuel supply containers and shall not be directed into wheel wells, at other vehicles in traffic, or at engine air intake inlets.
 - (4) The discharge line from the safety relief valve on all buses shall be located at the rear of the vehicle, directed upward or downward, and extended to the top of the vehicle roof.
 - (5) Outlets shall be protected by caps, covers, or other means to keep water or dirt from collecting in the lines. Protective devices shall not restrict the flow of gas.
 - (6) Each line and its connectors shall withstand the pressure caused by the discharge of vapor or liquid from a safety device in fully open position.
 - (7) CNG containers may be vented to the outside of the vehicle with a flexible bag. Such bag shall be constructed of material that is nonflammable or self-extinguishing. The bag and attachments shall be capable of withstanding an internal pressure produced by a flow rate of 300 cfm with a safety factor of not less than four

times the working pressure. The bag shall be shielded or installed in a protected location to prevent damage from unsecured objects and abrasion.

E. Manifolds. Manifolds connected to fuel containers shall be supported to minimize vibration and shall be installed in a protected location or shielded to prevent damage from unsecured objects.

(1) A manual shut-off valve shall be installed in the outlet of the manifold and marked with the words "MANUAL SHUT-OFF VALVE". (Decals or stencils are acceptable.)

(2) A normally closed automatic shut-off valve that is held open by electrical current may be used in lieu of a manual shut-off valve and shall be marked with the words "AUTOMATIC SHUT-OFF VALVE". The automatic shut-off valve shall be wired so it shuts off when the ignition switch is in the off or accessory positions and when engine vacuum is not present.

F. Pipes, Tubing, Hose, and Fittings. All pipes, tubing, hoses, and fittings shall meet the following requirements:

(1) All materials and assemblies shall be designed for the widest pressure and temperature ranges to which they may be subjected with a pressure safety factor of a least four times the working pressure.

(2) All material, including gasket and packing material, shall be compatible with the fuel used in the system and its service conditions. Aluminum pipe, tubing, or fittings shall not be used between the container and first-stage regulator. Copper tubing, when used, shall be seamless and conform to ASTM B88 types K or L.

(3) A pipe thread sealant impervious to the action of the fuel used in the system shall be applied to all male pipe threads prior to assemble. Only tin-silver (95% tin, 5% silver) or silver braze alloy is permitted on sweat type joints or fittings.

G. Supply lines. Supply lines passing through a panel shall be protected by grommets or similar devices, which shall snugly fit both the supply lines and the holes in the panel. Supply lines shall have a minimum clearance of 8 in. from the engine exhaust system unless they are shielded from exhaust heat. Supply lines shall be supported at least every 24 in. and shall be prevented from sagging. Damaged lines shall be replaced, not repaired.

H. Automatic Fuel Supply Shut Off. An automatic fuel supply shut-off valve shall be installed in a protected location adjacent to the manual shut-off valve on all buses and shall be activated by engine vacuum or oil pressure.

I. Gaseous Fuel Cutoff. Means shall be provided in the system to prevent the flow of gaseous fuel to the carburetor when the ignition is in the off or accessory position, or from the carburetor when engine vacuum is not present.

J. Liquid Fuel Cut Off. Dual fuel systems using liquid and gaseous fuel shall have an automatic shut-off valve installed in the liquid fuel line to the carburetor.

K. Bypass Relief Device. A bypass relief device shall be installed in the fuel pump or between the fuel pump and the automatic shut-off valve in the liquid fuel line to the carburetor on vehicles equipped with dual fuel systems for the use of gasoline and gaseous fuel. The relief device need not be installed on fuel pumps containing a bypass relief device as original equipment.

L. Engine Exhaust Outlet. The engine exhaust system shall extend to the outer edge of the vehicle body or bed on passenger cars, station wagons, house cars, pickup trucks with campers, buses, and delivery vans.

M. Electrical Equipment. Radio transmitters, radio receivers, electric motors, or other electrical equipment (except vehicle lamps and wiring) shall not be mounted in a compartment with fuel supply containers unless one of the following conditions is met:

(1) All piping and all connectors and valves on the fuel supply containers are exterior to and sealed from the compartment containing electrical equipment, or;

(2) All piping, connectors, and valves within the compartment are contained in a vapor-tight enclosure and vented to the atmosphere exterior of the vehicle, or;

(3) The electrical equipment is contained in a vapor-tight enclosure that is vented to the atmosphere exterior of the vehicle.

N. Road Clearance. The fuel system, including the fuel supply container, shall be installed with as much road clearance as practicable. The lowest part of any component in the system, including protective guards, shall not be lower than the lowest edge of the vehicle differential housing under maximum spring deflection, except that on cargo carrying vehicles with a gross vehicle weight rating of 6,000 lbs. or more, the lowest component may be at the lowest part of the vehicle body.

O. Vehicle Weight Distribution. The total weight of the vehicle with the fuel containers filled to capacity shall not exceed the manufacturer's load rating for any axle, wheel, or tire.

P. Mechanic Certification. Compressed natural gas systems may be installed only by or under the direct supervision of mechanics who have passed the ASE Automotive Technician Tests for Light Vehicle Compressed Natural Gas (Test F1). Any vehicle converted to the use of natural gas shall carry and display upon request of a peace officer, a certificate signed by a mechanic who has passed the ASE test that the vehicle complies with the requirements of this rule.

KEY: traffic regulations

1993	41-6-117
	41-6-142
	53-8-205



Tax Commission, Auditing
R865-13G-14
 Environmental Assurance Fee
 Pursuant to Utah Code Ann. Section
 19-6-410.5

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 21194
FILED: 06/05/1998, 15:40
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 19-6-410.5 requires the Tax Commission to establish by rule procedures for the exemption from and refund of the environmental assurance fee as well as procedures for

confirming with the Department of Environmental Quality those tank owners and operators who qualify for refund of or exemption from the fee.

SUMMARY OF THE RULE OR CHANGE: Proposed rule sets forth the conditions for the owner or generator of underground and above-ground storage tanks to qualify for exemption from the environmental assurance fee; provides refund procedures for tank owners who do not participate in the Environmental Assurance Program, but do not qualify for exemption from the fee; and provides procedures for confirming with the Department of Environmental Quality those tank owners and operators who qualify for refund or exemption from the fee.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-410.5

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The rule is drafted pursuant to the requirements of 1998 H.B. 112. Any costs were taken into effect in the fiscal analysis of H.B. 112.

❖LOCAL GOVERNMENTS: The rule is drafted pursuant to the requirements of 1998 H.B. 112. Any costs were taken into effect in the fiscal analysis of H.B. 112.

❖OTHER PERSONS: The rule is drafted pursuant to the requirements of 1998 H.B. 112. Any costs were taken into effect in the fiscal analysis of H.B. 112.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The rule is drafted pursuant to the requirements of 1998 H.B. 112. Any costs were taken into effect in the fiscal analysis of H.B. 112.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no fiscal impacts other than those considered in drafting H.B. 112. This proposed rule provides for up-front exemption of the fee for those qualifying businesses as well as a refund procedure for tank owners who do not participate in the program.

(DAR Note: H.B. 112 is found at 1998 Utah Laws 95, and was effective July 1, 1998.)

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

Tax Commission
Auditing
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3902, by FAX at (801) 297-3919, or by Internet E-mail at phendric@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.

R865-13G. Motor Fuel Tax.

R865-13G-14. Environmental Assurance Fee Pursuant to Utah Code Ann. Section 19-6-410.5.

A. Petroleum products exported from a refinery directly out of state are exempt from the environmental assurance fee.

B. Retailers or consumers who are owners or operators of tanks, including owners or operators of above-ground storage tanks, who do not participate in the Environmental Assurance Program, may receive an exemption from the environmental assurance fee if:

1. none of the owner's or operator's tanks are covered under the Environmental Assurance Program; and

2. the owner or operator purchases the petroleum product for the tank directly from the refinery, or purchases a direct import of a petroleum product for which the environmental assurance fee has not previously been imposed.

C. Retailers or consumers who are owners or operators of tanks who do not participate in the Environmental Assurance Program, but who fail to meet the conditions provided under this rule to purchase petroleum products exempt from the environmental assurance fee may apply to the Tax Commission for a refund of those fees paid, no more often than on a monthly basis, on form TC-113ES.

D. For purposes of the exemption and refund provisions of this rule, owners or operators of above-ground storage tanks include owners of fuel stored in tanks owned by a third party where the owner of the fuel pays a fee for use of the tank.

E. On a monthly basis, the Department of Environmental Quality shall provide the Customer Service Division of the Tax Commission with a list of current participants in the Environmental Assurance Program.

KEY: taxation

[August 21, 1997]1998

Notice of Continuation April 21, 1997

19-6-410

◆ ————— ◆

Tax Commission, Auditing
R865-19S-90
Telephone Service Defined Pursuant to
Utah Code Ann. Section
59-12-103

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21195

FILED: 06/05/1998, 15:40

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: 1998 S.B. 211 codifies rule language that requires sales tax to be collected on sale of prepaid calling cards.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment deletes language requiring sales tax to be collected on sales of prepaid telephone calling cards as this language is now in statute.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-12-103

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: No impact.
- ❖LOCAL GOVERNMENTS: No impact.
- ❖OTHER PERSONS: No impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No impact as a result of deleting requirement from rule, as requirement now exists in S.B. 211.

(DAR Note: S.B. 211 is found at 1998 Utah Laws 210, and was effective May 4, 1998.)

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

Tax Commission
 Auditing
 Tax Commission Building
 210 North 1950 West
 Salt Lake City, UT 84134, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3902, by FAX at (801) 297-3919, or by Internet E-mail at phendric@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.

R865-19S. Sales and Use Tax.

R865-19S-90. Telephone Service Defined Pursuant to Utah Code Ann. Section 59-12-103.

A. Definitions.

1. "Interstate" means a transmission that originates in this state but terminates in another state, or a transmission that originates in another state but terminates in this state.

2. "Intrastate" means a transmission that originates and terminates in this state, even if the route of the transmission signal itself leaves and reenters the state. Prepaid telephone services or

service contracts are presumed to be used for intrastate telephone services unless the service contract [~~or calling card~~] is sold exclusively for use in interstate communications.

3. "Private communication services" means a telephone service that entitles subscribers or users to use of a communication line or channel or group of lines or channels.

4. "Telephone corporation" means any corporation owning, controlling, operating or managing any telephone service for the shared use with or resale to any person on a regular basis whether or not regulated by the Public Service Commission.

5. "Telephone service" means the transmission for hire of signs, signals, writings, images, sounds, messages, data, or other information of any nature by wire, cable, radio waves, microwaves, light waves, satellite, fiber optics, or any other method now in existence or that may be devised, and includes:

- a) cellular telephone service and cellular telephone service contracts;
- b) private communications services;
- c) automated digital telephone answering services; and
- d) pager services.

B. Taxable telephone service charges include:

- 1. subscriber access fees;
- 2. charges for optional telephone features, such as call waiting, caller i.d., and call forwarding; and
- 3. nonrecurring charges that are ordinarily charged to subscribers only once or only under exceptional circumstances, including charges to:

- a) establish, change, or disconnect telephone service or optional features; and
- b) install or repair telephone equipment that retains its character as tangible personal property under R865-19S-58 and R865-19S-78 [~~and~~].

[~~c) prepaid calling cards or telephone service contracts.~~]

C. Nontaxable charges include:

- 1. refundable subscriber deposits, interest, and late payment penalties;
- 2. charges for interstate long distance or toll calls;
- 3. telephone answering services received or relayed by a human operator;
- 4. charges to install or repair subscriber equipment that is regarded as real property under R865-19S-58 and R865-19S-78;
- 5. charges levied on subscribers to fund or subsidize special telephone services, including 911 service, special communications services for the deaf, and special telephone service for low income subscribers;
- 6. subscriber charges for cable or satellite television transmissions; and
- 7. contributions in aid of construction, land development fees, payments in lieu of land development fees, and special plant construction and relocation charges.

KEY: sales tax

[November 5, 1997]1998

Notice of Continuation May 22, 1997

59-12



**Tax Commission, Auditing
R865-19S-103**

**Municipal Energy Sales and Use Tax
Pursuant to Utah Code Ann. Sections
10-1-303 and 10-1-306**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21220

FILED: 06/15/1998, 09:58

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 10-1-307 requires the energy supplier to collect the municipal energy sales and use tax; Section 10-1-307 defines energy supplier.

SUMMARY OF THE RULE OR CHANGE: The proposed rule provides that an entity that bills a consumer for transportation costs of taxable energy is an energy supplier for purposes of collecting the municipal energy sales and use tax.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 10-1-303 and 10-1-306

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: No impact.
- ❖ LOCAL GOVERNMENTS: No impact.
- ❖ OTHER PERSONS: No impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be no impact on business. Amendment defines energy supplier as the entity to collect the municipal energy sales and use tax.

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

Tax Commission
Auditing
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3902, by FAX at (801) 297-3919, or by Internet E-mail at phendric@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.

R865-19S. Sales and Use Tax.

R865-19S-103. Municipal Energy Sales and Use Tax Pursuant to Utah Code Ann. Sections 10-1-303 and 10-1-306.

A. Definitions.

1. "Energy supplier" includes an entity that bills a consumer for transportation costs incurred in providing taxable energy to that consumer.

[A-]2. "Gas" means natural gas in which those hydrocarbons, other than oil and natural gas liquids separated from natural gas, that occur naturally in the gaseous phase in the reservoir are produced and removed at the wellhead in gaseous form.

B. Except as provided in C., the delivered value of taxable energy for purposes of Title 10, Chapter 1, Part 3, shall be the arm's length sales price for that taxable energy.

C. If the arm's length sales price does not include all components of delivered value, the delivered value shall be determined with reference to the most applicable tariffed price of the gas corporation or electrical corporation in closest proximity to the taxpayer.

D. The point of sale or use of the taxable energy shall normally be the location of the meter unless the taxpayer demonstrates that the use is not in a municipality imposing the municipal energy sales and use tax.

E. A user of taxable energy who purchases taxable energy from a supplier that is not collecting the municipal energy sales and use tax for the municipality or Tax Commission shall accrue the tax on the taxable energy it uses and remit that tax to the Tax Commission.

a) on forms provided by the Tax Commission, and

b) at the time and in the manner sales tax to the Tax Commission.

KEY: sales tax

~~[November 5, 1997]~~1998

Notice of Continuation May 22, 1997

10-1-303

10-1-306



**Tax Commission, Auditing
R865-25X-1**

**Brine Shrimp Royalty Procedures
Pursuant to Utah Code Ann. Section
59-23-4**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21219

FILED: 06/15/1998, 09:58

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-23-4 requires the Tax Commission to annually determine the value of unprocessed Brine Shrimp Eggs.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment requires harvesters of brine shrimp eggs to report in addition to any proceeds received by Jan. 31 for the current harvest, all proceeds received since the last reporting period. Without this addition, the value of the eggs is significantly understated.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-23-4

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Increase of \$250,000 - \$350,000 Brine Shrimp royalty payment that reflects a more accurate valuation of the unprocessed Brine Shrimp eggs.

❖LOCAL GOVERNMENTS: No impact.

❖OTHER PERSONS: Brine Shrimp harvesters will pay an overall additional \$250,000 - \$300,000 in Brine Shrimp royalty. This increase reflects a more accurate valuation of unprocessed Brine Shrimp eggs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Each individual business will pay more in royalties than last year because the computation understated the value of the shrimp. The amendment more accurately reflects the actual intent of Section 59-23-4.

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

Tax Commission
Auditing
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3902, by FAX at (801) 297-3919, or by Internet E-mail at phendric@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.

R865-25X. Brine Shrimp Royalty.

R865-25X-1. Brine Shrimp Royalty Procedures Pursuant to Utah Code Ann. Section 59- 23-4.

A. "Gross weight" means the raw, wet, harvested weight of the unprocessed brine shrimp eggs as reported to the Division of Wildlife Resources, and includes any biomass or refuse harvested with the brine shrimp eggs.

B. A harvester of brine shrimp eggs shall calculate the net weight of unprocessed brine shrimp eggs harvested by multiplying the gross weight by .60.

C. Prior to January 31 of each year, a harvester shall file a report with the Tax Commission, on a form prescribed by the Tax Commission, containing the following information[~~for the current harvest season~~]:

1. the net weight of unprocessed brine shrimp eggs harvested during the current harvest season and sold in arm's length transactions prior to submitting the report;~~and~~

2. the total proceeds [~~contracted~~]received prior to January 31 for the unprocessed brine shrimp eggs sold in C.1[-]; and

3. proceeds received since the last January 31 reporting period for unprocessed brine shrimp eggs harvested in prior harvest seasons.

D. The Tax Commission shall annually determine the unit value of unprocessed brine shrimp eggs by dividing the aggregate proceeds reported by all harvesters under C.2. and C.3. by the aggregate net weight reported by all harvesters under C.1.

KEY: brine shrimp royalty

~~[November 5, 1997]~~1998

59-23-4



Tax Commission, Motor Vehicle

R873-22M-38

**Procedure for Reinstatement of
Registration Revoked for Lack of
Owner's or Operator's Security
Pursuant to Utah Code Ann. Section
41-1a-1220**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21221

FILED: 06/15/1998, 09:58

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 41-1a-1220 requires a reinstatement fee to renew registration revoked for lack of insurance. The statute does not specify how the applicant shall demonstrate that he has insurance at the time he applies for reinstatement.

SUMMARY OF THE RULE OR CHANGE: Proposed rule requires that an application for reinstatement of registration revoked for lack of insurance shall be accompanied by form SR-22, issued by the applicant's insurer.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 41-1a-1220

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: This rule implements 1998 S.B. 6. Any revenue or cost impacts were considered in the fiscal note attached to S.B. 6.
 - ❖LOCAL GOVERNMENTS: This rule implements 1998 S.B. 6. Any revenue or cost impacts were considered in the fiscal note attached to S.B. 6.
 - ❖OTHER PERSONS: This rule implements 1998 S.B. 6. Any revenue or cost impacts were considered in the fiscal note attached to S.B. 6.
- (DAR Note: S.B. 6 is found at 1998 Utah Laws 35, and was effective May 4, 1998.)

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proof required under the proposed rule tracks the proof required by the Department of Public Safety to reinstate a driver's license revoked for lack of insurance.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no additional impacts on business because the statute requires proof of insurance, this rule states that the proof that is accepted, is the same as already required by Department of Public Safety.

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

Tax Commission
 Motor Vehicle
 Tax Commission Building
 210 North 1950 West
 Salt Lake City, UT 84134, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Pam Hendrickson at the above address, by phone at (801) 297-3902, by FAX at (801) 297-3919, or by Internet E-mail at phendric@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Pam Hendrickson, Commissioner

R873. Tax Commission, Motor Vehicle.

R873-22M. Motor Vehicle.

R873-22M-38. Procedure for Reinstatement of Registration Revoked for Lack of Owner's or Operator's Security Pursuant to Utah Code Ann. Section 41-1a-1220.

A. An application for reinstatement or renewal of registration of a motor vehicle after a revocation of the vehicle's registration under Section 41-1a-110(1)(f) shall be accompanied by form SR-22, issued by the applicant's insurer, and described in Section 41-12a-402.

KEY: taxation, motor vehicles

[October 21, 1997]1998

41-1a-1220

Notice of Continuation May 8, 1997



**Tax Commission, Motor Vehicle
 Enforcement**

R877-23V-17

**Reasonable Cause for Denial,
 Suspension, or Revocation of License
 Pursuant to Utah Code Ann. Sections
 41-3-105 and 41-3-209**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21196

FILED: 06/05/1998, 15:40

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: 1998 S.B. 53 codified the rule, so Section R877-23V-17 now needs to be deleted.

SUMMARY OF THE RULE OR CHANGE: Section R877-23V-17 is repealed as this language is now in statute.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 41-3-105 and 41-3-209

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: No impact.
- ❖LOCAL GOVERNMENTS: No impact.
- ❖OTHER PERSONS: No impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None.

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

Tax Commission
Motor Vehicle Enforcement
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Hendrickson at the above address, by phone at (801) 297-3902, by FAX at (801) 297-3919, or by Internet E-mail at phendric@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Pam Hendrickson, Commissioner

**R877. Tax Commission, Motor Vehicle Enforcement.
R877-23V. Motor Vehicle Enforcement.**

~~[R877-23V-17. Reasonable Cause for Denial, Suspension, or Revocation of License Pursuant to Utah Code Ann. Sections 41-3-105 and 41-3-209:~~

~~A. Reasonable cause exists to deny or suspend any license issued under this chapter if charges have been filed with any county attorney, district attorney, or U.S. attorney against the licensee or applicant, or if the licensee or applicant has been charged in any court of competent jurisdiction, and the charges are for violation of any state or federal law involving motor vehicles, fraud, or a controlled substance.~~

~~B. Any action taken by the administrator pursuant to A. shall remain in effect until a final resolution is reached by the court involved or the charges are dropped.]~~

KEY: taxation, motor vehicles

~~[July 25, 1996]1998~~

Notice of Continuation May 22, 1997

~~41-3-105~~

~~41-3-209~~



Tax Commission, Property Tax

R884-24P-60

Age-Based Uniform Fee on Tangible
Personal Property Required to be
Registered with the State Pursuant to
Utah Code Ann. Section
59-2-405.1

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 21222

FILED: 06/15/1998, 09:58

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-405.1 provides for an age-based uniform fee.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment clarifies what vehicles are subject to the Section 59-2-405.1 uniform fee; indicates how age shall be determined for purposes of calculating the Section 59-2-05.1 uniform fee; clarifies that this fee is not imposed on a Jan. 1 basis; and indicates how counties shall distribute the Section 59-2-405.1 fee to the appropriate county.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-405.1.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Proposed rule implements 1998 S.B. 50, which was designed to be overall revenue neutral.

❖LOCAL GOVERNMENTS: Proposed rule implements 1998 S.B. 50, which was designed to be overall revenue neutral.

❖OTHER PERSONS: Proposed rule implements 1998 S.B. 50, which was designed to be overall revenue neutral.

(DAR Note: S.B. 50 is found at 1998 Utah Laws 322, and will be effective January 1, 1999.)

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Under the age-based rate businesses with newer motor vehicles will see a larger decrease in the uniform fee, but it is anticipated that most businesses will see some decrease. There will be reduced costs to administer.

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

Tax Commission
Property Tax
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3902, by FAX at (801) 297-3919, or by Internet E-mail at phendric@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-60. Age-Based Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Section 59-2-405.1.

A. For purposes of Section 59-2-405.1, "motor vehicle" is as defined in Section 41-1a-102, except that motor vehicle does not include motorcycles as defined in Section 41-1a-102.

B. The uniform fee established in Section 59-2-405.1 is levied against motor vehicles and state-assessed commercial vehicles classified under Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans, in Tax Commission rule R884-24P-33.

C. Personal property subject to the uniform fee imposed in Section 59-2-405 is not subject to the Section 59-2-405.1 uniform fee.

D. The following classes of personal property are not subject to the Section 59-2-405.1 uniform fee, but remain subject to the ad valorem property tax:

1. vintage vehicles;
2. state-assessed commercial vehicles not classified under Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans;
3. any personal property that is neither required to be registered nor exempt from the ad valorem property tax;
4. mobile and manufactured homes;
5. machinery or equipment that can function only when attached to or used in conjunction with motor vehicles or state-assessed commercial vehicles.

E. The age of a motor vehicle or state-assessed commercial vehicle, for purposes of Section 59-2-401.5, shall be determined by subtracting the vehicle model year from the current calendar year.

F. The only Section 59-2-405.1 uniform fee due upon registration or renewal of registration is the uniform fee calculated based on the current calendar year.

G. Centrally assessed taxpayers shall use the following formula to determine the value of locally assessed motor vehicles that may be deducted from the allocated unit valuation:

1. Divide the system value by the book value to determine the market to book ratio.
2. Multiply the market to book ratio by the book value of motor vehicles registered in Utah and subject to Section 59-2-405.1 to determine the value of motor vehicles that may be subtracted from the allocated unit value.

H. The motor vehicle of a nonresident member of the armed forces stationed in Utah may be registered in Utah without payment of the Section 59-2-405.1 uniform fee.

I. A motor vehicle belonging to a Utah resident member of the armed forces stationed in another state is not subject to the Section 59-2-405.1 uniform fee at the time of registration or renewal of registration as long as the motor vehicle is kept in the other state.

J. The situs of a motor vehicle or state-assessed commercial vehicle subject to the Section 59-2-405.1 uniform fee is determined in accordance with Section 59-2-104. Situs of purchased motor vehicles or state-assessed commercial vehicles shall be the tax area of the purchaser's domicile, unless it is demonstrated to the satisfaction of the assessor that the motor vehicle or state-assessed

commercial vehicle will usually be kept in a tax area other than the tax area of the purchaser's domicile.

1. Section 59-2-405.1 uniform fees received by a county that require distribution to a purchaser's domicile outside of that county shall be deposited into an account established by the Commission, pursuant to procedures prescribed by the Commission.

2. Section 59-2-405.1 uniform fees received by the Commission pursuant to J.1. shall be distributed to the appropriate county at least monthly.

K. The blind exemption provided in Section 59-2-1106 is applicable to the Section 59-2-405.1 uniform fee.

L. The veteran's exemption provided in Section 59-2-1104 is not applicable to the Section 59-2-405.1 uniform fee.

M. The value of motor vehicles and state-assessed commercial vehicles to be considered part of the tax base for purposes of determining debt limitations pursuant to Article XIII, Section 14 of the Utah Constitution, shall be determined by dividing the Section 59-2-405.1 uniform fee collected by .015.

N. The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, 1999.

KEY: taxation
[December 23, 1997]1998 **59-2-405**
Notice of Continuation May 8, 1997



Tax Commission, Property Tax
R884-24P-61
 1.5 Percent Uniform Fee on Tangible
 Personal Property Required to be
 Registered with the State Pursuant to
 Utah Code Ann. Sections
 41-1a-202, 59-2-104, 59-2-401,
 59-2-402, and 59-2-405

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 21223
 FILED: 06/15/1998, 09:58
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-405 provides for a 1.5 percent uniform fee.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment takes current Tax Commission rule R884-24P-46 and updates it for the January 1, 1999 implementation of S.B. 50. Essentially the rule is updated to reflect what vehicles will no longer be subject to the 1.5 percent uniform fee.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 41-1a-202, 59-2-104, 59-2-401, 59-2-402, and 59-2-405

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: Proposed rule implements 1998 S.B. 50, which was designed to be overall revenue neutral.
 - ❖LOCAL GOVERNMENTS: Proposed rule implements 1998 S.B. 50, which was designed to be overall revenue neutral.
 - ❖OTHER PERSONS: Proposed rule implements 1998 S.B. 50, which was designed to be overall revenue neutral.
- (DAR Note:** S.B. 50 is found at 1998 Utah Laws 322, and will be effective January 1, 1999.)
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Under the age-based rate, businesses with newer motor vehicles will see the largest decrease in uniform fees, with most business seeing some decrease. There will be reduced costs to administer.

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

Tax Commission
Property Tax
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3902, by FAX at (801) 297-3919, or by Internet E-mail at phendric@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 7/31/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.**R884-24P. Property Tax.****R884-24P-61. 1.5 Percent Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Sections 41-1a-202, 59-2-104, 59-2-401, 59-2-402, and 59-2-405.****A. Definitions.**

1. For purposes of Section 59-2-405, "motor vehicle" is as defined in Section 41-1a-102, except that motor vehicle does not include motorcycles as defined in Section 41-1a-102.

2. "Recreational vehicle" is as defined in Section 41-1a-102.

B. The uniform fee established in Section 59-2-405 is levied against the following types of personal property, unless specifically excluded by Section 59-2-405:

1. motor vehicles that are not classified under Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans, in Tax Commission rule R884-24P-33;

2. watercraft required to be registered with the state;

3. recreational vehicles required to be registered with the state;

and

4. all other tangible personal property required to be registered with the state before it is used on a public highway, on a public waterway, on public land, or in the air.

C. The following classes of personal property are not subject to the Section 59-2-405 uniform fee, but remain subject to the ad valorem property tax:

1. vintage vehicles;

2. state-assessed commercial vehicles not classified under Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans;

3. any personal property that is neither required to be registered nor exempt from the ad valorem property tax;

4. machinery or equipment that can function only when attached to or used in conjunction with motor vehicles.

D. The fair market value of tangible personal property subject to the Section 59-2-405 uniform fee is based on depreciated cost new as established in Tax Commission rule R884-24P-33, "Personal Property Valuation Guides and Schedules," published annually by the Tax Commission.

E. Centrally assessed taxpayers shall use the following formula to determine the value of locally assessed personal property that may be deducted from the allocated unit valuation:

1. Divide the system value by the book value to determine the market to book ratio.

2. Multiply the market to book ratio by the book value of personal property registered in Utah and subject to Section 59-2-405 to determine the value of personal property that may be subtracted from the allocated unit value.

F. If a property's valuation is appealed to the county board of equalization under Section 59-2-1005, the property shall become subject to a total revaluation. All adjustments are made on the basis of their effect on the property's average retail value as of the January 1 lien date and according to Tax Commission rule R884-24P-33.

G. The county assessor may change the fair market value of any individual item of personal property in his jurisdiction for any of the following reasons:

1. The manufacturer's suggested retail price ("MSRP") or the cost new was not included on the state printout, computer tape, or registration card;

2. The MSRP or cost new listed on the state records was inaccurate; or

3. In the assessor's judgment, an MSRP or cost new adjustment made as a result of a property owner's informal request will continue year to year on a percentage basis.

H. If the personal property is of a type subject to annual registration, the Section 59-2-405 uniform fee is due at the time the registration is due. If the personal property is not registered during the year, the owner remains liable for payment of the Section 59-2-405 uniform fee to the county assessor.

1. No additional uniform fee may be levied upon personal property transferred during a calendar year if the Section 59-2-405 uniform fee has been paid for that calendar year.

2. If the personal property is of a type registered for periods in excess of one year, the Section 59-2-405 uniform fee shall be due annually.

3. The personal property of a nonresident member of the armed forces stationed in Utah may be registered in Utah without payment of the Section 59-2-405 uniform fee.

4. Personal property belonging to a Utah resident member of the armed forces stationed in another state is not subject to the Section 59-2-405 uniform fee as long as the personal property is kept in another state.

5. Noncommercial trailers weighing 750 pounds or less are not subject to the Section 59-2-405 uniform fee or ad valorem property tax but may be registered at the request of the owner.

I. If the personal property is of a type subject to annual registration, registration of that personal property may not be completed unless the Section 59-2-405 uniform fee has been paid, even if the taxpayer is appealing the uniform fee valuation. Delinquent fees may be assessed in accordance with Sections 59-2-217 and 59-2-309 as a condition precedent to registration.

J. The situs of personal property subject to the Section 59-2-405 uniform fee is determined in accordance with Section 59-2-104. Except as provided below, situs of purchased personal property shall be the tax area of the purchaser's domicile.

1. For purposes of Section 59-2-405, personal property kept in a tax area other than that of the domicile of the owner for more than six months of the year shall be assessed in the other tax area.

a) If personal property is to be registered in a county other than that in which the owner is domiciled, the assessor in the county of registration shall so notify the assessor in the county of domicile. Notification shall be accomplished through the means of a form prescribed by the Tax Commission. In addition, the assessor in the county of registration must provide documentation of situs if so requested.

b) If an assessor discovers personal property that is kept in the assessor's county but registered in another, the assessor may submit an affidavit along with evidence that the property is kept in that county to the assessor of the county in which the personal property is registered. Upon agreement, the assessor of the county of registration shall forward the fee collected to the county of situs within 30 working days.

2. If the owner of personal property registered in Utah is domiciled outside of Utah, the taxable situs of the property is presumed to be the county in which the uniform fee was paid, unless an assessor's affidavit establishes otherwise.

3. The Tax Commission shall, on an annual basis, provide each county assessor information indicating all personal property subject to state registration and its corresponding taxable situs.

K. The blind exemption provided in Section 59-2-1106 is applicable to the Section 59-2-405 uniform fee.

L. The veteran's exemption provided in Section 59-2-1104 is not applicable to the Section 59-2-405 uniform fee.

M. The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, 1999 and each succeeding year.

KEY: taxation

[December 23, 1997]1998

Notice of Continuation May 8, 1997

41-1a-202

59-2-104

59-2-401

59-2-402

59-2-405

**Workers' Compensation Fund,
Administration**

R980-1

**Workers' Compensation Fund of Utah
Dispute Resolution**

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE NO.: 21214

FILED: 06/12/1998, 14:40

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The provisions of R980-1 are rarely used or referred to by the Workers' Compensation Fund of Utah (WCF), its regulators, or the public. In this regard, Insurance Department and Labor Commission rules regulate the operations of WCF and provide procedures to resolve issues between WCF and the public. Also, the renumbering and repeal of Title 35, especially Chapters 1, 2, and 3 make the provisions of R980-1 anachronistic and unhelpful.

SUMMARY OF THE RULE OR CHANGE: This rule is repealed in its entirety.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63-46b-1 and 35-3-1

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None.

❖LOCAL GOVERNMENTS: None.

❖OTHER PERSONS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal of R980-1 should have no fiscal impact on businesses.

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

Workers' Compensation Fund
Administration
392 East 6400 South
PO Box 57929
Salt Lake City, UT 84157-0929, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dennis V. Lloyd at the above address, by phone at (801) 288-8060, by FAX at (801) 288-8038, or by Internet E-mail at dlloyd@wcf-utah.com.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/31/1998.



THIS RULE MAY BECOME EFFECTIVE ON: 08/01/1998

AUTHORIZED BY: Dennis V. Lloyd, General Counsel

[R980-Workers' Compensation Fund, Administration.

R980-1-Workers' Compensation Fund of Utah Dispute Resolution.

R980-1-1- Purpose:

— This rule establishes procedures and standards for resolving disputes between the Workers Compensation Fund of Utah and the employers and claimants with which it deals:

R980-1-2- Definitions:

— In this rule, the following definitions apply:

— A. "Employer" means any entity described in Section 35-1-42 who is, was, or seeks to be insured by the Workers Compensation Fund of Utah:

— B. "Claimant" means any employee of an insured employer who claims benefits from the Workers Compensation Fund of Utah under Title 35, Chapters One or Two:

R980-1-3- Authority:

— The Workers Compensation of Utah is a competitive industrial insurance carrier created by Title 35, Chapter 3, to provide low cost, but actuarially sound, workers' compensation insurance to the employers of the state of Utah. The Workers Compensation Fund operates as a non-profit, self-supporting, quasi-public corporation organized pursuant to Section 35-3-3 and regulated by the Insurance Commissioner pursuant to Section 31A-1-105. As provided in Section 35-3-7, the Workers Compensation Fund, through its Chief Executive Officer:

— A. Underwrites the risks of Utah employers:

— B. Audits and accounts for deposits, premium income, and benefit payments:

— C. Investigates and then accepts or denies liability for claims filed by workers injured in an industrial accident or contracting an occupational disease during the course and/or scope of their employment with Workers Compensation Fund insureds:

R980-1-4- Disputes:

— A. In matters of underwriting, including but not limited to, applications for coverage, policy issuance or binder, rate classification, site inspections, and policy cancellation, disputes between the Workers Compensation Fund and any employer as to legal rights, duties, privileges, immunities, or other legal interests, shall be adjudicated informally. The procedure set forth in R980-1-5 below shall govern the Workers Compensation Fund's preliminary processing of such disputes. Insurance Department rules established pursuant to Section 31A-2-201 shall then govern the informal adjudication of issues:

— B. In matters of auditing and accounting, including but not limited to, increases, decreases, collection, or refunds of deposits, premiums or receivables, disputes between the Workers Compensation Fund and any employer or claimant as to legal rights, duties, privileges, immunities or other legal interests, shall be adjudicated informally. The procedure set forth in R980-1-5 below shall govern the Workers Compensation Fund's preliminary processing of such disputes. Insurance Department rules

established pursuant to Section 31A-2-201 shall then govern the informal adjudication of issues:

— C. In matters of investigating and accepting or denying liability for claims filed by workers allegedly injured in a compensable industrial accident or suffering an occupational disease arising out of or in the course or scope of their employment with an insured employer, disputes as to legal rights, duties, privileges, immunities, or other legal interests including actions to grant, deny, revoke, suspend, modify, annul, withdraw, or amend an employee's entitlement to benefits under Title 35, Chapter One or Two, shall be adjudicated formally before the Industrial Commission of Utah. In this regard, the Industrial Commission shall be considered a "superior agency" as defined in Section 63-46b-2(1)(j). The procedure set forth in Title 35, Chapters One and Two, and in applicable Industrial Commission rules shall govern the formal adjudication of issues:

R980-1-5- Dispute Processing Prior to Informal Adjudication:

— As required by Section 63-46b-5, this rule provides procedures for informal adjudicative proceedings. However, prior to the process of informal adjudication, the Workers Compensation Fund will endeavor to resolve disputes as follows:

— A. Should an employer or claimant have a dispute with the Workers Compensation Fund as outlined in R980-1-4 A and B above, the employer or claimant may request that the Chief Executive Officer of the Workers Compensation Fund resolve the dispute. All such requests shall:

- 1. be sent to the Chief Executive Officer in writing;
- 2. indicate specifically the facts and nature of the dispute;
- 3. state the solution or remedies sought;
- 4. be signed and dated by the employer or claimant;
- 5. indicate the employer or claimant's return address and telephone number:

— B. Upon receipt of a request for dispute resolution, the Chief Executive Officer of the Workers Compensation Fund or his designee shall review the actions of the Workers Compensation Fund complained of by the employer or claimant. The Chief Executive Officer or his designee may, at their discretion, meet with the employer or claimant. The Chief Executive Officer or his designee shall then, within 15 working days of receipt of the request, mail the Workers Compensation Fund's written response to the employer or claimant. The response shall indicate the Workers Compensation Fund's position relative to the dispute. The response shall further state whether or not the Workers Compensation Fund agrees to the solution or remedy suggested by the employer or employee. The Workers Compensation Fund may suggest grounds to compromise the dispute:

— C. Upon receipt of the Workers Compensation Fund's response, the employer or claimant shall have all rights to informal adjudication and judicial review as outlined in Section 31A-2-201 and Section 63-46b-15 should the dispute remain unresolved:

KEY: administrative procedure, workers' compensation 1988 63-46b-1 et seq; Notice of Continuation 1994 35-3-1 et seq.]



FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Corrections, Administration **R251-307** Community Service

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 21207
FILED: 06/11/1998, 14:30
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 64-13-10 required the Department to provide programs as necessary to accomplish its purposes.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: We have not received comments on this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is no longer necessary and is currently in the repeal process. (**DAR Note:** The repeal of R251-307 is under DAR No. 21198 in this *Bulletin*.)

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

Corrections
Administration
Suite 400
6100 South Fashion Blvd.
Murray, UT 84107, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5726, or Internet E-mail at crdeptdo.crdept.pelliott@email.state.ut.us.

AUTHORIZED BY: H. L. Haun, Executive Director

EFFECTIVE: 06/11/1998



Education, Administration **R277-104** USOE ADA Complaint Procedure

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 21191
FILED: 06/04/1998, 15:34
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: 28 CFR 35.107 mandates a state Americans with Disabilities Act (ADA) complaint procedure; Subsection 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: 28 CFR 35.107

mandates a state Americans with Disabilities Act (ADA) complaint procedure; the law allows the State Board of Education to adopt rules in accordance with its responsibilities.

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

Education Administration 250 East 500 South Salt Lake City, UT 84111, or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, School Law Specialist

EFFECTIVE: 06/04/1998



Education, Administration **R277-436** Gang Prevention and Intervention Programs in the Schools

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21192 FILED: 06/04/1998, 15:34 RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3) allows the Board to adopt rules in accordance with its responsibilities and Section 53A-15-601 appropriates funds for Gang Prevention and Intervention Programs in the Schools and allows the Board to distribute the funds.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law allows the Board to adopt rules in accordance with its responsibilities and the law also provides funding for Gang Prevention and Intervention Programs in the Schools to be distributed in accordance to standards developed by the State Board of Education.

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

Education Administration 250 East 500 South Salt Lake City, UT 84111, or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, School Law Specialist

EFFECTIVE: 06/04/1998



Insurance, Administration **R590-154** Unfair Marketing Practices Rule

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21205 FILED: 06/10/1998, 13:43 RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-23-302(8) gives the department specific authority to write a rule defining unfair methods of competition, or any other unfair or deceptive act or practice in the business of insurance. The rule itself addresses misrepresentation by the licensee in the area of the names of their agencies, representing themselves or their products as approved by the department when they are not, using inducements, commission contributions and using prohibited financing arrangements and sales tie-ins to solicit insurance, the proper way in which bartering may be used when selling insurance, the use of comparative information, and proper disclosure to group members of the name of the insurer of their insurance policy.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None have been received since this rule went into effect or was last changed.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The department still receives many complaints that fall into the

category of deceptive, misrepresentative, or unfair marketing practices and this rule gives the department the authority to investigate and take administrative actions against licensees.

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

Insurance Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or Internet E-mail at idmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 06/10/1998

Labor Commission, Administration
R600-1
Declaratory Orders

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21215
FILED: 06/15/1998, 09:31
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted pursuant to Section 34A-1-104 of the Utah Code which gives authority to the Commission to enact rules necessary to the fulfillment of its responsibilities. It is also enacted pursuant to Section 63-46b-21 of the Utah Code which gives authority to the Commission to enact rules to establish procedures for agency declaratory orders.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: R600-1 continues to be necessary to establish the procedures for submission, review, and disposition of petitions for agency declaratory orders on the applicability of statutes, rules, and orders governing or issued by the agency.

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

Labor Commission Administration
Third Floor, Heber M. Wells Building
160 East 300 South
PO Box 146600
Salt Lake City, UT 84114-6600, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Alan Hennebold at the above address, by phone at (801) 530-6937, by FAX at (801) 530-6390, or Internet E-mail at icmain.ahennebo@email.state.ut.us.

AUTHORIZED BY: R. Lee Ellertson, Commissioner

EFFECTIVE: 06/15/1998

Labor Commission, Industrial Accidents
R612-2
Workers' Compensation Rules - Health Care Providers

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21216
FILED: 06/15/1998, 09:31
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted pursuant to Section 34A-1-104 of the Utah Code which gives authority to the Commission to enact rules necessary to administer the workers compensation program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: R612-2 continues to be necessary as it establishes the procedures and requirements for health care providers working in the workers' compensation program.

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

Labor Commission Industrial Accidents

Third Floor, Heber M. Wells Building
160 East 300 South
PO Box 146600
Salt Lake City, UT 84114-6600, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or Internet E-mail at icmain.jsewell@email.state.ut.us.

AUTHORIZED BY: R. Lee Ellertson, Commissioner

EFFECTIVE: 06/15/1998

Salt Lake City, UT 84114-6600, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or Internet E-mail at icmain.jsewe..@email.state.ut.us.

AUTHORIZED BY: R. Lee Ellertson, Commissioner

EFFECTIVE: 06/15/1998



**Labor Commission, Industrial
Accidents
R612-3
Workers' Compensation Rules - Self-
Insurance**

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

DAR FILE NO.: 21217
FILED: 06/15/1998, 09:31
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted pursuant to Section 34A-1-104 of the Utah Code which gives authority to the Commission to enact rules necessary to administer the workers' compensation program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: R612-3 continues to be necessary as it establishes the requirements for a company to become self-insured for purposes of Utah's workers' compensation program and the requirements of managing a self-insured program.

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

Labor Commission
Industrial Accidents
Third Floor, Heber M. Wells Building
160 East 300 South
PO Box 146600



**Labor Commission, Industrial
Accidents
R612-5
Employee Leasing Company Workers'
Compensation Insurance Policy
Endorsements**

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

DAR FILE NO.: 21218
FILED: 06/15/1998, 09:31
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is enacted pursuant to Section 34A-1-104 of the Utah Code which gives authority to the Commission to enact rules necessary to administer the workers' compensation program. It is also enacted pursuant to Section 34A-2-103.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: R612-5 continues to be necessary as it establishes the requirements of workers' compensation coverage for employee leasing companies.

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

Labor Commission
Industrial Accidents
Third Floor, Heber M. Wells Building
160 East 300 South
PO Box 146600
Salt Lake City, UT 84114-6600, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or Internet E-mail at icmain.jsewell@email.state.ut.us.

AUTHORIZED BY: R. Lee Ellertson, Commissioner

EFFECTIVE: 06/15/1998

DIRECT QUESTIONS REGARDING THIS RULE TO:
Shawn Potter at the above address, by phone at (801) 526-9205, by FAX at (801) 526-9211, or Internet E-mail at wsadmpo.spotter@email.state.ut.us.

AUTHORIZED BY: Robert C. Gross, Executive Director

EFFECTIVE: 06/12/1998

**Workforce Services, Workforce
Information and Payment Services
R994-306**

Charging Benefit Costs to Employers

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

DAR FILE NO.: 21209
FILED: 06/12/1998, 08:58
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 35A-1-104(1). Charging costs to employers is required by the unemployment insurance program as found in Sections 35A-4-101 through 35A-4-508.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule describes the notices required to be given to employers about unemployment charges, and the procedures to request relief of charges and correction of calculation errors.

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

Workforce Services
Workforce Information and Payment Services
Fifth Floor
140 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

**Workforce Services, Workforce
Information and Payment Services
R994-307
Social Costs -- Relief of Charges**

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

DAR FILE NO.: 21210
FILED: 06/12/1998, 08:58
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 35A-1-104(1). In order to properly charge unemployment costs to employers, it is necessary to establish under what circumstances an employer will be charged or relieved of charges.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule describes the circumstances of a claimant's separation from employment for which an employer will be charged unemployment benefit costs and for which an employer will not be charged unemployment benefit costs.

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

Workforce Services
Workforce Information and Payment Services
Fifth Floor
140 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Shawn Potter at the above address, by phone at (801) 526-9205, by FAX at (801) 526-9211, or Internet E-mail at wsadmpo.spotter@email.state.ut.us.

AUTHORIZED BY: Robert C. Gross, Executive Director

EFFECTIVE: 06/12/1998

Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Shawn Potter at the above address, by phone at (801) 526-9205, by FAX at (801) 526-9211, or Internet E-mail at wsadmpo.spotter@email.state.ut.us.

AUTHORIZED BY: Robert C. Gross, Executive Director

EFFECTIVE: 06/12/1998

◆ _____ ◆
**Workforce Services, Workforce
Information and Payment Services**
R994-508
Appeal Procedures

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

DAR FILE No.: 21211
FILED: 06/12/1998, 08:58
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 35A-1-104(1). State and federal laws creating and regulating the unemployment program require an appeals process.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes procedures for parties (claimants and employers) to appeal Department decisions which they dispute. The rule describes the procedures and deadlines to appeal from Department decisions, Administrative Law Judge (ALJ) decisions, and Workforce Appeals Board decisions. It establishes ALJ hearings as formal hearings under the Utah Administrative Procedures Act (UAPA). It provides for the handling of withdrawals, late appeals, discovery requests, defaults, telephone hearings, ex parte communications, requests for removal of an ALJ from a case, and correction of errors in the record.

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

Workforce Services
Workforce Information and Payment Services
Fifth Floor
140 East 300 South

**End of the Five-Year Notices of Review and
Statements of Continuation Section**

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Commerce

Occupational and Professional Licensing
No. 21007 (AMD): R156-60b. Marriage and Family Therapist Licensing Act Rules.
Published: May 15, 1998
Effective: June 16, 1998

No. 21008 (AMD): R156-60c. Professional Counselor Licensing Act Rules.
Published: May 15, 1998
Effective: June 16, 1998

Corrections

Administration
No. 20842 (AMD): R251-112. Americans With Disabilities Act Complaint Procedures.
Published: April 1, 1998
Effective: June 15, 1998

No. 20844 (AMD): R251-304. Contract Procedures.
Published: April 1, 1998
Effective: June 15, 1998

Education

Administration
No. 21076 (AMD): R277-116. USOE Internal Audit Procedure.
Published: May 15, 1998
Effective: June 17, 1998

Environmental Quality

Drinking Water
No. 20977 (AMD): R309-113. Drinking Water Source Protection.
Published: May 1, 1998
Effective: June 15, 1998

No. 20693 (CPR): R309-114. Drinking Water Source Protection Funding.
Published: May 1, 1998
Effective: June 15, 1998

No. 21027 (NEW): R309-352. Drinking Water Capacity Development Funding.
Published: May 15, 1998
Effective: June 19, 1998

Solid and Hazardous Waste
No. 21026 (AMD): R315-15-11. Closure.
Published: May 15, 1998
Effective: June 17, 1998

Health

Health Care Financing, Coverage and Reimbursement Policy
No. 20998 (AMD): R414-1. Utah Medicaid Program.
Published: May 15, 1998
Effective: June 16, 1998

Health Systems Improvement, Emergency Medical Services

No. 21034 (AMD): R426-1. Ambulance Rules.
Published: May 15, 1998
Effective: June 23, 1998

No. 21035 (AMD): R426-3. Utah Mobile Paramedic Rules.
Published: May 15, 1998
Effective: June 23, 1998

No. 21028 (AMD): R426-4. Emergency Medical Dispatcher Rules.
Published: May 15, 1998
Effective: June 23, 1998

Human Services

Administration, Administrative Services, Licensing
No. 21085 (AMD): R501-14. Criminal Background Screening.
Published: May 15, 1998
Effective: June 16, 1998

No. 21086 (NEW): R501-18. Abuse Background Screening.
Published: May 15, 1998
Effective: June 16, 1998

Recovery Services

No. 21018 (NEW): R527-100. Uniform Interstate Family Support Act.

Published: May 15, 1998

Effective: June 16, 1998

No. 21006 (AMD): R527-300. Income Withholding.

Published: May 15, 1998

Effective: June 16, 1998

No. 21017 (NEW): R527-305. High-Volume, Automated Administrative Enforcement in Interstate Child Support Cases.

Published: May 15, 1998

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Insurance

Administration

No. 20817 (CPR): R590-128. Unfair Discrimination Based on the Failure to Maintain Automobile Insurance. (Revised)

Published: May 15, 1998

Effective: June 16, 1998

Natural Resources

Oil, Gas and Mining; Non-Coal

No. 20727 (AMD): R647-1-106. Definitions.

Published: February 15, 1998

Effective: June 15, 1998

Transportation

Motor Carrier

No. 21089 (AMD): R909-1. Safety Regulations for Motor Carriers.

Published: May 15, 1998

Effective: June 16, 1998

End of the Notices of Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all changes to Utah's administrative rules from January 2, 1998, to the present (current as of June 24, 1998). The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Administration</u>					
R13-2	Access to Records	20537	NSC	01/06/98	Not Printed
R13-3	American With Disabilities Act Grievance Procedures	20631	5YR	01/08/98	98-3/89
<u>Facilities Construction and Management</u>					
R23-4	Suspension/Debarment From Consideration for Award of State Contracts	20702	5YR	01/28/98	98-4/128
R23-5	Contingency Funds	20703	5YR	01/28/98	98-4/128
R23-6	Value Engineering and Life Cycle Costing of State Owned Facilities Rules and Regulations	20704	5YR	01/28/98	98-4/129
R23-7	Utah State Building Board Policy Statement Master Planning	20705	5YR	01/28/98	98-4/129
R23-8	Planning Fund Use	20706	5YR	01/28/98	98-4/130
R23-9	Building Board State/Local Cooperation Policy	20707	5YR	01/28/98	98-4/130
R23-10	Naming of State Buildings	20708	5YR	01/28/98	98-4/131
R23-11	Facilities Allocation and Sale Procedures	20709	5YR	01/28/98	98-4/131
R23-12	State of Utah Parking Policy	21186	5YR	06/01/98	98-12/37
R23-13	State of Utah Parking Rules for Facilities Managed by the Division of Facilities Construction and Management	21150	5YR	05/15/98	98-11/200

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R23-21	Division of Facilities Construction and Management Lease Procedures	20710	5YR	01/28/98	98-4/132
R23-24	Capital Projects Utilizing Non-appropriated Funds	20711	5YR	01/28/98	98-4/132
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-2	Administrative Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food	20931	5YR	03/19/98	98-8/63
<u>Animal Industry</u>					
R58-19	Compliance Procedures	20279	NEW	01/05/98	97-24/12
<u>Marketing and Conservation</u>					
R65-11	Utah Sheep Marketing Order	20699	NEW	03/19/98	98-4/8
<u>Plant Industry</u>					
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	20838	5YR	03/05/98	98-7/72
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	20962	AMD	05/16/98	98-8/2
R68-19	Compliance Procedures	20280	NEW	01/15/98	97-24/13
R68-19-4	Citation	20813	AMD	04/15/98	98-6/16
<u>Regulatory Services</u>					
R70-201	Compliance Procedures	20281	NEW	01/15/98	97-24/14
R70-201-4	Citation	20814	AMD	04/15/98	98-6/16
R70-530	Food Establishment Sanitation Rule	20721	R&R	05/16/98	98-4/10
COMMERCE					
<u>Occupational and Professional Licensing</u>					
R156-1	General Rules of the Division of Occupational and Professional Licensing	20973	AMD	06/04/98	98-9/4
R156-3a	Architect Licensing Act Rules	20200	AMD	see CPR	97-23/4
R156-3a	Architect Licensing Act Rules	20200	CPR	02/18/98	98-2/79
R156-15-302d	Qualifications for Licensure - Examination Requirements	20894	AMD	05/05/98	98-7/8
R156-16a	Optometry Practice Act Rules	20778	AMD	04/01/98	98-5/4
R156-17a	Pharmacy Practice Act Rules	20492	AMD	02/24/98	98-1/3
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	20696	5YR	01/27/98	98-4/133
R156-37	Controlled Substance Act Rules of the Division of Occupational and Professional Licensing	20878	AMD	05/04/98	98-7/8
R156-37-605	Emergency Verbal Prescription of Schedule II Controlled Substances	20941	AMD	05/19/98	98-8/8
R156-40	Recreational Therapy Practice Act Rules	20697	5YR	01/27/98	98-4/133

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	20173	AMD	see CPR	97-22/12
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	20173	CPR	02/03/98	98-1/199
R156-55a	Utah Construction Trades Licensing Act Rules	20650	AMD	03/05/98	98-3/23
R156-56-302	Licensure of Inspectors	20883	AMD	05/04/98	98-7/28
R156-59	Employee Leasing Company Act Rules	20701	5YR	01/27/98	98-4/134
R156-59	Employee Leasing Company Act Rules	20651	AMD	see CPR	98-3/28
R156-59	Employee Leasing Company Act Rules	20651	CPR	05/04/98	98-7/71
R156-60a	Social Worker Licensing Act Rules	20992	AMD	06/04/98	98-9/26
R156-60b	Marriage and Family Therapist Licensing Act Rules	20581	AMD	02/18/98	98-2/18
R156-60b	Marriage and Family Therapist Licensing Act Rules	21007	AMD	06/16/98	98-10/17
R156-60c	Professional Counselor Licensing Act Rules	20359	AMD	02/03/98	98-1/6
R156-60c	Professional Counselor Licensing Act Rules	21008	AMD	06/16/98	98-10/20
R156-60d	Substance Abuse Counselor Act Rules	20273	AMD	01/15/98	97-24/16
R156-61	Psychologist Licensing Act Rules	20342	AMD	02/03/98	98-1/10
R156-63	Security Personnel Licensing Act Rules	20930	AMD	05/19/98	98-8/9
R156-67-302d	Qualifications for Licensure - Examination Requirements	20974	AMD	06/04/98	98-9/29
R156-68-302b	Qualifications for Licensure - Examination Requirements	20975	AMD	06/04/98	98-9/30
R156-69	Dentist and Dental Hygienist Practice Act Rules	20776	AMD	04/01/98	98-5/6
<u>Real Estate</u>					
R162-1	Authority and Definitions	20798	AMD	04/23/98	98-6/17
R162-2	Exam and License Application Requirements	20799	AMD	04/23/98	98-6/19
R162-3	License Status Change	20800	AMD	04/23/98	98-6/21
R162-4	Office Procedures - Real Estate Principal Brokerage	20801	AMD	04/23/98	98-6/23
R162-5	Property Management	20802	AMD	04/23/98	98-6/26
R162-6	Licensee Conduct	20803	AMD	04/23/98	98-6/27
R162-7	Enforcement	20804	AMD	04/23/98	98-6/32
R162-10	Administrative Procedures	20805	AMD	04/23/98	98-6/33
R162-107	Unprofessional Conduct	20625	NEW	03/04/98	98-2/22
<u>Securities</u>					
R164-4	Licensing Requirements	20679	AMD	03/04/98	98-3/31
R164-5	Broker-Dealer and Investment Adviser Books and Records	20680	AMD	03/04/98	98-3/38
R164-6-1g	Dishonest or Unethical Business Practices	20681	AMD	03/04/98	98-3/40
R164-26-6	Consent to Service	20682	AMD	03/04/98	98-3/44
COMMUNITY AND ECONOMIC DEVELOPMENT					
<u>Community Development, Community Services</u>					
R202-100	Community Services Block Grant Rules	20282	AMD	01/15/98	97-24/17

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Community Development, Fine Arts</u>					
R207-1	Utah Arts Council General Program Rules	20811	5YR	02/25/98	98-6/77
R207-2	Policy for Donations and Loans to the State Fine Art Collection	20812	5YR	02/25/98	98-6/77
<u>Community Development, History</u>					
R212-12	Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds	20528	NEW	03/10/98	98-2/23
<u>Community Development, Library</u>					
R223-1	Adjudicative Procedures	21090	5YR	05/01/98	98-11/201
CORRECTIONS					
<u>Administration</u>					
R251-107	Executions	20160	AMD	01/15/98	97-22/16
R251-112	Americans With Disabilities Act Complaint Procedures	20841	5YR	03/06/98	98-7/72
R251-112	Americans With Disabilities Act Complaint Procedures	20842	AMD	06/15/98	98-7/32
R251-304	Contract Procedures	20843	5YR	03/06/98	98-7/73
R251-304	Contract Procedures	20844	AMD	06/15/98	98-7/34
R251-307	Community Service	21207	5YR	06/11/98	98-13/30
R251-703	Vehicle Direction Station	20196	AMD	01/15/98	97-23/6
R251-707	Legal Access	20198	AMD	01/15/98	97-23/8
R251-710	Search	20379	AMD	03/15/98	98-1/14
EDUCATION					
<u>Administration</u>					
R277-104	USOE ADA Complaint Procedure	21191	5YR	06/04/98	98-13/30
R277-116	USOE Internal Audit Procedure	21076	AMD	06/17/98	98-10/25
R277-436	Gang Prevention and Intervention Programs in the Schools	21192	5YR	06/04/98	98-13/31
R277-469	Textbook Commission Operating Procedures	20779	NEW	04/07/98	98-5/7
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, and Special Education (Birth-Age 5) Certification	20780	AMD	04/07/98	98-5/10
R277-508	Employment of Substitute Teachers	20899	5YR	03/13/98	98-7/73
R277-514	Suspension and Revocation of Teaching Certificates	20781	R&R	04/07/98	98-5/13
R277-516	Library Media Certificates and Programs	20657	5YR	01/14/98	98-3/89
R277-518	Vocational-Technical Certificates	20658	5YR	01/14/98	98-3/90
R277-600	Student Transportation Standards and Policies	20659	5YR	01/14/98	98-3/90
R277-605	Extracurricular Student Activities	20660	5YR	01/14/98	98-3/91
R277-606	Interschool Competitive Sports in High School	20661	5YR	01/14/98	98-3/91
R277-610	Released-Time Classes for Religious Instruction	20662	5YR	01/14/98	98-3/91
R277-615	Foreign Exchange Students	20663	5YR	01/14/98	98-3/92

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-700	The Elementary and Secondary School Core Curriculum and High School Graduation Requirements	20664	5YR	01/14/98	98-3/92
R277-701	Values Education	20665	5YR	01/14/98	98-3/93
R277-702	Procedures for the Utah General Educational Developmental Certificate	20666	5YR	01/14/98	98-3/93
R277-709	Education Programs Serving Youth in Custody	20667	5YR	01/14/98	98-3/94
R277-710	Accelerated Learning Programs	20668	5YR	01/14/98	98-3/94
R277-716	Alternative Language Services (ALS)	20669	5YR	01/14/98	98-3/94
R277-718	Utah Career Teaching Scholarship Program	20670	5YR	01/14/98	98-3/95
R277-721	Deadline for CACFP Sponsor Participation in Food Distribution Program	20671	5YR	01/14/98	98-3/95
R277-722	Withholding Payments and Commodities in the CACFP	20672	5YR	01/14/98	98-3/96
R277-730	Alternative High School Curriculum	20673	5YR	01/14/98	98-3/96
R277-732	Community Education	20674	5YR	01/14/98	98-3/97
R277-740	Subchapter One of the Education Improvement and Consolidation Act of 1981	20900	5YR	03/13/98	98-7/74
R277-746	Driver Education Programs for Utah Schools	20901	5YR	03/13/98	98-7/74
R277-747	Private School Student Driver Education	20902	5YR	03/13/98	98-7/74
R277-751	Special Education Extended School Year	20903	5YR	03/13/98	98-7/75
R277-912	Standards and Procedures for Post-Secondary Applied Technology Education Accreditation	20904	5YR	03/13/98	98-7/75
R277-912	Standards and Procedures for Post-Secondary Applied Technology Education Accreditation	21077	NSC	05/07/98	Not Printed
<u>Applied Technology Education (Board for), Rehabilitation</u>					
R280-200	Rehabilitation	20905	5YR	03/13/98	98-7/76
R280-200	Rehabilitation	21078	NSC	05/07/98	Not Printed
ENVIRONMENTAL QUALITY					
<u>Air Quality</u>					
R307-1-1	Foreword and Definitions	20096	AMD	01/08/98	97-21/4
R307-1-1	Foreword and Definitions	20202	AMD	01/08/98	97-23/10
R307-1-1	Foreword and Definitions	20736	AMD	04/22/98	98-5/16
R307-1-3	Control of Installations	20219	AMD	02/05/98	97-23/20
R307-1-3	Control of Installations	20740	NSC	02/05/98	Not Printed
R307-2-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	20099	AMD	01/08/98	97-21/14
R307-8	Oxygenated Gasoline Program	20771	AMD	04/22/98	98-5/26
R307-8-3	Average Oxygen Content Standard	20100	AMD	01/08/98	97-21/15
<u>Drinking Water</u>					
R309-105	Quantity Requirements	20789	EXD	02/01/98	98-5/80
R309-106	Source Development	20290	REP	03/01/98	97-24/26
R309-107	Disinfection	20291	REP	03/01/98	97-24/33
R309-108	Conventional Complete Treatment	20292	REP	03/01/98	97-24/37
R309-109	Miscellaneous Treatment Methods	20293	REP	03/01/98	97-24/47

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R309-110	Pumping Facilities	20294	REP	03/01/98	97-24/56
R309-111	Water Storage	20295	REP	03/01/98	97-24/60
R309-112	Distribution System	20296	REP	03/01/98	97-24/63
R309-113	Drinking Water Source Protection	20977	AMD	06/15/98	98-9/31
R309-114	Drinking Water Source Protection Funding	20693	NEW	see CPR	98-4/76
R309-114	Drinking Water Source Protection Funding	20693	CPR	06/15/98	98-9/60
R309-352	Drinking Water Capacity Development Funding	21027	NEW	06/19/98	98-10/38
<u>Radiation Control</u>					
R313-12	General Provisions	20234	AMD	see CPR	97-23/115
R313-12	General Provisions	20234	CPR	03/20/98	98-4/115
R313-15	Standards for Protection Against Radiation	20235	AMD	see CPR	97-23/44
R313-15	Standards for Protection Against Radiation	20235	CPR	03/20/98	98-4/120
R313-15	Standards for Protection Against Radiation	21038	5YR	04/30/98	98-10/149
R313-18	Notices, Instructions and Reports to Workers by Licensees or Registrants -- Inspections	20236	AMD	01/23/98	97-23/61
R313-25	License Requirements for Land Disposal of Radioactive Waste - General Provisions	20237	AMD	01/23/98	97-23/62
R313-32	Medical Use of Radioactive Material	20238	AMD	01/23/98	97-23/65
<u>Solid and Hazardous Waste</u>					
R315-1	Utah Hazardous Waste Definitions and References	20382	AMD	02/20/98	98-1/15
R315-2	General Requirements - Identification and Listing of Hazardous Waste	20383	AMD	02/20/98	98-1/17
R315-3	Application and Plan Approval Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	20384	AMD	02/20/98	98-1/27
R315-4	Hazardous Waste Manifest	20385	AMD	02/20/98	98-1/35
R315-6-7	Transfer Facility Requirements	20538	AMD	02/20/98	98-2/24
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	20386	AMD	02/20/98	98-1/36
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	20387	AMD	02/20/98	98-1/38
R315-13	Land Disposal Restrictions	20388	AMD	02/20/98	98-1/39
R315-14-7	Hazardous Waste Burned in Boilers and Industrial Furnaces	20389	AMD	02/20/98	98-1/40
R315-15-11	Closure	21026	AMD	06/17/98	98-10/41
R315-16	Standards for Universal Waste Management	20390	AMD	02/20/98	98-1/40
R315-50	Appendices	20391	AMD	02/20/98	98-1/50
R315-301	Solid Waste Authority, Definitions, and General Requirements	20965	5YR	04/02/98	98-9/65
R315-301-2	Definitions	19876	AMD	see CPR	97-19/23
R315-301-2	Definitions	19876	CPR	01/05/98	97-23/111
R315-301-2	Definitions	20249	NSC	01/05/98	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R315-302	Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements	20966	5YR	04/02/98	98-9/66
R315-303	Landfilling Standards	20967	5YR	04/02/98	98-9/67
R315-305	Class IV Landfill Requirements	20968	5YR	04/02/98	98-9/68
R315-306	Energy Recovery and Incinerator Standards	20969	5YR	04/02/98	98-9/69
R315-307	Landtreatment Disposal Standards	20999	5YR	04/20/98	98-10/150
R315-308	Ground Water Monitoring Requirements	21000	5YR	04/20/98	98-10/150
R315-309	Financial Assurance	21001	5YR	04/20/98	98-10/151
R315-310	Permit Requirements for Solid Waste Facilities	21002	5YR	04/20/98	98-10/152
R315-311	Permit Approval for Solid Waste Disposal, Energy Recovery, and Incinerator Facilities	21003	5YR	04/20/98	98-10/153
R315-312	Recycling and Composting Facility Standards	21004	5YR	04/20/98	98-10/154
R315-313	Transfer Stations and Drop Box Facilities	21020	5YR	04/28/98	98-10/154
R315-314	Facility Standards for Piles Used for Storage and Treatment	21021	5YR	04/28/98	98-10/155
R315-315	Special Waste Requirements	21022	5YR	04/28/98	98-10/156
R315-316	Infectious Waste Requirements	21023	5YR	04/28/98	98-10/156
R315-317	Other Processes, Variances, and Violations	21024	5YR	04/28/98	98-10/157
R315-318	Permit by Rule	21025	5YR	04/28/98	98-10/158

FINANCIAL INSTITUTIONS

Administration

R331-22	Rule Governing Reimbursement of Financial Institutions for Production of Records	20879	AMD	05/04/98	98-7/35
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HEALTH

Health Care Financing, Coverage and Reimbursement Policy

R414-1	Utah Medicaid Program	20998	AMD	06/16/98	98-10/42
R414-3X	Restriction on Use of CPR-4 Psychiatric Codes	20542	REP	02/20/98	98-2/25
R414-4X	Policy Statement on Denial of Payment to Medicaid Provider When Client Fails to Keep Scheduled Appointment	20648	5YR	01/12/98	98-3/97
R414-10A	Transplant Services Standards	20825	EMR	02/26/98	98-6/64
R414-10A	Transplant Services Standards	20652	AMD	03/19/98	98-3/44
R414-10X	Pharmacy Policy	20612	REP	02/20/98	98-2/26
R414-12	Medical Supplies Durable Medical Equipment--Prosthetics	20762	5YR	02/09/98	98-5/66
R414-13x	Section V of all Medicaid Provider Manuals: "Provider Compliance"	20922	EXD	03/15/98	98-7/80
R414-15	Patients Personal Needs Fund	20232	AMD	01/13/98	97-23/80
R414-17	Policy on Use of Oxygen Concentrators	20212	REP	01/13/98	97-23/82
R414-22	Administrative Sanction Procedures and Regulations	20653	5YR	01/13/98	98-3/97
R414-22	Administrative Sanction Procedures and Regulations	20654	AMD	03/19/98	98-3/56
R414-24	Policy Concerning the Time Frame in Which Medicaid Claims Must be Submitted for Payment	20345	REP	02/04/98	98-1/51

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R414-25X	Policy Concerning the Time Frame in Which Medicaid Claims Must be Submitted for Payment	20613	REP	02/20/98	98-2/26
R414-26	Implementation and Maintenance of the Health Care Financing Administration Common Procedure Coding System (HCPCS)	20764	5YR	02/09/98	98-5/66
R414-27	Medicare Nursing Facility Certification	20735	5YR	02/04/98	98-5/67
R414-28	Record Keeping and Disclosure for Medicaid Providers	20993	EXD	04/14/98	98-9/74
R414-30	Bureau of Facility Management Policy and Procedures Manual Part B, Hospital Preadmission and Continued Stay Review	20655	REP	03/19/98	98-3/60
R414-31x	Hospital Utilization Review	20766	5YR	02/09/98	98-5/67
R414-32	Hospital Record-keeping Policy	20767	5YR	02/09/98	98-5/68
R414-36	Bureau of Facility Management Policy and Procedures Manual	20656	REP	03/19/98	98-3/66
R414-39	Home and Community-based Services Waiver	20935	REP	05/27/98	98-8/18
R414-42	Limitations on Scope of Service for Inpatient Hospitals and Outpatient Hospitals and Limitations on Scope of Service for Physician Services	20994	EXD	04/14/98	98-9/74
R414-51	Dental, Orthodontia	21188	5YR	06/01/98	98-12/37
<u>Health Systems Improvement, Community Health Nursing</u>					
R425-1	Nurse Education Financial Assistance	20768	5YR	02/10/98	98-5/68
R425-1	Nurse Education Financial Assistance	20794	AMD	see CPR	98-6/34
R425-1	Nurse Education Financial Assistance	20794	CPR	06/03/98	98-9/61
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-1	Ambulance Rules	21034	AMD	06/23/98	98-10/45
R426-3	Utah Mobile Paramedic Rules	21035	AMD	06/23/98	98-10/52
R426-4	Emergency Medical Dispatcher Rules	21028	AMD	06/23/98	98-10/58
<u>Health Data Analysis</u>					
R428-11	Health Data Authority Ambulatory Surgical Data Reporting Rule	20192	NEW	03/15/98	97-22/21
R428-13	Health Data Authority. Audit and Reporting of HMO Performance Measures	20731	NEW	04/05/98	98-5/40
<u>Health Systems Improvement, Child Care Licensing</u>					
R430-2	General Licensing Provisions, Child Care Facilities	20264	NEW	02/04/98	97-24/66
R430-3	General Care Facility Rules Inspection and Enforcement	20265	NEW	01/21/98	97-24/69
R430-5	Child Care Facility, General Construction	20266	NEW	02/05/98	97-24/71
R430-6	Background	20267	NEW	01/20/98	97-24/75
R430-10	Notice of Intent to License, Hourly Care Provider	20645	EMR	01/09/98	98-3/86
R430-10	Notice of Intent to License, Hourly Care Provider	20684	EMR	01/20/98	98-4/122

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R430-30	Adjudicative Procedure	20268	NEW	01/21/98	97-24/79
R430-100	Child Care Facilities	20269	NEW	02/05/98	97-24/79
<u>Health Systems Improvement, Health Facility Licensure</u>					
R432-1-4	Identification Badges	20808	AMD	05/28/98	98-6/38
R432-3-9	Medicare/Medicaid Certification	20830	AMD	05/07/98	98-7/36
R432-16	Hospice Inpatient Facility Construction	20582	NEW	03/04/98	98-2/27
R432-102	Specialty Hospital - Chemical Dependency/Substance Abuse	20558	AMD	02/24/98	98-2/31
R432-151	Mental Disease Facility	20685	5YR	01/20/98	98-4/134
R432-550	Birthing Centers (Five or Less Birth Rooms)	20559	AMD	02/24/98	98-2/34
R432-600	Abortion Clinic Rule	20560	AMD	02/24/98	98-2/39
R432-700	Home Health Agency Rule	20561	AMD	02/24/98	98-2/42
R432-750	Hospice Rule	20562	AMD	03/04/98	98-2/49
<u>Laboratory Services, Laboratory Improvement</u>					
R444-14	Rules for the Certification of Environmental Laboratories	20521	R&R	02/19/98	98-1/51
HUMAN SERVICES					
<u>Administration, Administrative Hearings</u>					
R497-100	Adjudicative Proceedings	20248	AMD	01/26/98	97-24/88
<u>Administration, Administrative Services, Licensing</u>					
R501-2	Core Standards	21083	EMR	05/04/98	98-10/139
R501-14	Criminal Background Screening	21081	EMR	05/04/98	98-10/140
R501-14	Criminal Background Screening	21085	AMD	06/16/98	98-10/121
R501-15	Utah Social Services Delivery System Data Bases Screening	21039	EXD	05/01/98	98-10/168
R501-17	Adult Foster Care Standards	20179	NEW	03/15/98	97-22/24
R501-18	Abuse Background Screening	21082	EMR	05/04/98	98-10/145
R501-18	Abuse Background Screening	21086	NEW	06/16/98	98-10/126
<u>Administration, Administrative Services, Management Services</u>					
R503-5	Client Notice and Client Hearings	20895	5YR	03/13/98	98-7/76
R503-5	Client Notice and Client Hearings	20896	REP	05/02/98	98-7/37
<u>Aging and Adult Services</u>					
R510-100	Funding Formulas	20634	5YR	01/08/98	98-3/98
R510-101	Carryover Policy for Title III: Grants for State and Community Programs on Aging	20635	5YR	01/08/98	98-3/99
R510-102	Amendments to Area Plan and Management Plan	20636	5YR	01/08/98	98-3/99
R510-103	Use of Senior Centers by Long Term Care Facility Residents and Senior Citizens' Groups Participating in Activities Outside Their Planning and Service Area	20637	5YR	01/08/98	98-3/100

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R510-106	Minimum Percentage of Older Americans Act, Title III: Grants for State and Community Programs on Aging Part B: Supportive Services and Senior Centers Funds That an Area Agency on Aging Must Spend on Access, In-home and Legal Assistance	20638	5YR	01/08/98	98-3/100
R510-107	Title V Senior Community Service Employment Program Standards and Procedures	20639	5YR	01/08/98	98-3/101
R510-108	Definition of Rural for Title III: Grants for State and Community Programs on Aging Reporting Under the Older Americans Act	20640	5YR	01/08/98	98-3/101
R510-109	Definition of Significant Population of Older Native Americans	20641	5YR	01/08/98	98-3/102
R510-110	Policy Regarding Contractual Involvements of Area Agencies on Aging for Private Eldercare and Case Management Services	20642	5YR	01/08/98	98-3/102
R510-200	Long-Term Care Ombudsman Program Policy	20643	5YR	01/08/98	98-3/103
R510-400	Home and Community-Based Alternative Services Policy and Procedures	20644	5YR	01/08/98	98-3/103
<u>Child and Family Services</u>					
R512-2	Child Welfare/Aid to Families with Dependent Children (AFDC) Foster Care/Adoption	20245	AMD	02/01/98	97-24/90
R512-31	Foster Parent Due Process	20288	AMD	04/01/98	97-24/91
<u>Mental Health, State Hospital</u>					
R525-1	Patient Records	20913	EXD	03/15/98	98-7/80
R525-1	Medical Records	20919	NEW	05/25/98	98-7/40
R525-2	Patient Rights	20914	EXD	03/15/98	98-7/80
R525-2	Patient Rights	20920	NEW	05/25/98	98-7/41
R525-3	Treatment Procedures	20915	EXD	03/15/98	98-7/80
R525-3	Medication Treatment of Patients	20921	NEW	05/25/98	98-7/42
R525-4	Patient Management	20916	EXD	03/15/98	98-7/80
R525-4	Visitors	20888	NEW	05/25/98	98-7/43
R525-5	Patient Services	20917	EXD	03/15/98	98-7/80
R525-5	Background Checks	20890	NEW	05/25/98	98-7/43
R525-7	Complaints/Suggestions/Concerns	20892	NEW	05/25/98	98-7/45
<u>Recovery Services</u>					
R527-3	Definitions	20647	5YR	01/12/98	98-3/104
R527-5	Release of Information	20240	AMD	01/05/98	97-23/83
R527-39	Applicant/Recipient Cooperation	20522	NEW	02/05/98	98-1/67
R527-56	In-Kind Support	20978	5YR	04/13/98	98-9/69
R527-100	Uniform Interstate Family Support Act	21018	NEW	06/16/98	98-10/129
R527-300	Income Withholding	20723	AMD	03/18/98	98-4/77
R527-300	Income Withholding	21006	AMD	06/16/98	98-10/130
R527-301	Non IV-D Income Withholding	20724	AMD	03/18/98	98-4/80
R527-305	High-Volume, Automated Administrative Enforcement in Interstate Child Support Cases	21017	NEW	06/16/98	98-10/131

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R527-430	Administrative Notice of Lien-Levy Procedures	20523	NEW	02/05/98	98-1/68
R527-475	State Tax Refund Intercept	20725	AMD	03/18/98	98-4/82
R527-550	Assessment	20520	AMD	02/11/98	98-1/70
R527-928	Lost Checks	20518	AMD	02/17/98	98-1/71
INSURANCE					
<u>Administration</u>					
R590-79-4	Definitions	20815	AMD	05/01/98	98-6/39
R590-124	Loss Information Rule	20816	5YR	02/26/98	98-6/78
R590-128	Unfair Discrimination Based Solely on the Failure to Maintain Automobile Insurance	20817	AMD	see CPR	98-6/41
R590-128	Unfair Discrimination Based on the Failure to Maintain Automobile Insurance. (Revised)	20817	CPR	06/16/98	98-10/138
R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	18730	AMD	see CPR	97-7/36
R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	18730	CPR (First)	see Second CPR	97-15/102
R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	18730	CPR (Second)	03/01/98	97-22/105
R590-132-3	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	20590	NSC	03/01/98	Not Printed
R590-141	Licensing Rule	20826	AMD	05/01/98	98-6/42
R590-154	Unfair Marketing Practices Rule	21205	5YR	06/10/98	98-13/31
R590-155	Disclosure of Life and Disability Guaranty Association Limitations	20943	5YR	03/27/98	98-8/63
R590-157	Taxation of Surplus Lines Insurance Premiums	20944	5YR	03/27/98	98-8/64
JUDICIAL CONDUCT COMMISSION					
<u>Administration</u>					
R595-1-10	Hearing	20527	AMD	02/20/98	98-2/57
LABOR COMMISSION					
<u>Administration</u>					
R600-1	Declaratory Orders	21215	5YR	06/15/98	98-13/32
<u>Industrial Accidents</u>					
R612-2	Worker's Compensation Rules - Health Care Providers	21216	5YR	06/15/98	98-13/32
R612-3	Worker's Compensation Rules - Self-Insurance	21217	5YR	06/15/98	98-13/33
R612-5	Employee Leasing Company Worker's Compensation Insurance Policy Endorsements	21218	5YR	06/15/98	98-13/33
<u>Occupational Safety and Health</u>					
R614-1-4	Incorporation of Federal Standards	20835	AMD	05/04/98	98-7/45

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
NATURAL RESOURCES					
<u>Administration</u>					
R634-1	Americans With Disabilities Complaint Procedure	20256	NEW	01/15/98	97-24/92
<u>Energy</u>					
R636-2	Public Petitions for Declaratory Rulings	20718	EXD	02/01/98	98-4/136
R636-4	Confidential Energy Information	20719	EXD	02/01/98	98-4/136
R636-5	Administrative Procedures	20720	EXD	02/01/98	98-4/136
<u>Energy and Resource Planning</u>					
R637-1	Utah Energy Saving Systems Tax Credit (ESSTC) Rules	20678	NEW	03/05/98	98-3/73
<u>Oil, Gas and Mining Board</u>					
R641-100	General Provisions	21041	5YR	05/01/98	98-10/158
R641-101	Parties	21042	5YR	05/01/98	98-10/159
R641-102	Appearances and Representations	21043	5YR	05/01/98	98-10/159
R641-103	Intervention	21044	5YR	05/01/98	98-10/160
R641-104	Pleadings	21045	5YR	05/01/98	98-10/160
R641-105	Filing and Service	21046	5YR	05/01/98	98-10/160
R641-106	Notice and Service	21047	5YR	05/01/98	98-10/161
R641-107	Prehearing Conference	21048	5YR	05/01/98	98-10/161
R641-108	Conduct of Hearings	21049	5YR	05/01/98	98-10/162
R641-109	Decisions and Orders	21050	5YR	05/01/98	98-10/162
R641-110	Rehearing and Modification of Existing Orders	21051	5YR	05/01/98	98-10/163
R641-111	Declaratory Rulings	21052	5YR	05/01/98	98-10/163
R641-112	Rulemaking	21053	5YR	05/01/98	98-10/164
R641-113	Hearing Examiners	21054	5YR	05/01/98	98-10/164
R641-114	Exhaustion of Administrative Remedies	21055	5YR	05/01/98	98-10/164
R641-115	Deadline for Judicial Review	21056	5YR	05/01/98	98-10/165
R641-116	Judicial Review of Formal Adjudicative Proceedings	21057	5YR	05/01/98	98-10/165
R641-117	Civil Enforcement	21058	5YR	05/01/98	98-10/166
R641-118	Waivers	21059	5YR	05/01/98	98-10/166
R641-119	Severability	21060	5YR	05/01/98	98-10/167
<u>Oil, Gas and Mining: Coal</u>					
R645-100-200	Definitions	20189	AMD	03/15/98	97-22/27
R645-301-500	Engineering	20190	AMD	03/15/98	97-22/38
R645-301-700	Hydrology	20191	AMD	03/15/98	97-22/59
<u>Oil, Gas and Mining: Non-Coal</u>					
R647-1-106	Definitions	20727	AMD	06/15/98	98-4/83

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Oil, Gas and Mining: Oil and Gas</u>					
R649-1	Oil and Gas General Rules	20946	AMD	06/02/98	98-8/24
R649-2	General Rules	20947	AMD	06/02/98	98-8/27
R649-3	Drilling and Operating Practices	20948	AMD	06/02/98	98-8/28
R649-5	Underground Injection Control of Recovery Operations and Class II Injection Wells	20949	AMD	06/02/98	98-8/35
R649-8	Reporting and Report Forms	20950	AMD	06/02/98	98-8/36
R649-9	Waste Management and Disposal	20951	AMD	06/02/98	98-8/37
<u>Water Resources</u>					
R653-2	Financial Assistance from the Board of Water Resources	20722	AMD	03/18/98	98-4/85
R653-3	Selecting Private Consultants	20597	AMD	02/18/98	98-2/58
R653-4	Investigation Account	20694	AMD	03/18/98	98-4/88
R653-5	Cloud Seeding	20593	AMD	02/18/98	98-2/60
R653-7	Administrative Procedures for Informal Proceedings	20554	AMD	02/18/98	98-2/63
R653-8	Flaming Gorge Water Right Segregation	20717	NEW	03/23/98	98-4/89
<u>Water Rights</u>					
R655-5	Maps Submitted to the Division of Water Rights	20955	NEW	05/18/98	98-8/40
<u>Wildlife Resources</u>					
R657-5	Taking Big Game	20241	AMD	01/15/98	97-24/95
R657-10	Taking Cougar	20928	EMR	03/19/98	98-8/57
R657-33	Taking Bear	20929	EMR	03/19/98	98-8/58
R657-33	Taking Bear	20938	5YR	03/24/98	98-8/65
R657-33	Taking Bear	20939	AMD	05/18/98	98-8/43
R657-37	Cooperative Wildlife Management Units for Big Game	20243	AMD	01/15/98	97-24/104
R657-38	Dedicated Hunter Program	20244	AMD	01/15/98	97-24/105
R657-43	General Season Landowner Deer Permits	20700	AMD	03/18/98	98-4/90
PARDONS (BOARD OF)					
<u>Administration</u>					
R671-101	Rules	20425	AMD	02/18/98	98-1/72
R671-102	Americans with Disabilities Act Complaint Procedure Rule	20427	AMD	02/18/98	98-1/73
R671-201	Original Parole Grant Hearing Schedule and Notice	20429	AMD	02/18/98	98-1/73
R671-202	Notification of Hearings	20431	AMD	02/18/98	98-1/74
R671-203	Victim Input and Notification	20433	AMD	02/18/98	98-1/75
R671-204	Pending Charges	20435	AMD	02/18/98	98-1/76
R671-205	Credit for Time Served	20486	AMD	02/18/98	98-1/76
R671-206	Competency of Offenders	20437	AMD	02/18/98	98-1/77
R671-207	Mentally-Ill Offender Custody Transfer	20439	AMD	02/18/98	98-1/78

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R671-208	Confidentiality of Psychological Evaluations and Alienist Reports	20441	AMD	02/18/98	98-1/79
R671-301	Personal Appearance	20443	AMD	02/18/98	98-1/79
R671-302	News Media and Public Access to Hearings	20445	AMD	02/18/98	98-1/80
R671-303	Offender Access to Information	20447	AMD	02/18/98	98-1/82
R671-304	Hearing Record	20449	AMD	02/18/98	98-1/83
R671-305	Notification of Board Decision	20487	AMD	02/18/98	98-1/83
R671-307	Foreign Nationals and Offenders With Detainers	20451	AMD	02/18/98	98-1/84
R671-308	Offender Hearing Assistance	20453	AMD	02/18/98	98-1/84
R671-309	Impartial Hearings	20455	AMD	02/18/98	98-1/85
R671-310	Rescission Hearings	20457	AMD	02/18/98	98-1/86
R671-311	Special Attention Hearings and Reviews	20459	AMD	02/18/98	98-1/87
R671-312	Commutation Hearings for Death Penalty Cases	20489	AMD	02/18/98	98-1/87
R671-315	Pardons	20461	AMD	02/18/98	98-1/89
R671-316	Redetermination	20463	AMD	02/18/98	98-1/90
R671-317	Interim Decisions	20465	AMD	02/18/98	98-1/91
R671-402	Special Conditions of Parole	20469	AMD	02/18/98	98-1/91
R671-403	Restitution	20490	AMD	02/18/98	98-1/92
R671-405	Parole Termination	20471	AMD	02/18/98	98-1/93
R671-501	Warrants of Arrest	20473	AMD	02/18/98	98-1/93
R671-503	Prerevocation Hearings	20475	AMD	02/18/98	98-1/95
R671-504	Timeliness of Parole Revocation Hearings	20477	AMD	02/18/98	98-1/95
R671-505	Parole Revocation Hearings	20479	AMD	02/18/98	98-1/96
R671-507	Restarting the Parole Period	20481	AMD	02/18/98	98-1/98
R671-508	Evidentiary Hearings	20483	AMD	02/18/98	98-1/98
PROFESSIONAL PRACTICES ADVISORY COMMISSION					
<u>Administration</u>					
R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	20524	NEW	02/09/98	98-1/99
PUBLIC SAFETY					
<u>Driver License</u>					
R708-1	Rehabilitation of Alcohol and Drug Problem Drivers	20335	REP	02/10/98	98-1/107
R708-14	Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	20632	AMD	03/04/98	98-3/76
<u>Fire Marshal</u>					
R710-2	Rules Pursuant to the Utah Fireworks Act	20712	AMD	03/18/98	98-4/93
R710-3	Residential Care and Assisted Living Facilities	20713	AMD	03/18/98	98-4/94
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	20714	AMD	03/18/98	98-4/96
R710-6	Liquefied Petroleum Gas Rules	20715	AMD	03/18/98	98-4/99
R710-7	Concerns Servicing Automatic Fire Suppression Systems	20277	AMD	01/15/98	97-24/108

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R710-8	Day Care Rules	20716	AMD	03/18/98	98-4/103
R710-9	Rules Pursuant to the Utah Fire Prevention Law	20278	AMD	01/15/98	97-24/109
<u>Highway Patrol</u>					
R714-110	Permit to Operate a Motor Vehicle in Violation of Equipment Laws	21075	5YR	05/01/98	98-10/167
R714-158	Vehicle Safety Inspection Rule	20906	R&R	05/05/98	98-7/48
R714-159	Utah Street Rod Rule	20840	REP	05/05/98	98-7/56
R714-200	Department Standards for Lights and Illumination Devices on Vehicles	20907	R&R	05/05/98	98-7/57
R714-205	Vehicle Window Tinting	21040	EXD	05/01/98	98-10/168
R714-210	Air Conditioning Equipment - Requirements	20908	R&R	05/05/98	98-7/59
R714-220	Standards for Protective Headgear	20909	R&R	05/05/98	98-7/60
R714-230	Standards and Specifications for Seat Belts	20910	R&R	05/05/98	98-7/61
R714-240	Standards and Specifications for Child Restraint Devices	20911	R&R	05/05/98	98-7/62
R714-300	Brake Equipment Requirements	20912	R&R	05/05/98	98-7/63
R714-550	Rule for Spending Fees Generated by the Reinstatement of Driver Licenses	20698	AMD	03/24/98	98-4/104
<u>Law Enforcement and Technical Services, Criminal Identification</u>					
R722-1	Non-criminal Justice Agency Access to State Criminal History Files	20629	REP	03/04/98	98-3/77
<u>Law Enforcement and Technical Services, Regulatory Licensing</u>					
R724-4	Concealed Firearm Permit Rule	20806	R&R	04/16/98	98-6/46
<u>Peace Officer Standards and Training</u>					
R728-404	Basic Training Basic Academy Rules	20810	AMD	04/15/98	98-6/52
R728-408	Reserve and Auxiliary Officer Standards	20831	5YR	03/04/98	98-7/77
R728-409	Refusal, Suspension, or Revocation of Peace Officer Certification	20995	AMD	06/02/98	98-9/41
R728-411	Guidelines Regarding Administrative Action Taken Against Individuals Functioning As Peace Officers Without Peace Officer Certification Or Powers	20832	5YR	03/04/98	98-7/77
R728-502	Procedure for POST Instructor Certification	20833	5YR	03/04/98	98-7/78
R728-504	Regional Training	20834	5YR	03/04/98	98-7/78
R728-505	Service Dog Program Rules	20996	NEW	06/02/98	98-9/47
PUBLIC SERVICE COMMISSION					
<u>Administration</u>					
R746-330	Rules for Water and Sewer Utilities Operating in Utah	20957	5YR	03/31/98	98-8/65
R746-331	Determination of Exemption of Mutual Water Corporations	20626	EMR	01/05/98	98-3/87
R746-331	Determination of Exemption of Mutual Water Corporations	20627	NEW	04/06/98	98-3/78
R746-332	Depreciation Rates for Water Utilities	20964	5YR	04/02/98	98-9/70

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R746-341	Lifeline Rule	20677	AMD	04/06/98	98-3/78
R746-342	Rule on One-Way Paging	20970	5YR	04/03/98	98-9/71
R746-356-2	Definitions	20592	NSC	01/06/98	Not Printed
R746-360	Universal Public Telecommunications Service Support Fund	20956	EMR	03/31/98	98-8/59
R746-402	Rules Governing Reports of Accidents by Electric, Gas, Telephone, and Water Utilities	20971	5YR	04/03/98	98-9/71
R746-405	Rules Governing the Filing of Tariffs for Gas, Electric, Telephone, Water and Heat Utilities	20972	5YR	04/03/98	98-9/72
REGENTS (BOARD OF)					
<u>Administration</u>					
R765-134	Informal Adjudicative Procedures Under the Utah Administrative Procedures Act	20980	5YR	04/13/98	98-9/72
R765-555	Policy on Colleges and Universities Providing Facilities, Goods and Services in Competition with Private Enterprise	20981	5YR	04/13/98	98-9/73
R765-993	Records Access and Management	20982	5YR	04/13/98	98-9/73
SCHOOL AND INSTITUTIONAL TRUST LANDS					
<u>Administration</u>					
R850-80	Sale of Trust Lands	20395	AMD	02/03/98	02/03/98
STATEHOOD CENTENNIAL COMMISSION (UTAH)					
<u>Administration</u>					
R855-1	Functional Baseline: Administration	20924	EXD	03/17/98	98-8/67
R855-2	Disbursement of "Pass-Through" License Plate Revenues for Expenditure by County Centennial Committees	20925	EXD	03/17/98	98-8/67
R855-3	Disbursement of Discretionary Grants for Expenditure by County Centennial Committees, Communities, Other Groups, and Individuals	20926	EXD	03/17/98	98-8/67
TAX COMMISSION					
<u>Administration</u>					
R861-1A-23	Designation of Adjudicative Proceedings Pursuant to Utah Code Ann. Section 63-46b-4	20818	AMD	05/04/98	98-6/55
R861-1A-24	Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-502.1, 63-46b-8, and 63-46b-10	20819	AMD	05/04/98	98-6/56
R861-1A-25	Informal Adjudicative Proceedings Pursuant to Utah Code Ann. Section 63-46b-5	20820	AMD	05/04/98	98-6/57
R861-1A-26	Procedures for Formal and Informal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501, 63-46b-5, and 63-46b-6 through 63-46b-11	20821	AMD	05/04/98	98-6/57
R861-1A-27	Discovery Pursuant to Utah Code Ann. Section 63-46b-7	20822	AMD	05/04/98	98-6/59

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R861-1A-28	Evidence in Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-210, 76-8-502, 76-8-503, 63-46b-8	20823	AMD	05/04/98	98-6/59
R861-1A-32	Mediation Process Pursuant to Utah Code Section 63-46b-1	20824	AMD	05/04/98	98-6/60
<u>Auditing</u>					
R865-4D-2	Clean Special Fuel Certificate, Refund Procedures for Undyed Diesel Fuel Used Off-Highway or to Operate a Power Take-Off Unit, and Sales Tax Liability Pursuant to Utah Code Ann. Sections 59-13-301 and 59-13-304	20392	AMD	02/24/98	98-1/112
R865-19S-58	Materials and Supplies Sold to Owners, Contractors and Repairmen of Real Property Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103	20828	AMD	05/04/98	98-6/61
<u>Motor Vehicle Enforcement</u>					
R877-23V-17	Reasonable Cause for Denial, Suspension, or Revocation of License Pursuant to Utah Code Ann. Sections 41-3-105 and 41-3-209	20393	AMD	02/24/98	98-1/113
<u>Property Tax</u>					
R884-24P-7	Assessment of Mining Properties Pursuant to Utah Code Ann. Section 59-2-201	20177	AMD	01/06/98	97-22/75
R884-24P-7	Assessment of Mining Properties Pursuant to Utah Code Ann. Section 59-2-201	20649	AMD	03/10/98	98-3/81
R884-24P-7	Assessment of Mining Properties Pursuant to Utah Code Ann. Section 59-2-201	20897	AMD	05/04/98	98-7/65
R884-24P-24	Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924	20394	AMD	02/24/98	98-1/114
R884-24P-58	One-Time Decrease in Certified Rate Based on Estimated County Option Sales Tax Pursuant to Utah Code Ann. Section 59-2-924	20203	AMD	02/24/98	97-23/96
R884-24P-59	One-Time Decrease in Certified Rate Based on Estimated Additional Resort Communities Sales Tax Pursuant to Utah Code Ann. Section 59-2-924	20204	AMD	02/24/98	97-23/96
TRANSPORTATION					
<u>Motor Carrier</u>					
R909-1	Safety Regulations for Motor Carriers	20276	AMD	01/15/98	97-24/111
R909-1	Safety Regulations for Motor Carriers	20827	AMD	05/01/98	98-6/62
R909-1	Safety Regulations for Motor Carriers	21089	AMD	06/16/98	98-10/132
R909-4-11	Maximum Towing and Storage Rates	20271	AMD	02/27/98	97-24/112
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	20918	AMD	05/28/98	98-7/67

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Motor Carrier, Ports of Entry</u>					
R912-4	Limitation of Special Permit Vehicles in Provo Canyon. Legal and Permitted Vehicles	20646	5YR	01/12/98	98-3/104
<u>Operations, Traffic and Safety</u>					
R920-5-6	On Premise School Bus Loading Zones	20730	AMD	04/01/98	98-5/47
<u>Program Development</u>					
R926-2	Evaluation of Proposed Additions to the State Highway System	20942	AMD	05/29/98	98-8/47
<u>Preconstruction</u>					
R930-1	Installation of New Mailboxes and Correction of Nonconforming Mailboxes	20881	5YR	03/11/98	98-7/78
R930-5	Implementation of Agreements, Participation, Maintenance and Public Notice Responsibilities Relating to Railway-Highway Projects	20544	R&R	03/11/98	98-2/69
WORKFORCE SERVICES					
<u>Administration</u>					
R982-301	Councils	20927	AMD	05/18/98	98-8/48
<u>Employment Development</u>					
R986-211	Financial Assistance General Provisions	20845	NSC	04/01/98	Not Printed
R986-212	Financial Assistance Coverage and Conditions of Eligibility	20846	NSC	04/01/98	Not Printed
R986-213	Financial Assistance Need and Amount of Assistance	20847	NSC	04/01/98	Not Printed
R986-214	Financial Assistance Applications, Redeterminations, and Change Reporting	20848	NSC	04/01/98	Not Printed
R986-215	Financial Assistance Verification and Safeguarding Requirements	20849	AMD	05/18/98	98-7/68
R986-216	Financial Assistance Emergency Work Program (EWP)	20850	NSC	04/01/98	Not Printed
R986-218	Financial Assistance General Assistance/Self-Sufficiency Program	20851	NSC	04/01/98	Not Printed
R986-219	Financial Assistance Notice, Hearings, and Conciliation	20852	NSC	04/01/98	Not Printed
R986-220	Financial Assistance Tables	20853	NSC	04/01/98	Not Printed
R986-221	Demonstration Programs	20742	5YR	02/06/98	98-5/69
R986-221	Demonstration Programs	20854	NSC	04/01/98	Not Printed
R986-222	Adoption Assistance Program	20855	NSC	04/01/98	Not Printed
R986-301	Medicaid General Provisions	20743	5YR	02/06/98	98-5/70
R986-301	Medicaid General Provisions	20769	AMD	04/01/98	98-5/48
R986-302	Eligibility Requirements	20224	AMD	01/02/98	97-23/97
R986-302	Eligibility Requirements	20744	5YR	02/06/98	98-5/70
R986-303	Coverage Groups	20745	5YR	02/06/98	98-5/71
R986-303-301	A, B, and D Medicaid and A, B, and D Institutional Medicaid Coverage Groups	20319	AMD	02/03/98	98-1/116

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R986-304	Income and Budgeting	20746	5YR	02/06/98	98-5/71
R986-304	Income and Budgeting	20738	EMR	02/12/98	98-5/60
R986-304	Income and Budgeting	20739	AMD	04/01/98	98-5/49
R986-305	Resources	20726	EMR	02/12/98	98-4/123
R986-305	Resources	20747	5YR	02/06/98	98-5/72
R986-305	Resources	20770	AMD	04/01/98	98-5/55
R986-305	Resources	20675	AMD	05/28/98	98-3/84
R986-306	Program Benefits	20748	5YR	02/06/98	98-5/72
R986-306	Program Benefits	20777	AMD	04/01/98	98-5/57
R986-307	Eligibility Determination and Redetermination	20749	5YR	02/06/98	98-5/73
R986-307	Eligibility Determination and Redetermination	20774	AMD	04/01/98	98-5/58
R986-308	Record Management	20750	5YR	02/06/98	98-5/73
R986-309	Utah Medical Assistance Program (UMAP)	20751	5YR	02/06/98	98-5/74
R986-309-901	UMAP General Eligibility Requirements	20732	EMR	02/12/98	98-5/62
R986-309-901	UMAP General Eligibility Requirements	20960	AMD	05/18/98	98-8/50
R986-310	Demonstration Programs	20752	5YR	02/06/98	98-5/74
R986-411	General Provisions	20856	NSC	04/01/98	Not Printed
R986-412	Conditions of Eligibility	20206	AMD	01/02/98	97-23/98
R986-412	Conditions of Eligibility	20857	NSC	04/01/98	Not Printed
R986-413	Program Standards	20858	NSC	04/01/98	Not Printed
R986-414	Income	20207	AMD	01/02/98	97-23/99
R986-414	Income	20859	NSC	04/01/98	Not Printed
R986-415	Assets	20860	NSC	04/01/98	Not Printed
R986-416	Benefits	20861	NSC	04/01/98	Not Printed
R986-417	Documentation	20208	AMD	see CPR	97-23/100
R986-417	Documentation	20208	CPR	02/03/98	98-1/120
R986-417	Documentation	20862	NSC	04/01/98	Not Printed
R986-418	Case Management	20863	NSC	04/01/98	Not Printed
R986-419	Income Limits	20209	AMD	01/02/98	97-23/102
R986-419	Income Limits	20864	NSC	04/01/98	Not Printed
R986-420	Maximum Allotments	20210	AMD	01/02/98	97-23/102
R986-420	Maximum Allotments	20865	NSC	04/01/98	Not Printed
R986-421	Demonstration Programs	20211	AMD	01/02/98	97-23/103
R986-421	Demonstration Programs	20753	5YR	02/06/98	98-5/75
R986-421	Demonstration Programs	20866	NSC	04/01/98	Not Printed
R986-501	Displaced Homemaker Program	20867	NSC	04/01/98	Not Printed
R986-602	General Administrative Provisions	20868	NSC	04/01/98	Not Printed
R986-603	Participant Data System Procedures	20869	NSC	04/01/98	Not Printed
R986-701	Child Care Assistance General Provisions	20754	5YR	02/06/98	98-5/75
R986-701	Child Care Assistance General Provisions	20870	NSC	04/01/98	Not Printed
R986-702	Conditions of Eligibility and Client Payment Amount	20755	5YR	02/06/98	98-5/76
R986-702	Conditions of Eligibility and Client Payment Amount	20871	NSC	04/01/98	Not Printed
R986-703	Child Care Programs	20756	5YR	02/06/98	98-5/77
R986-703	Child Care Programs	20872	NSC	04/01/98	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R986-704	Income Rules and Eligibility Calculations	20757	5YR	02/06/98	98-5/77
R986-704	Income Rules and Eligibility Calculations	20873	NSC	04/01/98	Not Printed
R986-705	Resources	20758	5YR	02/06/98	98-5/78
R986-705	Resources	20874	NSC	04/01/98	Not Printed
R986-706	Provider Payment and Contracting	20759	5YR	02/06/98	98-5/78
R986-706	Provider Payment and Contracting	20875	NSC	04/01/98	Not Printed
R986-707	Eligibility	20760	5YR	02/06/98	98-5/79
R986-707	Eligibility	20876	NSC	04/01/98	Not Printed
R986-709	Cash Out Child Care Program	20877	NSC	04/01/98	Not Printed
<u>Workforce Information and Payment Services</u>					
R994-201	Definition of Terms in Employment Security Act	21178	5YR	05/29/98	98-12/38
R994-202	Employing Units	21179	5YR	05/29/98	98-12/38
R994-208	Definition of Wages	21180	5YR	05/29/98	98-12/39
R994-306	Charging Benefit Costs to Employers	21209	5YR	06/12/98	98-13/34
R994-307	Social Costs -- Relief of Charges	21210	5YR	06/12/98	98-13/34
R994-508	Appeal Procedures	21211	5YR	06/12/98	98-13/35
R994-600	Dislocated Workers	21181	5YR	05/29/98	98-12/39

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>ACCESS TO INFORMATION</u>					
Administrative Services, Administration	20537	R13-2	NSC	01/06/98	Not Printed
<u>ACCREDITATION</u>					
Education, Administration	20780	R277-504	AMD	04/07/98	98-5/10
	20657	R277-516	5YR	01/14/98	98-3/89
	20904	R277-912	5YR	03/13/98	98-7/75
	21077	R277-912	NSC	05/07/98	Not Printed

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>ADJUDICATIVE PROCEDURES</u>					
Community and Economic Development, Community Development, Library	21090	R223-1	5YR	05/01/98	98-11/201
Regents (Board of), Administration	20980	R765-134	5YR	04/13/98	98-9/72
<u>ADJUDICATIVE PROCEEDINGS</u>					
Public Safety, Driver License	20632	R708-14	AMD	03/04/98	98-3/76
<u>ADMINISTRATIVE PROCEDURES</u>					
Community and Economic Development, Community Development, Library	21090	R223-1	5YR	05/01/98	98-11/201
Human Services, Administration, Administrative Hearings	20248	R497-100	AMD	01/26/98	97-24/88
Natural Resources, Energy	20718	R636-2	EXD	02/01/98	98-4/136
	20720	R636-5	EXD	02/01/98	98-4/136
Natural Resources; Oil, Gas and Mining Board	21041	R641-100	5YR	05/01/98	98-10/158
	21042	R641-101	5YR	05/01/98	98-10/159
	21043	R641-102	5YR	05/01/98	98-10/159
	21044	R641-103	5YR	05/01/98	98-10/160
	21045	R641-104	5YR	05/01/98	98-10/160
	21046	R641-105	5YR	05/01/98	98-10/160
	21047	R641-106	5YR	05/01/98	98-10/161
	21048	R641-107	5YR	05/01/98	98-10/161
	21049	R641-108	5YR	05/01/98	98-10/162
	21050	R641-109	5YR	05/01/98	98-10/162
	21051	R641-110	5YR	05/01/98	98-10/163
	21052	R641-111	5YR	05/01/98	98-10/163
	21053	R641-112	5YR	05/01/98	98-10/164
	21054	R641-113	5YR	05/01/98	98-10/164
	21055	R641-114	5YR	05/01/98	98-10/164
	21056	R641-115	5YR	05/01/98	98-10/165
	21057	R641-116	5YR	05/01/98	98-10/165
	21058	R641-117	5YR	05/01/98	98-10/166
	21059	R641-118	5YR	05/01/98	98-10/166
	21060	R641-119	5YR	05/01/98	98-10/167
Natural Resources, Water Resources	20554	R653-7	AMD	02/18/98	98-2/63
School and Institutional Trust Lands, Administration	20395	R850-80	AMD	02/03/98	98-1/108
<u>ADOPTION</u>					
Human Services, Child and Family Services	20245	R512-2	AMD	02/01/98	97-24/90
<u>ADOPTION ASSISTANCE</u>					
Workforce Services, Employment Development	20855	R986-222	NSC	04/01/98	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>ADULT EDUCATION</u>					
Education, Administration	20666	R277-702	5YR	01/14/98	98-3/93
Workforce Services, Employment Development	20867	R986-501	NSC	04/01/98	Not Printed
<u>AFDC (Aid to Families with Dependent Children)</u>					
Workforce Services, Employment Development	20846	R986-212	NSC	04/01/98	Not Printed
	20847	R986-213	NSC	04/01/98	Not Printed
<u>AFDC APPLICATIONS</u>					
Workforce Services, Employment Development	20848	R986-214	NSC	04/01/98	Not Printed
<u>AGRICULTURAL LAW</u>					
Agriculture and Food, Animal Industry	20279	R58-19	NEW	01/15/98	97-24/12
Agriculture and Food, Plant Industry	20280	R68-19	NEW	01/15/98	97-24/13
	20813	R68-19-4	AMD	04/15/98	98-6/16
Agriculture and Food, Regulatory Services	20281	R70-201	NEW	01/15/98	97-24/14
	20814	R70-201-4	AMD	04/15/98	98-6/16
<u>AIR CONDITIONING</u>					
Public Safety, Highway Patrol	20908	R714-210	R&R	05/05/98	98-7/59
<u>AIR POLLUTION</u>					
Environmental Quality, Air Quality	20096	R307-1-1	AMD	01/08/98	97-21/4
	20202	R307-1-1	AMD	01/08/98	97-23/10
	20736	R307-1-1	AMD	04/22/98	98-5/16
	20219	R307-1-3	AMD	02/05/98	97-23/20
	20740	R307-1-3	NSC	02/05/98	Not Printed
	20099	R307-2-12	AMD	01/08/98	97-21/14
	20100	R307-8-3	AMD	01/08/98	97-21/15
<u>AIR POLLUTION CONTROL</u>					
Environmental Quality, Air Quality	20771	R307-8	AMD	04/22/98	98-5/26
<u>ALCOHOL</u>					
Public Safety, Highway Patrol	20698	R714-550	AMD	03/24/98	98-4/104
<u>ALTERNATIVE LANGUAGE SERVICES</u>					
Education, Administration	20669	R277-716	5YR	01/14/98	98-3/94
<u>ALTERNATIVE SCHOOL</u>					
Education, Administration	20673	R277-730	5YR	01/14/98	98-3/96
<u>ANTIPOVERTY PROGRAMS</u>					
Community and Economic Development, Community Development, Community Services	20282	R202-100	AMD	01/15/98	97-24/17
<u>APPELLATE PROCEDURES</u>					
Agriculture and Food, Administration	20931	R51-2	5YR	03/19/98	98-8/63
Workforce Services, Workforce Information and Payment Services	21211	R994-508	5YR	06/12/98	98-13/35
<u>APPLICATION</u>					
Natural Resources, Water Rights	20955	R655-5	NEW	05/18/98	98-8/40

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>APPLIED TECHNOLOGY EDUCATION</u>					
Education, Administration	20904	R277-912	5YR	03/13/98	98-7/75
	21077	R277-912	NSC	05/07/98	Not Printed
Workforce Services, Employment Development	20867	R986-501	NSC	04/01/98	Not Printed
<u>APPRAISAL</u>					
Tax Commission, Property Tax	20649	R884-24P-7	AMD	03/10/98	98-3/81
	20394	R884-24P-24	AMD	02/24/98	98-1/114
	20203	R884-24P-58	AMD	02/24/98	97-23/96
<u>ARCHITECTS</u>					
Commerce, Occupational and Professional Licensing	20200	R156-3a	AMD	see CPR	97-23/4
	20200	R156-3a	CPR	02/18/98	98-2/79
<u>ART IN PUBLIC PLACES</u>					
Community and Economic Development, Community Development, Fine Arts	20811	R207-1	5YR	02/25/98	98-6/77
	20812	R207-2	5YR	02/25/98	98-6/77
<u>ARTISTS</u>					
Community and Economic Development, Community Development, Fine Arts	20811	R207-1	5YR	02/25/98	98-6/77
<u>ART PRESERVATION</u>					
Community and Economic Development, Community Development, Fine Arts	20812	R207-2	5YR	02/25/98	98-6/77
<u>ARTS</u>					
Community and Economic Development, Community Development, Fine Arts	20811	R207-1	5YR	02/25/98	98-6/77
<u>ART WORKS</u>					
Community and Economic Development, Community Development, Fine Arts	20812	R207-2	5YR	02/25/98	98-6/77
<u>AUXILIARY OFFICERS</u>					
Public Safety, Peace Officer Standards and Training	20831	R728-408	5YR	03/04/98	98-7/77
<u>BACKGROUND CHECKS</u>					
Human Services, Mental Health, State Hospital	20890	R525-5	NEW	05/25/98	98-7/43
<u>BANKS AND BANKING</u>					
Human Services, Recovery Services	20518	R527-928	AMD	02/17/98	98-1/71
<u>BASIC ACADEMY RULES</u>					
Public Safety, Peace Officer Standards and Training	20810	R728-404	AMD	04/15/98	98-6/52
<u>BEAR</u>					
Natural Resources, Wildlife Resources	20929	R657-33	EMR	03/19/98	98-8/58
	20938	R657-33	5YR	03/24/98	98-8/65
	20939	R657-33	AMD	05/18/98	98-8/43

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>BENEFITS</u>					
Labor Commission, Industrial Accidents	21217	R612-3	5YR	06/15/98	98-13/33
Workforce Services, Employment Development	20224	R986-302	AMD	01/02/98	97-23/97
	20744	R986-302	5YR	02/06/98	98-5/70
	20860	R986-415	NSC	04/01/98	Not Printed
	20208	R986-417	AMD	see CPR	97-23/100
	20208	R986-417	CPR	02/03/98	98-1/120
	20862	R986-417	NSC	04/01/98	Not Printed
	20863	R986-418	NSC	04/01/98	Not Printed
<u>BIG GAME SEASONS</u>					
Natural Resources, Wildlife Resources	20241	R657-5	AMD	01/15/98	97-24/95
	20700	R657-43	AMD	03/18/98	98-4/90
<u>BRACHYTHERAPY</u>					
Environmental Quality, Radiation Control	20238	R313-32	AMD	01/23/98	97-23/65
<u>BRAKES</u>					
Public Safety, Highway Patrol	20912	R714-300	R&R	05/05/98	98-7/63
<u>BUDGETING</u>					
Administrative Services, Facilities Construction and Management	20706	R23-8	5YR	01/28/98	98-4/130
Workforce Services, Employment Development	20746	R986-304	5YR	02/06/98	98-5/71
	20738	R986-304	EMR	02/12/98	98-5/60
	20739	R986-304	AMD	04/01/98	98-5/49
<u>BUILDING CODES</u>					
Commerce, Occupational and Professional Licensing	20883	R156-56-302	AMD	05/04/98	98-7/28
<u>BUILDING INSPECTION</u>					
Commerce, Occupational and Professional Licensing	20883	R156-56-302	AMD	05/04/98	98-7/28
<u>BUILDINGS</u>					
Administrative Services, Facilities Construction and Management	20703	R23-5	5YR	01/28/98	98-4/128
	20708	R23-10	5YR	01/28/98	98-4/131
	20709	R23-11	5YR	01/28/98	98-4/131
	20711	R23-24	5YR	01/28/98	98-4/132
<u>CAPACITY DEVELOPMENT</u>					
Environmental Quality, Drinking Water	21027	R309-352	NEW	06/19/98	98-10/38
<u>CAPITAL PUNISHMENT</u>					
Pardons (Board of), Administration	20486	R671-205	AMD	02/18/98	98-1/76
	20489	R671-312	AMD	02/18/98	98-1/87
<u>CAREER EDUCATION</u>					
Education, Administration	20670	R277-718	5YR	01/14/98	98-3/95
<u>CARRYOVER FUNDING</u>					
Human Services, Aging and Adult Services	20635	R510-101	5YR	01/08/98	98-3/99

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>CASH OUT</u>					
Workforce Services, Employment Development	20877	R986-709	NSC	04/01/98	Not Printed
<u>CENTENNIAL</u>					
Statehood Centennial Commission (Utah), Administration	20924	R855-1	EXD	03/17/98	98-8/67
	20925	R855-2	EXD	03/17/98	98-8/67
	20926	R855-3	EXD	03/17/98	98-8/67
<u>CERTIFICATION</u>					
Public Safety, Peace Officer Standards and Training	20995	R728-409	AMD	06/02/98	98-9/41
<u>CHILD CARE</u>					
Workforce Services, Employment Development	20754	R986-701	5YR	02/06/98	98-5/75
	20870	R986-701	NSC	04/01/98	Not Printed
	20755	R986-702	5YR	02/06/98	98-5/76
	20871	R986-702	NSC	04/01/98	Not Printed
	20756	R986-703	5YR	02/06/98	98-5/77
	20872	R986-703	NSC	04/01/98	Not Printed
	20757	R986-704	5YR	02/06/98	98-5/77
	20873	R986-704	NSC	04/01/98	Not Printed
	20758	R986-705	5YR	02/06/98	98-5/78
	20874	R986-705	NSC	04/01/98	Not Printed
	20759	R986-706	5YR	02/06/98	98-5/78
	20875	R986-706	NSC	04/01/98	Not Printed
	20760	R986-707	5YR	02/06/98	98-5/79
	20876	R986-707	NSC	04/01/98	Not Printed
<u>CHILD CARE FACILITIES</u>					
Health, Health Systems Improvement, Child Care Licensing	20264	R430-2	NEW	02/04/98	97-24/66
	20265	R430-3	NEW	01/21/98	97-24/69
	20266	R430-5	NEW	02/05/98	97-24/71
	20267	R430-6	NEW	01/20/98	97-24/75
	20645	R430-10	EMR	01/09/98	98-3/86
	20684	R430-10	EMR	01/20/98	98-4/122
	20268	R430-30	NEW	01/21/98	97-24/79
	20269	R430-100	NEW	02/05/98	97-24/79
<u>CHILDREN</u>					
Workforce Services, Employment Development	20754	R986-701	5YR	02/06/98	98-5/75
	20870	R986-701	NSC	04/01/98	Not Printed
	20755	R986-702	5YR	02/06/98	98-5/76
	20871	R986-702	NSC	04/01/98	Not Printed
<u>CHILD SUPPORT</u>					
Human Services, Recovery Services	20647	R527-3	5YR	01/12/98	98-3/104
	20240	R527-5	AMD	01/05/98	97-23/83
	20522	R527-39	NEW	02/05/98	98-1/67

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	20978	R527-56	5YR	04/13/98	98-9/69
	21018	R527-100	NEW	06/16/98	98-10/129
	20723	R527-300	AMD	03/18/98	98-4/77
	21006	R527-300	AMD	06/16/98	98-10/130
	20724	R527-301	AMD	03/18/98	98-4/80
	21017	R527-305	NEW	06/16/98	98-10/131
	20523	R527-430	NEW	02/05/98	98-1/68
	20725	R527-475	AMD	03/18/98	98-4/82
	20520	R527-550	AMD	02/11/98	98-1/70
<u>CHILD WELFARE</u>					
Human Services, Child and Family Services	20245	R512-2	AMD	02/01/98	97-24/90
	20288	R512-31	AMD	04/01/98	97-24/91
Workforce Services, Employment Development	20846	R986-212	NSC	04/01/98	Not Printed
<u>CITIZENSHIP</u>					
Workforce Services, Employment Development	20861	R986-416	NSC	04/01/98	Not Printed
<u>CIVIL RIGHTS</u>					
Natural Resources, Administration	20256	R634-1	NEW	01/15/98	97-24/92
<u>CLIENT PAYMENT</u>					
Workforce Services, Employment Development	20755	R986-702	5YR	02/06/98	98-5/76
	20871	R986-702	NSC	04/01/98	Not Printed
<u>CLIENT RIGHTS</u>					
Workforce Services, Employment Development	20743	R986-301	5YR	02/06/98	98-5/70
	20856	R986-411	NSC	04/01/98	Not Printed
<u>COAL MINES</u>					
Natural Resources; Oil, Gas, and Mining; Coal	20189	R645-100-200	AMD	03/15/98	97-22/27
	20190	R645-301-500	AMD	03/15/98	97-22/38
	20191	R645-301-700	AMD	03/15/98	97-22/59
<u>COLLEGES</u>					
Regents (Board of), Administration	20980	R765-134	5YR	04/13/98	98-9/72
	20981	R765-555	5YR	04/13/98	98-9/73
	20982	R765-993	5YR	04/13/98	98-9/73
<u>COMMUNICATIONS</u>					
Public Service Commission, Administration	20592	R746-356-2	NSC	01/06/98	Not Printed
<u>COMMUNITY ACTION PROGRAMS</u>					
Community and Economic Development, Community Development, Community Services	20282	R202-100	AMD	01/15/98	97-24/17
<u>COMMUNITY HEALTH SERVICES</u>					
Health, Health Systems Improvement, Community Health Nursing	20768	R425-1	5YR	02/10/98	98-5/68

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>COMMUNITY SCHOOLS</u>					
Education, Administration	20674	R277-732	5YR	01/14/98	98-3/97
<u>COMMUNITY SERVICE</u>					
Corrections, Administration	21207	R251-307	5YR	06/11/98	98-13/34
<u>COMPLAINT PROCEDURES</u>					
Corrections, Administration	20841	R251-112	5YR	03/06/98	98-7/72
	20842	R251-112	AMD	06/15/98	98-7/32
<u>COMPLAINTS</u>					
Education, Administration	21191	R277-104	5YR	06/04/98	98-13/30
Human Services, Mental Health, State Hospital	20892	R525-7	NEW	05/25/98	98-7/45
<u>CONCEALED FIREARM PERMITS</u>					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing	20806	R724-4	R&R	04/16/98	98-6/46
<u>CONCERNS</u>					
Human Services, Mental Health, State Hospital	20892	R525-7	NEW	05/25/98	98-7/45
<u>CONDUCT</u>					
Commerce, Real Estate	20625	R162-107	NEW	03/04/98	98-2/22
Professional Practices Advisory Commission, Administration	20524	R686-100	NEW	02/09/98	98-1/99
<u>CONFIDENTIALITY</u>					
Human Services, Recovery Services	20240	R527-5	AMD	01/05/98	97-23/83
<u>CONFIDENTIALITY OF INFORMATION</u>					
Administrative Services, Administration	20537	R13-2	NSC	01/06/98	Not Printed
Natural Resources, Energy	20719	R636-4	EXD	02/01/98	98-4/136
Workforce Services, Employment Development	20849	R986-215	AMD	05/18/98	98-7/68
<u>CONSTRUCTION</u>					
Administrative Services, Facilities Construction and Management	20702	R23-4	5YR	01/28/98	98-4/128
<u>CONSTRUCTION COSTS</u>					
Administrative Services, Facilities Construction and Management	20704	R23-6	5YR	01/28/98	98-4/129
<u>CONSTRUCTION DISPUTES</u>					
Administrative Services, Facilities Construction and Management	20702	R23-4	5YR	01/28/98	98-4/128
<u>CONSULTANTS</u>					
Natural Resources, Water Resources	20597	R653-3	AMD	02/18/98	98-2/58
<u>CONTAMINATION</u>					
Environmental Quality, Radiation Control	20235	R313-15	AMD	see CPR	97-23/44
	20235	R313-15	CPR	03/20/98	98-4/120
	21038	R313-15	5YR	04/30/98	98-10/149
<u>CONTINGENCY FUND</u>					
Administrative Services, Facilities Construction and Management	20703	R23-5	5YR	01/28/98	98-4/128

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>CONTRACTING</u>					
Workforce Services, Employment Development	20759	R986-706	5YR	02/06/98	98-5/78
	20875	R986-706	NSC	04/01/98	Not Printed
<u>CONTRACTORS</u>					
Commerce, Occupational and Professional Licensing	20650	R156-55a	AMD	03/05/98	98-3/23
	20883	R156-56-302	AMD	05/04/98	98-7/28
<u>CONTRACTS</u>					
Administrative Services, Facilities Construction and Management	20702	R23-4	5YR	01/28/98	98-4/128
Corrections, Administration	20843	R251-304	5YR	03/06/98	98-7/73
	20844	R251-304	AMD	06/15/98	98-7/34
<u>CONTROLLED SUBSTANCES</u>					
Commerce, Occupational and Professional Licensing	20878	R156-37	AMD	05/04/98	98-7/8
	20941	R156-37-605	AMD	05/19/98	98-8/8
<u>COOPERATIVE WILDLIFE MANAGEMENT UNIT</u>					
Natural Resources, Wildlife Resources	20243	R657-37	AMD	01/15/98	97-24/104
<u>CORRECTIONS</u>					
Corrections, Administration	20160	R251-107	AMD	01/15/98	97-22/16
	20843	R251-304	5YR	03/06/98	98-7/73
	20844	R251-304	AMD	06/15/98	98-7/34
	21207	R251-307	5YR	06/11/98	98-13/34
	20198	R251-707	AMD	01/15/98	97-23/8
	20379	R251-710	AMD	03/15/98	98-1/14
<u>COSTS</u>					
Financial Institutions, Administration	20879	R331-22	AMD	05/04/98	98-7/35
<u>COUGAR</u>					
Natural Resources, Wildlife Resources	20928	R657-10	EMR	03/19/98	98-8/57
<u>COUNCILS</u>					
Workforce Services, Administration	20927	R982-301	AMD	05/18/98	98-8/48
<u>COUNSELORS</u>					
Commerce, Occupational and Professional Licensing	20359	R156-60c	AMD	02/03/98	98-1/6
	21008	R156-60c	AMD	06/16/98	98-10/20
<u>COVERAGE GROUPS</u>					
Workforce Services, Employment Development	20745	R986-303	5YR	02/06/98	98-5/71
	20319	R986-303-301	AMD	02/03/98	98-1/116
<u>CRIMINAL COMPETENCY</u>					
Pardons (Board of), Administration	20437	R671-206	AMD	02/18/98	98-1/77
	20439	R671-207	AMD	02/18/98	98-1/78
<u>CRIMINAL RECORDS</u>					
Public Safety, Law Enforcement and Technical Services, Criminal Identification	20629	R722-1	REP	03/04/98	98-3/77

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>CULTURE</u>					
Community and Economic Development, Community Development, Fine Arts	20811	R207-1	5YR	02/25/98	98-6/77
<u>CURRICULA</u>					
Education, Administration	20664	R277-700	5YR	01/14/98	98-3/92
	20665	R277-701	5YR	01/14/98	98-3/93
<u>DAY CARE</u>					
Public Safety, Fire Marshal	20716	R710-8	AMD	03/18/98	98-4/103
<u>DECLARATORY ORDERS</u>					
Labor Commission, Administration	21215	R600-1	5YR	06/15/98	98-13/32
<u>DEFINITIONS</u>					
Environmental Quality, Radiation Control	20234	R313-12	AMD	see CPR	97-23/115
	20234	R313-12	CPR	03/20/98	98-4/115
Workforce Services, Workforce Information and Payment Services	21178	R994-201	5YR	05/29/98	98-12/38
<u>DEMONSTRATION</u>					
Workforce Services, Employment Development	20742	R986-221	5YR	02/06/98	98-5/69
	20854	R986-221	NSC	04/01/98	Not Printed
	20752	R986-310	5YR	02/06/98	98-5/74
	20753	R986-421	5YR	02/06/98	98-5/75
	20866	R986-421	NSC	04/01/98	Not Printed
<u>DENTAL HYGIENISTS</u>					
Commerce, Occupational and Professional Licensing	20776	R156-69	AMD	04/01/98	98-5/6
<u>DENTISTS</u>					
Commerce, Occupational and Professional Licensing	20776	R156-69	AMD	04/01/98	98-5/6
<u>DEVELOPMENTALLY DISABLED</u>					
Tax Commission, Administration	20818	R861-1A-23	AMD	05/04/98	98-6/55
	20819	R861-1A-24	AMD	05/04/98	98-6/56
	20820	R861-1A-25	AMD	05/04/98	98-6/57
	20821	R861-1A-26	AMD	05/04/98	98-6/57
	20822	R861-1A-27	AMD	05/04/98	98-6/59
	20823	R861-1A-28	AMD	05/04/98	98-6/59
	20824	R861-1A-32	AMD	05/04/98	98-6/60
<u>DISABILITIES</u>					
Pardons (Board of), Administration	20427	R671-102	AMD	02/18/98	98-1/73
<u>DISABLED PERSONS</u>					
Administrative Services, Administration	20631	R13-3	5YR	01/08/98	98-3/89
Corrections, Administration	20841	R251-112	5YR	03/06/98	98-7/72
	20842	R251-112	AMD	06/15/98	98-7/32
Education, Administration	21191	R277-104	5YR	06/04/98	98-13/30
<u>DISCIPLINARY ACTIONS</u>					
Education, Administration	20781	R277-514	R&R	04/07/98	98-5/13

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>DISCIPLINARY PROBLEMS</u>					
Education, Administration	21192	R277-436	5YR	06/04/98	98-13/31
<u>DISCLOSURE REQUIREMENTS</u>					
Tax Commission, Administration	20818	R861-1A-23	AMD	05/04/98	98-6/55
	20819	R861-1A-24	AMD	05/04/98	98-6/56
	20820	R861-1A-25	AMD	05/04/98	98-6/57
	20821	R861-1A-26	AMD	05/04/98	98-6/57
	20822	R861-1A-27	AMD	05/04/98	98-6/59
	20823	R861-1A-28	AMD	05/04/98	98-6/59
	20824	R861-1A-32	AMD	05/04/98	98-6/60
<u>DISPLACED HOMEMAKERS</u>					
Workforce Services, Employment Development	20867	R986-501	NSC	04/01/98	Not Printed
<u>DIVERSION PROGRAMS</u>					
Commerce, Occupational and Professional Licensing	20973	R156-1	AMD	06/04/98	98-9/4
<u>DRINKING WATER</u>					
Environmental Quality, Drinking Water	20789	R309-105	EXD	02/01/98	98-5/80
	20290	R309-106	REP	03/01/98	97-24/26
	20291	R309-107	REP	03/01/98	97-24/33
	20292	R309-108	REP	03/01/98	97-24/37
	20293	R309-109	REP	03/01/98	97-24/47
	20294	R309-110	REP	03/01/98	97-24/56
	20295	R309-111	REP	03/01/98	97-24/60
	20296	R309-112	REP	03/01/98	97-24/63
	20977	R309-113	AMD	06/15/98	98-9/31
	20693	R309-114	NEW	see CPR	98-4/76
	20693	R309-114	CPR	06/15/98	98-9/60
	21027	R309-352	NEW	06/19/98	98-10/38
<u>DRIVER EDUCATION</u>					
Education, Administration	20901	R277-746	5YR	03/13/98	98-7/74
	20902	R277-747	5YR	03/13/98	98-7/74
<u>DRUGS</u>					
Public Safety, Highway Patrol	20698	R714-550	AMD	03/24/98	98-4/104
<u>DUE PROCESS</u>					
Human Services, Child and Family Services	20288	R512-31	AMD	04/01/98	97-24/91
<u>EDUCATION</u>					
Education, Administration	20665	R277-701	5YR	01/14/98	98-3/93
	20667	R277-709	5YR	01/14/98	98-3/94
	20670	R277-718	5YR	01/14/98	98-3/95
	20673	R277-730	5YR	01/14/98	98-3/96
<u>EDUCATIONAL ADMINISTRATION</u>					
Education, Administration	21076	R277-116	AMD	06/17/98	98-10/25
<u>EDUCATIONAL POLICY</u>					
Regents (Board of), Administration	20981	R765-555	5YR	04/13/98	98-9/73

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>EDUCATIONAL TESTING</u>					
Education, Administration	20666	R277-702	5YR	01/14/98	98-3/93
<u>EDUCATION FINANCE</u>					
	20900	R277-740	5YR	03/13/98	98-7/74
<u>ELDERCARE</u>					
Human Services, Aging and Adult Services	20642	R510-110	5YR	01/08/98	98-3/102
<u>ELDERLY</u>					
Human Services, Aging and Adult Services	20634	R510-100	5YR	01/08/98	98-3/98
	20635	R510-101	5YR	01/08/98	98-3/99
	20636	R510-102	5YR	01/08/98	98-3/99
	20637	R510-103	5YR	01/08/98	98-3/100
	20638	R510-106	5YR	01/08/98	98-3/100
	20639	R510-107	5YR	01/08/98	98-3/101
	20640	R510-108	5YR	01/08/98	98-3/101
	20641	R510-109	5YR	01/08/98	98-3/102
	20643	R510-200	5YR	01/08/98	98-3/103
	20644	R510-400	5YR	01/08/98	98-3/103
<u>ELIGIBILITY</u>					
Human Services, Child and Family Services	20245	R512-2	AMD	02/01/98	97-24/90
Workforce Services, Employment Development	20749	R986-307	5YR	02/06/98	98-5/73
	20774	R986-307	AMD	04/01/98	98-5/58
	20755	R986-702	5YR	02/06/98	98-5/76
	20871	R986-702	NSC	04/01/98	Not Printed
	20757	R986-704	5YR	02/06/98	98-5/77
	20873	R986-704	NSC	04/01/98	Not Printed
<u>EMERGENCY MEDICAL SERVICES</u>					
Health, Health Systems Improvement, Emergency Medical Services	21034	R426-1	AMD	06/23/98	98-10/45
	21035	R426-3	AMD	06/23/98	98-10/52
	21028	R426-4	AMD	06/23/98	98-10/58
<u>EMERGENCY WORK PROGRAM</u>					
Workforce Services, Employment Development	20850	R986-216	NSC	04/01/98	Not Printed
<u>EMPLOYEE LEASING COMPANY</u>					
Commerce, Occupational and Professional Licensing	20701	R156-59	5YR	01/27/98	98-4/134
	20651	R156-59	AMD	see CPR	98-3/28
	20651	R156-59	CPR	05/04/98	98-7/71
<u>EMPLOYER</u>					
Labor Commission, Industrial Accidents	21218	R612-5	5YR	06/15/98	98-13/33

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>EMPLOYMENT</u>					
Human Services, Aging and Adult Services	20639	R510-107	5YR	01/08/98	98-3/101
Workforce Services, Employment Development	20868	R986-602	NSC	04/01/98	Not Printed
	20869	R986-603	NSC	04/01/98	Not Printed
Workforce Services, Workforce Information and Payment Services	21179	R994-202	5YR	05/29/98	98-12/38
	21181	R994-600	5YR	05/29/98	98-12/39
<u>ENFORCEMENT (ADMINISTRATIVE)</u>					
Natural Resources, Energy	20718	R636-2	EXD	02/01/98	98-4/136
<u>ENGINEERS</u>					
Commerce, Occupational and Professional Licensing	20696	R156-22	5YR	01/27/98	98-4/133
<u>ENVIRONMENTAL HEALTH</u>					
Environmental Quality, Drinking Water	20789	R309-105	EXD	02/01/98	98-5/80
	20290	R309-106	REP	03/01/98	97-24/26
	20295	R309-111	REP	03/01/98	97-24/60
	20296	R309-112	REP	03/01/98	97-24/63
	20977	R309-113	AMD	06/15/98	98-9/31
	20693	R309-114	NEW	see CPR	98-4/76
	20693	R309-114	CPR	06/15/98	98-9/60
<u>ENVIRONMENTAL PROTECTION</u>					
Environmental Quality, Air Quality	20099	R307-2-12	AMD	01/08/98	97-21/14
<u>EQUAL ACCESS</u>					
Public Service Commission, Administration	20592	R746-356-2	NSC	01/06/98	Not Printed
<u>ETHICS</u>					
Natural Resources, Wildlife Resources	20244	R657-38	AMD	01/15/98	97-24/105
<u>EXCEPTIONAL CHILDREN</u>					
Education, Administration	20668	R277-710	5YR	01/14/98	98-3/94
	20900	R277-740	5YR	03/13/98	98-7/74
	20903	R277-751	5YR	03/13/98	98-7/75
<u>EXECUTIONS</u>					
Corrections, Administration	20160	R251-107	AMD	01/15/98	97-22/16
<u>EXEMPTIONS</u>					
Environmental Quality, Radiation Control	20234	R313-12	AMD	see CPR	97-23/115
	20234	R313-12	CPR	03/20/98	98-4/115
<u>EXTRACURRICULAR ACTIVITIES</u>					
Education, Administration	20660	R277-605	5YR	01/14/98	98-3/91
	20661	R277-606	5YR	01/14/98	98-3/91
<u>FEES</u>					
Labor Commission, Industrial Accidents	21216	R612-2	5YR	06/15/98	98-13/32
Public Safety, Highway Patrol	20698	R714-550	AMD	03/24/98	98-4/104

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>FINANCIAL DISCLOSURE</u>					
Workforce Services, Employment Development	20847	R986-213	NSC	04/01/98	Not Printed
	20746	R986-304	5YR	02/06/98	98-5/71
	20738	R986-304	EMR	02/12/98	98-5/60
	20739	R986-304	AMD	04/01/98	98-5/49
<u>FINANCIAL INSTITUTIONS</u>					
Financial Institutions, Administration	20879	R331-22	AMD	05/04/98	98-7/35
<u>FIRE PREVENTION</u>					
Public Safety, Fire Marshal	20714	R710-4	AMD	03/18/98	98-4/96
	20277	R710-7	AMD	01/15/98	97-24/108
	20716	R710-8	AMD	03/18/98	98-4/103
	20278	R710-9	AMD	01/15/98	97-24/109
<u>FIREWORKS</u>					
Public Safety, Fire Marshal	20712	R710-2	AMD	03/18/98	98-4/93
<u>FOOD AID PROGRAMS</u>					
Education, Administration	20671	R277-721	5YR	01/14/98	98-3/95
	20672	R277-722	5YR	01/14/98	98-3/96
<u>FOOD SALES TAX REFUNDS</u>					
Community and Economic Development, Community Development, Community Services	20282	R202-100	AMD	01/15/98	97-24/17
<u>FOOD STAMPS</u>					
Workforce Services, Employment Development	20858	R986-413	NSC	04/01/98	Not Printed
	20860	R986-415	NSC	04/01/98	Not Printed
	20861	R986-416	NSC	04/01/98	Not Printed
	20208	R986-417	AMD	see CPR	97-23/100
	20208	R986-417	CPR	02/03/98	98-1/120
	20862	R986-417	NSC	04/01/98	Not Printed
	20863	R986-418	NSC	04/01/98	Not Printed
	20209	R986-419	AMD	01/02/98	97-23/102
	20864	R986-419	NSC	04/01/98	Not Printed
	20210	R986-420	AMD	01/02/98	97-23/102
	20865	R986-420	NSC	04/01/98	Not Printed
<u>FOREIGN STUDENTS</u>					
Education, Administration	20663	R277-615	5YR	01/14/98	98-3/92
<u>FOSTER CARE</u>					
Human Services, Child and Family Services	20245	R512-2	AMD	02/01/98	97-24/90
	20288	R512-31	AMD	04/01/98	97-24/91
Human Services, Recovery Services	20520	R527-550	AMD	02/11/98	98-1/70
<u>FRAUD</u>					
Human Services, Recovery Services	20518	R527-928	AMD	02/17/98	98-1/71
<u>FREEDOM OF INFORMATION</u>					
Administrative Services, Administration	20537	R13-2	NSC	01/06/98	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>FREE ENTERPRISE</u>					
Regents (Board of), Administration	20981	R765-555	5YR	04/13/98	98-9/73
<u>FUEL</u>					
Tax Commission, Auditing	20392	R865-4D-2	AMD	02/24/98	98-1/112
<u>FUNDING</u>					
Environmental Quality, Drinking Water	21027	R309-352	NEW	06/19/98	98-10/38
<u>FUNDING FORMULA</u>					
Human Services, Aging and Adult Services	20634	R510-100	5YR	01/08/98	98-3/98
<u>GAME LAWS</u>					
Natural Resources, Wildlife Resources	20241	R657-5	AMD	01/15/98	97-24/95
	20928	R657-10	EMR	03/19/98	98-8/57
	20929	R657-33	EMR	03/19/98	98-8/58
	20938	R657-33	5YR	03/24/98	98-8/65
	20939	R657-33	AMD	05/18/98	98-8/43
<u>GANGS</u>					
Education, Administration	21192	R277-436	5YR	06/04/98	98-13/31
<u>GASOLINE</u>					
Environmental Quality, Air Quality	20771	R307-8	AMD	04/22/98	98-5/26
	20100	R307-8-3	AMD	01/08/98	97-21/15
<u>GENERAL PROVISIONS</u>					
Workforce Services, Employment Development	20754	R986-701	5YR	02/06/98	98-5/75
	20870	R986-701	NSC	04/01/98	Not Printed
<u>GIFTED CHILDREN</u>					
Education, Administration	20668	R277-710	5YR	01/14/98	98-3/94
<u>GOVERNMENT HEARINGS</u>					
Agriculture and Food, Administration	20931	R51-2	5YR	03/19/98	98-8/63
Human Services, Administration, Administrative Services, Management Services	20895	R503-5	5YR	03/13/98	98-7/76
	20896	R503-5	REP	05/02/98	98-7/37
Pardons (Board of), Administration	20486	R671-205	AMD	02/18/98	98-1/76
	20449	R671-304	AMD	02/18/98	98-1/83
	20487	R671-305	AMD	02/18/98	98-1/83
	20465	R671-317	AMD	02/18/98	98-1/91
	20490	R671-403	AMD	02/18/98	98-1/92
	20475	R671-503	AMD	02/18/98	98-1/95
	20477	R671-504	AMD	02/18/98	98-1/95
	20479	R671-505	AMD	02/18/98	98-1/96
	20483	R671-508	AMD	02/18/98	98-1/98
Workforce Services, Employment Development	20863	R986-418	NSC	04/01/98	Not Printed
<u>GOVERNMENT PURCHASING</u>					
Natural Resources, Water Resources	20597	R653-3	AMD	02/18/98	98-2/58

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>GRANTS</u>					
Community and Economic Development, Community Development, Community Services	20282	R202-100	AMD	01/15/98	97-24/17
Health, Health Systems Improvement, Community Health Nursing	20768	R425-1	5YR	02/10/98	98-5/68
	20794	R425-1	AMD	see CPR	98-6/34
	20794	R425-1	CPR	06/03/98	98-9/61
Workforce Services, Employment Development	20853	R986-220	NSC	04/01/98	Not Printed
<u>GRIEVANCE PROCEDURES</u>					
Administrative Services, Administration	20631	R13-3	5YR	01/08/98	98-3/89
Tax Commission, Administration	20818	R861-1A-23	AMD	05/04/98	98-6/55
	20819	R861-1A-24	AMD	05/04/98	98-6/56
	20820	R861-1A-25	AMD	05/04/98	98-6/57
	20821	R861-1A-26	AMD	05/04/98	98-6/57
	20822	R861-1A-27	AMD	05/04/98	98-6/59
	20823	R861-1A-28	AMD	05/04/98	98-6/59
	20824	R861-1A-32	AMD	05/04/98	98-6/60
<u>HAZARDOUS MATERIALS TRANSPORTATION</u>					
Transportation, Motor Carrier	20918	R909-75	AMD	05/28/98	98-7/67
<u>HAZARDOUS SUBSTANCES</u>					
Transportation, Motor Carrier	20918	R909-75	AMD	05/28/98	98-7/67
<u>HAZARDOUS WASTE</u>					
Community and Economic Development, Community Development, History	20528	R212-12	NEW	03/10/98	98-2/23
Environmental Quality, Solid and Hazardous Waste	20382	R315-1	AMD	02/20/98	98-1/15
	20383	R315-2	AMD	02/20/98	98-1/17
	20384	R315-3	AMD	02/20/98	98-1/27
	20385	R315-4	AMD	02/20/98	98-1/35
	20538	R315-6-7	AMD	02/20/98	98-2/24
	20386	R315-7	AMD	02/20/98	98-1/36
	20387	R315-8	AMD	02/20/98	98-1/38
	20388	R315-13	AMD	02/20/98	98-1/39
	20389	R315-14-7	AMD	02/20/98	98-1/40
	21026	R315-15-11	AMD	06/17/98	98-10/41
	20390	R315-16	AMD	02/20/98	98-1/40
	20391	R315-50	AMD	02/20/98	98-1/50
Transportation, Motor Carrier	20918	R909-75	AMD	05/28/98	98-7/67
<u>HEADGEAR</u>					
Public Safety, Highway Patrol	20909	R714-220	R&R	05/05/98	98-7/60
<u>HEALTH</u>					
Health, Health Data Analysis	20192	R428-11	NEW	03/15/98	97-22/21
	20731	R428-13	NEW	04/05/98	98-5/40

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>HEALTH FACILITIES</u>					
Health, Health Systems Improvement, Health Facility Licensure	20808	R432-1-4	AMD	05/28/98	98-6/38
	20830	R432-3-9	AMD	05/07/98	98-7/36
	20582	R432-16	NEW	03/04/98	98-2/27
	20558	R432-102	AMD	02/24/98	98-2/31
	20685	R432-151	5YR	01/20/98	98-4/134
	20559	R432-550	AMD	02/24/98	98-2/34
	20560	R432-600	AMD	02/24/98	98-2/39
	20561	R432-700	AMD	02/24/98	98-2/42
	20562	R432-750	AMD	03/04/98	98-2/49
<u>HEALTH FACILITY ADMINISTRATORS</u>					
Commerce, Occupational and Professional Licensing	20894	R156-15-302d	AMD	05/05/98	98-7/8
<u>HEALTH PLANNING</u>					
Health, Health Data Analysis	20192	R428-11	NEW	03/15/98	97-22/21
	20731	R428-13	NEW	04/05/98	98-5/40
<u>HEALTH POLICY</u>					
Health, Health Data Analysis	20731	R428-13	NEW	04/05/98	98-5/40
<u>HEARINGS</u>					
Professional Practices Advisory Commission, Administration	20524	R686-100	NEW	02/09/98	98-1/99
<u>HIGHER EDUCATION</u>					
Regents (Board of), Administration	20980	R765-134	5YR	04/13/98	98-9/72
	20981	R765-555	5YR	04/13/98	98-9/73
	20982	R765-993	5YR	04/13/98	98-9/73
<u>HIGHWAY PLANNING</u>					
Transportation, Program Development	20942	R926-2	AMD	05/29/98	98-8/47
<u>HOME CARE SERVICES</u>					
Human Services, Aging and Adult Services	20644	R510-400	5YR	01/08/98	98-3/103
<u>HOSPITAL POLICY</u>					
Health, Health Data Analysis	20192	R428-11	NEW	03/15/98	97-22/21
<u>HUMAN SERVICES</u>					
Human Services, Administration, Administrative Services, Licensing	21083	R501-2	EMR	05/04/98	98-10/139
	21081	R501-14	EMR	05/04/98	98-10/140
	21085	R501-14	AMD	06/16/98	98-10/121
	21039	R501-15	EXD	05/01/98	98-10/168
	20179	R501-17	NEW	03/15/98	97-22/24
	21082	R501-18	EMR	05/04/98	98-10/145
	21086	R501-18	NEW	06/16/98	98-10/126
Workforce Services, Employment Development	20743	R986-301	5YR	02/06/98	98-5/70
	20856	R986-411	NSC	04/01/98	Not Printed
<u>HUNTING</u>					
Natural Resources, Wildlife Resources	20244	R657-38	AMD	01/15/98	97-24/105

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>HYDROELECTRIC POWER</u>					
Natural Resources, Energy and Resource Planning	20678	R637-1	NEW	03/05/98	98-3/73
<u>INCOME</u>					
Human Services, Recovery Services	20723	R527-300	AMD	03/18/98	98-4/77
	21006	R527-300	AMD	06/16/98	98-10/130
Workforce Services, Employment Development	20847	R986-213	NSC	04/01/98	Not Printed
	20742	R986-221	5YR	02/06/98	98-5/69
	20854	R986-221	NSC	04/01/98	Not Printed
	20855	R986-222	NSC	04/01/98	Not Printed
	20224	R986-302	AMD	01/02/98	97-23/97
	20744	R986-302	5YR	02/06/98	98-5/70
	20745	R986-303	5YR	02/06/98	98-5/71
	20319	R986-303-301	AMD	02/03/98	98-1/116
	20746	R986-304	5YR	02/06/98	98-5/71
	20738	R986-304	EMR	02/12/98	98-5/60
	20739	R986-304	AMD	04/01/98	98-5/49
	20752	R986-310	5YR	02/06/98	98-5/74
	20207	R986-414	AMD	01/02/98	97-23/99
	20859	R986-414	NSC	04/01/98	Not Printed
	20211	R986-421	AMD	01/02/98	97-23/103
	20753	R986-421	5YR	02/06/98	98-5/75
	20866	R986-421	NSC	04/01/98	Not Printed
	20757	R986-704	5YR	02/06/98	98-5/77
	20873	R986-704	NSC	04/01/98	Not Printed
<u>INCOME DISREGARDS</u>					
Workforce Services, Employment Development	20853	R986-220	NSC	04/01/98	Not Printed
<u>INFORMAL PROCEDURES</u>					
Community and Economic Development, Community Development, Library	21090	R223-1	5YR	05/01/98	98-11/201
<u>INMATE</u>					
Pardons (Board of), Administration	20429	R671-201	AMD	02/18/98	98-1/73
	20431	R671-202	AMD	02/18/98	98-1/74
	20435	R671-204	AMD	02/18/98	98-1/76
	20441	R671-208	AMD	02/18/98	98-1/79
	20443	R671-301	AMD	02/18/98	98-1/79
	20447	R671-303	AMD	02/18/98	98-1/82
	20453	R671-308	AMD	02/18/98	98-1/84
	20455	R671-309	AMD	02/18/98	98-1/85
	20457	R671-310	AMD	02/18/98	98-1/86
	20459	R671-311	AMD	02/18/98	98-1/87
	20463	R671-316	AMD	02/18/98	98-1/90
	20465	R671-317	AMD	02/18/98	98-1/91

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>INMATES' RIGHTS</u>					
Pardons (Board of), Administration	20447	R671-303	AMD	02/18/98	98-1/82
<u>IN-SERVICE TRAINING</u>					
Public Safety, Peace Officer Standards and Training	20833	R728-502	5YR	03/04/98	98-7/78
	20834	R728-504	5YR	03/04/98	98-7/78
<u>INSPECTIONS</u>					
Agriculture and Food, Regulatory Services	20721	R70-530	R&R	05/16/98	98-4/10
Environmental Quality, Radiation Control	20234	R313-12	AMD	see CPR	97-23/115
	20234	R313-12	CPR	03/20/98	98-4/115
	20236	R313-18	AMD	01/23/98	97-23/61
Public Safety, Highway Patrol	20906	R714-158	R&R	05/05/98	98-7/48
<u>INSTRUCTIONAL MATERIALS</u>					
Education, Administration	20779	R277-469	NEW	04/07/98	98-5/7
<u>INSTRUCTOR CERTIFICATION</u>					
Public Safety, Peace Officer Standards and Training	20833	R728-502	5YR	03/04/98	98-7/78
<u>INSURANCE</u>					
Insurance, Administration	20826	R590-141	AMD	05/01/98	98-6/42
	21205	R590-154	5YR	06/10/98	98-13/31
	20943	R590-155	5YR	03/27/98	98-8/63
	20944	R590-157	5YR	03/27/98	98-8/64
Labor Commission, Industrial Accidents	21218	R612-5	5YR	06/15/98	98-13/33
<u>INSURANCE COMPANIES</u>					
Insurance, Administration	20816	R590-124	5YR	02/26/98	98-6/78
	20817	R590-128	AMD	see CPR	98-6/41
	20817	R590-128	CPR	06/16/98	98-10/138
<u>INSURANCE LAW</u>					
Insurance, Administration	20815	R590-79-4	AMD	05/01/98	98-6/39
	18730	R590-132	AMD	see CPR	97-7/36
	18730	R590-132	CPR (First)	see Second CPR	97-15/102
	18730	R590-132	CPR (Second)	03/01/98	97-22/105
	20590	R590-132-3	NSC	03/01/98	Not Printed
<u>INTERSTATE</u>					
Human Services, Recovery Services	21018	R527-100	NEW	06/16/98	98-10/129
	21017	R527-305	NEW	06/16/98	98-10/131
<u>INVESTIGATIONS</u>					
Public Safety, Peace Officer Standards and Training	20995	R728-409	AMD	06/02/98	98-9/41
<u>JUDGES</u>					
Judicial Conduct Commission, Administration	20527	R595-1-10	AMD	02/20/98	98-2/57

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>JUDICIAL ETHICS</u>					
Judicial Conduct Commission, Administration	20527	R595-1-10	AMD	02/20/98	98-2/57
<u>JUVENILE COURTS</u>					
Education, Administration	20667	R277-709	5YR	01/14/98	98-3/94
<u>K-9 TRAINING</u>					
Public Safety, Peace Officer Standards and Training	20996	R728-505	NEW	06/02/98	98-9/47
<u>LABORATORIES</u>					
Health, Laboratory Services, Laboratory Improvement	20521	R444-14	R&R	02/19/98	98-1/51
<u>LABOR COMMISSION</u>					
Labor Commission, Administration	21215	R600-1	5YR	06/15/98	98-13/32
<u>LANDOWNER PERMITS</u>					
Natural Resources, Wildlife Resources	20700	R657-43	AMD	03/18/98	98-4/90
<u>LAW</u>					
Public Safety, Fire Marshal	20278	R710-9	AMD	01/15/98	97-24/109
<u>LAW ENFORCEMENT OFFICERS</u>					
Public Safety, Peace Officer Standards and Training	20810	R728-404	AMD	04/15/98	98-6/52
	20831	R728-408	5YR	03/04/98	98-7/77
	20995	R728-409	AMD	06/02/98	98-9/41
	20833	R728-502	5YR	03/04/98	98-7/78
	20834	R728-504	5YR	03/04/98	98-7/78
<u>LEASES</u>					
Administrative Services, Facilities Construction and Management	20710	R23-21	5YR	01/28/98	98-4/132
<u>LEASING SERVICES</u>					
Administrative Services, Facilities Construction and Management	20710	R23-21	5YR	01/28/98	98-4/132
<u>LEGAL AID</u>					
Corrections, Administration	20198	R251-707	AMD	01/15/98	97-23/8
<u>LIBERTIES</u>					
Natural Resources, Administration	20256	R634-1	NEW	01/15/98	97-24/92
<u>LIBRARIES</u>					
Education, Administration	20657	R277-516	5YR	01/14/98	98-3/89
<u>LICENSING</u>					
Commerce, Occupational and Professional Licensing	20973	R156-1	AMD	06/04/98	98-9/4
	20200	R156-3a	AMD	see CPR	97-23/4
	20200	R156-3a	CPR	02/18/98	98-2/79
	20894	R156-15-302d	AMD	05/05/98	98-7/8
	20778	R156-16a	AMD	04/01/98	98-5/4
	20492	R156-17a	AMD	02/24/98	98-1/3
	20878	R156-37	AMD	05/04/98	98-7/8
	20941	R156-37-605	AMD	05/19/98	98-8/8
	20697	R156-40	5YR	01/27/98	98-4/133

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	20173	R156-54	AMD	see CPR	97-22/12
	20173	R156-54	CPR	02/03/98	98-1/199
	20650	R156-55a	AMD	03/05/98	98-3/23
	20883	R156-56-302	AMD	05/04/98	98-7/28
	20701	R156-59	5YR	01/27/98	98-4/134
	20651	R156-59	AMD	see CPR	98-3/28
	20651	R156-59	CPR	05/04/98	98-7/71
	20992	R156-60a	AMD	06/04/98	98-9/26
	20581	R156-60b	AMD	02/18/98	98-2/18
	21007	R156-60b	AMD	06/16/98	98-10/17
	20359	R156-60c	AMD	02/03/98	98-1/6
	21008	R156-60c	AMD	06/16/98	98-10/20
	20273	R156-60d	AMD	01/15/98	97-24/16
	20342	R156-61	AMD	02/03/98	98-1/10
	20930	R156-63	AMD	05/19/98	98-8/9
	20974	R156-67-302d	AMD	06/04/98	98-9/29
	20975	R156-68-302b	AMD	06/04/98	98-9/30
	20776	R156-69	AMD	04/01/98	98-5/6
Commerce, Real Estate	20798	R162-1	AMD	04/23/98	98-6/17
Environmental Quality, Radiation Control	20236	R313-18	AMD	01/23/98	97-23/61
Human Services, Administration, Administrative Services, Licensing	21083	R501-2	EMR	05/04/98	98-10/139
	21081	R501-14	EMR	05/04/98	98-10/140
	21085	R501-14	AMD	06/16/98	98-10/121
	21039	R501-15	EXD	05/01/98	98-10/168
	20179	R501-17	NEW	03/15/98	97-22/24
	21082	R501-18	EMR	05/04/98	98-10/145
	21086	R501-18	NEW	06/16/98	98-10/126
<u>LIFELINE RATES</u>					
Public Service Commission, Administration	20677	R746-341	AMD	04/06/98	98-3/78
<u>LIGHTS</u>					
Public Safety, Highway Patrol	20907	R714-200	R&R	05/05/98	98-7/57
<u>LIQUEFIED PETROLEUM GAS</u>					
Public Safety, Fire Marshal	20715	R710-6	AMD	03/18/98	98-4/99
<u>LONG-TERM CARE ALTERNATIVES</u>					
Human Services, Aging and Adult Services	20644	R510-400	5YR	01/08/98	98-3/103
<u>LONG-TERM CARE OMBUDSMAN</u>					
Human Services, Aging and Adult Services	20634	R510-100	5YR	01/08/98	98-3/98
<u>MAJOR SOURCES</u>					
Environmental Quality, Air Quality	20096	R307-1-1	AMD	01/08/98	97-21/4
	20202	R307-1-1	AMD	01/08/98	97-23/10
	20736	R307-1-1	AMD	04/22/98	98-5/16

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	20219	R307-1-3	AMD	02/05/98	97-23/20
	20740	R307-1-3	NSC	02/05/98	Not Printed
<u>MAPS</u>					
Natural Resources, Water Rights	20955	R655-5	NEW	05/18/98	98-8/40
<u>MARRIAGE AND FAMILY THERAPISTS</u>					
Commerce, Occupational and Professional Licensing	20581	R156-60b	AMD	02/18/98	98-2/18
	21007	R156-60b	AMD	06/16/98	98-10/17
<u>MEDICAID</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	20998	R414-1	AMD	06/16/98	98-10/42
	20542	R414-3X	REP	02/20/98	98-2/25
	20648	R414-4X	5YR	01/12/98	98-3/97
	20825	R414-10A	EMR	02/26/98	98-6/64
	20652	R414-10A	AMD	03/19/98	98-3/44
	20612	R414-10X	REP	02/20/98	98-2/26
	20762	R414-12	5YR	02/09/98	98-5/66
	20922	R414-13X	EXD	03/15/98	98-7/80
	20232	R414-15	AMD	01/13/98	97-23/80
	20212	R414-17	REP	01/13/98	97-23/82
	20653	R414-22	5YR	01/13/98	98-3/97
	20654	R414-22	AMD	03/19/98	98-3/56
	20345	R414-24	REP	02/04/98	98-1/51
	20613	R414-25X	REP	02/20/98	98-2/26
	20764	R414-26	5YR	02/09/98	98-5/66
	20735	R414-27	5YR	02/04/98	98-5/67
	20993	R414-28	EXD	04/14/98	98-9/74
	20655	R414-30	REP	03/19/98	98-3/60
	20766	R414-31X	5YR	02/09/98	98-5/67
	20767	R414-32	5YR	02/09/98	98-5/68
	20656	R414-36	REP	03/19/98	98-3/66
	20935	R414-39	REP	05/27/98	98-8/18
	20994	R414-42	EXD	04/14/98	98-9/74
	21188	R414-51	5YR	06/01/98	98-12/37
Workforce Services, Employment Development	20769	R986-301	AMD	04/01/98	98-5/48
<u>MEDICAL PRACTITIONER</u>					
Labor Commission, Industrial Accidents	21216	R612-2	5YR	06/15/98	98-13/32
<u>MEDICAL RECORDS</u>					
Mental Health, State Hospital	20913	R525-1	EXD	03/15/98	98-7/80
	20919	R525-1	NEW	05/25/98	98-7/40
	20915	R525-3	EXD	03/15/98	98-7/80
<u>MEDICATION TREATMENT</u>					
Human Services, Mental Health, State Hospital	20921	R525-3	NEW	05/25/98	98-7/42

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>MENTAL HEALTH</u>					
Commerce, Occupational and Professional Licensing	20359	R156-60c	AMD	02/03/98	98-1/6
	21008	R156-60c	AMD	06/16/98	98-10/20
<u>MENTAL HEALTH SERVICES</u>					
Mental Health, State Hospital	20916	R525-4	EXD	03/15/98	98-7/80
	20917	R525-5	EXD	03/15/98	98-7/80
<u>MINERALS RECLAMATION</u>					
Natural Resources; Oil, Gas and Mining; Non-Coal	20727	R647-1-106	AMD	06/15/98	98-4/83
<u>MOTORCYCLE</u>					
Public Safety, Highway Patrol	20909	R714-220	R&R	05/05/98	98-7/60
<u>MOTOR VEHICLES</u>					
Environmental Quality, Air Quality	20096	R307-1-1	AMD	01/08/98	97-21/4
	20202	R307-1-1	AMD	01/08/98	97-23/10
	20736	R307-1-1	AMD	04/22/98	98-5/16
	20219	R307-1-3	AMD	02/05/98	97-23/20
	20740	R307-1-3	NSC	02/05/98	Not Printed
	20771	R307-8	AMD	04/22/98	98-5/26
	20100	R307-8-3	AMD	01/08/98	97-21/15
Tax Commission, Motor Vehicle Enforcement	20393	R877-23V-17	AMD	02/24/98	98-1/113
<u>MOTOR VEHICLE SAFETY</u>					
Public Safety, Highway Patrol	20906	R714-158	R&R	05/05/98	98-7/48
	20907	R714-200	R&R	05/05/98	98-7/57
	20908	R714-210	R&R	05/05/98	98-7/59
	20910	R714-230	R&R	05/05/98	98-7/61
	20911	R714-240	R&R	05/05/98	98-7/62
	20912	R714-300	R&R	05/05/98	98-7/63
<u>MUTUAL WATER CORPORATIONS</u>					
Public Service Commission, Administration	20626	R746-331	EMR	01/05/98	98-3/87
	20627	R746-331	NEW	04/06/98	98-3/78
<u>NAMING PROCESS</u>					
Administrative Services, Facilities Construction and Management	20708	R23-10	5YR	01/28/98	98-4/131
<u>NATIVE AMERICAN</u>					
Human Services, Aging and Adult Services	20641	R510-109	5YR	01/08/98	98-3/102
<u>NEED STANDARD</u>					
Workforce Services, Employment Development	20853	R986-220	NSC	04/01/98	Not Printed
<u>NEWS AGENCIES</u>					
Pardons (Board of), Administration	20445	R671-302	AMD	02/18/98	98-1/80
<u>NUCLEAR MEDICINE</u>					
Environmental Quality, Radiation Control	20238	R313-32	AMD	01/23/98	97-23/65

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>NURSES</u>					
Health, Health Systems Improvement, Community Health Nursing	20768	R425-1	5YR	02/10/98	98-5/68
	20794	R425-1	AMD	see CPR	98-6/34
	20794	R425-1	CPR	06/03/98	98-9/61
<u>NURSING HOMES</u>					
Human Services, Aging and Adult Services	20637	R510-103	5YR	01/08/98	98-3/100
<u>OCCUPATIONAL LICENSING</u>					
Commerce, Occupational and Professional Licensing	20973	R156-1	AMD	06/04/98	98-9/4
	20650	R156-55a	AMD	03/05/98	98-3/23
<u>OIL AND GAS CONSERVATION</u>					
Natural Resources; Oil, Gas and Mining; Oil and Gas	20950	R649-8	AMD	06/02/98	98-8/36
<u>OIL AND GAS LAW</u>					
Natural Resources; Oil, Gas and Mining; Oil and Gas	20946	R649-1	AMD	06/02/98	98-8/24
	20947	R649-2	AMD	06/02/98	98-8/27
	20948	R649-3	AMD	06/02/98	98-8/28
	20949	R649-5	AMD	06/02/98	98-8/35
	20951	R649-9	AMD	06/02/98	98-8/37
<u>OMBUDSMAN</u>					
Human Services, Aging and Adult Services	20643	R510-200	5YR	01/08/98	98-3/103
<u>OPTOMETRISTS</u>					
Commerce, Occupational and Professional Licensing	20778	R156-16a	AMD	04/01/98	98-5/4
<u>OSTEOPATHIC PHYSICIANS</u>					
Commerce, Occupational and Professional Licensing	20975	R156-68-302b	AMD	06/04/98	98-9/30
<u>OSTEOPATHS</u>					
Commerce, Occupational and Professional Licensing	20975	R156-68-302b	AMD	06/04/98	98-9/30
<u>OVERSIZE/OVERWEIGHT TRUCKS</u>					
Transportation, Motor Carrier, Ports of Entry	20646	R912-4	5YR	01/12/98	98-3/104
<u>PARDONS</u>					
Pardons (Board of), Administration	20425	R671-101	AMD	02/18/98	98-1/72
	20461	R671-315	AMD	02/18/98	98-1/89
<u>PARKING FACILITIES</u>					
Administrative Services, Facilities Construction and Management	21186	R23-12	5YR	06/01/98	98-12/37
	21150	R23-13	5YR	05/15/98	98-11/200
<u>PAROLE</u>					
Pardons (Board of), Administration	20429	R671-201	AMD	02/18/98	98-1/73
	20431	R671-202	AMD	02/18/98	98-1/74
	20435	R671-204	AMD	02/18/98	98-1/76

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	20486	R671-205	AMD	02/18/98	98-1/76
	20441	R671-208	AMD	02/18/98	98-1/79
	20443	R671-301	AMD	02/18/98	98-1/79
	20447	R671-303	AMD	02/18/98	98-1/82
	20451	R671-307	AMD	02/18/98	98-1/84
	20453	R671-308	AMD	02/18/98	98-1/84
	20455	R671-309	AMD	02/18/98	98-1/85
	20457	R671-310	AMD	02/18/98	98-1/86
	20459	R671-311	AMD	02/18/98	98-1/87
	20463	R671-316	AMD	02/18/98	98-1/90
	20465	R671-317	AMD	02/18/98	98-1/91
	20469	R671-402	AMD	02/18/98	98-1/91
	20490	R671-403	AMD	02/18/98	98-1/92
	20471	R671-405	AMD	02/18/98	98-1/93
	20475	R671-503	AMD	02/18/98	98-1/95
	20477	R671-504	AMD	02/18/98	98-1/95
	20479	R671-505	AMD	02/18/98	98-1/96
	20481	R671-507	AMD	02/18/98	98-1/98
	20483	R671-508	AMD	02/18/98	98-1/98
<u>PARTICULATE MATTER</u>					
Environmental Quality, Air Quality	20099	R307-2-12	AMD	01/08/98	97-21/14
<u>PATIENTS</u>					
Mental Health, State Hospital	20916	R525-4	EXD	03/15/98	98-7/80
<u>PATIENTS' RIGHTS</u>					
Mental Health, State Hospital	20914	R525-2	EXD	03/15/98	98-7/80
	20920	R525-2	NEW	05/25/98	98-7/41
	20915	R525-3	EXD	03/15/98	98-7/80
<u>PAYING STANDARDS</u>					
Public Service Commission, Administration	20970	R746-342	5YR	04/03/98	98-9/71
<u>PEDESTRIANS</u>					
Transportation, Operations, Traffic and Safety	20730	R920-5-6	AMD	04/01/98	98-5/47
<u>PERMITS</u>					
Transportation, Motor Carrier, Ports of Entry	20646	R912-4	5YR	01/12/98	98-3/104
<u>PERSONAL PROPERTY</u>					
Tax Commission, Property Tax	20649	R884-24P-7	AMD	03/10/98	98-3/81
	20394	R884-24P-24	AMD	02/24/98	98-1/114
	20203	R884-24P-58	AMD	02/24/98	97-23/96
<u>PETROLEUM</u>					
Environmental Quality, Air Quality	20771	R307-8	AMD	04/22/98	98-5/26
	20100	R307-8-3	AMD	01/08/98	97-21/15
<u>PHARMACIES</u>					
Commerce, Occupational and Professional Licensing	20492	R156-17a	AMD	02/24/98	98-1/3

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>PHARMACISTS</u>					
Commerce, Occupational and Professional Licensing	20492	R156-17a	AMD	02/24/98	98-1/3
<u>PHYSICIANS</u>					
Commerce, Occupational and Professional Licensing	20974	R156-67-302d	AMD	06/04/98	98-9/29
<u>PILOT PROJECT</u>					
Workforce Services, Employment Development	20877	R986-709	NSC	04/01/98	Not Printed
<u>PLANNING-PROGRAMMING-BUDGETING</u>					
Administrative Services, Facilities Construction and Management	20705	R23-7	5YR	01/28/98	98-4/129
	20706	R23-8	5YR	01/28/98	98-4/130
<u>POLICE DOG TRAINING RULES</u>					
Public Safety, Peace Officer Standards and Training	20996	R728-505	NEW	06/02/98	98-9/47
<u>POLICE TRAINING</u>					
Public Safety, Peace Officer Standards and Training	20832	R728-411	5YR	03/04/98	98-7/77
<u>POPULATION</u>					
Human Services, Aging and Adult Services	20641	R510-109	5YR	01/08/98	98-3/102
<u>POSTAL SERVICE</u>					
Transportation, Preconstruction	20881	R930-1	5YR	03/11/98	98-7/78
<u>PRISON RELEASE</u>					
Pardons (Board of), Administration	20486	R671-205	AMD	02/18/98	98-1/76
<u>PRISONS</u>					
Corrections, Administration	20160	R251-107	AMD	01/15/98	97-22/16
	20196	R251-703	AMD	01/15/98	97-23/6
	20198	R251-707	AMD	01/15/98	97-23/8
	20379	R251-710	AMD	03/15/98	98-1/14
<u>PRIVACY LAW</u>					
Human Services, Recovery Services	20240	R527-5	AMD	01/05/98	97-23/83
<u>PRIVATE SCHOOLS</u>					
Education, Administration	20902	R277-747	5YR	03/13/98	98-7/74
<u>PROCEEDINGS</u>					
Judicial Conduct Commission, Administration	20527	R595-1-10	AMD	02/20/98	98-2/57
<u>PROFESSIONAL COMPETENCY</u>					
Education, Administration	20781	R277-514	R&R	04/07/98	98-5/13
	20657	R277-516	5YR	01/14/98	98-3/89
	20899	R277-508	5YR	03/13/98	98-7/73
Public Safety, Peace Officer Standards and Training	20832	R728-411	5YR	03/04/98	98-7/77
<u>PROFESSIONAL COUNSELORS</u>					
Commerce, Occupational and Professional Licensing	20359	R156-60c	AMD	02/03/98	98-1/6
	21008	R156-60c	AMD	06/16/98	98-10/20

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>PROFESSIONAL EDUCATION</u>					
Education, Administration	20780	R277-504	AMD	04/07/98	98-5/10
	20658	R277-518	5YR	01/14/98	98-3/90
<u>PROFESSIONAL ENGINEERS</u>					
Commerce, Occupational and Professional Licensing	20696	R156-22	5YR	01/27/98	98-4/133
<u>PROFESSIONAL LAND SURVEYORS</u>					
Commerce, Occupational and Professional Licensing	20696	R156-22	5YR	01/27/98	98-4/133
<u>PROGRAM BENEFITS</u>					
Workforce Services, Employment Development	20748	R986-306	5YR	02/06/98	98-5/72
	20777	R986-306	AMD	04/01/98	98-5/57
<u>PROGRAM TYPE</u>					
Workforce Services, Employment Development	20756	R986-703	5YR	02/06/98	98-5/77
	20872	R986-703	NSC	04/01/98	Not Printed
<u>PROMOTIONS</u>					
Agriculture and Food, Marketing and Conservation	20699	R65-11	NEW	03/19/98	98-4/8
<u>PROOF</u>					
Natural Resources, Water Rights	20955	R655-5	NEW	05/18/98	98-8/40
<u>PROPERTY TAX</u>					
Tax Commission, Property Tax	20649	R884-24P-7	AMD	03/10/98	98-3/81
	20394	R884-24P-24	AMD	02/24/98	98-1/114
	20203	R884-24P-58	AMD	02/24/98	97-23/96
<u>PROVIDER PAYMENT</u>					
Workforce Services, Employment Development	20759	R986-706	5YR	02/06/98	98-5/78
	20875	R986-706	NSC	04/01/98	Not Printed
<u>PSYCHIATRIC CARE</u>					
Mental Health, State Hospital	20915	R525-3	EXD	03/15/98	98-7/80
	20916	R525-4	EXD	03/15/98	98-7/80
<u>PSYCHOLOGICAL</u>					
Pardons (Board of), Administration	20441	R671-208	AMD	02/18/98	98-1/79
<u>PSYCHOLOGISTS</u>					
Commerce, Occupational and Professional Licensing	20342	R156-61	AMD	02/03/98	98-1/10
<u>PUBLIC ASSISTANCE OVERPAYMENTS</u>					
Human Services, Recovery Services	20520	R527-550	AMD	02/11/98	98-1/70
<u>PUBLIC ASSISTANCE PROGRAMS</u>					
Human Services, Recovery Services	20518	R527-928	AMD	02/17/98	98-1/71
Workforce Services, Employment Development	20845	R986-211	NSC	04/01/98	Not Printed
	20850	R986-216	NSC	04/01/98	Not Printed
	20851	R986-218	NSC	04/01/98	Not Printed
	20852	R986-219	NSC	04/01/98	Not Printed

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	20749	R986-307	5YR	02/06/98	98-5/73
	20774	R986-307	AMD	04/01/98	98-5/58
	20750	R986-308	5YR	02/06/98	98-5/73
<u>PUBLIC BUILDINGS</u>					
Administrative Services, Facilities Construction and Management	20704	R23-6	5YR	01/28/98	98-4/129
	20705	R23-7	5YR	01/28/98	98-4/129
	20706	R23-8	5YR	01/28/98	98-4/130
Public Safety, Fire Marshal	20714	R710-4	AMD	03/18/98	98-4/96
<u>PUBLIC EDUCATION</u>					
Education, Administration	20669	R277-716	5YR	01/14/98	98-3/94
<u>PUBLIC INFORMATION</u>					
Administrative Services, Administration	20537	R13-2	NSC	01/06/98	Not Printed
<u>PUBLIC SCHOOLS</u>					
Education, Administration	21192	R277-436	5YR	06/04/98	98-13/31
<u>PUBLIC UTILITIES</u>					
Public Service Commission, Administration	20957	R746-330	5YR	03/31/98	98-8/65
	20626	R746-331	EMR	01/05/98	98-3/87
	20627	R746-331	NEW	04/06/98	98-3/78
	20964	R746-332	5YR	04/02/98	98-9/70
	20970	R746-342	5YR	04/03/98	98-9/71
	20956	R746-360	EMR	03/31/98	98-8/59
	20971	R746-402	5YR	04/03/98	98-9/71
	20972	R746-405	5YR	04/03/98	98-9/72
<u>QUARANTINE</u>					
Agriculture and Food, Plant Industry	20838	R68-15	5YR	03/05/98	98-7/72
	20962	R68-15	AMD	05/16/98	98-8/2
<u>RADIATION</u>					
Environmental Quality, Radiation Control	20237	R313-25	AMD	01/23/98	97-23/62
<u>RADIATION SAFETY</u>					
Environmental Quality, Radiation Control	20236	R313-18	AMD	01/23/98	97-23/61
<u>RADIOACTIVE MATERIAL</u>					
Environmental Quality, Radiation Control	20235	R313-15	AMD	see CPR	97-23/44
	20235	R313-15	CPR	03/20/98	98-4/120
	21038	R313-15	5YR	04/30/98	98-10/149
	20236	R313-18	AMD	01/23/98	97-23/61
	20238	R313-32	AMD	01/23/98	97-23/65
<u>RADIOACTIVE WASTE DISPOSAL</u>					
Environmental Quality, Radiation Control	20237	R313-25	AMD	01/23/98	97-23/62
<u>RADIOLOGY PRACTICAL TECHNICIAN</u>					
Commerce, Occupational and Professional Licensing	20173	R156-54	AMD	see CPR	97-22/12
	20173	R156-54	CPR	02/03/98	98/1/199

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>RADIOLOGY TECHNOLOGIST</u>					
Commerce, Occupational and Professional Licensing	20173	R156-54	AMD	see CPR	97-22/12
	20173	R156-54	CPR	02/03/98	98/1/199
<u>RADIOPHARMACEUTICAL</u>					
Environmental Quality, Radiation Control	20238	R313-32	AMD	01/23/98	97-23/65
<u>RAILROAD CROSSINGS</u>					
Transportation, Preconstruction	20544	R930-5	R&R	03/11/98	98-2/69
<u>RAILROADS</u>					
Transportation, Preconstruction	20544	R930-5	R&R	03/11/98	98-2/69
<u>RATES</u>					
Workforce Services, Workforce Information and Payment Services	21209	R994-306	5YR	06/12/98	98-13/34
	21210	R994-307	5YR	06/12/98	98-13/34
<u>REAL ESTATE APPRAISAL</u>					
Commerce, Real Estate	20625	R162-107	NEW	03/04/98	98-2/22
<u>REAL ESTATE BUSINESS</u>					
Commerce, Real Estate	20798	R162-1	AMD	04/23/98	98-6/17
	20799	R162-2	AMD	04/23/98	98-6/19
	20800	R162-3	AMD	04/23/98	98-6/21
	20801	R162-4	AMD	04/23/98	98-6/23
	20802	R162-5	AMD	04/23/98	98-6/26
	20803	R162-6	AMD	04/23/98	98-6/27
	20804	R162-7	AMD	04/23/98	98-6/32
	20805	R162-10	AMD	04/23/98	98-6/33
<u>RECLAMATION</u>					
Natural Resources; Oil, Gas, and Mining; Coal	20189	R645-100-200	AMD	03/15/98	97-22/27
	20190	R645-301-500	AMD	03/15/98	97-22/38
	20191	R645-301-700	AMD	03/15/98	97-22/59
<u>RECORDS</u>					
Pardons (Board of), Administration	20447	R671-303	AMD	02/18/98	98-1/82
Workforce Services, Employment Development	20750	R986-308	5YR	02/06/98	98-5/73
<u>RECORDS ACCESS</u>					
Regents (Board of), Administration	20982	R765-993	5YR	04/13/98	98-9/73
<u>RECORDS MANAGEMENT</u>					
Regents (Board of), Administration	20982	R765-993	5YR	04/13/98	98-9/73
<u>RECREATION</u>					
Natural Resources, Wildlife Resources	20244	R657-38	AMD	01/15/98	97-24/105
<u>RECREATIONAL THERAPY</u>					
Commerce, Occupational and Professional Licensing	20697	R156-40	5YR	01/27/98	98-4/133
<u>REDETERMINATION</u>					
Workforce Services, Employment Development	20848	R986-214	NSC	04/01/98	Not Printed

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>REGIONALIZATION</u>					
Environmental Quality, Drinking Water	21027	R309-352	NEW	06/19/98	98-10/38
<u>REGIONAL TRAINING</u>					
Public Safety, Peace Officer Standards and Training	20834	R728-504	5YR	03/04/98	98-7/78
<u>REHABILITATION</u>					
Education, Applied Technology Education (Board for), Rehabilitation	20905	R280-200	5YR	03/13/98	98-7/76
	21078	R280-200	NSC	05/07/98	Not Printed
Public Safety, Driver License	20335	R708-1	REP	02/10/98	98-1/107
<u>RELIGIOUS EDUCATION</u>					
Education, Administration	20662	R277-610	5YR	01/14/98	98-3/91
<u>REPORTING</u>					
Natural Resources; Oil, Gas and Mining; Oil and Gas	20950	R649-8	AMD	06/02/98	98-8/36
<u>REPORTING CHANGES</u>					
Workforce Services, Employment Development	20848	R986-214	NSC	04/01/98	Not Printed
<u>RESERVE OFFICERS</u>					
Public Safety, Peace Officer Standards and Training	20831	R728-408	5YR	03/04/98	98-7/77
<u>RESIDENTIAL CARE/ASSISTED LIVING</u>					
Public Safety, Fire Marshal	20713	R710-3	AMD	03/18/98	98-4/94
<u>RESOURCES</u>					
Workforce Services, Employment Development	20851	R986-218	NSC	04/01/98	Not Printed
	20747	R986-305	5YR	02/06/98	98-5/72
	20726	R986-305	EMR	02/12/98	98-4/123
	20770	R986-305	AMD	04/01/98	98-5/55
	20675	R986-305	AMD	05/28/98	98-3/84
	20758	R986-705	5YR	02/06/98	98-5/78
	20874	R986-705	NSC	04/01/98	Not Printed
<u>RESTITUTION</u>					
Pardons (Board of), Administration	20490	R671-403	AMD	02/18/98	98-1/92
<u>RULES AND PROCEDURES</u>					
Public Safety, Peace Officer Standards and Training	20995	R728-409	AMD	06/02/98	98-9/41
Public Service Commission, Administration	20964	R746-332	5YR	04/02/98	98-9/70
	20677	R746-341	AMD	04/06/98	98-3/78
	20970	R746-342	5YR	04/03/98	98-9/71
	20971	R746-402	5YR	04/03/98	98-9/71
	20972	R746-405	5YR	04/03/98	98-9/72
<u>RURAL POLICY</u>					
Human Services, Aging and Adult Services	20640	R510-108	5YR	01/08/98	98-3/100

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>SAFETY</u>					
Environmental Quality, Radiation Control	20235	R313-15	AMD	see CPR	97-23/44
	20235	R313-15	CPR	03/20/98	98-4/120
	21038	R313-15	5YR	04/30/98	98-10/149
Labor Commission, Occupational Safety and Health	20835	R614-1-4	AMD	05/04/98	98-7/45
<u>SAFETY REGULATIONS</u>					
Transportation, Motor Carrier	20271	R909-4-11	AMD	02/27/98	97-24/112
	20918	R909-75	AMD	05/28/98	98-7/67
Transportation, Motor Carrier, Ports of Entry	20646	R912-4	5YR	01/12/98	98-3/104
<u>SALES</u>					
School and Institutional Trust Lands, Administration	20395	R850-80	AMD	02/03/98	98-1/108
Tax Commission, Auditing	20828	R865-19S-58	AMD	05/04/98	98-6/61
<u>SANCTIONS</u>					
Judicial Conduct Commission, Administration	20527	R595-1-10	AMD	02/20/98	98-2/57
<u>SCHOLARSHIPS</u>					
Health, Health Systems Improvement, Community Health Nursing	20794	R425-1	AMD	see CPR	98-6/34
	20794	R425-1	CPR	06/03/98	98-9/61
<u>SCHOOL BUSES</u>					
Education, Administration	20659	R277-600	5YR	01/14/98	98-3/90
<u>SCHOOL PERSONNEL</u>					
Education, Administration	20657	R277-516	5YR	01/14/98	98-3/89
	20899	R277-508	5YR	03/13/98	98-7/73
<u>SCHOOL TRANSPORTATION</u>					
Education, Administration	20659	R277-600	5YR	01/14/98	98-3/90
<u>SCHOOL YEAR</u>					
Education, Administration	20903	R277-751	5YR	03/13/98	98-7/75
<u>SEARCH AND SEIZURE</u>					
Corrections, Administration	20379	R251-710	AMD	03/15/98	98-1/14
<u>SEAT BELTS</u>					
Public Safety, Highway Patrol	20910	R714-230	R&R	05/05/98	98-7/61
	20911	R714-240	R&R	05/05/98	98-7/62
<u>SECURITIES</u>					
Commerce, Securities	20679	R164-4	AMD	03/04/98	98-3/31
	20680	R164-5	AMD	03/04/98	98-3/38
<u>SECURITIES REGULATION</u>					
Commerce, Securities	20679	R164-4	AMD	03/04/98	98-3/31
	20680	R164-5	AMD	03/04/98	98-3/38
	20681	R164-6-1g	AMD	03/04/98	98-3/40
	20682	R164-26-6	AMD	03/04/98	98-3/44
<u>SECURITY GUARDS</u>					
Commerce, Occupational and Professional Licensing	20930	R156-63	AMD	05/19/98	98-8/9

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>SECURITY MEASURES</u>					
Corrections, Administration	20379	R251-710	AMD	03/15/98	98-1/14
<u>SELF INSURANCE PLANS</u>					
Labor Commission, Industrial Accidents	21217	R612-3	5YR	06/15/98	98-13/33
<u>SENIOR CENTERS</u>					
Human Services, Aging and Adult Services	20637	R510-103	5YR	01/08/98	98-3/100
<u>SENTENCING</u>					
Pardons (Board of), Administration	20471	R671-405	AMD	02/18/98	98-1/93
<u>SERVICE COORDINATION</u>					
Human Services, Aging and Adult Services	20636	R510-102	5YR	01/08/98	98-3/99
<u>SEWERAGE</u>					
Public Service Commission, Administration	20957	R746-330	5YR	03/31/98	98-8/65
<u>SMALL BUSINESS ASSISTANCE PROGRAM</u>					
Environmental Quality, Air Quality	20099	R307-2-12	AMD	01/08/98	97-21/14
<u>SOCIAL SECURITY</u>					
Workforce Services, Employment Development	20206	R986-412	AMD	01/02/98	97-23/98
	20857	R986-412	NSC	04/01/98	Not Printed
<u>SOCIAL SERVICES</u>					
Human Services, Administration, Administrative Hearings	20248	R497-100	AMD	01/26/98	97-24/88
<u>SOCIAL WORKERS</u>					
Commerce, Occupational and Professional Licensing	20992	R156-60a	AMD	06/04/98	98-9/26
<u>SOLAR ENERGY</u>					
Natural Resources, Energy and Resource Planning	20678	R637-1	NEW	03/05/98	98-3/73
<u>SOLID WASTE MANAGEMENT</u>					
Environmental Quality, Solid and Hazardous Waste	20965	R315-301	5YR	04/02/98	98-9/65
	19876	R315-301-2	AMD	see CPR	97-19/23
	19876	R315-301-2	CPR	01/05/98	97-23/111
	20249	R315-301-2	NSC	01/05/98	Not Printed
	20966	R315-302	5YR	04/02/98	98-9/66
	20967	R315-303	5YR	04/02/98	98-9/67
	20968	R315-305	5YR	04/02/98	98-9/68
	20969	R315-306	5YR	04/02/98	98-9/69
	20999	R315-307	5YR	04/20/98	98-10/150
	21000	R315-308	5YR	04/20/98	98-10/150
	21001	R315-309	5YR	04/20/98	98-10/151
	21002	R315-310	5YR	04/20/98	98-10/152
	21003	R315-311	5YR	04/20/98	98-10/153
	21004	R315-312	5YR	04/20/98	98-10/154
	21020	R315-313	5YR	04/28/98	98-10/154

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	21021	R315-314	5YR	04/28/98	98-10/155
	21022	R315-315	5YR	04/28/98	98-10/156
	21023	R315-316	5YR	04/28/98	98-10/156
	21024	R315-317	5YR	04/28/98	98-10/157
	21025	R315-318	5YR	04/28/98	98-10/158
<u>SPACE UTILIZATION</u>					
Administrative Services, Facilities Construction and Management	20709	R23-11	5YR	01/28/98	98-4/131
<u>SPECIAL FUEL</u>					
Tax Commission, Auditing	20392	R865-4D-2	AMD	02/24/98	98-1/112
<u>STATEHOOD</u>					
Statehood Centennial Commission (Utah), Administration	20924	R855-1	EXD	03/17/98	98-8/67
	20925	R855-2	EXD	03/17/98	98-8/67
	20926	R855-3	EXD	03/17/98	98-8/67
<u>STATE OFFICE BUILDINGS</u>					
Administrative Services, Facilities Construction and Management	20705	R23-7	5YR	01/28/98	98-4/129
<u>STATE PLANNING</u>					
Administrative Services, Facilities Construction and Management	20705	R23-7	5YR	01/28/98	98-4/129
<u>STUDENT COMPETENCY</u>					
Education, Administration	20666	R277-702	5YR	01/14/98	98-3/93
<u>STUDENT FINANCIAL AID</u>					
Education, Administration	20670	R277-718	5YR	01/14/98	98-3/95
<u>STUDENTS</u>					
Education, Administration	20667	R277-709	5YR	01/14/98	98-3/94
<u>STUDENTS AT RISK</u>					
Education, Administration	21192	R277-436	5YR	06/04/98	98-13/31
<u>SUBSTANCE ABUSE COUNSELORS</u>					
Commerce, Occupational and Professional Licensing	20273	R156-60d	AMD	01/15/98	97-24/16
<u>SUGGESTIONS</u>					
Human Services, Mental Health, State Hospital	20892	R525-7	NEW	05/25/98	98-7/45
<u>SURVEYORS</u>					
Commerce, Occupational and Professional Licensing	20696	R156-22	5YR	01/27/98	98-4/133
<u>SYSTEMS</u>					
Public Safety, Fire Marshal	20277	R710-7	AMD	01/15/98	97-24/108
<u>TARIFFS</u>					
Public Service Commission, Administration	20972	R746-405	5YR	04/03/98	98-9/72
<u>TAXATION</u>					
Tax Commission, Administration	20818	R861-1A-23	AMD	05/04/98	98-6/55
	20819	R861-1A-24	AMD	05/04/98	98-6/56
	20820	R861-1A-25	AMD	05/04/98	98-6/57

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	20821	R861-1A-26	AMD	05/04/98	98-6/57
	20822	R861-1A-27	AMD	05/04/98	98-6/59
	20823	R861-1A-28	AMD	05/04/98	98-6/59
	20824	R861-1A-32	AMD	05/04/98	98-6/60
Tax Commission, Auditing	20392	R865-4D-2	AMD	02/24/98	98-1/112
Tax Commission, Motor Vehicle Enforcement	20393	R877-23V-17	AMD	02/24/98	98-1/113
Tax Commission, Property Tax	20177	R884-24P-7	AMD	01/06/98	97-22/75
	20649	R884-24P-7	AMD	03/10/98	98-3/81
	20897	R884-24P-7	AMD	05/04/98	98-7/65
	20394	R884-24P-24	AMD	02/24/98	98-1/114
	20203	R884-24P-58	AMD	02/24/98	97-23/96
	20204	R884-24P-59	AMD	02/24/98	97-23/96
<u>TAX CREDITS</u>					
Natural Resources, Energy and Resource Planning	20678	R637-1	NEW	03/05/98	98-3/73
<u>TEACHER CERTIFICATION</u>					
Education, Administration	20780	R277-504	AMD	04/07/98	98-5/10
	20781	R277-514	R&R	04/07/98	98-5/13
	20658	R277-518	5YR	01/14/98	98-3/90
Professional Practices Advisory Commission, Administration	20524	R686-100	NEW	02/09/98	98-1/99
<u>TEACHERS</u>					
Education, Administration	20899	R277-508	5YR	03/13/98	98-7/73
<u>TELECOMMUNICATIONS</u>					
Public Service Commission, Administration	20677	R746-341	AMD	04/06/98	98-3/78
	20970	R746-342	5YR	04/03/98	98-9/71
	20592	R746-356-2	NSC	01/06/98	Not Printed
	20956	R746-360	EMR	03/31/98	98-8/59
<u>TELEPHONE</u>					
Public Service Commission, Administration	20677	R746-341	AMD	04/06/98	98-3/78
<u>THERAPISTS</u>					
Commerce, Occupational and Professional Licensing	20581	R156-60b	AMD	02/18/98	98-2/18
	21007	R156-60b	AMD	06/16/98	98-10/17
<u>TOLL CALLING</u>					
Public Service Commission, Administration	20592	R746-356-2	NSC	01/06/98	Not Printed
<u>TOWING</u>					
Transportation, Motor Carrier	20271	R909-4-11	AMD	02/27/98	97-24/112
<u>TRAFFIC CONTROL</u>					
Transportation, Operations, Traffic and Safety	20730	R920-5-6	AMD	04/01/98	98-5/47

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>TRAFFIC REGULATIONS</u>					
Public Safety, Highway Patrol	21075	R714-110	5YR	05/01/98	98-10/167
	20840	R714-159	REP	05/05/98	98-7/56
	21040	R714-205	EXD	05/01/98	98-10/168
<u>TRAFFIC SAFETY</u>					
Transportation, Operations, Traffic and Safety	20730	R920-5-6	AMD	04/01/98	98-5/47
<u>TRAFFIC SIGNS</u>					
Transportation, Operations, Traffic and Safety	20730	R920-5-6	AMD	04/01/98	98-5/47
<u>TRAINING PROGRAMS</u>					
Workforce Services, Employment Development	20868	R986-602	NSC	04/01/98	Not Printed
	20869	R986-603	NSC	04/01/98	Not Printed
Workforce Services, Workforce Information and Payment Services	21181	R994-600	5YR	05/29/98	98-12/39
<u>TRANSPORTATION LAW</u>					
Administrative Services, Facilities Construction and Management	21186	R23-12	5YR	06/01/98	98-12/37
	21150	R23-13	5YR	05/15/98	98-11/200
<u>TRANSPORTATION PLANNING</u>					
Transportation, Program Development	20942	R926-2	AMD	05/29/98	98-8/47
<u>TRANSPORTATION SAFETY</u>					
Transportation, Motor Carrier	20276	R909-1	AMD	01/15/98	97-24/111
	20827	R909-1	AMD	05/01/98	98-6/62
	21089	R909-1	AMD	06/16/98	98-10/132
<u>TRUCKS</u>					
Transportation, Motor Carrier	20276	R909-1	AMD	01/15/98	97-24/111
	20827	R909-1	AMD	05/01/98	98-6/62
	21089	R909-1	AMD	06/16/98	98-10/132
	20271	R909-4-11	AMD	02/27/98	97-24/112
<u>TRUSTS</u>					
Workforce Services, Employment Development	20747	R986-305	5YR	02/06/98	98-5/72
	20726	R986-305	EMR	02/12/98	98-4/123
	20770	R986-305	AMD	04/01/98	98-5/55
	20675	R986-305	AMD	05/28/98	98-3/84
<u>UMAP (Utah Medical Assistance Program)</u>					
Workforce Services, Employment Development	20751	R986-309	5YR	02/06/98	98-5/74
	20732	R986-309-901	EMR	02/12/98	98-5/62
	20960	R986-309-901	AMD	05/18/98	98-8/50
<u>UNEMPLOYED WORKERS</u>					
Workforce Services, Employment Development	20868	R986-602	NSC	04/01/98	Not Printed
	20869	R986-603	NSC	04/01/98	Not Printed

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Workforce Services, Workforce Information and Payment Services	21181	R994-600	5YR	05/29/98	98-12/39
<u>UNEMPLOYMENT</u>					
Workforce Services, Employment Development	20868	R986-602	NSC	04/01/98	Not Printed
	20869	R986-603	NSC	04/01/98	Not Printed
Workforce Services, Workforce Information and Payment Services	21181	R994-600	5YR	05/29/98	98-12/39
<u>UNEMPLOYMENT COMPENSATION</u>					
Workforce Services, Workforce Information and Payment Services	21178	R994-201	5YR	05/29/98	98-12/38
	21179	R994-202	5YR	05/29/98	98-12/38
	21180	R994-208	5YR	05/29/98	98-12/39
	21209	R994-306	5YR	06/12/98	98-13/34
	21210	R994-307	5YR	06/12/98	98-13/34
	21211	R994-508	5YR	06/12/98	98-13/35
<u>UNITS</u>					
Environmental Quality, Radiation Control	20234	R313-12	AMD	see CPR	97-23/115
	20234	R313-12	CPR	03/20/98	98-4/115
<u>UNIVERSAL SERVICE</u>					
Public Service Commission, Administration	20956	R746-360	EMR	03/31/98	98-8/59
<u>USED OIL</u>					
Environmental Quality, Solid and Hazardous Waste	21026	R315-15-11	AMD	06/17/98	98-10/41
<u>UTILITY REGULATION</u>					
Public Service Commission, Administration	20972	R746-405	5YR	04/03/98	98-9/72
<u>VERIFICATION</u>					
Workforce Services, Employment Development	20849	R986-215	AMD	05/18/98	98-7/68
<u>VICTIMS OF CRIMES</u>					
Pardons (Board of), Administration	20433	R671-203	AMD	02/18/98	98-1/75
<u>VISITORS</u>					
Human Services, Mental Health, State Hospital	20888	R525-4	NEW	05/25/98	98-7/43
<u>VOCATIONAL EDUCATION</u>					
Education, Administration	20658	R277-518	5YR	01/14/98	98-3/90
Education, Applied Technology Education (Board for), Rehabilitation	20905	R280-200	5YR	03/13/98	98-7/76
	21078	R280-200	NSC	05/07/98	Not Printed
<u>WAGES</u>					
Human Services, Recovery Services	20723	R527-300	AMD	03/18/98	98-4/77
	21006	R527-300	AMD	06/16/98	98-10/130
Workforce Services, Workforce Information and Payment Services	21180	R994-208	5YR	05/29/98	98-12/39
<u>WARRANTS</u>					
Pardons (Board of), Administration	20473	R671-501	AMD	02/18/98	98-1/93

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>WASTE DISPOSAL</u>					
Environmental Quality, Radiation Control	20235	R313-15	AMD	see CPR	97-23/44
	20235	R313-15	CPR	03/20/98	98-4/120
	21038	R313-15	5YR	04/30/98	98-10/149
Environmental Quality, Solid and Hazardous Waste	20965	R315-301	5YR	04/02/98	98-9/65
	19876	R315-301-2	AMD	see CPR	97-19/23
	19876	R315-301-2	CPR	01/05/98	97-23/111
	20249	R315-301-2	NSC	01/05/98	Not Printed
	20966	R315-302	5YR	04/02/98	98-9/66
	20967	R315-303	5YR	04/02/98	98-9/67
	20968	R315-305	5YR	04/02/98	98-9/68
	20969	R315-306	5YR	04/02/98	98-9/69
	20999	R315-307	5YR	04/20/98	98-10/150
	21000	R315-308	5YR	04/20/98	98-10/150
	21001	R315-309	5YR	04/20/98	98-10/151
	21002	R315-310	5YR	04/20/98	98-10/152
	21003	R315-311	5YR	04/20/98	98-10/153
	21004	R315-312	5YR	04/20/98	98-10/154
	21021	R315-314	5YR	04/28/98	98-10/155
	21022	R315-315	5YR	04/28/98	98-10/156
21023	R315-316	5YR	04/28/98	98-10/156	
21024	R315-317	5YR	04/28/98	98-10/157	
21025	R315-318	5YR	04/28/98	98-10/158	
<u>WATER</u>					
Public Service Commission, Administration	20957	R746-330	5YR	03/31/98	98-8/65
	20626	R746-331	EMR	01/05/98	98-3/87
	20627	R746-331	NEW	04/06/98	98-3/78
	20964	R746-332	5YR	04/02/98	98-9/70
<u>WATER CONSERVATION</u>					
Natural Resources, Water Resources	20694	R653-4	AMD	03/18/98	98-4/88
<u>WATER DEVELOPMENT</u>					
Natural Resources, Water Resources	20717	R653-8	NEW	03/23/98	98-4/89
<u>WATER FUNDING</u>					
Natural Resources, Water Resources	20722	R653-2	AMD	03/18/98	98-4/85
<u>WATER POLICY</u>					
Natural Resources, Water Resources	20694	R653-4	AMD	03/18/98	98-4/88
	20593	R653-5	AMD	02/18/98	98-2/60
	20717	R653-8	NEW	03/23/98	98-4/89
<u>WATER QUALITY</u>					
Public Service Commission, Administration	20957	R746-330	5YR	03/31/98	98-8/65
<u>WATER RIGHTS</u>					
Natural Resources, Water Rights	20955	R655-5	NEW	05/18/98	98-8/40

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>WATERSHED MANAGEMENT</u>					
Environmental Quality, Drinking Water	20294	R309-110	REP	03/01/98	97-24/56
<u>WATER TREATMENT</u>					
Environmental Quality, Drinking Water	20291	R309-107	REP	03/01/98	97-24/33
	20292	R309-108	REP	03/01/98	97-24/37
	20293	R309-109	REP	03/01/98	97-24/47
<u>WEATHER MODIFICATION</u>					
Natural Resources, Water Resources	20593	R653-5	AMD	02/18/98	98-2/60
<u>WELFARE</u>					
Human Services, Recovery Services	20647	R527-3	5YR	01/12/98	98-3/104
<u>WILDLIFE</u>					
Natural Resources, Wildlife Resources	20241	R657-3	AMD	01/15/98	97-24/95
	20928	R657-10	EMR	03/19/98	98-8/57
	20929	R657-33	EMR	03/19/98	98-8/58
	20938	R657-33	5YR	03/24/98	98-8/65
	20939	R657-33	AMD	05/18/98	98-8/43
	20243	R657-37	AMD	01/15/98	97-24/104
	20244	R657-38	AMD	01/15/98	97-24/105
	20700	R657-43	AMD	03/18/98	98-4/90
<u>WIND POWER</u>					
Natural Resources, Energy and Resource Planning	20678	R637-1	NEW	03/05/98	98-3/73
<u>WORKERS' COMPENSATION</u>					
Labor Commission, Industrial Accidents	21216	R612-2	5YR	06/15/98	98-13/32
	21217	R612-3	5YR	06/15/98	98-13/33
	21218	R612-5	5YR	06/15/98	98-13/33
<u>YOUTH CORRECTIONS</u>					
Human Services, Recovery Services	20520	R527-550	AMD	02/11/98	98-1/70
<u>ZONING</u>					
Administrative Services, Facilities Construction and Management	20707	R23-9	5YR	01/28/98	98-4/130