

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed August 15, 1998 12:00 a.m. - September 1, 1998 11:59 p.m.

Number 98-18
September 15, 1998

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 information, and on-line versions of these publications, visit the division's web site at: <http://www.rules.state.ut.us/>

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Bulletin* and *Digest* are printed and distributed semi-monthly by Legislative Printing. Annual subscription rates (24 issues) are \$150 for the *Bulletin* and \$35 for the *Digest*. Inquiries concerning subscription, billing, or changes of address should be addressed to:

LEGISLATIVE PRINTING
PO BOX 140107
SALT LAKE CITY, UT 84114-0107
(801) 538-1103
FAX (801) 538-1728

ISSN 0882-4738

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SPECIAL NOTICES

DEPARTMENT OF HEALTH

PUBLIC NOTICE NURSING FACILITY REIMBURSEMENT RATES

The Utah Medicaid Agency hereby gives public notice that the Nursing Facility Reimbursement rates for the period beginning July 1, 1998, are, on the average, increased by the factor of 3%. This percentage is based on the inflation adjustment calculated using the methodology outlined in the Medicaid State Plan, plus an additional 1/2% factor, reflecting funds appropriated by the Utah State Legislature for special needs.

Written comments can be sent to the attention of Blaine Goff and the public may review the proposed changes at: Division of Health Care Financing, Utah State Department of Health, 288 North 1460 West, Salt Lake City, Utah 84114-2580.

EXECUTIVE ORDER

Whereas, the danger from wildland fires is extremely high throughout the State of Utah; and

Whereas, numerous wildland fires are burning and continue to burn in various areas statewide and present a serious threat to public safety, property, natural resources and the environment; and

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

Whereas, immediate action is required to suppress the fires to protect public safety, property, natural resources and the environment; and

Whereas, these conditions do create a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981; and

Now, Therefore, I, Michael O. Leavitt, Governor of the State of Utah, by virtue of the power vested in me by the constitution and the laws of the State of Utah;

Do Hereby Order That: It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of August 28, 1998, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

In Testimony, Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 28th day of August 1998.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

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 August 15, 1998, 12:00 a.m., and September 15, 1998, 11:59 p.m., are included in this, the September 15, 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 October 15, 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 January 13, 1999, 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.

Agriculture and Food, Plant Industry
R68-3
 Utah Fertilizer Act Governing Fertilizers
 and Soil Amendments

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 21389
 FILED: 08/19/1998, 12:42
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule establishes the standards for the registration of fertilizer or soil amendment products distributed in Utah.

SUMMARY OF THE RULE OR CHANGE: Include within the rule guidelines for the registration of any waste-derived fertilizer distributed as a single ingredient product or blended with other fertilizer ingredients.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 4-2-2 and 4-13-4

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No anticipated cost or savings to the state budget. The fee is charged to the registrant for fertilizer and soil product registration.

❖LOCAL GOVERNMENTS: No anticipated cost or savings to local government. The fee is charged to the registrant for fertilizer and soil product registration.

❖OTHER PERSONS: The cost to the distributor would be the fee to register the product or products.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A fee is charged for registration of products.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is a \$25 fee to distributors to register products for distribution within the state.

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

Agriculture and Food
 Plant Industry
 350 North Redwood Road
 PO Box 146500
 Salt Lake City, UT 84114-6500, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Clair Allen at the above address, by phone at (801) 538-7287, by FAX at (801) 538-7126, or by Internet E-mail at agmain.callen@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 10/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: Cary G. Peterson, Commissioner

R68. Agriculture and Food, Plant Industry.

R68-3. Utah Fertilizer Act Governing Fertilizers and Soil Amendments.

R68-3-2. Registration of Products.

A. All fertilizer or soil amendment products distributed in Utah shall be officially registered with the Utah Department of Agriculture and Food.

1. Application for registration shall be made to the Department upon forms prescribed and provided by the Department and shall include the following information for each product:

- a. The net weight,
- b. The brand and grade,
- c. The guaranteed analysis,
- d. The name and address and phone number of the registrant.
- e. The label for each product registered.

f. Any waste-derived fertilizer distributed as a single ingredient product or blended with other fertilizer ingredients must be identified as "waste-derived fertilizer" by the registrant in the application for registration. "Waste-derived fertilizer" shall include any commercial fertilizer that is derived from an industrial byproduct, coproduct or other material that would otherwise be disposed of if a market for reuse were not an option, but does not include fertilizers derived from biosolids or biosolids products regulated under Environmental Protection Agency Code of Federal Regulation, Section 503.

g. The registrant of a waste-derived fertilizer shall state in the application for registration the levels of non-nutritive metals (including but not limited to arsenic, cadmium, mercury, lead and selenium). The registrant will provide a laboratory report or other documentation verifying the levels of the non-nutritive metals in the waste-derived fertilizer.

2. The Commissioner may require submission of the complete formula of any fertilizer or soil amendment if it shall be deemed necessary for administration of the Utah Fertilizer Act. If it appears to the Commissioner that the composition of the product is such as to warrant the proposed claims for it, and if the product and its labeling and any other information which may be required to be submitted comply with the requirements of the act, the products shall be registered.

a. Before registering any soil amendment the Commissioner shall require evidence to substantiate the claims made for the soil amendment and proof of the value and usefulness of the soil amendment. Such supportive data shall accompany the application for registration and shall be obtained from one or more State Experiment Stations. Cost for such research shall be the responsibility of the applicant. Final decision concerning registration of a soil amendment shall be made by the Commissioner following evaluation of all evidence presented.

3. The registrant is responsible for the accuracy and completeness of all information submitted concerning application for registration of a fertilizer or soil amendment product.

4. Once a fertilizer or soil amendment is registered under the act, no further registration is required, as long as the label does not differ in any respect.

5. Whenever the name of fertilizer or soil amendment product is changed or there are changes in the product ingredients or guaranteed analysis, a new registration shall be required. Other labeling changes shall not require re-registration, but the registrant shall submit copies of all changes to the Department as soon as they are effective. A reasonable time may be permitted to dispose of properly labeled stocks of the old product.

6. A registration fee determined by the department pursuant to Subsection 4-2-2(2), per product shall be paid by the applicant annually.

7. Each registration is renewable for a period of one year upon payment of the annual renewal fee determined by the department pursuant to Subsection 4-2-2(2), per product which shall be paid on or before December 31 of each year. If the renewal of a fertilizer or soil amendment registration is not filed prior to January 1 of any year, an additional fee of \$5.00 shall be assessed and added to the original registration fee and shall be paid by the applicant before the registration renewal for that fertilizer or soil amendment shall be issued.

8. A distributor is not required to register each grade of commercial fertilizer or soil amendment formulated by a consumer before mixing, but is required to register the name under which the business of blending or mixing is conducted and to pay an annual blender's license fee determined by the department pursuant to Subsection 4-2-2(2). A blender's license shall expire at midnight on December 31 of the year in which it is issued. A blender's license is renewable for a period of one year upon the payment of an annual license renewal fee. For Each renewal of a fertilizer or soil amendment blender's license not filed prior to January 1 of any one year, an additional fee of \$5.00 shall be assessed and added to the original license fee and shall be paid by the applicant before the license shall be issued.

9. Beginning January 1, 1991 and on a semi-annual basis, fertilizer and soil amendment products sold in the State of Utah will be assessed a fee determined by the department pursuant to Subsection 4-2-2(2). This assessment shall be paid by the manufacturer or distributor on or before February 1st each year for the sales period July 1 through December 31 and again on or before August 1st each year for the sales period January 1 through June 30. The amount of assessment will be determined by records of the previous six month's sales.

R68-3-6. Unlawful Acts.

A. Any person who has committed any acts included but not limited to those listed below is in violation of the Utah Fertilizer Act or rules promulgated thereunder and is subject to penalties provided for in Section 4-2-14:

1. Made false or fraudulent claims through any media misrepresenting the effect of fertilizers or soil amendments offered for sale in Utah;
2. Neglected or, after notice, refused to comply with the provisions of the act, these rules, or any lawful order of the Commissioner;
3. Made false or fraudulent records, invoices, or reports;
4. Used fraud or misrepresentations in making application for, or renewal of a registration or license;
5. Distributed commercial fertilizer or soil amendments which contain seeds or other viable plant parts or noxious weeds.

6. Distributed any waste-derived fertilizer that has not been identified in the registration application.

KEY: fertilizers

~~[1991]~~1998

4-2-2

Notice of Continuation April 15, 1996



**Commerce, Occupational and
 Professional Licensing
 R156-44a
 Nurse Midwife Practice Act Rules**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21405

FILED: 09/01/1998, 13:46

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 1998 legislative session, Title 58, Chapter 44a, the Nurse Midwife Practice Act, was amended by H.B. 351. Changes are being made in the rule to reflect the changes made to the statute.

(**DAR Note:** H.B. 351 is found at 1998 Utah Laws 288, and was effective July 1, 1998.)

SUMMARY OF THE RULE OR CHANGE: This amendment does the following: deletes unnecessary definitions; adds definitions for "approved certified nurse midwifery education program," "delegation," "supervision," and "generally recognized scope and standards of nurse midwifery"; changes renewal requirements to be consistent with the new statute requirements; establishes criteria for the quality review program required for license renewal; clarifies the requirements to reactivate and reinstate a license; establishes a fine schedule as required by statute; adds failure to abide by the approved certified nurse midwife (ACNM) Code of Ethics as unprofessional conduct; deletes the section regarding prescriptive authority and written policies which are not necessary with the changes in the statute; and adds a section regarding guidelines for delegation of nursing tasks which reflect the same section in the Nurse Practice Act.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-44a-101, and Subsections 58-1-106(1) and 58-1-202(1)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Adds: "Core Competencies for Basic Midwifery Practice," May 1997; "Standards for the Practice of Nurse-Midwifery," August 1993; and "Code of Ethics for Certified Nurse-Midwives," May 1990, as published by the American College of Nurse Midwives.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No costs or savings are anticipated as a result of these proposed rule changes. However, changes made in the statute to incorporate prescriptive authority into the certified nurse midwife license will save the \$60 application fee if a state agency were to pay for an employee.

❖LOCAL GOVERNMENTS: No costs or savings are anticipated as a result of these proposed rule changes. However, changes made in the statute to incorporate prescriptive authority into the certified nurse midwife license will save the \$60 application fee if a local authority were to pay for an employee.

❖OTHER PERSONS: No costs or savings are anticipated as a result of these proposed rule changes. However, there may be savings of a \$60 application fee for those certified nurse midwives applying for licensure who wish to prescribe due to changes made in the statute. The changes made in the statute also require certified nurse midwives to participate in a quality review program which may include a fee that is unknown at this time.

COMPLIANCE COSTS FOR AFFECTED PERSONS: To maintain a license to practice as a certified nurse midwife, licensees will be required to participate in a quality review program. The cost of a quality review program is unknown at this time.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of the amendment to this rule is to bring it into compliance with the amendments to the licensing statutes enacted during the 1998 legislative session. The rule changes will have no fiscal impact on the state or local government budgets, with the exception of a savings of \$60 per practitioner for governmental units currently paying the application fees for applicants seeking prescription authority. The rule changes will also save applicants seeking prescription authority the current \$60 application fee. The amended statute provides for quality review programs to be instituted and the cost of such implementation is unknown at this time--Douglas C. Borba

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Laura Poe at the above address, by phone at (801) 530-6789, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.lpoe@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 10/15/1998; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 09/30/1998, 1:00 p.m., 160 East 300 South, Room 205, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-44a. Nurse Midwife Practice Act Rules.**

R156-44a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 44a, as used in Title 58, Chapters 1 and 44a or these rules:

~~—(1) "Approved continuing education" as stated in R156-44a-303 means:~~

~~—(a) continuing education that has been approved by a professional nationally recognized approver of health related continuing education including American College of Nurse Midwives, American College of Obstetricians and Gynecologists, American Nurses Association, National League for Nursing, Accreditation Council for Continuing Medical Education, Association of Women's Health, Obstetric and Neonatal Nurses (formerly NAACOG), and National Association of Pediatric Nurse Associates and Practitioners; and~~

~~—(b) nursing education courses taken from an approved education program as defined in Subsections 58-44a-302(5), 58-31-2(2) and Section R156-31-701.~~

~~—(2) "Consultation and referral plan" as used in Subsection 58-44a-601(3) means a written document which includes the nature, frequency and methods of consultation between a nurse midwife and a consulting physician, the plan for initiation of consultation by and between the parties, and the methods of documentation of consultation.~~

~~—(3) "Contact hour" means 50 minutes.]~~

(1) "Approved certified nurse midwifery education program" means an educational program which is accredited by the American College of Nurse Midwives.

(2) "CNM" means a certified nurse midwife.

(3) "Delegation" means transferring to an individual the authority to perform a selected nursing task in a selected situation. The nurse retains accountability for the delegation.

(4) "Direct supervision" as used in Section 58-44a-305 means that the person providing supervision [~~or consultation~~] shall be available on the premises at which the supervisee or consultee is engaged in practice.

(5) [~~"Temporary license" as used in Section 58-44a-305 is defined as an intern license.~~]Generally recognized scope and standards of nurse midwifery" means the scope and standards of practice set forth in the "Core Competencies for Basic Midwifery Practice", May 1997, and the "Standards for the Practice of Nurse-Midwifery", August 1993, published by the American College of Nurse Midwives which are hereby adopted and incorporated by reference, or as established by the professional community.

(6) "Supervision" in Section R156-44a-601 means the provision of guidance or direction, evaluation and follow up by the certified nurse midwife for accomplishment of tasks delegated to unlicensed assistive personnel or other licensed individuals.

~~(6) "Unprofessional conduct," as defined in Title 58, Chapters 1 and 44a, is further defined [in accordance with Subsection 58-1-203(5)] in Section R156-44a-502.~~

R156-44a-302a. Qualifications for Licensure - Examination Requirements.

In accordance with Subsection ~~[s 58-1-203(2) and 58-1-301(3)]~~ 58-44a-302(5), the examination required for licensure ~~[in Section 58-44a-302]~~ is the national certifying examination administered by the American College of Nurse Midwives Certification Council, Inc.

R156-44a-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 44a is established by rule in Section R156-1-308.

(2) Renewal procedures shall be in accordance with Section R156-1-308.

(3) ~~[Continuing Competency Requirement.]~~ Each applicant for licensure renewal shall comply with the following continuing competence requirements ~~[have complied with the following and shall certify compliance to the division and board upon application for renewal or reinstatement]:~~

~~—(a) Nurse Midwife:~~

~~—(ii) have practiced as a nurse midwife satisfactorily for at least 400 hours during the two years immediately preceding application for renewal; and~~

~~—(iii) have completed 30 contact hours of approved continuing education in the two years immediately preceding application for renewal, of which ten contact hours shall be in the subject of pharmacology if the nurse midwife holds prescriptive authority:~~

~~—(b) Prescriptive Authority:~~

~~—(i) have met requirements for renewal and renewed a nurse midwife license;~~

~~—(ii) have completed ten contact hours of approved pharmacology related continuing education in the two years immediately preceding application for renewal. These required ten hours of education may be included in the 30 hours required to renew a nurse midwife license;~~

~~—(iii) shall have on file with the division a current consultation and referral plan; and~~

~~—(iv) have not engaged in any act or omission in the exercise of prescriptive authority which demonstrates a threat to the public interest:]~~

(a) hold a valid certification from the American College of Nurse Midwives Certification Council, Inc; and

(b) actively participate in a quality review program defined in Section R156-44a-304.

R156-44a-304. Quality Review Program.

In accordance with Subsection 58-44a-303(2)(c), quality review programs must meet the following criteria for division approval.

(1) The program shall consist of a program provider (provider), program staff, and CNMs, and shall be under the direction of the quality review provider.

(2) The provider shall clearly demonstrate that its personnel have the knowledge and expertise in the practice of nurse midwifery and quality review to permit the provider to competently conduct a quality review program.

(3) The review process shall be conducted on a regular, systematic basis.

(4) A quality review program shall provide in its agreement between the provider and the licensee that:

(a) Upon a finding of gross incompetence, gross negligence, or a pattern of incompetence or negligence, the provider shall submit its findings to the division for appropriate action.

(b) If the licensee fails to substantially comply with a corrective action plan determined appropriate by the provider after a negative review by the provider, said failure shall be reported to the division for appropriate action.

(c) The provider shall make available to the division the results of a quality review upon the proper issuance of a subpoena by the division.

R156-44a-305. Inactive Licensure.

(1) A licensee may apply for inactive licensure status in accordance with Sections 58-1-305 and R156-1-305.

(2) To reactivate a license which has been inactive for five years or less, the licensee must document current compliance with the continuing competency requirements as established in Subsection R156-44a-303(3).

(3) To reactivate a license which has been inactive for more than five years, the licensee must document one of the following:

(a) active licensure in another state or jurisdiction;

(b) completion of a refresher program approved by the American College of Nurse Midwives; or

(c) passing score on the required examinations as defined in Section R156-44a-302 within six months prior to making application to reactivate a license.

R156-44a-402. Administrative Penalties.

In accordance with Subsections 58-44a-102(1) and 58-44a-402(1), unless otherwise ordered by the presiding officer, the following fine schedule shall apply.

(1) Engaging in practice as a CNM or RN when not licensed or exempt from licensure: initial offense: \$2,000 - \$5,000

subsequent offense(s): \$5,000 - \$10,000

(2) Representing oneself as a CNM or RN when not licensed: initial offense: \$100 - \$500

subsequent offense(s): \$200 - \$1,000

(3) Using any title that would indicate that one is licensed under this chapter:

initial offense: \$100 - \$500

subsequent offense(s): \$200 - \$1,000

(4) Practicing or attempting to practice nursing without a license or with a restricted license:

initial offense: \$2,000 - \$5,000

subsequent offense(s): \$5,000 - \$10,000

(5) Impersonating a licensee or practicing under a false name: initial offense: \$500 - \$2,000

subsequent offense(s): \$2,000 - \$10,000

(6) Knowingly employing an unlicensed person:

initial offense: \$500 - \$1,000

subsequent offense(s): \$1,000 - \$5,000

(7) Knowingly permitting the use of a license by another person:

initial offense: \$500 - \$1,000

subsequent offense(s): \$1,000 - \$5,000

(8) Obtaining a passing score, applying for or obtaining a license, or otherwise dealing with the division or board through the use of fraud, forgery, intentional deception, misrepresentation, misstatement, or omission:

initial offense: \$500 - \$2,000

subsequent offense(s): \$2,000 - \$10,000

(9) Violating or aiding or abetting any other person to violate any statute, rule, or order regulating nurse midwifery:

initial offense: \$500 - \$2,000

subsequent offense(s): \$2,000 - \$10,000

(10) Violating, or aiding or abetting any other person to violate any generally accepted professional or ethical standard:

initial offense: \$500 - \$2,000

subsequent offense(s): \$2,000 - \$10,000

(11) Engaging in conduct that results in convictions or, or a plea of nolo contendere to a crime of moral turpitude or other crime:

initial offense: \$500 - \$2,000

subsequent offense(s): \$2,000 - \$10,000

(12) Engaging in conduct that results in disciplinary action by any other jurisdiction or regulatory authority:

initial offense: \$100 - \$500

subsequent offense(s): \$200 - \$1,000

(13) Engaging in conduct, including the use of intoxicants, drugs to the extent that the conduct does or may impair the ability to safely engage in practice as a CNM:

initial offense: \$100 - \$500

subsequent offense(s): \$200 - \$1,000

(14) Practicing or attempting to practice as a CNM when physically or mentally unfit to do so:

initial offense: \$100 - \$500

subsequent offense(s): \$200 - \$1,000

(15) Practicing or attempting to practice as a CNM through gross incompetence, gross negligence, or a pattern of incompetency or negligence:

initial offense: \$500 - \$2,000

subsequent offense(s): \$2,000 - \$10,000

(16) Practicing or attempting to practice as a CNM by any form of action or communication which is false, misleading, deceptive, or fraudulent:

initial offense: \$100 - \$500

subsequent offense(s): \$200 - \$1,000

(17) Practicing or attempting to practice as a CNM beyond the individual's scope of competency, abilities, or education:

initial offense: \$100 - \$500

subsequent offense(s): \$200 - \$1,000

(18) Practicing or attempting to practice as a CNM beyond the scope of licensure:

initial offense: \$100 - \$500

subsequent offense(s): \$200 - \$1,000

(19) Verbally, physically, mentally, or sexually abusing or exploiting any person through conduct connected with the licensee's practice:

initial offense: \$100 - \$500

subsequent offense(s): \$200 - \$1,000

(20) Disregarding for a patient's dignity or right to privacy as to his person, condition, possessions, or medical record:

initial offense: \$100 - \$500

subsequent offense(s): \$200 - \$1,000

(21) Engaging in an act, practice, or omission which does or could jeopardize the health, safety, or welfare of a patient or the public:

initial offense: \$500 - \$2,000

subsequent offense(s): \$2,000 - \$10,000

(22) Failing to confine one's practice to those acts permitted by law:

initial offense: \$500 - \$2,000

subsequent offense(s): \$2,000 - \$10,000

(23) Failure to file or impeding the filing of required reports:

initial offense: \$100 - \$500

subsequent offense(s): \$200 - \$1,000

(24) Breach of confidentiality:

initial offense: \$200 - \$1,000

subsequent offense(s): \$500 - \$2,000

(25) Failure to pay a penalty:

Double the original penalty amount up to \$10,000

(26) Prescribing a Schedule II-III controlled substance without a consulting physician or outside of a consultation and referral plan:

initial offense: \$500 - \$1,000

subsequent offense(s): \$500 - \$2,000

(27) Any other conduct which constitutes unprofessional or unlawful conduct:

initial offense: \$100 - \$500

subsequent offense(s): \$200 - \$1,000

R156-44a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) failure to abide by the "Code of Ethics for Certified Nurse-Midwives", May 1990, published by the American College of Nurse-Midwives which is hereby adopted and incorporated by reference.[billing for services provided while practicing under an intern license; and

(2) failure to report to the division known facts regarding unprofessional or unlawful conduct by any health care professional licensed under the laws of this state.]

R156-44a-601. [~~Prescriptive Practice~~]Delegation of Nursing Tasks.

[—In accordance with Section 58-44a-601, the requirements and scope of practice for prescriptive authority are defined, clarified, or established as follows:

(1) Qualifications for Prescriptive Authority. The following are the qualifications an individual must meet to be granted authority to prescribe and administer prescription drugs and controlled substances:

(a) shall hold a current license in good standing in the state as a nurse midwife;

(b) shall have completed within 36 months immediately preceding application for prescriptive authority not less than 30 contact hours of pharmacology education relevant to the applicant's specialty area of practice, or shall demonstrate to the division and the Prescriptive Practice Board current experience in pharmacology;

(c) an approved pharmacology course shall include:

(i) federal and state laws relating to the purchasing, possessing, prescribing, administering and disposing of prescription drugs and controlled substances;

(ii) prescription writing;

— (iii) pharmacokinetics;

— (iv) drug selection, dosage and route of administration;

— (v) drug interactions;

— (vi) information resources; and

— (vii) clinical applications of pharmacology relevant to the applicant's specialty area of practice.

— (d) shall have completed graduate coursework in advanced health assessment; and

— (e) shall qualify for and obtain a Utah controlled substance license and registration from the Drug Enforcement Administration if the applicant is requesting authority for controlled substances. Applicants for a Utah controlled substance license shall pass the Utah Controlled Substances Examination.

— (2) Application for Prescriptive Authority. An individual seeking authority to purchase, obtain, possess, prescribe, administer and dispose of prescription drugs and controlled substances shall:

— (a) submit an application on a form provided by the division;

— (b) pay a fee established in accordance with Subsection 63-38-3.2; and

— (c) submit a consultation and referral plan acceptable to the division and Prescriptive Practice Board which has been jointly developed by the applicant and the applicant's consulting physician.

— (3) Temporary Prescriptive Authority. The division may grant an individual, upon application in accordance with the provisions of Subsection (2) of this section, temporary prescriptive authority under the following circumstances:

— (a) the applicant holds a permanent or intern nurse midwife license issued by the division;

— (b) the scope of practice in which the applicant is engaged under the intern license reasonably requires prescriptive authority to obtain, possess, prescribe, administer and dispose of prescription drugs and controlled substances;

— (c) the applicant must include in the consultation and referral plan submitted with the application for prescriptive authority, a plan under which the applicant will be under direct supervision by another practitioner with unsupervised prescriptive authority;

— (d) each record of action with prescription drugs or controlled substances by the person holding the temporary authority shall be co-signed in every case by the supervising practitioner within 72 hours after the action; and

— (e) a temporary prescriptive authority automatically expires on the expiration, revocation, suspension or placement on probation of any nurse midwife license.

— (4) Practice Parameters.

— (a) A nurse midwife may prescribe and administer a prescription drug in accordance with the standards of professional practice.

— (b) A nurse midwife may:

— (i) prescribe and administer a Schedule II, III, IV, or V controlled substance as defined by Title 58, Chapter 37, Utah Controlled Substances Act, for a period up to and including seven days, and for more than seven days only with the specific concurrence of the consulting physician; or

— (ii) administer an appropriate controlled substance in a clinical emergency in accordance with an approved consultation and referral plan or upon the order of a practitioner licensed to prescribe that controlled substance.

— (5) Limitation of Consulting Physician. A nurse midwife with prescriptive authority who wishes to consult with a physician who

already acts as a consultant to two full time equivalent nurses with prescriptive authority may request in writing to the Prescriptive Practice Board permission to increase the number of nurses consulting with the physician. The Prescriptive Practice Board shall consider the type of practice and prescriptions which will be written to determine if the increase in prescribing nurses consulting with one physician will not adversely affect the public's health, safety, and welfare.]

In accordance with Subsection 58-44a-102(11), the delegation of nursing tasks is further defined, clarified, or established as follows:

(1) The nurse delegating tasks retains the accountability for the appropriate delegation of tasks and for the nursing care of the patient/client. The licensed nurse shall not delegate any task requiring the specialized knowledge, judgment and skill of a licensed nurse to an unlicensed assistive personnel. It is the licensed nurse who shall use professional judgment to decide whether or not a task is one that must be performed by a nurse or may be delegated to an unlicensed assistive personnel. This precludes a list of nursing tasks that can be routinely and uniformly delegated for all patients/clients in all situations. The decision to delegate must be based on careful analysis of the patient's/client's needs and circumstances.

(2) The licensed nurse who is delegating a nursing task shall:

(a) verify and evaluate the orders;

(b) perform a nursing assessment;

(c) determine whether the task can be safely performed by an unlicensed assistive personnel or whether it requires a licensed health care provider;

(d) verify that the delegatee has the competence to perform the delegated task prior to performing it;

(e) provide instruction and direction necessary to safely perform the specific task; and

(f) provide ongoing supervision and evaluation of the delegatee who is performing the task.

(3) The delegator shall evaluate the situation to determine the degree of supervision required to ensure safe care.

(a) The following factors shall be evaluated to determine the level of supervision needed:

(i) the stability of the condition of the patient/client;

(ii) the training and capability of the delegatee;

(iii) the nature of the task being delegated; and

(iv) the proximity and availability of the delegator to the delegatee when the task will be performed.

(b) The delegating nurse or another qualified nurse shall be readily available either in person or by telecommunication. The delegator responsible for the care of the patient/client shall make supervisory visits at appropriate intervals to:

(i) evaluate the patient's/client's health status;

(ii) evaluate the performance of the delegated task;

(iii) determine whether goals are being met; and

(iv) determine the appropriateness of continuing delegation of the task.

(4) Nursing tasks, to be delegated, shall meet the following criteria as applied to each specific patient/client situation:

(a) be considered routine care for the specific patient/client;

(b) pose little potential hazard for the patient/client;

(c) be performed with a predictable outcome for the patient/client;

(d) be administered according to a previously developed plan of care; and

(e) not inherently involve nursing judgment which cannot be separated from the procedure.

(5) If the nurse, upon review of the patient's/client's condition, complexity of the task, ability of the unlicensed assistive personnel and other criteria as deemed appropriate by the nurse, determines that the unlicensed assistive personnel cannot safely provide care, the nurse shall not delegate the task.

~~**R156-44a-602. Written Policies.**~~

~~—(1) Each nurse midwife practicing in this state shall enter into an agreement written jointly with a consulting physician which provides a professional mechanism of obtaining medical consultation, collaboration, and referral.]~~

KEY: licensing, midwifery, certified nurse midwife*
[January 15, 1997]1998

58-1-106(1)
58-1-202(1)
58-44a-101



**Commerce, Occupational and
Professional Licensing
R156-49
Dietitian Rules**

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 21390
FILED: 08/20/1998, 09:56
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule has not been amended or updated since its adoption in 1988. The current rule exceeds statutory authority and it is not in the Division's model rule format. Therefore, changes are being proposed.

SUMMARY OF THE RULE OR CHANGE: The title of rule is changed to conform with the Division's model rule format. The current rule expanded the scope of practice definition found in Title 58, Chapter 49, which exceeds rulemaking authority. Thus, the definitions for "degree," "dietetics," "dietetic services," "direct supervision," "major course of study," and "standards of professional responsibility" are being deleted. New definitions for "CDR (Commission on Dietetic Registration)," "internship or pre-planned professional baccalaureate or post-baccalaureate experience," and "under the supervision of a certified dietitian" are being added. Added new sections regarding authority-purpose, organization-relationship to Rule R156-1, and renewal cycle-procedures. Added a new section regarding qualification for licensure-CDR Registered Dietitian which provides that CDR registration is documentation that

an applicant for licensure has completed the licensing requirements of Subsections 58-49-4(2), 58-49-4(3), and 58-49-4(4). The current rule establishes an exemption for "new graduates," which exceeds the statutory authority. The proposed rule deletes this section. The current rule requires membership, i.e., "current registration" by CDR as a condition of renewal of licensure. CDR is a credentialing agency for the American Dietetic Association. The courts have held that requiring membership in a national association as a condition of renewal of licensure is a restraint of trade. This requirement has been deleted in the proposed rule. Added a new section regarding temporary dietitian certificate-supervision required which provides that an applicant may submit an application for a temporary dietitian certificate which would allow the applicant to practice dietetics only under the supervision of a certified dietitian until such time as the applicant successfully passes the CDR Registration Examination. The temporary certificate will not be issued for a period greater than 10 months and the temporary certificate will not be renewed or extended.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-49-1, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be an increase in revenue in the state budget of \$50 per person as a result of the added cost of the temporary certificate. It is estimated that the division will receive approximately 20 applications for temporary certification per year for an increase of \$1,000 per year.

❖LOCAL GOVERNMENTS: No increase or decrease is anticipated unless a local government agency pays for licensure fees for dietitians. If a local government agency did pay for licensure fees, there will be an additional cost of \$50 per applicant in addition to the application fees for a temporary certificate.

❖OTHER PERSONS: A temporary certificate has been established to allow new graduates to work while waiting to take and pass the national examination for licensure and become certified. The cost of the temporary certificate is \$50 in addition to the license application fee. It is estimated that there will be approximately 20 applications per year for temporary certification. The proposed amendment removes the requirement of demonstrating continuing competency, which includes membership/registration in CDR. To maintain registration in CDR costs each licensee \$25 per year. There are approximately 400 certificate holders which has a potential cost savings of \$10,000 per year, depending upon whether or not the certificate holders continue membership in CDR. In addition, there is a cost savings associated with not having to acquire 75 hours of continuing education every 5 years. If each hour of continuing education were to cost \$25, there would be a cost savings to each certificate holder of \$1,875 over a five-year period.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A temporary certificate has been established to allow new graduates to work while waiting to take and pass the national examination for licensure and become certified. The cost of the temporary certificate is \$50 in addition to the license application fee.

The proposed amendment removes the requirement of demonstrating continuing competency, which includes membership/registration in CDR. To maintain registration in CDR costs each licensee \$25 per year. There is a potential savings to each certificate holder of \$25 per year, depending upon whether or not the certificate holder continues membership in CDR. In addition, there is a cost savings associated with not having to acquire 75 hours of continuing education every 5 years. If each hour of continuing education were to cost \$25, there would be a cost savings to each certificate holder of \$1,875 over a five-year period.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose for this filing is to completely revise and simplify the existing rules which appear to exceed the rulemaking authority. The rule provides for a new graduate to receive a temporary license and work while waiting to take the required certification examination. The additional cost on the applicants for the temporary certification procedures will be \$50, which will affect approximately 20 applicants per year. The proposed changes will also remove the requirement for membership/registration with the CDR which has a potential yearly total savings of \$10,000 (400 licensed dietitians at \$25 per year). Additional savings of an estimated \$1,875 per licensee over each five-year period will be realized by elimination of the continuing education requirement. There will be an increase in state budget revenue of approximately \$1,000 (20 applicants at \$50 each) per year occasioned by the utilization of the temporary certificate pending completion of the certification examination--Douglas C. Borba

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

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

David Fairhurst at the above address, by phone at (801) 530-6621, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dfairhur@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 10/15/1998; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 10/07/1998, 9:00 a.m., 160 East 300 South, Conference Room 4A, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.

R156-49. Dietitian Certification Act Rules.

R156-49-101. Title.

These rules are known as the "Dietitian Certification Act Rules".

R156-49-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 49, as used in Title 58, Chapters 1 and 49 or these rules:

(1) "CDR" means the Commission on Dietetic Registration which is the credentialing agency for the American Dietetic Association.

[A-](2) "Competency examination", as used in Subsection 58-49-4(4), means [shall be] the Registration Examination for Dietitians established by the CDR [developed by the Commission on Dietetic Registration, the credentialing agency of the American Dietetic Association].

(3) "Internship or pre-planned professional baccalaureate or post-baccalaureate experience", as used in Subsection 58-49-4(3), means completion of the supervised practice requirements established by the CDR.

(4) "Under the supervision of a certified dietitian", as used in Subsection R156-49-304(1)(d), means that the supervising certified dietitian is responsible for the dietetic activities performed by the temporary certificate holder.

[— B. "Degree" shall be a diploma received from a college or university that was regionally accredited at the time the degree was conferred:

— C. "Dietetics" in addition to 58-49-2(4) includes the integration and application of the sciences of nutrition, biochemistry, food, physiology, management, behavioral and social sciences to achieve and maintain human health through the provision of dietetic services:

— D. "Dietetic services" include, but are not limited to:

— 1. Evaluating and assessing the nutritional needs of individuals and groups based upon appropriate biochemical, anthropometric, physical and dietary data to determine nutrient needs and recommending appropriate nutritional intake including enteral and parenteral nutrition:

— 2. Advising and assisting individuals or groups in health and disease on appropriate nutritional intake and dietary modification, as indicated, by integrating information from the nutritional evaluation and assessment. It includes information on food and other sources of nutrients as well as meal preparation consistent with cultural background and socioeconomic status to ensure optimal health:

— E. "Direct Supervision" shall mean the actual physical presence of the certified dietitian in the facility:

— F. "Major course of study" or "equivalent major course of study" shall be a major course of study in human nutrition, food and nutrition, dietetics or food systems management:

— G. "Standards of Professional Responsibility" are statements of the dietetic practitioner's responsibilities for providing quality care. They establish minimal acceptable levels of safe practice for the certified dietitian. They include but are not limited to:

- 1. Conducting and documenting assessments of the nutritional status individuals and groups by:
 - a. Collecting objective and subjective data from observations, assessments, interviews and written records in accurate and timely manner. The data include but are not limited to:
 - (1) physical and biochemical status
 - (2) anthropometrics
 - (3) dietary history and current dietary intake
 - (4) cultural, religious and socio-economic background
 - (5) family health history
 - (6) information provided by other health team members
 - (7) client knowledge and perception about individual and family nutritional status
 - (8) client knowledge and perception about achieving and maintaining individual and family nutritional status
 - (9) consideration of the client's nutritional goals
 - (10) available and accessible resources for food procurement and preparation
 - b. Sorting, selecting, reporting and recording the data.
 - c. Validating, refining and modifying the data by utilizing available resources including interactions with the client, family, significant others and health team members:
 - 2. Establishing and documenting nutritional needs which serve as the basis for the strategy of care.
 - 3. Developing the care plan based on nutritional assessment and nutritional needs. This includes:
 - a. Identifying priorities in the nutrition care plan.
 - b. Setting realistic and measurable goals to implement the care plan.
 - c. Prescribing nutrition intervention(s) based on the nutritional needs.
 - d. Identifying measures to provide nutrition education and counseling.
 - 4. Implementing the nutritional care plan by:
 - a. Giving direct nutritional care.
 - b. Documenting nutrition interventions and responses to care.
 - c. Communicating nutrition interventions and responses to care to other members of the health team.
 - 5. Evaluating the responses of individuals or groups to nutrition interventions. Evaluation shall involve the client, family, significant others and health team members:
 - a. Evaluation data shall be documented and communicated to appropriate members of the health care team.
 - b. Evaluation data shall be used as a basis for reassessing client nutritional status, modifying nutritional assessment, revising the care plan and prescribing changes in nutritional interventions.]

R156-49-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1) to enable the division to administer Title 58, Chapter 49.

R156-49-104. Organization - Relationship to Rule R156-1.

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

R156-49-302. Qualification for Licensure - CDR Registered Dietitian.

In accordance with Section 58-49-4, CDR registration as a Registered Dietitian is documentation that an individual has completed the requirements of Subsection 58-49-4(2), (3) and (4).

R156-49-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 49 is established by rule in Section R156-1-308.

(2) Renewal procedures shall be in accordance with Section R156-1-308.

R156-49-304. Temporary Dietitian Certificate - Supervision Required.

(1) In accordance with Section 58-1-303, an applicant for temporary dietitian certification shall:

(a) submit an application for temporary dietitian certification in the form prescribed by the division;

(b) pay a fee determined by the department under Section 63-38-3.2;

(c) meet all the requirements for certification, except passing the CDR Registration Examination; and

(d) practice dietetics only under the supervision of a certified dietitian.

(2) The temporary certificate will not be issued for a period greater than 10 months.

(3) The temporary certificate will not be renewed or extended for any purpose.

[R156-49-2. New Graduates:

A. Individuals who have completed all educational and experience requirements for certification and who are registered to take the first certification examination following graduation may practice without state certification under the direct supervision of a currently certified dietitian.

B. Individuals who fail the first examination shall not practice as a certified dietitian until they submit proof of passing the competency examination.

R156-49-3. Unprofessional Conduct:

Unprofessional Conduct shall be failure to provide care consistent with the statements of responsibility in R156-49-1(G).

R156-49-4. Renewal of Certificate:

Renewal of a certificate shall require completion of renewal forms, submission of the required fee and demonstration of continuing competency by submitting proof of current registration by the Commission on Dietetic Registration or an equivalent acceptable to the Board.]

KEY: licensing, dietitians*

[1994]1998

58-49-1[3(3)(a)]

58-1-106(1)

58-1-202(1)



Community and Economic Development, Community Development

R199-8

Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21371

FILED: 08/17/1998, 08:38

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Permanent Community Impact Fund Board (PCIFB) is considering amendments to its review and approval procedures for its grant and loan program.

SUMMARY OF THE RULE OR CHANGE: The proposed rule amendment establishes three application filing deadlines which align with the existing Trimester funding system.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 9-4-305

FEDERAL REQUIREMENT FOR THIS RULE: Federal Mineral Lands Leasing Act, 30 U.S.C. 191

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--the proposed amendment will be handled with existing staff and budgets.

❖LOCAL GOVERNMENTS: None--the only change resulting from the proposed amendment will be the establishment of three filing deadlines to align with the existing Trimester funding system.

❖OTHER PERSONS: None--individuals, corporations, associations, and private non-profit organizations are not eligible for PCIFB funding assistance.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--the only change resulting from the proposed amendment will be the establishment of three filing deadlines to align with the existing Trimester funding system.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The executive director of the Department of Community and Economic Development has determined that there will be no fiscal impact on the private sector due to the adoption of the proposed amendment.

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

Community and Economic Development Community Development Suite 500 324 South State Salt Lake City, UT 84111, or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Keith J. Burnett at the above address, by phone at (801) 538-8725, by FAX at (801) 538-8888, or by Internet E-mail at kburnett@dced.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 10/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: David B. Winder, Executive Director

R199. Community and Economic Development, Community Development.

R199-8. Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance.

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R199-8-3. Application Requirements.

A. [Applications for funding assistance may be submitted at any time.] Applicants shall submit their funding requests on the Board's most current application form, furnished by the Department of Community and Economic Development (DCED).

Complete applications which have been accepted for processing will be placed on the next available "Application Review Meeting" agenda.

B. Additional general information not specifically covered by the application form should also be furnished to the Board and its staff when such information would be helpful to the Board in appraising the merits of the project.

C. For proposed drinking water and sewer projects, sufficient technical information must be provided to the Utah Department of Environmental Quality (DEQ) to permit their review. The Board will not act on any drinking water or sewer project unless they receive such review from DEQ.

D. Planning grants and studies normally require a fifty percent cash contribution by the applicant.

E. The Board requires all applicants to have a vigorous public participation effort. All applicants shall hold at least one formal public hearing to solicit comment concerning the size, scope and nature of any funding request prior to its submission to the Board. In that public hearing, the public shall be advised the financing may be in the form of a loan, even if the application requests a grant.

Complete and detailed information shall be given to the public regarding the proposed project and its financing. The information shall include the expected financial impact including potential repayment terms and the costs to the public as user fees, special assessments, or property taxes if the financing is in the form of a loan. The Board may require additional public hearings if determines the applicant did not adequately disclose to the public the impact of the financial assistance during the initial public hearing.

When the Board offers the applicant a financial package that is substantially different in the amounts, terms or conditions initially requested by an applicant, the Board may require additional public hearings to solicit public comment on the modified funding package.

A copy of the public notice and transcript or minutes of the hearing shall be attached to the funding request. Public opinion polls may be submitted in addition to the transcript or minutes.

F. Letters of comment outlining specific benefits (or problems) to the community and State may be submitted with the application.

G. All applicants are required to notify in writing the applicable Association of Governments of their intention to submit a funding request to the Board. A copy of any comments made by the Association of Governments shall be attached to the funding request. It is the intent of the Board to encourage regional review and prioritization of funding requests to help ensure the timely consideration of all worthwhile projects.

H. State statute requires the Board before it grants or loans any funds or approves any undertaking to take into account the effect of the undertaking on any district, site, building structure or specimen that is included in or eligible for inclusion in the National Register of Historic Places or the State Register and to allow the state historic preservation officer (SHPO) a reasonable opportunity to comment on the undertaking or expenditure. In order to comply with that duty, the Board requires all applicants to provide the SHPO with a description of the proposed project and attach the SHPO's comments to the application. The Board also requires that if during the construction of the project the applicant discovers any cultural/paleontological resources, the applicant shall cease project activities which may affect or impact the cultural/paleontological resource, notify the Board and the SHPO of the discovery, allow the Board to take into account the effects of the project on

cultural/paleontological resources, and not proceed until further approval is given by the Board.

I. All applicants must provide evidence and arguments to the Board as to how the proposed funding assistance provides for planning, the construction and maintenance of public facilities or the provision of public services.

J. All applicants must demonstrate that the facilities or services provided will be available and open to the general public and that the proposed funding assistance is not merely a device to pass along low interest government financing to the private sector.

K. All applicants must demonstrate that any arrangement with a lessee of the proposed project will constitute a true lease, and not a disguised financing arrangement. The lessee must be required to pay a reasonable market rental for the use of the facility. In addition, the applicant shall have no arrangement with the lessee to sell the facility to the lessee, unless fair market value is received.

L. Each applicant must submit evidence and legal opinion that it has the authority to construct, own and lease the proposed project. In the case of a request for an interest bearing loan, the applicant must provide an opinion of nationally-recognized bond counsel that the interest will not be subject to federal income taxes.

M. All applicants shall certify to the Board that they will comply with the provisions of Titles VI and VII of the Civil Rights Act of 1964 (42 USC 2000e), as amended, which prohibits discrimination against any employee or applicant for employment or any applicant or recipient of services, on the basis of race, religion, color, or national origin; and further agree to abide by Executive Order No. 11246, as amended, which prohibits discrimination on the basis of sex; 45 CFR 90, as amended, which prohibits discrimination on the basis of age; Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 and 28 CFR 35, as amended, which prohibit discrimination on the basis of disabilities; Utah Anti-Discriminatory Act, Section 34-35-1 et seq., which prohibits discrimination against any employee or applicant for employment because of race, color, sex, age, religion, national origin, or handicap, and to certify compliance with the ADA to the Board on an annual basis and upon completion of the project.

R199-8-4. Board Review Procedures.

A. The Board will review applications and authorize funding assistance on a "Trimester" basis. The initial meetings of each "Trimester" shall be "Project Review Meetings". The final meeting of each "Trimester" shall be a "Prioritization and Funding Meeting". Board meetings shall be held the first Thursday of each month, except July when no meeting will be held. "Prioritization and Funding Meetings" shall be held in April for the 1st Trimester, August for the 2nd Trimester and December for the 3rd Trimester.

The deadlines for submitting applications for each of the Trimesters will no later than the following dates: 1st Trimester, December 1st; 2nd Trimester, April 1st; 3rd Trimester, August 1st.

B. The process for review of new applications for funding assistance shall be as follows:

1. Submission of an application to the Board's staff for technical review and analysis.

2. Incomplete applications will be held by the Board's staff pending submission of required information.

3. Complete applications accepted for processing will be placed on the next available "Project Review Meeting" agenda.

4. At the "Project Review Meeting" the Board may either:

- a. deny the application;
- b. place the application on the "Pending List" for consideration at a future "Project Review Meeting" after additional review, options analysis and funding coordination by the applicant and the Board's staff;
- c. place the application on the "Prioritization List" for consideration at the next "Prioritization and Funding Meeting".

C. Applicants and their representatives shall be informed of any "Project Review Meeting" at which their applications will be considered. Applicants may make formal presentations to the Board and respond to the Board's questions during the "Project Review Meetings".

D. No funds shall be committed by the Board at the "Project Review Meetings", with the exception of bona fide emergencies.

E. Applications for funding assistance which have been placed on the "Prioritization List" will be considered at the "Prioritization and Funding Meeting" for that Trimester. Applications which do not receive funding authorization will be held over for reconsideration at the next "Prioritization and Funding Meeting". Applications which have not received funding authorization after reconsideration will be deemed denied.

F. When two or more applications for funding assistance from various applicants in a given county are being considered at a "Project Prioritization and Funding Meeting", that county's Council of Governments (COG) or other broad based intergovernmental coordination body shall submit a list showing the COG's prioritization of those applications.

G. In instances of bona fide public safety or health emergencies or for other compelling reasons, the Board may suspend the provisions of this section and accept, process, review and authorize funding of an application on an expedited basis.

.....

KEY: grants
 [~~December 23, 1996~~1998] **9-4-305**
 Notice of Continuation December 23, 1997



Health, Health Systems Improvement,
 Child Care Licensing
R430-5
 Child Care Facility, General
 Construction

NOTICE OF PROPOSED RULE
 (Repeal)
 DAR FILE NO.: 21392
 FILED: 08/20/1998, 13:34
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The construction standards were incorporated into Section R430-100-21 of the Child Care Center Rules.

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

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 39

ANTICIPATED COST OR SAVINGS TO:

- ❖**THE STATE BUDGET:** There will be a cost savings to the Bureau due to plan reviews not having to be performed for in-home providers.
- ❖**LOCAL GOVERNMENTS:** This rule imposes no cost or savings to local governments as enforcement of this rule does not apply to local governments.
- ❖**OTHER PERSONS:** No change to the 270 child care center providers is anticipated since the rules were modified and incorporated to only apply to the child care centers regulated under the authority of R430-100. An additional 420 new providers may realize a cost savings since they do not have to submit plan design drawings to the Bureau for approval prior to licensing, if they were paying for those design drawings to be developed by an architect.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No change is anticipated since the construction requirements are incorporated into the R430-100 rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This repeal will have a positive fiscal impact on businesses. Previously, all providers undergoing construction were required to submit construction information in some form to the Department for approval. New rules, scheduled to take effect later this month, shift this requirement to child care centers and remove it completely from residential providers. Residential providers will save money since they will not have to submit plans. The only possible drawback is if a provider makes changes and later finds out the Department could have suggested changes that would have either saved money or avoided making changes after the fact. Feedback from providers is that they would rather take this risk than have the time and hassle of submitting simple line drawings to the Department. Center providers appear to prefer the protection of having the Department approve plans. Public comments, if any, will be evaluated before this repeal goes into effect.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 Health
 Health Systems Improvement
 Child Care Licensing
 288 North 1460 West
 PO Box 142003
 Salt Lake City, UT 84114-2003, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop-Green at the above address, by phone at (801) 538-6152, by FAX at (801) 538-6325, or by Internet E-mail at dwynkoop@doh.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 10/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: Rod Betit, Executive Director

R430. Health, Health Systems Improvement, Child Care Licensing.

~~R430-5. Child Care Facility, General Construction:~~

~~R430-5-1. Legal Authority:~~

~~— This rule is promulgated pursuant to Title 26, Chapter 39.~~

~~R430-5-2. Purpose:~~

~~— The purpose of this rule is to promote the health and safety of children through the establishment and enforcement of construction standards for child care facilities.~~

~~R430-5-3. General Requirements:~~

~~— (1) This rule applies to new construction and remodels and to licensees requesting licensure for new facilities. Facilities licensed prior to July 1, 1997 shall operate under the construction rules in effect on June 30, 1997.~~

~~— (2) Requirements listed within this rule apply to all child care facilities unless specified to apply to child care centers.~~

~~— (3) If conflicts exist between applicable codes or if other authorities having jurisdiction adopt more restrictive requirements than contained in these rules, the most restrictive requirement applies.~~

~~— (4) The Department determines compliance with applicable standards, rules and regulations through plans review and construction inspection.~~

~~— (5) If the Department has concerns about compliance, the licensee is responsible to demonstrate compliance.~~

~~R430-5-4. Codes and Code Compliance:~~

~~— (1) The following codes and standards enforced by other agencies or jurisdictions apply to child care facilities. Some codes may not apply to in-home facilities, according to local jurisdiction. The licensee shall obtain documentation of compliance for the following codes and standards from the authority having jurisdiction and submit the documentation to the Department:~~

- ~~— (a) Local zoning ordinances;~~
- ~~— (b) Uniform Building Code;~~
- ~~— (c) Uniform Plumbing Code; and~~
- ~~— (d) Uniform Fire Code.~~

~~— (2) The licensee shall obtain a certificate of occupancy from the local building official having jurisdiction.~~

~~— (3) The licensee shall obtain a certificate of fire clearance from the fire marshal having jurisdiction.~~

~~— (4) The licensee shall submit a copy of the certificates to the Department prior to utilization of newly constructed facilities, additions or remodels of existing facilities.~~

~~R430-5-5. Application of Codes for New and Existing Buildings:~~

~~— (1) New construction, additions and remodels to existing buildings shall comply with Department rules in effect on the date the first drawings are received by the Department.~~

~~— (2) If the remodeled area in any building, wing, floor or service area of a building exceeds 50 percent of the total square foot area of the building, wing, floor or service area, the entire building, wing, floor or service area shall be brought into compliance with rules governing new construction which are in effect on the date the first drawings are submitted to the Department.~~

~~— (3) During remodeling, new construction or additions, the safety level which existed prior to the start of work shall be maintained.~~

~~— (4) Child care facilities shall conform to Department construction rules in effect at the time of initial facility licensure.~~

~~— (5) Buildings which are changing license classification, shall comply with requirements for new construction.~~

~~— (6) All materials installed in child care centers as part of a refurbishing project shall comply with flame spread ratings required by the fire marshal having jurisdiction.~~

~~R430-5-6. Plans Review and Approval:~~

~~— (1) Child care facilities shall obtain Department approval before occupying any newly constructed or remodeled buildings, or areas in existing buildings.~~

~~— (2) The licensee shall submit the following for Department review prior to construction of a new child care center:~~

- ~~— (a) Functional statement; and~~
- ~~— (b) Working drawings, including specifications.~~

~~— (3) The Department shall initiate its review when all required documents are received.~~

~~— (4) Plans approved by the Department do not relieve the licensee of responsibility for full compliance with R430-5-6.~~

~~— (5) Plan approval expires 12 months after the date of the Department's approval letter, or latest plan review response letter; if construction has not commenced. If approval has expired prior to commencement of construction, the facility must resubmit all documents required in (2) to the Department and obtain a new letter of approval prior to commencing construction.~~

~~— (6) The Department may issue an initial license, renewal license, provisional license, or modified license only after the Department has determined the facility conforms with applicable licensure construction rules and has obtained all required clearances and certifications.~~

~~R430-5-7. Drawings:~~

~~— (1) Drawings shall show all equipment necessary for the operation of the facility, such as kitchen equipment, laundry equipment, and similar equipment.~~

~~— (2) Drawings, which may be single line, shall contain the following information:~~

- ~~— (a) list of applicable building codes;~~

- (b) location of the building on the site and access to the building for public, emergency, and service vehicles;
 - (c) site drainage and any natural drainage channels which traverse the site;
 - (d) any unusual site conditions, including easements which might affect the building or its appurtenances or hazards in close proximity to the property such as canals;
 - (e) total building area or area of additions or remodeled portions;
 - (f) room dimensions and room square footage;
 - (g) site plan, showing relationship to streets and vehicle access;
 - (h) types of mechanical, electrical and auxiliary systems.
- (3) The Department will not return drawings and specifications.
- (4) Within 30 days after receipt of required documentation, the Department shall provide to the licensee and the project architect, a written report of plans review outlining necessary modifications required to comply with Department rules.
- (5) The licensee shall submit revised plans for review and final approval.

R430-5-8. Construction Inspections:

- (1) The Department may conduct interim inspections during construction.
- (2) The Department may conduct final inspections prior to occupancy.

R430-5-9. Construction Without Plans Approval:

— If construction is commenced without prior Department plans approval, the Department may issue a license and authorize occupancy only after it has approved as-built drawings and has conducted a construction inspection:

R430-5-10. Buildings Without Plans:

- (1) If plans are not available for existing buildings involved in initial licensing or license category change, the licensee shall submit to the Department, drawings with room and area dimensions and a program narrative, identifying modifications to the building required to bring it into compliance with construction rules for the requested licensure category. Drawings may be hand drawn.
- (2) The Department shall review the report and within 30 days after receipt of the material, and shall furnish to the licensee a letter of approval or rejection. The Department may provide, at its option, a written report of modifications required to comply with construction standards.
- (3) The licensee shall request and schedule a Department inspection upon completion of the modifications.

R430-5-11. Site Design:

- (1) There shall be land adjacent to the building for outdoor activities.
- (2) Outdoor play areas shall be completely fenced in a manner that prevents children from leaving the premises.
- (3) Fire equipment access shall be provided as required by the fire marshal.
- (4) Paved walkways shall be provided for pedestrian traffic.

R430-5-12. Parking:

- (1) Parking shall be provided in accordance with local zoning ordinances.
- (2) If parking is required for persons with disabilities, the spaces must be as level as practical and conform to requirements for disabled parking access as required by the American with Disability Act Accessibility Guidelines, 28 CFR 36, Appendix A, July 1993.

R430-5-13. Special Design Features:

— In new construction, the main facility entrance shall be accessible to persons with disabilities.

R430-5-14. General Standards for Finishes:

- Finishes in child care centers shall conform to the following:
 - (1) Floor materials shall be easily cleanable.
 - (2) Floors in areas used for food preparation or food assembly shall be water-resistant.
 - (3) Wall finishes shall be washable and, in the immediate vicinity of plumbing fixtures, smooth and moisture-resistant.
 - (4) Finish, trim, floor, and wall construction in dietary and food preparation areas shall be free of insect and rodent harboring spaces.
 - (5) Floor and wall openings for pipes, ducts, conduits, and joints of structural elements shall be tightly sealed to resist passage of fire and smoke and minimize entry of pests.
 - (6) Carpet and padding shall be stretched taut and be free of loose edges.

R430-5-15. Mechanical, Heating, Cooling and Ventilation Systems:

- (1) The mechanical system design shall prevent wide temperature differentials, greater than 20 degrees in average temperature, excessive noise, and air stagnation.
- (2) Insulation containing asbestos is prohibited.
- (3) All rooms and occupiable areas in the facility shall have provisions for ventilation. Natural window ventilation may be used for ventilation when weather conditions permit, but mechanical ventilation shall be provided during periods of temperature extremes.
- (4) Mechanical ventilation shall be provided in interior rooms.
- (5) The cooling system shall be capable of maintaining temperatures of 80 degrees F. in areas occupied by children.
- (6) The heating system shall be capable of maintaining temperatures of 72 degrees F. in areas occupied by children.

R430-5-16. Plumbing:

- (1) Showers and tubs shall have non-slip or slip-resistant surfaces.
- (2) The facility must have a drainage system that complies with the following requirements:
 - (a) Building sewers shall discharge into community sewerage; where such a system is not available, the facility shall treat its sewage in accordance with local requirements and State Department of Environmental Quality requirements.
 - (b) Where overhead drain piping is exposed, special provisions shall be made to protect the space below from contamination from leakage, condensation, and dust particles. Approval of the special provisions in food preparation, food service

areas, and food storage areas shall be obtained from the local health department:

R430-5-17. Electrical:

- (1) In child care centers, electrical panel boards serving normal lighting and appliance circuits shall be located on the same floor or on the same wing as the circuits they serve.
- (2) Light intensity in all facilities shall be maintained at or above the minimum foot-candle in accordance with Table 1.

TABLE 1
Child Care Facilities Lighting Standards

Physical Plant Area	Minimum Foot-candle
Corridors	10
Stairways	15
Common/play areas	20
Eating/Dining	20
Laundry	20
Toilet areas	20
Sleeping areas	5 or less

R430-5-18. Toilet and Bathing Facilities:

- (1) Toilets and bathrooms shall provide privacy and safety, be well-ventilated, conveniently located, accessible to, and usable by all children.
- (2) There shall be one toilet and lavatory for every 15 children, excluding diapered children.
- (3) Toilet and bathing facilities shall not open directly into food preparation areas.
- (4) All toilet, shower, and tub facilities shall have impermeable walls and surfaces that can be easily cleaned and sanitized.
- (5) Showers and baths in new construction shall have recessed soap dishes.
- (6) All lavatories shall have hand drying facilities.
 - (a) Lavatories that are expected to serve more than one person shall have protected single use paper towel dispensing units or an electric hand dryer.
 - (b) Lavatories shall be anchored to withstand an applied vertical load of not less than 150 pounds on the fixture front.

R430-5-19. Service Areas:

- (1) In child care centers, there shall be adequate space and equipment for the following services or functions:
 - (a) An office with equipment for keeping records and supplies;
 - (b) A public reception or information area;
 - (c) A housekeeping closet that shall contain a floor receptor or service sink;
 - (d) Storage space for housekeeping equipment and supplies with a mechanical exhaust system; and
 - (e) A room to isolate children who become sick while at the facility.
- (2) All child care facilities must have a secured area for administrative activities and storage for child records.
- (3) Play areas in child care facilities shall meet the following space requirements:
 - (a) Indoor play areas shall have at least 35 square feet per child;

- (b) Outdoor play areas shall have at least 40 square feet per child.
- (4) Food service areas for child care centers shall meet the design requirements of the state food service code, R392-100, and local ordinances.
- (5) In child care centers, there shall be a two sinks in the infant care area:
 - (a) one hand wash sink adjacent to the infant diapering area;
 - (b) one sink to provide for food and bottle preparation.
- (6) In child care centers, there shall be a hand wash sink accessible in the play area that is separate from the bathroom sinks.
- (7) If laundry is done at the facility:
 - (a) All laundry areas shall be separate from food storage and preparation areas;
 - (b) A washing machine and clothes dryer shall be used to process laundry;
 - (8) Swimming pools for facility use shall be constructed and maintained in accordance with Utah Code R392-302, Design, Construction and Operation of Public Pools.

R430-5-20. Building Systems:

- (1) Facilities and equipment shall be provided for the sanitary storage and disposal of waste, in accordance with rules of the local health department having jurisdiction.
- (2) The following facilities shall be provided for service and maintenance functions in child care centers:
 - (a) rooms for mechanical equipment or electrical equipment;
 - (b) a storage room for building maintenance supplies;
 - (c) yard equipment and supply storage areas located so that equipment may be moved directly to the exterior of the building without passing through building rooms or corridors.

KEY: child care facilities
January 15, 1997 26-39]



Human Services, Administration,
 Administrative Services, Licensing

R501-1

General Provisions

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 21388
 FILED: 08/19/1998, 10:28
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment is the result of recommendations received during the public comment period for the last rule changes. It also includes some clean up items.

SUMMARY OF THE RULE OR CHANGE: The majority of the proposed changes are rule clean up and corrections in format. The "License Violation" section has two deletions, "conviction for an illegal act," which could be interpreted as a traffic violation, and "investigations of abuse, neglect or exploitation," which is covered in another rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-2-101 through 62A-2-121

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--the changes are intended to be for clarification purposes only, and to reduce redundancy with other rules. No changes are expected to increase or decrease costs for state or local government, businesses, or consumers.

❖LOCAL GOVERNMENTS: None--the changes are intended to be for clarification purposes only, and to reduce redundancy with other rules. No changes are expected to increase or decrease costs for state or local government, businesses, or consumers.

❖OTHER PERSONS: None--the changes are intended to be for clarification purposes only, and to reduce redundancy with other rules. No changes are expected to increase or decrease costs for state or local government, businesses, or consumers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs for affected persons in this rule. The general provisions are the operating standards for the Office.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be no fiscal impact on businesses. Clarification in the language may save program providers time and confusion in interpreting the rules.

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

Human Services
Administration, Administrative Services,
Licensing
Room 303
120 North 200 West
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Reta Oram at the above address, by phone at (801) 538-4242, by FAX at (801) 538-4553, or by Internet E-mail at hsadmin.hsadm2.roram@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 10/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: Reta D. Oram, Director

R501. Human Services, Administration, Administrative Services, Licensing.

R501-1. General Provisions.

R501-1-1. Definition.

The general provisions are the procedures for the administration and issuance of a license.

A. Legal Authority

1. The Utah State Department of Human Services, hereinafter referred to as DHS, does hereby adopt and promulgate the following [~~standards and~~]rules governing licensure of human service programs in accordance with 62A-2-101 through 62A-2-121. [~~62A-2-101-116~~]

2. This act provides for issuance of a license by DHS [~~the Department of Human Services~~], Office of Licensing, hereinafter referred to as Office, upon compliance with the Rules, which include General Provisions, Core, Categorical and single service Rules. [~~Standards~~]

B. Purpose

1. The purpose of licensing under these rules is to authorize a public or private agency or a home to provide a defined human service program. The license designates that the program has the ability to provide the service.

2. A license indicates that the governing body of the program [~~or home provider~~] has demonstrated or has provided assurance that services shall be provided in accordance with these rules.

R501-1-2. License Procedure.

A. Application

A program [~~or provider~~] seeking an initial or renewal license shall make application on forms provided by the Office.

B. The licensure fee, as determined by the Utah State Legislature, shall be submitted. [~~There is no fee for foster care licensing~~]

C. A program [~~or provider~~] seeking a license to provide direct service to minors or vulnerable adults shall submit identifying information to the Office for a criminal background screening in accordance with 62A-4a-413 and 62A-2-120, and abuse and neglect background screening in accordance with 62A-3-311.1 and 62A-2-~~[105]~~121.

D. Review

1. Each initial or renewal applicant shall permit a representative or representatives of the Office to conduct an on-site review of the physical facility, program operation, consumer records, and to interview staff and consumers to determine compliance.

2. Annually an on-site review shall be carried out by a designated representative or representatives of the Office by appointment, as pre-arranged with the program [~~or provider or designee~~].

3. The findings shall be shared with the program [~~director, parent, or provider~~] at the conclusion of the review. A written report will be filed in the Office by the representative.

4. If the report indicates non-compliance with Rules, the Office and the program [~~provider~~] shall develop a written plan of action to achieve compliance with the Rules.

R501-1-3. Types of License.

A. Annual License

1. The Office shall issue an annual license after determination has been made that the applicant is in compliance with the Rules ~~[and Standards]~~ of the Office.

2. The license shall state name and address of ~~the program~~~~[or provider and]~~ facility, category of service, maximum consumer capacity when appropriate, and period during which license is in effect.

3. The license shall be posted in a conspicuous place on the premises.

4. A license is automatically void if there is any change in the ownership, management, or address of the program~~[or provider]~~.

B. Renewal License

A license must be renewed annually, upon application and payment of applicable fee, providing the Office finds that the service program and facility has complied with Rules ~~[and Standards]~~ of the Office.

C. License Extension

1. A license may be extended by the Office for a designated period of time not to exceed twelve months.

2. The Office shall state in writing the terms of the extension in a letter to the ~~program~~~~[provider]~~.

D. Conditional License

1. The Office may issue a conditional license for ~~the following~~:

a. a new conditional program which is temporarily unable to comply with~~[license]~~ Rules ~~[and Standards]~~ of the Office, or
b. due cause.

2. The non-compliance or violation shall not present an immediate threat to the health or safety of the consumer.

3. The duration of the conditional license shall be determined by the Office.

4. The Office shall identify in writing the specific areas of non-compliance including a timetable for resolution.

E. Accreditation

1. The Office may accept accreditation by a nationally recognized organization, e.g., Joint Commission ~~on~~~~[or accreditation health care organizations;]~~ Accreditation of Health Care Organizations, Commission ~~on~~~~[or]~~ Accreditation of Rehabilitation Facilities, as compliance with these Rules for licensure.

2. The standards of the reciprocal organization shall fulfill the intent of these Rules.

3. The program~~[or provider]~~ shall request reciprocity in writing.

4. The reciprocity agreement will be formalized by written agreement, signed by the Program Director, Office Director and Division Director if appropriate.~~[-and Office Director.]~~

5. The Office may conduct periodic on-site reviews and respond to any consumer complaint or concern of a program~~[or provider]~~ licensed through reciprocity.

R501-1-4. Monitoring.

A. Office staff shall investigate reports of unlicensed ~~[providers and parents]~~ programs and attempt to license all who require a license by statute. If the ~~program~~~~[individual]~~ fails to become licensed, a notice of the violation shall be referred to the

Offices of the Attorney General and the appropriate County Attorney.

B. Office staff shall investigate complaints regarding a licensed program~~[or provider]~~.

C. Unannounced visits may be conducted at any time, and if an unannounced visit indicates non-compliance or a license violation, the Office and the program~~[provider]~~ shall develop a written plan of action to achieve compliance or correct the violation. If the violation is a threat to the health or safety of consumers, a license sanction may be immediate.

R501-1-5. Corrective Action Plan for Non-Compliance With Rules.

A. If an evaluation indicates non-compliance with Rules ~~[or Standards]~~ of the Office, the ~~program~~~~[provider]~~ and Office staff shall develop a plan of action to achieve compliance while continuing to care for ~~[children]~~ minors or adults.

B. The plan of action shall include the following:

1. a statement of each violation,

2. a method and date for resolution, and

3. all plans of action shall be documented in writing and signed by the ~~[provider]~~ appropriate program staff.

C. Technical assistance shall be offered to assist a program ~~[or provider]~~ to comply with a plan of action.

D. If a ~~program~~~~[provider]~~ fails or refuses to comply with the plan of action, a Notice of Agency Action shall be sent to the ~~program~~~~[provider]~~ from the Office.

E. If the ~~program~~~~[provider]~~ fails or refuses to meet requirements or the Notice of Agency Action, the license may be suspended or revoked.

F. Directors~~[or providers]~~ of programs shall be required to post the Notice of Agency Action indicating the violation of ~~Rules~~.~~[standards:]~~ This shall be posted in a conspicuous place for review by consumers or parents or guardians of consumers. The plan of action shall be reviewed by Office staff. When compliance is achieved, it shall be recorded in the ~~program's~~~~[providers']~~ record. A letter showing compliance shall be sent to the ~~program~~~~[provider]~~ to post for review by consumers or parents or guardians of consumers.

R501-1-6. License Violation.

A. When a program violates the terms of the license, the Office, with notification to the appropriate Division, may deny, condition, suspend, or revoke a license for the following:

1. violation of the Rules of the Office,

~~[2. conviction for an illegal act,~~

~~—3.]~~ 2. conduct in the provision of service that is or may be harmful to the health or safety of persons receiving services, or

~~[4. investigations of abuse, neglect or exploitation, or~~

~~—5.]~~ 3. exercise of professional judgment of license specialist in coordination with Office Director.

B. Sanctions

1. Denial: The Office shall give written notice of the denial of an initial or renewal application within 30 days of the date of decision. The notice shall contain a statement of the basis of the denial and shall inform the applicant of the right to request an administrative hearing as provided by ~~[Department]~~ DHS policy. The applicant must make written request to the Office Director for

a hearing within ten days of the receipt of the Notice of Agency Action.

2. Conditional: The Office shall give written Notice of Agency Action of the conditional status of an existing license. The notice shall contain statement of cause for action and shall inform licensee of the right to an administrative hearing for appeal.

a. A conditional status allows a program to continue operation, if there is no immediate threat to the health or safety of consumers.

b. The duration of the conditional status shall be determined by the Office. The period shall allow sufficient time for correction of the noted deficiencies and the completion of an investigation of abuse or neglect.

3. Suspension: The Office shall give written Notice of Agency Action of a suspension of an existing license. The notice shall contain a statement of cause for action and shall inform the licensee of the right to an administrative hearing or appeal. A suspension of a license prohibits the operation of the program and State payment for consumers.

a. The duration of the suspension shall be determined by the Office. The suspension period shall allow sufficient time for correction of the noted deficiencies or the completion of an investigation.

b. A license may be suspended a maximum of two times. A third time violation of rules of the Office, which would normally result in a suspension will result in revocation.

c. The suspension shall be in force until an administrative hearing has been conducted and a final decision has been made, or the program has complied with issues leading to suspension.

4. Revocation: The Office shall give written Notice of Agency Action of a revocation of an existing license. The notice shall contain a statement of cause for action and shall inform the licensee of the right to a hearing or appeal.

a. A revocation of a license prohibits the operation of the program. The revocation shall be final.

b. The program~~[provider]~~ will be allowed to apply for a new license, after a minimum of one year. However, after two revocations, an application for a license shall not be considered.

C. The sanctions may be one of the following:~~[Sanctions May Be:]~~

1. Prospective: A licensee whose license may be suspended or revoked, shall receive written Notice of Agency Action at least 30 days before the effective action of such suspension or revocation. The notice of suspension or revocation shall state the basis for action.

a. The licensee shall meet the requirements set forth in the notice, or the suspension or revocation shall automatically become final. The notice shall also advise the licensee of the right to an administrative hearing.

b. ~~[The Department]~~ DHS shall not place any consumer in a facility which has been notified of prospective suspension or revocation.

2. Immediate: If the Office Director finds that the health or safety of the consumers so require~~[requires]~~, the immediate suspension or revocation of a license shall be ordered. The Notice of Agency Action shall contain a statement of the basis for the order and shall inform licensee of the right to an administrative hearing. The final decision to suspend or revoke a license shall be made by the Office Director with notification to the appropriate Division.

D. Notice: All written Notices of Agency Action shall be sent by certified mail or hand delivered to the address shown on the license or application.

R501-1-7. ~~[Provider]~~Program Appeal.

A. Request for Hearing: A licensee whose license is being denied, suspended or revoked may request an informal administrative hearing. The request must be in writing, contain a statement of the problem, and be sent to the Office Director within ten days of the report of the adverse action. The Office will follow the procedure for provider~~program~~ hearings according to Utah Administrative Practice Act in accordance with ~~[Department]~~ DHS policy.

B. A hearing shall be conducted by the Office Director when the Office staff has initiated the cause for action.

C. Grievances: If the licensee has other grievances that result in a written request for a hearing not related to suspension, revocation, or denial of a license, but which are related to the operation of the program, the request should be for a~~an~~ agency conference with the Office Director.

R501-1-8. Variances.

A variance is an authorized deviation from the specifics of a Rule.

A. The Office Director, or designee, may grant a variance to ~~[licensing]~~ rules of the Office, if it is in the best interests of the consumer and maintains basic health and safety requirements with notice to the appropriate Division.

B. The licensee must submit a written request for a variance, describing the method of fulfilling the intent of the Rules of the Office to maintain the health and safety of the consumer.

C. The Office shall notify the licensee of the approval or denial of the conditions of the variance, in writing, within 30 days.

D. The Office shall maintain a record, and submit a copy to the appropriate Division.

R501-1-9. Allegations of Abuse or Neglect.

When allegations of abuse, neglect, or exploitation, pursuant to 62A-4a-413, 62A-311.1, or 62A-2-120,121, are made against a program,~~[provider or foster parent;]~~ the following shall apply:

A. Office staff shall immediately notify the appropriate investigative agency, according to the Abuse and Neglect Reporting Requirements.

B. During the investigation the Office staff may, after consultation with the Director or designee, place a license on conditional status.

1. The Office staff shall inform the program~~[provider or foster parents]~~ with a written Notice of Agency Action.

2. The notice shall include the following:

a. a statement that the license will be placed on conditional status during the investigation of abuse, neglect, or exploitation, and

b. a statement of cause for conditional status and a plan of corrective action for the program,~~[provider or foster parents;]~~

3. The Notice of Agency Action shall be sent by certified mail or hand delivered.

4. A copy of the Notice of Agency Action shall be sent to the appropriate Division representative.

~~[D]~~C. When notified of the results of the investigation by the investigating agency, the Office staff shall take the following action:

- 1. If substantiated, the license may be suspended or revoked.
- 2. If unsubstantiated, the license shall return to its former status.

KEY: licensing, human services
[December 2, 1997]October 1998 62A-2-101 et seq.[62A-2]
Notice of Continuation September 2, 1997



Human Services, Administration,
 Administrative Services, Licensing
R501-7
 Rules for Child Placing Agencies

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 21391
 FILED: 08/20/1998, 11:09
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To bring the State of Utah into compliance with the Title VI-E State Plan requirements, the Division of Child and Family Services agreed to make changes to policy, procedure, and licensing standards. The proposed change will bring Child Placing Licensing Standards into compliance.

SUMMARY OF THE RULE OR CHANGE: This amendment prohibits the delay or denial of adoptive or foster placement of a child based on race, color, or national origin.

(DAR Note: A corresponding 120-day (emergency) rule was filed on 09/02/1998. It is effective as of 09/02/1998 and will be published in the October 1, 1998, *Utah State Bulletin* under DAR No. 21415.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-2-101 et seq.

FEDERAL REQUIREMENT FOR THIS RULE: 45 CFR 1356 sec. 471(a)(18)(A)(B)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--the Department has complied with the Multi Ethnic Placement Act for some time. While this extends requirements for non-discrimination, there are no additional compliance costs anticipated.

❖LOCAL GOVERNMENTS: None--local government is not affected by this rule.

❖OTHER PERSONS: None--Child Placing Agencies have complied with the Multi Ethnic Placement Act for some time. COMPLIANCE COSTS FOR AFFECTED PERSONS: None--the Department has complied with the Multi Ethnic Placement Act for some time. While this extends requirements for non-discrimination, there are no additional compliance costs anticipated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--as in "Compliance costs for affected persons," Child Placing Agencies have complied with the Multi Ethnic Placement for some time.

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

Human Services
 Administration, Administrative Services,
 Licensing
 Room 303
 120 North 200 West
 Salt Lake City, UT 84103, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Reta Oram at the above address, by phone at (801) 538-4242, by FAX at (801) 538-4553, or by Internet E-mail at hsadmin.hsadmin2.roram@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 10/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: Reta D. Oram, Director

R501. Human Services, Administration, Administrative Services, Licensing.

R501-7. Rules for Child Placing Agencies.

R501-7-1. Requirements for Organizations and Administration of Child Placing Agencies.

A. Definition

Child Placing means receiving, accepting, or providing custody or care for any child under 18 years of age, temporarily or permanently in accordance with 62A-2-101.

B. Purpose

The purpose of a Child Placing Agency is to place the child permanently in a home for adoption or temporarily in a foster home placement.

C. Administration

1. In addition to the following rules, all Child Placing Agencies will comply with R501-2, Core Standards.

2. Multiple-Service Agency: When services for birth parents are provided in the same agency that provides adoption services, it is necessary to ensure that full consideration is given to the needs of birth parents, as well as to those of the child. Moreover, the agency shall advertise to the public that it does provide services for birth parents who are not considering adoption, refer to R501-7-3.

3. Selection and Placement: A child placing agency for adoption or foster care shall not:

a. deny to any person the opportunity to become an adoptive or a foster parent on the basis of race, color, or national origin of the person, or of a child, involved; or

b. delay or deny the placement of a child for adoption or into foster care on the basis of the race, color or national origin of the adoptive or foster parent, or of a child, involved.~~[Recruitment of Adoptive Families: The agency shall have a written plan for~~

recruiting families for all children for whom the agency is seeking adoptive families.]

4. Legal Responsibility for Child: The agency shall be legally responsible for the well-being of the child following relinquishment of the child until the adoption is finalized, or unless the court places legal responsibility with another party. If the child cannot be adopted, the agency shall continue to be legally responsible for the child, i.e., for making referrals to the appropriate service for continuing care until the agency is discharged.

5. Legal and Other Documents: The agency shall have available and keep in a confidential file all pertinent legal and other documents as available and appropriate, including but not limited to the following:

- a. birth records,
- b. baptismal certificates,
- c. an original of the transfer of parental rights or relinquishment,
- d. decree of termination of parental rights,
- e. copies of divorce papers,
- f. death certificates of adoptive family members or birth parents,
- g. affidavits in cases where a husband is not the father of the child,
- h. statement of the birth parents to release information to mutually agreed upon individuals, or waiver of confidentiality,
- i. statements of birth and adoptive parents regarding their agreement to exchange information and the conditions, if any, pursuant to contact following placement and legal adoption, and
- j. copy of the order of adoption.

6. Minimum Qualifications of Staff: The Executive Director and other staff of the agency shall meet the standards listed below. Department of Human Services Offices staff will be required to meet the personnel and administrative standards as set by State Personnel Policy.

7. Executive Director:

a. The Board of a private agency shall select the Executive Director and delegate to the Executive Director the responsibility for administration of the agency within the general policies of the Board.

b. The Executive Director of a licensed child-placing agency shall be graduated from an accredited four-year college or university, have a master's degree in social work and shall be licensed in accordance with 58-60-204,105 and 58-60-404,405 as a clinical social worker, certified social worker, or professional counselor. In agencies where the Executive Director does not have the appropriate professional license, there shall be a staff member with the appropriate licensure designated as Social Services Director for the agency.

c. In addition, staff identified shall have had two years of full-time paid professional employment in services to children, in a social service setting; one of which must have been in a supervisory or administrative capacity.

8. Casework Supervisor: If an agency has six or more professional staff besides the Executive Director, provisions shall be made for a certified social worker or professional counselor to supervise the additional staff. The certified social worker or professional counselor must have at least one year of full-time paid professional experience in social work. In general, the ratio shall

not exceed one certified social worker or professional counselor to eight caseworkers.

9. Social Service Worker: All service workers shall be licensed to practice social work under the laws of the State of Utah.

10. Workloads: The agency shall establish full time workload standards for staff, taking into consideration average time for satisfactory completion of intake; assessment and preparation of adoptive applicants; and post placement and post legal adoptive services to the birth, adoptive parents and adoptive persons. Under no circumstance shall the workload for social work staff working with children under the age of five exceed 20 active cases; for staff working with prospective adoptive parents prior to approval of the family exceed 30 active cases; for staff working with prospective adoptive parents, following approval exceed 60 active cases; for staff working with birth parents exceed 25 active cases; and for staff working with older or special needs children exceed 15 active cases.

11. Staff Development: The agency shall provide opportunities for staff to enhance professional growth through supervision, in-service training and educational leave. The agency shall maintain current adoption literature.

12. Ethical Conduct: A child placing agency shall operate in an ethical manner, including the following:

a. Its governing body, voluntary board, staff and consultants are not favored in applying for or receiving the services of the agency.

b. It receives no payment or other considerations for the referral of any applicant or client.

c. It provides no payment or other considerations to any services provider or other organization or individual for any referral of any applicant for the agency's services.

d. It prohibits the directed referral, or steering, of its applicants, clients, and their families to any private practice in which its staff or consultants may be engaged.

e. It maintains a record of the ownership of all its properties and of all financial transactions it enters into with respect to such properties.

f. The members of the governing body of a private or public agency have no direct or indirect financial interest in the assets or leases of the agency; any member who individually or as part of business or professional firm is involved in the business transactions or current professional services of the agency shall disclose this relationship and shall not participate in any vote taken in respect to such transactions or services.

13. Case Records: The agency shall maintain a case record of each child accepted for care, of the family, and of each adoptive applicant, from the time of the application for service through the completed legal adoption and termination of the agency's service. As a minimum, the record shall contain the following information:

a. application and reason for service,

b. social study,

c. problems and service of the client to these services,

d. progress report, at least quarterly, to include the following,

1) services provided,

2) response of the client to these services, and

3) results,

e. closure, a brief summary of what was accomplished and reason for closure, and

f. dates, places and other pertinent information.

g. Adoptive parents, adoptees, and birth parents shall be encouraged to provide updated information to be added to the file at any time prior to and following finalization proceedings. This updated information may include medical, psychological and social information.

h. Case records shall be continuous records of adjustment, interaction, relationships, physical and mental conditions, growth and development. All records and information shall be confidential.

14. Record Retention: At the completion of the adoption all records pertaining to the adoption must be retained.

15. Confidentiality of Records: All adoption records shall be treated as confidential and be retained in a locked, metal file, accessible to designated personnel only. No formation shall be shared with any person without the appropriate consent forms.

16. Location and Housing: The agency shall be located in an area convenient to the clients it expects to serve. It shall be housed in a setting that is attractive, well maintained and comfortable.

17. Office Space: The facility shall maintain offices to meet the needs of clients being served.

18. Resources: The agency shall have financial resources to support the services offered.

19. Payment of Fees: The agency may charge birth parents and adoptive parents for cost of services provided. However, under no circumstance shall the provision of services to birth parents be contingent upon the ability to pay. A signed fee schedule shall be on file indicating cost of each service. Fees may be charged according to a sliding scale, based upon ability to pay in relation to income or can be set at a uniform amount with a provision in agency policy for reducing or waiving the fee when indicated.

20. Itemization of Expenditures:

An itemization of all allowable expenditures on behalf of birth parents shall be on file. The itemization shall be signed by birth parents and adoptive applicant. If any cost appears to be greater than the ordinary or usual costs, the agency must show that the expenditure was fit and appropriate. The agency may pay reasonable costs for the following:

- a. legal services related to the adoption,
- b. medical services related to pregnancy, birth, and post-natal care for the birth mother and medical care for the child,
- c. emergency health related services for the birth mother needed to protect the health and well-being of the fetus,
- d. housing, including utilities and basic telephone service,
- e. necessary transportation, including gasoline or public transportation,
- f. purchase of food, necessary household supplies, and personal hygiene or grooming products,
- g. clothing for the birth mother, and
- h. necessary mental health services for the birth mother during the pre and post-natal period.
- i. For other expenses the agency must show that the expenditure was fit and appropriate for the birth parents beyond six weeks postpartum.

21. Itemization of Fees for Adoption:

An itemization of all adoption related expenses shall be filed with the court prior to the final decree of adoption.

22. Statistics: The agency shall maintain accurate statistics on persons served, applications, and dispositions as a minimum.

23. Indian Child Welfare Act: An agency which serves Indian children must have standards and procedures which also conform to the Indian Child Welfare Act, refer to pl 95-600.

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KEY: licensing, human services, child placing
~~[December 2, 1997]~~**October 1998** [62A-2]~~62A-2-101 et seq.~~
Notice of Continuation September 2, 1997



Natural Resources, Wildlife Resources

R657-5

Taking Big Game

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 21414
FILED: 09/01/1998, 16:32
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to provide provisions allowing drawings to allocate special hunt permits as authorized by the Wildlife Board.

SUMMARY OF THE RULE OR CHANGE: This amendment adds provisions to this rule to provide application and drawing procedures for special hunts in the event that wildlife management objectives are not being met for once-in-a-lifetime, premium limited entry, and limited entry species if the Bucks, Bulls, and Once-In-A-Lifetime Proclamation and Antlerless Addendum of the Wildlife Board have been published and the drawings for the respective species have been completed as authorized by the Wildlife Board. This amendment also makes other changes for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The Division of Wildlife Resources (DWR) estimates that revenue to the DWR may increase when special hunts are authorized by the Wildlife Board due to additional permits sales.

❖**LOCAL GOVERNMENTS:** None--this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendments. Nor are local governments indirectly impacted because the amendments do not create a situation requiring additional services from local governments.

❖**OTHER PERSONS:** No impact--these amendments do not impose any requirements on persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact--however, DWR anticipates that persons may be eligible to purchase a permit resulting in the cost of the permit fees to eligible persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule does not create an impact on businesses.

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@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 10/15/1998; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 09/24/1998, 9:00 a.m., Department of Natural Resources Auditorium, 1594 West North Temple, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: John Kimball, Director

**R657. Natural Resources, Wildlife Resources.
R657-5. Taking Big Game.**

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R657-5-27. Bucks, Bulls, and Once-In-A-Lifetime Application -Deadlines.

- (1) A person may obtain only one permit per species of big game, except antlerless permits as provided in the Antlerless Addendum and Rule R657-42.
- (2) Applications are available from license agents and division offices.
- (3) A resident may apply in the bucks, bulls and once-in-a-lifetime drawing for the following permits:
 - (a) only one of the following species:
 - (i) buck deer - premium limited entry, limited entry and cooperative wildlife management unit;
 - (ii) bull elk - limited entry, cooperative wildlife management unit and muzzleloader; or
 - (iii) buck pronghorn - limited entry and cooperative wildlife management unit; and
 - (b) only one once-in-a-lifetime permit, including once-in-a-lifetime cooperative wildlife management unit permits, except as provided in Section R657-5-66(2)(b).

- (4) A nonresident may apply in the bucks, bulls and once-in-a-lifetime drawing for the following permits:
 - (a) only one of the following species:
 - (i) buck deer - premium limited entry and limited entry;
 - (ii) bull elk - limited entry and muzzleloader; or
 - (iii) buck pronghorn - limited entry; and
 - (b) only one once-in-a-lifetime permit; and
 - (c) general archery, general season or general muzzleloader buck deer.

(5) A wildlife habitat authorization may be purchased before applying, or the wildlife habitat authorization will be issued to the applicant upon successfully drawing a permit.

(6)(a) Applications must be mailed by the date prescribed in the proclamation of the Wildlife Board for taking big game. Applications filled out incorrectly or received later than the date prescribed in the big game proclamation may be rejected. Late applications will be returned unopened.

(b) If an error is found on an application, the applicant may be contacted for correction.

(7) Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. To avoid disappointment and wasting the permit and fee if access is not obtained, hunters should get permission before applying. The division does not guarantee access and does not have the names of landowners where hunts occur.

(8) Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Subsections R657-5-30(4) and R657-5-32(1).

R657-5-59. Antlerless Application - Deadlines.

- (1) Applications are available from license agents and division offices.
- (2) Residents may apply in the drawing for the following permits:
 - (a) antlerless deer;
 - (b) antlerless elk;
 - (c) doe pronghorn; and
 - (d) antlerless moose.
- (3) Nonresidents may apply in the drawing for the following permits:
 - (a) antlerless deer;
 - (b) antlerless elk;
 - (c) doe pronghorn; and
 - (d) antlerless moose, if permits are available during the current year.
- (4) Residents and nonresidents may draw an antlerless permit for each species, except any person who obtained a hunter's choice. bull elk, buck pronghorn, or bull moose permit may not apply for an antlerless elk, doe pronghorn, or antlerless moose permit, respectively.

(5) Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Subsections R657-5-61(3) and R657-5-63(1).

(6) A Wildlife Habitat Authorization may be purchased before applying, or the Wildlife Habitat Authorization will be issued to the applicant upon successfully drawing a permit.

(7)(a) Applications must be mailed by the date prescribed in the antlerless addendum to the proclamation of the Wildlife Board for taking big game. Applications filled out incorrectly or received later than the date prescribed in the antlerless addendum to the proclamation of the Wildlife Board for taking big game may be rejected. Late applications may be returned unopened.

(b) If an error is found on an application, the applicant may be contacted for correction.

(8) Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. To avoid disappointment and wasting the permit and fee if access is not obtained, hunters should get permission before applying. The division does not guarantee access and does not have the names of landowners where hunts occur.

R657-5-65. Special Hunts.

(1)(a) In the event that wildlife management objectives are not being met for once-in-a-lifetime, premium limited entry, or limited entry species, the division may recommend that the Wildlife Board authorize a special hunt for a specific species.

(b) The division will only utilize Subsection (1)(a) if the Bucks, Bulls and Once-In-A-Lifetime Proclamation and Antlerless Addendum of the Wildlife Board for taking big game has been published and the Bucks, Bulls and Once-In-A-Lifetime and Antlerless drawings have been completed.

(2) The special hunt season dates, areas, number of permits, methods of take, requirements and other administrative details shall be provided in an addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation or Antlerless Addendum of the Wildlife Board for taking big game.

(3) Permits will be allocated through a special drawing for the pertinent species.

R657-5-66. Special Hunt Application - Deadlines.

(1) Applications are available from license agents and division offices.

(2)(a) Residents and nonresidents may apply.

(b) Any person who was unsuccessful in the Bucks, Bulls and Once-In-A-Lifetime or Antlerless drawing may apply. However, any person who has obtained a permit may not apply, unless otherwise provided in this rule and the Bucks, Bulls and Once-In-A-Lifetime Proclamation and Antlerless Addendum of the Wildlife Board for taking big game.

(3) A wildlife habitat authorization may be purchased before applying, or the wildlife habitat authorization will be issued to the applicant upon successfully drawing a permit.

(4)(a) Applications must be mailed by the date prescribed in the addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation or Antlerless Addendum of the Wildlife Board for taking big game. Applications filled out incorrectly or received later than the date prescribed in the addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation or Antlerless Addendum of the Wildlife Board for taking big game may be rejected. Late applications will be returned unopened.

(b) If an error is found on an application, the applicant may be contacted for correction.

(5) Bonus points will be used in the special hunt drawings to improve odds for drawing permits as provided in Section R657-5-40. However, bonus points will not be awarded for unsuccessful applications in the special hunt drawings.

(6) Any person who obtains a special hunt permit is subject to all rules and regulations provided in this rule, the Bucks, Bulls and Once-In-A-Lifetime Proclamation and Antlerless Addendum of the Wildlife Board for taking big game, unless otherwise provided in Sections R657-5-65 through R657-5-70.

R657-5-67. Fees for Special Hunt Applications.

(1) Each application must include:

(a) the permit fee for the species applied for;

(b) a \$5 nonrefundable handling fee; and

(c) the wildlife habitat authorization fee, if it has not yet been purchased.

(2)(a) Personal checks, money orders, cashier's checks and credit cards are accepted from residents.

(b) Money orders, cashier's checks and credit cards are accepted from nonresidents. Personal checks are not accepted from nonresidents.

(3)(a) Credit cards must be valid at least 30 days after the drawing results are posted.

(b) If applicants are applying as a group, all fees for all applicants in that group must be charged to one credit card.

(c) Handling fees are charged to the credit card when the application is processed. Permit fees are charged after the drawing, if successful.

(d) Payments to correct an invalid or refused credit card must be made with a cashier's check or money order for the full amount of the application fees plus any permits requested.

(4) An application is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused.

R657-5-68. Special Hunt Drawing.

(1) The special hunt drawing results are posted at the Lee Kay Center, Cache Valley Hunter Education Center and division offices on the date published in the addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation or Antlerless Addendum of the Wildlife Board for taking big game.

(2) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.

R657-5-69. Special Hunt Application Refunds.

(1) Unsuccessful applicants, who applied on the initial drawing and who applied with a check or money order will receive a refund within six weeks after posting of the drawing results.

(2) Unsuccessful applicants, who applied with a credit card, will not be charged for a permit.

(3) The handling fees are nonrefundable.

R657-5-70. Permits Remaining After the Special Hunt Drawing.

Permits remaining after the special hunt drawing may be sold by mail or on a first-come, first-served basis as provided in the addendum to the Bucks, Bulls and Once-In-A-Lifetime or Antlerless Addendum of the Wildlife Board for taking big game. These permits may be purchased by either residents or nonresidents.

KEY: wildlife, game laws, big game seasons*

[July 16,]1998

23-14-18

23-14-19

23-16-5

23-16-6



Natural Resources, Wildlife Resources

R657-9

Taking Waterfowl, Wilson's Snipe and Coot

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21400

FILED: 08/31/1998, 15:13

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Wildlife Board meetings conducted annually for taking public input and reviewing the division's waterfowl program.

SUMMARY OF THE RULE OR CHANGE: The application provisions for swan permits is being changed for consistency with all drawing procedures. Hunters are now required to return the hunt information questionnaire. Personal watercraft is added to the provision which does not allow air boats in designated parts of some waterfowl management or federal refuge areas. This amendment also clarifies the use of dogs to locate and retrieve migratory game birds during open hunting seasons. A section is added that provides the procedures for the Migratory Game Bird Harvest Information program, requiring persons to obtain a federal registration number to hunt migratory game birds. Other changes are being made for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division of Wildlife Resources (DWR) determines that this rule will not create any cost or savings impact to the state budget or the DWR's budget.

❖LOCAL GOVERNMENTS: None--this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖OTHER PERSONS: No impact--these amendments do not impose any requirements on persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact--this rule does not impose any requirements or burdens on persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule does not create an impact on businesses.

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@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 10/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources. R657-9. Taking Waterfowl, Wilson's Snipe and Coot.

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R657-9-3. Stamp Requirements.

(1) Any person 16 years of age or older may not hunt waterfowl without first obtaining a federal migratory bird stamp, and having the stamp in ~~his~~ possession.

(2) The stamp must be validated by the hunter's signature in ink across the face of the stamp.

(3) A federal migratory bird stamp is not required for any person 12 through 15 years of age.

R657-9-4. Permit Applications for Swan.

(1) Applications for swan permits are available from license agents and division offices. Residents and nonresidents may apply.

(2)(a)(2)] Applications must be mailed by the date prescribed in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot. [Applications completed incorrectly or received later than the date prescribed in the waterfowl, Wilson's snipe and coot proclamation are rejected.]Late applications will be returned unopened.

[(3) Residents and nonresidents may apply.](b) If an error is found on the application, the applicant may be contacted for correction.

[(4)](3) A person may obtain only one swan permit each year

(4) A person may not apply more than once annually.

(5)(a) Group applications are not accepted.

(b) Applications mailed in the same envelope will be accepted, but will be processed and drawn individually.

(6) A Wildlife Habitat Authorization and small game or combination license may be purchased before applying, or the Wildlife Habitat Authorization and small game or combination license will be issued to the applicant upon successfully drawing a permit. Fees must be submitted with the application.

~~[(5)](7)~~ Applications must be sent to: TUNDRA SWAN PERMITS, P.O. Box 168888, Salt Lake City, Utah 84116-8888.

~~[(6)](8)~~ A \$5 nonrefundable handling fee must be submitted with the application.

~~[(7)(a) Residents may send a personal check, cashier's check or money order payable to Utah Division of Wildlife.](9)(a) Personal checks, cashier's checks, money orders and credit cards are accepted from residents.~~

~~[(b) Nonresidents must send either a cashier's check or money order payable to Utah Division of Wildlife.](b) Cashier's checks, money orders and credit cards are accepted from nonresidents.~~

~~[(8) A person may not apply more than once or obtain more than one swan permit during the same year.](10) Credit cards must be valid at least 30 days after the drawing results are posted.~~

~~[(9) Group applications are not accepted.](11) Handling fees are charged to the credit card when the application is processed.~~

~~(12) An application is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused.~~

R657-9-5. Drawing.

(1)(a)~~[-If more applications are received for permits than are available, a drawing will be held:~~

~~—(b)]~~ Drawing results are posted at the Lee Kay Center for Hunter Education, Cache Valley Hunter Education Center and division offices on the date published in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe, and coot.

~~[(c) If there are fewer applicants than available permits, the]~~(b) Any remaining permits are available by mail-in request and over the counter at the Salt Lake division office beginning on the date specified in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

(2) The handling fee is not refunded.

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R657-9-7. Return Questionnaire with Hunt Information.

(1) Within ten days of the conclusion of the prescribed hunting season, the questionnaire included with the permit must be filled out with the required information and mailed to the division.

(2)~~[-Failure to return information may affect eligibility to apply for permits next year:~~

~~—(3)]~~ This questionnaire must be returned regardless of success.

~~[(4)](3)~~ The division ~~[may require]~~requires hunters to submit swan parts or other biological data.

~~(4) Failure to return information, swan parts or biological data may affect eligibility to apply for permits next year.~~

.....

R657-9-13. Airboats.

(1) Air-thrust or air-propelled boats and personal watercraft are not allowed in designated parts of the following waterfowl management or federal refuge areas:

~~[(1)](a)~~ Box Elder County: Box Elder Lake, Bear River, that part of Harold S. Crane within one-half mile of all dikes and levees, Locomotive Springs, Public Shooting Grounds and Salt Creek, that part of Bear River Migratory Bird Refuge north of "D" line as posted.

~~[(2)](b)~~ Daggett County: Brown's Park

~~[(3)](c)~~ Davis County: Howard Slough, Ogden Bay and Farmington Bay within diked units.

~~[(4)](d)~~ Emery County: Desert Lake

~~[(5)](e)~~ Millard County: Clear Lake

~~[(6)](f)~~ Tooele County: Timpie Springs

~~[(7)](g)~~ Uintah County: Stewart Lake

~~[(8)](h)~~ Utah County: Powell Slough

~~[(9)](i)~~ Wayne County: Bicknell Bottoms

~~[(10)](j)~~ Weber County: Ogden Bay within diked units or as posted and all of Harold S. Crane Waterfowl Management Area.

(2) "Personal watercraft" means a motorboat that is:

(a) less than 16 feet in length;

(b) propelled by a water jet pump; and

(c) designed to be operated by a person sitting, standing or kneeling on the vessel, rather than sitting or standing inside the vessel.

.....

R657-9-21. Waste of Migratory Game Birds.

(1) A person may not waste or permit to be wasted or spoiled any protected wildlife or any part of them.

(2) No person shall kill or cripple any migratory game bird pursuant to this rule without making a reasonable effort to retrieve the bird and include it in ~~[his]~~that person's daily bag limit.

R657-9-22. Termination of Possession.

Subject to all other requirements of this part, the possession of birds taken by any hunter shall be deemed to have ceased when the birds have been delivered by ~~[him]~~the hunter to another person as a gift; to a post office, a common carrier, or a migratory bird preservation facility and consigned for transport by the Postal Service or common carrier to some person other than the hunter.

R657-9-23. Tagging Requirement.

(1) No person shall put or leave any migratory game bird at any place other than at ~~[his]~~that person's personal abode, or in the custody of another person for picking, cleaning, processing, shipping, transporting or storing, including temporary storage, or for the purpose of having taxidermy services performed unless there is attached to the birds a disposal receipt, donation receipt or transportation slip signed by the hunter stating ~~[his]~~the hunter's address, the total number and species of birds, the date such birds were killed and the Utah hunting license number under which they were taken.

(2) Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

.....

R657-9-28. Migratory Bird Preservation Facilities.

- (1) No migratory bird preservation facility shall:
 - (a) receive or have in custody any migratory game bird unless accurate records are maintained ~~[which]that~~ can identify each bird received by, or in the custody of, the facility by the name of the person from whom the bird was obtained, and show:
 - (i) the number of each species;
 - (ii) the location where taken;
 - (iii) the date such birds were received;
 - (iv) the name and address of the person from whom such birds were received;
 - (v) the date such birds were disposed of; and
 - (vi) the name and address of the person to whom such birds were delivered; or
 - (b) destroy any records required to be maintained under this section for a period of one year following the last entry on record.
- (2) Record keeping as required by this section will not be necessary at hunting clubs ~~[which]that~~ do not fully process migratory birds by removal of the head and wings.
- (3) No migratory bird preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried out.

.....

R657-9-30. Use of Dogs.

- (1) Dogs may be used to locate ~~[or retrieve dead or crippled birds legally taken.]and retrieve migratory game birds during open hunting seasons.~~
- (2) Dogs are not allowed on state ~~[upland game]wildlife management~~ or waterfowl management areas, ~~except [from April 1 through August 15.~~
- ~~— (3) Dog training is allowed only on designated areas of upland game and waterfowl management areas as posted from August 16 through March 31.~~
- ~~— (4) In Tooele County, the James Walter Fitzgerald Wildlife Management Area is closed to dog training, except dogs may be used to locate and retrieve game]during open hunting seasons or as posted by the division.~~

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R657-9-32. Closed Areas.

- (1) A person may not trespass on state waterfowl management areas except during prescribed seasons, or for other activities as posted without prior permission from the division.
- (2) A person may not participate in activities that are posted as prohibited.
- (3) A person may not trespass, take, hunt, shoot at, or rally any waterfowl, snipe, or coot in the following specified ~~[waterfowl management areas, federal refuges, and reservoirs as posted:]areas:~~
 - (a) Brown's Park - That part adjacent to headquarters.
 - (b) Clear Lake - Spring Lake.
 - (c) Desert Lake - That part known as "Desert Lake."
 - (d) Farmington Bay - Headquarters area, within 600 feet of dikes and roads accessible by motorized vehicles and the waterfowl rest area in the northwest quarter of unit one as posted.

- (e) Ogden Bay - Headquarters area, and part of Unit three as posted. The closed area in unit three includes a 100-yard wide retrieval zone ~~[as designated]that is designated~~ closed to shooting.
- (f) Public Shooting Grounds - That part ~~as posted~~ lying above and adjacent to the Hull Lake Diversion Dike known as "Duck Lake."
- (g) Salt Creek - That part ~~as posted~~ known as "Rest Lake."
- (h) Bear River Migratory Bird Refuge - For information contact the refuge manager, U.S. Fish and Wildlife Service, at ~~[734-0557](435) 723-5887~~. The entire refuge is closed to the hunting of snipe. Bear River Refuge will not be open for the special youth hunting day.
- (i) Fish Springs and Ouray National Wildlife Refuges - Waterfowl hunters must register at Fish Springs refuge headquarters prior to hunting. Both refuges are closed to the hunting of swans, and Fish Springs is closed to the hunting of geese.
- (j) State Parks
Hunting of any wildlife is prohibited within the boundaries of all state park areas except those designated open by appropriate signing (R651-603-5).
- (k) Millard County
Gunnison Bend Reservoir and that part of the inflow area as marked and posted.
- (l) ~~[Swan hunting is closed except for those portions of Box Elder, Weber, Davis, Salt Lake, and Tooele counties that lie south of state highway 30 and Interstate 80-84, west of Interstate 15, and north of Interstate 80.]Salt Lake International Airport - Hunting and shooting prohibited as posted.~~

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R657-9-34. Migratory Game Bird Harvest Information Program (HIP).

- (1) A person must obtain a Migratory Game Bird Harvest Information Program (HIP) registration number to hunt migratory game birds.
 - (2)(a) A person must call 1-800-WETLAND (1-800-938-5263) to obtain their HIP registration number. Use of a public pay phone will not allow access to 1-800-WETLAND.
 - (b) A person must write their HIP registration number on their current year's hunting license.
 - (3) Any person obtaining a HIP registration number will be required to provide their:
 - (a) hunting license number;
 - (b) hunting license code key;
 - (c) name;
 - (d) address;
 - (e) birth date; and
 - (f) information about the previous year's migratory bird hunts.
 - (4) Lifetime license holders will receive a sticker from the Division to write their HIP number on and place on their lifetime license card.
 - (5) Any person hunting migratory birds will be required, while in the field, to prove that they have registered and provided information for the HIP program.

KEY: wildlife, birds, migratory birds, waterfowl*
[October 16, 1997]1998

23-14-18
23-14-19
50 CFR part 20



Natural Resources, Wildlife Resources

R657-10

Taking Cougar

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 21401
FILED: 08/31/1998, 15:13
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Wildlife Board meetings conducted annually for taking public input and reviewing the division's cougar management program.

SUMMARY OF THE RULE OR CHANGE: This amendment makes changes to the regulations regarding pursuit of cougar, such as clarifying that a person who obtains a limited entry or harvest objective cougar permit may pursue cougar on the unit for which the permit is valid. Also, the cougar/bear pursuit permit is being split beginning January 1, 1999, i.e., one pursuit permit for cougar and one pursuit permit for bear. The spotlighting provision is restructured to add Subsection R657-10-11(1)(b) as an exception to Section 23-13-17. The application procedures are being amended for consistency with all drawing procedures and other changes are being made for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: The cost of a 1998 cougar/bear pursuit permit is \$25. Splitting the permits results in the cost of a 1999 cougar only pursuit permit to \$25, and a 1999 bear pursuit permit to \$25. Therefore, if a person obtains both permits there is an additional cost of \$25. Thus, the rule may impact the Division of Wildlife Resources budget by increasing revenue for the sale of pursuit permits to residents and nonresidents for the pursuit of cougar.
- ❖LOCAL GOVERNMENTS: None--this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.
- ❖OTHER PERSONS: No impact--these amendments do not impose any requirements on persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Any person may purchase a 1998 cougar/bear pursuit permit for a fee of \$25.

Beginning January 1, 1999, any person may purchase a cougar only pursuit permit for \$25.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule does not create an impact on businesses.

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@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 10/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources. R657-10. Taking Cougar.

.....

R657-10-2. Definitions.

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
 - (a) "Canned hunt" means that a cougar is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the cougar.
 - (b) "Cougar" means *Felis concolor*, commonly known as mountain lion, lion, puma, panther or catamount.
 - (c) ["Cougar/bear"]**Cougar** pursuit permit" means a permit that authorizes a person to pursue cougar [or bear] during designated seasons. Information regarding bear pursuit is published in the proclamation of the Wildlife Board for taking bear.
 - (d) "Evidence of sex" means the sex organs of a cougar, including a penis, scrotum or vulva.
 - (e) "Green pelt" means the untanned hide or skin of any cougar.
 - (f) "Kitten" means a cougar less than one year of age.
 - (g) "Pursue" means to chase, tree, corner or hold a cougar at bay.
 - (h) "Waiting period" means a specified period of time that a person who has obtained a cougar permit must wait before applying for any other cougar permit.

R657-10-3. Permits for Taking Cougar.

(1)(a) To ~~take~~harvest a cougar, a person must first obtain an annual Wildlife Habitat Authorization~~and~~, a valid small game or combination license, and a limited entry cougar permit or a harvest objective cougar permit for a specified management unit as provided in the proclamation of the Wildlife Board for taking cougar.

(b) Any person who obtains a limited entry cougar permit or a harvest objective cougar permit may pursue cougar on the unit for which the permit is valid.

(2) To pursue cougar, a person must first obtain an annual Wildlife Habitat Authorization~~and~~, a valid small game or combination license, and a 1998 cougar/bear pursuit permit or 1999 cougar pursuit permit from a division office. A 1998 cougar/bear pursuit permit or 1999 cougar pursuit permit does not allow a person to kill a cougar.

(3) A person may not apply for or obtain more than one cougar permit for the same year, except:

- (a) as provided in Subsection R657-10-27(3); or
- (b) if the person is unsuccessful in the limited entry drawing, the person may purchase a harvest objective permit.

(4) Any cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

~~[(5) Only residents may obtain cougar/bear pursuit permits.]~~

.....

R657-10-5. Purchase of License or Permit by Mail.

(1) A ~~[nonresident may purchase a small game license]~~person may obtain a license and wildlife habitat authorization by mail by sending the following information to the Salt Lake division office: full name, complete mailing address, phone number, date of birth, weight, height, sex, color of hair and eyes, driver's license number (if available), proof of hunter education certification, and fee.

(2) A ~~[resident or nonresident]~~person may purchase a permit by mail by sending the following information to the Salt Lake division office: full name, complete mailing address, phone number, hunting license number, and fee.

(3)(a) Residents may send a personal check, cashier's check, or money order.

(b) Nonresidents must send either a cashier's check or money order.

(c) Checks must be made payable to the Utah Division of Wildlife Resources.

.....

R657-10-11. Spotlighting.

(1)~~[(a) Except as provided in Section 23-13-17;]~~ Except as provided in Section 23-13-17:

(a) a person may not use or cast the rays of any spotlight, headlight or other artificial light to locate protected wildlife while having in possession a firearm or other weapon or device that could be used to take or injure protected wildlife; and[-]

(b) ~~[The]~~the use of a spotlight or other artificial light in a field, woodland or forest where protected wildlife are generally found is prima facie evidence of attempting to locate protected wildlife.

(2) The provisions of this section do not apply to the use of the headlights of a motor vehicle or other artificial light in a usual manner where there is no attempt or intent to locate protected wildlife.

R657-10-12. Party Hunting.

A person may not take a cougar for another person.

R657-10-13. Use of Dogs.

(1) Dogs may be used to take or pursue cougar only during open seasons as provided in the proclamation of the Wildlife Board for taking cougar.

(2) The owner and handler of dogs used to take or pursue cougar must have a valid cougar permit or 1998 cougar/bear pursuit permit or 1999 cougar pursuit permit in possession while engaged in taking or pursuing cougar.

(3) When dogs are used in the pursuit of a cougar, the licensed hunter intending to take the cougar must be present when the dogs are released and must continuously participate in the hunt thereafter until the hunt is completed.

.....

R657-10-17. Transporting Cougar.

Cougar ~~[which]~~that have been legally taken may be transported by the permit holder provided the cougar is properly tagged and the permittee possesses a valid small game or combination license and the appropriate permit.

.....

R657-10-19. Donating.

(1) A person may donate protected wildlife or their parts to another person ~~[only at the following places;]~~as provided in Section 23-20-9.

~~[(a) the residence of the donor;~~

~~[(b) the residence of the person receiving protected wildlife or their parts;~~

~~[(c) a meat locker;~~

~~[(d) a storage plant; or~~

~~[(e) a meat processing facility.~~

(2) A written statement of donation must be kept with the protected wildlife or parts showing:

~~[(a) the number and species of protected wildlife or parts donated;~~

~~[(b) the date of donation;~~

~~[(c) the license or permit number of the donor and the permanent possession tag number; and~~

~~[(d) the signature of the donor.~~

~~(3)](2) A green pelt of any cougar donated to another person must have a permanent possession tag affixed.~~

~~(4)](3) The written statement of donation must be retained with the pelt.~~

.....

R657-10-22. Livestock Depredation and Human Health and Safety.

(1) If a cougar is harassing, chasing, disturbing, harming, attacking or killing livestock, or has committed such an act within the past 72 hours:

(a) in depredation cases, the livestock owner, an immediate family member or an employee of the owner on a regular payroll, and not hired specifically to take cougar, may kill the cougar;

(b) a landowner or livestock owner may notify the division of the depredation or human health and safety concerns, who shall authorize a local hunter to take the offending cougar or notify a USDA Wildlife Services specialist; or

(c) the livestock owner may notify a USDA Wildlife Services specialist of the depredation who may take the depredating cougar.

(2) Depredating cougar may be taken at any time by a USDA Wildlife Services specialist, supervised by the Wildlife Services program, while acting in the performance of the person's assigned duties and in accordance with procedures approved by the division.

(3) A depredating cougar may be taken with any weapon authorized for taking cougar.

(4)(a) Any cougar taken pursuant to this section must be delivered to a division office or employee within 72 hours.

(b) In accordance with Subsection (1)(a) the cougar shall remain the property of the state, except the division may issue a cougar damage permit to a person who has killed a depredating cougar in accordance with this section, if that person wishes to maintain possession of the cougar.

(c) A person may acquire only one cougar annually.

(5)(a) Hunters interested in taking depredating cougar as provided in Subsection (1)(b) may contact the division.

(b) Hunters will be contacted by the division to take depredating cougar as needed.

.....

R657-10-27. ~~Cougar/Bear~~Cougar Pursuit.

(1) Cougar may be pursued only by persons who have obtained an annual Wildlife Habitat Authorization, a valid small game or combination license and a 1998 cougar/bear pursuit permit~~[-The cougar/bear-] or 1999 cougar pursuit permit. The 1998 cougar/bear pursuit permit or 1999 cougar pursuit permit does not allow a person to kill a cougar.~~

(2) A person may not:

(a) take or pursue a female cougar with kittens;

(b) repeatedly pursue, chase, tree, corner or hold at bay, the same cougar during the same day; or

(c) possess a firearm or any device that could be used to kill a cougar while pursuing cougar.

(3) If eligible, a person who has obtained a 1998 cougar/bear pursuit permit or 1999 cougar pursuit permit may also obtain a limited entry cougar permit or harvest objective cougar permit.

(4) Cougar may be pursued only on limited entry units or harvest objective units during the dates provided in the proclamation of the Wildlife Board for taking cougar.

(5) ~~[Cougar/bear]~~The 1998 cougar/bear pursuit permits and 1999 cougar pursuit permits are valid on a calendar year basis.
~~Nonresidents may not purchase a cougar/bear pursuit permit.]~~

R657-10-28. General Application Information.

(1) A person must obtain or apply for an annual Wildlife Habitat Authorization and either a ~~[1997 or-]1998 or 1999~~ small game or combination license before the division may issue a cougar permit.

(2) Limited entry cougar permits are valid only for the management unit and for the specified season designated on the permit.

R657-10-29. Waiting Period.

(1) Any person who ~~[purchased]~~obtained a limited entry permit valid for the 1996 or 1997 season, may not apply for a permit in the ~~[1997/1998 season's]~~1998/1999 drawing.

(2) Any person who ~~[draws]~~obtains a limited entry permit for the ~~[1997/1998]~~1998 season may not apply for a permit for the ~~[1998/1999 season]~~1999 or 2000 years drawings.

(3) Waiting periods are not incurred as a result of purchasing harvest objective permits.

R657-10-30. Application Procedure.

(1) Applications are available from license agents and division offices.

(2) Applicants may select up to three choices of areas when applying for limited entry cougar permits. Areas must be listed in order of preference.

(3)(a) Applications must be received through the mail no later than 5 p.m., on the date published in the proclamation of the Wildlife Board for taking cougar. ~~[Applications completed incorrectly or received after the date published in the proclamation of the Wildlife Board for taking cougar are rejected.]~~Late applications will be returned unopened.

(b) If an error is found on the application, the applicant may be contacted for correction.

(4) Applications must be sent to: Utah Cougar Permit Applications, P.O. Box 168888, Salt Lake City, Utah 84116-8888.

(5) A person may obtain only one cougar permit each year.

(6)(a) Group applications are not accepted. A person may not apply more than once ~~[in the current year.]~~annually.

~~[(6)(a) A 1998](b)~~ Applications mailed in the same envelope will be accepted, but will be processed individually.

(7)(a) A 1999 Wildlife Habitat Authorization and small game or combination license will be issued upon successfully drawing a permit. Fees must be submitted with the application.

(b) Any person who successfully draws a permit must obtain a ~~[1997]1998~~ Wildlife Habitat Authorization and small game or combination license if planning to hunt December ~~[14]16~~ through December 31, ~~[1997]1998~~.

R657-10-31. Fees.

(1)(a) Personal checks, cashier's checks, money orders and credit cards are accepted from residents.

(b) Cashier's checks, money orders or credit cards are accepted from nonresidents. Personal checks are not accepted from nonresidents.

(2)(a) Credit cards must be valid at least 30 days after the drawing results are posted.

(b) Handling fees are charged to the credit card when the application is processed. Permit fees are charged after the drawing, if successful.

(3) A handling fee is added to the price of the permit on the application form. The handling fee must be included and is nonrefundable.

(4) An application is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused.

(5) Licenses and permits are mailed to successful applicants.

(6) Unsuccessful applicants will receive a refund in December.

R657-10-32. Drawing.

(1) ~~[If more applications are received for limited entry permits than the number of permits available, a drawing will be held.]~~ Drawing results will be posted on the date published in the proclamation of the Wildlife Board for taking cougar at division offices, Lee Kay Center for Hunter Education and Cache Valley Hunter Education Center.

(2)(a) Beginning on the date published in the proclamation of the Wildlife Board for taking cougar, any resident limited entry permits remaining after the drawing are available to residents and any nonresident limited entry permits remaining after the drawing are available to nonresidents from the Salt Lake division office by mail-in application. These permits are sold on a first-come, first-served basis.

(b) Beginning on the date published in the proclamation of the Wildlife Board for taking cougar, residents or nonresidents may purchase any of the remaining permits by mail-in application from the Salt Lake division office.

(3) Any limited entry cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

(4) Waiting periods do not apply to purchase remaining permits after the drawing. However, waiting periods are incurred as a result of purchasing remaining permits after the drawing. Therefore, if a remaining permit is purchased in the current year, waiting periods will be in effect when applying for limited entry permits in the drawing in following years.

.....

R657-10-34[-Refunds].

~~Refunds are mailed within six weeks after the drawing.~~

R657-10-35]. Harvest Objective General Information.

(1) A person must obtain an annual Wildlife Habitat Authorization and a ~~[1997 or]~~1998 or 1999 small game or combination license before the division may issue a cougar permit.

(2) Harvest objective permits are valid only for the management unit and for the specified season designated on the permit.

(3) Harvest objective permits are not valid after the harvest objective has been met for the specified management unit.

R657-10-~~[36]~~35. Harvest Objective Permit Sales.

(1) Harvest objective permits are available to residents and nonresidents over-the-counter beginning on the date published in the proclamation of the Wildlife Board for taking cougar from division offices.

(2) Any cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

(3) Any harvest objective permit exchanged is not valid until the day after the exchange is made.

R657-10-~~[37]~~36. Harvest Objective Unit Closures.

(1) To hunt in a harvest objective unit, a hunter must call 1-888-668-LION to verify that the cougar management unit is still open. The phone line will be updated each day by 8 p.m.

(2) Harvest objective units are open to hunting until:

(a) the female cougar sub-objective for that unit is met;

(b) the cougar harvest objective for that unit is met; or

(c) the end of the hunting season as provided in the proclamation of the Wildlife Board for taking cougar.

(3) Upon closure of a harvest objective unit, a hunter may not take or pursue cougar except as provided in Section R657-10-27.

(4) Any person who obtains a harvest objective cougar permit may exchange that permit as provided in Section R657-10-3.

KEY: wildlife, cougar*, game laws

1998

23-14-18

23-14-19



Natural Resources, Wildlife Resources

R657-44

Big Game Depredation

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 21402

FILED: 08/31/1998, 15:13

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to comply with legislative changes to Section 23-16-3.5.

SUMMARY OF THE RULE OR CHANGE: This amendment allows mitigation permits to be valid on properties of landowner associations, and makes changes for consistency and clarity in accordance with Section 23-16-3.5. In addition, this amendment adds that the division shall consider management objectives when issuing mitigation permits to landowners.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-16-2, 23-16-3, 23-16-3.5, and 23-16-4

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division of Wildlife Resources (DWR) determines that this rule will not create any cost or savings impact to the state budget or the DWR's budget.

❖LOCAL GOVERNMENTS: None--this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖OTHER PERSONS: No impact--these amendments do not impose any requirements on persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No impact--this rule does not impose any requirements or burdens on persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule does not create an impact on businesses.

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@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 10/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: John Kimball, Director

**R657. Natural Resources, Wildlife Resources.
R657-44. Big Game Depredation.**

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R657-44-3. Damage to Cultivated Crops.

(1) The owner of cultivated crops from or upon cleared and planted land shall immediately, upon discovery of big game damage, notify the appropriate regional supervisor or division representative.

(2) Notification must be made:

(a) orally to expedite field investigations to one of the regional division offices or division representative; and

(b) in writing to one of the regional division offices or division representative.

(3) The regional supervisor or division representative shall contact the crop owner within 72 hours of notification to determine the nature of the damage and take appropriate action for the extent of the damage experienced or expected.

(4) The damage incident period shall be determined and agreed upon by the division representative and the crop owner.

(5) Division action may include any of the following:

(a) sending a Division representative onto the premises to control or remove the big game animals, including:

(i) herding;

(ii) capture and relocation;

(iii) temporary fencing; or

(iv) removal, as authorized by the division director or the division director's designee;

(b) recommending to the Wildlife Board an antlerless big game hunt in the next big game season framework;

(c) scheduling a depredation hunter pool hunt as authorized by the Wildlife Board;

(d) issuing big game mitigation permit vouchers to the landowner, allowing the landowner to designate who shall receive the big game mitigation permits to be used for hunting on the owner's or lessee's land during a general or special hunt authorized by the Wildlife ~~board, or~~ Board;

(e) issue big game mitigation permit vouchers to a landowner association that has applied to the division providing a map of the association lands, the signatures of the landowners in the association and designated an association representative to act as liaison with the division, allowing the landowner association to designate who shall receive the big game mitigation permits to be used for hunting on the association's land during a general season or special season as authorized by the Wildlife Board; or

(f) issuing permits to the landowner or lessee for the harvest of big game animals causing depredation. No more than five deer or pronghorn and two elk may be retained by the landowner or lessee.

(6) A landowner or lessee who elects to pursue mitigation through measures in subsections (5) (d) through (5)(f) may not subsequently file a claim under Section 23-16-4, except as provided by an agreement made under Section 23-16-3.5(3)(b)(i).

(7) The options in subsections (5)(c) through (5)(e) are for antlerless animals only. Deer and pronghorn hunts may be August 1 through December 31 and elk hunts may be August 1 through January 31.

~~(7)~~(8) The division director must approve any permits issued for antlered animals.

~~(8)~~(9)(a) The owner of cultivated crops from or upon cleared and planted land is authorized to kill big game animals doing damage to his crops after allowing the division a minimum of 72 hours to remove the offending animals or provide mitigation options after again notifying the division, after the initial 72 hour period, of the necessity of having to remove the animals himself to protect his crops.

(b) Notification must be made:

(i) orally to the appropriate regional division office or division representative; and

(ii) followed in writing to the appropriate regional division office or division representative.

(c) Immediately after making the kill, the crop owner shall notify the appropriate division representative. The carcass of any big game animal killed pursuant to Subsection (8)(a) shall become the property of the division and shall be disposed of by it.

(d) The authority of the owner of cultivated crops from or upon cleared and planted land to remove big game animals continues until the appropriate regional supervisor or division

representative and crop owner agree that the damage incident is concluded.

(e) Killing big game animals after the damage incident period has expired is a violation of the Wildlife Code.

(f) The expiration of the damage incident period does not preclude the crop owner from making future claims.

R657-44-4. Damage to Livestock Forage, Fences, or Irrigation Equipment on Private Lands.

(1) If big game animals are damaging livestock forage, fences, or irrigation equipment on private land or are consuming livestock forage on private land, the landowner or lessee may request the division to take action to prevent depredation.

(2) The request shall be made:

(a) orally to one of the regional division offices or division representative to expedite field investigations; and

(b) in writing to one of the regional division offices or division representative.

(3) The appropriate division representative shall investigate the situation within a reasonable time, not to exceed 72 hours, after receiving the request.

(4) If it appears that depredation by big game will continue, the division may, after consulting with the landowner or lessee, utilize one or any of the following options to address the depredation:

(a) send a Division representative onto the premises to control or remove the big game animals, including:

(i) herding;

(ii) capture and relocation;

(iii) temporary fencing; or

(iv) removal, as authorized by the division director or the division director's designee;

(b) recommend an antlerless big game hunt to the Wildlife Board in the next big game season framework;

(c) schedule a depredation hunter pool hunt, as authorized by the Wildlife Board;

(d) issue big game mitigation permit vouchers to the landowner, allowing the landowner to designate who shall receive the big game mitigation permits to be used for hunting on the owner's or lessee's land during a general season or special hunt as authorized by the Wildlife ~~board;~~ Board;

(e) issue big game mitigation permit vouchers to a landowner association that has applied to the division providing a map of the association lands, the signatures of the landowners in the association and designated an association representative to act as liaison with the division, allowing the landowner association to designate who shall receive the big game mitigation permits to be used for hunting on the association's land during a general season or special season as authorized by the Wildlife Board; or

(f) issue permits to the landowner or lessee for the harvest of big game animals causing depredation. No more than five deer or pronghorn, and two elk may be retained by the landowner or lessee.

(5) The options in Subsections (4)(b) through ~~(4)(e)~~ (4)(f) are for antlerless animals only. Deer and pronghorn hunts may be August 1 through December 31 and elk hunts may be August 1 through January 31. Antlerless permits shall not exceed ten percent of the animals on the private land. A maximum of twenty permits per ~~incident~~ landowner is allowed.

(6) The division director must approve any permits issued for antlered animals.

(7)(a) The Division may enter into a conservation lease with the owner or lessee of private land for a fee, or other remuneration, as compensation for big game depredation.

(b) Any conservation lease entered into under this rule shall provide that the claimant may not unreasonably restrict hunting on the land, or passage through the land to access public land for the purpose of hunting, if those actions are necessary to control or mitigate damage by big game.

(8) In determining appropriate mitigation, the division shall consider:

(a) the extent of damage experienced or expected; ~~and~~

(b) any revenue the landowner derives from participation in a cooperative wildlife management unit, use of landowner permits, and charging for hunter access; and

(c) the population management objective as established in management plans approved by the Wildlife Board.[-]

(9) The damage incident period shall be determined and agreed upon by the division representative and the landowner or lessee.

(10) A landowner or lessee who elects to pursue mitigation through the measures in Subsections (4)(d) ~~and~~ through (4)(e) may not subsequently file a claim under Section 23-16-4, except as provided by an agreement made under Section 23-16-3.5(3)(b)(i).

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KEY: wildlife, big game*, depredation*
[July 7, 1997]1998

23-16-2
23-16-3
23-16-3.5
23-16-4



Regents (Board of), Administration
R765-610

Utah Higher Education Assistance
Authority Federal Family Education
Loan Program PLUS, SLS and Loan
Consolidation Programs

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 21396
FILED: 08/27/1998, 11:13
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: 1998 update to the "Common Manual, Unified Student Loan Policy."

SUMMARY OF THE RULE OR CHANGE: This amendment includes: updates to Chapter 2, "About the FFELP"; Chapter 3, "Lender Participation"; Chapter 4, "School Participation"; Chapter 5, "Borrower Eligibility and Loan Certification"; Chapter 6, "Guarantee, Disbursement, and Delivery"; Chapter 7, "Loan Servicing"; Chapter 8, "Delinquency, Default and Claims"; Chapter 9, "Consolidation Loans"; and Appendix A, Appendix F, Appendix H, and Appendix G as outlined in the "Summary of Policy Changes" included with the updated manual.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53B-12-101(6)
FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 102-325 (Higher Education Act)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Common Manual, Unified Student Loan Policy, 1998

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: None--there are no appropriated state funds involved in student loan programs.
❖LOCAL GOVERNMENTS: None--local governments are not involved in student loan programs.
❖OTHER PERSONS: There may be indeterminate cost savings due to simplification of student loan policies.
COMPLIANCE COSTS FOR AFFECTED PERSONS: Updated rule does not add any new compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The "Common Manual" policies updated and incorporated by this rule merely reflect federal regulations regarding student loan programs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Regents (Board of)
Administration
Suite 550, 3 Triad Center
355 West North Temple
PO Box 45202
Salt Lake City, UT 84180-1205, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cathryn Judd at the above address, by phone at (801) 321-7249, by FAX at (801) 321-7299, or by Internet E-mail at cjudd@utahsbr.edu.

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 10/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: Chalmers Gail Norris, Associate Commissioner for Student Financial Aid and Executive Director of UHEAA

R765. Regents (Board of), Administration.
R765-610. Utah Higher Education Assistance Authority Federal Family Education Loan Program, PLUS, SLS and Loan Consolidation Programs.

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- R765-610-2. References.**
2.1 Utah Code. Title 53B, Utah System of Higher Education, Chapter 12.
2.2 U.S. Congress, Title IV of the Higher Education Act of 1965, as amended.
2.3 U.S. Department of Education. Code of Federal Regulations, 34 CFR Parts 600, 668 and 682.
2.4 "Common Manual, Unified Student Loan Policy" published by Common Manual Guarantors, 199[7]8.

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- R765-610-4. Incorporation by Reference.**
4.1 UHEAA, as the designated guarantor for the FFELP in the state of Utah, hereby incorporates by reference the following documents:
4.1.1 Title IV of the U.S. Higher Education Act of 1965, as amended.
4.1.2 U.S. Department of Education 34 CFR Parts 600, 668, and 682.
4.1.3 "Common Manual, Unified Student Loan Policy", published by Common Manual Guarantors, 199[7]8.

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KEY: higher education, student loans*
[February 1, 1997]1998 **53B-12-101(6)**



Regents (Board of), Administration
R765-612
Lender Participation

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 21397
FILED: 08/27/1998, 11:13
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To clarify the definition of the term "headquartered."

SUMMARY OF THE RULE OR CHANGE: The definition of the term "headquartered" has been changed. The state in which a lender is headquartered is now determined by the location of the lender's primary administrative center.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53B-12-101(6)
FEDERAL REQUIREMENT FOR THIS RULE: Pub. L. No. 102-325 (Higher Education Act)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--there are no appropriated state funds involved in student loan programs.
- ❖LOCAL GOVERNMENTS: None--local governments are not involved in student loan programs
- ❖OTHER PERSONS: None--there is no change in lender requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The definition clarification does not add any new requirements or compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The definition clarification made by this rule does not result in any new requirements for lenders.

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

Regents (Board of)
Administration
Suite 550, 3 Triad Center
355 West North Temple
PO Box 45202
Salt Lake City, UT 84180-1205, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cathryn Judd at the above address, by phone at (801) 321-7249, by FAX at (801) 321-7299, or by Internet E-mail at cjudd@utahsbr.edu.

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 10/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: Chalmers Gail Norris, Associate Commissioner for Student Financial Aid and Executive Director of UHEAA

**R765. Regents (Board of), Administration.
R765-612. Lender Participation.**

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R765-612-3. Definitions.

3.1 Originating Lender. A lending institution which originates Federal Stafford, PLUS, SLS or Consolidation Loans.

3.2 Office. With respect to this rule, an office is a location which is operated by a subsidiary of a bank chartered within the State of Utah or in a state other than Utah where the lender's full range of products and services are available to the lender's customers for routine business transactions. A location established

for the sole purpose of collecting student loan applications does not constitute an office.

3.3 Headquartered. With respect to this rule, the state in which a lender is headquartered is determined ~~[based on the state associated with the lender identification number issued by the U.S. Department of Education for participation in the Federal Family Education Loan Program]~~ by the location of the Lender's primary administrative center.

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KEY: higher education, student loans*
[October 31, 1995][1998]

53B-12-101(6)



End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

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

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

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a CHANGE IN 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 agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends October 15, 1998. At its option, the agency may hold public hearings.

From the end of the waiting period through January 13, 1999, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Human Services, Recovery Services
R527-201
 Medical Support Services

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 21352
 FILED: 08/27/1998, 15:33
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change in proposed rule is to eliminate text in Section R527-201-6 which is already covered in statute and to include required brackets around text that was struck out in Section R527-201-5 and Section R527-201-9 of the original filing.

SUMMARY OF THE RULE OR CHANGE: Text providing that the Office of Recovery Services/Child Support Services (ORS/CSS) or the courts may determine the reasonableness of the cost of insurance for the medical expenses of the minor children has been deleted from Section R527-201-6. Subsection 78-45-7.15(2) already authorizes these entities to make that determination when assigning responsibility for medical expenses.

(DAR Note: The original proposed amendment upon which this change in proposed rule is based was published in the September 1, 1998, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63-46b-1 et seq., 62A-11-326.1, 62A-11-326.2, 62A-11-326.3, and 78-45-7.15

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 45 CFR 303.30 and 45 CFR 303.31, October 1, 1995 ed.

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** Of the various changes proposed in the original filing of the R527-201 amendment, only the change in Section R527-201-9 represents a significant change in ORS/CSS procedures and practices. It will effectively eliminate all costs involved with the establishment and implementation of insurance enrollment orders. On average this will save the state \$5,000 per month or approximately \$60,000 per year. Because this change of the proposed amendment was only necessary to eliminate duplication of language already in statute, it results in no change in cost impact.

❖ **LOCAL GOVERNMENTS:** None--administrative rules of the Office of Recovery Services do not apply to local governments.

❖ **OTHER PERSONS:** Parents who are already under order to provide medical insurance coverage for their children and fail to provide that coverage will no longer have to bear the additional costs associated with participation in an adjudicative proceeding to enforce coverage. The savings to these individuals as a group is estimated at \$3,000 per month or approximately \$36,000 per year. This change in

the proposed amendment will have no additional effect on other persons because the language that has been deleted from the rule already exists in statute.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The original proposed amendment to the rule and the subsequent changes to that amendment which are now proposed do not create additional compliance costs for affected persons. The legal requirement that the parent who is obligated to maintain insurance coverage for his/her children take action to enroll them in a medical insurance plan if available at reasonable cost, remains in effect. Also unchanged is the legal requirement that orders specify that both parents share equally the cost of uninsured medical costs (including uninsured pregnancy and confinement costs). Granting child support credit or offset for half of the children's portion of the premium, or the amount specified in the order, to the parent who pays the insurance premium has been the practice of ORS/CSS and is unaffected by these rule changes. Because enforcement of the obligation to maintain medical insurance is streamlined by the changes in this rule, the cost to affected persons is actually reduced, as noted under "Other persons." The change in the proposed amendment will have no additional effect on individuals who are affected by the rule because the language that has been deleted from the rule already exists in statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed change in this rule eliminating the legal step of obtaining an enrollment order before issuing a notice to enroll to the employer will not only ensure that children receive the insurance coverage they are entitled to sooner, but will also save employers and insurance companies time in dealing with inquiries from custodial parents and related issues concerning coverage and claims prior to enrollment. This should result in cost savings to these businesses over time.

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

Human Services
 Recovery Services
 Fourteenth Floor, Eaton/Kenway Bldg.
 515 East 100 South
 PO Box 45011
 Salt Lake City, UT 84145-0011, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Wayne Braithwaite at the above address, by phone at (801) 536-8986, by FAX at (801) 536-8509, or by Internet E-mail at hsadmin.hsorssl.c.wbraithw@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 10/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: Emma Chacon, Director

**R527. Human Services, Recovery Services.
R527-201. Medical Support Services.**

.....

R527-201-6. Reasonable Cost of Insurance Premiums.

a. Federal regulations generally presume that any employment-related or other group coverage available to the obligated parent is reasonable in cost. However, ~~[ORS/CSS or the courts may determine what reasonable cost means for a particular case in an adjudicative or judicial proceeding that assigns responsibility for maintaining insurance coverage.~~

b. ~~If~~if the combined total of current child support, spousal support, and the obligated parent's insurance premium exceeds the amount allowed under the Consumer Credit Protection Act, ORS/CSS shall enforce only the child and spousal support and shall not require that the obligated parent maintain medical insurance unless ORS/CSS determines that it would be in the best interest of the child to make medical insurance coverage a priority.

.....

**KEY: child support, health insurance, medicaid
1998** **63-46b-1 et seq.**
Notice of Continuation March 20, 1997 **62A-11-326.1**
62A-11-326.2
62A-11-326.3
78-45-7.15



**Public Service Commission,
Administration
R746-365
Intercarrier Service Quality**

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 20997
FILED: 08/28/1998, 11:27
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To incorporate various comments received on the proposed rule.

SUMMARY OF THE RULE OR CHANGE: This change in proposed rule is doing the following: exempting incumbent local exchange carriers with less than 50,000 access lines from the proposed rule; reducing the amount of new market information that telecommunications corporations exchange in their joint planning and forecasting activities; making changes for number portability to recognize developments which have occurred since the proposed rule was published; providing greater detail in repair intervals based on circuit type; replacing references to a rule provision with the correct statutory reference; and making stylistic changes and removing unnecessary and redundant provisions.

(DAR Note: The original proposed new rule upon which this change in proposed rule is based was published in the May 1, 1998, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 54-8b-2.2, 54-8b-3.3, and 54-8b-16

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None are anticipated--the rule will cause the Public Service Commission (PSC) and the Division of Public Utilities (DPU) to receive reports and information from telecommunications corporations operating in Utah. The costs to these state agencies, required to review and analyze the tendered information, will be offset by savings of the agencies in greater efficiency in obtaining the information needed to fulfill their regulatory duties or substitute for costs currently being incurred.

❖LOCAL GOVERNMENTS: None--the rule does not cause or result in any new or changes in existing activities or duties for local government.

❖OTHER PERSONS: The rule establishes the structure and format of information reporting that telecommunications corporations will provide to utility regulators and to other telecommunications corporations. Telecommunications corporations may incur additional costs if it is necessary to modify their operational informational gathering activities to report the information in the designated formats and to disseminate and distribute the information to a larger number of recipients than previously done. There may also be savings as telecommunications corporations receive information in a standardized, consistent format that will enable them to more efficiently analyze and interpret the information. The rule also requires telecommunications corporations to provide specified services within designated time intervals. Telecommunications corporations may incur additional costs, in labor costs and capital costs, if their existing work force and/or facilities cannot accommodate the service levels contemplated in the proposed rule. While the PSC received comments noting the possibility or probability of these costs, the comments described the additional costs in general terms without specificity or indicated that estimates of the additional costs would be difficult to make. Some companies that provided the most detailed estimates of additional costs are now exempt from the immediate application of the proposed rule by the changes proposed in this filing. Comments received by the PSC also indicated that telecommunications corporations would be able to reduce their costs. These savings were due to the ability to more efficiently and effectively plan their retail service offerings because of the improved planning and wholesale service assurance obtained from the proposed rule. The estimates contained in the comments received by the PSC ranged from capital costs of \$60,000 and annual costs of \$169,000 to generalized estimates "in the millions." The PSC is unable to validate or invalidate the estimates presented.
COMPLIANCE COSTS FOR AFFECTED PERSONS: See explanation under "Other persons."

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In 1995 the State of Utah, through the passage of the 1995 Telecommunications

Reform Act, established a policy of requiring access to network facilities and services of each telecommunications corporation by all other telecommunications corporations. This interconnection requirement is intended to facilitate competition in providing public telecommunications services to the citizens of the State. By allowing competitors to resell finished services or bundle elements or services of other companies with their own elements and services, the State embarked on a substantial change in the way telecommunication utilities operate and compete in the State of Utah. The Federal Telecommunications Act of 1996 followed a similar interconnection and access to network facilities approach in its efforts to affect the competitive provision of telecommunications services. While the State and Federal Acts provide the direction of what to do, it was left to administrative agencies, the Federal Communications Commission, and the Public Service Commission to direct how it was to be done and how to monitor the activities. The Public Service Commission has attempted to follow a monitoring approach that has been developed and discussed within the telecommunications industry as the Local Competition Users Group (LCUG) Service Quality Measurements (SQM). Comments received by the Commission were either generally or explicitly supportive of this monitoring approach. The Public Service Commission has formulated service intervals based on our experience with current interconnections and proceedings to resolve interconnection disputes among telecommunications corporations. We have attempted to follow the intent and purpose of the State and Federal Acts to encourage competition in telecommunications services and to promote, rather than impede and delay, the interconnection and access to network facilities and services of one telecommunications corporation with those of another. As time passes and we obtain more experience and information by monitoring the activities of telecommunications corporations, we will modify the reporting and provisioning requirements to improve the prospects of achieving the Acts' goals.

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

Public Service Commission
Administration
Fourth Floor, Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sandy Mooy or Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@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 10/15/1998.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1998

AUTHORIZED BY: Barbara Stroud, Paralegal

R746-365. Public Service Commission, Administration.

R746-365. Intercarrier Service Quality.

R746-365-1. General Provisions.

A. Application and Authority -- This rule shall apply to telecommunications corporations that are obligated to interconnect facilities and equipment for the mutual exchange of telecommunications traffic pursuant to 54-8b-2.2.

1. This rule provides service standards to ensure that telecommunications corporations, individually and jointly, will engineer, design, equip and provision an efficient public telecommunications network with attendant operational support systems and joint network planning processes that will:

a. prevent impairment of public telecommunication services attributable to the provisioning of essential facilities and services used to provide local exchange service, including unreasonable blocking of telecommunications traffic carried by or exchanged between the networks of multiple telecommunications corporations;

b. ensure that each incumbent local exchange carrier timely provides essential interconnection facilities and services to other telecommunications corporations that is at least equal in quality to that provided by the incumbent local exchange carrier to itself or to any of its subsidiaries or affiliates, or to any other carrier with whom the incumbent local exchange carrier interconnects, or provides interconnection facilities and services or that otherwise is adequate, efficient, just and reasonable.

2. This rule defines obligations relating to interconnection and the exchange of traffic that apply ~~[only]~~to ~~[incumbent local exchange]~~all telecommunications carriers and further defines additional obligations relating to interconnection and the exchange of traffic that apply only to incumbent local exchange carriers, as required by the federal Telecommunications Act of 1996, 47 U.S.C. Section[s] 251[, 256 (a), 271(c)(1)(B)(2)(B)(i) and the Code of Federal Regulations Part 51.311(b)].

3. This rule specifies minimum network performance and service quality standards applicable to telecommunications corporations interconnecting pursuant to 54-8b-2.2.

4. This rule establishes specific network monitoring and reporting obligations for incumbent local exchange carriers.

5. Incumbent local exchange carriers with less than ~~[30,000]~~50,000 access lines shall be exempt from this rule. ~~[until they]~~If a carrier receives a bona fide request for interconnection made pursuant to the notice and exemption provisions of 47 U.S.C. Section 251 (f), in the event the Commission determines that the requirements of Section 251(f)(1)(B) are met and the Commission terminates the exemption, the Commission may also consider what service standards shall apply to the incumbent local exchange carrier and may promulgate rules to implement applicable standards.

6. The adoption of this rule by the Commission neither precludes subsequent amendment pursuant to applicable statutory procedures, nor the grant of a temporary exemption by the Commission as provided in R746-100-16, Deviation from Rules.

R746-365-2. Definitions.

A. The meaning of terms used in these rules shall be consistent with their general usage in the telecommunications industry unless specifically defined in 54-8b-2, R746-348, or this rule. As used in this rule, unless context states otherwise, the following definitions shall apply:

1. "Affiliate" -- means, with respect to any telecommunications corporation, a person that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this subsection, the term "own" means to own an equity interest, or the equivalent, of more than ten percent.

2. "Blocking" -- means the occurrence of insufficient capacity between the end office or tandem of a telecommunications corporation and the end office or tandem of another telecommunications corporation, and includes a call not completed because of insufficient capacity usually evidenced by a fast busy signal or message that circuits are busy.

3. "Busy Hour" -- means the uninterrupted period of 60 minutes during the day when the traffic is at its maximum.

4. "Business Day" -- means any day other than Saturday, Sunday or other day on which commercial banks in Utah are authorized or required to close.

5. "CFR" -- means the Code of Federal Regulations.

6. "Commission" -- means the Public Service Commission of Utah.

7. "Competitive Local Exchange Carrier" (CLEC) -- means an entity certificated to provide local exchange services that does not otherwise qualify as an incumbent local exchange carrier.

8. "Delayed Service Order" -- means a written or electronic order for an essential interconnection service or facility that is not filled on or before the standard installation interval or the date specified in a FOC, whichever occurs first.

[8]9. "End User" -- means the person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency purchasing the telecommunications service for its own use, and not for resale.

[9]10. "FCC" -- means the Federal Communications Commission.

[10]11. "Federal Act" -- means the Federal Telecommunications Act of 1996, 47 U.S.C.

[11]12. "Firm Order Confirmation" (FOC) -- means notice provided by one telecommunications corporation to another in electronic or manual form of acceptance of a service order and the date that the service order will be completed.

[12. "Held Service Order" -- means a written or electronic order for an essential interconnection service or facility that is not filled on or before the standard installation interval or the date specified in a FOC, whichever occurs first.]

13. "Incumbent Local Exchange Carrier" (ILEC) -- is defined as it is in R746-348, Interconnection.

14. "Interoffice Trunk Facilities" -- means the facilities, including transport, switching and cross-connect facilities, necessary for the transmission and routing of telephone exchange service between two end offices, or an end office and a tandem office.

15. "Local Exchange Carrier" -- means a telecommunications provider, authorized by the Commission, that provides local exchange service in a defined geographic service territory.

16. "Network Element" or "Network Facility" -- is defined as it is in R746-348-2, Interconnection.

17. "Order Completion Notification" (OCN) -- means notice provided by one telecommunications corporation to another in electronic or manual form that a service order has been completed.

18. "OSS Interface" -- means a system of communications links, computer hardware and software and associated equipment providing access into an ILEC's operational support systems for human-to-computer or computer-to-computer communication. This definition is conjunctive to the definition of "operational support" contained in R746-348-2, Interconnection.

19. "Service Order" -- means a written or electronic request for essential facilities or services made to effectuate 54-8b-2.2 and section 251 of the federal act.

20. "Trouble Report" -- means an oral, written or electronic report received by a telecommunications corporation from an end user of public telecommunications service, or, an oral, written or electronic report received by one telecommunications corporation from another who purchases essential facilities or services from the former. In either case, a Trouble Report communicates improper functioning of facilities over which the providing telecommunications corporation exercises control. A trouble report is used by telecommunications corporations to monitor repair and maintenance actions required for disposition of out-of-service or substandard service conditions.

21. "Wholesale Services" -- means essential services available to telecommunications corporations for the purpose of resale to end users.

22. "Wire Center" -- means a building that contains the necessary telecommunications facilities and functions to terminate, switch, route and interconnect local exchange, interoffice, and interexchange public telecommunication services.

R746-365-3. Network Obligations Applicable to All Telecommunications Corporations.

~~A. [Compliance With Existing Rules -- Telecommunications plant shall be designed, constructed, maintained and operated in compliance with R746-340, Substantive Rules Governing Telecommunications Utilities unless a telecommunications corporation receives a waiver or exemption by Commission order. The term "public," as used in R746-340, shall include telecommunications corporations seeking interconnection with another telecommunications corporation.~~

~~— B.]Engineering -- All telecommunications corporations shall construct network facilities in conformance with network design standards and specifications, [promulgated and published by industry standards-setting bodies such as the Alliance for Telecommunications Industry Solutions, the American National Standards Institute, the Committee T1-Telecommunications of the Alliance for Telecommunications Industry Solutions, Bellcore, the Consultative Committee on International Telegraphy and Telephony, the Institute for Electrical and Electronic Engineers, the International Telecommunications Union and the Internet Engineering Task Force.~~

~~— C. FCC Compliance -- Telecommunications corporations shall comply with network performance rules promulgated by the FCC under authority of the federal act if stricter than those contained in this rule.~~

~~—D] B. [Negotiated]Stricter Standards -- [Interconnecting telecommunications corporations may voluntarily agree to performance standards for essential network facilities and services that are stricter than those contained in this rule]If an interconnection agreement is adopted pursuant to negotiation or arbitration under the Federal Act, the agreements may contain obligations and performance standards for network facilities and services that are stricter than those contained in this rule.~~

R746-365-4. Service Quality Obligations.

A. Service Quality Obligations Applicable to All Telecommunications Corporations --

1. Carrier Provisioning Intervals -- Each telecommunications corporation shall provide essential facilities and associated services in accordance with the following provisioning intervals and shall separately measure each provisioning interval for commonly used circuit or facility types. The provisioning interval is the elapsed time measured in hours from a telecommunications corporation's receipt of a service order to return of an OCN. The percentage of service orders completed on time will be determined by the number of orders completed within the installation interval or the committed due date specified in a FOC. The cumulative elapsed time for each circuit or facility type is divided by the total number of corresponding completed service orders for each circuit or facility type to derive measures of service order flow-through, as further enumerated in R746-365-5. A telecommunications corporation shall return a FOC within two business days of receipt of a service order from another telecommunications corporation.

a. Interoffice Trunking Facilities -- Pursuant to forecasting requirements established in R746-365-5, forecasted trunk, routing and switching facilities shall be provisioned to any requesting local exchange carrier within 30 days of receipt of a service order~~[-90 percent of the time]~~, unless otherwise agreed to by the requesting carrier.~~[A telecommunications corporation shall return a FOC within two days of receipt of a service order from another telecommunications corporation.]~~

(i) Service Orders Presented Under Approved Forecasts -- A telecommunications corporation shall~~be obligated to~~ complete all service orders for essential facilities and services requested by an other telecommunications corporation that comport with four~~[-]~~ month projections contained in a joint forecast developed pursuant to R746-365-6(C).

b. ~~[Interim-]Number Portability -- [Until permanent number portability is implemented, telecommunications corporations shall provide interim number portability. The installation interval for interim number portability shall not exceed three days following receipt of a service order 90 percent of the time]Telecommunications corporations shall provide either interim number portability or permanent number portability to a requesting carrier. The installation interval for interim number portability shall not exceed three business days following receipt of a service order. Permanent number portability shall be provided within 60 days following notification by a requesting carrier.~~

2. Trouble Reports --

a. Receipt, Investigation and Recording -- Each telecommunications corporation shall provide for the receipt of trouble reports 24 hours a day, seven days a week. Each telecommunications corporation providing public telecommunications service shall investigate and respond to each

trouble report. Each telecommunications corporation shall maintain a record of trouble reports made by end users and other telecommunications corporations which complies with R746-365-5(B)(4).

b. Emergency Out-of-Service -- Provisions shall be made to clear emergency out-of-service trouble at all hours, consistent with the public interest and the personal safety of a telecommunication corporations personnel. Emergency or alternative service shall be provided local law enforcement and public safety agencies during the period of any network interruption.

c. Notice of Unusual Repairs and Planned Interruptions -- If unusual repairs preclude prompt disposition of a reported trouble, telecommunications corporations shall notify all affected telecommunications corporations. If service must be interrupted for purposes of rearranging facilities or equipment, ~~[the work shall be accomplished in the manner least disruptive to other telecommunications corporations and which minimizes public inconvenience. Each telecommunications corporation shall notify each affected telecommunications corporation in advance of a planned interruption]~~all affected telecommunications corporations shall be notified and the work shall be completed in the least disruptive manner in order to minimize public inconvenience.

d. Repair Intervals -- Each telecommunications corporation shall seek to clear out-of-service trouble reports received from another telecommunications corporation within ~~[two hours of receipt 90 percent of the time, unless the trouble requires unusual repair, or carriers have agreed to other repair intervals:]~~the following intervals, unless other repair intervals have been agreed to:

TABLE

DS - 3, OC - 3 and higher	2 hours
DS - 1, Fractional DS - 1, Design DS - 0, and Local Interconnection Trunks	4 hours
Residential and Business Resale POTS	24 hours

The repair interval for clearing a trouble between telecommunications corporations is the elapsed time measured in hours and tenths of hours from the time a trouble report is received by a telecommunications corporation to the time the telecommunications corporation returns a valid trouble resolution notification. Elapsed time shall be measured by common circuit or facility types and trouble disposition and closure recorded in accordance with R365-5(B)(4).

3. Network Performance Levels -- Each telecommunications corporation shall engineer, furnish and install essential facilities and services designed to meet busy hour demand, and to prevent unreasonable blocking. The following minimum network performance standards apply to:

a. Interoffice Facilities --

(i) Local and extended area service interoffice trunk facilities shall have a minimum engineering design standard of (P.01) grade of service.

(ii) Intertandem facilities shall have a minimum engineering design standard of B.0025 (P.0025) grade of service.

b. Outside Plant -- Each telecommunications corporation shall engineer, construct and maintain cable and wire between an end user network interface device and the serving wire center in

conformance with current industry standards, as described in R746-365-3(B), and common engineering practices.

B. Service Quality and Other Network Obligations Applicable to ILECs --

1. Operational Support Systems --

a. OSS Interfaces -- Each ILEC shall undertake all commercially reasonable efforts to ~~implement within 180 days of publication industry standards or guidelines issued by the Alliance for Telecommunications Industry Solutions (ATIS) that~~ facilitate parity of access to operational support systems the incumbent local exchange carrier uses to store and retrieve information related to network engineering and administration. ~~The Commission may by rulemaking adopt published OSS Interface standards or guidelines effecting other telecommunications corporations' access to Operational Support Systems if the rule facilitates automated allocation of network resources and capacity.~~

~~b. FCC Compliance -- ILECs shall comply with rules or standards for OSS interfaces promulgated by the FCC under authority of the federal Act, including any time frames specified therein if shorter than that provided above.]~~

~~c.]~~ Testing of OSS Interfaces -- Each ~~ILEC~~ telecommunications corporation shall upon request jointly conduct with one or more telecommunications corporations testing of OSS interfaces used to obtain access to operational support systems. OSS Interface testing shall commence not more than 45 days after a request for testing is received by a ~~an ILEC~~ telecommunications corporation. ~~The ILEC and the~~ telecommunications corporation ~~(s)]~~ shall determine the duration of tests which shall be conducted among noncommercial end user accounts. No unreasonable limitation shall be imposed by an ILEC on an ~~other telecommunications corporation's~~ ability to test intercarrier OSS Interfaces to ensure compatibility between ILEC and the other telecommunications corporation's operational support systems.

2. Network Provisioning Intervals -- Each ILEC shall provide essential facilities and services that comply with the following installation intervals:

a. Network Elements -- Each ILEC shall provision essential network facilities and services in accordance with the following intervals and shall measure provisioning intervals for each of the following loop facilities and services as described in R746-365-5-(C)(3)(c).

(i) Unbundled Loops -- Provisioning intervals for an unbundled loop will vary by circuit and facility type, the number of loops requested on a service order, availability of facilities and whether or not a dispatch of ILEC personnel must occur. The following essential facilities will be provisioned for telecommunications corporations within the specified intervals.

TABLE

Facility Type	Quantity	Interval
DSO or analog equivalent, dispatch, facilities available:	1 - 24	5 days
	24 - n	negotiated
DSO or voice grade equivalent, no dispatch:	1 - 24	3 days
	24 - n	7-10 days
DS1 -- Facilities provisioned and available:		5 days
ISDN -- Facilities provisioned and available:		7 days
XDSL -- Facilities provisioned and available:		7 days
DS3 -- Facilities provisioned and available:		7 days

OC3 Higher -- Facilities provisioned and available:	15 days
OC4 - Higher -- Facilities provisioned and available:	15 days or negotiated
	<u>due date.</u>

b. Wholesale Services -- Installation intervals for wholesale services shall vary depending upon whether an existing end user service provided by an ILEC is ~~migrated~~ transferred to an ~~other~~ telecommunications corporation, or, is a new service installation.

(i) An ILEC shall ~~migrate~~ transfer wholesale services without changes for an existing end user served by the ILEC within ~~24 hours~~ one business day following receipt of a service order from the telecommunications corporation.

(ii) An ILEC shall ~~migrate~~ transfer wholesale service with changes for an existing end user served by the ILEC within three business days following receipt of a service order from the telecommunications corporation.

(iii) An ILEC shall install new wholesale service to a new end user, if facilities are available, within three days following receipt of a service order from the telecommunications corporation.

c. Collocation -- The following provisioning intervals and optional arrangements are common to both virtual and physical collocation:

(i) Upon receipt by an ILEC of a request for collocation, the ILEC shall within 15 days notify the telecommunications corporation whether sufficient space exists. If the telecommunications corporation disputes an ILEC's denial of a request for collocation, and the carriers cannot negotiate a mutually satisfactory resolution, the telecommunications corporation may petition the Commission pursuant to ~~R746-365-8(B)~~ Section 54-8b-17 for an expedited hearing and resolution of the dispute. The burden shall be on the ILEC to demonstrate to the Commission that collocation is not practical due to space limitations or is technically infeasible.

(ii) If collocation is available, the ILEC shall within 25 days following receipt of a request for collocation provide a written quotation containing all non-recurring charges for construction of the telecommunications corporation's requested collocation arrangement.

(iii) The telecommunications corporation shall within 30 days following receipt of the ILEC's quotation, by written notice to the ILEC: 1) accept the quotation; 2) withdraw the request for collocation; or, 3) provide the ILEC an independent contractor quotation for construction of the requested collocation arrangement.

(iv) If the telecommunication corporation accepts the quotation from the ILEC, collocation equipment shall be installed on the ILEC's premises in accordance with the following provisioning intervals: 1) For physical collocation arrangements, the ILEC shall within 45 days of the telecommunication corporation's acceptance of the ILEC's quotation complete construction of the collocation space necessary and sufficient for installation of the CLEC's collocated interconnection facilities. The ILEC shall grant the telecommunications corporation access to the collocation space to install network elements therein. 2) For virtual collocation arrangements, the ILEC shall within 45 days after delivery of the telecommunication corporation's collocation equipment complete provisioning of all network facilities ordered by the telecommunications corporation.

(v) If the telecommunication corporation provides the ILEC an independent contractor quotation for construction associated with a collocation arrangement, the ILEC shall within 15 days of receipt of the quotation: 1) accept the proposal and grant to the independent contractor access to the ILEC's premises to complete construction of the collocation space and installation of the collocated interconnection facilities; 2) amend the ILEC's own quotation to perform on substantially similar terms, including, without limitation, price, the services specified in the independent contractor's quotation. If the telecommunication corporation accepts the ILEC's amended quotation, construction of the collocation space shall proceed as described in R746-365-4(B)(3)(c)(iv); or, 3) reject the proposal. If the ILEC refuses to accept an independent contractor quotation or amend its own quotation, the telecommunications corporation may petition the Commission for an expedited hearing and resolution of the dispute pursuant to R746-365-8(B).

R746-365-5. Monitoring and Reporting Requirements.

A. Availability and Retention of Records --

1. Availability of Records -- Each telecommunications corporation shall make network engineering and administrative records available for inspection by the Commission or its designee during normal operating hours.

2. Retention of Records -- All information required by this rule shall be preserved for at least 36 months after the date of entry.

3. Information Maintained -- Each telecommunications corporation shall maintain records of its network engineering and administrative operations in sufficient detail to permit review of network performance, provisioning intervals and general service quality provided other telecommunications corporations.

4. Rights of Division of Public Utilities -- Upon request made by the Division of Public Utilities, a telecommunications corporation shall provide within seven business days copies of any information requested. The Division of Public Utilities may request frequent monitoring of network performance, provisioning intervals and general service quality if evidence exists that public telecommunications services are impaired.

5. Special Study -- When requested by the Division of Public Utilities (the Division), an ILEC may file a study with the Division of Public Utilities evidencing actual provisioning intervals for network facilities and services or actual repair intervals for services provided to a telecommunications corporation, to an [retail] affiliate, or, aggregated [provisioning and repair intervals for facilities and services provided] for its ten largest customers. The Division shall investigate the source of the ILEC's operational support evidence and, at its discretion, petition the Commission pursuant to R746-100-16, Deviation from Rules. If the Commission grants consideration of ~~[such]~~ a petition, intervenors may audit the ILEC's operational support evidence underlying the results of its study.

B. Network Monitoring and Performance Reporting Obligations Applicable to All Telecommunications Corporations --

1. Monitoring -- Each telecommunications corporation shall monitor the use of its network so as to:

- a. issue the reports required by this section; and
- b. monitor the use of all trunk groups and other interconnection facilities and equipment on its own side of the point

of interconnection between its network and the network of each interconnecting telecommunications corporation.

2. Call Blocking -- Each telecommunications corporation shall maintain a daily record, by wire center, of call blocking. The record shall indicate the percentage of calls blocked by trunk group utilized by each interconnecting telecommunications corporation. Each telecommunications corporation shall notify an interconnecting telecommunications corporation immediately if call blocking on any trunk group within in any wire center exceeds standard industry levels specified in R746-365-4(A)(2).

3. ~~[Held]~~Delayed Service Orders -- Each telecommunications corporation shall maintain a record, by wire center, of each instance when it fails to supply essential facilities and services to an interconnecting telecommunications corporation in accordance with the provisioning intervals established in R746-365-4. The record shall provide the following data:

- a. the name and address of the telecommunications corporation;
- b. the circuit or facility type requested in the service order;
- c. the date and hour the service order was received;
- d. the reason for the delay;
- e. the number of days the order has been ~~[held]~~delayed;
- f. the expected order completion date for each service order;
- ~~[h]~~g. whether an initial service order was supplemented by the requesting telecommunications corporation and, if so, the date and time the supplement was approved by the providing carrier;
- ~~[i]~~h. a copy of the FOC provided the requesting telecommunications corporations.

4. Carrier Trouble Reports -- Each telecommunications corporations shall maintain a record, by wire center, of trouble reports received from another telecommunications corporations. The record shall:

- a. identify the telecommunications corporation experiencing trouble;
- b. the affected services;
- c. the time, date and nature of the report;
- d. the cause and action taken to clear the trouble and its recorded disposition;
- e. the date and time of trouble clearance.

C. Performance Monitoring and Reporting Obligations Applicable to ILECs --

1. Service Provisioning Reports -- Each ILEC will provide interconnecting telecommunications corporations performance monitoring reports detailing the ILEC's provisioning of:

- a. services to the ILEC's retail customers in the aggregate;
- b. essential facilities and services provided to itself or any retail affiliate purchasing interconnection or access;
- c. essential facilities and services provided in the aggregate to other telecommunications corporations purchasing interconnection; and
- d. essential facilities and services provided to individual telecommunications corporations purchasing interconnection.

2. Service Response Description -- The ILEC shall develop a detailed narrative description of the procedures it employs in responding to calls from:

- a. its retail customers;
- b. its affiliated customers purchasing essential facilities and services for interconnection or local exchange access;

c. interconnecting telecommunications corporations; and

d. The service response description will be made available upon request to telecommunications corporations purchasing essential facilities and services for interconnection. The ILEC shall comply with the procedures outlined in its service response description.

3. Performance Monitoring Reports -- Performance monitoring reports shall include the following reports in addition to any additional reports the Commission may request:

a. Pre-Ordering Data -- Pre-ordering data means network administration data that resides in an ILECs operational support systems that includes, but is not limited to: facility availability, service availability, customer service records, appointment scheduling, telephone number reservation, feature function availability, and street address validation.

(i) Average OSS Response Interval for Pre-Ordering Data -- This report measures average response time per transaction for: customer service records; due date availability, address validation, feature function availability and telephone number selection and reservation. It shall be measured as: the Average Response Interval. The Average Response Interval will equal the quotient of the following formula: a dividend expressed as the sum total of the differences between minuends expressed in Query Response date and time and subtrahends expressed in Query Submission date and time, the sum total dividend being divided by a divisor expressed as the number of Queries submitted in the reporting period.

(ii) OSS Interface Availability -- This report measures the percentage of time an OSS Interface is actually available for use compared to scheduled availability. It shall be measured as: the Percent System Availability. The Percent System Availability will equal the quotient of the following formula: the dividend expressed in the hours the OSS Interface functionality is actually available to CLECs during the report period divided by a divisor expressed in the number of hours the functionality was scheduled to be available during the reporting period, the quotient being expressed as a percentage.

b. Ordering --

(i) Firm Order Confirmation Timeline -- This report measures the average interval from receipt of a service order to distribution of an order confirmation notice. It shall be measured as: measured as the Mean FOC Interval. The Mean FOC Interval will equal the quotient of the following formula: the dividend expressed as the sum total of the differences of minuends expressed as the date and time of Firm Order Confirmation (FOCs) and subtrahends expressed as the date and time of Order acknowledgment, the sum total dividend being divided by a divisor expressed in the number of Orders confirmed in the reporting period.

(ii) Reject Timelines -- This report measures average response time from receipt of service order to distribution of rejection notice. It shall be measured as: the Mean Reject Interval. The Mean Reject Interval will equal the quotient of the following formula: a dividend expressed as the total sum of the difference of minuends expressed as the date and time of Order Rejection and subtrahends expressed as the date and time of Order Acknowledgment, the sum total dividend being divided by a divisor expressed in the number of Orders Rejected in the reporting period.

(iii) Percentage Rejects -- This report measures the percentage of total service orders received and rejected by the ILEC due to errors or omissions in the service order.

(iv) Timeliness of Order Completion Notification -- This report measures average response time from the actual completion date to distribution of service order completion notification. It shall be measured as: the Completion Interval. The Completion Interval shall equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the date and time of Notice of Completion issued to the telecommunications corporations and subtrahends expressed as the date and time of Work Completion by the ILEC, the sum total dividend being divided by a divisor expressed as the number of Orders completed during the reporting period.

(v) ~~Hold~~Delayed Order Interval -- This report measures uncompleted orders where the committed due date on a firm confirmation order has passed. It shall be measured as: the Mean ~~Hold~~Delayed Order Interval. The Mean ~~Hold~~Delayed Order Interval will equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the reporting period close date and subtrahends expressed as the Committed Order Due date, the sum total dividend being divided by a divisor expressed as the number of Orders Pending and Past the Committed Due Date.

c. Provisioning --

(i) Average Completion Interval -- This report measures the average time from an ILECs receipt of service order to the completion date provided on an OCN. It shall be measured as: the Average Completion Interval. The Average Completion Interval will equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the OCN date and time and subtrahends expressed as the Service Orders Submission date and time, the sum total dividend being divided by a divisor expressed as the count of Orders completed in the reporting period.

(ii) Percentage of Orders Completed On Time -- This report measures the percentage of total orders completed on or before the completion date provided on an OCN. It shall be measured as: the Percent Orders Completed on Time. The Percent Orders Completed on Time will equal the quotient of the following formula: a dividend expressed as the count of Orders Completed within ILEC Committed Due Date and a divisor expressed as the count of Orders Completed in the reporting period, the quotient being expressed as a percentage.

(iii) Percentage Missed Installation Appointments -- This report measures the percentage of service orders where installation of ~~wholesale~~ service is not performed at a time in which the customer concurs ~~[which appears on a firm order confirmation]~~. It excludes misses when the ~~[CLEC]~~other telecommunications corporation or end user causes the missed appointment. It shall be measured as: the Percentage Missed Installation Appointments. The Percentage Missed Installation Appointments will equal the quotient of the following formula: a dividend expressed as the count of ~~Wholesale~~ appointments missed and a divisor expressed as the count of Wholesale Orders completed in the reporting period, the quotient being expressed as a percentage.

(iv) New Service Installation Trouble Within 30 Days -- This report measures the percentage of new service installations which prove defective within 30 days following completion of a service order. It shall be measured as: the Percentage New Service Installation Trouble within 30 days. The Percentage New service Installation Trouble within 30 days will equal the quotient of the

following formula: a dividend expressed as the count of defective New Service Install in the past 30 days divided by a divisor expressed as the count of total New Service Installs in the past 30 days; the quotient being expressed as a percentage.

d. Maintenance --

(i) Trouble Report Rate -- This report measures the frequency of direct or referred trouble report incidents across a universe of facilities where the cause is determined to be in network facilities. It is measured as a percentile of lines or circuit types in service. It shall be measured as: the Trouble Report Rate. The Trouble Report Rate will equal the quotient of the following formula: a dividend expressed as the count of Initial and Repeated Trouble Reports in the reporting period divided by a dividend expressed as the number of Service Access Lines in service at the end of the reporting period; the quotient being expressed as a percentage. For purposes of R746-365-5C(1)(c) and (d), an ILEC shall exclude from its count of trouble reports queries made to the ILEC from another telecommunications corporation's end-user customers who are not served by the ILEC.

(ii) Missed Repair Appointments -- This report measures the percentage of trouble reports not cleared by the committed date and time. It excludes misses where the telecommunications corporation or end user caused the missed appointment. It shall be measured as: the Percentage Missed Repair Appointments. The Percentage Missed Repair Appointments will equal the quotient of the following formula: a dividend expressed as the count of Repair Appointments Missed divided by a divisor expressed as the count of Total Appointments; the quotient being expressed as a percentage.

(iii) Mean Time to Restore -- This report measures the restoral interval for resolution of maintenance and repair troubles. It measures the elapsed time from receipt of a trouble report to ~~[clearing and disposition]~~ the time the reported trouble is cleared. It shall be measured as: the Mean Time to Restore. The Mean Time to Restore will equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the date and time of Ticket Closure and subtrahends expressed as the date and time of Ticket creation, the sum total dividend being divided by a divisor expressed as the count of Trouble Tickets Closed in the reporting period.

(iv) Percentage Repeat Trouble Reports Within 30 Days -- This report measures the percentage of trouble reports on a line or circuit that has had a previous trouble report in the preceding 30 days. It shall be measured as: the Repeat Trouble Rate. The Repeat Trouble Rate will equal the quotient of the following formula: a dividend expressed as the count of Service Access Lines generating more than one Trouble Report within a continuous 30 day period divided by a divisor expressed as the number of Trouble Reports in the report period; the quotient being expressed as a percentage.

e. Billing --

(i) Timeliness of Daily Usage Feed -- This report measures the interval in hours between the recording of usage data and the transmission in proper format to a telecommunications corporation. It shall include usage originating at ILEC switches, resale and UNE switching, and not alternately billed messages received from other ILECs. It shall be measured as: the Mean Time to Provide Recorded Usage Records. The Mean Time to Provide Recorded

Usage Records will equal the quotient of the following formula: a dividend expressed as the sum total of the differences of minuends expressed as the data set transmission time and subtrahends expressed as the time of message recording the sum total dividend being divided by a divisor expressed as the count of all messages transmitted in the reporting period; the quotient being expressed as a percentage.

f. Specific Performance Monitoring Reports -- The Commission, the Division of Public Utilities or a telecommunications corporation may request from the ILEC a report on a specific basis rather than on an average basis with respect to any of the information described in the foregoing performance monitoring reports.

4. Identifiable Carrier-Specific Information -- An ILEC shall ensure that any carrier specific information contained in the performance monitoring reports is disclosed only to the individual carrier. The ILEC shall not use any information specific to a carrier for any purpose other than the reporting requirements contained herein.

R746-365-6. Joint Planning and Forecasting.

A. Planning -- A telecommunications corporation will meet with an[-]other telecommunications corporation, interconnecting or planning to interconnect within the next calendar quarter, to participate in joint forecasting and planning as necessary to accommodate the design and provisioning responsibilities of both telecommunications corporations. At a minimum, ~~[an ILEC and a CLEC]~~ the telecommunications corporations will meet once every calendar quarter.

B. Forecasting --

1. Forecasting is the joint responsibility of the ~~[ILEC and the CLEC]~~ telecommunications corporations. A forecast of interconnecting trunk group and other facilities and equipment required by the ~~[ILEC and the CLEC]~~ telecommunications corporations is required on a quarterly basis. The quarterly forecast shall project requirements for the following time intervals:

- a. four months;
- b. one year; and
- c. three years.

To the extent practical, the one-year and three-year forecasts will be supplemented with historical data from time to time as necessary to improve the accuracy of the forecasts.

2. The forecasts shall include, for tandem-switched traffic, the quantity of the tandem-switched traffic forecasted for each end office.

3. The use of Common Language Location Identifier (CLLI-MSG) shall be incorporated into the forecasts.

4. The forecasts shall include a description of major network projects anticipated for the following year that could affect the other party to the forecast. Major network projects include trunking or network rearrangements, shifts in anticipated traffic patterns, or other activities that are reflected by a significant increase or decrease in trunking demand for the succeeding forecasting period.

5. The forecasts, in narrative form, shall also describe anticipated network capacity limitations, including any trunk groups when usage exceeds 80 percent of the trunk group capacity, and the procedure for eliminating capacity problems before any trunk group experiences blocking in excess of the standards set forth in R746-365-5(B)(2).

6. The forecasts shall include the requirements of the ~~[HEC and the CLEC]~~telecommunications corporations for each of the following trunk groups:

- a. intraLATA toll and switched access trunks;
- b. EAS and local trunks;
- c. directory assistance trunks;
- d. 911 and E911 trunks;
- e. operator service trunks;
- f. commercial mobile radio service and wireless traffic; and
- g. meet point billing trunks.

7. Unless otherwise agreed, forecasting information exchanged between interconnecting local exchange carriers, or disclosed by one interconnecting local exchange carrier to the other, shall be deemed confidential and proprietary.

C. Procedure for Forecasting --

1. At least 14 days before a scheduled joint planning and forecasting meeting, the ~~[HEC and the CLEC]~~telecommunications corporations shall exchange information necessary to prepare the forecast described in R746-365-6(B). At a minimum, the ~~[HEC]~~telecommunications corporation will provide the ~~[CLEC]other~~ with the following information.

a. Existing Interconnection Locations -- For existing interconnection locations between the ~~[HEC and the CLEC]~~telecommunications corporations, ~~[the HEC]~~each telecommunications corporation shall provide:

(i) blocking reports, at the individual trunk group level, detailing blocking at each end office, including overflow volumes, and blocking between the ~~[HEC]~~telecommunications corporation's end offices and tandem switches;

(ii) the existence of any network switching, capacity or other constraints.

(iii) any network reconfiguration plans for the ~~[HEC]~~telecommunications corporation's network.

b. New Markets -- They ~~[CLEC]~~ may request the following information concerning a specific market area in the ~~[HEC]other's~~ Utah service territory into which they ~~[CLEC]~~ desire[s] to expand ~~[its]their~~ own network:

(i) The ~~[HEC's]~~ network design and office types in the market area~~;~~ including trunk quantities, by trunk group, to and from each office/tandem, for all tandems and subtending end offices.

(ii) The capabilities of the ~~[HEC's]~~ network in the market area.

~~[(iii) The office line counts in the market area divided between residential and business end users.~~

~~[(iv) The anticipated growth of the HEC's network in the market area.~~

~~[(v) Any plans of the HEC to reconfigure [its]the network in the market area.~~

~~[b]c. [Additional information:]Future need information --~~ The ~~[CLEC]~~telecommunications corporation will provide the ~~[HEC]other~~ with the following information:

(i) The number of trunk lines requested and the projected century call second loads used to formulate such request.

~~[(ii) The business and residential mix of the projected customer base.~~

~~[(iii)](ii)~~ Whether internet providers will be served and the projected number of internet provider lines needed.

~~[(iv)](iii)~~ The projected busy hour(s) of the trunk groups.

~~(iv) The expected blocking level for the tandem switch, the direct final end office, the~~ expected century call seconds on busy hours - how many century call seconds the last idle trunk line will carry.

~~[(vi) Whether equal originating and terminating traffic loads can be anticipated to the requested trunking groups.~~

~~](v)(ii)~~ The projected service dates for the requested trunking groups for the first quarter forecasted.

~~(vi)(ii)~~ The ~~[CLEC]~~telecommunications corporation's ~~[rationale]~~forecast for direct trunk groups to any particular end office.

~~[(ix)](viii)~~ Any ramp up time anticipated for the use of the requested trunk lines, and an estimate of when the trunk group will reach capacity limits.

(x) Whether the ~~[CLEC]~~telecommunications corporation requests usage and overflow data on the trunk groups which are directly connected to the ~~[HEC]other's~~ end offices.

2. The ~~[CLEC]~~telecommunications corporation shall prepare a joint forecast consistent with the requirements of R746-365-6(B) and shall submit the forecast to the ~~[HEC]other~~ at least seven days before the scheduled joint planning meeting.

3. Prior to the scheduled joint planning meeting, the ~~[HEC]~~telecommunications corporation shall notify the ~~[CLEC]other~~ whether ~~[the HEC]~~it accepts the four[-]month forecast, rejects the four[-]month forecast, or proposes specific modifications to the four[-]month forecast.

a. If the ~~[HEC]~~telecommunications corporation rejects the four[-]month forecast or proposes modifications to the forecast, the ~~[HEC]~~telecommunications corporation shall submit a written statement to the ~~[CLEC]other~~ outlining the reasons why the forecast, as prepared by the ~~[CLEC]other~~, is unacceptable. The statement shall be supported by written documentation to support the ~~[HEC]~~telecommunications corporation's position.

b. At the joint planning meeting, the ~~[HEC and the CLEC]~~telecommunications corporations may agree on the terms of the four[-]month forecast, as initially presented~~[-by the CLEC]~~, or with modifications~~[-proposed by the HEC and]~~ agreed to by them ~~[CLEC]~~. If no agreement is reached, the ~~[HEC and the CLEC]~~telecommunications corporations shall jointly outline all areas of disagreement.

4. If the ~~[HEC and the CLEC]~~telecommunications corporations cannot agree on the terms of the quarterly four[-]month forecast, either local exchange carrier may commence an expedited dispute resolution proceeding before the Commission, as provided in ~~[R746-365-8(B)]Section 54-8b-17~~. In that proceeding, the burden of persuasion shall be on ~~[the]an~~ ILEC to demonstrate that ~~[the]a~~ four[-]month quarterly forecast submitted by ~~[the]a~~ CLEC is unreasonable.

5. To the extent the ~~[HEC and the CLEC]~~telecommunications corporations agree to the terms of a forecast, ~~[such]the~~ terms shall be deemed approved for purposes of this section, and only those portions of ~~[the]a~~ quarterly forecast actually in dispute shall be subject to the expedited dispute resolution proceeding.

6. If the ~~[HEC and the CLEC]~~telecommunications corporations agree on a four[-]month quarterly forecast, or, to the extent a forecast is approved by the Commission pursuant to the expedited dispute resolution proceeding, ~~[the HEC]a~~ telecommunications corporation shall be obligated to satisfy all service order requests made by the ~~[CLEC]ordering~~

telecommunications corporation that are consistent with the four[-]month projections contained in the approved forecast. Compliance with the terms of the forecast shall be based on the network provisioning interval standards set forth in R746-365-4(B)(3) as applicable.

D. Capacity Beyond the Four[-]month Forecast -- If ~~the CLEC~~ a telecommunications corporation desires to order trunk groups, equipment, or facilities beyond the four[-]month forecast, but consistent with the one-year and three-year forecast, the ~~CLEC~~ telecommunications corporation may order the additional quantity if it pays a ~~recurring retained~~ capacity reservation charge to the ~~ILEC~~ other telecommunications corporation from whom it orders.

E. Trunk Group Underutilization -- If a trunk group is under 60 percent of centum call seconds (ccs) capacity on a monthly average basis for each month of any three[-]month period, either ~~the ILEC or the CLEC~~ telecommunications corporation may request to resize the trunk group, which resizing will not be unreasonably withheld. If the resizing occurs, the trunk group shall not be left with less than 25 percent excess capacity. In all cases the network performance levels and the network provisioning intervals as set forth in R746-365-4(A)(2) and R746-365-4(B)(3) shall be maintained. If the ~~ILEC and the CLEC~~ telecommunications corporations cannot agree to a resizing, either of them may file a petition with the Commission for an expedited dispute resolution proceeding as provided in ~~R746-365-8(B)~~ Section 54-8b-17.

F. Point of Contact -- ~~The ILEC and the CLEC will each~~ Telecommunications corporations shall provide a specified point of contact for planning, forecasting and trunk~~ing~~ servicing purposes. The specified point of contact shall have all authority necessary to fulfill the responsibilities as set forth in this section.

R746-365-7. Remedies.

A. Commission Assessed Penalties -- The Commission may assess penalties, as provided in 54-7-25 and 54-8b-17, against any telecommunications corporation that fails or refuses to comply with this rule, including, without limitation, the provisioning and forecasting provisions contained in this rule.

B. Carrier Charges and Offsets --

1. Failure to Comply with This Rule -- If a telecommunications corporation fails to meet the network obligations, service quality obligations, reporting and monitoring requirements, or other duties imposed on it by this rule, any affected telecommunications corporations may file a petition with the Commission to enforce the provisions of this rule. The proceeding may be brought on an expedited basis as provided in ~~R746-365-8(B)~~ 54-8b-17.

2. Service Interruption -- A telecommunications corporation shall be entitled to a billing credit against amounts owed to another telecommunications corporation for service interruption as follows:

a. If the telecommunications corporation's service or facility from another telecommunications corporation is interrupted and remains out-of-service for more than four but less than eight continuous hours after being reported by the interrupted telecommunications corporation, or found to be out-of-service by the providing telecommunications corporation, whichever occurs first, appropriate adjustments shall be automatically made by the to the interrupted telecommunications corporation's bill. The adjustment shall be a billing credit equal to one tenth of the

providing telecommunications corporation's monthly rate for the affected service.

b. If the interrupted telecommunications corporation's service or facility from the providing telecommunications corporation is interrupted and remains out-of-service for more than eight but less than 24 continuous hours after being reported by the interrupted telecommunications corporation, or found to be out-of-service by the providing telecommunications corporation, whichever occurs first, appropriate adjustments shall be automatically made by the providing telecommunications corporation to the interrupted telecommunications corporation's bill. The adjustment shall be a billing credit equal to the providing telecommunications corporation's monthly rate for the affected service.

c. If the interrupted telecommunications corporation's service or facility from the providing telecommunications corporation is interrupted and remains out-of-service for more than 24 continuous hours after being reported by the-of-service interrupted telecommunications corporation or found to be interrupted by the providing telecommunications corporation, whichever occurs first, appropriate adjustments shall be automatically made by the providing telecommunications corporation to the interrupted telecommunications corporation's bill. The adjustment shall be a billing credit equal to three times the providing telecommunications corporation's monthly rate for the affected service.

KEY: interconnection, public utilities, telecommunications 1998

54-8b-2

◆ _____ ◆

**End of the Notices of Changes
in Proposed Rules Section**

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the 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).

Administrative Services, Administrative Rules **R15-5** Administrative Rules Adjudicative Proceedings

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21393
FILED: 08/21/1998, 16:09
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: Sections 63-46b-4 and 63-46b-5 permit an agency to designate adjudicative proceedings as informal. If the agency chooses to do so, it must do so by rule. Section 63-46b-21 requires each agency to issue rules that govern procedures for declaratory orders. Subsection 63-46a-10(1)(m) requires the division to administer the Utah Administrative Rulemaking Act, Title 46, Chapter 46a.

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 comment has been received since it was last reviewed.

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 necessary for the Division to conduct adjudications informally. Without this rule, the Division would be required to follow the costly formal adjudication procedures outlined in the Administrative Procedures Act, Title 63, Chapter 46b, when an adjudication is required. Formal procedures would also impose unnecessary costs on persons affected by the rule. Informal procedures allow the Division to respond to

citizens' concerns at the lowest cost to the state and the affected persons. The Division has received no comments in opposition to the rule.

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

Administrative Services
Administrative Rules
4120 State Office Bldg.
450 North Main Street
PO Box 141007
Salt Lake City, UT 84114-1007, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kenneth A. Hansen at the above address, by phone at (801) 538-3777, by FAX at (801) 538-1773, or Internet E-mail at asitmain.khansen@email.state.ut.us.

AUTHORIZED BY: Kenneth A. Hansen, Director

EFFECTIVE: 08/21/1998



Education, Administration **R277-460** Distribution of Substance Abuse Prevention Account

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 21403
FILED: 09/01/1998, 09:17
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 53A-13-102 directs the Utah State Board of Education to adopt rules providing for instruction on the harmful effects of controlled substances.

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 directs the Utah State Board of Education to adopt rules providing for instruction on the harmful effects of controlled substances.

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: 09/01/1998



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

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. 21234 (AMD): R156-31b. Nurse Practice Act Rules.

Published: July 15, 1998
Effective: August 20, 1998

No. 21278 (AMD): R156-31b-102. Definitions.
Published: August 1, 1998
Effective: September 1, 1998

No. 21019 (CPR): R156-38. Residence Lien Restriction and Lien Recovery Fund Rules.
Published: July 15, 1998
Effective: August 20, 1998

No. 21229 (AMD): R156-60b-302a. Qualifications for Licensure - Education Requirements.
Published: July 15, 1998
Effective: August 20, 1998

No. 21230 (AMD): R156-60c-302a. Qualifications for Licensure - Education Requirements.
Published: July 15, 1998
Effective: August 20, 1998

Community and Economic Development

Community Development, Fine Arts

No. 21175 (AMD): R207-2. Policy for Donations and Loans to the State Fine Art Collection.
Published: June 15, 1998
Effective: September 3, 1998

Corrections

Administration

No. 21198 (REP): R251-307. Community Service.
Published: July 1, 1998
Effective: September 1, 1998

Health

Health Systems Improvement, Child Care Licensing

No. 21235 (NEW): R430-4. General Certificate Provisions.

Published: July 15, 1998
Effective: August 20, 1998

No. 21245 (AMD): R430-6. Background Screening.
Published: July 15, 1998
Effective: August 20, 1998

No. 21236 (NEW): R430-50. Residential Certificate Child Care Standards.
Published: July 15, 1998
Effective: August 20, 1998

No. 21246 (NEW): R430-90. Licensed Family Child Care.
Published: July 15, 1998
Effective: August 20, 1998

Health Systems Improvement, Health Facility Licensure

No. 21257 (NEW): R432-35. Background Screening.

Published: July 15, 1998
Effective: August 28, 1998

Human Services

Recovery Services

No. 21243 (AMD): R527-253. Collection of Child Support Judgments.

Published: July 15, 1998
Effective: August 17, 1998

Natural Resources

Wildlife Resources

No. 21238 (AMD): R657-6. Taking Upland Game.

Published: July 15, 1998
Effective: August 19, 1998

No. 21239 (AMD): R657-41. Conservation and Sportsman Permits.

Published: July 15, 1998
Effective: August 19, 1998

NOTICES OF RULE EFFECTIVE DATES

No. 21240 (AMD): R657-42. Big Game Hunting Permit Exchanges.
Published: July 15, 1998
Effective: August 19, 1998

No. 21241 (NEW): R657-45. Wildlife License, Permit, Certificate of Registration, Habitat Authorization and Heritage Certificate Forms.
Published: July 15, 1998
Effective: August 19, 1998

No. 21282 (AMD): R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.
Published: August 1, 1998
Effective: September 1, 1998

Public Safety

Fire Marshal

No. 21289 (AMD): R710-1. Concerns Servicing Portable Fire Extinguishers.
Published: August 1, 1998
Effective: September 1, 1998

No. 21290 (AMD): R710-3. Residential Care and Assisted Living Facilities.
Published: August 1, 1998
Effective: September 1, 1998

No. 21291 (AMD): R710-4. Buildings Under the Jurisdiction of the State Fire Prevention Board.
Published: August 1, 1998
Effective: September 1, 1998

No. 21292 (AMD): R710-6. Liquefied Petroleum Gas Rules.
Published: August 1, 1998
Effective: September 1, 1998

No. 21293 (AMD): R710-7. Concerns Servicing Automatic Fire Suppression Systems.
Published: August 1, 1998
Effective: September 1, 1998

No. 21294 (AMD): R710-8. Day Care Rules.
Published: August 1, 1998
Effective: September 1, 1998

No. 21295 (AMD): R710-9. Rules Pursuant to the Utah Fire Prevention Law.
Published: August 1, 1998
Effective: September 1, 1998

End of the Notices of Rule Effective Dates Section

Transportation

Motor Carrier

No. 21281 (AMD): R909-1. Safety Regulations for Motor Carriers.
Published: August 1, 1998
Effective: September 1, 1998

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 September 7, 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
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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>Administrative Rules</u>					
R15-4	Administrative Rulemaking Procedures	20976	AMD	07/01/98	98-9/3
R15-4-3	Publication Dates and Deadlines	20952	AMD	07/01/98	98-8/2
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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

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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
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R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	20962	AMD	05/16/98	98-8/2
R68-15-3	Areas Under Quarantine	21096	AMD	07/02/98	98-11/24
R68-19	Compliance Procedures	20280	NEW	01/15/98	97-24/13
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R70-201	Compliance Procedures	20281	NEW	01/15/98	97-24/14
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R70-530	Food Establishment Sanitation Rule	20721	R&R	05/16/98	98-4/10
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CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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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
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R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	20696	5YR	01/27/98	98-4/133
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	20940	AMD	see CPR	98-8/4
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R156-31b	Nurse Practice Act Rules	21234	AMD	08/20/98	98-14/36
R156-31b-102	Definitions	21278	AMD	09/01/98	98-15/3
R156-37	Controlled Substance Act Rules of the Division of Occupational and Professional Licensing	20878	AMD	05/04/98	98-7/8
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R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	21019	AMD	see CPR	98-10/14
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	21019	CPR	08/20/98	98-14/88
R156-40	Recreational Therapy Practice Act Rules	20697	5YR	01/27/98	98-4/133
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R156-55a	Utah Construction Trades Licensing Act Rules	20650	AMD	03/05/98	98-3/23
R156-55a-302b	Qualifications for Licensure - Experience Requirements	20836	NSC	03/17/98	Not Printed
R156-56	Utah Uniform Building Standard Act Rules	20987	AMD	07/01/98	98-9/6
R156-56-302	Licensure of Inspectors	20883	AMD	05/04/98	98-7/28
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R156-56-706	Amendments to the IPC	20991	AMD	07/01/98	98-9/25
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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
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R156-60b	Marriage and Family Therapist Licensing Act Rules	21007	AMD	06/16/98	98-10/17
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R156-60b-502	Unprofessional Conduct	20790	NSC	02/19/98	Not Printed
R156-60c	Professional Counselor Licensing Act Rules	20359	AMD	02/03/98	98-1/6
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R728-402	Application Procedures to Attend a Basic Peace Officer Training Program	20783	NSC	02/23/98	Not Printed
R728-403	Qualifications For Admission To Certified Peace Officer Training Academies	20784	NSC	02/23/98	Not Printed
R728-404	Basic Training Basic Academy Rules	20810	AMD	04/15/98	98-6/52
R728-406	Requirements For Approval and Certification of Basic Correctional, Reserve and Special Function Training Programs and Applicants	20786	NSC	02/23/98	Not Printed
R728-407	Waiver/Reactivation Process	20787	NSC	02/23/98	Not Printed
R728-408	Reserve and Auxiliary Officer Standards	20831	5YR	03/04/98	98-7/77
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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
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R746-331	Determination of Exemption of Mutual Water Corporations	20627	NEW	04/06/98	98-3/78
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R746-345	Pole Attachments for Cable Television Companies	21349	5YR	08/11/98	98-17/62
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
R746-360	Universal Public Telecommunications Service Support Fund	21317	EMR	07/28/98	98-16/84
R746-402	Rules Governing Reports of Accidents by Electric, Gas, Telephone, and Water Utilities	20971	5YR	04/03/98	98-9/71
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R746-409	Pipeline Safety	21098	NSC	05/21/98	Not Printed
R746-500	Americans With Disabilities Act Complaint Procedure	21341	5YR	08/05/98	98-17/64

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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
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
R861-1A-32	Mediation Process Pursuant to Utah Code Section 63-46b-1	21091	NSC	05/21/98	Not Printed
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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
R865-13G-14	Environmental Assurance Fee Pursuant to Utah Code Ann. Section 19-6-410.5	21194	AMD	08/11/98	98-13/19
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
R865-19S-90	Telephone Service Defined Pursuant to Utah Code Ann. Section 59-12-103	21195	AMD	08/11/98	98-13/20
R865-19S-103	Municipal Energy Sales and Use Tax Pursuant to Utah Code Ann. Sections 10-1-303 and 10-1-306	21220	AMD	08/11/98	98-13/22
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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	21196	AMD	08/11/98	98-13/24
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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-19	Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	21097	AMD	08/11/98	98-11/198
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
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	21222	AMD	08/11/98	98-13/25
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	21223	AMD	08/11/98	98-13/26
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R909-1	Safety Regulations for Motor Carriers	21281	AMD	09/01/98	98-15/69
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	20676	NSC	01/21/98	Not Printed

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R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	21282	AMD	09/01/98	98-15/70
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R920-5-6	On Premise School Bus Loading Zones	20730	AMD	04/01/98	98-5/47
R920-50	Tramway Operations Safety Rules	20807	NSC	03/05/98	Not Printed
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R930-1	Installation of New Mailboxes and Correction of Nonconforming Mailboxes	20881	5YR	03/11/98	98-7/78
R930-1	Installation of New Mailboxes and Correction of Nonconforming Mailboxes	20882	NSC	03/17/98	Not Printed
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
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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
R986-220	Financial Assistance Tables	21013	AMD	06/25/98	98-10/134
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
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R986-304	Income and Budgeting	20738	EMR	02/12/98	98-5/60
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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
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R986-306	Program Benefits	20777	AMD	04/01/98	98-5/57
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R986-307	Eligibility Determination and Redetermination	20774	AMD	04/01/98	98-5/58
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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
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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
R986-601	Authority and Definitions for Programs Authorized under JTPA	21253	5YR	06/29/98	98-14/106
R986-602	General Administrative Provisions	20868	NSC	04/01/98	Not Printed
R986-602	General Administrative Provisions	21254	5YR	06/29/98	98-14/106
R986-603	Participant Data System Procedures	20869	NSC	04/01/98	Not Printed
R986-603	Participant Data System Procedures	21255	5YR	06/29/98	98-14/106
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
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
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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
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R994-315	Centralized New Hire Registry Reporting	21012	NEW	06/25/98	98-10/135
R994-508	Appeal Procedures	21211	5YR	06/12/98	98-13/35
R994-600	Dislocated Workers	21181	5YR	05/29/98	98-12/39

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R986-302 (Changed to R414-302)	Eligibility Requirements	21165	NSC	06/01/98	Not Printed
R986-303 (Changed to R414-303)	Coverage Groups	21166	NSC	06/01/98	Not Printed
R986-304 (Changed to R414-304)	Income and Budgeting	21167	NSC	06/01/98	Not Printed
R986-305 (Changed to R414-305)	Resources	21168	NSC	06/01/98	Not Printed
R986-306 (Changed to R414-306)	Program Benefits	21169	NSC	06/01/98	Not Printed
R986-307 (Changed to R414-307)	Eligibility Determination and Redetermination	21170	NSC	06/01/98	Not Printed
R986-308 (Changed to R414-308)	Record Management	21171	NSC	06/01/98	Not Printed
R986-309 (Changed to R414-309)	Utah Medical Assistance Program (UMAP)	21172	NSC	06/01/98	Not Printed
R986-310 (Changed to R414-310)	Demonstration Programs	21173	NSC	06/01/98	Not Printed

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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	

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	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
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	20952	R15-4-3	AMD	07/01/98	98-8/2
	21393	R15-5	5YR	08/21/98	98-18/49
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	20720	R636-5	EXD	02/01/98	98-4/136
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	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
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	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
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	21184	R850-80-600	AMD	07/16/98	98-12/20
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<u>ADULT EDUCATION</u>					
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	20847	R986-213	NSC	04/01/98	Not Printed
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	20813	R68-19-4	AMD	04/15/98	98-6/16
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	20814	R70-201-4	AMD	04/15/98	98-6/16
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	20202	R307-1-1	AMD	01/08/98	97-23/10
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	20740	R307-1-3	NSC	02/05/98	Not Printed
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	21280	R307-2-12	NSC	07/27/98	Not Printed
	20100	R307-8-3	AMD	01/08/98	97-21/15
	20737	R307-10-2	AMD	06/26/98	98-5/34
	21011	R307-18 (Changed to R307-210)	AMD	08/13/98	98-10/32
	21016	R307-840	NEW	08/13/98	98-10/36
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	21032	R81-1-18	AMD	07/01/98	98-10/5
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	21077	R277-912	NSC	05/07/98	Not Printed
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<u>APPROVAL FOR RESERVE BASIC COURSE</u>					
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	20938	R657-33	5YR	03/24/98	98-8/65
	20939	R657-33	AMD	05/18/98	98-8/43
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	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
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	21088	R313-32	AMD	08/11/98	98-10/40
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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
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	20883	R156-56-302	AMD	05/04/98	98-7/28
	20990	R156-56-706	AMD	07/01/98	98-9/24
	20989	R156-56-706	AMD	07/01/98	98-9/23
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	20883	R156-56-302	AMD	05/04/98	98-7/28
	20990	R156-56-706	AMD	07/01/98	98-9/24
	20989	R156-56-706	AMD	07/01/98	98-9/23
	20991	R156-56-706	AMD	07/01/98	98-9/25
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	21310	R671-205	EMR	07/17/98	98-16/81
	20489	R671-312	AMD	02/18/98	98-1/87
	21301	R671-312	EXD	07/15/98	98-16/96
	21312	R671-312	EMR	07/17/98	98-16/82
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<u>CARRYOVER FUNDING</u>					
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	20925	R855-2	EXD	03/17/98	98-8/67
	20926	R855-3	EXD	03/17/98	98-8/67
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	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

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	20265	R430-3	NEW	01/21/98	97-24/69
	21235	R430-4	NEW	08/20/98	98-14/51
	20266	R430-5	NEW	02/05/98	97-24/71
	20267	R430-6	NEW	01/20/98	97-24/75
	21245	R430-6	AMD	08/20/98	98-14/53
	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
	21236	R430-50	NEW	08/20/98	98-14/55
	21246	R430-90	NEW	08/20/98	98-14/58
	20269	R430-100	NEW	02/05/98	97-24/79
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	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
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	21154	R382-10	NEW	07/14/98	98-11/173
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	21155	R382-20	NEW	07/14/98	98-11/178
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	20522	R527-39	NEW	02/05/98	98-1/67
	20978	R527-56	5YR	04/13/98	98-9/69
	21018	R527-100	NEW	06/16/98	98-10/129
	21243	R527-253	AMD	08/17/98	98-14/73
	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
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	20288	R512-31	AMD	04/01/98	97-24/91

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	20871	R986-702	NSC	04/01/98	Not Printed
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	20856	R986-411	NSC	04/01/98	Not Printed
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	21327	R645-102	5YR	07/27/98	98-16/91
	20190	R645-301-500	AMD	03/15/98	97-22/38
	20191	R645-301-700	AMD	03/15/98	97-22/59
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	20981	R765-555	5YR	04/13/98	98-9/73
	20982	R765-993	5YR	04/13/98	98-9/73
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	21198	R251-307	REP	09/01/98	98-13/12
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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
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	20288	R512-31	AMD	04/01/98	97-24/91
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	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
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	21159	R277-436	AMD	07/02/98	98-11/31
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	20870	R986-701	NSC	04/01/98	Not Printed
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	21300	R671-205	EXD	07/15/98	98-16/96
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	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
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	20794	R425-1	CPR	06/03/98	98-9/61
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	20819	R861-1A-24	AMD	05/04/98	98-6/56
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	20821	R861-1A-26	AMD	05/04/98	98-6/57
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	20383	R315-2	AMD	02/20/98	98-1/17
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	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
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	20918	R909-75	AMD	05/28/98	98-7/67
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	21157	R428-11	AMD	07/22/98	98-11/187
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	20582	R432-16	NEW	03/04/98	98-2/27
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	21258	R501-12	AMD	08/17/98	98-14/66
	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
	20286	R501-17	NSC	03/15/98	Not Printed
	20880	R501-17	NSC	03/17/98	Not Printed
	21082	R501-18	EMR	05/04/98	98-10/145
	21086	R501-18	NEW	06/16/98	98-10/126
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	20856	R986-411	NSC	04/01/98	Not Printed
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	20742	R986-221	5YR	02/06/98	98-5/69
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	20855	R986-222	NSC	04/01/98	Not Printed
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	20738	R986-304	EMR	02/12/98	98-5/60
	20739	R986-304	AMD	04/01/98	98-5/49
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	20859	R986-414	NSC	04/01/98	Not Printed
	20211	R986-421	AMD	01/02/98	97-23/103
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	20866	R986-421	NSC	04/01/98	Not Printed
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	21166	R986-303 (Changed to R414-303)	NSC	06/01/98	Not Printed
	21167	R986-304 (Changed to R414-304)	NSC	06/01/98	Not Printed
	21173	R986-310 (Changed to R414-310)	NSC	06/01/98	Not Printed
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	20443	R671-301	AMD	02/18/98	98-1/79
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	20784	R728-403	NSC	02/23/98	Not Printed
	20810	R728-404	AMD	04/15/98	98-6/52
	20786	R728-406	NSC	02/23/98	Not Printed
	20787	R728-407	NSC	02/23/98	Not Printed
	20831	R728-408	5YR	03/04/98	98-7/77
	20995	R728-409	AMD	06/02/98	98-9/41
	20788	R728-410	NSC	02/23/98	Not Printed
	20833	R728-502	5YR	03/04/98	98-7/78
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	20832	R728-411	5YR	03/04/98	98-7/77
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	20882	R930-1	NSC	03/17/98	Not Printed
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	20657	R277-516	5YR	01/14/98	98-3/89
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	21008	R156-60c	AMD	06/16/98	98-10/20
	21230	R156-60c-302a	AMD	08/20/98	98-14/40
	20728	R156-60c-502	NSC	02/19/98	Not Printed
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	20658	R277-518	5YR	01/14/98	98-3/90
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	20940	R156-22	CPR	07/16/98	98-12/29
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	20777	R986-306	AMD	04/01/98	98-5/57
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	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
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	20750	R986-308	5YR	02/06/98	98-5/73
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	21171	R986-308 (Changed to R414-308)	NSC	06/01/98	Not Printed

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	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
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	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
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	20970	R746-342	5YR	04/03/98	98-9/71
	21348	R746-344	5YR	08/11/98	98-17/62
	21349	R746-345	5YR	08/11/98	98-17/62
	20971	R746-402	5YR	04/03/98	98-9/71
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	21038	R313-15	5YR	04/30/98	98-10/149
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	20835	R614-1-4	AMD	05/04/98	98-7/45
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	20918	R909-75	AMD	05/28/98	98-7/67
	21282	R909-75	AMD	09/01/98	98-15/70
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	20857	R986-412	NSC	04/01/98	Not Printed
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	19876	R315-301-2	CPR	01/05/98	97-23/111
	20249	R315-301-2	NSC	01/05/98	Not Printed
	20686	R315-301-2	NSC	02/03/98	Not Printed
	20966	R315-302	5YR	04/02/98	98-9/66
	20761	R315-302-2	NSC	02/18/98	Not Printed
	20967	R315-303	5YR	04/02/98	98-9/67
	20933	R315-303-3	NSC	03/27/98	Not Printed
	20968	R315-305	5YR	04/02/98	98-9/68
	20969	R315-306	5YR	04/02/98	98-9/69
	20687	R315-306-2	NSC	02/03/98	Not Printed
	20999	R315-307	5YR	04/20/98	98-10/150
	21000	R315-308	5YR	04/20/98	98-10/150
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	20688	R315-309-3	NSC	02/03/98	Not Printed
	21002	R315-310	5YR	04/20/98	98-10/152
	20689	R315-310-7	NSC	02/03/98	Not Printed
	21003	R315-311	5YR	04/20/98	98-10/153
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	21020	R315-313	5YR	04/28/98	98-10/154
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	20690	R315-315	NSC	02/03/98	Not Printed
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	21023	R315-316	5YR	04/28/98	98-10/156
	20691	R315-316-1	NSC	02/03/98	Not Printed
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	20692	R315-317-1	NSC	02/03/98	Not Printed
	21025	R315-318	5YR	04/28/98	98-10/158
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	21091	R861-1A-32	NSC	05/21/98	Not Printed
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	21254	R986-602	5YR	06/29/98	98-14/106
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	20960	R986-309-901	AMD	05/18/98	98-8/50
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	20869	R986-603	NSC	04/01/98	Not Printed
	21255	R986-603	5YR	06/29/98	98-14/106
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	21254	R986-602	5YR	06/29/98	98-14/106
	20869	R986-603	NSC	04/01/98	Not Printed
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	20953	R313-15	NSC	04/04/98	Not Printed
	21038	R313-15	5YR	04/30/98	98-10/149
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	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
	20686	R315-301-2	NSC	02/03/98	Not Printed
	20966	R315-302	5YR	04/02/98	98-9/66
	20761	R315-302-2	NSC	02/18/98	Not Printed
	20967	R315-303	5YR	04/02/98	98-9/67
	20933	R315-303-3	NSC	03/27/98	Not Printed
	20968	R315-305	5YR	04/02/98	98-9/68
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	20999	R315-307	5YR	04/20/98	98-10/150
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	21001	R315-309	5YR	04/20/98	98-10/151
	20688	R315-309-3	NSC	02/03/98	Not Printed
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	20691	R315-316-1	NSC	02/03/98	Not Printed
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	20791	R653-5	NSC	03/05/98	Not Printed
	20717	R653-8	NEW	03/23/98	98-4/89
	20792	R653-8	NSC	03/23/98	Not Printed
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