

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed September 16, 1999, 12:00 a.m. through October 1, 1999, 11:59 p.m.

Number 99-20  
October 15, 1999

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 the division's publications, visit: <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 \$160 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

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## PROCLAMATION

**WHEREAS**, since the close of the 1999 General Session of the 53rd Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

**WHEREAS**, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

**NOW, THEREFORE, I, MICHAEL O. LEAVITT**, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 53rd Legislature of the State of Utah into a Sixth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 20th day of October, 1999, at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 1999 General Session of the 53rd Legislature of the State of Utah.

**IN WITNESS WHEREOF**, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 4th day of October, 1999.

(STATE SEAL)

**MICHAEL O. LEAVITT**  
Governor

**OLENE S. WALKER**  
Lieutenant Governor

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## DEPARTMENT OF EDUCATION ADMINISTRATION

### PUBLIC NOTICE OF AGENCY REVISION FOR R277-471

R277-471. Oversight of School Inspections: This notice corrects the previously filed Proposed Rule Analysis which did not accurately reflect all of the costs to local governments which was printed in the October 1, 1999, issue of the *Utah State Bulletin* under DAR No. 22386.

Anticipated Costs or Savings:

Local Government: There may be additional costs to school districts to designate a School District Building Official (SDBO), under R277-471-3B, who has direct administrative and operational control of all construction and renovation of school facilities in the school district. The extent of such costs is speculative. Most school districts will assign SDBO responsibilities under the new rule to existing personnel.

Questions regarding this change may be directed to Carol Lear, Utah State Office of Education, 250 E 500 S, Salt Lake City, UT 84111; Internet e-mail: [clear@usoe.k12.ut.us](mailto:clear@usoe.k12.ut.us); phone number: (801) 538-7835; or FAX: (801) 538-7768.

## NOTICES OF PROPOSED RULES

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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 September 16, 1999, 12:00 a.m., and October 1, 1999, 11:59 p.m., are included in this, the October 15, 1999, 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 November 15, 1999. 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 February 12, 2000, 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.

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**The Proposed Rules Begin on the Following Page.**

**Commerce, Occupational and  
 Professional Licensing**  
**R156-1-205**  
**Advisory Peer Committees - Director to  
 Appoint with Concurrence of Board -  
 Terms of Office - Vacancies in Office -  
 Removal from Office - Quorum  
 Requirements - Appointment of  
 Chairman - Division to Provide  
 Secretary - Compliance with Open and  
 Public Meetings Act - Compliance with  
 Utah Administrative Procedures Act -  
 No Provision for Per Diem and  
 Expenses**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE No.: 22395  
 FILED: 09/27/1999, 16:10  
 RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to make Section R156-1-205 regarding the length of service of peer committee members consistent with Section 58-1-201, which governs board members.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-1-205(3), changed the length of service for a peer committee member from five years to four years so that it is consistent with the length of service of board members. Added that the director shall adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the peer committee is appointed every two years. Deleted references to one committee member being appointed for one year, one member appointed for two years, etc.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 58-1-106(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: Only minimal costs will be incurred by the Division to reprint the rules once the proposed rules are made effective. Any costs involved will be absorbed in the current Division budget.
- ❖LOCAL GOVERNMENTS: Proposed rule does not apply to local governments; therefore no cost or savings.
- ❖OTHER PERSONS: No costs or savings are anticipated to other persons as the proposed rule only shortens the amount of time that a peer committee member can be appointed by one year. The proposed rule would only affect those persons who may be appointed to a peer committee in the Division of

Occupational and Professional Licensing. It should be noted that peer committee members perform their duties and responsibilities as public service and do not receive a per diem allowance.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs are involved, as described in the explanation given under "other persons."

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this proposed amendment is to conform the division rules regarding the length of service of peer committee members with the statutory provisions. Adoption of this amendment will result in no fiscal impact upon the state budget, local governments, or the public--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:

Diane Blake at the above address, by phone at (801) 530-6179, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dblake@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 11/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.**  
**R156-1. General Rules of the Division of Occupational and Professional Licensing.**

**R156-1-205. Advisory Peer Committees - Director to Appoint with Concurrence of Board - Terms of Office - Vacancies in Office - Removal from Office - Quorum Requirements - Appointment of Chairman - Division to Provide Secretary - Compliance with Open and Public Meetings Act - Compliance with Utah Administrative Procedures Act - No Provision for Per Diem and Expenses.**

(1) The director shall appoint the members of peer committees established under Title 58 or Title R156. In appointing these members, the director shall give consideration to recommendations by members of the boards.

(2) The names of all persons appointed to peer committees shall be submitted to the appropriate board for confirmation or rejection. If an appointee is rejected by the board, the director shall appoint another person to the board for confirmation or rejection.

(3) Except for ad hoc peer committees whose members shall be appointed on a case-by-case basis, the term of office of peer

committee members shall be for ~~[five]~~four years. The director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the peer committee is appointed every two years; however, in making initial appointments, the terms of office of the first members appointed shall be one year, the terms of office of the second members appointed shall be two years, the terms of office of the third members appointed shall be three years, the terms of office of the fourth members appointed shall be four years, and the terms of office of the fifth members appointed shall be five years. ~~If a peer committee does not consist of five members, the director shall establish a schedule of appointments to membership on the peer committee as consistent as possible with the schedule established in this Subsection.~~

(4) No peer committee member may serve more than two full terms, and no member who ceases to serve may again serve on the peer committee until after the expiration of two years from the date of cessation of service.

(5) If a vacancy on a peer committee occurs, the director shall appoint a replacement to fill the unexpired term and submit the appointment to the appropriate board for confirmation or rejection. After filling the unexpired term, the replacement may be appointed for only one additional full term.

(6) If a peer committee member fails or refuses to fulfill the responsibilities and duties of a peer committee member, including the attendance at peer committee meetings, the director in collaboration with the board may remove the peer committee member and replace the member in accordance with this section. After filling the unexpired term, the replacement may be appointed for only one additional full term.

(7) Committee meetings shall only be convened with the approval of the appropriate board and the concurrence of the division.

(8) Unless otherwise approved by the division, peer committee meetings shall be held in the building occupied by the division.

(9) A majority of the peer committee members shall constitute a quorum and may act in behalf of the peer committee.

(10) Peer committees shall annually designate one of their members to serve as peer committee chairman. The division shall provide a division employee to act as committee secretary to take minutes of committee meetings and to prepare committee correspondence.

(11) Peer committees shall comply with the procedures and requirements of Title 52, Chapter 4, Open and Public Meetings, in their meetings.

(12) Peer committees shall comply with the procedures and requirements of Title 63, Chapter 46b, Administrative Procedures Act, in their adjudicative proceedings.

(13) Peer committee members shall perform their duties and responsibilities as public service and shall not receive a per diem allowance, or traveling or accommodations expenses incurred in peer committees business, except as otherwise provided in Title 58 or Title R156.

**KEY: diversion programs, licensing, occupational licensing**

~~[June 4, 1998]~~1999

58-1-106(1)

Notice of Continuation June 2, 1997

58-1-308

◆ ————— ◆

## Commerce, Occupational and Professional Licensing

### R156-31b

### Nurse Practice Act Rules

#### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22396

FILED: 09/28/1999, 09:37

RECEIVED BY: NL

#### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needed to clarify the role of the Division and Board of Regents in the approval of nursing education programs. The Division needed to update the list of approved examinations for advanced practice registered nurse (APRN) licensure and make modifications necessary to implement the Nurse Licensure Compact.

SUMMARY OF THE RULE OR CHANGE: In Section R156-31b-102, updated the edition of the "State Approved Schools of Nursing RN" and "State Approved Schools of Nursing LPN/LVN" to the 1998 edition. In Section R156-31b-302c, added an additional examination for licensure as an advanced practice registered nurse. In Section R156-31b-307, added a paragraph that allows the Division to waive the reinstatement fee for an individual who moves to a Nurse Licensure Compact party state and then returns to Utah. Added Section R156-31b-310, which allows an individual from a party state to become licensed by endorsement without having a current license in that state. In Sections R156-31b-603, R156-31b-604, and R156-31b-605, clarified that a nursing education program which receives approval from the Board of Regents will receive provisional approval from the Division. Such programs do not need to complete the program application process with the Division. Also, only programs on probationary and provisional approval need submit an annual report. Deletes the requirement for approved programs to get Board approval to expand their programs, they would only need to notify the Division of a change.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-31b-101, and Subsections 58-1-106(1) and 58-1-202(1)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: "State-Approved Schools of Nursing RN," 1998 edition; and "State-Approved Schools of Nursing LPN/LVN," 1998 edition

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be an unknown negative impact on the state budget since the Division will not collect the \$50 reinstatement fee for those nurses who leave the state for another party state and later return to Utah. These nurses are not allowed to keep their Utah license under the compact. Any total amount of impact is unable to be determined due to the unknown number of nurses that will leave Utah for another party state.

❖LOCAL GOVERNMENTS: Local governments could save the \$50 reinstatement fee if they hire a nurse and pay her licensing fees who moved to a party state and must now reinstate the license in Utah because of a change in residence.

❖OTHER PERSONS: At least \$50 savings to nurse applicants who will not need to pay a reinstatement fee for a license that expired in Utah because of the compact when they later return to reside in Utah. With respect to changes being proposed to nursing education programs, colleges and universities will not need to duplicate the approval process between the Division and the Board of Regents and therefore may save time and salary of staff.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs are anticipated. Only savings are anticipated for nurse applicants and nursing education programs at colleges and universities in Utah. See explanation given under "other persons."

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These proposed amendments are for the purpose of adding an additional examination for licensure as an advanced practice registered nurse. They also provide for necessary changes to the rules to accommodate the Nurse Compact Act. Under current rules a regulated professional wishing to maintain a Utah license must renew his license and pay a renewal fee. Additionally, reinstatement of a lapsed license incurs payment of a fee to the Division. Adoption of these rules will have a negative impact on the state budget from loss of revenue from license renewals and reinstatements. Since there are no nearby states in the compact, there should be no perceptible impact until neighboring states become members, and even then any impact should be largely offset by nurses licensed here but practicing in another compact state. Local governments paying licensing expenses could be favorably impacted by not being required to pay reinstatement fees or licensing/continuing education costs for regulated professionals employed by them but licensed in another compact state. The regulated professionals will enjoy a positive fiscal impact from not having to pay renewal fees if licensed in a compact state, or reinstatement fees if moving back to Utah from another compact state. There is also the possibility of savings from not being required to take an examination. There will be a cost attached to taking the examination for the advanced practice license added by this proposed rule, but there is no requirement mandating such

a license and the strictly voluntary taking of such exams should be offset by additional earnings. Adoption of these rules should have no impact upon the general public. In addition to changing the publication year of the accrediting source definitions, the proposed amendments eliminate the duplication of effort in obtaining approval now required to satisfy both the Division and the Board of Regents ("Board"). Since the Board is mandated to review educational programs, the proposed rule amendment provides that the Division will accept the Board's findings and grant provisional approval to those schools approved by the Board. Additionally, the rule change will eliminate the need for approved programs to get prior Division approval before expanding their programs. Acceptance of the program approval by the Board in this area will allow the Division to reallocate its resources currently being utilized to other areas of need, resulting in an indirect positive fiscal impact on the state budget. There will also be a positive fiscal impact upon the state budget in the college and university area through elimination of the expenses generated under the currently existing duplicative approval process and through elimination of the requirement of Division approval for expanding programs. There will be no impact on local governments or upon the public. The impacted industry falls under the state budget and is therefore subject to the above-stated analysis--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 11/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 10/29/1999, 8:00 a.m., 160 East 300 South, Conference Room 427 (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.**

**R156-31b. Nurse Practice Act Rules.**

**R156-31b-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 31b, as defined or used in these rules:

- (1) "APRN" means an advanced practice registered nurse.

(2) "Approved continuing education" in Subsection R156-31b-303(3) means:

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

(b) nursing education courses taken from an approved education program as defined in Section R156-31b-601; and

(c) health related course work taken from an educational institution accredited by a regional institutional accrediting body identified in the "Accredited Institutions of Postsecondary Education", 1997-98 edition, published for the Commission of Recognition of Postsecondary Accreditation of the American Council on Education.

(3) "Approved education program" as defined in Subsection 58-31b-102(3) is further defined to include any nursing education program published in the documents entitled "State-Approved Schools of Nursing RN", [~~1997~~1998], and "State-Approved Schools of Nursing LPN/LVN", [~~1997~~1998], published by the National League for Nursing Accrediting Commission, which are hereby adopted and incorporated by reference as a part of these rules.

(4) "CCNE" means the Commission on Collegiate Nursing Education.

(5) "Contact hour" means 50 minutes.

(6) "CGFNS" means the Commission on Graduates of Foreign Nursing Schools.

(7) "CRNA" means a certified registered nurse anesthetist.

(8) "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.

(9) "Direct supervision" is the supervision required in Subsection 58-31b-306(1)(a)(iii) and means:

(a) the person providing supervision shall be available on the premises at which the supervisee is engaged in practice; or

(b) if the supervisee is specializing in psychiatric mental health nursing, the supervisor may be remote from the supervisee if there is personal direct voice communication between the two prior to administering or prescribing a prescription drug.

(10) "Generally recognized scope and standards of advanced practice registered nursing" means the scope and standards of practice set forth in the "Scope and Standards of Advanced Practice Registered Nursing", 1996, published by the American Nurses Association, which is hereby adopted and incorporated by reference, or as established by the professional community.

(11) "Generally recognized scope of practice of licensed practical nurses" means the scope of practice set forth in the "Model Nursing Administrative Rules", 1994, published by the National Council of State Boards of Nursing, which is hereby adopted and incorporated by reference, or as established by the professional community.

(12) "Generally recognized scope of practice of registered nurses" means the scope of practice set forth in the "Standards of Clinical Nursing Practice", 2nd edition, 1998, published by the American Nurses Association, which is hereby adopted and incorporated by reference, or as established by the professional community.

(13) "Licensure by equivalency" as used in these rules means licensure as a licensed practical nurse after successful completion of course work in a registered nurse program which meets the criteria established in Section R156-31b-601.

(14) "LPN" means a licensed practical nurse.

(15) "NLNAC" means the National League for Nursing Accrediting Commission.

(16) "NCLEX" means the National Council Licensure Examination of the National Council of State Boards of Nursing.

(17) "Non-approved education program" means any foreign nurse education program.

(18) "Other specified health care professionals", as used in Subsection 58-31b-102(12), who may direct the licensed practical nurse means:

(a) advanced practice registered nurse;

(b) certified nurse midwife;

(c) chiropractic physician;

(d) dentist;

(e) osteopathic physician;

(f) physician assistant;

(g) podiatric physician; and

(h) optometrist.

(19) "RN" means a registered nurse.

(20) "Supervision" in Section R156-31b-701 means the provision of guidance or direction, evaluation and follow up by the licensed nurse for accomplishment of a task delegated to unlicensed assistive personnel or other licensed individuals.

(21) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 31b, is further defined in Section R156-31b-502.

#### **R156-31b-302c. Qualifications for Licensure - Examination Requirements.**

(1) In accordance with Section 58-31b-302, the examination requirements for graduates of approved nursing programs are as follows.

(a) An applicant for licensure as an LPN or RN shall pass the applicable NCLEX examination.

(i) Candidates who fail to pass the NCLEX licensing examination within two years following completion of their educational program shall be required to submit a plan of action for approval by the division in collaboration with the board before being allowed to sit for additional examinations.

(b) An applicant for licensure as an APRN shall pass one of the following national certification examinations consistent with his educational specialty:

(i) one of the following examinations administered by the American Nurses Credentialing Center Certification:

(A) Adult Nurse Practitioner;

(B) Family Nurse Practitioner;

(C) School Nurse Practitioner;

(D) Pediatric Nurse Practitioner;

(E) Gerontological Nurse Practitioner;

(F) Acute Care Nurse Practitioner;

(G) Clinical Specialist in Medical-Surgical Nursing;

(H) Clinical Specialist in Gerontological Nursing;

(I) Clinical Specialist in Community Health Nursing;

(J) Clinical Specialist in Adult Psychiatric and Mental Health Nursing;

(K) Clinical Specialist in Child and Adolescent Psychiatric and Mental Health Nursing;

(ii) National Certification Board of Pediatric Nurse Practitioners and Nurses;

(iii) American Academy of Nurse Practitioners;

- (iv) The National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties;
- (v) The Oncology Nursing Certification Corporation; or
- (vi) The Advanced Practice Certification for the Clinical Nurse Specialist in Acute and Critical Care.

(c) An applicant for licensure as a CRNA shall pass the examination of the Council on Certification of the American Association of Nurse Anesthetists.

(2) In accordance with Section 58-31b-303, the examination requirements for graduates of nonapproved nursing programs are as follows.

(a) An applicant for licensure as an LPN or RN shall pass the applicable NCLEX examination.

(i) Candidates who fail to pass the NCLEX licensing examination within two years following initial application for licensure shall be required to submit, for approval by the division in collaboration with the board, a plan of action detailing steps to be taken by the applicant to prepare to retake the examination, before being allowed to sit for additional examinations.

(b) If an applicant for licensure as an RN cannot document satisfactory practice for 4,000 hours in an approved jurisdiction, the applicant shall also pass the CGFNS examination.

**R156-31b-307. Reinstatement of Licensure.**

(1) In accordance with Section 58-1-308 and Subsection R156-1-308e(3)(b), an applicant for reinstatement of a license which has been expired for three years or less, shall document current compliance with the continuing competency requirements as established in Subsection R156-31b-303(3).

(2) For purposes of reinstatement, the examination must be taken within three years of application, but need not be taken within two years of completing a nursing education program.

(3) The Division may waive the reinstatement fee for an individual who was licensed in Utah and moved to a Nurse Licensure Compact party state, who later returns to reside in Utah.

**R156-31b-310. Licensure by Endorsement.**

(1) In accordance with Section 58-1-302, an individual who moves from a Nurse Licensure Compact party state does not need to hold a current license, but the former home state license must have been in good standing at the time of expiration.

(2) An individual under Subsection (1) who has not been licensed or practicing nursing for three years or more is required to retake the licensure examination to demonstrate good standing within the profession.

**R156-31b-603. Nursing Education Program Provisional Approval.**

(1) The division may grant provisional approval to a nursing education program for a period not to exceed three years after the date of the first graduating class, provided the program:

- (a) is located or available within the state;
- (b) is newly organized;
- (c) meets all standards for approval except accreditation; and
- (d) is progressing in a reasonable manner to qualify for full approval by obtaining accreditation.

(2) A nursing education program that receives approval from the Utah Board of Regents shall be granted provisional approval status by the Division in collaboration with the Board. Provisional approval granted under this subsection shall not exceed a time period of three years after the date of the first graduating class.

(3) Programs which have been granted provisional approval status shall submit an annual report to the Division on the form prescribed by the Division.

~~(2)~~(4) Programs which have been granted provisional approval as of the effective date of these rules and are not accredited, must become accredited within five years.

**R156-31b-604. Nursing Education Program Probationary Approval.**

(1) The division may place on probationary approval status a nursing education program for a period not to exceed three years provided the program:

- (a) is located or available within the state;
- (b) is found to be out of compliance with the standards for full approval to the extent that the ability of the program to competently educate nursing students is impaired; and
- (c) provides a plan of correction which is reasonable and includes an adequate safeguard of the student and public.

(2) The division may place on probationary approval status a program which implements an outreach program or satellite program without prior ~~[approval]~~notification of the ~~[board]~~Division.

~~(3) Programs which have been granted probationary approval [as of the effective date of these rules and are not accredited, must become accredited within five years or be discontinued.]~~status shall submit an annual report to the division on the form prescribed by the division.

**R156-31b-605. Nursing Education Program Notification of Change.**

~~(1) [A nursing education program wishing to begin a new program or to extend or expand existing programs]~~Educational institutions wishing to begin a new nursing education program shall submit an application to the division for approval at least one year prior to the implementation of the program, or shall document program approval from the Utah Board of Regents.

(2) An approved program that expands onto a satellite campus or implements an outreach program shall notify the Division at least one semester before the intended change~~[submit an application to expand to the division for approval at least one year prior to the expansion. Programs who fail to notify the division of expansion plans may be placed on probationary approval status].~~

**KEY: licensing, nurses**

~~[April 15,]1999~~

**58-31b-101  
58-1-106(1)  
58-1-202(1)**



**Commerce, Occupational and  
Professional Licensing  
R156-31c  
Nurse Licensure Compact Rules**

**NOTICE OF PROPOSED RULE**

(New)

DAR FILE NO.: 22397

FILED: 09/28/1999, 09:37

RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The Division needed to develop uniform rules for the Nurse Licensure Compact. The proposed language has also been filed in Texas and Maryland. Arkansas and North Carolina plan to file their proposed rules in the near future.

**SUMMARY OF THE RULE OR CHANGE:** The new rules provide definitions for interpreting the Nurse Licensure Compact. New definitions are: "Board," "Information system," "Primary state of residence," and "Public." New rules further refine the process for issuing a license via the compact and explain the process that occurs when a new home state denies licensure. Provides limitations on multistate privilege for those individuals who are being monitored by the home state. Clarifies access levels to the information system and establishes a mechanism for updating and revising data in the information system.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-31c-103 and Subsection 58-1-106(1)

**ANTICIPATED COST OR SAVINGS TO:**

❖**THE STATE BUDGET:** Neutral--the state will receive less application fees for those individuals who participate in the compact; however, there will be a cost saving in personnel time and investigations because the Division will not have to process applications for those who live in compact states.

❖**LOCAL GOVERNMENTS:** May see a cost savings if they hire nurses who live in compact states but practice in Utah. With the compact, those nurses would not need to be licensed in Utah.

❖**OTHER PERSONS:** There will be savings to nursing applicants who will not need a license in every state in which they practice, but only their home state. The savings are unable to be determined since it would depend on which state is being applied to for licensure and the cost of their application fee.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Only savings are anticipated for affected persons (see explanation given under "other persons."

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** These proposed rules represent the rules to be used in implementing the Nurse Licensure Compact Act and are the same the rules currently filed in two other compact states and to be filed in an

additional two states electing to join the compact. The rules provide the definitions that will govern licensure under the act and define which compact state will be primarily responsible for licensure. The Division does not expect either a positive or negative fiscal impact on the state budget since it is anticipated that the reduction in application fee receipts will be offset by the savings in Division personnel hours from not having to process the applications. There will be a possible positive impact upon local governments hiring compact state nurses from outside Utah since there will be no Utah licensing expense. The regulated professionals participating under the compact will save the expense of obtaining and maintaining a license in each state in which they practice. Since license fees and continuing education expenses vary from state to state, it is not possible to estimate the savings which will be enjoyed by the regulated professionals. There will be no fiscal impact upon the general public--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 11/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 10/29/1999, 8:00 a.m., 160 East 300 South, Conference Room 427 (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.  
R156-31c. Nurse Licensure Compact Rules.**

**R156-31c-101. Title.**

These rules are known as the "Nurse Licensure Compact Rules".

**R156-31c-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 31c, as used in Title 58, Chapter 31c or these rules:

(1) "Board", as used in these rules, means the party state's regulatory body responsible for issuing nurse licenses.

(2) "Information system", as used in these rules, means the coordinated licensure information system.

(3) "Primary state of residence", as used in these rules, means the state of a person's declared fixed permanent and principal home for legal purposes; domicile.

(4) "Public", as used in these rules, means any individual or entity other than designated staff or representatives of party state Boards or the National Council of State Boards of Nursing, Inc.

**R156-31c-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 31c.

**R156-31c-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.

**R156-31c-201. Issuing a License.**

(1) A nursing applying for a license in a home party state shall produce evidence of the nurses' primary state of residence. Such evidence shall include a declaration signed by the licensee. Further evidence that may be requested may include:

- (a) driver's license with a home address;
- (b) voter registration card displaying a home address; or
- (c) federal income tax return declaring the primary state of residence.

(2) A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multi-state privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed 30 days.

(3) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the 30 day period in Subsection (2) shall be stayed until resolution of the pending investigation.

(4) The former home state license shall be expired and no longer valid upon the issuance of a new home state license.

(5) If a decision is made by the new home state denying licensure:

- (a) The new home state shall notify the former home state within ten business days and the former home state shall take action in accordance with that state's laws and rules.
- (b) The applicant shall cease practicing on the multi-state privilege in the state in which licensure was denied.

**R156-31c-302. Limitations on Multi-state Licensure Privilege.**

Home state Boards shall include in all licensure disciplinary orders and stipulation agreements that limit practice or require monitoring the requirement that the licensee subject to said order or stipulation will agree to limit the licensee's practice to the home state during the pendency of the order or stipulation. This requirement may, in the alternative, allow the nurse to practice in other party states with prior written authorization from both the home state and such other party state Boards.

**R156-31c-401. Information System.**

- (1) Levels of Access:
  - (a) The public shall have access to nurse licensure information limited to:
    - (i) the nurse's name;

- (ii) jurisdiction(s) of licensure;
- (iii) license expiration date(s);
- (iv) licensure classification(s) and status(es);
- (v) public emergency and final disciplinary actions, as defined by the contributing state authority; and
- (vi) the status of multi-state licensure privileges.

(b) Non-party state Boards shall have access to all Information System data except current significant investigative information and other information as limited by the contributing party state authority.

(c) Party state Boards shall have access to all Information System data contributed by the party states and other information as limited by contributing non-party states' authority.

(2) The licensee may request in writing to the home state Board to review the data relating to the licensee in the Information System. In the event a licensee asserts that any data relating to him is inaccurate, the burden of proof shall be upon the licensee to provide evidence that substantiates such claim. The Board shall verify and within ten business days correct inaccurate data to the Information System.

(3) The Board shall report to the Information System within ten business days:

- (a) disciplinary action, stipulation or order requiring participation in alternative programs or which limit practice or require monitoring (except agreements relating to participation in alternative programs required to remain nonpublic by the contributing state authority);
- (b) dismissal of a complaint; and
- (c) changes in status of disciplinary action, or licensure encumbrance.

(4) Current significant investigative information shall be deleted from the Information System within ten business days upon report of disciplinary action, stipulation or order requiring participation in alternative programs or stipulations which limit practice or require monitoring or dismissal of a complaint.

(5) Changes to licensure information in the Information System shall be completed within ten business days upon notification by a Board.

**KEY: nurses, licensing  
1999**

**58-31c-103  
58-1-106(1)**



**Commerce, Occupational and  
Professional Licensing  
R156-55a-301  
License Classifications - Scope of  
Practice**

**NOTICE OF PROPOSED RULE  
(Amendment)  
DAR FILE NO.: 22401  
FILED: 09/30/1999, 11:56  
RECEIVED BY: NL**

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule change is a technical correction to simplify the scope of practice regarding factory built housing contractors. The change in the scope of practice language is to replace the language taken out of the Uniform Building Standard Rules (Rule R156-56) in a rule filing that was filed at the same time as this rule change. This rule change does not affect what is allowed to be performed by these contractors but only makes the rules much more readable. **(DAR Note:** The proposed amendment to R156-56 is under DAR No. 22398 in this *Bulletin*.)

**SUMMARY OF THE RULE OR CHANGE:** Wording is added to Subsection R156-55a-301(2) with respect to "R200 - Factory Built Housing Set Up Contractor", and these contractors' scope of practice.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-55-101, and Subsections 58-55-308(1), 58-55-301(1), 58-55-102(21), 58-1-106(1), and 58-1-202(1)

**ANTICIPATED COST OR SAVINGS TO:**

❖**THE STATE BUDGET:** Only minimal costs to the Division to reprint the rules once they are made effective. Any costs involved in this will be absorbed in the Division's current budget. No other costs or savings are anticipated from this rule change because the actual scope of practice has not been changed.

❖**LOCAL GOVERNMENTS:** No costs or savings are anticipated to local governments from this rule change because the actual scope of practice has not been changed.

❖**OTHER PERSONS:** No costs or savings are anticipated to the regulated profession or the general public from this rule change because the actual scope of practice has not been changed.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** No compliance costs are anticipated to implement this rule change because the actual scope of practice is not changed. There would only be minimum time savings in greater ease in understanding the rule.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The purpose of the proposed change to Rule R156-55a is only to eliminate redundancy, clarify, and consolidate four long definitions into one short, concise, and easily understood definition. There will be no effect from the proposed changes to the state budget, to local governments, the regulated profession, or the general public--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:**

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or by Internet E-mail at [brdopl.dsjones@email.state.ut.us](mailto:brdopl.dsjones@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 11/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 10/19/1999, 9:30 a.m., 160 East 300 South, Conference Room 457 (4th Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.****R156-55a. Utah Construction Trades Licensing Act Rules.****R156-55a-301. License Classifications - Scope of Practice.**

(1) In accordance with Subsection 58-55-301(2), the classifications of licensure are listed and described in this section. The construction trades or specialty contractor classifications listed are those determined to significantly impact the public health, safety, and welfare. A person who is practicing a construction trade or specialty contractor classification which is not listed is exempt from licensure in accordance with Subsection 58-55-305(9).

(2) Licenses shall be issued in the following primary classifications and subclassifications:

E100 - General Engineering Contractor. A General Engineering contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(13).

B100 - General Building Contractor. A General Building contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(12).

R100 - Residential and Small Commercial Contractor. A Residential and Small Commercial contractor is a contractor licensed to perform work as defined in Subsection 58-55-102(24).

R101 - Residential and Small Commercial Non Structural Remodeling and Repair. Remodeling and repair to any existing structure built for support, shelter and enclosure of persons, animals, chattels or movable property of any kind with the restriction that no change is made to the bearing portions of the existing structure, including footings, foundation and weight bearing walls; and the entire project is less than \$25,000 in total cost.

R200 - Factory Built Housing Set Up Contractor. Set up or installation of manufactured housing on a temporary or permanent basis. The scope of the work permitted under this classification includes placement of the manufactured housing on a permanent or temporary foundation, securing the units together if required, securing the manufactured housing to the foundation, and connection of the utilities from the near proximity, such as a meter, to the manufactured housing unit and construction of foundations of less than four feet six inches in height. Work excluded from this classification includes site preparation or finishing, excavation of the ground in the area where a foundation is to be constructed, back filling and grading around the foundation, construction of [a permanent] foundations of more than four feet six inches in height and construction of utility services from the utility source to and

including the meter or meters if required or if not required to the near proximity of the manufactured housing unit from which they are connected to the unit.

I101 - General Engineering Trades Instructor. A General Engineering Trades Instructor is a construction trades instructor authorized to teach the construction trades and is subject to the scope of practice defined in Subsection 58-55-102(13).

I102 - General Building Trades Instructor. A General Building Trades Instructor is a construction trades instructor authorized to teach the construction trades and is subject to the scope of practice defined in Subsection 58-55-102(24).

I103 - Electrical Trades Instructor. An Electrical Trades Instructor is a construction trades instructor authorized to teach the electrical trades and subject to the scope of practice defined in Subsection R156-55a-301(S200).

I104 - Plumbing Trades Instructor. A Plumbing Trades Instructor is a construction trades instructor authorized to teach the plumbing trades and subject to the scope of practice defined in Subsection R156-55a-301(S210).

I105 - Mechanical Trades Instructor. A Mechanical Trades Instructor is a construction trades instructor authorized to teach the mechanical trades and subject to the scope of practice defined in Subsection R156-55a-301(S350).

S200 - General Electrical Contractor. Fabrication, construction, and/or installation of generators, transformers, conduits, raceways, panels, switch gear, electrical wires, fixtures, appliances, or apparatus which utilizes electrical energy.

S201 - Residential Electrical Contractor. Fabrication, construction, and/or installation of services, disconnecting means, grounding devices, panels, conductors, load centers, lighting and plug circuits, appliances and fixtures in any residential unit, normally requiring non-metallic sheathed cable, including multiple units up to and including a four-plex, but excluding any work generally recognized in the industry as commercial or industrial.

S210 - General Plumbing Contractor. Fabrication and/or installation of material and fixtures to create and maintain sanitary conditions in buildings, by providing a permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and provision of a safe and adequate supply of gases for lighting, heating, and industrial purposes. Work permitted under this classification shall include the furnishing of materials, fixtures and labor to extend service from a building out to the main water, sewer or gas pipeline.

S211 - Boiler Installation Contractor. Fabrication and/or installation of fire-tube and water-tube power boilers and hot water heating boilers, including all fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and all other devices, apparatus, and equipment related thereto.

S212 - Irrigation Sprinkling Contractor. Layout, fabrication, and/or installation of water distribution system for artificial watering or irrigation.

S213 - Industrial Piping Contractor. Fabrication and/or installation of pipes and piping for the conveyance or transmission of steam, gases, chemicals, and other substances including excavating, trenching, and back-filling related to such work.

S214 - Water Conditioning Equipment Contractor. Fabrication and/or installation of water conditioning equipment and only such pipe and fittings as are necessary for connecting the water conditioning equipment to the water supply system within the premises.

S215 - Solar Energy Systems Contractor. Fabrication and/or installation of solar energy systems.

S216 - Residential Sewer Connection and Septic Tank Contractor. Construction of residential sewer lines including connection to the public sewer line, and excavation and grading related thereto. Excavation, installation and grading of residential septic tanks and their drainage.

S217 - Residential Plumbing Contractor. Fabrication and/or installation of material and fixtures to create and maintain sanitary conditions in residential building, including multiple units up to and including a four-plex by providing a permanent means for a supply of safe and pure water, a means for the timely and complete removal from the premises of all used or contaminated water, fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, and provision of a safe and adequate supply of gases for lighting and heating purposes. Work permitted under this classification shall include the furnishing of materials, fixtures and labor to extend service from a residential building out to the main water, sewer or gas pipeline. Excluded is any new construction and service work generally recognized in the industry as commercial or industrial.

S220 - Carpentry Contractor. Fabrication for structural and finish purposes in a structure or building using wood, wood products, metal studs, vinyl materials, or other wood/plastic composites as is by custom and usage accepted in the building industry as carpentry.

S221 - Cabinet and Millwork Installation Contractor. On-site construction and/or installation of milled wood products.

S230 - Metal and Vinyl Siding Contractor. Fabrication, construction, and/or installation of wood, aluminum, steel or vinyl sidings.

S231 - Raingutter Installation Contractor. On-site fabrication and/or installation of raingutters and drains, roof flashings, gravel stops and metal ridges.

S240 - Glass and Glazing Contractor. Fabrication, construction, installation, and/or removal of all types and sizes of glass, mirrors, substitutes for glass, glass-holding members, frames, hardware, and other incidental related work.

S250 - Insulation Contractor. Installation of any insulating media in buildings and structures for the sole purpose of temperature or sound control, but shall not include mechanical insulation of pipes, ducts or conduits.

S260 - General Concrete Contractor. Fabrication, construction, mixing, batching, and/or installation of concrete and related concrete products along with the placing and setting of screeds for pavement for flatwork, the construction of forms, placing and erection of steel bars for reinforcing and application of plaster and other cement-related products.

S261 - Concrete Form Setting and Shoring Contractor. Fabrication, construction, and/or installation of forms and shoring material; but, does not include the placement of concrete, finishing of concrete or embedded items such as metal reinforcement bars or mesh.

S262 - Gunnite and Pressure Grouting Contractor. Installation of a concrete product either injected or sprayed under pressure.

S263 - Cementitious Coating Systems Resurfacing and Sealing Contractor. Fabrication, construction, mixing, batching and installation of cementitious coating systems or sealants limited to the resurfacing or sealing of existing surfaces, including the preparation or patching of the surface to be covered or sealed.

S270 - General Drywall, Stucco and Plastering Contractor. Fabrication, construction, and/or installation of drywall, gypsum, wallboard panels and assemblies. Preparation of surfaces for suitable painting or finishing. Installation of light-weight metal, non-bearing wall partitions, ceiling grid systems, and ceiling tile or panel systems.

S271 - Plastering and Stucco Contractor. Application to surfaces of coatings made of stucco or plaster, including the preparation of the surface and the provision of a base. Exempted is the plastering of foundations.

S272 - Ceiling Grid Systems, Ceiling Tile and Panel Systems Contractor. Fabrication and/or installation of wood, mineral, fiber, and other types of ceiling tile and panels and the grid systems required for placement.

S273 - Light-weight Metal and Non-bearing Wall Partitions Contractor. Fabrication and/or installation of light-weight metal and other non-bearing wall partitions.

S274 - Drywall Contractor. Fabrication, construction and installation of drywall, gypsum, wallboard panels and assemblies. Preparation of surfaces for suitable painting or finishing. Installation of lightweight metal, non-bearing wall partitions.

S280 - General Roofing Contractor. Application and/or installation of asphalt, pitch, tar, felt, flax, shakes, shingles, roof tile, slate, and any other material or materials, or any combination of any thereof which use and custom has established as usable for, or which are now used as, water-proof, weatherproof, or watertight seal or membranes for roofs and surfaces; and roof conversion.

S281 - Single Ply and Specialty Coating Contractor. Application of solutions of rubber, latex, or other materials or single-ply material to surfaces to prevent, hold, keep, and stop water, other liquids, derivatives, compounds, and solids from penetrating and passing such materials thereby gaining access to material or space beyond such waterproofing.

S282 - Build-up Roofing Contractor. Application of solutions of rubber, latex, asphalt, pitch, tar, or other materials in conjunction with the application of layers, felt, or other material to a roof or other surface.

S283 - Shingle and Shake Roofing Contractor. Application of shingles and shakes made of wood or any other material.

S284 - Tile Roofing Contractor. Application or installation of tile roofs including under layment material and sealing and reinforcement of weight bearing roof structures for the purpose of supporting the weight of the tile.

S285 - Metal Roofing Contractor. On-site fabrication and/or application of metal roofing materials.

S290 - General Masonry Contractor. Construction by cutting, and/or laying of all of the following brick, block, or forms: architectural, industrial, and refractory brick, all brick substitutes, clay and concrete blocks, terra-cotta, thin set or structural quarry tile, glazed structural tile, gypsum tile, glass block, clay tile, copings, natural stone, plastic refractories, and castables and any incidental works as required in construction of the masonry work.

S291 - Stone Masonry Contractor. Construction using natural or artificial stone, either rough or cut and dressed, laid at random, with or without mortar.

S292 - Terrazzo Contractor. Construction by fabrication, grinding, and polishing of terrazzo by the setting of chips of marble, stone, or other material in an irregular pattern with the use of cement, polyester, epoxy or other common binders.

S293 - Marble, Tile and Ceramic Contractor. Preparation, fabrication, construction, and installation of artificial marble, burned clay tile, ceramic, encaustic, falence, quarry, semi-vitreous, and other tile, excluding hollow or structural partition tile.

S294 - Cultured Marble Contractor. Preparation, fabrication and installation of slab and sheet manmade synthetic products including cultured marble, onyx, granite, onice, corian and corian type products.

S300 - General Painting Contractor. Preparation of surface and the application of all paints, varnishes, shellacs, stains, waxes and other coatings or pigments by the use of brushes, spray or rollers.

S310 - Excavation and Grading Contractor. Moving of the earth's surface or placing earthen materials on the earth's surface, by use of hand or power machinery and tools, including explosives, in any operation of cut, fill, excavation, grading, trenching, backfilling, or combination thereof as they are generally practiced in the construction trade.

S320 - Steel Erection Contractor. Construction by fabrication, placing, and tying or welding of steel reinforcing bars or erecting structural steel shapes, plates of any profile, perimeter or cross-section that are used to reinforce concrete or as structural members, including riveting, welding, and rigging.

S321 - Steel Reinforcing Contractor. Fabricating, placing, tying, or mechanically welding of reinforcing bars of any profile that are used to reinforce concrete buildings or structures.

S322 - Metal Building Erection Contractor. Erection of pre-fabricated metal structures including concrete foundation and footings, grading, and surface preparation.

S323 - Structural Stud Erection Contractor. Fabrication and installation of metal structural studs and bearing walls.

S330 - Landscaping Contractor. Grading and preparing land for architectural, horticultural, and the decorative treatment, arrangement, and planting of gardens, lawns, shrubs, vines, bushes, trees, and other decorative vegetation. Construction of pools, tanks, fountains, hot and green houses, retaining walls, patio areas when they are an incidental part of the prime contract, fences, walks, garden lighting of 50 volts or less, and sprinkler systems.

S340 - Sheet Metal Contractor. Layout, fabrication, and installation of air handling and ventilating systems. All architectural sheet metal such as cornices, marquees, metal soffits, gutters, flashings, and skylights and skydomes including both plastic and fiberglass.

S350 - HVAC Contractor. Fabrication and installation of complete warm air heating and air conditioning systems, and complete ventilating systems.

S351 - Refrigerated Air Conditioning Contractor. Fabrication and installation of air conditioning ventilating systems to control air temperatures below 50 degrees.

S352 - Evaporative Cooling Contractor. Fabrication and installation of devices, machinery, and units to cool the air temperature employing evaporation of liquid.

S353 - Warm Air Heating Contractor. Layout, fabrication, and installation of such sheet metal, gas piping, and furnace equipment as necessary for a complete warm air heating and ventilating system.

S360 - Refrigeration Contractor. Construction and/or installation of refrigeration equipment including, but not limited to, built-in refrigerators, refrigerated rooms, insulated refrigerated spaces and equipment related thereto; but, the scope of permitted work does not include the installation of gas fuel or electric power services other than connection of electrical devices to a junction box provided for that device and electrical control circuitry not exceeding 50 volts.

S370 - Fire Suppression Systems Contractor. Layout, fabrication, and installation of fire protection systems using water, steam, gas, or chemicals. When a potable sanitary water supply system is used as the source of supply, connection to the water system must be accomplished by a licensed journeyman plumber. Excluded from this classification are persons engaged in the installation of fire suppression systems in hoods above cooking appliances.

S380 - Swimming Pool and Spa Contractor. On-site fabrication, construction and installation of swimming pools, spas, and tubs.

S390 - Sewer and Water Pipeline Contractor. Construction of sewer lines, sewage disposal and sewage drain facilities including excavation and grading with respect thereto, and the construction of sewage disposal plants and appurtenances thereto.

S400 - Asphalt Paving Contractor. Construction of asphalt highways, roadways, driveways, parking lots or other asphalt surfaces, which will include but will not be limited to, asphalt overlay, chip seal, fog seal and rejuvenation, micro surfacing, plant mix sealcoat, slurry seal, and the removal of asphalt surfaces by milling. Also included is the excavation, grading, compacting and laying of fill or base-related thereto.

S410 - Pipeline and Conduit Contractor. Fabrication, construction, and installation of pipes for the conveyance and transmission from one station to another of such products as water, steam, gases, chemicals, or slurries. Included are the excavation, grading, and backfilling necessary for construction of the system.

S420 - General Fencing and Guardrail Contractor. Fabrication, construction, and installation of fences, guardrails, and barriers.

S421 - Residential Fencing Contractor. Fabrication and installation of residential fencing up to and including a height of six feet.

S430 - Metal Firebox and Fuel Burning Stove Installer. Fabrication, construction, and installation of metal fireboxes, fireplaces, and wood or coal-burning stoves.

S440 - Sign Installation Contractor. Installation of signs and graphic displays which require installation permits or permission as issued by state or local governmental jurisdictions. Signs and graphic displays shall include signs of all types, both lighted and unlighted, permanent highway marker signs, illuminated awnings, electronic message centers, sculptures or graphic representations including logos and trademarks intended to identify or advertise the user or his product, building trim or lighting with neon or

decorative fixtures, or any other animated, moving or stationary device used for advertising or identification purposes. Signs and graphic displays must be fabricated, installed and erected in accordance with professionally engineered specifications and wiring in accordance with the National Electrical Code.

S441 - Non Electrical Outdoor Advertising Sign Contractor. Installation of signs and graphic displays which require installation permits or permission as issued by state and local governmental jurisdictions. Signs and graphics shall include outdoor advertising signs which do not have electrical lighting or other electrical requirements, and in accordance with professionally engineered specifications.

S450 - Mechanical Insulation Contractor. Fabrication, application and installation of insulation materials to pipes, ducts and conduits.

S460 - Wrecking and Demolition Contractor. The raising, cribbing, underpinning, moving, and removal of building and structures so that alterations, additions, repairs, and new sub-structures may be built.

S470 - Petroleum Systems Contractor. Installation of above and below ground petroleum and petro-chemical storage tanks, piping, dispensing equipment, monitoring equipment and associated petroleum and petro-chemical equipment including excavation, backfilling, concrete and asphalt.

S480 - Piers and Foundations Contractor. The excavation, drilling, compacting, pumping, sealing and other work necessary to construct, alter or repair piers, piles, footings and foundations placed in the earth's subsurface to prevent structural settling and to provide an adequate capacity to sustain or transmit the structural load to the soil or rock below.

S490 - Wood Flooring Contractor. Installation of wood flooring including prefinished and unfinished material, sanding, staining and finishing of new and existing wood flooring. Underlayments, non-structural subfloors and other incidental related work.

S491 - Laminate Floor Installation Contractor. Installation of floors made up of wood and/or composite wood materials including underlayments, non-structural subfloors and other incidental related work, but does not include the installation of solid wood flooring.

S500 - Sports and Athletic Courts, Running Track, and Playground Installation Contractor. Installation of sports and athletic courts including but not limited to tennis courts, racquetball courts, handball courts, basketball courts, running tracks, playgrounds, or any combination. Includes nonstructural floor subsurfaces, nonstructural wall surfaces, perimeter walls and perimeter fencing.

**KEY: contractors, occupational licensing, licensing**  
**[July 19, 1999]** 58-1-106(1)  
**Notice of Continuation March 3, 1997** 58-1-202(1)  
58-55-101  
58-55-308(1)  
58-55-301(1)  
58-55-102(21)



Commerce, Occupational and Professional Licensing
R156-55b-304
Continuing Education

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22394
FILED: 09/27/1999, 11:23
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division proposes this rule change to eliminate the need to amend the rule every time the National Electrical Code edition changes.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-55b-304(4), with respect to continuing education for electricians, changed that a minimum of eight hours of continuing education shall be on the current edition of the National Electrical Code, as identified in Subsection R156-56-701(1)(b).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 58-55-308(1), 58-1-106(1), and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

THE STATE BUDGET: Only minimal costs will be incurred by the Division to reprint the rules once the proposed rules are made effective. Any costs involved will be absorbed in the current Division budget. There will be some minimal future savings to the Division in not needing to amend these rules every time a new edition of the National Electrical Code is issued.

LOCAL GOVERNMENTS: Proposed rules do not apply to local governments; therefore, no cost or savings.

OTHER PERSONS: No costs or savings are anticipated because the proposed rule only clarifies what edition of the National Electrical Code should be studied for continuing education by licensed electricians.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs are anticipated because the proposed rules only clarify what edition of the National Electrical Code should be studied for continuing education by licensed electricians.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The only purpose for this rule is to use the word "current" to indicate the electrician code that should be utilized, which will eliminate the need to update the rules whenever a change is made in the National Electrical Code. There will be no fiscal impact on the state budget beyond the nominal savings from not having to file rule amendments every time the National Electrical Code

changes. There will be no fiscal impact from adoption of this amendment on local governments, the regulated professionals, or the general public--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:

Craig Cottle at the above address, by phone at (801) 530-6375, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.cottle@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 11/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: A. Gary Bowen, Director

R156. Commerce, Occupational and Professional Licensing.
R156-55b. Electricians Licensing Rules.
R156-55b-304. Continuing Education.

(1) In accordance with Subsections 58-1-203(7) and 58-1-308(3)(b), there is created a continuing education requirement as a condition for renewal or reinstatement of master, journeyman, residential master, residential journeyman and apprentice electrician licenses issued under Title 58, Chapter 55.

(2) Continuing education shall consist of 16 hours of course work related to the electrical trade in each preceding two year period of licensure or expiration of licensure.

(3) If a renewal period is shortened or extended to effect a change of renewal cycle, the continuing education hours required for that renewal period shall be increased or decreased accordingly as a pro rata amount of the requirements of a two-year period.

(4) A minimum of eight hours shall be on the [1996]current edition of the National Electrical Code, as identified in Subsection R156-56-701(1)(b).

(5) The licensee is responsible for maintaining competent records of completed qualified continuing education for a period of four years after the close of the two year renewal period to which the records pertain.

KEY: occupational licensing, licensing, contractors, electricians\*
[December 3, 1998]1999 58-1-106(1)
Notice of Continuation February 18, 1997 58-1-202(1)
58-55-308(1)



**Commerce, Occupational and  
Professional Licensing  
R156-56  
Utah Uniform Building Standard Act  
Rules**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22398

FILED: 09/28/1999, 09:37

RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule change is to simplify licensure for building inspectors reducing 59 variations of licensure to three classifications. The scope of practice of currently practicing building inspectors will not be changed, although the names of the classifications will be changed. Within three years building inspectors in certain classifications will be required to obtain a national certification. This rule change also deletes some definitions regarding factory built housing. These changes have been reviewed and approved by the Uniform Building Code Commission and the Building Inspector Licensing Board.

**SUMMARY OF THE RULE OR CHANGE:** In Section R156-56-102, deleted the following definitions: "Building construction trades"; "construction of a permanent foundation"; "construction of utility services to close proximity of the factory built housing unit"; "permanent foundation"; "set-up"; and "site preparation." Changes have been made throughout the rule to change the titles of building inspectors to the three classifications that are being proposed (combination inspector, limited inspector, and inspector trainee). Extensive changes were made in Section R156-56-302 (Licensure of Inspectors) to change to the three classifications being proposed. In Section R156-56-502, regarding unprofessional conduct, added that failing to produce verification of current licensure and current certifications for the codes adopted under these rules upon the request of the Division, any compliance agency, or any contractor or property owner whose work is being inspected is considered unprofessional conduct.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 58-56-1, and Subsections 58-56-4(2), 58-56-6(2)(a), 58-1-106(1), and 58-1-202(1)

**ANTICIPATED COST OR SAVINGS TO:**

❖**THE STATE BUDGET:** Only minimal costs will be incurred by the Division to reprint the rules once the proposed rules are made effective. Any costs involved will be absorbed in the current Division budget. There will be a substantial savings of Division employee time in processing applications for building inspectors. This will not likely change the state budget as additional employee time will be devoted to other areas that need attention. There will be some reduced

collection of licensing fees for building inspectors since they will not be required to apply for licensure as often to obtain other additional classifications of licensure. However, this will be offset by savings to the Division in the cost of processing the applications.

❖**LOCAL GOVERNMENTS:** This change may indirectly affect local government entities which hire licensed building inspectors if the local governments absorb the costs of licensure that building inspectors incur.

❖**OTHER PERSONS:** Building inspector licensees will be most affected. Approximately 120 building inspectors will be required to obtain national certification within the next three years. This certification costs between \$200-\$500 depending on the ability of the applicant. This cost will be largely offset by reduced costs of building inspectors who are required to reapply when a new classification of licensure is obtained and by costs to recertify under state exams. Those required to obtain national certification will not be required to recertify with the state exams. The recertification tests could cost the building inspector \$100-\$400 depending on the ability of the applicant. In addition, building inspectors will not be required to reapply each time they qualify for a new area. The application fee saved is \$50 per application and an estimated \$50 costs in preparation time and costs for a savings of approximately \$100 to affected building inspectors. It is estimated that approximately 400 building inspectors will experience this savings many of which would pay the reapplication fee on multiple occasions. Overall, this group should expect to have some minimal savings and much less governmental red tape.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Building inspector licensees will be most affected. Approximately 120 building inspectors will be required to obtain national certification within the next three years. This certification costs between \$200-\$500 depending on the ability of the applicant. This cost will be largely offset by reduced costs of building inspectors who are required to reapply when a new classification of licensure is obtained and by costs to recertify under state exams. Those required to obtain national certification will not be required to recertify with the state exams. The recertification tests could cost the building inspector \$100-\$400 depending on the ability of the applicant. In addition, building inspectors will not be required to reapply each time they qualify for a new area. The application fee saved is \$50 per application and an estimated \$50 in preparation time and costs for a savings of approximately \$100 to affected building inspectors. It is estimated that approximately 400 building inspectors will experience this savings many of which would pay the reapplication fee on multiple occasions. Overall, this group should expect to have some minimal savings and much less governmental red tape.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** The primary purpose of the proposed rules change is to simplify licensure for building inspectors by reducing the current 57 various classifications to only three. The proposed changes have been endorsed by both the Uniform Building Code Commission and the Building Inspector Licensing Board. The consolidation of licensing classifications will not have a direct effect on the

state budget, but will have a considerable indirect impact as it will free state employee hours currently spent processing applications to be assigned to other areas within the division where there is a greater need. Local governments will be impacted to the extent that they hire licensed building inspectors and elect to pay the licensing costs for such employees. The impact of the rule on the regulated profession will be both positive and negative. Under the requirement that national certification be required in certain classifications within three years, there will be approximately 120 inspectors affected at a certification cost of between \$200 and \$500, depending upon the applicant. However, in addition to the deletion of a lot of bureaucratic red tape hassles, the expenses will be largely offset or eliminated by relief from continual reapplication for a new classification and not having to take state recertification exams. The Division estimates the expense of obtaining each current classification at \$100, which will be eliminated by this amendment to the rules and with the savings flowing to the approximately 400 licensed building inspectors--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:

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dsJones@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 11/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 10/19/1999, 9:30 a.m., 160 East 300 South, Conference Room 457 (4th Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.  
R156-56. Utah Uniform Building Standard Act Rules.  
R156-56-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1, 55 and 56, as used in Title 58, Chapter 56 or these rules:

(1) [~~"Building construction trades" means, for the purpose of these rules only, those areas of construction regulated in the UBC, NEC, IPC, and IMC and requiring inspection by compliance agencies.~~

~~—(2)—~~"Building permit" means, for the purpose of determining the building permit surcharge under Subsection 58-56-9(4), a

warrant, license or authorization to build or construct a building or structure or any part thereof.

(~~3~~)<sup>2</sup> "Building permit fee" means, for the purpose of determining the building permit surcharge under Subsection 58-56-9(4), fees assessed by an agency of the state or political subdivision of the state for the issuance of permits for construction, alteration, remodeling, and repair and installation including building, electrical, mechanical and plumbing components.[

~~—(4)—~~"Construction of a permanent foundation", as used in the context of factory built housing, means the construction of a basement, or a crawl space of more than four feet six inches in height, for use with a factory built housing unit, which foundation is constructed of wood, concrete block, or placed concrete.

~~—(5)—~~"Construction of utility services to close proximity of the factory built housing unit" means construction of gas lines, electrical conduit or wires, sewer lines and water lines from the utility source to and including the meter or meters as required.]

(~~6~~)<sup>3</sup> "Direct supervision" means that the inspector responsible for supervising an inspector[~~in-training~~] trainee shall be physically present on-site at the time of inspection and the supervising inspector is responsible for any work delegated to the inspector[~~in-training~~] trainee. The inspector[~~in-training~~] trainee may not approve or disapprove any work and may not sign any orders, approvals or permits.

(~~7~~)<sup>4</sup> "Employed by a local regulator, state regulator or compliance agency" means, with respect to Subsection 58-56-9(1), the hiring of services of a qualified inspector whether by an employer/employee relationship, an independent contractor relationship, a fee-for-service relationship or any other lawful arrangement under which the regulating agency purchases the services of a qualified inspector.

(~~8~~)<sup>5</sup> "Indirect supervision" means that the inspector responsible for supervising an inspector[~~in-training~~] trainee may be remote from the site of inspection and the supervisor reviews the results of the inspection with the inspector[~~in-training~~] trainee and is responsible for any work delegated to the inspector[~~in-training~~] trainee. The inspector[~~in-training~~] trainee may issue orders, approvals and permits with the approval of [~~his~~]the supervisor and may sign orders, approvals and permits with [~~his~~]the supervisor's approval.

(~~9~~)<sup>6</sup> "Inspector" means a person employed by a local regulator, state regulator or compliance agency for the purpose of inspecting building, electrical, plumbing or mechanical construction, alteration, remodeling, repair or installation in accordance with the UBC, NEC, IPC and IMC and taking appropriate action based upon the findings made during inspection.[

~~—(10)—~~"Permanent foundation", as used in the context of factory built housing, means the main foundation system for the manufactured home including approved steel, wood or concrete block.]

(~~11~~)<sup>7</sup> "Permanently affixed to real property" means a manufactured home or mobile home [~~which has been anchored to, and supported by a permanent foundation, and~~]which has complied with all of the provisions of Section 59-2-602 at the date possession of the manufactured home or mobile home is changed from the dealer to the purchaser.

(~~12~~)<sup>8</sup> "Refuses to establish a method of appeal" means with respect to Subsection 58-56-8(3), that a compliance agency does not in fact adopt a formal written method of appealing uniform building

standard matters in accordance with generally recognized standards of due process; or, that the compliance agency does not convene an appeals board and render a decision in the matter within ninety days from the date on which the appeal is properly filed with the compliance agency. ]

~~— (13) "Set-up" means the installation of a manufactured/mobile or modular home.~~

~~— (14) "Site preparation", as used in the context of factory built housing, means excavating of the ground in the area where a basement is to be constructed and the back filling and grading around the basement. ]~~

~~(15)2~~ "Uniform Building Standards" means the UBC, IMC, IPC, and NEC as amended and the HUD Code as amended (See R156-56-701) and NCSBCS.

~~(16)10~~ "Unprofessional conduct" as defined in Title 58, Chapter 1 is further defined, in accordance with Subsection 58-1-203(5), in Section R156-56-502.

### **R156-56-201. Building Inspector Licensing Board.**

In accordance with Section 58-56-8.5, the board shall be as follows:

(1) one member licensed as a Combination Inspector~~[I, a Combination Inspector II, a Combination Inspector III, or a Building Inspector I];~~

(2) one member licensed as an Inspector who is qualified in the electrical code~~[Electrical Inspector I];~~

(3) one member licensed as an Inspector who is qualified in the plumbing code~~[Plumbing Inspector I];~~

(4) one member licensed as an Inspector who is qualified in the mechanical code~~[Mechanical Inspector I];~~ and

(5) one member shall be from the general public.

### **R156-56-302. Licensure of Inspectors.**

In accordance with Subsection 58-56-9(1), the licensee classifications, scope of work, qualifications for licensure, and application for license are established as follows:

(1) License Classifications. Each inspector employed by a local regulator, state regulator, compliance agency, or private agency providing inspection services to a regulator or compliance agency, shall qualify for licensure and be licensed by the division in one of the following classifications~~[not later than July 1, 1993]:~~

- ~~(a) [Building Inspector I - UBC;~~
- ~~(b) Electrical Inspector I - NEC;~~
- ~~(c) Plumbing Inspector I - IPC;~~
- ~~(d) Mechanical Inspector I - IMC;~~
- ~~(e) ]Combination Inspector [ I - UBC, NEC, IPC, IMC;~~
- ~~(f) Combination Inspector II - Limited Commercial Combination;~~
- ~~(g) Combination Inspector III - Dwelling; and~~
- ~~(h) Building Inspector III - UBC;~~
- ~~(i) Electrical Inspector III - NEC;~~
- ~~(j) Plumbing Inspector III - IPC;~~
- ~~(k) Mechanical Inspector III - IMC; and~~
- ~~(l) Inspector-in-Training. ]~~

(b) Limited Inspector; and

(c) Inspector Trainee.

(2) Scope of Work. The scope of work permitted under each inspector classification is as follows:

~~[ (a) Building Inspector I - UBC.~~

~~— (i) In accordance with the provisions of the UBC, inspect the construction, alteration, remodeling or repair of any building or structure, or the components of any building or structure for which a standard is provided in the specific edition of the UBC adopted under these rules or amendments to the UBC as included in these rules.~~

~~— (ii) Determine whether the construction, alteration, remodeling or repair is in compliance or is not in compliance with the adopted UBC.~~

~~— (iii) After determination of compliance or non-compliance with the adopted building code, take appropriate action as is provided in the UBC.~~

~~(b) Electrical Inspector I - NEC.~~

~~(i) In accordance with the NEC, inspect all electrical components of any building, structure or work for which a standard is provided in the specific edition of the NEC adopted under these rules or amendments to the NEC as included in these rules.~~

~~(ii) Determine whether the construction, alteration, remodeling, repair or installation of the electrical components of any building, structure or work is in compliance or is not in compliance with the adopted NEC.~~

~~(iii) After determination of compliance or noncompliance with the NEC, take appropriate administrative action as is provided in the UBC.~~

~~(c) Plumbing Inspector I - IPC.~~

~~(i) In accordance with the IPC, inspect all plumbing components of any building, structure or work for which a standard is provided in the specific edition of the IPC adopted under these rules or amendments to the IPC as included in these rules.~~

~~(ii) Determine whether the construction, alteration, remodeling, repair or installation of the plumbing components of any building, structure or work is in compliance or is not in compliance with the adopted IPC.~~

~~(iii) After determination of compliance or noncompliance with the IPC, take appropriate action as is provided in the IPC.~~

~~(d) Mechanical Inspector I - IMC.~~

~~(i) In accordance with the IMC, inspect all mechanical components of any building, structure or work for which a standard is provided in the specific edition of the IMC adopted under these rules or amendments to the IMC as included in these rules.~~

~~(ii) Determine whether the construction, alteration, remodeling, repair or installation of the mechanical component of any building, structure or work is in compliance or is not in compliance with the adopted IMC.~~

~~(iii) After determination of compliance or noncompliance with the IMC, take appropriate action as is provided in the IMC.]~~

~~(e)a~~ Combination Inspector~~[ I - UBC, NEC, IPC, and IMC].~~

~~(i) In accordance with the UBC, NEC, IPC, and IMC, inspect the components of any building, structure or work for which a standard is provided in the specific edition of the aforesaid codes adopted under these rules or amendments to these codes as included in these rules.~~

~~(ii) Determine whether the construction, alteration, remodeling, repair or installation of all components of any building, structure or work is in compliance with the adopted UBC, NEC, IPC, and IMC.~~

~~(iii) After determination of compliance or noncompliance with the UBC, IPC, NEC and IMC, take appropriate action as is provided in the aforesaid codes.~~

~~(f)b) Limited Inspector, [Combination Inspector II - Limited Commercial Combination:~~

~~—(i) In accordance with the provisions of the UBC, inspect the construction, alteration, remodeling or repair of any residential building not exceeding 15 units and two stories in height which is classified under an "R" occupancy in the UBC, all accessory buildings classified under a "U" occupancy in the UBC, and commercial buildings limited to those not exceeding two stories in height or 6000 square feet for buildings classified under a "A-3" occupancy in the UBC, 8000 square feet for buildings classified under a "B", "F-1", "M", "S-1", "S-3", or "S-5" occupancy in the UBC, and 3000 square feet for buildings classified under a "H-4" occupancy in the UBC.~~

~~—(ii) In accordance with the NEC, IPC, and IMC inspect the electrical, plumbing and mechanical components of a building defined in the above Subsection (i) of Subsection (f):~~

~~—(iii) Determine whether the construction, alteration, remodeling or repair is in compliance or is not in compliance with the adopted building codes.~~

~~—(iv) After determination of compliance with the adopted building codes, take appropriate action as is provided in the UBC, NEC, IPC, or IMC.]~~

~~(i) A Limited Inspector may only conduct activities under Subsections (ii), (iii) or (iv) for which the Limited Inspector has maintained current certificates under the UBC, NEC, IPC or IMC as provided under Subsection R156-56-302(3)(b).~~

~~(ii) Subject to the limitations of Subsection (i), in accordance with the UBC, NEC, IPC, or IMC, inspect the components of any building, structure or work for which a standard is provided in the specific edition of the aforesaid codes adopted under these rules or amendments to these codes as included in these rules.~~

~~(iii) Subject to the limitations under Subsection (i), determine whether the construction, alteration, remodeling, repair or installation of components of any building, structure or work is in compliance with the adopted UBC, NEC, IPC, or IMC.~~

~~(iv) Subject to the limitations under Subsection (i), after determination of compliance or noncompliance with the UBC, IPC, NEC or IMC, take appropriate action as is provided in the aforesaid codes.~~

~~—(g) Combination Inspector III - Dwelling:~~

~~—(i) In accordance with the provisions of the UBC, inspect the construction, alteration, remodeling or repair of any single-family or two-family residential building classified under an "R-3" occupancy in the UBC, accessory buildings to R-3 dwellings classified under "U-1" or "U-2" occupancy in the UBC, and agricultural buildings classified under an "U-1", "U-2", "UBC Appendix Chapter 3, Division II", or "UBC Appendix Chapter 3, Division IV" occupancy in the UBC.~~

~~—(ii) In accordance with the NEC, IPC, and IMC inspect the electrical, plumbing and mechanical components of a building defined in the above Subsection (i) of Subsection (g):~~

~~—(iii) Determine whether the construction, alteration, remodeling or repair is in compliance or is not in compliance with the adopted building codes.~~

~~—(iv) After determination of compliance with the adopted building codes, take appropriate action as is provided in the UBC, NEC, IPC, or IMC.~~

~~—(h) Building Inspector III - UBC:~~

~~— In accordance with the provisions of the UBC, inspect the construction, alteration, remodeling, or repair of any single-family or two-family residential building classified under an "R-3" occupancy, accessory buildings to R-3 dwellings classified under "U-1" or "U-2" occupancy, and agricultural buildings classified under an "U-1", "U-2", or "UBC Appendix Chapter 3, Division IV" occupancy as defined in the UBC.~~

~~—(i) Electrical Inspector III - NEC:~~

~~— In accordance with the NEC, inspect the electrical components of any single-family or two-family residential building classified under an "R-3" occupancy, accessory buildings to R-3 dwellings classified under an "U-1" or "U-2" occupancy, and agricultural buildings classified under an "U-1", "U-2" or "UBC Appendix Chapter 3, Division IV" occupancy as defined in the UBC.~~

~~—(j) Plumbing Inspector III - IPC:~~

~~— In accordance with the IPC, inspect the plumbing components of any single-family or two-family residential building classified under an "R-3" occupancy, accessory buildings to R-3 dwellings classified under an "U-1" or "U-2" occupancy, and agricultural buildings classified under an "U-1", "U-2" or "UBC Appendix Chapter 3, Division IV" occupancy as defined in the UBC.~~

~~—(k) Mechanical Inspector III - IMC:~~

~~— In accordance with the IMC, inspect the mechanical components of any single-family or two-family residential building classified under an "R-3" occupancy, accessory buildings to R-3 dwellings classified under an "U-1" or "U-2" occupancy, and agricultural buildings classified under an "U-1", "U-2" or "UBC Appendix Chapter 3, Division IV" occupancy as defined in the UBC.]~~

~~(H)c) Inspector Trainee[-in-Training].~~

~~(i) Under the direct supervision of a licensed Combination Inspector or Limited Inspector[building inspector, licensed electrical inspector, licensed plumbing inspector or licensed mechanical inspector], for the purpose of training, inspect the construction, alteration, remodeling, repair and/or installation of buildings, electrical components, plumbing components, and/or mechanical components for which a standard is provided in the adopted editions of the UBC, NEC, IPC, or IMC or under amendments to those codes when the regulator, compliance agency, or private agency providing inspection services to a regulator or a compliance agency elects to employ the services of a licensed inspector[-in-training] trainee. Nothing in this subsection shall be interpreted to require a regulator, compliance agency, or private agency to employ the services of a person licensed in the classification inspector[-in-training] trainee.~~

~~(ii) A licensed inspector trainee[inspector-in-training] may not take any action authorized under the UBC, NEC, IPC, and/or IMC upon a finding after inspection of compliance or noncompliance other than to inform the licensed inspector responsible for [his]the supervision while under direct supervision. Thereafter the inspector[-in-training] trainee may perform assigned duties under indirect supervision. [Related experience and education approved by the division in collaboration with the committee in accordance with the following hours designated by code and/or classification] Passing examinations as designated in Subsection III may be credited towards the direct supervision hours.~~

~~(iii) An inspector trainee is[Building Inspector-in-training III] required to complete the following direct supervision hours in the~~

following areas prior to beginning indirect supervision in each area:]:

— (A) ~~Uniform Building Code: 70 hours, 50 of which can be waived with documented experience and/or education:~~

— (B) ~~National Electrical Code: 70 hours, 50 of which can be waived with documented experience and/or education:~~

— (C) ~~International Plumbing Code: 60 hours, 50 of which can be waived with documented experience and/or education:~~

— (D) ~~International Mechanical Code: 60 hours, 50 of which can be waived with documented experience and/or education:~~

— (iv) ~~Building Inspector-in-training II required direct supervision hours:~~

— (A) ~~Uniform Building Code: 80 hours, 60 of which can be waived with documented experience and/or education:~~

— (B) ~~National Electrical Code: 80 hours, 60 of which can be waived with documented experience and/or education:~~

— (C) ~~International Plumbing Code: 70 hours, 60 of which can be waived with documented experience and/or education:~~

— (D) ~~International Mechanical Code: 70 hours, 60 of which can be waived with documented experience and/or education:~~

— (v) ~~Building Inspector-in-training I required direct supervision hours:]~~

(A) Uniform Building Code: 100 hours, 70 of which can be [waived with documented experience and/or education] satisfied by passing the "Residential UBC Building Inspector Certification", if such certification is available.

(B) National Electrical Code: 100 hours, 70 of which can be [waived with documented experience and/or education] satisfied by passing the "Residential NEC Electrical Inspector Certification", if such certification is available.

(C) International Plumbing Code: 80 hours, 70 of which can be [waived with documented experience and/or education] satisfied by passing the "Residential IPC Plumbing Inspector Certification", if such certification is available.

(D) International Mechanical Code: 80 hours, 70 of which can be [waived with documented experience and/or education] satisfied by passing the "Residential IMC Mechanical Inspector Certification".

(vii) ~~iv~~) The supervising licensed inspector is at all times responsible for the work of the inspector [~~in-training~~] trainee while that inspector is training and assigned to be under the direction of that supervisor.

(viii) ~~ii~~) An inspector [~~in-training~~] trainee license [in each single classification] may be issued [by the division to an individual] for a period not to exceed [~~two~~] three years and may not be renewed.

(vi) Transitional Provisions.

(A) An inspector granted a license as Building Inspector III, Electrical Inspector III, Plumbing Inspector III or Mechanical Inspector III under the prior rules, which license is active at the time of this rule change, shall have all authority under such license under the prior rules effective on July 1, 1999 to inspect the respective portion of the residence, with or without supervision, continue under the license's normal expiration date and such license may not be renewed. Thereafter, the licensee must qualify for a current classification of licensure under these rules. When this rule becomes effective, each such licensee shall also be issued a supplemental license as an inspector trainee which shall have a term of three years and may not be renewed. During any portion of the

term of the supplemental inspector trainee license issued under this section which is still effective after the expiration of the prior level III license, the inspector may thereafter continue to act as an inspector trainee under indirect supervision in the area that the person was previously licensed with the level III designation.

(B) An inspector granted a Building Inspector I, Electrical Inspector I, Plumbing Inspector I, Mechanical Inspector I, Combination Inspector II - Limited Commercial Combination, or Combination Inspector III license under the prior rules in effect which is active at the time of this rule change shall be issued a replacement license as a Limited Inspector. A Combination Inspector III who is granted a replacement Limited Inspector license granted under this section who has not previously become nationally certified but has passed all four parts of the residential III test promulgated by the Division shall be considered as substantially equivalent to national certification as a Combination Dwelling Inspector Certification for three years after the effective date of this rule but must thereafter as a condition of renewal at the normal expiration date become certified with a national certification as listed in Subsection R156-56-302(3)(b).

(3) Qualifications for Licensure. The qualifications for licensure for each inspector classification are as follows:

— [~~(a) Building Inspector I - UBC:~~

~~Has passed the examination for and maintained as current the "Building Inspector Certification" issued by the International Conference of Building Officials, or has passed a Building Inspector I examination if such is developed at the direction of the division in collaboration with the commission:~~

— [~~(b) Electrical Inspector I - NEC:~~

~~Has passed the examination for and obtained the "Electrical Inspector Certification" issued by the International Conference of Building Officials or a "General Electrical Inspectors Certification" issued by the International Association of Electrical Inspectors, or has passed an Electrical Inspector examination if such is developed at the direction of the division in collaboration with the commission:~~

— [~~(c) Plumbing Inspector I - IPC:~~

~~Has passed the examination for and obtained the "Commercial Plumbing Inspector Certification" issued by the International Association of Plumbing and Mechanical Officials, the "Plumbing Inspector Certification" issued by the International Conference of Building Officials, or has passed a Plumbing Inspector examination if such is developed at the direction of the division in collaboration with the commission:~~

— [~~(d) Mechanical Inspector I - IMC:~~

~~Has passed the examination for and obtained the "Commercial Mechanical Inspector Certification" issued by the International Code Council or International Association of Plumbing and Mechanical Officials, the "Mechanical Inspectors Certification" issued by the International Conference of Building Officials, or has passed a Mechanical Inspector examination if such is developed at the direction of the division in collaboration with the commission:~~ — [~~(e)a~~] Combination Inspector [I - UBC, NEC, IPC, IMC].

Has passed the examination for and maintained as current the following national certifications:

(i) the "Building Inspector Certification" issued by the International Conference of Building Officials;

(ii) the "Electrical Inspector Certification" issued by the International Conference of Building Officials or the "General

Electrical Certification" issued by the International Association of Electrical Inspectors;

(iii) the "Plumbing Inspector Certification" issued by the International Conference of Building Officials, International Code Council or the International Association of Plumbing and Mechanical Officials or the "Commercial Plumbing Inspector Certification" issued by the International Code Council or International Association of Plumbing and Mechanical Officials; and

(iv) the "Mechanical Inspector Certification" issued by the International Conference of Building Officials or the "Commercial Mechanical Inspector Certification" issued by the International Association of Plumbing and Mechanical Officials.

(f)b) ~~Limited Inspector~~[Combination Inspector III - Limited Commercial Combination].

Has passed the examination for and maintained as current one or more of the following national certifications:

(i) the "Building Inspector Certification" issued by the International Conference of Building Officials;

(ii) the "Electrical Inspector Certification" issued by the International Conference of Building Officials or the "General Electrical Certification" issued by the International Association of Electrical Inspectors;

(iii) the "Plumbing Inspector Certification" issued by the International Conference of Building Officials, International Code Council or the International Association of Plumbing and Mechanical Officials or the "Commercial Plumbing Inspector Certification" issued by the International Code Council or International Association of Plumbing and Mechanical Officials;

(iv) the "Mechanical Inspector Certification" issued by the International Conference of Building Officials or the "Commercial Mechanical Inspector Certification" issued by the International Association of Plumbing and Mechanical Officials;

~~(i) Has passed the examination for and maintained as current;~~

~~(A)y) the "Combination Dwelling Inspector Certification" issued by the International Conference of Building Officials; or~~

~~(B) the "Combination Inspector III State Certification" as developed at the direction of the division in collaboration with the commission; and~~

~~(E)v) the "Limited Commercial Combination Certification" issued by the International Conference of Building Officials.~~

~~(ii) After July 1, 1993 those newly qualifying for licensure by passing and maintaining ICBO Combination Dwelling Certification must also pass and maintain the ICBO Light Commercial Combination Certification.~~

~~(g) Combination Inspector III - Dwelling:~~

~~(i) Has passed the examination for and maintained as current the "Building Inspector III Certification" as prepared and administered under the direction of the division in collaboration with the commission or has passed the examination for and maintained as current the "Combination Dwelling Inspector Certification" issued by the International Conference of Building Officials.~~

~~(A) Proof of passing and maintaining as current a board approved national certification exam in plumbing, electrical, mechanical or building inspection exempts the applicant from having to take and pass that portion of the state exam.~~

~~(h) Building Inspector III - UBC:~~

~~Has passed the examination for and maintained as current the "Building Inspector III - Residential Building Inspector Certification" as prepared and administered under the direction of the division.~~

~~(i) Electrical Inspector III - NEC:~~

~~Has passed the examination for and maintained as current the "Electrical Inspector III - Residential Electrical Inspector Certification" as prepared and administered under the direction of the division.~~

~~(j) Plumbing Inspector III - IPC:~~

~~Has passed the examination for and maintained as current the "Plumbing Inspector III - Residential Plumbing Inspector Certification" as prepared and administered under the direction of the division.~~

~~(k) Mechanical Inspector III - IMC:~~

~~Has passed the examination for and maintained as current the "Mechanical Inspector III - Residential Mechanical Inspector Certification" as prepared and administered under the direction of the division.]~~

~~(f)c) Inspector[=in-training] Trainee.~~

~~(i) [Show the applicant h]Has graduated from high school or has obtained an equivalent certification; and~~

~~(ii) Has passed one or more of the following examinations which are prepared and administered under the direction of the Division, if such examinations are available:~~

~~(A) the "Residential UBC Building Inspector Examination";~~

~~(B) the "Residential NEC Electrical Inspector Examination";~~

~~(C) the "Residential IPC Plumbing Inspector Examination";~~

~~(D) the "Residential IMC Mechanical Inspector Examination";~~

or

~~(E) the "Inspector Trainee Examination".~~

~~(4) Application for License.~~

~~(a) An applicant for licensure shall:~~

~~(i) submit an application in a form prescribed by the division; and~~

~~(ii) pay a fee determined by the department pursuant to Section 63-38-3.2.~~

#### **R156-56-502. Unprofessional Conduct - Building Inspectors.**

"Unprofessional conduct" includes:

(1) knowingly failing to inspect or issue correction notices for code violations which when left uncorrected would constitute a hazard to the public health and safety and knowingly failing to require that correction notices are complied with;

(2) the use of alcohol or the illegal use of drugs while performing duties as a building inspector or at any time to the extent that the inspector is physically or mentally impaired and unable to effectively perform [his]the duties [as]of an inspector;

(3) gross negligence in the performance of official duties as an inspector;

(4) failure to supervise an inspector[=in-training] trainee for which an inspector assumes responsibility in accordance with these rules or in a manner to ensure the public health, safety and welfare;

(5) the personal use of information or knowingly revealing information to unauthorized persons when that information has been obtained by the inspector as a result of their employment, work, or position as an inspector;

(6) unlawful acts or acts which are clearly unethical under generally recognized standards of conduct of an inspector;

(7) engaging in fraud or knowingly misrepresenting a fact relating to the performance of duties and responsibilities as an inspector;

(8) knowingly failing to require that all plans, specifications, drawings, documents and reports be stamped by architects, professional engineers or both as established by law;

(9) knowingly failing to report to the Division any act or omission of a licensee under Title 58, Chapter 55, which when left uncorrected constitutes a hazard to the public health and safety;

(10) knowingly failing to report to the Division unlicensed practice by persons performing services who are required by law to be licensed under Title 58, Chapter 55;[~~and~~]

(11) approval of work which materially varies from approved documents that have been stamped by an architect, professional engineer or both unless authorized by the licensed architect, professional engineer or both; and

(12) failing to produce verification of current licensure and current certifications for the codes adopted under these rules upon the request of the Division, any compliance agency, or any contractor or property owner whose work is being inspected.

**KEY: contractors, building codes, building inspection, licensing**  
[~~August 5,~~1999 **58-1-106(1)**  
**Notice of Continuation June 3, 1997** **58-1-202(1)**  
**58-56-1**  
**58-56-4(2)**  
**58-56-6(2)(a)**



Commerce, Occupational and Professional Licensing  
**R156-66a**  
Amateur Boxing Fund Grant Rules

**NOTICE OF PROPOSED RULE**  
(New)  
DAR FILE NO.: 22402  
FILED: 09/30/1999, 13:48  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 1999 Utah Laws, Chapter 310, Item 40 of the Appropriations Act II provided money to the Department of Commerce from the General Fund to develop and distribute grants to amateur boxing. The Division of Occupational and Professional Licensing and the Utah Boxing Commission are to adopt rules for the distribution of those fund monies.

**(DAR Note:** S.B. 3 is found at 1999 Utah Laws 310, and was effective March 22, 1999.)

SUMMARY OF THE RULE OR CHANGE: The proposed rules define the terms: "amateur boxing," "applicant," "cost of travel,"

"grant," and "nonprofit entity within the state." The proposed rules establish who may apply for the grant funds and the criteria the applicant must meet to be approved. The proposed rules also clarify the criteria for which the grant funds will be awarded.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: 1999 Utah Laws 310, Item 40

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no cost or savings impact on the state budget since the fund monies were awarded from the General Fund and provided that part of the funds were to be used for administration of the program.

❖LOCAL GOVERNMENTS: There is no negative impact on local governments; however, there may be a positive impact if any local governments apply for and are awarded a grant under the program.

❖OTHER PERSONS: The proposed rule will provide grant funds to amateur boxing through nonprofit entities. By adopting this rule, the costs involved in amateur boxing should be reduced for those who participate.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is estimated that the costs to persons affected by the adoption of this proposed rule will be minimal. Costs should actually be reduced if money from the fund is approved for the requesting entity.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Although these proposed rules involve a profession regulated by the Division of Occupational and Professional Licensing, there is no statutory language in the statutes delegated to the Division authorizing rulemaking for the fund appropriated by the legislature. These proposed rules are propounded at the suggestion of the Division of Administrative Rules to implement the funding of grants to promote amateur boxing utilizing an appropriation made by the legislature from the General Fund of the State of Utah in 1999 Utah Laws 310, Item 40, to the Department of Commerce and earmarked for this purpose. The proposed rules define the necessary terms, and establish who may apply for the grant funds and the criteria utilized in determining whether an application should be approved. Although all of the funding for the implementation of this rule comes from the General Fund, the rules themselves will not create an impact on the state budget since the appropriation provided that a portion of the funds be used for administration of the program. There will be no negative impact upon local governments, and there may be a positive impact if any local governments apply for and are awarded a grant under the program. The rules should have a positive impact upon the beneficiary population as the grants are designed to reduce the costs to those involved in the sport. Although the program is funded by taxpayer money by statute, the adoption of these rules will create no additional burden upon the tax-paying general public--Douglas C. Borba

**(DAR Note:** The Legislature, in S.B. 3, Item 40, provides statutory authority and explicitly requires the Division of Occupational and Professional Licensing to "adopt rules for the distribution of fund monies.")

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:

Clyde Ormond at the above address, by phone at (801) 530-6254, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.cormond@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 11/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 10/26/1999, 9:00 a.m., 160 East 300 South, Conference Room 427 (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.**

**R156-66a. Amateur Boxing Fund Grant Rules.**

**R156-66a-101. Title.**

These rules are known as the "Amateur Boxing Fund Grant Rules".

**R156-66a-102. Definitions.**

(1) "Amateur boxing", as used in 1999 Utah Laws Chapter 310, Item 40, means a live boxing contest where the contestants participate for a non cash prize of nominal value, as defined in Subsection 58-66-102(10)(b) of the Utah Professional Boxing Regulation Act.

(2) "Applicant" means a nonprofit entity within the state as defined in this section.

(3) "Costs of travel", as used in the 1999 Utah Laws Chapter 310, Item 40, means meals, lodging and transportation associated with participation in an amateur boxing contest.

(4) "Grant", as used in the 1999 Utah Laws Chapter 310, Item 40, means the distribution of fund monies as authorized in 1999 Utah Laws Chapter 310, Item 40 of the Utah Code Annotated.

(5) "Nonprofit entity within the state", as used in 1999 Utah Laws Chapter 310, Item 40, means an amateur boxing club located within the state, registered with USA Boxing Incorporated.

**R156-66a-103. Authority - Purpose.**

These rules are adopted to enable the Division to implement the provisions of 1999 Utah Laws Chapter 310, Item 40, to facilitate the distribution of General Fund monies to nonprofit entities for the promotion of amateur boxing.

**R156-66a-301. Qualifications for Application for Grants for Amateur Boxing.**

(1) In accordance with 1999 Utah Laws Chapter 310, Item 40, each applicant for a grant shall:

(a) submit an application in a form prescribed by the division;

(b) provide documentation that the applicant is a nonprofit entity within the state;

(c) document the following:

(i) the financial need for the grant;

(ii) how the funds requested will be used to promote amateur boxing; and

(iii) provide expense receipts for expenditures disbursed prior to the application but no earlier than January 1999; or

(iv) provide a signed contract defining how requested monies will be spent.

**R156-66a-302. Priority Schedule.**

Grants will be awarded based on the following general criteria:

(1) the applicant's past participation in amateur boxing contests;

(2) the scope of the applicant's current involvement in amateur boxing contests;

(3) the demonstrated need for the funding; and

(4) the involvement of adolescents including rural and minority groups in the applicant's amateur boxing program.

**KEY: grants, amateur boxing\***

**1999**

**1999 Utah Laws 310, Item 40**



Education, Administration

**R277-472**

Reading Performance Improvement  
Awards Program

**NOTICE OF PROPOSED RULE**

(New)

DAR FILE NO.: 22403

FILED: 09/30/1999, 16:32

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule provides an application process and standards for school participation in the Reading Performance Improvement Awards Program.

SUMMARY OF THE RULE OR CHANGE: The rule provides for the application process and distribution of funds under a new law passed by the 1999 Legislature in H.B. 75. The rule also includes some important definitions including criterion reference tests, significant reading performance improvement, and the American Standard Code for Information Interchange (ASCII).

(DAR Note: H.B. 75 is found at 1999 Utah Laws 340, and was effective March 22, 1999.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-3-402.11(2)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There are no anticipated cost or savings because the money for this program was appropriated by the 1999 Legislature from the Uniform School Fund.

❖LOCAL GOVERNMENTS: There are no anticipated costs to local government or school districts. School districts may receive modest funding under this rule upon application.

❖OTHER PERSONS: Only school districts may apply for this funding. No other persons are impacted.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs. Nine school districts may receive funds.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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 by Internet E-mail at clear@usoe.k12.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 11/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

## **R277. Education, Administration.**

### **R277-472. Reading Performance Improvement Awards Program.**

#### **R277-472-1. Definitions.**

A. "ASCII (American Standard Code for Information Interchange)" means a binary code for text as well as communications and printer control. It is used for most communications and is the built-in character code in most minicomputers and all personal computers.

B. "Board" means the Utah State Board of Education.

C. "CRT (Criterion Reference Test)" means the Utah State Core assessment end of level test designed to assess student mastery of the reading Core Curriculum in grades K-3.

D. "Ethical administration of assessments" means that educators should not violate general ethical standards concerning theft, cheating, lying or similar violations as they relate to the testing or evaluation process. Also, the definition includes

educational defensibility - test preparation activity that raises student test scores is INAPPROPRIATE unless it simultaneously increases student mastery of the content domain tested.

E. "Significant reading performance improvement" means:

(1) students shall be assessed using the State CRTs, an Informal Reading Inventory, and a diagnostic reading instrument selected from the state-approved list. In addition to these three, schools may use other instruments to demonstrate reading performance improvement;

(2) schools shall provide documentation of performance on the designated assessments showing student performance in reading; and

(3) the majority of the students in the school (i.e., more than 50 percent) shall have improved their reading performance on at least two-thirds of the reading assessments given to students.

F. "USOE" means the Utah State Office of Education.

#### **R277-472-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-3-402.11(2)(b) which requires the Board to make rules for program participation, and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide an application process and standards for school participation in the Reading Performance Improvement Awards Program.

#### **R277-472-3. Application Process and Distribution of Funds.**

A. Awards shall be made to individual schools and funds allocated to school districts to distribute to designated schools for K-3 programs.

B. Schools shall use existing documents and data (e.g. application for State Literacy Program funds, application for school trust lands funds, grant applications, accreditation data) to apply for this award.

C. Upon submission of an application for any grant that addresses reading, a school should indicate the desire to receive funds for the funds awarded under this rule.

D. Any application that outlines a program that is currently being implemented in a school may be used to apply for these funds.

E. The application that is submitted by schools to the district shall include:

(1) identification of current performance in reading, including student-level baseline data for all instruments used to document significant reading performance improvement, submitted as an ASCII file;

(2) an explanation of procedures to be implemented for monitoring student progress to ensure accountability, including ethical administration of the assessment measures at uniform times throughout the school year;

(3) a description of the school's reading program(s);

(4) a plan for professional development and training for school staff to support implementation of the program(s); and

(5) a listing of the resources and materials needed to implement the plan. Any resources needed to implement the plan are the responsibility of the school.

F. Applications shall be collected at the district office and reviewed by district staff to ensure that the application requirements have been met, and forwarded by the district to the Evaluation and Assessment Coordinator at the Utah State Office of Education no later than November 15 of each year. End-of-year outcome data shall be submitted by each successful applicant in the same format as baseline data to USOE no later than September 30 of each year.

G. USOE staff shall review the applications received from the districts each year and identify those that have met the criteria for showing significant reading performance improvement.

H. Those that have documented significant reading performance improvement will be rank ordered according to the amount of improvement made.

I. Nine schools that have shown the greatest improvement will be identified.

J. USOE staff shall submit the names of the schools showing the greatest improvement to the Board for approval to receive \$1,000 each.

K. Schools receiving funding shall be notified by October 15.

**R277-472-3. Limitation on Funds.**

Funds shall be used exclusively for purposes set forth in Section 53A-3-202.11 (i.e., to purchase books and other reading materials).

**KEY: reading, academic performance  
1999**

**Art X Sec 3  
53A-3-402.11(2)(b)  
53A-1-401(3)**



Education, Administration  
**R277-607**  
Truancy Prevention

**NOTICE OF PROPOSED RULE**  
(New)

DAR FILE NO.: 22404  
FILED: 09/30/1999, 16:32  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule establishes consistent procedures for school districts in informing parents about compulsory education laws and providing firm consequences for parents' noncompliance with the law.

SUMMARY OF THE RULE OR CHANGE: The rule provides procedures for school districts to improve student attendance at school through encouraging cooperation between parents and schools. The rule outlines procedures for the Truancy Prevention Program passed by the 1999 Legislature in H.B. 85.

**(DAR Note:** H.B. 85 is found at 1999 Utah Laws 99, and was effective March 17, 1999.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There are no anticipated cost or savings to the state. All costs will come from existing education budgets.

❖LOCAL GOVERNMENTS: School districts will have some compliance costs. The legislature did not provide funding for districts to comply with the new law. Funding will be required to notify parents in a timely and appropriate manner, for trackers or monitors for students, and for district personnel to assure compliance by schools.

❖OTHER PERSONS: Courts may have some additional costs depending upon the numbers of students or parents who actually face judicial sanctions for truancy. Parents may have costs if school districts choose to issue truancy citations and collect fines. Parents may also be responsible for court costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: School districts, parents, and/or the courts may have compliance costs. Costs are impossible to determine at this point.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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 by Internet E-mail at clear@usoe.k12.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 11/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

**R277. Education, Administration.**

**R277-607. Truancy Prevention.**

**R277-607-1. Definitions.**

A. "Absence" means a student's non-attendance at school for one school day or part of one school day.

B. "Certified mail" means notification sent through the U.S. Post Office, that requires a signature of acceptance for the letter. A signed receipt notifies the sender that the letter was accepted.

C. "Excused absence" means a student's absence from school for a reason identified by the school or district as reasonable such as:

- (1) illness;
- (2) medical appointments;
- (3) family emergencies;
- (4) death of family member or close friend;
- (5) family activity or travel, consistent with district/school policy.

D. "Habitual truant" means a school-aged minor who has received more than two truancy citations within one school year from the school in which the minor is or should be enrolled and eight absences without a legitimate or valid excuse or who, in defiance of efforts on the part of school authorities to resolve a student's attendance problems as required under Section 53A-11-103, refuses to regularly attend school or any scheduled period of the school day.

E. "IEP team" means an local education agency representative, a parent, a regular and special education educator, and person qualified to interpret evaluation results, in accordance with the Individuals with Disabilities Education Act (IDEA).

F. "Truancy citation" is a ticket issued in the truant's name under R277-609 or Section 53A-11-105(1). A truancy citation is issued by school designated individuals and may provide for administrative penalties, strict attendance by the student and monitoring by the school, or may be payable to the school or school district. Penalties or requirements that may result from a truancy citation shall be clearly stated in the school or district truancy policy.

G. "Truancy fee schedule" means a uniform payment schedule set by a local school board consistent with R277-609-5.

H. "Unexcused absence" means a student's absence from school for reasons other than those authorized under the school or district policy.

I. "USOE" means the Utah State Office of Education.

#### **R277-607-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Sections 53A-11-101 through 53A-11-105 which direct educational entities and designated agencies working on behalf of children to encourage compliance with the compulsory education law and regular school attendance for all students.

B. The purpose of this rule is to establish consistent procedures for school districts in informing parents about compulsory education laws, encouraging and monitoring school attendance consistent with the law, and providing firm consequences for noncompliance. This rule encourages meaningful incentives for parental responsibility and directs districts to establish ongoing truancy prevention procedures in schools especially for students in grades 1-8.

#### **R277-607-3. General Provisions.**

A. Local school boards shall develop a truancy policy consistent with this rule and 53A-11-101 through 53A-11-105 and shall review the policy annually.

B. The local school board truancy policy shall be available for review by parents or interested parties upon request.

C. Truancy citation fees are not subject to fee waivers provisions because truancy citations are similar to repayment for

destruction of school property. Also, schools or districts shall provide reasonable and specific options in lieu of payment for truancy citations at parent/school meetings.

D. If a student moves from one Utah school district to another Utah school district, truancy citations issued consistent with this rule may follow the student at the receiving school district's discretion.

E. A truancy citation issued by law enforcement under Section 53A-11-105(1) may be viewed as a truancy citation in designating a student a habitual truant. If a district does so, the parent shall be notified of receipt of the citation, including a copy of the citation, in a timely manner.

F. Districts shall prepare an annual fiscal year-end report to be submitted to the USOE that includes:

- (1) copy of the district truancy policy required under Section R277-607-3A;
- (2) total number of students designated as habitual truants;
- (3) total number of students tracked or disciplined under the district's attendance/truancy policy;
- (4) total amount of funds collected, if any, by school from truancy citations; and
- (5) summary of program effectiveness.

#### **R277-607-4. Procedures Toward the Designation of Habitual Truant Status.**

A. Prior to or no later than school registration, the parent(s) of all students in grades 1-12 shall be provided written notice from the school or district informing parents of Compulsory Education attendance laws and encouraging parental cooperation.

(1) A student registering in the school district during the school year shall be provided written notice explaining the school and school district's compulsory education policy.

(2) A student moving from one school to another within the same district may be provided written notice explaining the school and school district's compulsory education policy.

B. Following two unexcused absences in a six week period, the individual designated by the school shall counsel the parent(s)/student as to the importance of school attendance and the legal implications of truancy.

C. Following four additional unexcused or six excused absences in a subsequent six week period, the individual designated by the school shall contact the parent(s) and arrange for a meeting at the school or elsewhere to discuss the student's attendance problem.

D. Following the seventh unexcused absence within a total 12 week period, a certified letter shall be sent requesting again the support of the parent(s) in resolving the attendance problems and outlining the requirements of Section 53A-11-103.

E. The school shall continue to monitor school attendance following the first truancy citation. If appropriate, the student's curriculum or schedule may be adjusted.

F. If there is an eighth unexcused absence within a total 14 week period, a second truancy citation shall be issued. Following the second truancy citation, prior to the referral to court, in a final attempt to prevent habitual truancy, the school shall schedule a pre-court hearing meeting with the second truancy citation for the parent and student. At the meeting, school personnel shall present final alternatives to court referral.

G. Following the ninth unexcused absence within a total 18 week period, a third truancy citation shall be issued and the parent/student shall be notified that the student is a habitual truant. Referral to the appropriate County or District Attorney or Juvenile Court consistent with Section 53A-11-104(6) shall be made by the individual designated by the school/district.

H. The school district may work with appropriate courts and personnel to develop procedures to track students and encourage school attendance.

I. If students with disabilities under the Individuals with Disabilities Education Act (IDEA) or students protected under Section 504/ADA of the Rehabilitation Act have excessive absences and fall within the criteria of this rule, the student's IEP team (IDEA) or school team (Section 504) shall ensure that the procedures of this rule apply consistent with state and federal law and regulations.

J. The parent shall have the right to appeal a truancy citation consistent with district administrative policy and time limits established by the district policy and legal due process.

K. When a student is referred to court as a habitual truant, the school/district shall make a recommended disposition to the court which shall include:

(1) documentation of attendance and academic and achievement;

(2) documentation of school efforts to improve attendance;

(3) copies of truancy citations, including all mailing certificates; and

(4) student background as requested by the prosecuting agency.

L. Copies of truancy citations shall be retained in the student's permanent record.

**KEY: compulsory education, truancy  
1999**

**Art X Sec 3  
53A-1-401(3)  
53A-11-101 through 53A-11-105**

SUMMARY OF THE RULE OR CHANGE: Family day care sponsors shall now provide an audit to the Utah State Office of Education no later than March 31 of each year beginning with the year 2001. A definition was changed from "Alternatively approved" to "Relative care."

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There are no anticipated cost or savings due to the changes in this rule because all costs are currently borne by day care sponsors and the rule changes only reflect a date change.

❖LOCAL GOVERNMENTS: There are no anticipated cost or savings to local governments because the costs are currently borne by day care sponsors.

❖OTHER PERSONS: There are no anticipated cost or savings to other persons. Annual audits have previously been required of day care sponsors. This rule establishes a date by which the audits must be received.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Day care sponsors will have no additional costs. Annual audits, previously required, will be due to the Utah State Office of Education at a date established by the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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 by Internet E-mail at clear@usoe.k12.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 11/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

**R277. Education, Administration.**

**R277-723. Child Care and Adult Care Food Program Sponsors of Day Care Homes.**

**R277-723-1. Definitions.**

A. "Affiliated" means that a provider has met the Utah Human Services Licensing Criteria, or USOE alternative-approval criteria, has signed a Sponsor's Agreement, AND has observed the three day waiting period beginning on the date of the Agreement.

**Education, Administration**

**R277-723**

**Child Care and Adult Care Food Program Sponsors of Day Care Homes**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22405

FILED: 09/30/1999, 16:32

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule was amended to provide a date by which Family Day Care Sponsors shall provide an audit to the Utah State Office of Education on an annual basis. There are other definition changes and additions that were previously omitted.

B. "Board" means the Utah State Board of Education.

C. "Child and Adult Care Food Program" or "CACFP" means the section of the USOE that administers the initiation, maintenance, and expansion of non-profit food service programs for children in non-residential centers and homes which provide child care. The definition also includes the administration of food service programs for non-residential adult day care.

D. "Family Day Care Home" means an organized non-residential child care program operating in a private home, licensed or approved as a family or group day care home and receiving services and reimbursements for food from a sponsor.

E. "Licensed" means a provider that has been licensed by the Department of Human Services to care for more than four children in a private home.

F. ~~["Alternately-approved" means a provider that has a health and fire inspection and has satisfied the CACFP alternate approval criteria.]~~ "Relative care" means a provider that has a health and fire inspection and has satisfied the CACFP related care criteria by providing child care for grandchildren, nieces, nephews, aunts, uncles or siblings.

G. "Provider" means the caregiver legally and fiscally responsible for the operation of a family day care home.

H. "Sponsoring Organization of Family Day Care Homes" or "sponsor" means a public or non-profit private organization which contracts with the USOE CACFP to provide food reimbursements and services to providers under CACFP regulations.

I. "Start Up Payments" means payment made by the CACFP:

(1) to potential sponsors that meet specific criteria for the express purpose of initiating CACFP operations in day care homes; and

(2) to participating sponsors that have never previously received such funds, sponsor fewer than 50 homes, and wish to attempt to increase operations.

J. "Unaffiliated" means a provider or persons of the immediate family who is not currently "Affiliated" or who has not been "Affiliated" in the prior 12 months.

K. "USOE" means the Utah State Office of Education.

L. "Monitor" means an employee of the sponsor organization who is responsible for supervising the files and homes of day care providers, may also work as a provider while supervising other providers.

**R277-723-2. Authority and Purpose.**

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, by Section 53A-1-402(3) which authorizes the Board to administer and distribute funds made available through programs of the federal government and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to establish standards for sponsor directors and changes in directors, ~~and~~ to provide start-up funds to new or expanding sponsors, and to provide general audit requirements for family day care sponsors.

**R277-723-3. Sponsor Director Requirements.**

A. Minimum educational/experience qualifications for a sponsor director shall include:

- (1) a BS degree in business management or accounting; or

(2) five years of full time paid employment in a business or position requiring business management, accounting and personnel management skills; or

(3) a combination of (1) and (2) above acceptable to CACFP; or

(4) demonstrated experience, documented by at least three references, in managing funds and activities of an organization.

(5) In addition, a director shall have prior experience in employee supervision; and

(6) shall demonstrate willingness to work with and train both personnel and day care providers of all nationalities, races, and ethnic groups.

B. The sponsor director shall be a full-time position unless a director employed half-time demonstrates that:

(1) there is an assistant director who supervises and verifies monitor reviews and provider files; and

(2) a director or an assistant director works in the sponsor organization's office for a combined time of at least eight hours per day.

C. Restructuring of directorships

(1) A one-half time director may change to full-time status and receive a full-time salary when:

(a) the sponsor organization supervises a minimum of 150 homes; or

(b) the sponsor organization has been operating for at least 18 months.

(2) If a sponsor organization chooses, the director may remain as a one-half time director if:

(a) there is a full time assistant director or co-director; or

(b) there are two half time co-directors; or

(c) the organization has fewer than 150 homes.

(3) An assistant director or a co-director of a sponsor may not become a sponsor director without submitting an amended sponsor annual Agreement. CACFP may require more information regarding the qualifications of the prospective director or an oral presentation by the applicant prior to approving the change.

(4) If a sponsor organization desires to change directors, the new director shall independently qualify as a director and CACFP shall designate the procedure for approving the proposed change.

D. Conflicts of interest

(1) A sponsor applicant, or any member of his immediate family, shall not be affiliated as director, co-director, member of a Board of Trustees, staff or provider, with any other sponsor for 3 months prior to applying as a CACFP sponsor.

(2) Upon the effective date of this rule, a sponsor applicant, or any member of his immediate family, shall not have been an employee of the USOE CACFP for 12 months prior to applying as a CACFP sponsor.

.....

**R277-723-7. Audits for Family Day Care Sponsoring Organizations.**

A. The USOE, consistent with federal regulations, shall require audits from family day care sponsoring organizations annually, as opposed to biannually.

B. Audits from family day care sponsoring organizations shall be provided to the USOE no later than March 31 of each year for

the preceding federal fiscal year, beginning with the 2001 federal fiscal year.

**KEY: nutrition**  
**199[5]9**

**Notice of Continuation April 15, 1997**

**Art X Sec 3**  
**53A-1-402(3)**  
**53A-1-401(3)**

## Insurance, Administration

# R590-196

## Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form

### NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22417  
FILED: 10/01/1999, 13:03  
RECEIVED BY: NL

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule establishes uniform fee and collateral standards for bail bond surety business in the state of Utah.

SUMMARY OF THE RULE OR CHANGE: The rule applies to any person engaged in bail bond surety business in Utah. One section sets fee standards for initial bond fees and other fees such as mileage, apprehension, and collateral expenses. Other sections set collateral standards and provide a disclosure form to be used by bail bond sureties and agents.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-35-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This will not affect taxes nor require the payment of filing fees to the Department, nor will it require a change in Department personnel.

❖LOCAL GOVERNMENTS: Local government agencies do not have regulatory authority over bail bond sureties so will not be affected by this new rule.

❖OTHER PERSONS: Bail bond sureties have to print the single page disclosure noted in the rule, which will be a minimal expense.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Bail bond sureties have to print the single page disclosure noted in the rule, which will be a minimal expense.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The minimal additional expense is unlikely to create any increase in bond fees or other expenses paid by persons needing bail bonds.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 11/26/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 11/19/1999, 9:00 a.m., State Office Building, Room 2112, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 11/27/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

### **R590. Insurance, Administration.**

#### **R590-196. Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form.**

##### **R590-196-1. Purpose.**

This rule establishes uniform fee and collateral standards for bail bond surety business in the State of Utah.

##### **R590-196-2. Authority.**

This rule is promulgated pursuant to Section 31A-35-104 which requires the commissioner to adopt by rule standards of conduct for bail bond surety business.

##### **R590-196-3. Scope and Applicability.**

This rule applies to any person engaged in bail bond surety business.

##### **R590-196-4. Fee Standards.**

###### **(1) Initial bail bond fees.**

###### **(a) Bail bond premium:**

###### **(i) minimum fee: none;**

###### **(ii) maximum fee: not to exceed 20% of bond amount.**

###### **(b) Document preparation fee may not exceed \$20 per set of forms pertaining to one bail bond.**

###### **(c) Credit card fee may not exceed 5% of the amount charged to the credit card.**

###### **(2) Other fees.**

###### **(a) These fees are limited to actual and reasonable expenses incurred by the bail bond surety because:**

###### **(i) the defendant fails to appear before the court at all designated dates and times;**

###### **(ii) the defendant fails to comply with the court order;**

###### **(iii) the defendant or the co-signer fails to comply with the terms of the bail bond agreement and any promissory notes pertaining to that agreement.**

(b) Reasonable expense fee for mileage is the Internal Revenue Service standard for business mileage.

(c) Apprehension expenses such as meals, lodging, commercial travel, communications, whether or not the defendant is apprehended, are limited to actual expenses incurred and must be reasonable, i.e., meals at mid-range restaurants, lodging at mid-range hotels, commercial travel in coach class, etc.

(d) Reasonable collateral expense fees:

(i) actual expenses to obtain collateral; and

(ii) storage expenses if in a secured storage area, limited to actual expenses.

**R590-196-5. Collateral Standards.**

(1) Collateral may be provided to secure bail bond fees, the face amount of the bail bond issued, or both.

(2) If the bail bond surety accepts the same collateral to secure the bail bond fees and the face amount of the bail bond issued, then, in the event of a failure to pay bail bond fees when due, the collateral may not be converted until the bail bond is exonerated or forfeited and the owner has been given no less than 15 days to pay any bond fees owing.

(3) If the bail bond surety accepts different collateral to secure the bail bond fee and the face amount of the bail bond issued then:

(i) the collateral securing the bail bond fees may not be converted until payment has been defaulted under the terms of the promissory note for those fees, and the owner of the collateral has been given no less than 15 days to make the required payment;

(ii) the collateral securing the face amount of the bail bond issued may not be converted until the bond is forfeited and the owner of the collateral has been given no less than 15 days to reimburse the bail bond surety for the amount forfeited.

(4) The bail bond surety, its agents taking possession of collateral, or both, will hold said collateral as a fiduciary until such time as ownership of the collateral passes to the bail bond surety.

(5) Collateral held as a fiduciary may not be used by the bail bond surety or its agents without the specific written permission of the owner of the collateral.

(6) Should proceeds from converted collateral exceed the outstanding balance due, the bail bond surety will return the excess to the owner of the collateral.

**R590-196-6. Disclosure Form.**

The bail bond surety and its agents will use the following disclosure form or a form that contains similar language.

TABLE

XYZ Bail Bonds Disclosure Form  
1234 South 1234 East, Salt Lake City, UT 84444:  
801-123-4567 fax: 801-098-7654

|                                                |                    |         |
|------------------------------------------------|--------------------|---------|
| Defendant.....                                 | Co-Signer.....     |         |
| Court.....                                     | Charge.....        |         |
| Bond amount \$.....                            | Bond number.....   |         |
| Initial Fees, non-refundable.                  |                    |         |
| ...bond premium, maximum: no more than 20%;    |                    |         |
| minimum: none.                                 |                    | \$..... |
| ...document preparation, not to exceed \$20    |                    |         |
| per set of bond forms.                         |                    | \$..... |
| ...credit card fee, not to exceed 5% of amount |                    |         |
| charged to credit card                         |                    | \$..... |
|                                                | total initial fees | \$..... |

Additional Fees.

Limited to actual and reasonable expenses required because the defendant fails to appear before the court at all designated times, or fails to comply with the court order, or fails to comply with the terms of the bail bond agreement or any promissory notes pertaining to that agreement. The following are some reasonable expense fees:

(1) reasonable expense fee for mileage is IRS mileage reimbursement standard for business miles;

(2) reasonable apprehension expense fees include meals at mid-range restaurants, lodging at mid-range hotels, transportation at no more than coach fares; and

(3) reasonable collateral expense fees: actual expenses to obtain collateral and, actual storage expenses, if collateral is in a secured storage area.

Grounds for revocation of bond.

Should the defendant violate any of the following, the defendant shall be subject to immediate bond revocation and the defendant, or the co-signer, or both, shall be subject to all the costs incurred to return the defendant to the court. Grounds for revocation include the following:

(a) information received from a source credible under the circumstances that the defendant intends to fail to appear before the appropriate court at the dates and times prescribed;

(b) the defendant or co-signer providing materially false information on bail bond application;

(c) the court's increasing the amount of bail beyond sound underwriting criteria employed by the bail bond agent or bail bond surety;

(d) a material and detrimental change in the collateral posted by the defendant or one acting on defendant's behalf;

(e) the defendant changes their address or telephone number or employer without giving reasonable notice to the bail bond agent or bail bond surety;

(f) the defendant is arrested for committing another crime, other than a minor traffic violation, while on bail;

(g) the defendant is back in jail in the same jurisdiction that bail was originally posted and revocations can be served prior to the defendant being released;

(h) failure by the defendant to appear in court at the appointed times;

(i) finding of guilt against the defendant by a court of competent jurisdiction;

(j) a request by the co-signer based on reasons (a) through (i) above. Items (a) through (i) pertain to the defendant; items (b), (d), (f), (h), and (j) pertain to co-signers, if any.

Collateral.

The following has been given as collateral to guarantee all court appearances of the defendant until the bond is exonerated:

.....  
.....  
.....

The following has been given as collateral to guarantee payment of bond fees:

.....  
.....

In the event the bond is forfeited or the bonding fee is not paid according to the terms of the bail bond agreement and its promissory note, if any, following written notice to the undersigned of such forfeiture or non-payment, the undersigned authorize XYZ Bail Bonds to convert the appropriate collateral to collect the bonding forfeiture or the unpaid bond fees. Should proceeds from the sale of the appropriate collateral be insufficient to cover the outstanding balance due, the defendant, the co-signer, or both, agree to be personally liable for the difference. Should proceeds from the sale exceed the outstanding balance, the difference will be returned to the defendant, the co-signer, or both. The defendant's or co-signer's signatures below constitute acknowledgment of a Bill of Sale for the collateral. The defendant and co-signer accept this agreement as a bill of sale for their collateral.

By signing below I certify that I have read and understand this disclosure form, the bail bond agreement and its attached promissory note, if any. I certify under penalty of perjury that all information

given to XYZ Bail Bonds verbally and in writing on all documents relevant to this bond are true and accurate. The co-signer agrees that should the co-signer request XYZ Bail Bonds to revoke the defendant's bond, with or without probable cause, the co-signer will be responsible to pay XYZ Bail Bonds and their agents for the time returning the defendant to jail at the rates stated above in additional fees. If requested by the co-signer to revoke the bond without probable cause, the co-signer will be responsible to reimburse the defendant his bond fees.

Date.....Defendant.....  
Date.....Co-signer.....  
I,....., agent of XYZ Bail Bonds, certify that I have given a copy of all documents pertaining to this bail bond agreement to the defendant, the co-signer, or both, at the time and date said bail bond agreement was executed.  
Date.....Bail Bond Agent.....

**R590-196-7. Penalties.**

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

**R590-196-8. Severability.**

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

**KEY: insurance**  
**1999**

**31A-35-104**



Insurance, Administration  
**R590-197**  
Treatment of Guaranty Association Assessments as Qualified Assets

**NOTICE OF PROPOSED RULE**

(New)  
DAR FILE NO.: 22416  
FILED: 10/01/1999, 10:41  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule establishes the standards by which assessments paid by Utah domestic insurers to insurance guaranty associations may be treated as qualified assets.

SUMMARY OF THE RULE OR CHANGE: The rule defines the amount of assessments paid to the guaranty funds that will be allowed as a qualified asset. It also provides the insurance commissioner with the authority to disallow assessments that may not be used to offset premium taxes or income taxes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-17-201

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: This will not affect taxes nor require the payment of filing fees to the department, nor will it require a change in department personnel.
  - ❖LOCAL GOVERNMENTS: Local government agencies do not have regulatory authority over insurance companies; therefore, they will not be affected by this new rule.
  - ❖OTHER PERSONS: This will allow insurers to treat the future carryforward benefit of an expenditure as a qualified asset for purposes of determining financial condition. This will not affect insurance premiums.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: This will allow insurers to treat the future carryforward benefit of an expenditure as a qualified asset for purposes of determining financial condition. The benefit would differ from one insurer to another and would not affect premium rates.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will benefit insurers to the extent they are able to treat the assessment they pay to guaranty associations as a qualified asset. It will have no effect on the premium rates they charge their insured.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 11/24/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 11/18/1999, 10:00 a.m., State Office Building, Room 1112, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 11/26/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

**R590. Insurance, Administration.**  
**R590-197. Treatment of Guaranty Association Assessments as Qualified Assets.**  
**R590-197-1. Authority.**

This rule is promulgated by the insurance commissioner pursuant to the general authority to adopt a rule granted under 31A-2-201(3). Specific rulemaking authority in Subsection 31A-17-

201(2)(j) allows the department to authorize other assets than those specified in the insurance code, as qualified assets in the determination of an insurers financial condition.

**R590-197-2. Purpose.**

This rule is issued in order to establish the standards by which assessments paid by insurers to insurance guaranty associations may be treated as "qualified assets" as that term is defined in 31A-17-201(2).

**R590-197-3. Extent to Which Paid Assessments Are Qualified Assets.**

A. The term "qualified assets" in 31A-17-201 includes guaranty fund or guaranty association assessments paid in any state, but only to the extent it is probable the company will be able to offset those assessments against present or future premium taxes or income taxes paid in the state in which the assessments were paid.

B. The amount of the assessments allowed as qualified assets shall not exceed two and one half times the amount of premium or income taxes paid for the previous calendar year.

C. The insurance commissioner may disallow any such assessment as a qualified asset to the extent he or she determines a company is unlikely to realize a present or future premium tax or income tax offset as a result of the assessment.

D. For purposes of subsection (A) above, a company is deemed to have paid income or premium taxes where it actually reduces its gross premium tax liability by use of a credit or other legally allowable deduction.

**R590-197-4. Severability.**

If any provision or portion of this rule or the application of it to any company, person or circumstance is for any reason held to be invalid, such invalidity does not affect the remainder of the rule and the application of the provision to other companies, persons or circumstances.

**KEY: insurance law  
1999**

**31A-2-201  
31A-17-201**



Natural Resources, Wildlife Resources  
**R657-13**  
Taking Fish and Crayfish

**NOTICE OF PROPOSED RULE**  
(Amendment)  
DAR FILE No.: 22392  
FILED: 09/22/1999, 15:43  
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 of Wildlife's fish and crayfish management program.

SUMMARY OF THE RULE OR CHANGE: This amendment changes the date for Free Fishing Day from June 5 to June 10 for 2000. Provisions are added to clarify that a second pole permit shall only be used by the person to whom the second pole permit is issued; and adds Flaming Gorge Reservoir and deletes Huntington North Reservoir as waters where a person may use a second pole to take fish. The list of prohibited fish is amended to include "bluehead sucker," and change the name of the "Colorado squawfish" to "Colorado pikeminnow." Provisions are being added to clarify the use and authorization of a nonresident one-day fishing stamp. Provisions are being amended to clarify that on waters where size limits apply, fish taken from those waters may not be filleted and the heads or tails may not be removed. Finally, provisions are added to clarify that trout, salmon, and grayling that are not immediately released and are held in possession, dead or alive, are included in a person's bag and possession limit.

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

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: This amendment clarifies existing requirements; therefore, the Division of Wildlife Resources (DWR) determines that this amendment will not create any cost or savings impact to the state budget or 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 amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.
- ❖OTHER PERSONS: The amendments are for clarification; therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendments are for clarification. The DWR determines that there are no additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do 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 [rdwr.dsundell@email.state.ut.us](mailto:rdwr.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 11/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: John Kimball, Director

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

.....

**R657-13-3. Free Fishing Day.**

A license is not required on free fishing day, Saturday June [5]10. All other laws and rules apply.

.....

**R657-13-7. Fishing With a Second Pole.**

(1) [Residents and nonresidents]A person may use a second pole to take fish only in the:

- (a) Bear River from the Idaho state line downstream, including Cutler Reservoir and the outlet canals;
- (b) Little Bear River below Valley View highway (SR-130);
- (c) Malad River;
- (d) Newton Reservoir;
- (e) [Willard Bay]Hyrum Reservoir;
- (f) [Pine View]Willard Bay Reservoir;
- (g) [Flaming Gorge]Pine View Reservoir;
- (h) Flaming Gorge Reservoir;
- (i) Pelican Lake;
- (j) Starvation Reservoir;
- (k) Utah Lake;
- (l) Yuba Reservoir;
- (m) D.M.A.D.;
- (n) Gunnison Bend;
- (o) Lake Powell; and
- (p) [Gunlock Reservoir; and Huntington North]Reservoir.

(2) A second pole permit is required in addition to a valid annual or short-term fishing license, or combination license and may be obtained for a \$10 fee from any division office.

(3) Anglers under 14 years of age must purchase a valid fishing or combination license and second pole permit in order to use a second pole.

(4) A second pole permit shall only be used by the person to whom the second pole permit was issued.

**R657-13-8. Setline Fishing.**

(1) [Residents and nonresidents]A person may use a setline to take fish only in the Bear River proper downstream from the Idaho state line, including Cutler Reservoir and outlet canals; Little Bear River below Valley View Highway (SR-30); Malad River; and Utah Lake.

(2) Angling with one pole is permitted while setline fishing.

(3) No more than one setline per angler may be used and it may not contain more than 15 hooks.

(4) A setline permit is required in addition to a valid annual fishing or combination license and may be obtained for a \$10 fee from any division office.

(5) When fishing with a setline, the angler shall be within 100 yards of the surface or bank of the water being fished.

(6) A setline shall have one end attached to a nonmoving object, not attached to a fishing pole, and shall have attached a legible tag with the name, address, and setline permit number of the angler.

(7) Anglers under 14 years of age must purchase a valid annual fishing or combination license and setline permit in order to use a setline.

.....

**R657-13-13. Prohibited Fish.**

(1) The following species of fish are classified as prohibited and may not be taken or held in possession:

- (a) Bonytail chub (*Gila elegans*);
- (b) [Colorado squawfish]Bluehead sucker (*Catostomus discobolus*);
- (c) Colorado pikeminnow (*Ptychocheilus lucius*);
- (d) Flannelmouth sucker (*Catostomus latipinnis*);
- (e) Gizzard shad (*Dorosoma cepedianum*);
- (f) Grass carp (*Ctenopharyngodon idella*);
- (g) Humpback chub (*Gila cypha*);
- (h) June sucker (*Chasmistes liorus*);
- (i) Least chub (*Iotichthys phlegethontis*);
- (j) Leatherside chub (*Gila copei*);
- (k) Razorback sucker (*Xyrauchen texanus*);
- (l) Roundtail chub (*Gila robusta*);
- (m) Virgin River chub (*Gila robusta seminuda*);
- (n) Virgin spinedace (*Lepidomeda mollispinis*); and
- (o) Woundfin (*Plagopterus argentissimus*).

(2) Any of these species taken while attempting to take other legal species shall be immediately released.

.....

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

(1) Fish held in possession in the field or in transit shall be kept in such a manner that:

- (a) the species of fish can be readily identified;
- (b) the number of fish can be readily counted;
- (c) the size of the fish can be readily measured when the fish are taken from waters where size limits apply and the fish taken from those waters may not be filleted and the heads or tails may not be removed; and
- (d) fillets shall have attached sufficient skin to include the conspicuous markings so species may be identified.

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

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

(4) A person may not take more than one bag limit in any one day or possess more than one bag limit of each species or species aggregate regardless of the number of days spent fishing.

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

- (a) the number and species of fish;
- (b) date caught;
- (c) the certificate of registration number of the installation, pond, or short-term fishing event; and
- (d) the name, address, telephone number of the seller.

.....

**R657-13-19. General Season Dates and Bag and Possession Limits.**

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

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

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

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

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

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

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

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

(5) A person under 14 years of age may:

(a) fish without a license and take 1/2 a bag and possession limit; or

(b) purchase a license and take a full bag and possession limit.

(6) A person may not take more than one bag limit in any one day or have in possession more than one bag limit of each species or species aggregate regardless of the number of days spent on fishing.

.....

**R657-13-21. Nonresident One-Day Fishing Stamp.**

(1)(a) A nonresident may purchase a one-day fishing stamp to extend a one-day or seven-day fishing license provided the nonresident person has obtained a valid Utah nonresident one-day or seven-day fishing license.

(b) A nonresident must present the one-day or seven-day fishing license to the Division or license agent upon purchasing a one-day fishing stamp.

(2) A one-day fishing stamp will extend the one-day or seven-day fishing license within the current year for one additional day.

(3) The effective date shall be indicated on the one-day fishing stamp.

(4) A Wildlife Habitat Authorization is not required to purchase a one-day fishing stamp.

**KEY: fish, fishing, wildlife, wildlife law**  
~~December 28, 1998~~1999 23-14-18  
 Notice of Continuation September 26, 1997 23-14-19  
 23-19-1  
 23-22-3



Natural Resources, Wildlife Resources  
**R657-20**  
Falconry

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 22393

FILED: 09/22/1999, 15:43

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 for taking public input and reviewing the Division of Wildlife's falconry program, and in accordance with the 1999 Utah Legislature H.B. 175.

**(DAR Note:** H.B. 175 is found at 1999 Utah Laws 7, and was effective February 17, 1999.)

SUMMARY OF THE RULE OR CHANGE: This amendment changes the annual falconry license to multiple-year certificates of registration to allow falconers to synchronize their state and federal authorizations. Provisions are amended to change "license" to "certificate of registration"; "licensee" is changed to "registrant"; and "licensed" is omitted. Provisions requiring the purchase of a Wildlife Habitat Authorization before obtaining a falconry certificate of registration are deleted. Other changes are made for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-17-7

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 50 CFR 21 (1999)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division of Wildlife Resources (DWR) determines that this amendment will not create any cost or savings impact to the state budget or DWR's budget. An annual falconry license was \$15. A one-year certificate of registration is \$15. A falconer may purchase a one-year, two-year, or three-year certificate of registration to coincide with the falconer's federal permit. The two-year certificate of registration is \$30, and the three-year certificate of registration is \$45. There may be a change in the Division's

revenue on a license-year basis; however, there should not be any notable short- or long-term cost or savings impacts. ❖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 amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

❖OTHER PERSONS: These amendments comply with the 1999 Utah Legislature H.B. 175 and provide clarification; therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A falconer may purchase a one-year, two-year, or three-year certificate of registration to coincide with the falconer's federal permit. The one-year certificate of registration is \$15, the two-year certificate of registration is \$30, and the three-year certificate of registration is \$45. There are not any additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do 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 nrdrwr.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 11/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: John Kimball, Director

**R657. Natural Resources, Wildlife Resources.**

**R657-20. Falconry.**

**R657-20-1. Purpose and Authority.**

Under authority of Section 23-17-7 and in accordance with 50 CFR 21, [1996]1999 ed., which is incorporated by reference, this rule provides the requirements and procedures for possessing and using raptors for falconry.

**R657-20-2. Possession of Raptors.**

(1) Possession of any raptor, raptor egg, shell fragment, semen, or any raptor part without a federal permit and a valid [license]certificate of registration, and form is prima facie evidence

that the raptor, raptor egg, shell fragment, semen, or raptor part was illegally taken and is illegally held in possession.

(2) The only species of raptor that may be possessed, transported, or used for falconry are:

- (a) raptors of the family Accipitridae, other than the bald eagle, *Haliaeetus leucocephalus*;
- (b) raptors of the family Falconidae; and
- (c) great horned owl, *Bubo virginianus*, of the family Strigidae.

.....

**R657-20-5. Resident [~~License~~]Certificate of Registration Application.**

(1) A resident applying for or renewing a falconry [~~license~~]certificate of registration shall:

- (a) submit a completed falconry application to the division; and
- (b) include the [~~license fee and the wildlife habitat authorization number or wildlife habitat authorization fee with the application.~~]certificate of registration fee.

(2) At the time of renewal, the previous falconry [~~license~~]certificate of registration and the federal permit number must be submitted on the falconry [~~license~~]application.

**R657-20-6. Apprentice Class Falconer.**

(1) An apprentice class falconer shall be:  
(a) 14 years of age or older; and  
(b) sponsored by a general or master class falconer for the first two years of apprenticeship.

(2) An apprentice obtaining their first falconry [~~license~~]certificate of registration must answer correctly at least 80 percent of the questions on a supervised examination provided and administered by the division, relating to basic biology, care and handling of raptors, literature, laws, rules, regulations, and other appropriate subject matter.

(3) If necessary, the examination may be taken again after a five-day waiting period.

(4) A person may not take the falconry exam earlier than two months before that person's 14th birthday.

(5) The sponsor shall provide advice for facilities and equipment construction, trapping the first season, training the raptor, and all other activities that will promote adequate care and good health for the raptor and safety for the apprentice. A sponsor may not have more than three apprentices at one time.

(6) In the event sponsorship is terminated, the holder of an apprentice [~~raptor license~~]falconry certificate of registration must obtain a new sponsor within 30 days of termination.

(7) The division must be notified in writing concerning the change in sponsor. The sponsor's name, state [~~license~~]certificate of registration and federal permit number shall be included in the notification.

(8)(a) Applications for Utah falconry [~~licenses~~]certificates of registration must be submitted to a division office.

(b) Applications for the required federal permit must be made to the Service.

(9) An apprentice may not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period from the date of the first capture.

(10) An apprentice may possess only an American kestrel or a red-tailed hawk which must be taken from the wild as a passage bird by the apprentice [~~or received via transfer from a licensed/permitted general or master class falconer who had removed it from the wild as a passage bird in a previous, not current, capture period~~].

(11) Re-examination and facilities inspection will be required of any applicant who has [~~failed to renew a raptor permit~~] not held a falconry certificate of registration for two consecutive years.

**R657-20-7. General Class Falconer.**

(1) A general class falconer shall:

(a) be 18 years of age or older;

(b) have at least 24 months of sponsor-verified experience [~~in the practice of falconry~~] caring for, training, and hunting with raptors at the apprentice level or its equivalent; and

(c) show proof of having a valid falconry [~~license~~] certificate of registration for at least 24 months.

(2) Evidence that the applicant has had a valid raptor license or permit in another state for at least 24 consecutive months may be substituted for the apprentice [~~permit~~] certificate of registration requirement.

(3) Verification of the 24-month experience requires a letter from the sponsor that details the applicant's progress in falconry and qualifications for upgrade.

(4) A general class falconer may not:

(a) possess more than two raptors for falconry and may not obtain more than two raptors taken from the wild for replacement birds during any 12-month period from the date of first capture; or

(b) take, transport, or possess a golden eagle or any species listed as threatened or endangered in 50 CFR 17.

**R657-20-8. Master Class Falconer.**

(1) A master class falconer shall:

(a) have at least 60 months experience in the practice of falconry at the general class level or its equivalent; and

(b) show proof of having a valid general class [~~license~~] certificate of registration for at least 60 months.

(2) A master class falconer may not:

(a) possess more than three raptors for falconry;

(b) obtain more than two raptors taken from the wild for replacement birds during any 12-month period from the date of first capture; or

(c) take from the wild:

(i) more than one raptor listed as threatened in 50 CFR 17, in any 12-month period, as part of the three bird limitation, and then only in accordance with 50 CFR 17; or

(ii) any species listed as endangered in 50 CFR 17, but may transport or possess [~~the~~] such species in accordance with 50 CFR 17.

(3) A master class falconer may not take from the wild, transport, or possess a golden eagle for falconry purposes unless authorized in writing under 50 CFR 22.24.

(4) Only a master class falconer may possess one golden eagle, *Aquila chrysaetos*, for falconry purposes pursuant to 50 CFR 22.24, Migratory Bird Permits, and the following guidelines:

(a) A master class [~~licensee~~] registrant shall be sponsored for the first 12 months to use a golden eagle for falconry;

(b) The [~~licensee~~] registrant shall maintain an ongoing dialogue with the sponsor;

(c) The sponsor shall be a master class falconer who has handled a golden eagle for a minimum of 24 months;

(d) A sponsor may not, at any time, sponsor more than one [~~licensee~~] registrant;

(e) The [~~licensee~~] registrant may not obtain or possess more than one golden eagle during a 12-month period; and

(f) A golden eagle held by the [~~licensee~~] registrant is included in the three-bird limitation of the master class falconer in accordance with 50 CFR 17.

**R657-20-9. Facilities and Equipment.**

(1) Before a person may obtain a falconry [~~license~~] certificate of registration, the raptor housing facilities and equipment shall be inspected by a division representative and must be certified as meeting the requirements of this section.

(2)(a) The primary consideration for raptor housing facilities whether indoor mews or outdoor weathering areas is protection from the environment, predators, and undue disturbance.

(b) A person may not possess a raptor without either an indoor facility or an outdoor facility as provided in this rule.

.....

**R657-20-12. Equipment.**

The following items shall be in the possession of the applicant before a permit or [~~license~~] certificate of registration can be obtained:

(1)(a) At least one pair of Alymeri jesses or similar type constructed of pliable, high quality leather or suitable synthetic material to be used when any raptor is flown free.

(b) Traditional one-piece jesses may be used on raptors when not being flown.

(2) At least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design.

(3) At least one suitable container, two to six inches deep and wider than the length of the raptor, for drinking and bathing for each raptor.

(4) At least one weathering area perch of an acceptable design for each raptor.

(5) A reliable scale or balance suitable for weighing the raptor held and graduated to increments of not more than one-half ounce.

.....

**R657-20-14. Transfer of Care or Temporary Loan.**

(1)(a) A raptor possessed under authority of a falconry [~~permit~~] certificate of registration may be temporarily held by a person other than the [~~permittee~~] possessor of record for maintenance and care for a period not to exceed 30 days.

(b) The raptor must be accompanied at all times by a properly completed federal form 3-186A designating the [~~permittee~~] falconer as the possessor of record and by a signed, dated statement from the [~~permittee~~] falconer authorizing temporary possession.

(c) The temporary possessor must [~~be licensed for~~] hold a valid falconry certificate of registration in the appropriate class designation and have adequate facilities.

**R657-20-15. Permanent Transfer.**

A falconer may permanently transfer a raptor to:

- (1) another ~~[licensed]~~ falconer of appropriate class designation with a valid falconry certificate of registration and adequate facilities; or
- (2) a raptor propagator or special purpose possession permittee who has the appropriate licenses, permits and forms.

.....

**R657-20-18. Importation Requirements for Nonresidents.**

- (1) A falconer may not claim residency in more than one state or possess a resident falconry license or certificate of registration from more than one state.
- (2) A nonresident falconer entering the state to establish residency may possess legally obtained raptors during the six-month domicile period while establishing residency.
- (3) A copy of the previous state's valid falconry license, a current federal permit number, a valid health certificate and the band number of the raptor held in possession must be presented to the division upon entering the state.
- (4) The falconer must have the proper facilities and equipment. A facilities inspection is required.
- (5) If the raptor is to be flown or exercised during the six-month domicile period, a valid falconry license from the previous state and a current federal permit are required.
- (6) If the raptor is to be used for falconry during the six-month domicile period, a valid falconry license from the previous state, a current federal permit number and the appropriate nonresident game license are required.

.....

**R657-20-22. Escape or Death.**

- (1) The division shall be notified upon escape or death of a raptor.
- (2) Within five working days of the escape of any raptor, the blue copy of the federal form 3-186A shall be provided to the division.
- ~~(3)~~ (3) Within five working days, raptors that die shall be presented to a division representative to have the band removed. The blue copy of the federal form 3-186A shall be provided to the division.

**R657-20-23. Feathers.**

Feathers that are molted or feathers from raptors held in captivity that die may be retained and exchanged ~~[by licensed falconers for imping purposes:]~~for imping purposes by falconers with a valid certificate of registration.

~~[R657-20-24. License Renewal Form.]~~**R657-20-24. Certificate of Registration Renewal Form.**

~~(1) As early as December 31, but not later than December 31 of each year, licensed resident~~ (1) Resident falconers wishing to renew a valid certificate of registration must submit a completed ~~[license]~~certificate of registration renewal form to the division upon or before the date specified on the certificate of registration.

(2) Resident falconers holding a valid certificate of registration must submit a completed falconry annual report[-

~~]~~ (2) Residents who do not submit a license renewal form to the division ~~[by December 31]~~upon or before the date specified on the certificate of registration.

(3) Residents who do not hold a valid certificate of registration or do not submit a certificate of registration renewal form by the date specified on the certificate of registration and maintain raptors in possession are in violation of unlawful captivity of protected wildlife under Section 23-13-4.

~~(4)~~ (4) Any raptor not listed on the ~~[license]~~falconry annual report or certificate of registration renewal form may be seized.

(5) Failure to submit the appropriate records and reports may result in revocation or denial of a certificate of registration.

**R657-20-25. Inspection of Raptors, Facilities, Licenses, Certificates of Registration, and Documents.**

As a condition of obtaining a falconry ~~[license, the licensed]~~certificate of registration, the falconer agrees to reasonable administrative inspections of raptors, facilities equipment, appropriate permits, licenses, certificates of registration and forms.

.....

**R657-20-27. Capture Permits.**

- (1)(a) Prior to capturing or attempting to capture any raptor a falconer must obtain a falconry ~~[license]~~certificate of registration, wildlife habitat authorization, raptor capture permit and corresponding federal band from a division office.
- (b) The raptor capture permit, falconry ~~[license]~~certificate of registration, wildlife habitat authorization number and corresponding federal band must be in possession while pursuing, capturing or attempting to capture a raptor.
- (2) Raptor capture permits and federal bands are valid for a single raptor of a species allowed in the falconer's class.
- (3) Raptor capture permits may be obtained from division offices.
- (4) Raptor capture permits and corresponding federal bands are non-transferable and nonassignable and can only be used by the person specified on the permit. Raptor capture permits and corresponding federal bands are valid only for the season specified on the permit.
- (5) Nonresidents not participating in the sport of falconry in the state are not required to purchase a Utah falconry certificate of registration or license prior to the purchase of a raptor capture permit. However, the purchase of a wildlife habitat authorization is required prior to purchasing a raptor capture permit.
- (6) Falconers shall not retain and transport more than one captured raptor per capture permit.
- (7) Any person who does not capture a raptor must return the unused capture permit to the division within five working days of the season closure.
- (8) Any person who captures a raptor must have it banded in accordance with Section R657-20-31.

.....

**R657-20-29. Resident- Legal Birds by Class Designation.**

(1)(a) An apprentice class falconer may take from the wild and possess only one American kestrel or one red-tailed hawk.

- (b) Only first-year red-tailed hawks may be taken, while American kestrels that are one year of age or older may be taken.
- (c) Eyasses may not be taken.
- (2) A general class falconer may not possess more than two raptors and may not obtain more than two raptors taken from the wild for replacement birds during a 12-month period.
- (3) A master class falconer may not possess more than three raptors and may not obtain more than three raptors taken from the wild for replacement birds during a 12-month period, except golden eagles.
- (4) If necessary, a drawing will be held ~~[on the second Friday of April]~~ for taking eyas birds listed as Utah's sensitive species that have more applicants than available permits.

**R657-20-30. Nonresident- Legal Birds by Class Designation.**

- (1) A nonresident general or master class falconer may apply each year to take:
  - (a) one eyas from the wild from May 13 through July 21, unless the opening day is a Sunday, in which case the season will begin the following day; or
  - (b) one passage bird from the wild from:
    - (i) September 1 through October 31 on weekends and legal holidays; and
    - (ii) November 1 through January 31, unless the opening day is a Sunday, in which case the season will begin the following day.
- (2) Application forms are provided by the division and must include:
  - (a) a copy of a valid falconry license issued by the state of residency indicating the falconry class designation; and
  - (b) a cashier's check or money order for the appropriate fees.
- (3)(a) Applications for taking an eyas must be received through the mail by 5:00 p.m. on the last Friday of February.
- (b) If necessary, a drawing will be held ~~[on the second Friday of April]~~ for those species that have more applicants than available permits.
- (c) Remaining permits will be available to nonresident falconers on a first-come first-served basis after the drawing.
- (4) The number of nonresident permits issued annually may not exceed the following:
  - (a) sharp-shinned hawk, *Accipiter striatus* 10;
  - (b) Cooper's hawk, *Accipiter cooperi* 20;
  - (c) northern goshawk, *Accipiter gentilis* 5;
  - (d) red-tailed hawk, *Buteo jamaicensis* 20;
  - (e) American kestrel, *Falco sparverius* 20;
  - (f) merlin, *Falco columbarius* 10;
  - (g) gyrfalcon, *Falco rusticolus* 5;
  - (h) prairie falcon, *Falco mexicanus* 20;
  - (i) great horned owl, *Bubo virginianus* 20;
- (5) Nonresidents may not take any other species.

**R657-20-31. Banding Raptors.**

- (1)(a) Any falconer who removes a raptor from the wild for falconry purposes must, upon arriving at the ~~[permitees]~~falconer's facilities, attach the federal band to the raptor's leg.
- (b) Within five working days of the date of capture, a completed Raptor Capture permit and blue copy of the federal 3-186A form must be submitted to the division.

- (2) A falconer may remove the rear tab on a band and may smooth any imperfect surface, provided the integrity of the band and numbering are not affected.
- (3)(a) A person may not remove, transfer, alter, counterfeit, or deface a raptor band.
- (b) A band that is causing damage to a raptor may be removed only if the band is affecting the health or safety of the raptor.
- (c) The raptor must be presented to a division representative and a replacement band placed on the raptor's other leg. Banding is by appointment only.
- (d) The detached band must be surrendered to the division at the time of remarking.
- (4) The division must be notified of any raptor acquired or brought into the state on a permanent basis without a band. The raptor must be presented to a division representative for banding.
- (5) A permanent Bird Banding Laboratory band shall be placed on any raptor by a division representative prior to release.

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**R657-20-36. Certificates of Registration, Licenses, Permits, and Stamps.**

- (1) A person must possess a valid federal permit and a valid state falconry certificate of registration or license from their state of residency while engaging in falconry.
- (2) The falconry certificate of registration or license allows the person to use a raptor to take coyote, field mouse, gopher, ground squirrel, jackrabbit, muskrat, raccoon, European starling, house sparrow, and rock dove/feral pigeon.
- (3) A falconer releasing a raptor on protected wildlife, not held in private ownership, shall obtain the appropriate licenses, permits, tags, certificates of registration and stamps as provided in the applicable proclamations of the Wildlife Board.
- (4) A federal waterfowl stamp is required of a person 16 years of age or older to hunt migratory waterfowl.

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**KEY: wildlife, birds, falconry\***  
~~[November 15, 1997]~~1999 23-17-7  
 Notice of Continuation June 16, 1997 50 CFR 21



Public Safety, Driver License  
**R708-26**  
 Temporary Learner Permit Rules

**NOTICE OF PROPOSED RULE**  
 (Repeal and reenact)  
 DAR FILE NO.: 22390  
 FILED: 09/16/1999, 11:18  
 RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** We need to repeal and reenact this rule in order to reorganize the rule into the proper format and to define Adult Spouse and other age restrictions as they pertain to using a Driver License Division temporary learner's permit.

**SUMMARY OF THE RULE OR CHANGE:** High school driver education instructors issue a practice permit to students that allows the students to practice driving while they are still in class. Two requirements of the permit were changed by the legislature in H.B. 10. The bill eliminated language in Section 53-3-210 that said no other passengers could be in the vehicle with the learner while they were learning to drive with a licensed driver. The other change was to increase the permit from 90 days to 6 months before the permit expired. Besides the schools, a temporary learner permit can also be issued from the Driver License Division. Because of the changes that were made in the high school practice permit, it became necessary for the Driver License Division to change its temporary permit so there is conformity between the two permits. The term "adult spouse" is mentioned in the statute. Since the statute did not define an adult spouse, the Driver License Division defined, in this rule, an adult spouse as someone who is at least 18 years of age, and any other licensed driver had to be at least 21 years of age. The Division also dropped its passenger restrictions so it would match the high school practice permit. The only other change in this rule was to put it into the proper format.

**(DAR Note:** H.B. 10 is found at 1999 Utah Laws 28, and was effective March 15, 1999.)

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 53-3-104(1)(a)(ii)

**ANTICIPATED COST OR SAVINGS TO:**

❖**THE STATE BUDGET:** The changes that were made in this rule do not increase or decrease the Driver License Division budget. Because the division continues to order new permits, we are able to make the necessary changes on the permit without additional printing costs.

❖**LOCAL GOVERNMENTS:** Local governments are not involved in the issuing of driver license temporary permits, so there is no fiscal impact on local governments.

❖**OTHER PERSONS:** Individuals getting a driver license learner's permit will not have to pay more for the permit because of these rule changes. Since we order permits from the printer on a regular basis we were able to delete language off of the permit as per this rule at no extra cost to the division. Since it will not cost the division extra money for the new permits, we are not going to increase the cost of learner's permits.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** As outlined in the explanations under "state budget" and "other persons," there are no compliance costs to the Driver License Division or individuals as a result of these changes.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** It is anticipated that there will be no fiscal impact to businesses regarding increases/decreases due to changes made in the rule.

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

Public Safety  
Driver License  
Calvin Rampton Building  
4501 South 2700 West  
PO Box 30560  
Salt Lake City, UT 84130-0560, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Vinn Roos at the above address, by phone at (801) 965-4456, by FAX at (801) 965-4496, or by Internet E-mail at vroos@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 11/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: David A. Beach, Director

**R708. Public Safety, Driver License.****[R708-26. Temporary Learner Permit Rules:****R708-26-1. Authority:**

— This rule is authorized by Subsection 53-3-210.

**R708-26-2. Motor Vehicle Operation Conditions for a Person Holding a Temporary Learner Permit:**

— A. This rule is authorized under Section 53-3-210, which enables the Driver License Division to determine rules by which drivers who obtain temporary learner permits can operate motor vehicles.

— B. The purpose of this rule is to outline conditions which holders of temporary learner permits must comply with in the operation of motor vehicles.

— C. Qualified persons may obtain a motor vehicle "learner-permit" after completing a driver education program, in order to gain driving experience under semi-controlled driving conditions. Such a permit allows a parent or legal guardian who assumes financial responsibility for the permit holder to ride in the vehicle and coach or assess the permit holder's driving skills, prior to the time when full driving privileges are obtained by the gaining of an operator's license.

— D. The holder of a learner-permit may drive an automobile when accompanied by a licensed operator who occupies the passenger seat at the side of the driver. Other persons are not allowed in the vehicle during such times.

— E. A person holding a motorcycle "learner-permit" may drive a motorcycle without passengers during daylight hours only.

**KEY: learner permit  
1989**

**53-3-210**

**Notice of Continuation 1994**

**R708-26. Temporary Learner Permit Rule.**

**R708-26-1. Purpose.**

The purpose of the rule is to set forth the restrictions to be imposed on a person driving a motor vehicle with a temporary learner permit.

**R708-26-2. Authority.**

This rule is authorized by Subsection 53-3-104(1)(a)(ii).

**R708-26-3. Definitions.**

"Learner" a person who has been issued a temporary learner permit.

"Adult Spouse" means any married person who is at least 18 years old.

"Temporary learner permit" means a temporary permit issued by the Driver license Division to a qualified person to drive on public roads as per the restrictions of this rule.

**R708-26-4. Restrictions.**

The restrictions in connection with a temporary learner permit are:

(1) A person who has completed a driver license education program and who qualifies for a driver license, except for passing the skills test, may obtain a temporary learner permit. The permit will allow the learner to drive a vehicle provided a parent, legal guardian, adult spouse, or anyone else who is at least 21 years of age, and who has a valid driver license, is riding in the vehicle with the learner. The person riding with the learner shall be there to coach and assess the driving skills of the learner prior to the time the learner receives full driving privileges;

(2) The permit must be in the learner's possession while the learner is learning to drive; and

(3) The permit is valid for 6 months;

**R708-26-5. Motorcycle Learner Permit.**

A person who has been issued a motorcycle learner permit may drive a motorcycle only during daylight hours and only without passengers.

**KEY: learner permit  
1999**

**53-3-210**

**Notice of Continuation 1994**



Public Service Commission,  
Administration  
**R746-360**  
Universal Public Telecommunications  
Service Support Fund

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22418

FILED: 10/01/1999, 13:49

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To correct errors in existing rule provisions and provide for a future funding mechanism for rate-of-return regulated companies, which would otherwise lose funding opportunities at the end of 1999.

SUMMARY OF THE RULE OR CHANGE: Modify the definition of "affordable base rate" and "average revenue per line" so that their application is consistent with the intended operation of the fund methodology; make changes to the definition of "designated support area" and introduce a universal service fund (USF) distribution calculation, based on embedded costs, for rate-of-return regulated incumbent telephone corporations, which will lose their USF funding opportunities, absent the change, at the end of 1999; and make other minor changes to clarify the existing rule to reflect the original intent of the Commission and accommodate the introduction of the provisions for rate-of-return regulated incumbent telephone corporations. A reduction in the USF retail surcharge is made to attempt to match anticipated future revenues to anticipated expenditures from the fund.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-8b-15

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--changes do not alter state agency practices.
  - ❖LOCAL GOVERNMENTS: None--changes do not alter local agency practices.
  - ❖OTHER PERSONS: Retail consumers of public telecommunications services will, individually, see a slight reduction in costs due to the reduction of the retail surcharge. These reductions are anticipated to aggregate to approximately \$2,000,000 per year. There is no anticipated change in costs or savings for telecommunications corporations as the changes do not alter their practices.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: None--fund revenue collection activities remain the same and fund distribution activities remain the same.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As consumers of public telecommunications services, business will see a reduction in the USF surcharge amounts they pay. Businesses located in the designated support areas will benefit from having USF distributions available to assist in the recovery of the costs of providing basic telecommunications services, permitting rates to be otherwise lower than they would be without the USF support.

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:

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 11/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: Barbara Stroud, Designee, Legal Assistant

**R746. Public Service Commission, Administration.**

**R746-360. Universal Public Telecommunications Service Support Fund.**

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**R746-360-2. Definitions.**

A. Affordable Base Rate (ABR) -- means the monthly per line retail rates, charges or fees for basic telecommunications service which the Commission determines to be just, reasonable, and affordable for a designated support area. The Affordable Base Rate shall be established by the Commission ~~and shall be the rate against which the USF proxy cost model results shall be compared in considering the amount of USF support~~. The Affordable Base Rate does not include the applicable USF retail surcharge, municipal franchise fees, taxes, and other incidental surcharges.

B. Average Revenue Per Line -- means the average revenue for each access line computed by dividing the sum of all revenue derived from a telecommunications corporation's provision of public telecommunications services, including, but not limited to, revenues received from the provision of services in both the interstate and intrastate jurisdictions, whether designated "retail", "wholesale", or some other categorization, all revenues derived from providing network elements, services, functionalities, etc. required under the Federal Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 or the Utah Telecommunications Reform Act, Laws of Utah 1995, Chapter 269, all support funds received from the Federal Universal Service Support Fund, and each and every other revenue source or support or funding mechanism used to assist in recovering the costs of providing public telecommunications services in a designated support area by that telecommunications corporation's number of access lines in the designated support area. ~~When a telecommunications corporation does not have access lines in a designated support area, the average revenue per line for that telecommunications corporation will be based on the simple average of the average revenue per line~~

~~determinations of all other telecommunications corporations which have access lines in the designated support area.~~

C. Basic Telecommunications Service -- means a local exchange service consisting of access to the public switched network; touch-tone, or its functional equivalent; local flat-rated, unlimited usage, exclusive of extended area service; single-party service with telephone number listed free in directories that are received free; access to operator services; access to directory assistance, lifeline and telephone relay assistance; access to 911 and E911 emergency services; access to long-distance carriers; access to toll limitation services; and other services as may be determined by the Commission.

D. Designated Support Area -- means the geographic area used to determine USF support distributions. A designated support area, or "support area," need not be the same as a USF proxy model's geographic unit. The Commission will determine the appropriate designated support areas for determining USF support requirements. Unless otherwise specified by the Commission, the designated support area for a rate-of-return regulated incumbent telephone corporation shall be its entire certificated service territory located in the State of Utah.

E. Facilities-Based Provider -- means a telecommunications corporation that uses its own facilities, a combination of its own facilities and essential facilities or unbundled network elements purchased from another telecommunications corporation, or a telecommunications corporation which solely uses essential facilities or unbundled network elements purchased from another telecommunications corporation to provide public telecommunications services.

F. Geographic Unit -- means the geographic area used by a USF proxy cost model for calculating costs of ~~[basic local exchange service]~~ public telecommunications services. The Commission will determine the appropriate geographic area to be used in determining ~~[basic local exchange]~~ public telecommunications service costs.

G. Net Fund Distributions -- means the difference between the gross fund distribution to which a qualifying telecommunications corporation is entitled and the gross fund surcharge revenues generated by that company, when the former amount is greater than the latter amount.

H. Net Fund Contributions -- means the difference between the gross fund distribution to which a qualifying telecommunications corporation is entitled and the gross fund surcharge revenues generated by that company, when the latter amount is greater than the former amount.

I. Retail Provider -- means telecommunications corporations, interexchange carriers, resellers, alternate operator service providers, commercial mobile radio service providers, radio common carriers, aggregators or any other person or entity providing telecommunications services that are used or consumed by a consumer or end-user.

J. Trust Fund -- means the Trust Fund established by 54-8b-12.

K. USF Proxy Model Costs -- means the ~~average~~ total, jurisdictionally unseparated, cost estimate for ~~[basic telecommunications]~~ public telecommunications services, in a geographic unit, based on the forward-looking, economic cost proxy model(s) chosen by the Commission. The level of geographic cost disaggregation to be used for purposes of assessing the need for and the level of USF support within a geographic unit will be determined by the Commission.

L. Universal Service Fund (USF or fund) -- means the Universal Public Telecommunications Service Support Fund established by 54-8b-15 and set forth by this rule.

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**R746-360-4. Duties of Administrator.**

A. Selection of Administrator -- The Division of Public Utilities will be the fund administrator. If the Division is unable to fulfill that responsibility, the administrator, who must be a neutral third party, unaffiliated with any fund participant, shall be selected by the Commission.

B. Cost of Administration -- The cost of administration shall be borne by the fund; unless administered by a state agency.

C. Access to Books -- Upon reasonable notice, the administrator shall have access to the books of account of all telecommunications corporations and retail providers, which shall be used to verify the intrastate retail revenue assessed in an end-user surcharge, to confirm the level of eligibility for USF support and to ensure compliance with this rule.

D. Maintenance of Records -- The administrator shall maintain the records necessary for the operation of the USF and this rule.

E. Report Forms -- The administrator shall develop report forms to be used by telecommunications corporations and retail providers to effectuate the provisions of this rule and the USF. An officer of the telecommunications corporation or retail provider shall attest to and sign the reports to the administrator.

F. Administrator Reports -- The administrator shall file reports with the Commission containing information on the average revenue per line calculations, projections of future USF needs, analyses of the end-user surcharges and Affordable Base Rates, and recommendations for calculating them for the following 12-month period. The report shall include recommendations for changes in determining basic telecommunications service, designated support areas, geographic units, USF proxy cost models and ways to improve fund collections and distributions.

G. Annual Review -- The administrator, under the direction of the Commission, shall perform an annual review of fund recipients to verify eligibility for future support and to verify compliance with all applicable state and federal laws and regulations.

H. Proprietary Information -- Information received by the administrator which has been determined by the Commission to be proprietary shall be treated in conformance with Commission practices.

I. Information Requested -- Information requested by the administrator which is required to assure a complete review shall be provided within 45 days of the request. Failure to provide information within the allotted time period may be a basis for withdrawal of future support from the USF or other lawful penalties to be applied.

**R746-360-5. Application of Fund Surcharges to Customer Billings.**

A. Commencement of Surcharge Assessments -- Commencing June 1, 1998, end-user surcharges shall be the source of revenues to support the fund. Surcharges will be applied to intrastate retail rates, and shall not apply to wholesale services.

B. Surcharge Based on a Uniform Percentage of Retail Rates -- The retail surcharge shall be a uniform percentage rate, determined and reviewed annually by the Commission and billed and collected by all retail providers.

C. ~~[Initial]~~Surcharge -- The ~~[initial]~~ surcharge to be assessed beginning ~~[June 1, 1998]~~January 1, 2000, shall equal ~~[one]~~0.67 percent of billed intrastate retail rates.

**R746-360-6. Fund Remittances and Disbursements.**

A. Remitting Surcharge Revenues --

1. Retail providers, not eligible for USF support funds, providing telecommunications services subject to USF surcharges shall collect and remit surcharge revenues to the ~~[administrator]~~Commission within 45 days after the end of each month.

2. Retail providers ~~el~~eligible for USF support funds shall make remittances as follows:

a. Prior to the end of each month, the fund administrator shall inform each qualifying telecommunications corporation of the estimated amount of support that it will be eligible to receive from the USF for that month.

b. Net fund contributions shall be remitted to the ~~[administrator]~~Commission within 45 calendar days after the end of each month. If the net amount owed is not received by that date, remedies, including withholding future support from the USF, may apply.

3. The ~~[administrator]~~Commission will forward remitted revenues to the Utah State Treasurer's Office for deposit in a USF account.

B. Distribution of Funds -- Net Fund distributions to qualifying telecommunications corporations for a given month shall be made 60 days after the end of that month, unless withheld for failure to maintain qualification or failure to comply with Commission orders or rules.

**R746-360-7. Eligibility for Fund Distributions.**

A. Qualification --

1. To qualify to receive USF support funds, a telecommunications corporation shall be designated an "eligible telecommunications carrier," pursuant to 47 U.S.C. Section 214(e), and shall be in compliance with Commission orders and rules~~and have its average revenue per line less than the USF cost proxy model costs for each designated support area in which it desires to qualify to receive support from the fund~~. Each telecommunications corporation receiving support shall use that support only to provide basic telecommunications service and any other services or purposes approved by the Commission.

2. Additional qualification criteria for Incumbent telephone corporations - In addition to the qualification criteria of R746-360-7A.1.

a. Non-rate-of-return Incumbent telephone corporations shall make Commission approved, aggregate rate reductions for public telecommunications services, provided in the State of Utah, equal to each incremental increase in USF distribution amounts received after December 1, 1999.

b. Rate-of-return Incumbent telephone corporations shall complete a Commission review of their revenue requirement and public telecommunications services' rate structure prior to any change in their USF distribution which differs from a prior USF

distribution, beginning with the USF distribution for December, 1999.

B. ~~[Retail]~~Rate Ceiling -- To be eligible, a telecommunications corporation may not charge retail rates in excess of the Commission determined Affordable Base Rates for basic telecommunications service or vary from the terms and conditions determined by the Commission for other telecommunications services for which it receives Universal Service Fund support.

C. Lifeline Requirement -- A telecommunications corporation may qualify to receive distributions from the fund only if it offers Lifeline service on terms and conditions prescribed by the Commission.

D. Exclusion of Resale Providers -- Only facilities-based providers, will be eligible to receive support from the fund. Where service is provided through one telecommunications corporation's resale of another telecommunications corporation's service, support may be received by the latter only.

**R746-360-8. Calculation of Fund Distributions in Non-rate-of-Return Regulated Incumbent Telephone Corporation Territories.**

A. Use of Proxy Cost Models -- The USF proxy cost model(s) selected by the Commission~~[the Affordable Base Rates,]~~ and average revenue per line will be used to determine fund distributions within designated support areas.

B. ~~[Impact of Other Funding Sources -- The USF proxy cost estimate for a designated support area will be reduced by the amount that basic telecommunication service costs are recovered through interstate cost allocations, from the federal USF, pursuant to 47 U.S.C. Section 254, or from any other mechanism by which intrastate costs are calculated from total costs.]~~

~~C. Determination of Support Amounts]~~Use of USF Funds -- Telecommunications corporations shall use USF funds to support each primary residential line in active service which it furnishes in each designated area~~[for which the monthly intrastate USF proxy model cost exceeds the Affordable Base Rate established for that area].~~

C. Determination of Support Amounts --

1. Incumbent telephone corporation - Monies from the fund will equal the numerical difference between USF proxy model cost estimates and [the Affordable Base Rate or]the product of the Incumbent telephone corporation's Average Revenue per line, for the designated support area, times the number of Incumbent telephone corporation's active primary residential access lines in the designated support area[whichever is the lesser amount].

2. Telecommunications corporations other than Incumbent telephone corporations - Monies from the fund will equal the Incumbent telephone corporation's average primary residential access line support amount for the respective designated support area, determined by dividing the Incumbent telephone corporation's USF monies for the designated support area by the Incumbent telephone corporation's active primary residential access lines in the designated support area, times the eligible telecommunications corporation's number of active primary residential access lines.

D. Lifeline Support -- Eligible telecommunications corporations shall receive additional USF funds to recover any discount granted to lifeline customers, participating in a

Commission approved Lifeline program, that is not recovered from federal lifeline support mechanisms.

E. Exemptions -- Telecommunications corporations may petition to receive an exemption for any provision of this rule or to receive additional USF support, for use in designated support areas, to support additional services which the Commission determines to be consistent with universal service purposes and permitted by law.

**R746-360-9. Calculation of Fund Distributions in Rate-of-Return Incumbent Telephone Corporation Territories.**

A. Determination of Support Amounts --

1. Incumbent telephone corporation - Monies from the fund will equal the numerical difference between the Incumbent telephone corporation's total embedded costs of providing public telecommunications services, for a designated support area, less the product of the Incumbent telephone corporation's Average Revenue Per Line, for the designated support area, times the Incumbent telephone corporation's active access lines in the designated support area.

2. Telecommunications corporations other than incumbent telephone corporations - Monies from the fund will equal the respective Incumbent telephone corporation's average access line support amount for the designated support area, determined by dividing the Incumbent telephone corporation's USF monies for the designated support area by the Incumbent telephone corporation's active access lines in the designated support area, times the eligible telecommunications corporation's number of active access lines in the designated support area.

B. Lifeline Support -- Eligible telecommunications corporations shall receive additional USF funds to recover any discount granted to lifeline customers, participating in a Commission-approved Lifeline program, that is not recovered from federal lifeline support mechanisms.

C. Exemptions -- Telecommunications corporations may petition to receive an exemption for any provision of this rule or to receive additional USF support, for use in designated support areas, to support additional services which the Commission determines to be consistent with universal service purposes and permitted by law.

**R746-360-[9]10. One-Time Distributions From the Fund.**

A. Applications for One-Time Distributions -- Telecommunications corporations or potential customers not presently receiving service may apply to the Commission for one-time distributions from the fund for extension of service to a customer, or customers, not presently served. These distributions are to be made only in extraordinary circumstances, when traditional methods of funding and service provision are infeasible.

1. In considering the one-time distribution application, the Commission will examine relevant factors including the type and grade of service to be provided, the cost of providing the service, the demonstrated need for the service, whether the customer is within the service territory of a telecommunications corporation, the provisions for service or line extension currently available, and whether the one-time distribution is in the public interest.

B. Maximum Amount -- The maximum one-time distribution will be no more than that required to make the net investment equivalent to the relevant proxy model cost estimate for non-rate-of-return regulated telecommunications corporations or the relevant

cost estimate for rate-of-return regulated telecommunications corporations.

C. Impact of Distribution on Rate of Return Companies -- A one-time distribution from the fund shall be recorded on the books of a rate base, rate of return regulated LEC as an aid to construction and treated as an offset to rate base.

D. Notice and Hearing -- Following notice that a one-time distribution application has been filed, a LEC may request a hearing or seek to intervene to protect its interests.

E. Bidding for Unserved Areas -- A telecommunications corporation will be selected to serve in an unserved area on the basis of a competitive bid. The estimated amount of the one-time distribution will be considered in evaluating each bid. Fund distributions in that area will be based on the winning bid.

**R746-360-1[0]1. Altering the USF Charges and the End-User Surcharge Rates.**

The uniform surcharge shall be adjusted periodically to minimize the difference between amounts received by the fund and amounts disbursed.

**R746-360-1[1]2. Support for Schools, Libraries, and Health Care Facilities. Calculation of Fund Distributions.**

The Universal Service Fund rules for schools, libraries and health care providers, as prescribed by the Federal Communications Commission in Docket 96-45, 97-157 Sections X and XI, paragraphs 424 - 749, of Order issued May 8, 1996, and CFR Sections 54.500 through 54.623 inclusive, incorporated by this reference, is the prescribed USF method that shall be employed in Utah. Funding shall be limited to funds made available through the federal universal service fund program.

**KEY: public utilities, telecommunications, universal service\***  
**[November 25, 1998]1999**

54-7-25  
54-7-26  
54-8b-12  
54-8b-15



Transportation, Administration  
**R907-65**  
Compensation Schedule for  
Longitudinal Access to Interstate  
Highway Rights-of-Way for Installation  
of Telecommunications Facilities

**NOTICE OF PROPOSED RULE**  
(New)  
DAR FILE NO.: 22413  
FILED: 09/30/1999, 17:36  
RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The purpose of this rule is to implement a compensation schedule for longitudinal access to the rights-of-way of the interstate system for installation and operation of telecommunications facilities. This rule establishes the methodology and schedules for charging compensation in accordance with the requirements of Subsection 72-7-108(3).

**SUMMARY OF THE RULE OR CHANGE:** Utah Code Section 72-7-108 grants authority to the Department of Transportation to permit longitudinal access on highway rights-of-way within the interstate system. Rule R907-64 sets out all conditions, except for compensation to the state, under which telecommunications facility providers may seek and be granted access to interstate highway rights-of-way within the state. This rule establishes the methodology and schedules for charging compensation in accordance with the requirements of Subsection 72-7-108(3).

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 72-7-108

**ANTICIPATED COST OR SAVINGS TO:**

❖**THE STATE BUDGET:** The Department of Transportation will incur some costs each time access is granted to one or more telecommunications facility providers. These costs will be dependent on variables such as distance and type of facilities installed, and will be incurred as the department reviews construction plans, inspects facilities as they are constructed, and performs other related technical reviews. However, the department plans to recover these costs through the compensation received for permitting telecommunications facilities within the interstate highway rights-of-way, as granted by Section 72-7-108. As a minimum, the department will not issue permits to telecommunications facility providers unless the department is reimbursed for all its expenses. Until a telecommunications facility provider proposes a specific use for a segment(s) of the interstate highway rights-of-way, no estimate of costs can be provided. The amount of any type of compensation received by the department shall cover any costs incurred by the department.

❖**LOCAL GOVERNMENTS:** None--local governments are unaffected by this rule.

❖**OTHER PERSONS:** Telecommunications facility providers who seek and are granted access to a segment(s) or all of the interstate highway rights-of-way must provide compensation to the Department of Transportation (state). The type and amount of this compensation has been established within a table of rates in this rule, as authorized by Section 72-7-108. The actual cost to any telecommunications facility provider is dependent on several variables, such as location, distance, and type of facilities to be installed. At a minimum, all telecommunications facility providers will reimburse the department for expenses the department incurs during the planning and construction of any approved telecommunication facility installed on interstate highway rights-of-way, plus the per mile compensation value identified in the rate table within this rule. The actual cost to any telecommunications facility provider is unknown at this time.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule does not require action on the part of other parties, and therefore, there are no mandatory compliance costs. If one or more telecommunications facility providers choose to seek and are granted access to interstate highway rights-of-way, then some amount of compliance costs in the form of compensation to the Department (state) will be incurred. The value of compensation charged is set by a rate schedule established by the Department within this rule, pursuant to the provisions of Section 72-7-108. Therefore no exact compliance costs can be stated at this time.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule assures the implementation of key provisions of Section 72-7-108, supports the intent of the Federal and State Telecommunications Acts, and creates opportunities for telecommunications facility providers to expand their networks within Utah. The rule imposes no cost to telecommunications facility providers except when they voluntarily seek access to interstate highway rights-of-way.

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

Transportation  
Administration  
4501 South 2700 West  
PO Box 141265  
Salt Lake City, UT 84114-1265, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Neal F. Christensen at the above address, by phone at (801) 965-4032, by FAX at (801) 965-4338, or by Internet E-mail at nchrste@dot.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 11/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: Neal F. Christensen, Director

**R907. Transportation, Administration.**

**R907-65. Compensation Schedule for Longitudinal Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities.**

**R907-65-1. Purpose.**

The purpose of this rule is to implement a compensation schedule for longitudinal access to the rights-of-way of the interstate system for installation and operation of telecommunications facilities. This Rule establishes the methodology and schedules for charging compensation in accordance with Subsection 72-7-108(3)(b). Subsection 72-7-108(3)(b) requires that the compensation be:

fair and reasonable;  
competitively neutral;  
nondiscriminatory;

open to public inspection;  
established to promote access by multiple telecommunication facility providers;  
established for zones of the state, with zones determined based upon factors that include population density, distance, numbers of telecommunication subscribers, and the impact upon private right-of-way users;  
established to encourage the deployment of digital infrastructure within the state.

**R907-65-2. Authority.**

Subsection 72-7-108(3)(c) states that the department shall establish a schedule of rates of compensation for longitudinal access granted under that section, and shall do so beginning October 1, 1999, and in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

**R907-65-3. Background.**

The department has conducted an analysis of right-of-way values for the interstate system using current market data on (1) Utah real property values differentiated by location (northern Utah (Salt Lake City/surrounding counties), central Utah (Provo/surrounding counties), and southern Utah (Cedar City/St. George/surrounding counties), population density (urban, rural) and land use (residential, commercial, industrial, agriculture) and (2) appraisal values from department land acquisitions. These data were applied to fifteen right-of-way segments of the interstate system that the department defined based on various factors, including but not limited to location, similarity of land use, population density and number of telecommunications subscribers. Segment land values were then calculated based on the relevant "across-the-fence" property values and the following core assumptions:

Land needed for longitudinal installations of telecommunications facilities, including a buffer zone, will generally be 6 feet in width.

Values for preassembled right-of-way for longitudinal access are 200% of values for non-assembled right-of-way.

Values for underground use of right-of-way for longitudinal access are 50% of values for ground level and aboveground use.

Upper and lower bound real property values establish a valuation range for each segment. Point estimates of segment land values are calculated at the 30th percentile within this range.

Segment land values (reported in \$/ft<sup>2</sup>) are converted to \$/mile using the following formula:

Segment land value (\$/mile) = Segment land value (\$/ft<sup>2</sup>) x 5,280 ft/mile x easement width (6 ft).

The fifteen segments were then grouped into five zones based on similarities in segment attributes and values. For example, the rural segments of I-15, I-70 and I-84 were grouped to create zone 1, while the urban segment of I-15 traversing Salt Lake City was grouped with I-215 to create zone 5. Similar groupings make up zones 2, 3 and 4. Through this process, the department defined five zones with a weighted average land value for each zone.

The department then determined annual lease valuation, as a rate of return on the land values for each zone, using current market data. The department determined that a 10% annual rate of return on investment represents a fair and reasonable compensation rate in current market conditions.

The department also received and considered recommendations on rates of compensation from the Utility in Highway Rights-of-Way Task Force pursuant to Section 6(2)(a) of S. B. 150.

**R907-65-4. Definitions.**

The definitions of terms in R907-64-3 apply to the same terms used in this Rule. This Rule uses the following additional defined terms:

(1) "Land value" means the fair market value of land within the right-of-way of the interstate system as determined by the department under the core assumptions set forth in R907-65-3 and established for compensation purposes under R907-65-6.

(2) "Rate of return" means the annual rate of return on investment, using land value, as determined by the department and established for compensation purposes under R907-65-7.

(3) "Zone" means a group of right-of-way segments of the interstate system as determined by the department and established for compensation purposes under R907-65-5.

**R907-65-5. Compensation Zones.**

(1) Five zones of the State are established for purposes of determining land values and compensation rates for longitudinal access to the right-of-way of the interstate system.

(2) The five zones are:

Zone 1 - Segments traversing primarily rural, agricultural areas with low population density. The two primary segments in this zone are located south of Provo, extending to Arizona along I-15 and to Colorado along I-70. This zone also includes shorter segments of I-80 and I-84 bounded by the Wyoming and Nevada State lines respectively. Approximately 90% of this zone borders agricultural land.

Zone 2 - Segments traversing primarily sub-rural areas with low population density. Segments in this zone are located in the north-central, north-eastern and north-western regions of the State. Land usage is primarily agricultural (approximately 75%), with light pockets of industrial, commercial, and residential land usage.

Zone 3 - Segments traversing sub-rural/suburban land around the State's metropolitan areas with medium population density. Segments in this zone are located outside the Salt Lake City metropolitan area. Land usage is mixed; while agriculture still makes up the largest proportion of land usage, about one-third of the land is residential, and slightly less than one-third is commercial and industrial.

Zone 4 - Segments traversing suburban/urban areas with medium/high population density. Segments in this zone run on a north-south route on I-15 through the Salt Lake City metropolitan area. Land usage in this zone is mixed, with the greatest proportion categorized as industrial, followed by residential, then commercial, and small pockets of agricultural usage.

Zone 5 - Segments traversing the densely populated urban areas. Segments in this zone are located in and around Salt Lake City. Nearly half is categorized as residential, and the rest is split between industrial and commercial usage, with very small pockets of agricultural usage.

(3) The existing right-of-way of the interstate system is placed into the five zones as set forth in Table 1. Whenever new right-of-way is added to the interstate system, the department shall modify

Table 1 to classify the new right-of-way into the applicable zone or zones and publish the modified Table 1.

(4) At least once every five years the department shall conduct an analysis to determine changes, if any, in the boundaries of zones based on demographic and market data, including but not limited to data on similarity of surrounding land uses, population density, distances and number of telecommunications subscribers. The department shall publish a modification to Table 1 whenever zone boundaries are changed.

TABLE 1  
Compensation Zones

| Zone/Segment                                        | Reference Post<br>(from -- to) | Mileage |
|-----------------------------------------------------|--------------------------------|---------|
| <b>Zone 1</b>                                       |                                |         |
| I-15: Payson South Int. to Arizona                  | 252 -- 0                       | 252     |
| I-84: Tremonton to Idaho                            | 43 -- 0                        | 43      |
| I-80: Wyoming to Silver Creek Int.                  | 198 -- 148                     | 50      |
| I-70: Entire Route                                  | 0 -- 230                       | 230     |
| <b>Zone 2</b>                                       |                                |         |
| I-15: Idaho to Weber-Box Elder Co. Line             | 404 -- 354                     | 50      |
| I-15: Springville Int. to Payson South Int.         | 263 -- 252                     | 11      |
| I-84: Echo to SR-89                                 | 120 -- 88                      | 32      |
| I-84: SR-89 to I-15                                 | 88 -- 81                       | 7       |
| I-80: Magna Int. to Nevada                          | 112 -- 0                       | 112     |
| <b>Zone 3</b>                                       |                                |         |
| I-15: Weber-Box Elder Co. Line to Parish Lane Int.  | 354 -- 323                     | 31      |
| I-80: Silver Creek Int. to Mouth of Parley's Canyon | 148 -- 129                     | 19      |
| <b>Zone 4</b>                                       |                                |         |
| I-15: Parish Lane Int. to Salt Lake-Utah Co. Line   | 323 -- 288                     | 35      |
| I-15: Salt Lake-Utah Co. Line to Springville Int.   | 288 -- 263                     | 25      |
| <b>Zone 5</b>                                       |                                |         |
| I-80: Mouth of Parley's Canyon to Magna Int.        | 129 -- 112                     | 17      |
| I-215: Entire Route                                 | 0 -- 30                        | 30      |

**R907-65-6. Land Values.**

(1) Land values for longitudinal access for telecommunications facilities are established, by zone, as set forth in Table 2. Whenever new right-of-way is added to the interstate system and a zone or zones are established for such new right-of-way under R907-65-5(3), the land value for such zone or zones set forth in Table 2 shall apply to such new right-of-way.

(2) At least once every five years, the department shall conduct a market analysis to determine the fair and reasonable values of the right-of-way of the interstate system for longitudinal access for telecommunications facilities. The department shall determine this value for each zone. The department shall publish a modification to Table 2 whenever the department completes a market analysis and determines that values of the right-of-way have changed.

(3) In determining land values, the department shall disregard any circumstance in which the department's interstate right-of-way is the only viable alternative for installing and operating telecommunications facilities between relevant geographic markets.

The department shall adjust such values to those which would exist if another viable alternative existed for installing and operating comparable telecommunications facilities such that the department would not possess monopolistic market power in the subject location.

TABLE 2

Land Values (\$/mile)

| Zone   | Miles in Zone | Weighted Average Land Value |
|--------|---------------|-----------------------------|
| Zone 1 | 575           | \$8,000                     |
| Zone 2 | 212           | \$22,000                    |
| Zone 3 | 50            | \$48,000                    |
| Zone 4 | 60            | \$80,000                    |
| Zone 5 | 47            | \$124,000                   |

#### **R907-65-7. Rate of Return.**

(1) An annual rate of return on land value of 10% is established for purposes of determining annual compensation rates for longitudinal access to the right-of-way of the interstate system.

(2) At least once every five years the department shall conduct an analysis to determine changes, if any, in the rate of return based on market data. The department shall publish a modification to the rate of return whenever the department completes a market analysis and determines that market rate of return has changed.

#### **R907-65-8. Base Compensation Schedule.**

(1) The department shall charge compensation for longitudinal access for telecommunications facilities so that the department receives, on an annual basis, the rate of return on the value of land in each zone established under this Rule which is utilized for overhead, surface or underground installations of telecommunications facilities, subject to adjustment under R907-65-10 and potential discount under R907-65-11.

(2) The compensation charged shall be set forth in the agreement between the department and the telecommunications facility provider pursuant to R907-64.

(3) The annual compensation to be paid by each telecommunications facility provider which enters into an agreement with the department for longitudinal access shall be determined under the following formulas:

Land values by zone are translated into annual compensation rates (\$/mile) using the following formula:

Annual compensation rate per zone (\$/mile) = zonal land value (\$/mile)(from Table 2) x rate of return (currently 10%)

Total annual compensation shall then be calculated as follows:

Total annual compensation per zone = annual compensation rate per zone (\$/mile) x # of miles accessed.

For telecommunications facility providers seeking a route that accesses multiple zones, the above calculations shall be made for each zone then summed to calculate total annual compensation for the requested access route.

#### **R907-65-9. Compensation for Use of Department Conduit.**

(1) The land values set forth in Table 2 (and therefore the annual base compensation amounts) do not include the value of any spare conduit which the department owns. The department is authorized to offer use of and access to its spare conduit to telecommunications facility providers, provided the department

determines the spare conduit is not and will not be needed for highway purposes and the department receives additional compensation for the use of and access to the spare conduit.

(2) Such additional compensation shall be fair and reasonable to the department and the telecommunications facility provider and shall be charged in a competitively neutral and nondiscriminatory manner to all similarly situated telecommunications facility providers. The department shall establish the amount of compensation for use of and access to the department's spare conduit by zone.

(3) Such additional compensation shall be subject to adjustment annually in the same manner as provided in R907-65-10.

(4) At least once every five years the department shall conduct an analysis to determine changes, if any, in the value of its spare conduit. Whenever the department completes a market analysis and determines that value of its spare conduit has changed, the department shall apply its new values to each agreement thereafter executed by the department.

#### **R907-65-10. Adjustments to Base Compensation Schedule for Annual Payments.**

(1) The base compensation schedule for each calendar year after a year in which the department determines land values under R907-65-6 shall be adjusted effective January 1 of each such calendar year (each an "adjustment date"). The adjustment shall be calculated by multiplying the base compensation amount for the immediately preceding calendar year by a fraction. The numerator of the fraction shall be the "All Items, Consumer Price Index for All Urban Consumers (CPI-U) for the West (1982-84=100)," reported by the U.S. Department of Labor, Bureau of Labor and Statistics (BLS), published for the month of September immediately preceding the adjustment date in question. The denominator of the fraction shall be such index published for the next preceding month of September. The adjustment may result in an increase or decrease in the base compensation schedule.

(2) If the methodology for determining the index is changed by the issuer of the index, the department shall convert the index in accordance with the conversion factor published by the issuer of the index. If the index is discontinued or changed so that it is not practical to obtain a continuous measurement of price changes, the department shall replace the index with a comparable governmental index and apply the index chosen to all agreements which require annual adjustment to the base compensation.

(3) Except as provided in R907-65-11, each agreement for longitudinal access to the right-of-way of the interstate system with telecommunications facilities providers shall require that the rates of compensation during the first calendar year of the term of the agreement equal the base compensation schedule determined for that calendar year under this Rule (prorated if the term begins after January 1), taking into account any adjustments under R907-65-10(1).

(4) Except as provided in R907-65-11, each agreement for longitudinal access to the right-of-way of the interstate system with telecommunications facilities providers shall require an adjustment in the annual base compensation effective January 1 of each subsequent calendar year of the term (prorated for the last year of the term if it ends before December 31). The adjustment shall be calculated by multiplying the base compensation amount for the

immediately preceding calendar year (annualized for partial calendar years during the term) by the fraction described in R907-65-10(1).

(5) It is the intent of this Rule that revisions to the base compensation schedule resulting from re-analysis of market conditions by the department pursuant to R907-65-5(4), R907-65-6(3), R907-65-7(2) and R907-65-9(4) shall apply only to agreements executed after the department completes and issues its revisions, and shall not apply to agreements executed prior to the revision. It also is the intent of this Rule that annual adjustments to the base compensation schedule due to inflation or deflation pursuant to R907-65-10(1) shall apply to every agreement under which annual compensation payments are required.

#### **R907-65-11. Compensation Prior to Construction of Telecommunications Facilities.**

(1) The department may charge compensation for the period of time between execution of the agreement and completion of construction at rates which are discounted from the full annual compensation rates determined under R907-65-8, R907-65-9 and R907-65-10 including no compensation prior to commencement of construction. The department also may agree to the phasing of projects into clearly identified phases, with the compensation schedule structured based on the construction commencement and/or completion dates for each phase.

(2) If the department elects to discount compensation rates, it shall do so in a competitively neutral and nondiscriminatory manner for all similarly situated telecommunication facility providers.

#### **R907-65-12. Lump Sum Monetary Compensation.**

(1) The department is authorized to enter into agreements for longitudinal access to the right-of-way of the interstate system with telecommunications facility providers which offer, in lieu of annual compensation, one or more lump sum payments of monetary compensation. The agreement shall set forth the lump sum payment or payments due.

(2) Lump sum payments shall be calculated to be equivalent, on a present value basis, to annual compensation payments which would be required under R907-65-8, R907-65-9, R-907-65-10 and R907-65-11 over the same time period as that covered by each lump sum payment.

(3) For purposes of determining lump sum monetary compensation for longitudinal access to the right-of-way of the interstate system, the department shall use a discount rate equal to the yield (in percent per annum) on Moody's seasoned Aaa Corporate Bonds, as reported by the Federal Reserve Board through the Federal Reserve Statistical Release. The yield on Moody's Aaa Corporate Bonds reported for the first full month immediately prior to the date an agreement for lump sum monetary compensation is executed by the department shall be the discount rate applied for purposes of determining the amount of such lump sum monetary compensation.

(4) Each telecommunications facility provider which is to pay monetary compensation shall have the right to choose whether to pay it in one lump sum determined according to this Rule R907-65-12 or to pay it in annual installments. Unless the department otherwise agrees in writing, this choice shall be made before the agreement is signed, and the agreement shall set forth the choice made.

#### **R907-65-13. In-Kind Compensation.**

(1) The department is authorized to enter into agreements for longitudinal access to the right-of-way of the interstate system with telecommunications facility providers which offer, in lieu of or in addition to monetary compensation, in-kind compensation. In-kind compensation may include, without limitation, delivery to the department for its own uses and purposes of conduit, innerduct, dark fiber, access points, telecommunications equipment, telecommunications services, bandwidth and other telecommunications facilities. The agreement shall set forth the in-kind compensation.

(2) The department shall determine the present value of the in-kind compensation according to the methods set forth in R907-65-12. The department shall prepare an analysis setting forth its valuation at or before the time it executes the agreement. The valuation analysis need not be included in the agreement.

(3) The department shall value the in-kind compensation as follows:

(a) Facilities for Department Use Only. Electronic equipment, conduit, fiber and other telecommunications hardware and software contributed to the department shall be valued on a present value basis at the estimated, reasonable cost to the telecommunications facility provider of procuring and installing the same.

(b) Joint Trenching. The present value of the estimated, reasonable cost to the telecommunications facility provider of joint trenching for placing conduit, fiber and other facilities of both the provider (and its customers) and the department shall be proportionately allocated to the department as a component of the present value of the in-kind compensation. The proportion allocated to the department shall equal the total estimated, reasonable cost of the trenching work multiplied by a fraction. The numerator of the fraction shall equal the amount of conduit and innerduct space to be contributed to the department under the agreement. The denominator of the fraction shall equal the total amount of conduit space the telecommunications facility provider is authorized to install under the agreement. Single duct conduit space shall be measured using the planned diameter of the conduit. Multi-duct conduit space shall be measured by summing the planned diameters of each innerduct in the conduit.

(c) Other Jointly Used Facilities. The present value of the estimated, reasonable cost to the telecommunications facility provider of providing any other telecommunications facility which is shared jointly by the provider and the department shall be proportionately allocated to the department as a component of the present value of the in-kind compensation. The department shall determine the proportion to be allocated to the department based on the percentage of use or benefit to which each party will be entitled under the agreement.

(d) Warranties; Maintenance and Operating Covenants. The department shall determine the present value of equipment warranties, warranties of conduit, fiber or other components, software warranties, maintenance covenants and operating covenants based on the reasonable, estimated cost of purchasing such warranties, maintenance and operating contracts from manufacturers or other third parties (if not already included in the cost to purchase the equipment, conduit, fiber, other components or software).

(e) Summation of In-Kind Values. The total present value of the in-kind compensation shall be the sum of the present values determined under subsections (a) through (d) above.

(4) The department shall require annual or lump sum monetary compensation (determined according to the methods set forth in R907-65-12), in addition to the in-kind compensation, if the present value of the in-kind compensation is less than the present value of the annual monetary compensation the department would require over the term of the agreement under R907-65-8, R907-65-9, R907-65-10 and R907-65-11. The amount of the annual or lump sum monetary compensation shall be the difference in such present values.

(5) The department may accept in-kind compensation with a present value in excess of the present value of annual monetary compensation payments which would be required under R907-65-8, R907-65-9, R907-65-10 and R907-65-11 if the telecommunications facility provider consents in writing and gives a written waiver and release of all claims and protections arising under federal or Utah law by reason of such excess value. The waiver and release shall be in form approved by the director.

(6) Before entering into an in-kind compensation agreement, the department shall obtain from the telecommunications facility provider its valuations of the in-kind compensation. The telecommunications facility provider may provide the department information on its costs in order to assist the department in determining in-kind compensation value. The department shall reasonably consider such valuation and cost information in making its determination, but is not bound by the valuation or cost information submitted.

#### **R907-65-14. Multiple Providers in Same Trench.**

(1) If the department enters into an agreement with two or more telecommunications facility providers, or with a consortium or other entity whose members, partners, venturers or other participants are two or more telecommunications facility providers, or if the department requires two or more telecommunications facility providers to share a single trench, then the agreement(s) shall require that the telecommunications facility providers share the burden of the compensation owing to the department under the agreement(s) on a fair, reasonable and equitable basis, taking into consideration the proportionate uses and benefits to be derived by each telecommunications facility provider from the trench, conduits and other telecommunications facilities to be installed under the agreement(s).

(2) The foregoing does not limit the right of the department to require all the participating telecommunications facility providers to bear joint and several liability for the obligations owing to the department under the agreement(s).

(3) Any agreement which requires sharing of the burden of compensation owing to the department shall provide the department the right to review and audit the books, records and contracts of or among the participating telecommunications facility providers to determine compliance or lack of compliance with R907-65-14(1).

**KEY: right-of-way, interstate highway system  
1999**

**72-7-108**

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## Transportation, Motor Carrier **R909-1** Safety Regulations for Motor Carriers

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22400

FILED: 09/30/1999, 07:58

RECEIVED BY: NL

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes have been made to the Federal Motor Carrier Regulations, sec. 393.13 and 383.7, which this rule incorporates by reference. To remain current with these regulations there is a need to incorporate that reference. The regulations have added a requirement that trailers manufactured prior to December 1, 1993, with an overall width of 2,032 mm (80 inches) or more and a gross vehicle weight rating of 10,001 pounds or more be equipped with retro-reflective sheeting or an array of reflex reflectors. Section 383.7 has been removed.

SUMMARY OF THE RULE OR CHANGE: This rule incorporates references to Federal Motor Carrier Regulations Parts 350-399. In Part 393 a new section has been added, 393.13. This section sets forth guidelines upon which trailers need to be fitted with retro-reflective sheeting or reflex reflectors. Section 383.7 has been removed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-17-103

FEDERAL REQUIREMENT FOR THIS RULE: 49 CFR 350-399 (1998)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Regulations Management Corporation, 49 CFR 350-399, October 1, 1998

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There are anticipated savings to government and the public in prevention of nighttime accidents. These savings cannot be predicted. If accidents are reduced there will be a savings of personnel time in investigating accidents and the cost of repairs. The requirements do not apply to government entities, so there will be no additional cost to them. There will be no additional time spent inspecting these vehicles.

❖LOCAL GOVERNMENTS: There are anticipated savings to government and the public in prevention of nighttime accidents. These savings cannot be predicted. If accidents are reduced there will be a savings of personnel time in investigating accidents and the cost of repairs. The requirements do not apply to government entities, so there will be no additional cost to them. There will be no additional time spent inspecting these vehicles.

❖OTHER PERSONS: Cost for reflective tape ranges from \$60.84 to \$86.73, depending on the trailer size. Labor costs can range from \$60 to \$80.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Cost for reflective tape ranges from \$60.84 to \$86.73, depending on the trailer size. Labor costs can range from \$60 to \$80. There are anticipated savings to government and the public in nighttime accidents which are prevented. These savings cannot be predicted.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The anticipated costs range from \$120.84 to \$166.73 per trailer.

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

Transportation  
Motor Carrier  
Calvin Rampton  
4501 South 2700 West  
PO Box 148240  
Salt Lake City, UT 84114-8240, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Tamy L. Scott at the above address, by phone at (801) 965-4752, by FAX at (801) 965-4899, or by Internet E-mail at tscott@dot.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 11/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: Tamy L. Scott, Safety Investigator

E. Drivers involved in interstate commerce shall be at least 21 years old.

**KEY: trucks, transportation safety**  
~~March 15, 1999~~1999 72-9-103  
Notice of Continuation March 31, 1997 72-9-104  
54-6-9  
63-49-4



**End of the Notices of Proposed Rules Section**

**R909. Transportation, Motor Carrier.**  
**R909-1. Safety Regulations for Motor Carriers.**  
**R909-1-1. Adoption of Federal Regulations.**

A. Safety Regulations for Motor Carriers, 49 CFR Parts 350 through 399, as contained in the October 1, 1998 edition and amendments which appear, November 1, 1998, December 1, 1998, January 1, 1999, February 1, 1999, March 1, 1999, April 1, 1999, May 1, 1999, June 1, 1999, July 1, 1999, August 1, 1999 and September 1, 1999, as printed by the Regulations Management Corporation Service, is incorporated by reference, except for Parts 391.11(b)(1), 395.1(l), 395.1(m), 395.1(n) and 395.1(o). These requirements apply to all motor carrier(s) as defined in 49 CFR Part 390.5 and UCA 72-9-102(4) engaged in Commerce.

B. In the instance of a driver who is used primarily in the transportation of construction materials and equipment, as defined under 395.2, to and from an active construction site, any period of 7 or 8 consecutive days may end with the beginning of any off-duty period of 36 or more successive hours.

C. Exceptions to Part 391.41, Physical Qualification may be granted under the rules of Department of Public Safety, Driver's License Division, UCA 53-3-303.5 for intrastate drivers under R708-34,

D. Drivers involved wholly in intrastate commerce shall be at least 18 years old; unless transporting placarded amounts of hazardous materials; or 16 or more passengers including the driver.

## NOTICES OF CHANGES IN PROPOSED RULES

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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 November 15, 1999. At its option, the agency may hold public hearings.

From the end of the waiting period through February 12, 2000, 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.

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**The Changes in Proposed Rules Begin on the Following Page.**

Commerce, Occupational and  
Professional Licensing  
**R156-73**  
Chiropractic Physician Practice Act  
Rules

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 22187  
FILED: 09/27/1999, 11:23  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Changes are being made in the proposed Chiropractic Physician Practice Act Rules as a result of public comments received during the August 12, 1999, rule hearing. After Division and Board review, several changes are being made in the rules to provide further clarification and to delete unnecessary items that are already covered in statute in Title 58, Chapters 1 and 73.

SUMMARY OF THE RULE OR CHANGE: In Section R156-73-302b, changed the word from "Chiropractors" to "Chiropractic" with respect to the Special Purposes Examination for Chiropractic (SPEC) examination. In Section R156-73-303b, minor wording changes were made with respect to the approval of continuing education courses. In Section R156-73-501, deleted the sentence that made it unprofessional conduct to not repay a federal student loan. Clarified wording in specifying certain behavior of a sexual nature as unprofessional conduct to differentiate between behavior regarding a patient or former patient.

**(DAR Note:** The original proposed amendment upon which this change in proposed rule is based was published in the August 1, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-73-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No costs or savings are anticipated to the state budget beyond minimal costs to the Division of reprinting rules once proposed changes become effective. Any costs will be absorbed in the Division's current budget. The clarification of boundary issues may make the Division's dealing with complaints/disciplinary cases with respect to chiropractic physicians easier and more efficient.

❖LOCAL GOVERNMENTS: Proposed rules do not apply to local governments; therefore, no costs or savings.

❖OTHER PERSONS: No costs or savings are anticipated to the general public, applicants for licensure as a chiropractic physician, or licensed chiropractic physicians. Proposed rules are only further clarifying items contained in statute.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated increase in costs. In fact, the clarification of boundary issues may make the Division's dealing with complaints/disciplinary cases easier and more efficient.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These proposed amendments were the result of discussions and comments made at the rules hearing and from input by the public regarding the previously proposed amendments to the rules governing this regulated profession. These proposed amendments eliminate failure to repay a student loan from being classified as "unprofessional conduct" and also clarifies the sexual boundary language of the rules regarding "unprofessional conduct" to differentiate between a current and former patient in the area of sexual behavior. It is not anticipated that these proposed changes will fiscally impact to any significant degree upon the state budget, local governments, the regulated profession, or the general public except for the possibility that clarification of the sexual boundary issues may result in a lessening of the time spent by the division upon such issues in the course of dealing with complaints and disciplinary cases--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:

Karen Reimherr at the above address, by phone at (801) 530-6767, by FAX at (801) 530-6511, or by Internet E-mail at [brdopl.kreimher@email.state.ut.us](mailto:brdopl.kreimher@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 11/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.  
R156-73. Chiropractic Physician Practice Act Rules.  
R156-73-302b. Qualifications for Licensure - Examination Requirements.**

(1) In accordance with Subsection 58-73-302(1)(f)(i), the approved written clinical competency examination is the National Chiropractic Board Part 3 or the Special Purposes Examination for Chiropract[ors]ic (SPEC) administered by the National Board of Chiropractic Examiners. The passing score shall be established by the National Board of Chiropractic Examiners.

(2) In accordance with Subsection 58-73-302(1)(f)(iii), the approved practical examination is the National Chiropractic Board Part 4 (practical examination) administered by the National Board of Chiropractic Examiners. The passing score shall be established by the National Board of Chiropractic Examiners.

**R156-73-303b. Continuing Education - Standards.**

- (1) The standards for continuing education are as follows:
  - (a) the content must be relevant to chiropractic practice and consistent with the laws and rules of this state;
  - (b) the course must be under the sponsorship of or approved by:
    - (i) a chiropractic college or university whose doctor of chiropractic program [~~or institution~~] is accredited by the Council on Chiropractic Education, Inc.;
    - (ii) a professional association or organization representing a licensed profession whose program objectives relate to the practice of chiropractic; or
    - (iii) the licensing agency of another state; [~~licensing agency~~]
    - (c) learning objectives must be reasonably and clearly stated;
    - (d) teaching methods must be clearly stated and appropriate;
    - (e) faculty must be qualified, both in experience and in teaching expertise;
    - (f) documentation of attendance must be provided; and
    - (g) there shall be no more than four clock hours related to chiropractic practice marketing.
  - (2) A licensee shall be responsible for maintaining competent records of completed continuing education for a period of two years after close of the two year period to which the records pertain.

**R156-73-501. Unprofessional Conduct.**

- "Unprofessional conduct" includes:
- (1) [~~failing without just cause to repay as agreed any loan or other repayment obligation legally incurred by the licensee to fund the licensee's education or training as a chiropractic physician;~~
  - (~~2~~) keeping the office, instruments, laboratory, equipment, appliances or supplies in an unsafe or unsanitary condition;
  - (~~3~~) engaging in advertising which is misleading because of omission of necessary material information, which contains false or misleading statements, or which otherwise operates to deceive;
  - (~~4~~) engaging in or abetting deceptive or fraudulent billing practices;
  - (~~5~~) engaging in sexual contact with a patient [~~or former patient~~], with or without patient consent, within 12 months of last treatment [~~documented termination of services~~];
  - (~~6~~) engaging in sexual activities or contact with a [~~patient or~~] former patient, with or without [~~patient~~] consent, after 12 months of last treatment [~~documented termination of services~~] if there is a risk of exploitation or potential harm to the former patient;
  - (~~7~~) engaging in behaviors in a patient/doctor relationship, including verbal, intended to sexually arouse any person or encourage sexual activity; and
  - (~~8~~) failing to keep the division informed of a current address and telephone number.

**KEY: chiropractors, licensing, chiropractic physician\***  
**1999** **58-73-101**  
**58-1-106(1)**  
**58-1-202(1)**

Insurance, Administration  
**R590-194**  
 Coverage of Dietary Products for  
 Inborn Errors of Amino Acid or Urea  
 Cycle Metabolism

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 22188  
 FILED: 09/27/1999, 16:44  
 RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** During the first comment period additional suggestions were received that have been incorporated in this second change.

**SUMMARY OF THE RULE OR CHANGE:** Subsection R590-194-5(3) eliminates the requirement for a "case manager," and instead requires the use of a "designated person familiar with the pertinent information" in the rule. Subsection R590-194-5(4) requires insurers to pay for dietary products under the major medical benefits of the policy. This change clarifies that claims will be paid out of the major medical benefit and not be subject to any other benefit limitation. Subsection R590-194-5(5) will require insurers to process claims for "low protein modified food products" under billing code standard number 27-4010.

**(DAR Note:** The original proposed amendment upon which this change in proposed rule is based was published in the August 1, 1999, issue of the *Utah State Bulletin*.)

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Sections 31A-2-201 and 31A-22-623, and Subsection 31A-22-614(5)

**ANTICIPATED COST OR SAVINGS TO:**

- ❖ **THE STATE BUDGET:** If insurance companies do not already identify coverage for low protein modified food products, then they may have to refile their policy forms at \$20 per filing. There are currently approximately 700 health insurers licensed to do business in Utah.
- ❖ **LOCAL GOVERNMENTS:** This rule has no effect on local governments in any way since they do not regulate insurance companies.
- ❖ **OTHER PERSONS:** Changing the verbiage from "case manager" to "designated person" will save the companies from having to hire an additional person in their claims division. This person would have been a registered nurse with a base salary of around \$35,000-\$40,000. Those insurance companies that will have to change their forms to comply with the changes in this rule will need to make changes in their forms dealing with dietary products and then file them with the Utah Insurance Department for a cost of \$20 per filing (there are about 350 health insurers actively

selling insurance in Utah today and of these, only an unknown portion would need to update their forms to comply with these changes). Consumers using these dietary products may save money as a result of the clarification that the insurers must cover these claims under the person's major medical coverage and can not be subject to any other benefit limitation.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Changing the verbiage from "case manager" to "designated person" will save the companies from having to hire an additional person in their claims division. This person would have been a registered nurse with a base salary of around \$35,000-\$40,000. Those insurance companies that will have to change their forms to comply with the changes in this rule will need to make changes in their forms dealing with dietary products and then file them with the Utah Insurance Department for a cost of \$20 per filing (there are about 350 health insurers actively selling insurance in Utah today and of these, only an unknown portion would need to update their forms to comply with these changes). Consumers using these dietary products may save money as a result of the clarification that the insurers must cover these claims under the person's major medical coverage and can not be subject to any other benefit limitation.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These additional changes should be a benefit to those insurers who do not already have a case manager, as most would not. The clarification that the dietary product claim is to be covered under the insured's major medical limit will eliminate any attempt to further limit an individuals coverage limit.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 11/15/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 11/04/1999, 10:00 a.m., State Office Building, Room 1112, Salt Lake City, UT 84114.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

**R590. Insurance, Administration.**

**R590-194. Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism.**

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**R590-194-5. Minimum Standards and General Provisions.**

(1) Dietary products used for the treatment of inborn errors of amino acid or urea cycle metabolism must be ~~administered~~used under the direction of a physician.

(2) Preauthorization for dietary products may be required if the preauthorization requirement is stated in the policy.

(3) Each insurer will provide ~~access to a case manager~~direct access to a designated person familiar with the pertinent information in this rule, in order to facilitate the processing of claims for low protein modified food products.

(4) For the purpose of this rule, dietary products will be paid under the major medical benefit, not under any limited benefit, such as Durable Medical Equipment(DME). The dietary product benefit is subject only to the major medical benefit limit.

(5)~~(4)~~ The uniform billing code Standard Number 27-4010, "Coverage for Metabolic Dietary Products," published by the Utah Health Information Network, implemented February 12, 1999, is incorporated in this rule by reference. This uniform billing standard is adopted under 31A-22-614.5, and shall be accepted and utilized for the billing and processing of claims for medical ~~foods~~food and low protein modified food products coverage. This standard is available at the Utah Insurance Department upon request.

~~(5) Low protein modified food products will not utilize the uniform billing code standard Number 27-4010, but will be subject to separate billing codes as determined by the insurers case manager.~~

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**KEY: insurance law  
1999**

**31A-2-201  
31A-22-614.5  
31A-22-623**



Regents (Board of), Administration  
**R765-604**  
New Century Scholarship

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 22052  
FILED: 09/22/1999, 11:22  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After further review, the Board of Regents decided to authorize

only Utah public regionally accredited institutions to grant or verify the student's associate degree. These Utah System institutions have agreed on common criteria for such degrees.

SUMMARY OF THE RULE OR CHANGE: By inserting "Utah public" in Subsections R765-604-3(5) and R765-604-4(3), the Board limited to Utah System of Higher Education institutions those colleges and universities that can grant or verify that a student has completed the requirements of an associate degree.

(DAR Note: The original proposed new rule upon which this change in proposed rule is based was published in the June 1, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-8-105

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--the granting or verifying of associate degrees will be handled within existing budgets.
- ❖LOCAL GOVERNMENTS: None--this rule does not affect local government.
- ❖OTHER PERSONS: None--very few students would have sought the associate degree or verification from a non-system institution in any case.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--the cost of obtaining the associate degree or verification from a Utah System institution is the same as from any other institution.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--businesses are not involved in granting or verifying associate degrees.

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

Regents (Board of)  
Administration  
3 Triad Center, Suite 550  
355 West North Temple  
Salt Lake City, UT 84180, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Harden R. Eyring at the above address, by phone at (801) 321-7106, by FAX at (801) 321-7199, or by Internet E-mail at [heyring@utahsbr.edu](mailto:heyring@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 11/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/16/1999

AUTHORIZED BY: Harden R. Eyring, Executive Assistant

**R765. Regents (Board of), Administration.  
R765-604. New Century Scholarship.**

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**R765-604-3. Definitions.**

- 3.1. "Program" - New Century Scholarship program
- 3.2. "Awards" - New Century Scholarship funds which provide payment equal to 75% of recipient's tuition costs
- 3.3. "SBR" - State Board of Regents
- 3.4. "Recipient" - A Utah resident who has accelerated his or her education process and, prior to September 1 of the year he or she graduates from a regionally accredited Utah high school, completes the requirements for an associate degree.
- 3.5. "Associate Degree" - An Associate of Arts, Associate of Science, or Associate of Applied Science degree, or equivalent academic requirements, as received from or verified by a regionally accredited Utah public college or university, provided that if the college or university does not offer the associate degree, the requirement can be met if the institution's registrar verifies that the student has completed academic requirements equivalent to an associate degree prior to the September 1 deadline.

**R765-604-4. Conditions of the Scholarship.**

- 4.1. Program Terms - The program scholarship may be used at any of Utah's state-operated institutions of higher education that offer baccalaureate programs. Scholarship awards under this program are equal in value to 75% of the actual tuition costs and are valid for up to two years of full-time equivalent enrollment (60 semester credit hours) or until the requirements of a baccalaureate degree has been met, whichever is shorter. A student who has not used the award in its entirety within four years after his or her graduation from high school will become ineligible to receive a program award.
- 4.2. Applicant Qualification - To qualify for the award, an applicant must have graduated from a regionally accredited Utah high school in 1999 or later, and must have completed the requirements for an associate degree by September 1 of the year he or she graduated from high school.
- 4.3. Accredited College or University - The associate degree or verification of equivalent academic requirements must be received from a regionally accredited Utah public institution [~~either public or private~~], provided the institution's academic on-campus residency requirements, if any, will not affect a student's eligibility for the scholarship if the institution's registrar's office verifies that the student has completed the necessary class credits for an associate degree.
- 4.4. Eligible Institutions - The award may be used at any of Utah's state-operated institutions of higher education that offer baccalaureate programs.
- 4.5. Dual Enrollment - The award may be used at more than one of Utah's eligible institutions within the same semester.
- 4.6. Student Transfer - The award may be transferred to a different eligible Utah institution upon the request of the student.

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**KEY: higher education, secondary education, scholarship\*  
July 6, 1999 53B-8-105**

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# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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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).

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## Commerce, Occupational and Professional Licensing **R156-42a** Occupational Therapy Practice Act Rules

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

DAR FILE NO.: 22399  
FILED: 09/28/1999, 09:37  
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: Title 58, Chapter 42a, provides for the licensure of occupational therapists and occupational therapy assistants. Subsection 58-1-106(1) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-42a-201(3) provides that the Occupational Therapy Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) provides that one of the duties of each board is to recommend to the division director appropriate rules. These rules were enacted to clarify the provisions of Title 58, Chapter 42a, with respect to occupational therapists and occupational therapy assistants.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was originally enacted in 1994, no written comments have been received by the Division.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58,

Chapter 42a, with respect to occupational therapists and occupational therapy assistants.

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 Internet E-mail at [brdopl.dfairhur@email.state.ut.us](mailto:brdopl.dfairhur@email.state.ut.us).

AUTHORIZED BY: A. Gary Bowen, Director

EFFECTIVE: 09/28/1999



## Education, Administration **R277-441** Alternative Experimental Pilot Programs

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

DAR FILE NO.: 22406  
FILED: 09/30/1999, 16:32  
RECEIVED BY: NL

### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection

53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities. Subsection 53A-17a-132(4)(b) directs the State Board of Education to select schools for pilot programs and develop selection criteria.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law allows the State Board of Education to adopt rules in accordance with its responsibilities and requires the State Board of Education to select schools for pilot programs and develop selection criteria. Consistent with the law, criteria are necessary to provide for designation of schools to receive money for alternative experimental pilot programs. Though these pilot programs are not primarily extended-year programs, the programs continue to be funded and monitored through the State Office of Education.

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

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

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

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 09/30/1999

rules in accordance with its responsibilities. Section 53A-17a-130 allocates funds to be distributed to Regional Service Centers according to guidelines established by the State Board of Education.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law allows the State Board of Education to adopt rules in accordance with its responsibilities and allocates funds to be distributed to Regional Service Centers according to guidelines established by the State Board of Education. Regional Service Centers continue to exist, especially to provide services for small school districts, and continue to receive funding from the Utah State Office of Education.

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

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

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

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 09/30/1999

Education, Administration R277-456 Funding Regional Service Centers

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22407 FILED: 09/30/1999, 16:32 RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3) allows the State Board of Education to adopt

Education, Administration R277-462 Comprehensive Guidance Program

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22408 FILED: 09/30/1999, 16:32 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-17a-131.8 directs the State Board of Education to establish qualification criteria and distribute Comprehensive Guidance Program funds.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law requires the State Board of Education to establish qualification criteria and distribute Comprehensive Guidance Program funds.

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, Acting Coordinator, School Law

EFFECTIVE: 09/30/1999



Education, Administration  
**R277-463**  
Class Size Reporting

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

DAR FILE NO.: 22409  
FILED: 09/30/1999, 16:32  
RECEIVED BY: NL

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-17a-124.5(7)(b) directs the State Board of Education to establish uniform class size reporting rules for school districts. Subsection 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH

COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law directs the State Board of Education to establish uniform class size reporting rules for school districts and allows the State Board of Education to adopt rules in accordance with its responsibilities.

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

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

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

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 09/30/1999



Education, Administration  
**R277-504**  
Early Childhood, Elementary,  
Secondary, Special Education (K-12),  
Communication Disorders, and Special  
Education (Birth-Age 5) Certification

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

DAR FILE NO.: 22410  
FILED: 09/30/1999, 16:32  
RECEIVED BY: NL

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-402(1)(a) directs the State Board of Education to make rules regarding the certification of educators. Subsection 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law directs

the State Board of Education to make rules regarding the certification of educators and allows the State Board of Education to adopt rules in accordance with its responsibilities.

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

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

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

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 09/30/1999

Education, Administration **R277-714**

Dissemination of Information About Juvenile Offenders

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

DAR FILE NO.: 22411 FILED: 09/30/1999, 16:32 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-11-1003 directs the State Board of Education to adopt rules governing the dissemination of information about violent juvenile offenders in the public schools. Subsection 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law directs the State Board of Education to adopt rules governing the dissemination of information about violent juvenile offenders

in the public schools and allows the State Board of Education to adopt rules in accordance with its responsibilities.

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

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

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

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 09/30/1999

Education, Administration **R277-760**

Flow Through Funds for Students at Risk

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

DAR FILE NO.: 22412 FILED: 09/30/1999, 16:32 RECEIVED BY: NL

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-17a-121(1)(2) requires funds appropriated for students at risk to be distributed according to standards set by the State Board of Education. Subsection 53A-1-401(3) allows the State Board of Education to adopt rules in accordance with its responsibilities.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law requires funds appropriated for students at risk to be distributed according to standards set by the State Board of Education and allows the State Board of Education to adopt rules in accordance with its responsibilities.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 09/30/1999

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

Public Safety  
Driver License  
Calvin Rampton Complex  
4510 South 2700 West  
PO Box 30560  
Salt Lake City, UT 84130-0560, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Vinn Roos at the above address, by phone at (801) 965-4456, by FAX at (801) 964-4482, or Internet E-mail at vroos@email.state.ut.us.

AUTHORIZED BY: David A. Beach, Director

EFFECTIVE: 09/30/1999

Public Safety, Driver License  
**R708-10**  
Classified License System

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

DAR FILE NO.: 22414  
FILED: 09/30/1999, 18:16  
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: As per Section 53-3-412, this rule is necessary to make sure qualified operators get the right type of driver license for the right type of vehicle they are driving. The rule also defines the age requirements for each class of operator. For example, a Class A and B operator must be at least 18 years of age, and a Class C operator must be at least 21 years of age. The rule also defines what is a Class A and a Class M operator, and their age requirements. The rule includes various endorsements and restrictions.

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: We need to continue this rule so individuals who want to drive trucks, school buses, motorcycles, and other vehicles will have the right type of driver license as per their qualifications.

Public Safety, Driver License  
**R708-26**  
Temporary Learner Permit Rules

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

DAR FILE NO.: 22389  
FILED: 09/16/1999, 11:28  
RECEIVED BY: NL

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53-3-104(1)(a)(ii) requires the Driver License Division to provide temporary learner permits for those individuals who are learning to drive a motor vehicle prior to getting a driver license with full driving privileges. The rule also defines what are the restrictions and qualifications, and who is allowed to be in the vehicle when a learner is learning to drive.

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: We need to continue this rule so individuals who are learning to drive can do so in a proper and safe manner.

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

Public Safety  
Driver License  
Calvin Rampton Complex  
4510 South 2700 West  
PO Box 30560  
Salt Lake City, UT 84130-0560, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Vinn Roos at the above address, by phone at (801) 965-4456, by FAX at (801) 964-4482, or Internet E-mail at vroos@email.state.ut.us.

AUTHORIZED BY: David A. Beach, Director

EFFECTIVE: 09/16/1999

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

Public Safety  
Driver License  
Calvin Rampton Complex  
4510 South 2700 West  
PO Box 30560  
Salt Lake City, UT 84130-0560, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Vinn Roos at the above address, by phone at (801) 965-4456, by FAX at (801) 964-4482, or Internet E-mail at vroos@email.state.ut.us.

AUTHORIZED BY: David A. Beach, Director

EFFECTIVE: 09/30/1999

Public Safety, Driver License  
**R708-31**  
Ignition Interlock Systems

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

DAR FILE NO.: 22415  
FILED: 09/30/1999, 18:53  
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: In Subsection 41-6-44.7(12)(a) it states that the commissioner shall make rules setting standards for the certification of ignition interlock systems. The Driver License Division, under the direction of the commissioner, has through this rule established standards for the certification of interlock systems which are used when courts require an individual to have an interlock device installed on their vehicle. It prevents a person from starting their vehicle if they have too much alcohol in their system.

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: We need to continue this rule so individuals who are required by the courts to have an interlock system will get a system that meets the standards.

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

## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Abbreviations

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

### Commerce

#### Consumer Protection

No. 22031 (AMD): R162-2-5. Repairs and Service.  
Published: June 1, 1999  
Effective: September 29, 1999

#### Occupational and Professional Licensing

No. 22202 (AMD): R156-1-308a. Renewal Dates.  
Published: August 15, 1999  
Effective: September 16, 1999

No. 22109 (CPR): R156-38. Residence Lien  
Restriction and Lien Recovery Fund Rules.  
Published: August 15, 1999  
Effective: September 16, 1999

### Environmental Quality

#### Water Quality

No. 22112 (AMD): R317-100. Utah State Project  
Priority System and List for the Utah Wastewater  
Project Assistance Program.  
Published: July 1, 1999  
Effective: October 1, 1999

### Health

#### Community Health Services, Epidemiology

No. 22189 (AMD): R386-702. Communicable  
Disease Rule.  
Published: August 1, 1999  
Effective: October 1, 1999

#### Health Systems Improvement, Child Care Licensing

No. 22193 (NEW): R430-8. Exclusions from Child  
Care Licensing - Parochial Education Institution.  
Published: August 15, 1999  
Effective: September 22, 1999

No. 22194 (AMD): R430-50. Residential Certificate  
Child Care Standards.  
Published: August 15, 1999  
Effective: September 24, 1999

No. 22195 (AMD): R430-60. Hourly Child Care  
Center.

Published: August 15, 1999  
Effective: September 22, 1999

No. 22196 (AMD): R430-90. Licensed Family Child  
Care.

Published: August 15, 1999  
Effective: September 22, 1999

Health Systems Improvement, Health Facility Licensure  
No. 22177 (AMD): R432-35-4. Bureau of Criminal  
Identification.

Published: August 1, 1999  
Effective: September 22, 1999

### Natural Resources

#### Oil, Gas and Mining; Coal

No. 22213 (AMD): R645-100-200. Definitions.  
Published: August 15, 1999  
Effective: October 1, 1999

No. 22215 (AMD): R645-301-700. Hydrology.

Published: August 15, 1999  
Effective: October 1, 1999

No. 22216 (AMD): R645-301-800. Bonding and  
Insurance.

Published: August 15, 1999  
Effective: October 1, 1999

No. 22217 (AMD): R645-302-300. Special Areas of  
Mining.

Published: August 15, 1999  
Effective: October 1, 1999

No. 22218 (AMD): R645-400-100. General  
Information on Authority and Procedures.

Published: August 15, 1999  
Effective: October 1, 1999

No. 22219 (AMD): R645-401-800. Requests for  
Formal Hearing.

Published: August 15, 1999  
Effective: October 1, 1999

## NOTICES OF RULE EFFECTIVE DATES

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### Forestry, Fire and State Lands

No. 22053 (AMD): R652-30-610. Utah Lake  
Agricultural Leases.

Published: June 1, 1999

Effective: September 29, 1999

No. 22054 (AMD): R652-50-610. Utah Lake Grazing  
Permits.

Published: June 1, 1999

Effective: September 29, 1999

### Regents (Board of)

#### Administration

No. 22174 (AMD): R765-685. Utah Educational  
Savings Plan Trust.

Published: August 1, 1999

Effective: September 21, 1999

**End of the Notices of Rule Effective Dates Section**

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

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 1999, including notices of effective date received through October 1, 1999, the effective dates of which are no later than October 15, 1999. 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<br>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 |
|-----------------------------------------------|------------------------------------------------------------|-------------|--------|----------------|---------------------|
| <b>ADMINISTRATIVE SERVICES</b>                |                                                            |             |        |                |                     |
| <u>Facilities Construction and Management</u> |                                                            |             |        |                |                     |
| R23-1-17                                      | Procurement of Construction                                | 22104       | AMD    | 08/09/99       | 99-13/6             |
| R23-3                                         | Authorization of Programs for Capital Development Projects | 22103       | NEW    | 08/09/99       | 99-13/7             |
| R23-29                                        | Across the Board Delegation                                | 22041       | 5YR    | 05/11/99       | 99-11/75            |
| <u>Finance</u>                                |                                                            |             |        |                |                     |
| R25-5                                         | Payment of Per Diem to Boards                              | 21887       | NSC    | 03/05/99       | Not Printed         |
| R25-5                                         | Payment of Per Diem to Boards                              | 22049       | AMD    | 07/13/99       | 99-11/14            |
| R25-7                                         | Travel-Related Reimbursements for State Employees          | 21888       | NSC    | 03/05/99       | Not Printed         |
| R25-7                                         | Travel-Related Reimbursements for State Employees          | 22050       | AMD    | see CPR        | 99-11/15            |
| R25-7                                         | Travel-Related Reimbursements for State Employees          | 22050       | CPR    | 09/01/99       | 99-15/55            |
| R25-8                                         | Meal Allowance                                             | 21889       | NSC    | 03/05/99       | Not Printed         |

## RULES INDEX

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| CODE REFERENCE                                 | TITLE                                                         | FILE NUMBER | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
|------------------------------------------------|---------------------------------------------------------------|-------------|--------|----------------|---------------------|
| <u>Records Committee</u>                       |                                                               |             |        |                |                     |
| R35-1                                          | State Records Committee Appeal Hearing Procedures             | 21751       | NEW    | 03/18/99       | 99-2/2              |
| R35-2                                          | Declining Appeal Hearings                                     | 22069       | NEW    | 07/16/99       | 99-12/6             |
| R35-2-3                                        | Declining Requests for Hearings                               | 22113       | NSC    | 07/16/99       | Not Printed         |
| R35-3                                          | Prehearing Conferences                                        | 22070       | NEW    | 07/16/99       | 99-12/7             |
| R35-4                                          | Compliance with State Records Committee Decisions and Orders  | 22071       | NEW    | 07/16/99       | 99-12/8             |
| R35-5                                          | Subpoenas Issued by the Records Committee                     | 22072       | NEW    | 07/16/99       | 99-12/9             |
| R35-6                                          | Expedited Hearing                                             | 22073       | NEW    | 07/16/99       | 99-12/10            |
| <b>AGRICULTURE AND FOOD</b>                    |                                                               |             |        |                |                     |
| <u>Administration</u>                          |                                                               |             |        |                |                     |
| R51-5                                          | Grazing Advisory Boards                                       | 21884       | 5YR    | 02/22/99       | 99-6/27             |
| <u>Animal Industry</u>                         |                                                               |             |        |                |                     |
| R58-17                                         | Aquaculture and Fish Health                                   | 22122       | AMD    | 08/17/99       | 99-14/7             |
| R58-20                                         | Domesticated Elk Hunting Parks                                | 22123       | NEW    | 08/17/99       | 99-14/16            |
| <u>Plant Industry</u>                          |                                                               |             |        |                |                     |
| R68-15                                         | Quarantine Pertaining to Japanese Beetle, (Popillia Japonica) | 21701       | AMD    | 01/15/99       | 98-24/8             |
| R68-15                                         | Quarantine Pertaining to Japanese Beetle, (Popillia Japonica) | 21808       | AMD    | 03/18/99       | 99-4/7              |
| <u>Regulatory Services</u>                     |                                                               |             |        |                |                     |
| R70-530-6                                      | Water, Plumbing and Waste                                     | 22056       | NSC    | 06/01/99       | Not Printed         |
| R70-630                                        | Water Vending Machine                                         | 22057       | AMD    | 07/06/99       | 99-11/19            |
| <b>COMMERCE</b>                                |                                                               |             |        |                |                     |
| <u>Consumer Protection</u>                     |                                                               |             |        |                |                     |
| R152-2-5                                       | Repairs and Service                                           | 22031       | AMD    | 09/29/99       | 99-11/21            |
| R152-2-10                                      | Deposits and Refunds                                          | 22032       | AMD    | 08/02/99       | 99-11/23            |
| R152-16                                        | Motor Fuel Marketing Act Rules                                | 22211       | 5YR    | 07/29/99       | 99-16/49            |
| R152-21                                        | Credit Services Organizations Act Rules                       | 22212       | 5YR    | 07/29/99       | 99-16/49            |
| <u>Occupational and Professional Licensing</u> |                                                               |             |        |                |                     |
| R156-1-308a                                    | Renewal Dates                                                 | 22202       | AMD    | 09/16/99       | 99-16/7             |
| R156-5a                                        | Podiatric Physician Licensing Act Rules                       | 21907       | 5YR    | 03/02/99       | 99-7/54             |
| R156-24a                                       | Physical Therapist Practice Act Rules                         | 21716       | AMD    | see CPR        | 98-24/11            |
| R156-24a                                       | Physical Therapist Practice Act Rules                         | 21716       | CPR    | 03/09/99       | 99-3/56             |
| R156-26                                        | Certified Public Accountant Licensing Act Rules               | 22166       | AMD    | 08/24/99       | 99-14/18            |
| R156-28                                        | Veterinary Practice Act Rules                                 | 21753       | AMD    | 02/18/99       | 99-2/3              |
| R156-31b                                       | Nurse Practice Act Rules                                      | 21903       | AMD    | 04/15/99       | 99-6/4              |
| R156-37c                                       | Utah Controlled Substance Precursor Act Rules                 | 21908       | 5YR    | 03/02/99       | 99-7/54             |

| CODE REFERENCE     | TITLE                                                                                                                | FILE NUMBER | ACTION | EFFECTIVE DATE | BULLETIN ISSUE/PAGE |
|--------------------|----------------------------------------------------------------------------------------------------------------------|-------------|--------|----------------|---------------------|
| R156-38            | Residence Lien Restriction and Lien Recovery Fund Rules                                                              | 22109       | AMD    | see CPR        | 99-13/8             |
| R156-38            | Residence Lien Restriction and Lien Recovery Fund Rules                                                              | 22109       | CPR    | 09/16/99       | 99-16/46            |
| R156-39a           | Alternative Dispute Resolution Providers Certification Act Rules                                                     | 21905       | 5YR    | 03/01/99       | 99-6/27             |
| R156-42a           | Occupational Therapy Practice Act Rules                                                                              | 22399       | 5YR    | 09/28/99       | 99-20/55            |
| R156-44a           | Nurse Midwife Practice Act Rules                                                                                     | 22200       | 5YR    | 07/22/99       | 99-16/50            |
| R156-46a           | Hearing Instrument Specialist Licensing Act Rules                                                                    | 22341       | 5YR    | 08/26/99       | 99-18/60            |
| R156-50            | Private Probation Provider Licensing Act Rules                                                                       | 21822       | AMD    | 03/18/99       | 99-4/9              |
| R156-50-502        | Unprofessional Conduct                                                                                               | 21927       | NSC    | 03/29/99       | Not Printed         |
| R156-55a           | Utah Construction Trades Licensing Act Rules                                                                         | 22084       | AMD    | 07/19/99       | 99-12/11            |
| R156-56            | Utah Uniform Building Standard Act Rules                                                                             | 22008       | AMD    | 07/01/99       | 99-10/5             |
| R156-56            | Utah Uniform Building Standard Act Rules                                                                             | 22009       | AMD    | see CPR        | 99-10/19            |
| R156-56            | Utah Uniform Building Standard Act Rules                                                                             | 22009       | CPR    | 08/05/99       | 99-13/28            |
| R156-56            | Utah Uniform Building Standard Act Rules                                                                             | 22010       | AMD    | see CPR        | 99-10/21            |
| R156-56            | Utah Uniform Building Standard Act Rules                                                                             | 22010       | CPR    | 08/05/99       | 99-13/29            |
| R156-60a           | Social Worker Licensing Act Rules                                                                                    | 22085       | AMD    | 07/19/99       | 99-12/12            |
| R156-61            | Psychologist Licensing Act Rules                                                                                     | 22201       | 5YR    | 07/22/99       | 99-16/51            |
| R156-61-302a       | Qualifications for Licensure - Education Requirements                                                                | 22102       | AMD    | 08/05/99       | 99-13/12            |
| R156-62            | Health Care Assistant Registration Act Rules                                                                         | 22342       | 5YR    | 08/26/99       | 99-18/60            |
| R156-62-302        | Qualifications for Registration                                                                                      | 21899       | AMD    | 04/15/99       | 99-6/6              |
| R156-62-302        | Qualifications for Registration                                                                                      | 21971       | NSC    | 05/01/99       | Not Printed         |
| R156-63            | Security Personnel Licensing Act Rules                                                                               | 21855       | AMD    | 04/01/99       | 99-5/7              |
| R156-74            | Certified Shorthand Reporters Licensing Act Rules                                                                    | 21812       | NEW    | 03/18/99       | 99-4/12             |
| R156-78            | Rules of the Certified Shorthand Reporters Licensing Board                                                           | 21813       | REP    | 03/18/99       | 99-4/13             |
| <u>Real Estate</u> |                                                                                                                      |             |        |                |                     |
| R162-2-2           | Licensing Procedure                                                                                                  | 21967       | AMD    | 06/03/99       | 99-9/3              |
| R162-6             | Licensee Conduct                                                                                                     | 21968       | AMD    | 06/03/99       | 99-9/4              |
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| R865-6F-35                                                                                                                     | S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703                                                                                | 21761       | AMD    | 03/16/99       | 99-2/59             |
| <b>DAR Note:</b> The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee." |                                                                                                                                                               |             |        |                |                     |
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| R884-24P-27          | Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Section 59-2-704.5                                                                               | 22185       | AMD    | 09/02/99       | 99-15/49            |
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| R884-24P-32          | Leasehold Improvements Pursuant to Utah Code Ann. Section 59-2-303                                                                                                                       | 21975       | NSC    | 06/21/99       | Not Printed         |
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| R884-24P-52          | Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103                                                                                     | 21326       | CPR    | 01/12/99       | 98-23/46            |
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| R986-414                             | Income                                                                                                                                                                                   | 21581       | AMD    | 01/20/99       | 98-22/133           |
| R986-414                             | Income                                                                                                                                                                                   | 21763       | AMD    | 04/08/99       | 99-2/64             |
| R986-417                             | Documentation                                                                                                                                                                            | 21582       | AMD    | 01/20/99       | 98-22/134           |
| R986-419                             | Income Limits                                                                                                                                                                            | 21706       | AMD    | 01/20/99       | 98-24/124           |
| R986-420                             | Maximum Allotments                                                                                                                                                                       | 21707       | AMD    | 01/20/99       | 98-24/125           |
| R986-421                             | Demonstration Programs                                                                                                                                                                   | 21585       | AMD    | 01/20/99       | 98-22/136           |
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| R994-312                                          | Employment Units Records - Confidential | 22220       | 5YR    | 07/30/99       | 99-16/53            |
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| R994-405                                          | Ineligibility for Benefits              | 21746       | AMD    | 02/17/99       | 99-2/72             |
| R994-405                                          | Ineligibility for Benefits              | 21748       | AMD    | 02/17/99       | 99-2/77             |
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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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| Commerce, Occupational and Professional Licensing | 22166       | R156-26        | AMD    | 08/24/99       | 99-14/18            |
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|                                                   | 22410       | R277-504       | 5YR    | 09/30/99       | 99-20/57            |
| <b><u>ACID RAIN</u></b>                           |             |                |        |                |                     |
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|                                                   | 21735       | R307-417       | AMD    | 03/05/99       | 99-1/3              |
|                                                   | 21910       | R307-417       | 5YR    | 03/05/99       | 99-7/55             |
|                                                   | 22042       | R307-417-2     | NSC    | 06/01/99       | Not Printed         |
| <b><u>ADMINISTRATIVE LAW</u></b>                  |             |                |        |                |                     |
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| Education, Applied Technology (Board for), Rehabilitation | 22315                  | R280-150                  | 5YR           | 08/13/99                  | 99-17/129                      |
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| Human Resources Management, Administration                | 22013                  | R477-4                    | AMD           | 06/26/99                  | 99-10/47                       |
|                                                           | 22021                  | R477-12                   | AMD           | 06/26/99                  | 99-10/66                       |
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|                                                           | 21846                  | R602-2-4                  | AMD           | 04/05/99                  | 99-5/40                        |
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|                                                           | 22054                  | R652-50-610               | AMD           | 09/29/99                  | 99-11/62                       |
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| School and Institutional Trust Lands, Administration      | 22083                  | R850-5-200                | NSC           | 06/03/99                  | Not Printed                    |
|                                                           | 21909                  | R850-20-175               | EXP           | 03/03/99                  | 99-7/52                        |
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|                                                           | 21886                  | R510-111                  | NSC           | 02/27/99                  | Not Printed                    |
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|                                    | 21697          | R307-12 (Changed to R307-205) | CPR    | 05/04/99          | 99-7/44                |
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|                                    | 21782          | R307-101-2                    | AMD    | 04/08/99          | 99-3/4                 |
|                                    | 21851          | R307-101-2                    | AMD    | 05/06/99          | 99-5/9                 |
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|                                    | 21591          | R307-150                      | CPR    | 03/04/99          | 99-3/57                |
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|                                    | 21593          | R307-155                      | NEW    | see CPR           | 98-22/62               |
|                                    | 21593          | R307-155                      | CPR    | 03/04/99          | 99-3/59                |
|                                    | 21594          | R307-158                      | NEW    | see CPR           | 98-22/64               |
|                                    | 21594          | R307-158                      | CPR    | 03/04/99          | 99-3/60                |
|                                    | 21504          | R307-170                      | R&R    | see CPR           | 98-20/5                |
|                                    | 21504          | R307-170                      | CPR    | 04/01/99          | 99-5/51                |
|                                    | 22043          | R307-202-5                    | AMD    | 07/15/99          | 99-11/24               |
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|                                    | 22363          | R307-220-3                    | NSC    | 09/22/99          | Not Printed            |
|                                    | 21595          | R307-221                      | AMD    | 01/07/99          | 98-22/66               |
|                                    | 21850          | R307-221                      | NSC    | 02/27/99          | Not Printed            |
|                                    | 21570          | R307-302-2                    | AMD    | 01/07/99          | 98-22/67               |
|                                    | 21698          | R307-309                      | NEW    | see CPR           | 98-24/15               |
|                                    | 21698          | R307-309                      | CPR    | 05/04/99          | 99-7/46                |
|                                    | 21949          | R307-328                      | AMD    | 07/15/99          | 99-9/18                |
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|                                    | 21727          | R307-343                      | NEW    | see CPR           | 98-24/18               |
|                                    | 21727          | R307-343                      | CPR    | 06/02/99          | 99-9/95                |
|                                    | 21852          | R307-403                      | AMD    | 05/06/99          | 99-5/16                |
|                                    | 21900          | R307-415                      | 5YR    | 03/01/99          | 99-6/31                |
|                                    | 22045          | R307-415                      | AMD    | 07/15/99          | 99-11/26               |
|                                    | 21589          | R307-415-3                    | AMD    | 01/07/99          | 98-22/68               |
|                                    | 21853          | R307-420                      | NEW    | 05/06/99          | 99-5/18                |
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|                                    | 22345          | R307-215-1                    | NSC    | 09/01/99          | Not Printed            |
|                                    | 22357          | R307-222-3                    | NSC    | 10/01/99          | Not Printed            |
|                                    | 21735          | R307-417                      | AMD    | 03/05/99          | 99-1/3                 |
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|                                    | 22042          | R307-417-1                    | NSC    | 06/01/99          | Not Printed            |
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| Human Services, Recovery Services                                           | 22158          | R527-450          | AMD    | 08/17/99          | 99-14/42               |
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|                                                                             | 21974          | R884-24P-27       | NSC    | 06/21/99          | Not Printed            |
|                                                                             | 22185          | R884-24P-27       | AMD    | 09/02/99          | 99-15/49               |
|                                                                             | 21931          | R884-24P-32       | AMD    | 06/21/99          | 99-8/61                |
|                                                                             | 21975          | R884-24P-32       | NSC    | 06/21/99          | Not Printed            |
|                                                                             | 22186          | R884-24P-32       | AMD    | 09/02/99          | 99-15/51               |
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|                                                                             | 22028          | R884-24P-57       | AMD    | 09/02/99          | 99-11/73               |
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| Natural Resources, Wildlife Resources                               | 21937          | R657-14           | AMD    | 05/18/99          | 99-8/25                |
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| Environmental Quality, Radiation Control                            | 21682          | R313-28           | AMD    | 03/12/99          | 98-24/46               |
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| Natural Resources, Wildlife Resources                               | 21717          | R657-5            | AMD    | 01/15/99          | 98-24/96               |
|                                                                     | 22076          | R657-5            | AMD    | 07/16/99          | 99-12/87               |
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|                                                                    | 21849          | R384-100          | CPR    | 08/16/99          | 99-13/34               |
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| Environmental Quality, Drinking Water                              | 22204          | R309-352          | AMD    | 09/15/99          | 99-16/18               |
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| <b><u>CERTIFICATION</u></b>                                        |                |                   |        |                   |                        |
| Labor Commission, Safety                                           | 22036          | R616-2            | AMD    | 07/02/99          | 99-11/53               |
|                                                                    | 21454          | R616-3            | AMD    | 01/28/99          | 98-19/84               |
|                                                                    | 22037          | R616-3            | AMD    | 07/02/99          | 99-11/56               |
|                                                                    | 21944          | R616-3-18         | NSC    | 05/01/99          | Not Printed            |
| <b><u>CERTIFIED NURSE MIDWIFE</u></b>                              |                |                   |        |                   |                        |
| Commerce, Occupational and<br>Professional Licensing               | 22200          | R156-44a          | 5YR    | 07/22/99          | 99-16/50               |
| <b><u>CHARITIES</u></b>                                            |                |                   |        |                   |                        |
| Tax Commission, Auditing                                           | 22161          | R865-19S-79       | AMD    | 09/02/99          | 99-14/63               |
|                                                                    | 22094          | R865-19S-106      | AMD    | 09/02/99          | 99-12/91               |
|                                                                    | 22095          | R865-19S-107      | AMD    | 09/02/99          | 99-12/92               |
|                                                                    | 22162          | R865-19S-108      | AMD    | 09/02/99          | 99-14/64               |
| <b><u>CHARTER SCHOOLS</u></b>                                      |                |                   |        |                   |                        |
| Education, Administration                                          | 21773          | R277-470          | NSC    | 01/27/99          | Not Printed            |
| <b><u>CHILD ABUSE</u></b>                                          |                |                   |        |                   |                        |
| Human Services, Child and Family<br>Services                       | 21465          | R512-25           | AMD    | 01/21/99          | 98-19/78               |
| <b><u>CHILD CARE FACILITIES</u></b>                                |                |                   |        |                   |                        |
| Health, Health Systems Improvement,<br>Child Care Licensing        | 22193          | R430-8            | NEW    | 09/22/99          | 99-16/22               |
|                                                                    | 22194          | R430-50           | AMD    | 09/24/99          | 99-16/23               |
|                                                                    | 22195          | R430-60           | AMD    | 09/22/99          | 99-16/24               |
|                                                                    | 22196          | R430-90           | AMD    | 09/22/99          | 99-16/27               |
|                                                                    | 21769          | R430-100-13       | AMD    | 02/25/99          | 99-2/13                |

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| Human Services, Administration,<br>Administrative Services, Licensing | 22164          | R501-7            | AMD    | 09/01/99          | 99-14/33               |
| <b><u>CHILDREN'S HEALTH BENEFITS</u></b>                              |                |                   |        |                   |                        |
| Health, Children's Health Insurance<br>Program                        | 21669          | R382-10           | AMD    | 01/07/99          | 98-23/12               |
|                                                                       | 21843          | R382-10           | NSC    | 02/27/99          | Not Printed            |
| <b><u>CHILD SUPPORT</u></b>                                           |                |                   |        |                   |                        |
| Human Services, Administration                                        | 21916          | R495-879          | 5YR    | 03/11/99          | 99-7/56                |
|                                                                       | 21917          | R495-879          | AMD    | 05/10/99          | 99-7/28                |
| Human Services, Recovery Services                                     | 21870          | R527-39           | AMD    | 04/05/99          | 99-5/33                |
|                                                                       | 21871          | R527-56           | AMD    | 04/05/99          | 99-5/35                |
|                                                                       | 22090          | R527-69           | REP    | 07/16/99          | 99-12/80               |
|                                                                       | 21675          | R527-200          | AMD    | 01/04/99          | 98-23/33               |
|                                                                       | 21809          | R527-210          | 5YR    | 01/26/99          | 99-4/70                |
|                                                                       | 21810          | R527-210          | NSC    | 01/27/99          | Not Printed            |
|                                                                       | 21726          | R527-378          | AMD    | 01/15/99          | 98-24/90               |
|                                                                       | 21811          | R527-430          | AMD    | 03/18/99          | 99-4/49                |
|                                                                       | 22158          | R527-450          | AMD    | 08/17/99          | 99-14/42               |
| <b><u>CHILD WELFARE</u></b>                                           |                |                   |        |                   |                        |
| Human Services, Child and Family<br>Services                          | 21465          | R512-25           | AMD    | 01/21/99          | 98-19/78               |
|                                                                       | 22055          | R512-41           | NEW    | 09/01/99          | 99-11/39               |
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| Natural Resources; Oil, Gas and Mining;<br>Coal                       | 22213          | R645-100-200      | AMD    | 10/01/99          | 99-16/30               |
|                                                                       | 21976          | R645-101          | 5YR    | 04/19/99          | 99-10/110              |
|                                                                       | 21977          | R645-104          | 5YR    | 04/19/99          | 99-10/110              |
|                                                                       | 22215          | R645-301-700      | AMD    | 10/01/99          | 99-16/35               |
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|                                                                       | 22218          | R645-400-100      | AMD    | 10/01/99          | 99-16/41               |
|                                                                       | 21978          | R645-401          | 5YR    | 04/19/99          | 99-10/111              |
|                                                                       | 22219          | R645-401-800      | AMD    | 10/01/99          | 99-16/43               |
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| Environmental Quality, Air Quality                                    | 21727          | R307-343          | NEW    | see CPR           | 98-24/18               |
|                                                                       | 21727          | R307-343          | CPR    | 06/02/99          | 99-9/95                |
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| Public Safety, Administration                                         | 21779          | R698-4            | NEW    | 03/05/99          | 99-3/33                |
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| Health, Community Health Services,<br>Epidemiology                     | 22189          | R386-702          | AMD    | 10/01/99          | 99-15/18               |
| <b><u>COMPENSATORY TIME</u></b>                                        |                |                   |        |                   |                        |
| Human Resource Management,<br>Administration                           | 21803          | R477-8            | AMD    | 05/04/99          | 99-4/42                |
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| Professional Practices Advisory<br>Commission, Administration          | 21921          | R686-100          | AMD    | 05/06/99          | 99-7/31                |
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| Human Resources Management,<br>Administration                          | 22012          | R477-2            | AMD    | 06/26/99          | 99-10/44               |
| Workforce Services, Workforce<br>Information and Payment Services      | 22220          | R994-312          | 5YR    | 07/30/99          | 99-16/53               |
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| Human Resources Management,<br>Administration                          | 22018          | R477-9            | AMD    | 06/26/99          | 99-10/61               |
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| <b><u>CONSUMER PROTECTION</u></b>                                      |                |                   |        |                   |                        |
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| Environmental Quality, Radiation Control                               | 21685          | R313-15-906       | AMD    | 03/12/99          | 98-24/32               |
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| Commerce, Real Estate                                                  | 21969          | R162-9            | AMD    | 06/03/99          | 99-03/10               |
| <b><u>CONTINUOUS MONITORING</u></b>                                    |                |                   |        |                   |                        |
| Environmental Quality, Air Quality                                     | 21504          | R307-170          | R&R    | see CPR           | 98-20/5                |
|                                                                        | 21504          | R307-170          | CPR    | 04/01/99          | 99-5/51                |
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| Commerce, Occupational and<br>Professional Licensing                   | 22109          | R156-38           | AMD    | see CPR           | 99-13/8                |
|                                                                        | 22109          | R156-38           | CPR    | 09/16/99          | 99-16/46               |
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|                                                                                   | 22009          | R156-56           | CPR    | 08/05/99          | 99-13/28               |
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| Natural Resources, Wildlife Resources                                             | 22027          | R657-37           | 5YR    | 05/03/99          | 99-11/75               |
|                                                                                   | 21939          | R657-37           | AMD    | 05/18/99          | 99-8/39                |
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|                                                                                   | 21829          | R251-105          | AMD    | 03/29/99          | 99-4/15                |
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| Education, Administration                                                         | 22097          | R277-452          | AMD    | 07/19/99          | 99-12/42               |
|                                                                                   | 22408          | R277-462          | 5YR    | 09/30/99          | 99-20/56               |
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| <b><u>COVERAGE</u></b>                                                            |                |                   |        |                   |                        |
| Workforce Services, Workforce<br>Information and Payment Services                 | 22192          | R994-310          | 5YR    | 07/20/99          | 99-16/52               |
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| Health, Health Care Financing,<br>Coverage and Reimbursement Policy               | 21529          | R414-303          | AMD    | 01/05/99          | 98-21/31               |
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| Commerce, Consumer Protection                                                     | 22212          | R152-21           | 5YR    | 07/29/99          | 99-16/49               |
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| Regents (Board of), University of Utah,<br>Museum of Natural History (Utah)       | 21966          | R807-1            | NEW    | 06/03/99          | 99-9/86                |
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|                                                                        | 21917          | R495-879          | AMD    | 05/10/99          | 99-7/28                |
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|                                                                        | 22060          | R162-101-2        | AMD    | 07/16/99          | 99-12/25               |
| Environmental Quality, Air Quality                                     | 21588          | R307-101-2        | AMD    | 01/07/99          | 98-22/49               |
|                                                                        | 21782          | R307-101-2        | AMD    | 04/08/99          | 99-3/4                 |
|                                                                        | 21851          | R307-101-2        | AMD    | 05/06/99          | 99-5/9                 |
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| Environmental Quality, Radiation Control                               | 21682          | R313-28           | AMD    | 03/12/99          | 98-24/46               |
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|                                                                        | 22017          | R477-8            | AMD    | 06/26/99          | 99-10/55               |
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|                                                                        | 21680          | R280-202          | NEW    | 01/05/99          | 98-23/10               |
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| Human Resources Management,<br>Administration                          | 22020          | R477-11           | AMD    | 06/26/99          | 99-10/65               |
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| Natural Resources, Wildlife Resources                | 22170          | R657-46           | NEW    | 08/18/99          | 99-14/57               |
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| Environmental Quality, Drinking Water                | 21553          | R309-104          | AMD    | 01/15/99          | 98-21/16               |
|                                                      | 21554          | R309-113          | AMD    | 01/15/99          | 98-21/20               |
|                                                      | 22204          | R309-352          | AMD    | 09/15/99          | 99-16/18               |
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| Education, Administration                            | 22099          | R277-746          | AMD    | 07/19/99          | 99-12/45               |
| Public Safety, Driver License                        | 21579          | R708-2            | R&R    | see CPR           | 98-22/115              |
|                                                      | 21579          | R708-2            | CPR    | 03/18/99          | 99-4/61                |
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| Education, Administration                            | 22412          | R277-760          | 5YR    | 09/30/99          | 99-20/58               |
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| Human Resource Management,<br>Administration         | 22022          | R477-12           | AMD    | 06/26/99          | 99-10/69               |
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| Environmental Quality, Air Quality                   | 21698          | R307-309          | NEW    | see CPR           | 98-24/15               |
|                                                      | 21698          | R307-309          | CPR    | 05/04/99          | 99-7/46                |
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| Commerce, Real Estate                                | 22002          | R162-103          | EMR    | 05/03/99          | 99-10/94               |
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|                                                      | 22098          | R277-709          | AMD    | 07/19/99          | 99-12/44               |
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| Education, Administration                            | 22314          | R277-800          | 5YR    | 08/13/99          | 99-17/128              |
| <b><u>EDUCATIONAL EXPENDITURES</u></b>               |                |                   |        |                   |                        |
| Education, Administration                            | 22407          | R277-456          | 5YR    | 09/30/99          | 99-20/56               |
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| Education, Administration                            | 22205          | R277-451          | NEW    | 09/15/99          | 99-16/8                |

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|                                                                     | 22024          | R277-458          | EMR    | 04/30/99          | 99-10/107              |
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| Education, Administration                                           | 22205          | R277-451          | NEW    | 09/15/99          | 99-16/8                |
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| <b><u>EDUCATIONAL FACILITIES</u></b>                                |                |                   |        |                   |                        |
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|                                                                     | 22037          | R616-3            | AMD    | 07/02/99          | 99-11/56               |
|                                                                     | 21944          | R616-3-18         | NSC    | 05/01/99          | Not Printed            |
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|                                                                   | 21749          | R994-405          | AMD      | 02/17/99          | 99-2/83                |
|                                                                   | 21747          | R994-405          | NSC      | 02/20/99          | Not Printed            |
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|                                                                   | 21746          | R994-405          | AMD      | 02/17/99          | 99-2/72                |
|                                                                   | 21748          | R994-405          | AMD      | 02/17/99          | 99-2/77                |
|                                                                   | 21749          | R994-405          | AMD      | 02/17/99          | 99-2/83                |
|                                                                   | 21747          | R994-405          | NSC      | 02/20/99          | Not Printed            |
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|                                                                   | 21829          | R251-105          | AMD      | 03/29/99          | 99-4/15                |
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|                                                                   | 22015          | R477-6            | AMD      | 06/26/99          | 99-10/50               |
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|                                                                   | 21746          | R994-405          | AMD      | 02/17/99          | 99-2/72                |
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|                                                                                                                                | 21738          | R865-7H-2         | NEW    | 03/16/99          | 99-1/24                |
|                                                                                                                                | 21739          | R865-7H-3         | NEW    | 03/16/99          | 99-1/24                |
|                                                                                                                                | 21740          | R865-13G-14       | AMD    | 04/28/99          | 99-1/25                |
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|                                                                                                                                | 22091          | R657-38           | NSC    | 06/04/99          | Not Printed            |
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| Education, Administration                                                                                                      | 22208          | R277-710          | REP    | 09/15/99          | 99-16/16               |
|                                                                                                                                | 22412          | R277-760          | 5YR    | 09/30/99          | 99-20/58               |
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|                                                                                                                                | 21686          | R313-19           | AMD    | 03/12/99          | 98-24/33               |
|                                                                                                                                | 21948          | R313-19-30        | AMD    | 06/11/99          | 99-9/30                |
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|                                                                     | 22114          | R325-1            | AMD    | 08/19/99          | 99-14/28               |
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|                                                                     | 22115          | R325-2            | AMD    | 08/19/99          | 99-14/30               |
|                                                                     | 21874          | R325-3            | AMD    | 04/05/99          | 99-5/24                |
|                                                                     | 22116          | R325-3            | AMD    | 08/19/99          | 99-14/31               |
|                                                                     | 21875          | R325-4            | AMD    | 04/05/99          | 99-5/25                |
|                                                                     | 21876          | R325-5            | AMD    | 04/05/99          | 99-5/26                |
|                                                                     | 22118          | R325-5            | AMD    | 08/19/99          | 99-14/32               |
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| Environmental Quality, Radiation Control                            | 22081          | R313-70           | AMD    | 08/13/99          | 99-12/68               |
| Human Services, Mental Health                                       | 22048          | R523-1-19         | AMD    | 07/02/99          | 99-11/42               |
| Human Services, Recovery Services                                   | 22090          | R527-69           | REP    | 07/16/99          | 99-12/80               |
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|                                                                     | 21712          | R710-8            | CPR    | 02/23/99          | 99-2/88                |
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| Regents (Board of), Administration                                  | 21673          | R765-607          | NEW    | 01/04/99          | 98-23/38               |
|                                                                     | 21771          | R765-607          | NSC    | 01/27/99          | Not Printed            |
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| Environmental Quality, Air Quality                                  | 22043          | R307-202-5        | AMD    | 07/15/99          | 99-11/24               |
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| Environmental Quality, Air Quality                                  | 21570          | R307-302-2        | AMD    | 01/07/99          | 98-22/67               |
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| Public Safety, Fire Marshal                                         | 21708          | R710-1            | AMD    | 01/15/99          | 98-24/112              |
|                                                                     | 21710          | R710-4            | AMD    | 01/15/99          | 98-24/117              |
|                                                                     | 22184          | R710-9            | AMD    | 09/01/99          | 99-15/41               |
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|                                                                     | 22107          | R392-101          | NSC    | 06/18/99          | Not Printed            |

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|                                                                       | 21697          | R307-12 (Changed<br>to R307-205) | CPR    | 05/04/99          | 99-7/44                |
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| Natural Resources, Wildlife Resources                                 | 22167          | R657-4                           | AMD    | 08/17/99          | 99-14/45               |
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| Tax Commission, Auditing                                              | 21740          | R865-13G-14                      | AMD    | 04/28/99          | 99-1/25                |
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|                                                                      | 22069          | R35-2             | NEW    | 07/16/99          | 99-12/6                |
|                                                                      | 22113          | R35-2-3           | NSC    | 07/16/99          | Not Printed            |
|                                                                      | 22070          | R35-3             | NEW    | 07/16/99          | 99-12/7                |
|                                                                      | 22071          | R35-4             | NEW    | 07/16/99          | 99-12/8                |
|                                                                      | 22072          | R35-5             | NEW    | 07/16/99          | 99-12/9                |
|                                                                      | 22073          | R35-6             | NEW    | 07/16/99          | 99-12/10               |
| <b><u>GOVERNMENT ETHICS</u></b>                                      |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration                        | 22018          | R477-9            | AMD    | 06/26/99          | 99-10/61               |
| <b><u>GOVERNMENT HEARINGS</u></b>                                    |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration                        | 22020          | R477-11           | AMD    | 06/26/99          | 99-10/65               |
| Public Service Commission,<br>Administration                         | 21793          | R746-100          | AMD    | 05/17/99          | 99-3/34                |
| <b><u>GRAMA (Government Records Access and Management Act)</u></b>   |                |                   |        |                   |                        |
| Regents (Board of), Salt Lake<br>Community College                   | 21820          | R784-1            | NEW    | 03/18/99          | 99-4/57                |
| <b><u>GRANTS</u></b>                                                 |                |                   |        |                   |                        |
| Environmental Quality, Water Quality                                 | 22112          | R317-100          | AMD    | 10/01/99          | 99-13/13               |
| Health, Health Systems Improvement,<br>Primary Care and Rural Health | 21802          | R434-10           | AMD    | 03/26/99          | 99-4/36                |
|                                                                      | 21666          | R434-20           | NEW    | 01/07/99          | 98-23/26               |
| <b><u>GRAZING</u></b>                                                |                |                   |        |                   |                        |
| Agriculture and Food, Administration                                 | 21884          | R51-5             | 5YR    | 02/22/99          | 99-6/27                |
| <b><u>GREAT SEAL</u></b>                                             |                |                   |        |                   |                        |
| Lieutenant Governor, Administration                                  | 21963          | R622-2            | NEW    | 06/22/99          | 99-9/84                |
|                                                                      | 22030          | R622-2            | NSC    | 06/22/99          | Not Printed            |
| <b><u>GRIEVANCES</u></b>                                             |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration                        | 22013          | R477-4            | AMD    | 06/26/99          | 99-10/47               |
|                                                                      | 22020          | R477-11           | AMD    | 06/26/99          | 99-10/65               |
|                                                                      | 22021          | R477-12           | AMD    | 06/26/99          | 99-10/66               |
| <b><u>HATCH ACT</u></b>                                              |                |                   |        |                   |                        |
| Human Resources Management,<br>Administration                        | 22018          | R477-9            | AMD    | 06/26/99          | 99-10/61               |
| <b><u>HAZARDOUS AIR POLLUTANT</u></b>                                |                |                   |        |                   |                        |
| Environmental Quality, Air Quality                                   | 21593          | R307-155          | NEW    | see CPR           | 98-22/62               |
|                                                                      | 21593          | R307-155          | CPR    | 03/04/99          | 99-3/59                |
|                                                                      | 21844          | R307-214          | 5YR    | 02/03/99          | 99-5/57                |
| <b><u>HAZARDOUS MATERIALS TRANSPORTATION</u></b>                     |                |                   |        |                   |                        |
| Transportation, Motor Carrier                                        | 21780          | R909-75           | AMD    | 05/04/99          | 99-3/49                |

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| Environmental Quality, Environmental<br>Response and Remediation | 21854          | R311-201          | NSC    | 02/27/99          | Not Printed            |
| Transportation, Motor Carrier                                    | 21780          | R909-75           | AMD    | 05/04/99          | 99-3/49                |
| <b><u>HAZARDOUS WASTE</u></b>                                    |                |                   |        |                   |                        |
| Environmental Quality, Solid and<br>Hazardous Waste              | 21459          | R315-2            | AMD    | see CPR           | 98-19/10               |
|                                                                  | 21459          | R315-2            | CPR    | 02/15/99          | 99-1/28                |
|                                                                  | 21953          | R315-2            | AMD    | 06/11/99          | 99-9/33                |
|                                                                  | 21856          | R315-2-2          | AMD    | 04/15/99          | 99-5/20                |
|                                                                  | 21954          | R315-3            | AMD    | 06/15/99          | 99-9/44                |
|                                                                  | 22046          | R315-4-2          | AMD    | 07/15/99          | 99-11/30               |
|                                                                  | 21955          | R315-5-10         | AMD    | 06/15/99          | 99-9/55                |
|                                                                  | 21956          | R315-7            | AMD    | 06/15/99          | 99-9/56                |
|                                                                  | 21957          | R315-8            | AMD    | 06/15/99          | 99-9/61                |
|                                                                  | 21958          | R315-12           | AMD    | 06/15/99          | 99-9/70                |
|                                                                  | 21959          | R315-13-1         | AMD    | 06/15/99          | 99-9/71                |
|                                                                  | 21960          | R315-14           | AMD    | 06/15/99          | 99-9/72                |
|                                                                  | 21961          | R315-16-1         | AMD    | 06/15/99          | 99-9/73                |
|                                                                  | 21962          | R315-50-9         | AMD    | 06/15/99          | 99-9/76                |
| Transportation, Motor Carrier                                    | 21780          | R909-75           | AMD    | 05/04/99          | 99-3/49                |
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| Health, Administration                                           | 21984          | R380-25           | NEW    | 07/01/99          | 99-10/32               |
| Health, Health Data Analysis                                     | 21755          | R428-10           | AMD    | 03/01/99          | 99-2/10                |
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| Commerce, Occupational and<br>Professional Licensing             | 22342          | R156-62           | 5YR    | 08/26/99          | 99-18/60               |
|                                                                  | 21899          | R156-62-302       | AMD    | 04/15/99          | 99-6/6                 |
|                                                                  | 21971          | R156-62-302       | NSC    | 05/01/99          | Not Printed            |
| <b><u>HEALTH CARE FACILITIES</u></b>                             |                |                   |        |                   |                        |
| Health, Health Systems Improvement,<br>Health Facility Licensure | 22177          | R432-35-4         | AMD    | 09/22/99          | 99-15/33               |
| <b><u>HEALTH FACILITIES</u></b>                                  |                |                   |        |                   |                        |
| Health, Health Systems Improvement,<br>Health Facility Licensure | 21795          | R432-1            | 5YR    | 01/20/99          | 99-4/67                |
|                                                                  | 21775          | R432-2            | 5YR    | 01/11/99          | 99-3/68                |
|                                                                  | 21859          | R432-2            | AMD    | 04/21/99          | 99-5/29                |
|                                                                  | 21776          | R432-3            | 5YR    | 01/11/99          | 99-3/68                |
|                                                                  | 21981          | R432-3            | AMD    | 07/06/99          | 99-10/35               |
|                                                                  | 21815          | R432-4            | 5YR    | 01/29/99          | 99-4/68                |
|                                                                  | 21816          | R432-5            | 5YR    | 01/29/99          | 99-4/68                |
|                                                                  | 21700          | R432-6            | AMD    | 01/29/99          | 98-24/69               |
|                                                                  | 21817          | R432-6            | 5YR    | 01/29/99          | 99-4/69                |
|                                                                  | 21796          | R432-100-23       | AMD    | 04/07/99          | 99-4/25                |
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| Health, Health Data Analysis                                       | 21755          | R428-10           | AMD    | 03/01/99          | 99-2/10                |
| <b><u>HEARING AIDS</u></b>                                         |                |                   |        |                   |                        |
| Commerce, Occupational and Professional Licensing                  | 22341          | R156-46a          | 5YR    | 08/26/99          | 99-18/60               |
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| Labor Commission, Adjudication                                     | 21845          | R602-2-1          | AMD    | 04/05/99          | 99-5/38                |
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| Professional Practices Advisory Commission, Administration         | 21921          | R686-100          | AMD    | 05/06/99          | 99-7/31                |
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| Money Management Council, Administration                           | 21941          | R628-2            | AMD    | 06/01/99          | 99-8/21                |
| Regents (Board of), Administration                                 | 21673          | R765-607          | NEW    | 01/04/99          | 98-23/38               |
|                                                                    | 21771          | R765-607          | NSC    | 01/27/99          | Not Printed            |
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| <b><u>HOSPITAL POLICY</u></b>                                      |                |                   |        |                   |                        |
| Health, Health Data Analysis                                       | 21755          | R428-10           | AMD    | 03/01/99          | 99-2/10                |
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| Environmental Quality, Air Quality                                 | 22357          | R307-222-3        | NSC    | 10/01/99          | Not Printed            |
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| Human Resource Management, Administration                          | 22023          | R477-15           | AMD    | 06/26/99          | 99-10/71               |
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| Human Services, Administration, Administrative Services, Licensing | 21768          | R501-1            | NSC    | 01/27/99          | Not Printed            |
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| Workforce Services, Employment<br>Development                       | 22093          | R986-221          | AMD    | 08/31/99          | 99-12/94               |
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| Environmental Quality, Radiation Control                            | 22080          | R313-35           | AMD    | 08/13/99          | 99-12/66               |
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| Environmental Quality, Radiation Control                            | 21684          | R313-12-3         | AMD    | 03/12/99          | 98-24/26               |
|                                                                     | 21535          | R313-16           | AMD    | 01/15/99          | 98-21/27               |
|                                                                     | 22077          | R313-16           | AMD    | 08/13/99          | 99-12/55               |
|                                                                     | 21947          | R313-18-12        | AMD    | 06/11/99          | 99-9/29                |
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| Human Resources Management,<br>Administration                       | 22016          | R477-7            | AMD    | 06/26/99          | 99-10/52               |
| Insurance, Administration                                           | 21942          | R590-102          | AMD    | See CPR           | 99-8/18                |
|                                                                     | 21942          | R590-102          | CPR    | 07/19/99          | 99-12/98               |
|                                                                     | 21804          | R590-160          | 5YR    | 01/22/99          | 99-4/71                |
|                                                                     | 21790          | R590-165          | AMD    | 03/16/99          | 99-3/23                |
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|                                                                     | 21791          | R590-167          | AMD    | 03/11/99          | 99-3/24                |
|                                                                     | 21725          | R590-170          | NEW    | see CPR           | 98-24/95               |
|                                                                     | 21725          | R590-170          | CPR    | 03/18/99          | 99-3/62                |
|                                                                     | 21792          | R590-175          | AMD    | 03/11/99          | 99-3/29                |
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|                                                                     | 22086          | R590-93           | 5YR    | 05/27/99          | 99-12/103              |
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|                                                                     | 21923          | R590-96           | NSC    | 03/29/99          | Not Printed            |

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|                                               | 21767          | R590-190          | NEW             | see CPR             | 99-2/47                |
|                                               | 21767          | R590-190          | CPR             | 05/26/99            | 99-8/64                |
|                                               | 22082          | R590-190          | AMD             | 07/28/99            | 99-12/81               |
|                                               | 21781          | R590-191          | NEW             | see CPR             | 99-3/30                |
|                                               | 21781          | R590-191          | CPR             | 05/25/99            | 99-8/69                |
|                                               | 21965          | R590-192          | NEW             | see CPR             | 99-9/81                |
|                                               | 21965          | R590-192          | CPR             | 08/27/99            | 99-12/100              |
|                                               | 21765          | R590-194          | NEW             | 03/23/99            | 99-2/52                |
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| Insurance, Administration                     | 21848          | R590-195          | NEW             | 04/22/99            | 99-5/36                |
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|                                               | 20997          | R746-365          | CPR             | 01/13/99            | 98-18/39               |
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|                                               | 21879          | R746-365-4        | AMD             | 06/01/99            | 99-5/42                |
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|                                               | 22165          | R907-64           | NEW             | 08/17/99            | 99-14/65               |
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| Public Safety, Highway Patrol                 | 21945          | R714-500          | NSC             | 05/01/99            | Not Printed            |
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| Environmental Quality, Air Quality            | 21590          | R307-150          | REP             | 03/04/99            | 98-22/55               |
|                                               | 21591          | R307-150          | NEW             | see CPR             | 98-22/56               |
|                                               | 21591          | R307-150          | CPR             | 03/04/99            | 99-3/57                |
|                                               | 21592          | R307-155          | REP             | 03/04/99            | 98-22/60               |
|                                               | 21593          | R307-155          | NEW             | see CPR             | 98-22/62               |
|                                               | 21593          | R307-155          | CPR             | 03/04/99            | 99-3/59                |
|                                               | 21594          | R307-158          | NEW             | see CPR             | 98-22/64               |
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| Health, Laboratory Services                                                       | 21928          | R438-13           | 5YR    | 03/18/99          | 99-8/73                |
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| Environmental Quality, Air Quality                                                | 22363          | R307-220-3        | NSC    | 09/22/99          | Not Printed            |
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| Public Safety, Fire Marshal                                                       | 21901          | R710-9            | AMD    | 04/19/99          | 99-6/21                |
|                                                                                   | 22184          | R710-9            | AMD    | 09/01/99          | 99-15/41               |
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|                                                                | 21850          | R307-221          | NSC    | 02/27/99          | Not Printed            |
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|                                                                      | 21975          | R884-24P-32       | NSC    | 06/21/99          | Not Printed            |
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|                                                                      | 21676          | R884-24P-63       | AMD    | 03/16/99          | 98-23/42               |
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|                                                                             | 21974          | R884-24P-27       | NSC    | 06/21/99          | Not Printed            |
|                                                                             | 22185          | R884-24P-27       | AMD    | 09/02/99          | 99-15/49               |
|                                                                             | 21931          | R884-24P-32       | AMD    | 06/21/99          | 99-8/61                |
|                                                                             | 21975          | R884-24P-32       | NSC    | 06/21/99          | Not Printed            |
|                                                                             | 22186          | R884-24P-32       | AMD    | 09/02/99          | 99-15/51               |
|                                                                             | 22096          | R884-24P-50       | AMD    | 09/02/99          | 99-12/93               |
|                                                                             | 21777          | R884-24P-53       | EMR    | 01/12/99          | 99-3/64                |
|                                                                             | 21789          | R884-24P-53       | AMD    | 03/16/99          | 99-3/46                |
|                                                                             | 22028          | R884-24P-57       | AMD    | 09/02/99          | 99-11/73               |
|                                                                             | 21762          | R884-24P-61       | AMD    | 03/16/99          | 99-2/60                |
|                                                                             | 21676          | R884-24P-63       | AMD    | 03/16/99          | 98-23/42               |
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|                                                                     | 22105          | R277-438          | 5YR    | 06/08/99          | 99-13/37               |
|                                                                     | 22097          | R277-462          | AMD    | 07/19/99          | 99-12/42               |
|                                                                     | 22408          | R277-462          | 5YR    | 09/30/99          | 99-20/56               |
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|                                                      | 21774          | R746-365          | NSC    | 01/15/99          | Not Printed            |
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|                                                      | 21808          | R68-15            | AMD    | 03/18/99          | 99-4/7                 |
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| Environmental Quality, Radiation Control             | 21806          | R313-30           | 5YR    | 01/25/99          | 99-4/66                |
|                                                      | 22079          | R313-30           | AMD    | 08/13/99          | 99-12/64               |
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|                                                      | 21947          | R313-18-12        | AMD    | 06/11/99          | 99-9/29                |
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|                                                      | 22001          | R162-102          | EMR    | 05/03/99          | 99-10/91               |
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|                                                      | 22004          | R162-105          | EMR    | 05/03/99          | 99-10/100              |
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|                                                      | 22005          | R162-106          | EMR    | 05/03/99          | 99-10/102              |
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|                                                                        | 21977          | R645-104          | 5YR    | 04/19/99          | 99-10/110              |
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|                                                                        | 21978          | R645-401          | 5YR    | 04/19/99          | 99-10/111              |
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|                                                                        | 22071          | R35-4             | NEW    | 07/16/99          | 99-12/8                |
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|                                                                        | 22073          | R35-6             | NEW    | 07/16/99          | 99-12/10               |
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|                                                                        | 22091          | R657-38           | NSC    | 06/04/99          | Not Printed            |
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|                                                                        | 21591          | R307-150          | CPR    | 03/04/99          | 99-3/57                |
| <b><u>REQUIREMENTS AND PROCEDURES</u></b>                              |                |                   |        |                   |                        |
| Health, Community Health Services,<br>Chronic Disease                  | 21849          | R384-100          | NEW    | see CPR           | 99-5/27                |
|                                                                        | 21849          | R384-100          | CPR    | 08/16/99          | 99-13/34               |
| <b><u>RESOURCES</u></b>                                                |                |                   |        |                   |                        |
| Workforce Services, Employment<br>Development                          | 22330          | R986-218          | EMR    | 08/17/99          | 99-18/55               |
| <b><u>RETIREMENT</u></b>                                               |                |                   |        |                   |                        |
| Human Resource Management,<br>Administration                           | 22021          | R477-12           | AMD    | 06/26/99          | 99-10/66               |
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| Transportation, Administration                                         | 22124          | R907-64           | EMR    | 06/28/99          | 99-14/76               |
|                                                                        | 22165          | R907-64           | NEW    | 08/17/99          | 99-14/65               |
| <b><u>ROYALTIES</u></b>                                                |                |                   |        |                   |                        |
| School and Institutional Trust Lands,<br>Administration                | 21909          | R850-20-175       | EXP    | 03/03/99          | 99-7/52                |
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| Public Service Commission,<br>Administration                           | 21794          | R746-200          | AMD    | 06/01/99          | 99-3/41                |
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| Education, Administration                                              | 21893          | R277-102          | 5YR    | 02/26/99          | 99-6/28                |
| Education, Applied Technology<br>Education (Board for), Rehabilitation | 22315          | R280-150          | 5YR    | 08/13/99          | 99-17/129              |
| Fair Corporation (Utah State),<br>Administration                       | 21872          | R325-1            | AMD    | 04/05/99          | 99-5/22                |
|                                                                        | 22114          | R325-1            | AMD    | 08/19/99          | 99-14/28               |
|                                                                        | 21873          | R325-2            | AMD    | 04/05/99          | 99-5/23                |
|                                                                        | 22115          | R325-2            | AMD    | 08/19/99          | 99-14/30               |
|                                                                        | 21874          | R325-3            | AMD    | 04/05/99          | 99-5/24                |
|                                                                        | 2116           | R325-3            | AMD    | 08/19/99          | 99-14/31               |
|                                                                        | 21875          | R325-4            | AMD    | 04/05/99          | 99-5/25                |
|                                                                        | 21876          | R325-5            | AMD    | 04/05/99          | 99-5/26                |
|                                                                        | 22118          | R325-5            | AMD    | 08/19/99          | 99-14/32               |
| Health, Community Health Services,<br>Epidemiology                     | 22189          | R386-702          | AMD    | 10/01/99          | 99-15/18               |
| Human Resources Management,<br>Administration                          | 22011          | R477-1            | AMD    | 06/26/99          | 99-10/39               |
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| Public Service Commission,<br>Administration                         | 21793          | R746-100          | AMD    | 05/17/99          | 99-3/34                |
|                                                                      | 21798          | R746-320          | AMD    | 06/05/99          | 99-4/52                |
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| Environmental Quality, Radiation Control                             | 21685          | R313-15-906       | AMD    | 03/12/99          | 98-24/32               |
| Labor Commission, Occupational Safety<br>and Health                  | 21847          | R614-1-4          | AMD    | 04/05/99          | 99-5/41                |
|                                                                      | 22038          | R614-1-4          | AMD    | 07/02/99          | 99-11/46               |
|                                                                      | 22039          | R614-1-7          | AMD    | 07/02/99          | 99-11/47               |
|                                                                      | 21983          | R614-4-4          | NSC    | 05/13/99          | Not Printed            |
| Labor Commission, Safety                                             | 22036          | R616-2            | AMD    | 07/02/99          | 99-11/53               |
|                                                                      | 21454          | R616-3            | AMD    | 01/28/99          | 98-19/84               |
|                                                                      | 22037          | R616-3            | AMD    | 07/02/99          | 99-11/56               |
|                                                                      | 21944          | R616-3-18         | NSC    | 05/01/99          | Not Printed            |
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| Transportation, Motor Carrier, Ports of<br>Entry                     | 21799          | R912-3            | NSC    | 01/27/99          | Not Printed            |
|                                                                      | 21819          | R912-4            | REP    | 06/01/99          | 99-4/58                |
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| Human Resources Management,<br>Administration                        | 22016          | R477-7            | AMD    | 06/26/99          | 99-10/52               |
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| Tax Commission, Auditing                                             | 22161          | R865-19S-79       | AMD    | 09/02/99          | 99-14/63               |
|                                                                      | 22094          | R865-19S-106      | AMD    | 09/02/99          | 99-12/91               |
|                                                                      | 22095          | R865-19S-107      | AMD    | 09/02/99          | 99-12/92               |
|                                                                      | 22162          | R865-19S-108      | AMD    | 09/02/99          | 99-14/64               |
| <b><u>SCHOLARSHIPS</u></b>                                           |                |                   |        |                   |                        |
| Health, Health Systems Improvement,<br>Primary Care and Rural Health | 21802          | R434-10           | AMD    | 03/26/99          | 99-4/36                |
|                                                                      | 21666          | R434-20           | NEW    | 01/07/99          | 98-23/26               |
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| Education, Administration                                            | 22207          | R277-600          | AMD    | 09/15/99          | 99-16/12               |
| Transportation, Motor Carrier                                        | 22346          | R909-3            | 5YR    | 08/30/99          | 99-18/61               |
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| Education, Administration                                            | 22209          | R277-907          | AMD    | 09/15/99          | 99-16/17               |
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| Education, Administration                                            | 21896          | R277-601          | 5YR    | 02/26/99          | 99-6/29                |
| Public Safety, Driver License                                        | 21579          | R708-2            | R&R    | see CPR           | 98-22/115              |
|                                                                      | 21579          | R708-2            | CPR    | 03/18/99          | 99-4/61                |
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| Education, Administration                                            | 22207          | R277-600          | AMD    | 09/15/99          | 99-16/12               |
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| <b><u>SECURITY GUARDS</u></b>                              |                |                   |        |                   |                        |
| Commerce, Occupational and<br>Professional Licensing       | 21855          | R156-63           | AMD    | 04/01/99          | 99-5/7                 |
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|                                                            | 21846          | R602-2-4          | AMD    | 04/05/99          | 99-5/40                |
| <b><u>SHORTHAND REPORTER</u></b>                           |                |                   |        |                   |                        |
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|                                                            | 21813          | R156-78           | REP    | 03/18/99          | 99-4/13                |
| <b><u>SLCC (Salt Lake Community College)</u></b>           |                |                   |        |                   |                        |
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| <b><u>SOCIAL SECURITY</u></b>                              |                |                   |        |                   |                        |
| Human Services, Recovery Services                          | 21726          | R527-378          | AMD    | 01/15/99          | 98-24/90               |
| <b><u>SOCIAL SERVICES</u></b>                              |                |                   |        |                   |                        |
| Human Services, Administration,<br>Administrative Hearings | 22059          | R497-100          | AMD    | 08/17/99          | 99-12/79               |
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| Commerce, Occupational and<br>Professional Licensing       | 22085          | R156-60a          | AMD    | 07/19/99          | 99-12/12               |
| <b><u>SOLAR ENERGY</u></b>                                 |                |                   |        |                   |                        |
| Natural Resources, Energy and<br>Resource Planning         | 22029          | R637-1            | AMD    | 07/30/99          | 99-11/59               |
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|                                                            | 21784          | R315-303          | AMD    | see CPR           | 99-3/14                |
|                                                            | 21784          | R315-303          | CPR    | 05/05/99          | 99-7/48                |
|                                                            | 21439          | R315-304          | AMD    | see CPR           | 98-19/50               |
|                                                            | 21439          | R315-304          | CPR    | 01/05/99          | 98-23/45               |
|                                                            | 21772          | R315-304-1        | NSC    | 01/05/99          | Not Printed            |
|                                                            | 21785          | R315-305-5        | AMD    | 03/15/99          | 99-3/18                |
|                                                            | 21786          | R315-315-6        | AMD    | 03/15/99          | 99-3/19                |
|                                                            | 21919          | R315-315-6        | NSC    | 03/15/99          | Not Printed            |
|                                                            | 21787          | R315-317          | AMD    | 03/15/99          | 99-3/20                |
|                                                            | 21788          | R315-318          | AMD    | see CPR           | 99-3/22                |
|                                                            | 21788          | R315-318          | CPR    | 05/05/99          | 99-7/50                |
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| Natural Resources; Forestry, Fire and State Lands               | 21672          | R652-70-2300      | AMD    | 01/14/99          | 98-23/36               |
| <b><u>STATE ASSISTED LOANS</u></b>                              |                |                   |        |                   |                        |
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| <b><u>STATE BUILDINGS</u></b>                                   |                |                   |        |                   |                        |
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| <b><u>STATE EMPLOYEES</u></b>                                   |                |                   |        |                   |                        |
| Administrative Services, Finance                                | 21887          | R25-5             | NSC    | 03/05/99          | Not Printed            |
|                                                                 | 22049          | R25-5             | AMD    | 07/13/99          | 99-11/14               |
|                                                                 | 21888          | R25-7             | NSC    | 03/05/99          | Not Printed            |
|                                                                 | 22050          | R25-7             | AMD    | see CPR           | 99-11/15               |
|                                                                 | 22050          | R25-7             | CPR    | 09/01/99          | 99-15/55               |
|                                                                 | 21889          | R25-8             | NSC    | 03/05/99          | Not Printed            |
| Human Resources Management, Administration                      | 22015          | R477-6            | AMD    | 06/26/99          | 99-10/50               |
| <b><u>STATE FLAG</u></b>                                        |                |                   |        |                   |                        |
| Lieutenant Governor, Administration                             | 21963          | R622-2            | NEW    | 06/22/99          | 99-9/84                |
|                                                                 | 22030          | R622-2            | NSC    | 06/22/99          | Not Printed            |
| <b><u>STATE PLANNING</u></b>                                    |                |                   |        |                   |                        |
| Administrative Services, Facilities Construction and Management | 22103          | R23-3             | NEW    | 08/09/99          | 99-13/7                |
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| Administrative Services, Records Committee                      | 21751          | R35-1             | NEW    | 03/18/99          | 99-2/2                 |
|                                                                 | 22069          | R35-2             | NEW    | 07/16/99          | 99-12/6                |
|                                                                 | 22113          | R35-2-3           | NSC    | 07/16/99          | Not Printed            |
|                                                                 | 22070          | R35-3             | NEW    | 07/16/99          | 99-12/7                |
|                                                                 | 22071          | R35-4             | NEW    | 07/16/99          | 99-12/8                |
|                                                                 | 22072          | R35-5             | NEW    | 07/16/99          | 99-12/9                |
|                                                                 | 22073          | R35-6             | NEW    | 07/16/99          | 99-12/10               |
| <b><u>STATIONARY SOURCES</u></b>                                |                |                   |        |                   |                        |
| Environmental Quality, Air Quality                              | 22044          | R307-210-1        | AMD    | 07/15/99          | 99-11/25               |
| <b><u>STOVE</u></b>                                             |                |                   |        |                   |                        |
| Environmental Quality, Air Quality                              | 21570          | R307-302-2        | AMD    | 01/07/99          | 98-22/67               |
| <b><u>STUDENT COMPETENCY</u></b>                                |                |                   |        |                   |                        |
| Education, Administration                                       | 21825          | R277-702          | AMD    | 03/22/99          | 99-4/20                |
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| Education, Administration                                       | 22098          | R277-709          | AMD    | 07/19/99          | 99-12/44               |
| <b><u>STUDENTS AT RISK</u></b>                                  |                |                   |        |                   |                        |
| Education, Administration                                       | 21902          | R277-436          | AMD    | 04/15/99          | 99-6/12                |

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|                                                                                                                                | 22079          | R313-30                          | AMD      | 08/13/99          | 99-12/64               |
|                                                                                                                                | 22080          | R313-35                          | AMD      | 08/13/99          | 99-12/66               |
|                                                                                                                                | 21807          | R313-38                          | 5YR      | 01/25/99          | 99-4/66                |
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| <b><u>TAILINGS</u></b>                                                                                                         |                |                                  |          |                   |                        |
| Environmental Quality, Air Quality                                                                                             | 21697          | R307-12 (Changed<br>to R307-205) | AMD      | see CPR           | 98-24/12               |
|                                                                                                                                | 21697          | R307-12 (Changed<br>to R307-205) | CPR      | 05/04/99          | 99-7/44                |
| <b><u>TAXATION</u></b>                                                                                                         |                |                                  |          |                   |                        |
| Tax Commission, Auditing                                                                                                       | 21760          | R865-6F-34                       | AMD      | 03/16/99          | 99-2/58                |
|                                                                                                                                | 21761          | R865-6F-35                       | AMD      | 03/16/99          | 99-2/59                |
| <b>DAR Note:</b> The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee." |                |                                  |          |                   |                        |
|                                                                                                                                | 21737          | R865-7H-1                        | NEW      | 03/16/99          | 99-1/22                |
|                                                                                                                                | 21738          | R865-7H-2                        | NEW      | 03/16/99          | 99-1/24                |
|                                                                                                                                | 21739          | R865-7H-3                        | NEW      | 03/16/99          | 99-1/24                |
|                                                                                                                                | 21740          | R865-13G-14                      | AMD      | 04/28/99          | 99-1/25                |
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|                                                                                                                                | 21974          | R884-24P-27                      | NSC      | 06/21/99          | Not Printed            |
|                                                                                                                                | 22185          | R884-24P-27                      | AMD      | 09/02/99          | 99-15/49               |
|                                                                                                                                | 21931          | R884-24P-32                      | AMD      | 06/21/99          | 99-8/61                |
|                                                                                                                                | 21974          | R884-24P-32                      | NSC      | 06/21/99          | Not Printed            |
|                                                                                                                                | 22186          | R884-24P-32                      | AMD      | 09/02/99          | 99-15/51               |
|                                                                                                                                | 22096          | R884-24P-50                      | AMD      | 09/02/99          | 99-12/93               |
|                                                                                                                                | 21326          | R884-24P-52                      | AMD      | see CPR           | 98-16/58               |
|                                                                                                                                | 21326          | R884-24P-52                      | CPR      | 01/12/99          | 98-23/46               |
|                                                                                                                                | 21777          | R884-24P-53                      | EMR      | 01/12/99          | 99-3/64                |
|                                                                                                                                | 21789          | R884-24P-53                      | AMD      | 03/16/99          | 99-3/46                |
| 22028                                                                                                                          | R884-24P-57    | AMD                              | 09/02/99 | 99-11/73          |                        |
| 21762                                                                                                                          | R884-24P-61    | AMD                              | 03/16/99 | 99-2/60           |                        |
| 21676                                                                                                                          | R884-24P-63    | AMD                              | 03/16/99 | 98-23/42          |                        |
| 21998                                                                                                                          | R884-24P-64    | AMD                              | 06/21/99 | 99-10/89          |                        |
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|                                                                                                                                | 22094          | R865-19S-106                     | AMD      | 09/02/99          | 99-12/91               |
|                                                                                                                                | 22095          | R865-19S-107                     | AMD      | 09/02/99          | 99-12/92               |
|                                                                                                                                | 22162          | R865-19S-108                     | AMD      | 09/02/99          | 99-14/64               |

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|                                                                   | 22410          | R277-504          | 5YR    | 09/30/99          | 99-20/57               |
|                                                                   | 21824          | R277-519          | AMD    | 03/22/99          | 99-4/19                |
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| Professional Practices Advisory<br>Commission, Administration     | 21922          | R686-103          | NEW    | 05/06/99          | 99-7/40                |
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| Public Service Commission,<br>Administration                      | 20997          | R746-365          | NEW    | see CPR           | 98-9/50                |
|                                                                   | 20997          | R746-365          | CPR    | 01/13/99          | 98-18/39               |
|                                                                   | 21774          | R746-365          | NSC    | 01/15/99          | Not Printed            |
|                                                                   | 21879          | R746-365-4        | AMD    | 06/01/99          | 99-5/42                |
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| Public Safety, Highway Patrol                                     | 21882          | R714-600          | NEW    | 04/15/99          | 99-6/25                |
| <b><u>TRAINING</u></b>                                            |                |                   |        |                   |                        |
| Natural Resources, Wildlife Resources                             | 22170          | R657-46           | NEW    | 08/18/99          | 99-14/57               |
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| Administrative Services, Finance                                  | 21888          | R25-7             | NSC    | 03/05/99          | Not Printed            |
|                                                                   | 22050          | R25-7             | AMD    | see CPR           | 99-11/15               |
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|                                                                   | 21948          | R313-19-30        | AMD    | 06/11/99          | 99-9/30                |
| <b><u>TRANSPORTATION SAFETY</u></b>                               |                |                   |        |                   |                        |
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|                                                                   | 21886          | R510-111          | NSC    | 02/27/99          | Not Printed            |
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