

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

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

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

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SPECIAL NOTICES

PROCLAMATION

WHEREAS, since the close of the 2000 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 Fourteenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of November, 2000, 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 2000 General Session of the 53rd Legislature of the State of Utah.

IN TESTIMONY 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 31st day of October, 2000.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT COMMUNITY DEVELOPMENT, LIBRARY

PUBLIC NOTICE OF AVAILABLE UTAH STATE PUBLICATIONS

The Utah State Library Division has made available Utah State Publications List No. 00-22, dated October 27, 2000 (<http://www.state.lib.ut.us/00-22.html>). For a copy of the complete list, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773; or view them on the World Wide Web at the address above.

**DEPARTMENT OF HEALTH
HEALTH CARE FINANCING**

**PUBLIC NOTICE
UTAH MEDICAID IS REDUCING SOME LIMITED SERVICES**

Utah Medicaid is reducing some limited services detailed as follows:

Dental Program

Coverage for Code D9951, occlusal adjustment and Code D9610, therapeutic drug injection, have been discontinued by Medicaid.

Vision Services

Vision Codes v2740, rose tint #1 and V2742, rose tint #2 are no longer covered by Medicaid beginning January 1, 2001. The ultraviolet protection from these tints is inherently provided through the plastic/polycarbonate lenses regularly used in the vision program. As convenience and/or patient preference items, these tints are now non-covered benefits in Medicaid.

Taxi Reimbursement Changes

Beginning January 1, 2001, taxi codes A0100 (taxi one-way) and Y1120 (taxi round trip) will be reimbursed at \$1.40 per mile. This change has been necessitated due to abusive billing practices by many providers using the percent of bill charges methodology.

Non-emergency Transportation Changes

A transportation broker for all Medicaid non-emergency transportation services, except public transportation, is being acquired by Medicaid. This operation will supercede all other Medicaid transportation providers when the contract is completed. Medicaid non-emergency transportation will be only available through the contractor after the contract date, which is estimated to be on March 1, 2001.

Questions regarding these changes may be directed to Don Hawley at the Division of Health Care Financing by phone at (801) 538-6483.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between October 17, 2000, 12:00 a.m., and November 1, 2000, 11:59 p.m., are included in this, the November 15, 2000, 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 December 15, 2000. 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 March 15, 2001, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

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

The Proposed Rules Begin on the Following Page.

Administrative Services, Administrative Rules
R15-6
Rulemaking Decision and Administrative Record

NOTICE OF PROPOSED RULE

(Repeal)
 DAR FILE NO.: 23290
 FILED: 11/01/2000, 16:35
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R15-6 is being repealed in its entirety because it restates requirements found elsewhere in state statute or in case law.

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

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-46a-10

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--Each state agency that promulgates administrative rules is still required by state statute and case law to consider public comment received.
- ❖LOCAL GOVERNMENTS: None--Local government entities do not file administrative rules with the division. Therefore, the division's rules do not affect local governments.
- ❖OTHER PERSONS: None--Other persons do not file administrative rules with the division. Therefore, the division's rules do not affect other persons. Each state agency that promulgates administrative rules is still required by state statute and case law to consider public comment received.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The requirements found in this rule already exist in statute and case law.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The repeal of Rule R15-6 simply eliminates duplicate requirements placed on agencies that already exist in statute and case law. The elimination of this rule will have no fiscal impact on businesses.

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

Administrative Services
 Administrative Rules
 4120 State Office Building
 450 North Main St
 PO Box 141007
 Salt Lake City, UT 84114-1007, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Kenneth A. Hansen at the above address, by phone at (801) 538-3777, by FAX at (801) 538-1773, or by Internet E-mail at khansen@das.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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/30/2000

AUTHORIZED BY: Kenneth A. Hansen, Director

R15. Administrative Services, Administrative Rules.
[R15-6. Rulemaking Decision and Administrative Record:

~~R15-6-1. Authority and Purpose:~~

~~— (1) In response to standards of judicial review of administrative rules identified in Section 63-46a-12.1, this rule requires agency consideration of public comment before rulemaking.~~

~~— (2) The requirements of this rule are authorized under Section 63-46a-10, in conjunction with Subsection 63-46a-12.1(4)(a)(ii).~~

~~R15-6-2. Definitions:~~

~~— Terms used in this rule are defined in Section 63-46a-2.~~

~~R15-6-3. Rulemaking Decision:~~

~~— (1) The agency head or his designee shall consider the administrative record, including public comment, or a summary of the record prepared by agency staff, before initiating procedures to make, amend, or make effective the rule proposal.~~

~~— (2) The agency head or his designee may confer with agency staff, including the hearing officer, and with interested parties at any time prior to reaching his decision to make, amend, or make effective a rule proposal.~~

~~— (3) If the agency held a hearing on the proposed rule pursuant to a request under Section 63-46a-5, it shall notify in writing all persons who petitioned for the hearing of the agency's decision regarding the rulemaking proposal.~~

~~KEY: administrative procedure~~

~~1990~~ ~~63-46a-10~~
~~Notice of Continuation October 16, 2000]~~



Agriculture and Food, Animal Industry
R58-7-2
Definitions

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 23250
 FILED: 10/19/2000, 10:13
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The change is made to add another form of livestock to "Definitions".

SUMMARY OF THE RULE OR CHANGE: This change is made to include "domestic elk" in Subsection R58-7-2(B).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 4-2-2 and 4-30-3

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no cost or savings to the state budget. The change affects the "Definitions" of the rule only and does not affect the way the rule applies to any person engaged in a business that might be affected by this rule.

❖LOCAL GOVERNMENTS: There will be no cost or savings to the local government. The change affects the "Definitions" of the rule only and does not affect the way the rule applies to any person engaged in a business that might be affected by this rule.

❖OTHER PERSONS: There will be no cost or savings. The change affects the "Definitions" of the rule only and does not affect the way the rule applies to any person engaged in a business that might be affected by this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost. The change affects the "Definitions" of the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on businesses. The change affects the "Definitions" of the rule.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Terry Menlove at the above address, by phone at (801) 538-7166, by FAX at (801) 538-7169, or by Internet E-mail at tmenlove@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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Cary G. Peterson, Commissioner

R58. Agriculture and Food, Animal Industry.

R58-7. Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons.

R58-7-2. Definitions.

A. "Commissioner" means the commissioner of Agriculture and Food.

B. "Livestock" means cattle, domestic elk, swine, equines, sheep, goats, camelids, ratites, and bison.

C. "Representative" means a dealer licensed in Utah under Section 4-7-7 who is a resident of this state, or who is a representative of, or who in any capacity conducts business with a livestock auction market licensed under Section 4-30-4, which does business with an in state or out of state satellite video livestock auction market.

D. "Satellite video livestock auction market" means a place or establishment or business conducted or operated for compensation or profit as a public market where livestock or other agricultural related products located in this state are sold or offered for sale at a facility within or outside the state through the use of an electronically televised or recorded media presentation, which is, or can be exhibited at a public auction.

E. "Livestock market" means a public market place consisting of pens or other enclosures where all classes of livestock or poultry are received on consignment and kept for subsequent sale, either through public auction or private sale.

F. "Livestock dealer" means a person engaged in the business of purchasing livestock for immediate resale or interstate shipment for immediate resale.

KEY: livestock

[July 18]December 16, 2000

Notice of Continuation October 19, 2000

4-2-2

4-30-3



Commerce, Occupational and Professional Licensing

R156-11a

Cosmetologist/Barber Licensing Act Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23260

FILED: 10/24/2000, 11:05

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As a result of legislative amendments made to Title 58, Chapter 11a, the Cosmetologist/Barber Licensing Act, during the 2000 legislative session (see S.B. 152), changes are being proposed to the rules associated with the statute.

(DAR Note: S.B. 152 is found at 200 Utah Laws 180, and was effective May 1, 2000.)

SUMMARY OF THE RULE OR CHANGE: In Section R156-11A-102, added a definition for "direct supervision of an on the job training intern". In Section R156-11A-302a regarding examination requirements, added that an applicant for licensure may also pass an equivalent practical exam taken in another state. In Section R156-11A-502 regarding unprofessional conduct, added definitions of unprofessional conduct relating to on the job training internships. In Section R156-11A-601 regarding school accreditation, changes were made to define how a newly licensed school meets the initial requirements for accreditation and sets the time limitation in accordance with the accrediting body requirements. In Section R156-11A-606, added that cosmetology/barber schools are responsible for maintaining student records. Added new Section R156-11A-702 which defines the requirements that an individual enrolled in a licensed cosmetology/barber school in the state must meet to qualify for exemption from licensure when working as an on the job training intern.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-11a-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division will incur only minimal costs to reprint the rule once these proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

❖LOCAL GOVERNMENTS: Proposed rule does not apply to local governments.

❖OTHER PERSONS: The Division anticipates minimal savings to cosmetology/barber applicants for licensure from another state in that the proposed amendment regarding practical examinations accepted should reduce problems that the applicant may face in arranging to take the Utah Practical Examination. The Division also anticipates savings to licensed cosmetologist/barbers in that they can utilize on the job training interns to perform basic tasks that are currently being performed by the licensee. Utilizing an on the job training intern may allow the licensee to service more clients, thus increasing their profitability.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division estimates that any costs to persons affected by the adoption of these proposed amendments will be minimal and if anything, will actually result in a savings to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule amendment will allow cosmetology/barber school students to work as interns in commercial establishments under the direct supervision of a licensed cosmetologist/barber to perform certain basic and somewhat menial tasks. As a result of this amendment, businesses will be able to hire interns at a lower wage to perform services currently being performed by fully licensed practitioners. As a result of utilizing interns, the licensed practitioners will have more time to see additional clients and more time to devote to performing more difficult and profitable tasks. Interns paid at a lesser wage than licensed practitioners will also allow maximization of profitability. 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:

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 12/15/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/04/2000, 9:00 a.m., 160 East 300 South, Conference Room 4B (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: A. Gary Bowen, Director

R156. Commerce, Occupational and Professional Licensing. R156-11a. Cosmetologist/Barber Licensing Act Rules.

R156-11a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 11a, as used in Title 58, Chapters 1 and 11a or these rules:

(1) "Direct supervision of an on the job training intern", as used in Subsections 58-11a-304(8), means that the on the job training intern's cosmetology/barber supervisor works in the facility and is on the premises at the time the on the job training intern is working and is available for advice, direction, and consultation.

(2) "[u]nprofessional conduct" is further defined, in accordance with Subsection 58-1-203(5), in Section R156-11a-502.

R156-11a-302a. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-11a-302(1)(e), 58-11a-302(2)(d), 58-11a-302(3)(f), and 58-11a-302(4)(e), the examination requirements for licensure are established as follows:

(1) Applicants for licensure as a cosmetologist/barber shall:
(a) pass the Utah Law and Rules Examination with a score of at least 75%;

(b)(i) pass the Utah Theory Exam with a score of at least 75%;
or

(ii) pass the National-Interstate Council of State Boards of Cosmetology National examination with a passing score as established by the Council of State Boards of Cosmetology; and

(c)(i) pass the Utah Practical Exam or an equivalent Practical Exam taken in another state; or

(ii) have practiced as a licensed cosmetologist/barber in another state for a period of not less than 4,000 hours.

(2) Applicants for licensure as a cosmetologist/barber apprentice shall pass the Utah Law and Rules Examination with a passing score of at least 75%.

(3) Applicants for licensure as a cosmetologist/barber instructor shall pass the following:

(a) the Utah Cosmetologist/Barber Instructor Licensing Examination with a passing score of at least 75%; and

(b) the Utah Law and Rules Examination with a passing score of at least 75%.

(4) Applicants for licensure as an electrologist shall pass the following:

(a) the National-Interstate Council of State Boards of Cosmetology Electrologist test with a passing score as established by the Council of State Boards of Cosmetology; and

(b) the Utah Law and Rules Examination with a passing score of at least 75%.

R156-11a-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(a) failing to provide direct supervision of an apprentice, cosmetology/barber student, or student instructor;

(b) failing to obtain accreditation as a cosmetology/barber school within the specified time;

(c) failing to maintain accreditation as a cosmetology/barber school after having been approved for accreditation;

(d) failing to comply with the standards of accreditation applicable to cosmetology/barber schools;

(e) failing to provide adequate instruction or training as applicable to a cosmetology/barber school or apprentice supervisor;

(f) failing to comply with Title 26 of the Utah Health Code;[~~and~~]

(g) failing to comply with the apprentice program requirements as set forth in Section R156-11a-701;

(h) failing to comply with the requirements of an on the job training internship as set forth in Subsections 58-11a-304(8) and R156-11a-702;

(i) failing as a licensed cosmetologist/barber to directly supervise an on the job training intern;

(j) allowing an unlicensed individual to work in an on the job training internship when the intern is not enrolled in a cosmetology/barber school licensed in the state; and

(k) allowing an unlicensed individual to work as an on the job training intern who is enrolled in a cosmetology/barber school licensed in the state but who does not meet the requirements of R156-11a-702.

R156-11a-601. Standard for Accreditation.

In accordance with Subsections 58-11a-302(5)(c)(iii) and 58-11a-302(5)(c)(iv), the accreditation standards for cosmetology/barber schools include:

(1) Each school shall be required to become accredited by:

(a) the National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS); or

(b) other accrediting commissions recognized by the Utah Board of Regents for post secondary schools.

(2) Each school shall maintain and keep the accreditation current.

(3) A new school shall submit an application for [~~accreditation within 20 months~~]candidate status for accreditation to an accrediting commission within one week of receiving licensure from the Division as a cosmetology/barber school and shall provide evidence of receiving candidate status from the accrediting

commission to the Division within 90 days of the date the school was licensed.

(4) The school shall have 24 months following the date the application for candidate status for accreditation was submitted to the accrediting commission to be approved for accreditation.

(5) Each school shall at all times comply with the standards for cosmetology/barber schools set by the National Accrediting Commission of Cosmetology Arts and Sciences (NACCAS).

R156-11a-606. Standards for Protection of Students.

In accordance with Subsection 58-11a-302(5)(c)(iv), standards for the protection of students shall include the following:

(1) Schools are responsible to maintain each students' records and upon request by a student shall provide to the student information such as accumulated student hours and dates of attendance. In the event a school ceases to operate for any reason, the school shall notify the division within 15 days by registered or certified mail and shall name a trustee who will be responsible to maintain the student records. Upon request, the trustee shall provide information such as accumulated student hours and dates of attendance.

(2) Schools shall not use students to perform maintenance, janitorial or remodel work such as scrubbing floor, walls or toilets, cleaning windows, waxing floors, painting, decorating, or performing any outside work on the grounds or building. Students may be required to clean up after themselves and to perform or participate in daily cleanup of work stations, shampoo bowls, laundering of towels and linen and other general cleanup duties that are related to the performance of client services.

(3) Schools shall not require students to sell cosmetology/barber products for the school as a condition to graduate, but may provide instruction in cosmetology/barber products sales techniques as part of their curriculum.

(4) Schools shall keep a written daily log of student attendance at the beginning and end of each break.

(5) Schools shall not be permitted to remove hours earned by a student. If a student is late for class, the school may require the student to retake the class before giving credit for the class.

R156-11a-702. On the Job Training Internship.

In accordance with Subsection 58-11a-304(8), students enrolled in a licensed cosmetology/barber school may participate in an on the job training internship if they meet the following requirements:

(1) The on the job training intern must have completed at least 1200 hours of the training contracted for with a cosmetology/barber school, of which 600 hours shall be clinical hours.

(2) The on the job training intern must comply with all the rules of conduct, attendance, and provisions for make up work requirements as established in R156-11a-608.

(3) There shall be a conspicuous sign near the work station of the on the job training intern stating "Intern in Training".

(4) A licensed cosmetology/barber supervisor shall supervise only one on the job training intern at a time.

(5) An on the job training intern while working under the direct supervision of a licensed cosmetologist/barber may perform the following procedures:

(a) draping;

(b) shampooing;

- (c) roller setting;
- (d) blow drying styling;
- (e) remove color by rinsing and shampooing;
- (f) remove permanent chemicals;
- (g) remove permanent rods;
- (h) remove rollers;
- (i) apply temporary rinses, reconditioners, and rebuilders;
- (j) act as receptionists;
- (k) do retail sales;
- (l) sanitize the salon;
- (m) do inventory and order supplies; and
- (n) hand equipment to the cosmetologist/barber supervisor.

(6) The cosmetologist/barber supervisor must have in their possession a letter, which must be updated on a quarterly basis, from the school where the on the job training intern is enrolled stating that the on the job training intern is currently in good standing at the school and is complying with school requirements.

(7) Credit toward graduation for work as an on the job training intern will not be allowed.

KEY: licensing, barbers, cosmetologists*
[August 15, 1997]2000

58-11a-101
58-1-106(1)
58-1-202(1)

◆ ————— ◆

**Commerce, Occupational and
Professional Licensing
R156-17a
Pharmacy Practice Act Rules**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23253

FILED: 10/23/2000, 13:50

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needed to amend the rule after further Division and Board review and discussion.

SUMMARY OF THE RULE OR CHANGE: In Section R156-17A-601 regarding pharmacy technician operating standards, amendments were made to allow a licensed pharmacist who is on duty to provide general supervision to three pharmacy technicians, of which only one can be an unlicensed technician. The proposed amendment increases the number of pharmacy technicians to assist the pharmacist from two to three. In Section R156-17A-612, the United States Pharmacopeia/National Formulary, which is incorporated by referenced, was updated to include Supplement 2, dated July 1, 2000.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 58-17a-101 and 58-37-1; and Subsections 58-1-106(1) and 58-1-202(1)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes USP/NF Supplement 1, dated January 1, 2000; and replaces it with Supplement 2, dated July 1, 2000

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The Division will incur only minimal costs to reprint the rules once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

❖**LOCAL GOVERNMENTS:** Proposed amendments do not apply to local government.

❖**OTHER PERSONS:** The Division anticipates minimal savings to licensed pharmacists and pharmacies in that having additional pharmacy technicians would allow the pharmacist to spend more time on duties that only a pharmacist may engage in. The Division is unable to determine an exact amount of savings since the amount could vary from pharmacy to pharmacy depending on the pharmacy's individual circumstances. The general public may benefit as the on-duty pharmacist would be able to spend more time on customer counseling and prescription quality control. There is no additional cost associated with the updating of the United States Pharmacopeia/National Formulary as the supplement is included in the yearly renewal fee.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division does not anticipate any additional compliance costs as a result of these proposed amendments. The Division only anticipates minimal savings as identified above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this proposed rule is to allow a single pharmacist to have three pharmacy technicians working under his supervision instead of the current limit of two technicians. This rule should favorably impact the regulated profession by permitting an increased amount of less skilled procedures to be performed by lower paid technicians, freeing the higher paid pharmacist to devote more time to higher revenue productive practice areas requiring more skill and knowledge or to management of the business. 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:

Daniel T. Jones at the above address, by phone at (801) 530-6767, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.djones@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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: A. Gary Bowen, Director

R156. Commerce, Occupational and Professional Licensing.

R156-17a. Pharmacy Practice Act Rules.

R156-17a-601. Operating Standards - Pharmacy Technician - Scope of Practice.

In accordance with Subsection 58-17a-102(42), the scope of practice of a pharmacy technician is defined as follows:

(1) The pharmacy technician may perform any task associated with the physical preparation and processing of prescription and medication orders including:

- (a) receiving written prescriptions;
- (b) taking refill orders;
- (c) entering and retrieving information into and from a database, or patient profile;
- (d) preparing labels;
- (e) retrieving medications from inventory;
- (f) counting and pouring into containers;
- (g) placing medications into patient storage containers;
- (h) affixing labels;
- (i) compounding; and
- (j) other non-judgmental tasks.

(2) The pharmacy technician shall not receive new oral prescriptions or medication orders nor perform drug utilization reviews.

(3) The licensed pharmacist on duty can at his discretion~~staff~~ provide general supervision as defined in Subsection 58-17a-102(17) to no more than ~~two~~three pharmacy technicians, only one of which can be an unlicensed technician, who are actually on duty at any one time.

R156-17a-612. Operating Standards - Pharmaceutical Wholesaler/Distributor and Pharmaceutical Manufacturer located in Utah.

In accordance with Subsection 58-17a-601(1), the operating standards for pharmaceutical wholesaler/distributor and pharmaceutical manufacturer licensee includes the following:

(1) A separate license shall be obtained for each separate location engaged in the distribution or manufacturing of prescription drugs.

(2) A separate license shall be obtained for wholesale distribution activity and manufacturing activity.

(3) The licensee need not be under the supervision of a licensed pharmacist, but shall be under the supervision of a responsible officer or management employee.

(4) There has not been established minimum requirements for persons employed by persons engaged in the distribution or manufacture of prescription drugs; however, this does not relieve the person who engages in the distribution of prescription drugs within the state or in interstate commerce into or from the state, or those engaged in the manufacture of prescription drugs in the state or in interstate commerce into or from the state from ensuring that

persons employed by them have appropriate education, experience, or both to engage in the duties to which they are assigned and do so in a manner which does not jeopardize the public health, safety or welfare.

(5) All facilities associated with the distribution or manufacture of prescription drugs shall:

(a) be of suitable size and construction to facilitate cleaning, maintenance and proper operations;

(b) have storage areas designed to provide adequate lighting, ventilation, sanitation, space, equipment and security conditions;

(c) have the ability to control temperature and humidity within tolerances required by all prescription drugs and prescription drug precursors handled or used in the distribution or manufacturing activities of the applicant or licensee;

(d) provide for a quarantine area for storage of prescription drugs and prescription drug precursors that are outdated, damaged, deteriorated, misbranded, adulterated, opened or unsealed containers that have once been appropriately sealed or closed, or in any other way unsuitable for use or entry into distribution or manufacture;

(e) be maintained in a clean and orderly condition, and

(f) be free from infestation by insects, rodents, birds, or vermin of any kind.

(6) In regard to security, all facilities used for wholesale drug distribution or manufacturing of prescription drugs shall:

(a) be secure from unauthorized entry;

(b) limit access from the outside to a minimum in conformance with local building and life/safety codes, and control access of persons to ensure unauthorized entry is not made;

(c) limit entry into areas where prescription drugs or prescription drug precursors are held to authorized persons who have a need to be in those areas;

(d) be well lighted on the outside perimeter;

(e) be equipped with an alarm system to permit detection of entry and notification to appropriate authorities at all times when the facility is not occupied for the purpose of engaging in distribution or manufacture of prescription drugs; and

(f) be equipped with security measures, systems and procedures necessary to provide reasonable security against theft and diversion of prescription drugs or alteration or tampering with computers and records pertaining to prescription drugs or prescription drug precursors.

(7) In regard to storage, all facilities shall provide for storage of prescription drugs and prescription drug precursors in accordance with the following:

(a) all prescription drugs and prescription drug precursors shall be stored at appropriate temperature, humidity and other conditions in accordance with labeling of such prescription drugs or prescription drug precursors or with requirements in the United States Pharmacopeia/National Formulary (USP/NF), 1995 edition, through Supplement ~~[†]2~~, dated ~~[January]~~July 1, 2000, which is hereby incorporated by reference;

(b) if no storage requirements are established for a specific prescription drug or prescription drug precursor, the products shall be held in a condition of controlled temperature and humidity as defined in the USP/NF to ensure that its identity, strength, quality, and purity are not adversely affected; and

(c) there shall be established a system of manual, electromechanical or electronic recording of temperature and

humidity in the areas in which prescription drugs or prescription drug precursors are held to permit review of the record and ensure that the products have not been subjected to conditions which are outside of established limits.

(8) In regard to examination of materials, each facility shall provide that:

(a) upon receipt, each outside shipping container containing prescription drugs or prescription drug precursors shall be visually examined for identity and to prevent the acceptance of prescription drugs or prescription drug precursors that are contaminated, reveal damage to the containers or are otherwise unfit for distribution; and

(b) each outgoing shipment shall be carefully inspected for identity of the prescription drug products and to ensure that there is no delivery of prescription drugs that have been damaged in storage or held under improper conditions.

(9) In regard to returned, damaged, and outdated prescription drugs, each facility shall provide that:

(a) prescription drugs or prescription drug precursors that are outdated, damaged, deteriorated, misbranded, adulterated, or in any other way unfit for distribution or use in manufacturing shall be quarantined and physically separated from other prescription drugs or prescription drug precursors until they are appropriately destroyed or returned to their supplier;

(b) any prescription drug or prescription drug precursor whose immediate sealed or outer secondary sealed container has been opened or in any other way breached shall be identified as such and shall be quarantined and physically separated from other prescription drugs and prescription drug precursors until they are appropriately destroyed or returned to their supplier; and

(c) if the condition or circumstances surrounding the return of any prescription drug or prescription drug precursor cast any doubt on the product's safety, identity, strength, quality, or purity, then the drug shall be appropriately destroyed or returned to the supplier, unless examination, testing, or other investigation proves that the product meets appropriate and applicable standards related to the product's safety, identity, strength, quality, and purity.

(10) In regard to record keeping, pharmaceutical wholesaler/distributors and pharmaceutical manufacturers shall establish and maintain records of all transactions regarding the receipt and distribution or other disposition of prescription drugs and prescription drug precursors and shall make inventories of prescription drugs and prescription drug precursors and required records available for inspection by authorized representatives of the federal, state and local law enforcement agencies in accordance with the following:

(a) there shall be a record of the source of the prescription drugs or prescription drug precursors to include the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped;

(b) there shall be a record of the identity and quantity of the prescription drug or prescription drug precursor received, manufactured, distributed or shipped, or otherwise disposed of by specific product and strength;

(c) there shall be a record of the dates of receipt and distribution or other disposal of any product;

(d) there shall be a record of the identity of persons to whom distribution is made to include name and principal address of the receiver, and the address of the location to which the products were shipped;

(e) inventories of prescription drugs and prescription drug precursors shall be made available during regular business hours to authorized representatives of federal, state and local law enforcement authorities;

(f) required records shall be made available for inspection during regular business hours to authorized representatives of federal, state and local law enforcement authorities, and such records shall be maintained for a period of two years following disposition of the products; and

(g) records that are maintained on site or immediately retrievable from computer or other electronic means shall be made readily available for authorized inspection during the retention period; or if records are stored at another location, they shall be made available within two working days after request by an authorized law enforcement authority during the two year period of retention.

(11) In regard to written policies and procedures, pharmaceutical wholesaler/distributors and pharmaceutical manufacturers shall establish, maintain, and adhere to written policies and procedures which shall be followed for the receipt, security, storage, inventory, manufacture, distribution or other disposal of prescription drugs or prescription drug precursors, including policies and procedures for identifying, recording, and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories. In addition, the policies shall include the following:

(a) a procedure whereby the oldest approved stock of a prescription drug or precursor product is distributed or used first, with a provision for deviation from the requirement if such deviation is temporary and appropriate;

(b) a procedure to be followed for handling recalls and withdrawals of prescription drugs adequate to deal with recalls and withdrawals due to:

(i) any action initiated at the request of the Food and Drug Administration of other federal, state or local law enforcement or other authorized administrative or regulatory agency;

(ii) any voluntary action by the pharmaceutical wholesaler/distributor or pharmaceutical manufacturer to remove defective or potentially defective drugs from the market; or

(iii) any action undertaken to promote public health, safety or welfare by replacing of existing product with an improved product or new package design;

(c) a procedure to ensure that a pharmaceutical wholesaler/distributor or pharmaceutical manufacturer prepare for, protect against, and handle any crisis that affects security or operation of any facility in the event of strike, fire, flood, or other natural disaster, or other situations of local, state or national emergency;

(d) a procedure to ensure that any outdated prescription drugs or prescription drug precursors shall be segregated from other drugs or precursors and either returned to the manufacturer, other appropriate party or appropriately destroyed;

(e) a procedure providing for documentation of the disposition of outdated, adulterated or otherwise unsafe prescription drugs or prescription drug precursors and the maintenance of that documentation available for inspection by authorized federal, state, or local authorities for a period of two years after disposition of the product.

(12) In regard to responsible persons, pharmaceutical wholesaler/distributors and pharmaceutical manufacturers shall establish, maintain and make available for inspection by authorized federal, state and local law enforcement authorities, lists of all officers, directors, managers, and other persons in charge of wholesale drug distribution, manufacture, storage, and handling, which lists shall include a description of their duties and a summary of their background and qualifications.

(13) In regard to compliance with law, pharmaceutical wholesalers/distributors and pharmaceutical manufacturers shall:

(a) operate in compliance with applicable federal, state and local laws and regulations;

(b) permit the state licensing authority and authorized federal, state, and local law enforcement officials, upon presentation of proper credentials, to enter and inspect their premises and delivery vehicles, and to audit their records and written operating policies and procedures, at reasonable times and in a reasonable manner, to the extent authorized by law; and

(c) obtain a controlled substance license from the division and register with the Drug Enforcement Administration (DEA) if they engage in distribution or manufacture of controlled substances, and shall comply with all federal, state and local regulations applicable to the distribution or manufacture of controlled substances.

(14) In regard to salvaging and processing, pharmaceutical wholesalers/distributors and pharmaceutical manufacturers shall be subject to and shall abide by applicable federal, state and local laws that relate to the salvaging or reprocessing of prescription drug products.

(15) A person who is engaged in the wholesale distribution or manufacturing of prescription drugs but does not have a facility located within Utah in which prescription drugs are located, stored, distributed or manufactured is exempt from Utah licensure as a pharmaceutical wholesaler/distributor or a pharmaceutical manufacturer, if said person is currently licensed and in good standing in each state of the United States in which that person has a facility engaged in distribution or manufacturing of prescription drugs entered into interstate commerce.

KEY: pharmacists, licensing, pharmacies*
[February 15,]2000

58-17a-101
58-37-1
58-1-106(1)
58-1-202(1)



Commerce, Occupational and
Professional Licensing
R156-55a
Utah Construction Trades Licensing
Act Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23265

FILED: 10/26/2000, 12:28

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to amend the rule as a result of statute changes that were passed during the 2000 legislative session (see H.B. 268 and H.B. 324).

(DAR Note: H.B. 268 is found at 2000 Utah Laws 100, and was effective May 1, 2000. H.B. 324 is found at 2000 Utah Laws 233, and was effective May 1, 2000.)

SUMMARY OF THE RULE OR CHANGE: Corrected statutory citations throughout the rule. Section R156-55A-102: Deleted definitions for "construction of a permanent foundation", "construction of utility services to close proximity of the factory built housing unit" and "site preparation"; and amended definition of "employee". Section R156-55A-301: Made minor clarifications in the following contractor classifications: S220-Carpentry, S250-Insulation, S270-General Drywall, Stucco and Plastering, S300-General Painting and S410-Pipeline and Conduit. Section R156-55A-306a: Changes were made to coincide with recent statute changes regarding financial responsibility. Changes indicate that an applicant may demonstrate financial responsibility by either submitting the questionnaire and financial information or by submitting proof of an aggregate bonding limit which shall not be less than \$25,000. Section R156-55A-306b: Deleted reference to monetary limit. Section 155-55A-309 regarding Monetary Limits: Deleted section in its entirety. Section R156-55A-501: Deleted unprofessional conduct definitions that are now included in the statute (Title 58, Chapter 55).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-55-101; and Subsections 58-1-106(1), 58-1-202(1), 58-55-308(1), 58-55-301(1) and 58-55-102(22)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division will incur minimal costs to reprint the rule once the proposed changes are made effective. Any costs incurred will be absorbed in the Division's current budget.

❖LOCAL GOVERNMENTS: Proposed rule does not apply to local governments.

❖OTHER PERSONS: The Division anticipates savings in the range of \$500 to \$20,000 to contractor applicants and licensees as a result of the elimination of the monetary limit and the need for varying levels of CPA reports.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division does not anticipate any compliance costs; only savings are anticipated for contractor applicants and licensees as identified above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The elimination of the monetary limit requirements will save licensees in the regulated occupation from being required to produce varying levels of CPA reports to qualify for certain desired bid limits. It is estimated that the savings from CPA expenses will range from \$500 to \$20,000, depending upon the size of the company and the level of CPA review previously required for consideration of the desired bid limit. 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 12/15/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 11/29/2000, 9:00 a.m., 160 East 300 South, Conference Room 4B (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-55a. Utah Construction Trades Licensing Act Rules.
R156-55a-102. Definitions.**

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

(1) [~~"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 4 feet 6 inches in height, for use with a factory built housing unit, which is constructed of wood, concrete block or placed concrete:~~

~~—(2) "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. Individuals performing the above work shall meet the requirements of Subsection 58-55-305(8)(b):~~

~~—(3) "Employee", as used in Subsections 58-55-102(7)(10)(a) and 58-55-102(9)(12), means a person providing labor services in the construction trades for compensation who has federal and state taxes withheld and workers' compensation and unemployment insurance provided by the person's employer[an individual who is working or providing services for compensation paid in the form of wages or salary from which there is withheld or should be withheld~~

income taxes or social security taxes under applicable law; or who meets any other definition of an employee established by the Industrial Commission of the state of Utah or the Internal Revenue Service of the United States government].

([4]2) "Incidental to the performance of his licensed craft or trade" as used in Subsection 58-55-102([3]32) means work which:

(a) can be safely and competently performed by the specialty contractor;

(b) arises from and is directly related to work performed in the licensed specialty classification; and

(c) is substantially less in scope and magnitude when compared to the work performed or to be performed by the specialty contractor in the licensed specialty classification.

([5]3) "Maintenance" means the repair, replacement and refinishing of any component of an existing structure; but, does not include alteration or modification to the existing weight-bearing structural components.

([6]4) "Mechanical", as used in Subsections 58-55-102([2]15) and 58-55-102([2]25) means the work which may be performed by a S350 HVAC Contractor under Subsection R156-55a-301(3).

([7]5) "Personal property" means, as it relates to Title 58, Chapter 56, factory built housing and modular construction, a structure which is titled by the Motor Vehicles Division, state of Utah, and taxed as personal property.[

~~—(8) "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.]~~

([9]6) "Unprofessional conduct" defined in Title 58, Chapters 1 and 55, is further defined in accordance with Subsection 58-1-203(5) in Section R156-55a-501.

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([3]16).

B100 - General Building Contractor. A General Building contractor is a contractor licensed to perform work as defined in Subsection 58-55-102([2]15).

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([2]25).

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 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/metal 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 control,~~[or]~~ sound control or fireproofing, 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 - Gunitite 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 drywall, stucco or plaster 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/or 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 or 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~~ 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 Tracks, 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.

R156-55a-306a. Financial Responsibility - License Bonds and Cash Deposits.

In accordance with S[ub]section[s] 58-55-306[~~(2)~~], the following shall apply:

(1) An applicant may demonstrate financial responsibility by either submitting the questionnaire and financial information or by submitting proof of an aggregate bonding limit in a form acceptable to the division[A license bond or cash deposit shall be in a form acceptable to the division and shall equal 100% of the monetary limit].

(2) Under no circumstances shall the aggregate bonding limit[cash deposit or license bond] be less than \$25,000.

~~(3) Cash deposits filed with the division shall be a certificate of deposit with the division named as the certificate holder.~~

~~(4) The deposit shall remain on deposit for a period of two years after the licensee is not licensed or it is determined the deposit is no longer required.~~

~~(5) Claims against the license bond or cash deposit of a licensee shall be made to the division in form and substance prescribed by the division.~~

~~(6) After a hearing before the board in accordance with the provisions of Title 63, Chapter 46b to consider the claims made against the license bond or cash deposit of a licensee, the board shall make a recommendation to the division with respect to the claim and the division shall thereafter enter an order with respect to the claim and dispersal of funds available through the cash deposit or bond.]~~

R156-55a-306b. Financial Responsibility - Financial Statements.

(1) All financial statements shall cover a period of time ending no earlier than the last tax year.

(2) Financial statements prepared by an independent certified public accountant (CPA) shall be "audited", "reviewed", or "compiled" financial statements prepared in accordance with generally accepted accounting principles and shall include the CPA's report stating that the statements have been audited, reviewed or compiled.

(3) Division reviewed financial statements shall be submitted in a form acceptable to the division and shall include the following:

(a) the balance sheet;

(b) all schedules;

(c) a complete copy of the applicant's most recently filed federal income tax return;

(d) a copy of the applicant's bank or broker account statements; and

(e) an acceptable credit report for the applicant.

(4) ~~[The type of financial statements submitted by an applicant as evidence of financial responsibility shall limit the maximum monetary limit the applicant may qualify for in accordance with Section R156-55a-309.~~

~~(5)]An acceptable credit report is:~~

(a) dated within 30 days prior to the date the application is received by the division;

(b) free from erasures, alterations, modifications, omissions, or any other form of change which alters the full and complete information provided by the credit reporting agency;

(c) a report from:

(i) Trans Union, Experian, and Equifax national credit reporting agencies; or

(ii) National Association of Credit Managers (NACM); or

(iii) another local credit reporting agency that includes a report for each of the three national credit reporting agencies names in Subsection (i) above.

[R156-55a-309. Monetary Limits:

~~(1) In accordance with Subsections 58-55-306(2) and 58-55-309(2), regardless of the monetary limit indicated by the financial model, the division shall not assign a monetary limit beyond the maximum established for the type of financial statement submitted by an applicant or licensee, as follows:~~

~~(a) \$500,000 for financial statements submitted for division review which have not been CPA audited or reviewed;~~

~~(b) Unlimited for CPA audited or reviewed statements.~~

~~(2) In accordance with Subsection 58-55-309(2)(a), sources of data for the financial model will include current editions of the RMA Annual Statement Studies published by Robert Morris Associates, the Almanac of Business and Industrial Financial Ratios published by Prentice Hall, Financial Studies of the Small Business published by Financial Research Associates and other standard sources of financial data on the construction industry. The financial model shall consider as a minimum the working capital, owners equity, total assets and total revenue from the financial statements submitted by the licensee or applicant in the computation of the monetary limit.~~

~~(3) In accordance with Subsection 58-55-309(3), an acceptable surety is one that is listed in the Department of Treasury, Fiscal Service, Circular 570, current revision, entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" or one that has equivalent status.]~~

R156-55a-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) failing to notify the division with respect to any matter for which notification is required under these rules or Title 58, Chapter 55, the Construction Trades Licensing Act, including a change in qualifier. Such failure shall be considered by the division and the board as grounds for immediate suspension of the contractors license;

(2) failing to continuously maintain insurance and registration as required by Subsection 58-55-302(2), in coverage amounts and form as implemented by this chapter[;

~~(3) hiring or employing in any manner a licensed subcontractor to act in a construction trade beyond the scope of the license held by the subcontractor;~~

~~(4) hiring or employing in any manner a licensed subcontractor to act in a construction trade for a project which by itself exceeds the monetary limit of the license held by the subcontractor;~~

(5) hiring or employing in any manner a licensed subcontractor to act in a construction trade for a project when the licensed contractor knows that the subcontractor has existing work in progress which when combined with the subcontract amount exceeds the monetary limit of the license held by the subcontractor.

KEY: contractors, occupational licensing, licensing
[November 16, 1999]2000 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)22



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

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23266
FILED: 10/26/2000, 12:28
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to make amendments to the rule that have been recommended and approved by the Uniform Building Code Commission.

SUMMARY OF THE RULE OR CHANGE: Subsections R156-56-102(4) and (7): Technical change to avoid naming codes in many different places making it easier to update rules. Section R156-56-701: Updated the International Mechanical Code to the 2000 edition and adopted the 2000 International Fuel Gas Code, both of which shall become effective on January 1, 2002. Subsection R156-56-704(1): Deleted provision that improperly allows adoption of amendments without having a rules hearing as required by law. Subsection R156-56-704(2): Deleted provision that improperly allows appointment of a local building inspector by the Division Director. The statute prohibits the Division from this type of action. Subsections R156-56-704(11) through (18), (28) and (32): Updates outdated accessible standards in building codes to current requirements. Subsection R156-56-704(24) - Table 18-1-D: Correction made in table which incorrectly references inches instead of feet. Renumbering of paragraphs occurs throughout the rule. Subsection R156-56-707(26): Adds additional table of materials allowed under Section 504.6.2 of the plumbing code. Subsections R156-56-707(57) and (71): Deletes prohibition against gray water use and allow adoption of use subject to approval of the Department of Health and Department of Environmental

Quality who have jurisdiction over this area. Subsection R156-56-707(58): Technical amendment to update sewer hook up requirements to conform with rules from Department of Environmental Quality who have jurisdiction. Subsection R156-56-707(63): Add of amendment to plumbing code to allow additional form of venting.

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes the 1998 ICC edition of the International Mechanical Code effective December 31, 2001. Adds the 2000 edition of the International Mechanical Code and the 2000 edition of the International Fuel Gas Code to be effective January 1, 2002

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: These proposed changes should not affect state government budget other than as it may apply to new buildings that the state government may be constructing. It is impossible to determine if any of the changes would affect such buildings or if the effect would be positive or negative. It is estimated that whatever effect there is would be minor. There will be a cost of approximately \$70 for any individuals who need to purchase the 2000 edition of the International Mechanical Code and the 2000 edition of the International Fuel Gas Code.

❖LOCAL GOVERNMENTS: These proposed changes should not affect local government budget other than as it may apply to new buildings that the local government may be constructing. It is impossible to determine if any of the changes would affect such buildings or if the effect would be positive or negative. It is estimated that whatever effect there is would be minor. There will be a cost of approximately \$70 for any individuals who need to purchase the 2000 edition of the International Mechanical Code and the 2000 edition of the International Fuel Gas Code.

❖OTHER PERSONS: Due to the inability to determine how many projects would be affected, an aggregate impact is impossible to determine. It is estimated that whatever effect there is would be minor. Most persons see the update to the new mechanical code as a substantial improvement and easier to use. There will be a cost of approximately \$70 for any individuals who need to purchase the 2000 edition of the International Mechanical Code and the 2000 edition of the International Fuel Gas Code.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be a cost of approximately \$70 for any individuals who needs to purchase the 2000 edition of the International Mechanical Code and the 2000 edition of the International Fuel Gas Code

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The primary purpose of this amendment is to update the Mechanical Code to reflect the current edition. It also amends the rules to allow the Department of Health to exercise its judgment in areas where it has jurisdiction. The proposed rule amendments also contain technical changes and eliminate provisions going

beyond the statute. The Mechanical Code is a comprehensive codification and the effect of any changes would depend upon the number of projects affected and the portion of the Mechanical Code under which the effect would fall. It is impossible to assess the positive or negative fiscal impact of the new edition of the Mechanical Code, but the Executive Director has no reason to question the assessment of the expertise of the Division and Board which suggest that the costs, if any, will be minimal and the new edition of the Mechanical Code is a substantial improvement over its predecessor. 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 12/15/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 11/15/2000, 9:00 a.m., State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

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 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.

(2) "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.

(3) "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.

(4) "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~~]codes adopted under these rules and taking appropriate action based upon the findings made during inspection.

(5) "Permanently affixed to real property" means a manufactured home or mobile home 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.

(6) "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.

(7) "Uniform Building Standards" means the [~~UBC, IMC, IPC, and NEC as amended and the HUD Code as amended (See R156-56-701) and NCSBCS~~]codes identified in Section R156-56-701 and as amended under these rules.

(8) "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.

R156-56-701. Specific Editions of Uniform Building Standards.

(1) In accordance with Subsection 58-56-4(3), the following Uniform Building Standards are hereby incorporated by reference and adopted as the building standard editions to be applied to construction in the state:

(a) the 1997 edition of the Uniform Building Code (UBC) promulgated by the International Conference of Building Officials (ICBO);

(b) the 1999 edition of the National Electrical Code (NEC) promulgated by the National Fire Protection Association, to become effective January 1, 2000;

(c) the 1997 edition of the International Plumbing Code (IPC) promulgated by the International Code Council and amendments adopted under prior rules issued on February 15, 2000 shall remain effective until December 31, 2000. The 2000 edition of the International Plumbing Code (IPC) promulgated by the International Code Council and amendments adopted under these rules in Section R156-56-707 shall become effective on January 1, 2001;

(d) the 1998 ICC edition of the International Mechanical Code (IMC), as published and promulgated by the International Code Council (ICC) and amendments adopted under Section R156-56-708 under prior rules issued on July 1, 2000 shall remain effective until December 31, 2001. The 2000 edition of the International Mechanical Code (IMC) together with all applicable standards set forth in the 2000 International Fuel Gas Code (formerly included as part of the IMC) and amendments adopted under these rules in Section R156-56-708 shall become effective on January 1, 2002;

(e) subject to the provisions of Subsection (4), the Federal Manufactured Housing Construction and Safety Standards Act (HUD Code) as promulgated by the Department of Housing and

Urban Development and published in the Federal Register as set forth in 24 CFR parts 3280 and 3282 as revised April 1, 1990; and

(f) subject to the provisions of Subsection (4), the 1994 edition of NCSBCS A225.1 Manufactured Home Installations promulgated by the National Conference of States on Building Codes and Standards (NCSBCS).

(2) Amendments adopted by rule to prior editions of the Uniform Building Standards shall remain in effect until specifically amended or repealed.

(3) The manufacturer, dealer or homeowner shall be permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction or NCSBCS/ANSI 225.1, Manufactured Home Installations, provided the design is approved in writing by a professional engineer or architect licensed in Utah. Guidelines for Manufactured Housing Installation as promulgated by the International Conference of Building Officials may be used as a reference guide.

(4) Pursuant to the Federal Manufactured Home Construction and Safety Standards Section 604(d), a manufactured home may be installed in the state of Utah which does not meet the local snow load requirements as specified in Subsection R156-56-704; however all such homes which fail to meet the standards of Subsection R156-56-704 shall have a protective structure built over the home which meets the Uniform Building Code and the snow load requirements under Subsection R156-56-704.

R156-56-704. Statewide Amendments to the UBC.

The following are adopted as amendments to the UBC to be applicable statewide:

(1) Chapter 1, Section 101.3 is amended by adding the following paragraph:

"The appendix chapters of this code are approved for adoption in each political subdivision of the State provided that each said political subdivision shall furnish to the Division ~~[a list of adopted chapters of the appendix to be kept on file. Where this code is not adopted by any political subdivision, the use of the appendix chapters shall be as determined by the Division with the concurrence of the Commission]~~ a request to adopt the chapter and the Division thereafter complies with the provisions of Title 63, Chapter 46a, Administrative Rulemaking Act".

(2) Chapter 1, Section 104.1 is amended as follows:

"There is hereby established in each political subdivision of the state a code enforcement agency which shall be under the administrative and operational control of the building official. The building official shall be appointed by the local regulator. ~~[If the local regulator fails to appoint a building official, the Director of the Division of Occupational and Professional Licensing with the Commission shall appoint one]~~".

(3) Chapter 1, Section 109.1 is amended by replacing the exception with the following:

EXCEPTION: Group R, Division 3 and Group U Occupancies; provided local jurisdictions may require a certificate of occupancy for Group R, Division 3 occupancies.

(4) Chapter 3, Section 305.1 is amended as follows:

The following exception is added at the end of the section:

EXCEPTION: Areas used for day care purposes may be located in a Group R, Division 3 occupancy provided the building substantially complies with the requirements for a dwelling unit and under all of the following conditions:

1. Compliance with the Utah Fire Prevention Board Rules (R710-8) for Family Day Care;

2. Use is approved by the State Department of Health as a Residential Certificate Child Care (R430-50) or licensed as a Family Child Care (R430-90); and

3. Compliance with all zoning regulations of the local regulator.

(5) Chapter 3, Section 305.2.3 is amended as follows:

The following section is added after the title of Section 305.2.3 Special Provisions:

305.2.3.1 Kindergarten, first- or second-grade pupils.

Delete in its entirety the last paragraph of Section 305.2.3 which reads "Stages and platforms shall be construed in accordance with Chapter 4. For attic space partitions and draft stops, see Section 708".

(6) Chapter 3, Section 305.2.3.3 is added as follows:

305.2.3.3 Other. Stages and platforms shall be constructed in accordance with Chapter 4. For attic space partitions and draft stops, see Section 708.

(7) Chapter 9, Section 310.7 is deleted and replaced with the following:

310.7 An efficiency dwelling unit shall conform to the requirements of the code except as herein provided:

1. A single occupancy unit shall have a habitable room of not less than 165 square feet (15.3 m²) and a total floor area of not less than 200 square feet (18.6 m²). An additional 100 square feet (9.3 m²) of superficial floor space shall be added for each additional occupant.

2. The unit shall be provided with a kitchen sink, cooking appliance, and refrigeration facility, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to the code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. When the unit is required to have a fire sprinkler system, the unit shall have at least one sprinkler head in every room and closet.

(8) Chapter 9, Section 904.1.1. is amended to add a fifth paragraph as follows:

Section 904.1.1. General; Protection against backflow shall be provided per Section 608.16.4 of the International Plumbing Code.

(9) Chapter 10, Section 1004.3.4.3.2.1, Doors is amended by renumbering the existing exception as No. 1 and adding Exception 2. as follows:

2. In Group E-1 and E-2 occupancies that are fully protected by an approved fire sprinkler system, the door closers may be of the friction hold open type on classrooms only. In non-sprinkled E-1 and E-2 occupancies, classroom doors shall be held open only by a magnetic hold open device.

(10) Chapter 10, Section 1003.3.3.6 is amended by adding an exception to the third paragraph as follows:

Exception: Handrails serving an individual unit in a Group R, Division 1 or Division 3 Occupancy may have either a circular cross section with a diameter of 1 1/4 inches (32 mm) to 2 inches (51 mm), or a non-circular cross section with a perimeter dimension of at least 4 inches (102 mm) but not more than 6 5/8 inches (168 mm) and a largest cross sectional dimension not exceeding 3 1/4 inches (83 mm). The perimeter on non-circular cross sections shall be

measured from one side of the cross section, 2 inches (51 mm) down from the top or crown.

An indentation is required on both sides of non-circular handrail cross sections. This indentation must be in the area of the sides between 5/8 inch (16 mm) and 1 1/2 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 1/4 inch (6 mm) deep on each side and shall be at least 1/2 inch (13 mm) high.

Edges within the handgrip shall have a minimum radius of 1/16 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(11) In Chapter 11, Section 1101.3, the exception for Type B dwelling units is deleted.

(12) In Chapter 11, Section 1102, the definition for CABO/ANSI A117.1 is deleted.

(13) In Chapter 11, Section 1102, the definition for Dwelling Unit - Type A is deleted and replaced with the following:

Dwelling Unit - Type A is a dwelling unit that is designed and constructed for accessibility in accordance with ICC/ANSI A117.1-1998, Section 1002.

(14) In Chapter 11, Section 1102, the definition for Dwelling Unit - Type B is deleted and replaced with the following:

Dwelling Unit - Type B is a dwelling unit that is designed and constructed for accessibility in accordance with ICC/ANSI A117.1-1998, Section 1003.

(15) In Chapter 11, Section 1102, the definition for ICC/ANSI A117.1-1998 is added to read as follows:

ICC/ANSI A117.1-1998 is American National Standard A117.1-1998 published by International Code Council.

(16) In Chapter 11, Section 1103.2.1, the exception for Type B dwelling units is deleted.

(17) In Chapter 11, Section 1106 and all subsections in Section 1106 is deleted and replaced with the following:

1106.1 General Type B Dwelling Units, when required, shall comply with ICC/ANSI A117.1-1998, Section 1003.

Exception: Type B dwelling units designed and constructed as Type A dwelling units.

(18) Each references to "CABO/ANSI A117.1" contained in each of the following subsections is hereby deleted and replaced with "ICC/ANSI A117.1-1998":

Chapter 11, Section 1101.2;

Chapter 11, Section 1101.3 (referenced twice);

Chapter 11, Section 1103.2.1;

Chapter 11, Section 1103.2.3 (reference twice);

Chapter 11, Section 1103.2.4.2;

Chapter 11, Section 1105.1;

Chapter 11, Section 1105.2.2;

Chapter 11, Section 1105.2.4.1;

Chapter 11, Section 1105.3 (referenced twice);

Chapter 11, Section 1105.4.3;

Chapter 11, Section 1105.4.7;

Chapter 11, Section 1105.4.8.2;

Appendix Chapter 11, Section 1107.3;

Appendix Chapter 11, Section 1108.2;

Appendix Chapter 11, Section 1108.3;

Appendix Chapter 11, Section 1109.2; and

Appendix Chapter 11, Section 1112.1.2.

([+1]19) Chapter 11, Section 1103.1.9.3 is amended as follows:

The following is added as Exception 6.:

6. When a change of use in the building or portion of the building results in multi-unit dwellings as defined in this section, only 20% of the dwelling units need to be Type B dwelling units. These dwelling units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one, of the dwelling units, shall be Type A dwelling units.

([+2]20) Chapter 16, Section 1612.3.2, Exception 2 is amended to read as follows:

2. Snow loads over 30 psf may be reduced in accordance with Section 1630.1.1, Item 3 (amended), and snow loads 30 psf or less need not be combined with seismic.

([+3]21) Chapter 16, Section 1630.1.1, Item 3 is amended as follows:

3. Design snow loads of 30 psf or less need not be included. Where the snow load exceeds 30 psf, the snow load shall be included. The snow load shall be adjusted in accordance with the following formula: $W_s = (0.25 + 0.025(A-5))P_f$

WHERE: W_s = Weight of snow to be included in seismic calculations;

A = Elevation above sea level at the location of the structure in question (ft/1000);

P_f = Design roof snow load, psf.

([+4]22) Chapter 18, Section 1806 is amended by revising the section heading as follows:

Section 1806 Footings and Foundations.

([+5]23) Chapter 18, Section 1806.6.1 is amended by adding the following exception at the end of that section:

Exception: When anchor bolt spacing does not exceed 32 inches on center.

([+6]24) Chapter 18, Section 1806.11 is added as follows:

1806.11 Empirical foundation design. Group R, Division 3 occupancies three stories or less in height, and Group U occupancies, which are constructed in accordance with Section 2320, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, may have foundations constructed in accordance with Table 18-I-D.

TABLE 18-1-D
Empirical Foundation Walls (1,8)

	2'	4'	6'	8'	9'	Over 9'
Max. Height						
Top Edge Support	None	None	Floor or roof diaphragm	Same as 6'	Same as 6'	Engineering required
Minimum Thickness	6"	6"	8"	8"	8"	Same as above
Vertical Steel (2)	Note (5)	#4 @ 24"	#4 @ 24"	#4 @ 24"	#4 @ 16"	Same as above
Horizontal Steel (3)	2-#4 Bars	3-#4 Bars	4-#4 Bars	5-#4 Bars	6-#4 Bars	Same as above

Steel at Openings (4)	2-#4 Bars above; 1-#4 Bar each side	2-#4 Bars above; 1-#4 Bar each side	2-#4 Bars above; 1-#4 Bar each side	2-#4 Bars above; 1-#4 Bar each side	2-#4 Bars above; 1-#4 Bar each side	Same as above
Max. Lintel Length	2'	3'	6'	6'	6'	Same as above
Min. Lintel Depth	2" for each ft. of opening width; Min. 6"	Same as 2'	Same as 2'	Same as 2'	Same as 2'	Same as above
Max. Grade as Differential	1' 6" (6)	3' 6" (6)	5[±]' (7)	5[±]' (7)	5[±]' (7)	Same above

Notes:

- (1) Based on 3000 psi concrete and grade 60 reinforcing steel - special inspection is not required.
- (2) To be placed in the center of the wall, and extend from the footing to within three inches of the top of the wall; Dowels of #4 rebar with standard hook shall be provided in the footing to match the vertical steel, with the vertical leg extending 24 inches into the foundation wall.
- (3) One bar shall be located in the top four inches, one bar in the bottom four inches and the other bars equally spaced between. Such bar placement satisfies the requirements of Section 1806.7.1. Corner reinforcing shall be provided so as to lap 24 inches.
- (4) Bars shall be placed within two inches of the openings and extend 24 inches beyond the edge of the opening; vertical bars may terminate three inches from the top of the concrete.
- (5) Dowels of #4 rebar at 24 inches on center with a standard hook, shall be provided in the footing, with the vertical leg extending to within three inches of the top of the foundation wall.
- (6) Difference in grade from one side of the wall to the other.
- (7) Difference in grade from the highest grade to the lowest grade on the perimeter of the foundation.
- (8) The footing shall have a minimum width of 20 inches and a minimum thickness of nine inches.

([+7]25) Chapter 23, Section 2316.2, Item 6 is amended by adding footnote 3, reference from "two months", to read as follows:

(6) When the accumulated duration of the full maximum load during the life of the member does not exceed the period indicated below, the values may be increased in the tables as follows:

Footnote 3: as for snow below 5000 feet elevation.

([+8]26) Chapter 23, Section 2307 is amended by adding exception 5 as follows:

5. Veneer of brick or stone applied as specified in Section 1403.6 may be supported on structural glued-laminated timber or laminated veneer lumber provided that the beam be designed to limit the dead load deflection to 1/800 of the span and the total load deflection to 1/600 of the span with due consideration given for shrinkage and creep. The beam shall be protected from exposure to weather as required for dwelling under Section 1402.1.

([+9]27) Chapter 34, Section 3403.2 is amended as follows:

The following is added after the exceptions:

Buildings constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages shall have such appendages evaluated by a licensed engineer to determine resistance to design loads specified in this code when

said building is undergoing reroofing, or alteration of or repair to said feature.

EXCEPTION: Group R-3 and U occupancies.

Original plans and/or structural calculations may be utilized to demonstrate that the parapets or appendages are structurally adequate. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.

The maximum height of an unreinforced masonry parapet above the level of diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Zones Nos. 3 and 4. If the required parapet height exceeds this maximum height, a bracing system designed for the forces specified in Table 16-0 for walls shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors are required. Approved alternate methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

(28) Chapter 35, Part III - the references under Chapter 11 are deleted and replaced with the following:

Accessible and Usable Buildings and Facilities 1101.2 Council of American Building Officials American National Standards ICC/ANSI A117.1-1998.

([20]29) Appendix Chapter 3, Division IV, Requirements for Group R, Division 4 Occupancies, is adopted as a part of the UBC and incorporated by reference.

([21]30) Appendix Chapter 11, Division I, Site Accessibility, is adopted as a part of the UBC and incorporated by reference.

([22]31) Appendix Chapter 11, Division II, Accessibility For Existing Buildings, is adopted as a part of the UBC and incorporated by reference.

(32) Appendix Chapter 11, Section 1107.2 is deleted and replaced with the following:

1107.2 Definition. ICC/ANSI A117.1-1998 is American National Standard A117.1-1998 published by the International Code Council.

([23]33) Appendix Chapter 13, Energy Conservation in New Building Construction, is adopted as a part of the UBC and incorporated by reference.

([24]34) Appendix Chapter 13, Section 1302.2 is amended as follows:

In order to comply with the purpose of this appendix, low-rise residential buildings shall be designed to comply with the requirements of the Model Energy Code promulgated jointly by the International Conference of Building Code Officials (ICBO); the Southern Building Code Congress International, Inc. (SBCCI); the Building Officials and Code Administrators International, Inc. (BOCA); and the National Conference of States on Building Codes and Standards, dated 1995. Commercial and high-rise residential buildings shall be designed to comply with the requirements of the Energy Code for Commercial and High-Rise Residential Building, which is a codification of ASHRAE/IES Standard 90.1 - 1989, Energy Efficient Design of New Buildings except Low-Rise Residential Buildings.

([25]35) The Model Energy Code is amended as follows:

Section 502.2.1 Walls is amended as follows:

Equation 1 shall be used to determine acceptable combinations to meet this requirement, and when metal studs are used, U_w -values shall be those calculated using appropriate correction factors for thermal bridging of insulation as published in Section 8 of RS-1; or calculated using ASHRAE RS-4 approved methodology for either serial or parallel path thermal transfer; or U-values compiled in Table 8-Y of the "User's Manual" for ASHRAE/IES Standard 90.1-1989, which is hereby incorporated by reference and which shall be available at all offices issuing building permits or the Division of Occupational and Professional Licensing or insertion in the Model Energy Code.

Simplified prescriptive maps, tables or other compliance aids, manuals or computer programs as may be supplied by DOE/Pacific Northwest Laboratory or others, when certified by the state or its agencies, may be used to demonstrate energy code compliance.

ASHRAE/IES Standard 90.1-1989 is amended as follows:

Section 101.3.1.2 Exceptions:

(4) The building official may approve designs which do not fully conform with all of the requirements of this code where in the opinion of the building official full compliance is physically impossible and/or economically impractical.

(26)36 Appendix Chapter 16, Division I, Snow Load Design is adopted and incorporated by reference.

(27)37 Appendix Chapter 16, Division I, Section 1639 is amended as follows:

The ground snow load, P_g , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: $P_g = (P_o^2 + S(A - A_o)^2)^{1/2}$ for A greater than A_o , and $P_g = P_o$ for A less than A_o .

WHERE:

P_g = Ground snow load at a given elevation (psf)

P_o = Base ground snow load (psf) from Table A-16-C

S = Change in ground snow load with elevation (psf/1000 ft), from Table A-16-C

A = Elevation above sea level at the location for which snow load is being determined (ft/1000)

A_o = Asymptote and zero ground snow axis intercept (ft/1000) from Table A-16-C

The ground snow load, P_g , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record. The building official may round the snow load to the nearest 5 psf.

TABLE NO. A-16-C
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P_o	S	A_o
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8

Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Utah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

(28)38 Appendix Chapter 29, Minimum Plumbing Facilities, is adopted as a part of the UBC and incorporated by reference.

(29)39 Appendix Chapter 29 is amended as follows:

The following is added as footnote 7:

7. When provided, there shall be an equal number of diaper changing facilities for men as for women.

(30)40 Appendix Chapter 30, Elevators, Dumbwaiters, Escalators and Moving Walks, is adopted as a part of the UBC and incorporated by reference.

(31)41 Appendix Chapter 30, Section 3010 is deleted and replaced with the following:

Section 3010 Definitions. ANSI CODE is the ASME/ANSI A17.1-1996 with Supplements A17.1a-1997, Safety Code for Elevators and Escalators, and American National Standard Published by the American Society of Mechanical Engineers.

(32)42 Appendix Chapter 30, Section 3012 is deleted and replaced with the following:

Section 3012 ANSI CODE ADOPTED. New elevators, dumbwaiters, escalators and moving walks and major alterations to such conveyances and the installation thereof shall conform to the requirements of the American National Standards Institute ASME/ANSI A17.1-1996 Safety Code for Elevators and Escalators, including Supplements A17.1a-1997, published by the American Society of Mechanical Engineers. Elevators and escalators that are remodeled or upgraded shall conform with ASME/ANSI A17.3-1996, Safety Code for Existing Elevators and Escalators, published by the American Society of Mechanical Engineers.

(33)43 Appendix Chapter 30, Section 3012 is amended as follows:

The following is added at the end of Section 3012:

Exceptions to ANSI/ASME A17.1:

(1) Delete Rule 102.2(c)(3); and

(2) Rule 102.2(c)(4) shall apply to all elevators except hydraulic elevators with 50 feet of travel or less.

(34)44 Chapter 9-1 of the UBC Standards is amended as follows:

Replace the current Uniform Building Code Standard 9-1 (NFPA-13, 1991 edition) with the fire sprinkler standard, NFPA-13, 1996 edition.

(35)45 Chapter 9-3 of the UBC Standards is amended as follows:

Replace the current Uniform Building Code Standard 9-3 (NFPA-13R, 1989 edition) with the fire sprinkler standard, NFPA-13R, 1996 edition.

R156-56-707. Statewide Amendments to the IPC.

The following are adopted as amendments to the IPC to be applicable statewide:

- (1) Section 103.1 is deleted in its entirety.
- (2) Section 103.2 is deleted in its entirety.
- (3) Section 103.3 is deleted in its entirety.
- (4) Section 103.4 is deleted in its entirety.
- (5) Section 103.5 is renumbered as Section 103.1.
- (6) Section 107.1.1 is deleted in its entirety.
- (7) Section 109 is retitled as "Board of Appeal".
- (8) Section 109.1 is deleted and replaced with the following:

109.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a local board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The code official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and finding in writing to the appellant with a duplicate copy to the code official.

- (9) Sections 109.2 through 109.7 are deleted in their entirety.

(10) In Section 202, the definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

(11) In Section 202, the definition for "Backsiphonage" is deleted and replaced with the following:

Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

- (12) In Section 202, the following definition is added:

Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(13) In Section 202, the definition for "Cross Connection" is deleted and replaced with the following:

Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow").

- (14) In Section 202, the following definition is added:

Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(15) In Section 202, the definition for "Potable Water" is deleted and replaced with the following:

Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(16) In Section 202, the definition for "Water Heater" is deleted and replaced with the following:

Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

- (17) Section 305.10 is added as follows:

Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

(18) Section 312.9 is deleted in its entirety and replaced with the following:

312.9 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly, and the spring loaded check valve assembly described in Section 608.16.4.

- (19) Section 403.1 is deleted and replaced with the following:

403.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Appendix Chapter 29, Uniform Building Code.

- (20) Table 403.1 is deleted in its entirety.

- (21) Section 403.2 is deleted and replaced with the following:

403.2 Hand sink location. Hand sinks in commercial food establishments shall be located accessible to food preparation areas, food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-100-21, Utah Administrative Code.

(22) Sections 403.4, 403.5 and 403.6 are deleted in their entirety.

- (23) Section 412.5 is added as follows:

412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one of the following:

1. one floor drain with a wall mounted hose bibb;
2. one floor drain with a deep seal trap; or
3. at least one emergency floor drain with trap primer.

- (24) Section 418.1 is deleted and replaced with the following:

418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1, ASME A112.19.2, ASME A112.19.3, ASME A112.19.4, ASME A112.19.9, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.

- (25) Section 502.6 is deleted and replaced with the following:

502.6 Water Heater Seismic Bracing. Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(26) Section 504.6.2 is deleted and replaced with the following:

504.6.2 Material. Relief valve discharge piping shall be of those materials listed in Section 605.5 or shall be tested, rated and approved for such use in accordance with ASME A112.4.1. Piping from safety pan drains shall be of those material listed in Table 605.5 and Table 701.1.

(~~26~~27) Section 504.7.1 is amended as follows:

The measurement of "3/4 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".

(~~27~~28) Section 602.3 is deleted and replaced with the following:

602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

(~~28~~29) Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

(~~29~~30) Section 604.4.1 is added as follows:

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

(~~30~~31) Section 606.2 is deleted and replaced with the following:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture.

Exceptions:

- A. bath tubs and showers.

- B. in individual guest rooms that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.

2. On the water supply pipe to each appliance or mechanical equipment.

(~~31~~32) Section 606.5 is deleted and replaced with the following:

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

(~~32~~33) Section 606.5.11 is added as follows:

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

(~~33~~34) In Section 608.1, the following sentence is added at the end of the paragraph:

Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.

(~~34~~35) Table 608.1 is deleted and replaced with the following:

TABLE 608.1
General Methods of Protection

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap (ASME A112.1.2)	High or Low	Backsiphonage	See Table 608.15.1
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)	High or Low	Backpressure or Backsiphonage 1/2" - 16"	<ol style="list-style-type: none"> a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor. b. RP assemblies shall NOT be installed in a pit. c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents. d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.
Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)	Low	Backpressure or Backsiphonage 1/2" - 16"	<ol style="list-style-type: none"> a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance. b. Shall be installed in a horizontal position unless listed or approved for vertical installation.
Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)	High or Low	Backsiphonage 1/2" - 2"	<ol style="list-style-type: none"> a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.

<p>Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)</p>	<p>High or Low</p>	<p>Backsiphonage 1/4" - 2"</p>	<p>c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only.</p> <p>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall be installed a minimum of 6 inches above all downstream piping and the highest point of use. c. Shall not be installed below ground or in a vault or pit. d. Shall be installed in a vertical position only.</p>	<p>The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.</p> <p>In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.</p> <p>Assemblies shall be maintained as an intact assembly.</p>
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(~~35~~36) Table 608.1.1 is added as follows:

TABLE 608.1.1
Specialty Backflow Devices for low hazard use only

			Device	Degree of Hazard	Application	Applicable Standard
<p>Atmospheric Vacuum Breaker (ASSE 1001, USC-FCCCHR, CSA CAN/CSA-B64.1.1)</p>	<p>High or Low</p>	<p>Backsiphonage</p>	<p>a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions. b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time. c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use. d. Shall be installed on the discharge (downstream) side of any valves. e. The AVB shall be installed in a vertical position only.</p>	<p>Low</p>	<p>Backsiphonage</p>	<p>ASSE 1002 CSA CAN/CSA-B125</p>
			<p>Dual check valve Backflow Preventer</p>	<p>Low</p>	<p>Backsiphonage or Backpressure</p>	<p>ASSE 1024 1/4" - 1"</p>
			<p>Backflow Preventer with Intermediate Atmospheric Vent</p>	<p>Low Residential Boiler</p>	<p>Backsiphonage or Backpressure</p>	<p>ASSE 1012 CSA CAN/CSA-B64.3</p>
			<p>Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type</p>	<p>Low</p>	<p>Backsiphonage or Backpressure</p>	<p>ASSE 1032 1/4" - 3/8"</p>
			<p>Hose-connection Vacuum Breaker</p>	<p>Low</p>	<p>Backsiphonage</p>	<p>ASSE 1011 1/2", 3/4", 1" CSA CAN/CSA-B64.2</p>
			<p>Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type</p>	<p>Low</p>	<p>Backsiphonage</p>	<p>ASSE 1019 3/4", 1" CSA CAN/CSA-B64.2.2</p>
<p>General Installation Criteria</p>			<p>Laboratory Faucet Backflow Preventer</p>	<p>Low</p>	<p>Backsiphonage</p>	<p>ASSE 1035 CSA CAN/CSA-B64.7</p>
			<p>Hose Connection Backflow Preventer</p>	<p>Low</p>	<p>Backsiphonage</p>	<p>ASSE 1052 1/2" - 1"</p>
<p>Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.</p>						
<p>(3637) In Section 608.3.1, the following sentence is added at the end of the paragraph:</p>						

All piping and hoses shall be installed below the atmospheric vacuum breaker.

(~~37~~38) Section 608.7 is deleted in its entirety.

(~~38~~39) In Section 608.8, the following sentence is added at the end of the paragraph:

In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

(~~39~~40) In Section 608.11, the following sentence is added at the end of the paragraph:

The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

(~~40~~41) Section 608.13.3 is deleted and replaced with the following:

608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

(~~41~~42) Section 608.13.4 is deleted in its entirety.

(~~42~~43) Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only shall be protected by a backflow preventer with an intermediate atmospheric vent.

(~~43~~44) Section 608.15.4 is deleted and replaced with the following:

608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the atmospheric vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor or device served. No valves shall be installed downstream of the atmospheric vacuum breaker.

(~~44~~45) In Section 608.15.4.2, the following is added at the end of the paragraph:

In climates where freezing temperatures occur, a listed, self-draining frost proof hose bibb with an integral backflow preventer shall be used.

(~~45~~46) Section 608.16.1 is deleted and replaced with the following:

608.16.1 Beverage dispensers. Potable water supply to carbonators shall be protected by a vented dual check valve meeting ASSE Standard 1022 and installed according to the requirements of this chapter.

(~~46~~47) In Section 608.16.2, the first sentence of the paragraph is deleted and replaced as follows:

608.16.2 The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

(~~47~~48) Section 608.16.3 is deleted and replaced with the following:

608.16.3 Heat exchangers. Heat exchangers shall be separated from potable water by double-wall construction. An air gap open to the atmosphere shall be provided between the two walls.

Exceptions:

1. Single wall heat exchangers shall be permitted when all of the following conditions are met:

a. Utilize a heat transfer medium of potable water or contains only substances which are recognized as safe by the United States Food and Drug Administration (FDA);

b. The pressure of the heat transfer medium is maintained less than the normal minimum operating pressure of the potable water system; and

c. The equipment is permanently labeled to indicate only additives recognized as safe by the FDA shall be used.

2. Steam systems that comply with paragraph 1 above.

3. Approved listed electrical drinking water coolers.

(~~48~~49) Section 608.16.4 is deleted and replaced with the following:

Section 608.16.4 Connections to automatic fire sprinkler systems and standpipe systems. The potable water supply to automatic fire sprinkler and standpipe systems shall be protected against backflow by an alarm check valve and spring loaded check valve assembly as shown on the diagram entitled "Riser Detail", dated July 1, 1999, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference.

EXCEPTIONS:

1. When systems are installed as a portion of the water distribution system in accordance with the requirements of this code and are not provided with a fire department connection, isolation of the water supply system shall not be required.

2. Isolation of the water distribution system is not required for deluge, preaction or dry pipe systems.

3. When the sprinkler supply line is less than four inches in diameter and a resilient seated spring loaded single check valve, approved and testable for back flow prevention is not available, then an alternate, approved for fire sprinkler system use, spring loaded check valve is allowed.

(~~49~~50) Section 608.16.4.1 is deleted and replaced with the following:

Section 608.16.4.1 Additives or nonpotable source. Where systems contain chemical additives or antifreeze, or where systems are connected to a nonpotable secondary water supply, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventor. Where chemical additives or antifreeze are added to only a portion of an automatic fire sprinkler or standpipe system, the reduced pressure principle backflow preventer shall be permitted to be located so as to isolate that portion of the system.

Exception:

1. For systems that use antifreeze only consisting of strictly pure glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol, equipment specified in Section 608.16.4 shall be used.

(~~50~~51) Section 608.16.4.2 is added as follows:

Section 608.16.4.2 Testing Procedures. The testing procedures are as follows:

1. The check valves are to be tested by a currently certified Class II Backflow Technician in accordance with Rule R309-302 available from the Department of Environmental Quality.

2. All other mechanical devices attached to or part of a class I or class II fire sprinkler system shall be tested by a licensed fire sprinkler contractor.

~~(51)52~~ Section 608.16.6 is deleted and replaced with the following:

608.16.6 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double check valve backflow preventer or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

~~(52)53~~ Section 608.16.7 is deleted and replaced with the following:

608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

~~(53)54~~ Section 608.16.8 is deleted and replaced with the following:

608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.

~~(54)55~~ Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

~~(55)56~~ Section 608.16.10 is added as follows:

608.16.10 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.

~~(56)57~~ Section 608.17 is deleted in its entirety. [

~~(57) Section 612 is added as follows:~~

~~612. Gray Water~~

~~Gray Water Recycling Systems, Appendix C of the IPC, cannot be adopted by any jurisdiction until January 1, 2001.]~~

~~(58) [In] Section 701.2 is deleted and replaced with the following [the following is added at the end of the paragraph]:~~

~~[The sewer is considered as available when it is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended. Private sewage disposal systems shall conform with Rule R317-501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.]701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann., (1953), as~~

~~amended; or an approved private sewage disposal system in accordance with Rule R317-5501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.~~

~~(59) Section 802.1.1 is deleted and replaced with the following:~~

~~802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food or food equipment shall discharge through an indirect waste pipe by means of an air gap or air break.~~

~~(60) Section 802.3 is amended as follows:~~

~~The term "waste receptors" in the last sentence of the paragraph is replaced with the term "floor sinks".~~

~~(61) Section 802.3.2 is deleted in its entirety and replaced with the following:~~

~~802.3.2 Open hub waste receptors. Waste receptors for clear water waste shall be permitted in the form of a hub or pipe extending not more than 1/2 inch above a water impervious floor and are not required to have a strainer.~~

~~(62) In Section 904.6, the following sentence is added at the end of the paragraph:~~

~~Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.~~

~~(63) In Section 905.4, the following sentence is added at the end of the paragraph:~~

~~Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed in accordance with Sections 702.2, 905.2 and 905.3 and provided with a wall clean out.~~

~~(63)64~~ Section 1002.4.1 is added as follows:

~~1002.4.1 Emergency floor drains. Each emergency floor drain shall be installed with a trap seal primer. Trap seal primer shall conform to ASSE 1018 or ASSE 1044.~~

~~(64)65~~ Section 1003.3.5 is added as follows:

~~1003.3.5 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.~~

~~(65)66~~ Section 1104.2 is deleted and replaced with the following:

~~1104.2 Combining storm and sanitary drainage prohibited. The combining of sanitary and storm drainage systems is prohibited.~~

~~(66)67~~ Section 1108 is deleted in its entirety.

~~(67)68~~ Section 1204 is added as follows:

~~1204 Fuel gas piping systems. All fuel gas piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of the 1998 International Mechanical Code.~~

~~(68)69~~ Section 1205 is added as follows:

~~Section 1205 CNG GAS-DISPENSING SYSTEMS~~

~~1205.1 Dispenser protection. The gas dispenser shall have an emergency switch to shut off the power to the dispenser. An approved backflow device that prevents the reverse flow of gas shall be installed on the gas supply pipe or in the gas dispenser.~~

~~1205.2 Ventilation. Gas-dispensing systems installed inside the structure shall be ventilated by mechanical means in accordance with the 1998 International Mechanical Code.~~

~~1205.3 Compressed natural gas vehicular fuel systems. Compressed natural gas (CNG) fuel-dispensing systems for CNG-fueled vehicles shall be designed and installed in accordance with~~

NFPA 52 and the uniform fire code as adopted by the State Fire Marshal.

(~~69~~70) Chapter 14, Referenced Standards, is amended as follows:

NSF - Standard Reference Number 61-95 - The following referenced in code section number is added: 608.11

The following reference standard is added:

TABLE

USC- Foundation for Cross-Connection Control Table 608.1
FCCCHR Control and Hydraulic Research
9th University of Southern California
Edition Kaprielian Hall 300
Manual Los Angeles CA 90089-2531
of Cross
Connection

(71) Appendix C of the IPC, Gray Water Recycling Systems, shall not be adopted by any jurisdiction until approved by the Department of Health and the Department of Environmental Quality.

KEY: contractors, building codes, building inspection, licensing
~~[July 1,]2000~~ **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, Real Estate
R162-102
 Application Procedures

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 23267
 FILED: 10/27/2000, 12:15
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Upon review of the existing rule and office procedures, it was determined that the requirement of having an applicant's history be sent by the states in which they hold a license is no longer necessary. This information is available to the Division through the Appraisal Sub-Committee's data bank instantly and free of charge. It was also determined that it is necessary to include the requirement of an applicant to answer and submit a qualifying questionnaire.

SUMMARY OF THE RULE OR CHANGE: The changes delete the requirement that an applicant for a Six-Month Temporary Permit have the states in which they hold a license send a history of that license to the Division. This information is

accessible by the Division instantly and free of charge through the Appraisal Sub-Committee's data bank. The changes also include the requirement of an applicant to answer and submit a qualifying questionnaire.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 61, Chapter 2b

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--The new process reduces the time frames for processing an application but the state still performs the same tasks.
- ❖LOCAL GOVERNMENTS: This change does not affect local government, as local government is not involved in the temporary permit process.
- ❖OTHER PERSONS: Applicants will no longer have to pay for a license history fee to their home state.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It may actually be less expensive for the applicants because they will not pay a license history fee to their home state. Other states' budgets could be affected minimally due to the lost revenue in providing license histories to Utah for their appraiser licensees.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this amendment is to eliminate the requirement that applicants have their home states furnish a copy of their licensing history directly to the division. Instead, the rule would allow the division to consider the issuance of a temporary license based upon completion by the applicant of a qualifying questionnaire designated by the division.

This rule will have a positive fiscal impact on businesses as it will allow appraisers to commence work earlier and will prevent licensure delays beyond their control occasioned by problems in prompt delivery of license histories by their home states.

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

Commerce
 Real Estate
 Second Floor, Heber Wells Building
 160 East 300 South
 PO Box 146711
 Salt Lake City, UT 84114-6711, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-6749, or by Internet E-mail at kpost@br.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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Director

R162. Commerce, Real Estate.**R162-102. Application Procedures.****R162-102-1. Application.**

102.1.1 Initial Review - An applicant for licensure or certification as an appraiser will be required to submit, on forms provided by the Division, documentation indicating successful completion of the education and experience required by the state of Utah.

102.1.1.1 The application may be reviewed by an Appraiser Education Review Committee appointed by the Real Estate Appraiser Licensing and Certification Board to determine if the education requirement has been met.

102.1.1.2 The candidate will provide evidence of meeting the experience requirement by completing the form required by the Division.

102.1.2 Exam Application

102.1.2.1 Upon determining the candidate has completed the education and experience requirements, the Division will issue an examination application form to the candidate.

102.1.2.2 The candidate will make application to take the examination by returning the application form and the appropriate testing fee to the testing service designated by the Division. If the applicant fails to take the examination, the fee will be forfeited.

102.1.3 Final Application

102.1.3.1 Within 90 days after successful completion of the exam, the appraiser applicant must return to the Division each of the following:

102.1.3.1.1 A report from the testing service indicating successful completion of the exam.

102.1.3.1.2 The license application form required by the Division. The application form shall include the applicant's business and home addresses. A post office box without a street address is unacceptable as a business or home address. The applicant may designate either address to be used as a mailing address.

102.1.3.1.3 The appropriate license or certification fee, which will include the fee for the federal registry.

R162-102-2. Status Change.

102.2.1 A registered, licensed or certified appraiser must notify the Division within ten working days of any status change. Status changes are effective on the date the properly executed forms and appropriate fees are received by the Division. Notice must be made in writing on the forms required by the Division.

102.2.1.1 Change of name requires submission of official documentation such as a marriage or divorce certificate, or driver's license.

102.2.1.2 Change of business, home address or mailing address requires written notification. A post office box without a street address is unacceptable as a business or home address. Any address may be designated as a mailing address.

102.2.2 Registered or State-licensed Appraisers, upon meeting the appropriate requirements for certification and upon filing a completed application within six months from their last renewal, will be allowed to transfer to the categories of either Certified Residential or Certified General by paying only a transfer fee and the fee for the federal registry.

102.2.2.1 Transfer to a certified category will not change the individual's expiration date.

R162-102-3. Renewal.

102.3.1 At least 30 days before expiration, a renewal notice shall be sent by the Division to the registered, licensed or certified appraiser at the mailing address shown on the Division records. The applicant for renewal must return the completed renewal notice and the applicable renewal fee to the Division on or before the expiration shown on the notice.

102.3.1.1 The registered, licensed, senior appraiser, or certified appraiser must return proof of completion of 28 hours of continuing education taken during the preceding two years.

102.3.1.1.1 Even though the appraiser may have changed licensing categories, every third time the appraiser renews, the appraiser will provide evidence of having completed, within the two years prior to the third renewal, a course in the Uniform Standards of Professional Appraisal Practice. This USPAP course will be a 15-hour course and will include passing of a final exam. This 15 hours of credit may be used to meet part of the continuing education requirement for that renewal period. The appraiser must obtain and study the Utah Real Estate Appraiser Licensing and Certification Act and the rules promulgated thereunder and must sign an attestation that he understands and will abide by them.

102.3.1.1.2 Those State-Licensed Appraisers who were Senior Appraisers prior to May 3, 1999 and who completed a USPAP course after January 1, 1993 will not be required to complete the USPAP course again in order to renew until their third renewal following the date upon which they completed the USPAP course.

102.3.1.1.3 Those appraisers who were State-Registered Appraisers prior to May 3, 2001 and who completed a USPAP course after January 1, 1993 will not be required to complete the USPAP course again in order to renew until their third renewal following the date upon which they completed the USPAP course.

102.3.2 If the renewal fee and documentation are not received within the prescribed time period, the registration, license or certification shall expire.

102.3.2.1 A registration, license or certification may be renewed for a period of 30 days after the expiration date upon payment of a late fee in addition to the requirements of Section 102.3.1.

102.3.2.2 After this 30-day period and until six months after the expiration date, the registration, license or certification may be reinstated upon payment of a reinstatement fee in addition to the requirements of Section 102.3.1. It shall be grounds for disciplinary sanction if, after the expiration date, the individual continues to perform work for which a registration, license or certification is required.

102.3.2.3 A person who does not renew a registration, license or certification within six months after the expiration date shall be reregistered, relicensed or recertified as prescribed for an original application. The applicant will receive credit for previously credited precertification education. Applicants for a new license or certification will be required to complete a USPAP course and retake the examination for the classification for which they are applying.

102.3.3 If the Division has received renewal documents in a timely manner but the information is incomplete, the appraiser shall be extended a 15-day grace period to complete the application.

R162-102-4. Six-Month Temporary Permits.

102.4.1 A non-resident of this state may obtain a permit for a period of six months to practice as an appraiser in this state. An applicant must:

102.4.1.1 Submit an application in writing requesting temporary licensure or certification;

102.4.1.2 ~~Provide a complete history sent directly to the Division by his home state, and any other state in which he holds a license or certification, which indicates the type of license or certification held, the date it expires, and a statement concerning whether disciplinary action has ever been taken, or is pending, against the individual]~~ Answer and submit a "Utah Appraiser Qualifying Questionnaire" in the form designated by the Division;

102.4.1.3 Sign an irrevocable consent to service authorizing the Division to receive service of any lawful process on his behalf in any noncriminal proceeding arising out of his practice as an appraiser in this state;

102.4.1.4 Pay an application fee in the amount established by the Division; and

102.4.1.5 Provide the starting date of the appraisal assignment for which the temporary permit is being obtained.

102.4.2 A temporary permit may be renewed once by paying an additional fee and submitting the forms required by the Division.

R162-102-5. Reciprocity.

102.5.1 An individual who is licensed or certified as an appraiser by another state may be licensed or certified in Utah by reciprocity on the following conditions:

102.5.1.1 The other state must have required the applicant to satisfactorily complete classroom hours of appraisal education approved by that state which are substantially equivalent in number to the hours required for the class of licensure or certification for which he is applying in Utah;

102.5.1.2 The education must have included a course in the Uniform Standards of Professional Appraisal Practice;

102.5.1.3 The applicant must obtain and study the Utah Real Estate Appraiser Registration and Certification Act and the rules promulgated thereunder and must sign an attestation that he understands and will abide by them;

102.5.1.4 The applicant must have passed an examination which has been approved by the AQB for the class of licensure or certification for which he is applying;

102.5.1.5 If the applicant resides outside of the state of Utah, he must sign an irrevocable consent to service authorizing the Division to receive service of any lawful process on his behalf in any noncriminal proceeding arising out of his practice as an appraiser in this state;

102.5.1.6 The applicant must provide a complete licensing history sent directly to the Division by his home state and any other state in which he has been licensed, which shall include the applicant's full name, home and business addresses and telephone numbers, the date first licensed, the type or types of licenses or certifications held, the date the current license or certification expires, and a statement concerning whether disciplinary action has ever been taken, or is pending, against the individual;

102.5.1.7 The applicant shall not have been convicted of a criminal offense involving moral turpitude relating to his ability to provide services as an appraiser; and

102.5.1.8 The applicant must agree, as a condition of licensure or certification, that he will furnish to the Division upon demand all records requested by the Division relating to his appraisal practice in Utah. Failure to do so will be considered grounds for revocation of license or certification.

KEY: real estate appraisal, licensing
[July 16, 1999]2000

61-2b-23



Commerce, Real Estate
R162-106
 Professional Conduct

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 23268
 FILED: 10/27/2000, 12:15
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After review of the existing rule, it was determined that clarification was needed regarding the signature of appraisers on appraisal reports, specifically when the report is blank or partially completed, or when an appraiser delegates authority to another individual to sign the appraiser's signature on an appraisal report.

SUMMARY OF THE RULE OR CHANGE: The change specifies that appraisers are not to affix their signature on a blank or partially completed appraisal report when the report will be completed by anyone other than the appraiser who has signed the report. The change also lists the requirements when authority is delegated from an appraiser to someone else to affix the appraiser's signature on an appraisal report.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 61, Chapter 2b

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This is a public protection that neither increases nor decreases state workloads or revenue.

❖ **LOCAL GOVERNMENTS:** This act does not affect local government.

❖ **OTHER PERSONS:** It is hoped these revisions will provide more public protection without increased costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is assumed there will be no cost associated with the requirement that an appraiser sign his work product.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed rule will have no fiscal impact on business as the amendment only clarifies that an appraiser cannot sign a blank or partially completed report which will be filled in later by anyone other

than the signing appraiser, and also establishes the rules which must be compiled with if an appraiser is authorized to sign an appraisal done by a fellow appraiser.

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

Commerce
Real Estate
Second Floor, Heber Wells Building
160 East 300 South
PO Box 146711
Salt Lake City, UT 84114-6711, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-6749, or by Internet E-mail at kpost@br.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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Director

**R162. Commerce, Real Estate.
R162-106. Professional Conduct.**

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R162-106-3. Signatures, Size and Use of Seal.

106.3.1. State-Certified Appraiser's Seal.

106.3.1.1. When signing a certified appraisal report, State-Certified General Appraisers and State-Certified Residential Appraisers shall place on at least the certification page of the appraisal report, immediately below the appraiser's signature, the seal required by Section 61-2b-17(3)(e).

106.3.1.2. The seal to be affixed on reports prepared by state-certified appraisers shall contain the words "Utah State-Certified Residential Appraiser" or "Utah State-Certified General Appraiser" along with the appraiser's certificate number and expiration date. The zeros preceding the certificate number may be deleted. The size of the seal, rectangular in shape, shall be no larger than two and seven-eighths inches long and five-eighths of an inch high including the border. An example of the seal shall be made available on request at the Division offices.

106.3.1.3. The seal may be reproduced as a stamp with ink that can be copied, or may be inserted by computer in an appraisal report at the appropriate place.

106.3.2. State-Registered and State-Licensed Appraisers. State-registered appraisers and State-Licensed appraisers may not place a seal on an appraisal report or use a seal in any other manner likely to create the impression that the appraiser is a state-certified appraiser.

106.3.2.1. If a State-Registered Appraiser or a State-Licensed Appraiser prepares an appraisal report which exceeds the dollar amount permitted under the Financial Institutions Reform,

Recovery, and Enforcement Act of 1989, and related federal regulations, the appraiser shall include after the appraiser's signature the words, "This appraisal does not qualify for federally related transactions."

106.3.2.1.1. This requirement does not apply if the State-Registered Appraiser or State-Licensed Appraiser has prepared the report under the direct supervision of a state-certified appraiser and the state-certified appraiser has signed the appraisal report taking responsibility for the report.

106.3.3. Signatures.

106.3.3.1. Signature stamps. Appraisers may not affix their signatures to appraisal reports by means of a signature stamp.

106.3.3.2. Appraisers may not affix their signatures to blank or partially completed appraisal reports which will be filled in later by anyone other than the appraiser who has signed the reports.

106.3.3.3. If it is necessary for an appraiser to delegate authority to another individual to sign the appraiser's signature on an appraisal report, the other individual may sign the report for the appraiser only if: a) the report explicitly discloses that the other individual has been authorized to sign the report for the appraiser; b) the permission must have been granted in writing and limited to a specific property address; c) a copy of the written permission to sign must be attached to the report; and d) the appraiser who signs the other's signature must write the word "by" followed by his own name after the other's signature.

106.3.3.[2]4. Digital signatures. A digital signature may be used in place of a handwritten signature only if: a) the software program which generates the digital signature has a security feature; and b) the appraiser ensures that his signature is protected and that no one other than the appraiser has control of that signature.

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**KEY: real estate appraisal, conduct
[March 20], 2000
Notice of Continuation April 1, 1997**

61-2b-27



Corrections, Administration
R251-710
Search

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 23261
FILED: 10/25/2000, 09:09
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Department proposes to amend the rule to include a more complete definition for the term 'contraband'.

SUMMARY OF THE RULE OR CHANGE: The term "contraband" is defined more completely to include: regular contraband, illegal contraband, and nuisance contraband.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 64-13-10 and 64-13-14; and Subsection 64-13-17(2)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no cost to the state since this rule is a minor change to Department policy, that requires no new action by Department staff.

❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government because these proposed amendments only affect internal procedures.

❖OTHER PERSONS: There is no anticipated cost or savings to other persons because these proposed amendments only affect internal procedures.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated compliance cost for affected persons because this amendment only affects the Department's internal procedures.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact to business that will result from this amendment.

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

Corrections
Administration
Suite 304
6100 South Fashion Boulevard
Murray, UT 84107, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5523, or by Internet E-mail at crdeptdo.crdept.pelliott@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: H. L. Haun, Executive Director

R251. Corrections, Administration.

R251-710. Search.

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R251-710-2. Definitions.

(1) "~~Contraband~~" ~~means any item or material prohibited on prison property by department policy.~~, for purposes of this rule, means:

(a) materials, substances or other items not approved by the Department, or which are in numbers or amounts that are not approved, and which are otherwise known as regular contraband;

(b) materials, substances or other items possessed in violation of state or federal law and which are otherwise known as illegal contraband; or

(c) items that are not illegal, but are not authorized for an inmate to possess including items made from scraps of paper, wood, plastic, metal, wire, etc. and which are otherwise known as nuisance contraband.

(2) "Exigent circumstances" means a situation wherein reasonable cause exists to believe that a clear and present danger to life and limb exists.

(3) "Prison" means Utah State Prison in Draper and Central Utah Correctional Facility in Gunnison.

(4) "Probable cause" means sufficient knowledge of articulable facts or circumstances to lead a reasonable person to conclude that another person has committed, is committing, or is about to commit a crime or a violation of a legally enforceable policy or rule.

(5) "Public" means persons constituting the general population of a state.

(6) "Reasonable suspicion" means sufficient knowledge of articulable facts or circumstances that would lead a reasonable person to suspect that there may be criminal activity and that the suspected person may be involved in that criminal activity.

(7) "Visitor" means members of the general public entering prison property.

R251-710-3. Policy.

(1) General Regulations

It is the policy of the Department that:

(a) search and seizure activities shall only be carried out by lawful means;

(b) real property, places of business and residences, with legally recognized exceptions shall be searched only with a search warrant, or reasonable cause and voluntary consent;

(c) notice shall be posted at the entrance to the prison that persons, their property and vehicles are subject to search while on prison property;

(d) an officer may assume the driver of a vehicle is the proprietary possessor and has the authority to consent to a search of the vehicle;

(e) vendors, construction workers, Department personnel, or other visitors whose presence is necessary and important to prison operation may have~~statutory~~ contraband confiscated and returned upon exiting prison property, may be asked to leave prison property, or may be arrested;

(f) all vehicles entering through a secure perimeter gate shall undergo a thorough search for contraband; discovery of contraband may result in arrest;

(g) mandatory searches shall be made of all vehicles accessing the double fence secure perimeters of the facilities;

(h) mandatory searches shall be conducted of all vehicles leaving the prison; vehicle trunks and compartments shall be searched prior to exit;

(i) the alert of a police service dog shall constitute probable cause and an involuntary search may be legally conducted;

(j) an officer may search and seize contraband or evidence without a warrant, in any public place open to public view; and

(k) a visitor to the prison who has an outstanding warrant may be arrested and searched or refused entry to the prison.

(2) Visitor/Public Search.

It is the policy of the Department that:

(a) the person and property of visitors and members of the general public may be searched, and [illegal] contraband and evidence seized therefrom, by Department personnel pursuant to the following limitations:

(i) their person, personal property, vehicle and residence based upon reasonable suspicion coupled with voluntary consent;

(ii) their person, clothes, personal property immediately associated with their person, and vehicle may be involuntarily searched;

(A) based upon probably cause;

(B) incident to lawful arrest;

(C) pursuant to a search warrant;

(D) under exigent circumstances; or

(E) pursuant to a vehicle inventory incident to the lawful impound thereof;

(iii) their residence may be involuntarily searched;

(A) pursuant to a search warrant;

(B) in the form of a protective sweep under exigent circumstances; or

(C) at the time of, or incident to, a lawful arrest of the owner or occupant thereof, but only that portion of the residence and personal property therein which is in the immediate control of the arrestee at that time;

(b) any visitor who refuses to give consent to a search based upon reasonable suspicion may be denied entrance and required to leave the premises of the prison; and

(c) any person who refuses to give consent to a search of their vehicle upon exiting prison property shall have their vehicle detained until a regularly scheduled institutional count has cleared.

KEY: corrections, search and seizure, security measures, prisons

~~March 15, 1998~~ 2000

Notice of Continuation December 11, 1997

64-13-7

64-13-10

64-13-14(1)

64-13-17(2)



Environmental Quality, Drinking Water

R309-150

Water System Rating Criteria

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23252

FILED: 10/23/2000, 10:29

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule filing is to specify and assign a value to a deficiency of a public water system to comply with existing rules. Specifically, it assigns demerit points to a new drinking water source that has not been submitted for approval or is lacking items specified by current rule for approval.

SUMMARY OF THE RULE OR CHANGE: This rule filing adds a subsection (R309-150-6(1)(a)) that specifically assigns demerit points to a new drinking water source that has not been submitted for approval or is lacking items specified by current rule for approval.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

FEDERAL REQUIREMENT FOR THIS RULE: Safe Drinking Water Act (amended Aug. 6, 1996), Title XIV, Section 1419

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** No impact--This rule change does not add any additional requirements, it simply specifies demerits that will be assigned for non-compliance with existing rules.

❖ **LOCAL GOVERNMENTS:** No impact--This rule change does not add any additional requirements, it simply specifies demerits that will be assigned for non-compliance with existing rules.

❖ **OTHER PERSONS:** No impact--This rule change does not add any additional requirements, it simply specifies demerits that will be assigned for non-compliance with existing rules.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change does not add any additional requirements, it simply specifies demerits that will be assigned for non-compliance with existing rules. There should be no additional compliance costs due to this rule change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department of Environmental Quality agrees with the comments in anticipated costs or savings to state budget, local government, other persons and affected persons. Dianne R. Nielson

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

Environmental Quality
Drinking Water
150 North 1950 West
PO Box 144830
Salt Lake City, Utah 84114-4830, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ken Bousfield or Patti Fauver at the above address, by phone at (801) 536-4207 or (801) 536-4196, by FAX at (801) 536-4211, or by Internet E-mail at kbousfie@deq.state.ut.us or pfauver@deq.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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Kevin W. Brown, Division Director and Executive Secretary of the Drinking Water Board

**R309. Environmental Quality, Drinking Water.
R309-150. Water System Rating Criteria.**

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R309-150-6. Physical Facilities.

All points assessed to public water systems via this subsection are based upon violation of ~~R309-105 through~~ R309-113 and R309-200 through R309-211. These points shall be assessed and updated upon notification of the Executive Secretary and shall remain until the violation or deficiency no longer exists.

(1) New Source Approval:

(a) Use of an unapproved source shall be assessed 150 points.

(2) Surface Water Diversion Structures and Impoundments:

(a) For each surface water intake structure that does not allow for withdrawal of water from more than one level if quality significantly varies with depth 2 points shall be assessed.

(b) Where no facilities exist for release (wasting) of less desirable water held in storage 2 points shall be assessed.

(c) Where the diversion facilities do not minimize frazil ice formation by holding intake velocities to less than 0.5 feet per second 2 points shall be assessed.

(d) Where diversion facilities are not adequately protected from damage by ice buildup 2 points shall be assessed.

(e) Where diversion facilities are not capable of keeping large quantities of fish or debris from entering the intake 2 points shall be assessed.

(f) Where reservoirs have not had brush and trees removed to the high water level 2 points shall be assessed.

(g) Where reservoir watershed management has not provided adequate precautions to limit nutrient loading 10 points shall be assessed.

(3) ~~(2)~~ Well Sources

(a) For each well which is not equipped with a sanitary seal, or has any unsealed opening into the well casing 50 points shall be assessed.

(b) For each well which does not utilize food grade mineral oil for pump lubrication 25 points shall be assessed.

(c) For each well casing which does not terminate at least 12 inches above the pumphouse floor, 18 inches above ground, and/or five feet above the highest flood elevation, or is not fitted with an acceptable pitless adaptor 1 to 20 points shall be assessed based upon whether the adjacent land slopes toward or away from the wellhead; the integrity of the cement surrounding the wellhead and other factors that would jeopardize the integrity of the wellhead seal.

(d) For each well casing vent which is not properly covered with a No. 14 mesh screen 5 points shall be assessed.

(e) For each well which has discharge piping that is not properly equipped with 1) a smooth nosed sampling tap 2) check valve 3) pressure gauge 4) means of measuring flow and 5) shutoff valve 1 to 5 points shall be assessed depending upon the number of the above components that are present.

(f) For each well where there is no means to release trapped air from the discharge piping 5 points shall be assessed.

(g) For each well house which does not have a drain-to-daylight installed 5 points shall be assessed.

(4) ~~(3)~~ Spring Sources:

(a) For each spring source which allows surface water to stand or pond upon the spring collection area (within 50 feet from collection devices) 1 to 20 points shall be assessed. The number of points shall be based upon the size and extent of the ponding; the possible source (rainfall or incomplete collection); or the presence of moss or other indicators of long term presence of standing water.

(b) For each spring area which does not have a minimum of ten feet of relative impervious soil or an acceptable liner 10 points shall be assessed.

(c) For each spring area that has deep rooted vegetation within the fenced collection area 10 points shall be assessed.

(d) For each spring area that has deep rooted vegetation interfering with the spring collection 10 points shall be assessed.

(e) For each spring which does not have a proper collection/junction box; and does not have the following: a proper shoebox lid, gasket, No. 14 mesh screen on the vent line and lock; 1 to 25 points shall be assessed. The number of points shall be determined by the number of the above items that are present.

(f) For each spring collection area without a proper fence (unless the spring is located in a remote area where no grazing or public access is possible as specified in R309-106(5)(e)) 10 points shall be assessed.

(g) For each spring collection area that does not have a diversion channel capable of diverting surface water away from the collection area 5 points shall be assessed.

(h) For each spring system which does not have a permanent flow measuring device 5 points shall be assessed.

(i) For each spring area with an overflow/drain that is not properly screened with a No. 4 mesh screen or does not have adequate freefall (12 to 24 inches) between the drain invert and the surrounding ground 5 to 10 points shall be assessed. The number of points shall be based upon the presence of a screen and the slope of the ground surrounding the overflow/drain outlet.

(5) ~~(4)~~ Disinfection by gaseous chlorine:

(a) A chlorinated water system that does not maintain a detectable chlorine residual throughout the distribution system shall be assessed 10 points.

(b) An improperly heated, lighted, and vented chlorinator building shall be assessed 2 points.

(c) A chlorinated water system that does not have a test kit to measure chlorine residual shall be assessed 2 points.

(d) A chlorinated water system that does not have a cylinder wrench located on the yoke valve shall be assessed 2 points.

(e) A chlorinated water system that utilizes one ton cylinders and does not have proper chlorine leak detection and repair kit equipment shall be assessed 15 points.

(f) A chlorinated water system that utilizes 150 pound cylinders and does not have proper chlorine leak detection and repair kit equipment shall be assessed 2 points.

(g) A chlorinated water system that does not have chlorine cylinders properly restrained or isolated from operating areas shall be assessed 2 points.

(h) A chlorinated water system that does not have a feeder vent properly vented to the outside and screened with a No. 14 mesh screen shall be assessed 2 points.

(i) A chlorinated water system without means to measure chlorine feed and cylinder usage shall be assessed 2 points.

(j) A chlorinated water system without access to a properly stored gas mask or stores a gas mask in the same room where chlorine gas is handled shall be assessed 5 points.

(k) A chlorination station without a means of measuring the volume of water treated shall be assessed 2 points.

~~(6)~~(5) Disinfection by liquid hypochlorite:

(a) A chlorinated water system that does not maintain a detectable chlorine residual throughout the distribution system shall be assessed 10 points.

(b) An improperly housed and secured hypochlorinator station shall be assessed 2 points.

(c) A chlorinated water system that does not have a test kit to measure chlorine residual shall be assessed 2 points.

(d) A chlorinated water system that does not maintain a spare parts repair kit for the positive displacement pumps shall be assessed 2 points.

(e) A hypochlorination station without a means of measuring the volume of water treated shall be assessed 2 points.

~~(7)~~(6) Storage:

(a) A water system with an uncovered finished water storage reservoir shall immediately be assessed a rating of not approved.

(b) For each storage reservoir access that is not an overlapping (shoe box) type lid, locked and is at least 4 inches above the top of the tank 10 points shall be assessed.

(c) For each improperly vented storage reservoir 5 points shall be assessed.

(d) For each storage reservoir overflow that: is not properly screened, is not sloped for drainage, or is connected to a sewer without an appropriate air gap; 5 to 15 points shall be assessed based on the number and severity of the above items that are present.

(e) For each storage reservoir with inadequate or improper means of drainage 2 points shall be assessed.

(f) For each storage reservoir where the roof and sidewalls are not water tight shall be assessed 10 to 50 points based upon the size and number of cracks, the loss of structural integrity and the access of contamination to the drinking water.

(g) For each storage reservoir without an access ladder, or railing where required (elevated tank) 2 points shall be assessed.

(h) For each storage reservoir with internal coatings not in compliance with ANSI/NSF standard 61 30 points shall be assessed.

~~(8)~~(7) Distribution System:

(a) A water system which fails to provide at least 20 psi at all times and at all locations within the distribution system during peak instantaneous flow conditions shall be assessed 50 points.

(b) A water system using unapproved pipe and materials shall be assessed 30 points.

(c) A water system with pipelines installed improperly without adequate clearance or separation from sewer lines shall be assessed 30 points.

(d) For each air vacuum release valve which is not properly screened and turned down 2 points shall be assessed up to a maximum of 20 points per system.

(e) For each flooded air vacuum release valve chamber 20 points shall be assessed up to a maximum of 50 points per system.

~~(9)~~(8) Quantity requirements

(a) A water system which does not have sufficient source capacity to meet peak daily and average yearly flow requirements shall be assessed from 5 to 50 points. The number of points shall be based upon the severity of the shortage including the number of times and duration of water outages or low pressure.

(b) A water system which does not have sufficient storage capacity to meet average daily flow requirements shall be assessed from 5 to 50 points. The number of points shall be based upon the severity of the shortage including the number of times and duration of water outages.

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KEY: drinking water, environmental protection, water system rating, administrative procedure

~~April 19, 1996~~2000 **19-4-104**
Notice of Continuation August 10, 2000 63-46b-4



Insurance, Administration
R590-205
Privacy of Consumer Information
Compliance Deadline

NOTICE OF PROPOSED RULE
(New)

DAR FILE NO.: 23247
FILED: 10/18/2000, 12:17
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to provide an extension to persons and entities under the jurisdiction of the department who are required to adopt policies, procedures, and controls to prevent the unauthorized disclosure of personal nonpublic information relating to their customers under Title V of the Gramm-Leach-Bliley (GLB) Act of 1999. This extension will give such persons and entities time to comply with the requirements of GLB. By putting this rule into effect, the department will be eligible to override any federal insurance customer protections prescribed by a federal banking agency.

SUMMARY OF THE RULE OR CHANGE: As noted in the Purpose Section, this rule provides an extension to licensees and unauthorized insurers who do business through surplus lines brokers, to comply with the Gramm-Leach-Bliley Act. The Enforcement Section gives the insurance commissioner the right to enforce the GLB Act with respect to all licensees. The Compliance Date Section notes that the GLB Act requires compliance to its provision effective November 13,

2000. However, the rule extends the date of compliance to July 1, 2001.

(**DAR Note:** A corresponding 120-day (emergency) rule that is effective as of October 18, 2000, is under DAR No. 23246 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-2-202
FEDERAL REQUIREMENT FOR THIS RULE: 15 U.S.C. 6805

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The only cost to the department will be printing and mailing costs to notify the insurance industry about this emergency rule. Mailing will be sent to 1,360 insurers, associations and other interested parties.

❖LOCAL GOVERNMENTS: This rule will not affect local government. The rule is regulated by a state government agency to which all fees are paid by its licensees.

❖OTHER PERSONS: The persons affected by this rule will be state chartered financial institutions that conduct the business of insurance, domestic insurance companies, resident agents, resident agencies, resident broker, insurance consultants, adjusters and other individuals or entities regulated by the Utah Insurance Department. Since the rule extends the time for compliance with section V of the GLB Act, it will save the affected persons time and money to avoid unnecessary and duplicative compliance efforts right now.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The persons affected by this rule will be state chartered financial institutions that conduct the business of insurance, domestic insurance companies, resident agents, resident agencies, resident broker, insurance consultants, adjusters and other individuals or entities regulated by the Utah Insurance Department. Since the rule extends the time for compliance with section V of the GLB Act, it will save the affected persons time and money to avoid unnecessary and duplicative compliance efforts right now.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will extend the time for full compliance with section V of GLB Act to July 1, 2001. It will not have a negative impact on the insurance industry. Rather it benefits the industry by clarifying their obligation to be fully compliant with the act by July 1, 2001, rather than trying to become immediately compliant. It will save the industry time and money and avoid unnecessary and duplicative compliance efforts right now.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 12/18/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/19/2000

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-205. Privacy of Consumer Information Compliance Deadline.

R590-205-1. Authority.

This rule is promulgated pursuant to Subsections 31A-2-202(1), 31A-2-201(2) and 31A-2-201(3)(a) in which the commissioner is empowered to administer and enforce Title 31A, to perform duties imposed by Title 31A and to make administrative rules to implement the provisions of Title 31A. Furthermore, Title V, Section 505, 15 U.S.C. 6805, empowers the Utah Insurance Commissioner to enforce Subtitle A of Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6820. Title V, Section 505, 15 U.S.C. 6805(b)(2), authorizes the commissioner to issue rules to implement the requirements of Title V, Section 501(b) of the federal act.

R590-205-2. Purpose.

The purpose of this rule is provide an extension to persons and entities under the jurisdiction of the Utah Insurance Department that are required to adopt policies, procedures, and controls to prevent the unauthorized disclosure of personal nonpublic information relating to their customers under Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827. The extension would give such persons and entities time to comply with the requirements of Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827.

A further purpose of the rule is to avoid the application of Title V, Section 505(c) of the Gramm-Leach-Bliley Act of 1999 that provides that if a state fails to adopt regulations to implement Title V of the federal act, the State shall not be eligible to override any federal insurance customer protections prescribed by a Federal Banking Agency.

R590-205-3. Applicability and Scope.

This rule shall apply to all insurers, producers, and other persons licensed or required to be licensed or required to be authorized, registered or required to be registered or domiciled in Utah pursuant to the Utah Insurance Code. It also applies to unauthorized insurers who accept business through a licensed surplus line broker in Utah, if the surplus line placements are placed pursuant to Section 31A-15-103.

R590-205-4. Definitions.

For the purposes of this rule the commissioner adopts the following definitions:

- (1) "Utah Insurance Code" means Title 31A of the Utah Code.
- (2) "Licensee" means all insurers, producers, and other persons licensed or required to be licensed or required to be authorized, registered or required to be registered or domiciled in Utah pursuant to the Utah Insurance Code, including but not limited

to unauthorized insurers who accept business through a licensed surplus line broker in Utah, if the surplus line placements are placed pursuant to Section 31A-15-103.

R590-205-5. Enforcement.

Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827 shall be enforced by the commissioner with respect to all licensees of the department.

R590-205-6. Compliance Date.

In order to provide sufficient time for licensees to establish policies, procedures and controls relating to the use and disclosure of personal nonpublic information of their customers and to comply with the requirements of Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827, effective November 13, 2000, the commissioner extends the time for compliance for all licensees to July 1, 2001.

R590-205-7. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such validity 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 end the provisions of this rule are declared to be severable.

**KEY: insurance law privacy
2000**

**31A-2-201
31A-2-202
15 U.S.C 6805**



**Judicial Conduct Commission,
Administration
R595-1-1
Definitions**

**NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23238
FILED: 10/18/2000, 08:05
RECEIVED BY: NL**

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Add the definition of "misconduct."

SUMMARY OF THE RULE OR CHANGE: This amendment adds the definition of "misconduct."

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. VIII, Sec. 13; and Section 78-8-107

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Judicial Conduct Commission rules do not apply to state government.

❖LOCAL GOVERNMENTS: Judicial Conduct Commission rules do not apply to local government.

❖OTHER PERSONS: This will only impact the disciplinary procedures taken by the Judicial Conduct Commission against state judges; there are no anticipated costs associated with this amendment because these rules direct the investigative process associated with the complaints against judges.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change only impacts the disciplinary procedures taken by the Judicial Conduct Commission against state judges and no additional costs to any "person" is anticipated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses in the State of Utah.

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

Judicial Conduct Commission
Administration
Suite 104, Law and Justice Center
645 South 200 East
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steven H. Stewart at the above address, by phone at (801) 533-3200, by FAX at (801) 533-3208, or by Internet E-mail at steves@utahbar.org.

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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Steven H. Stewart, Director

R595. Judicial Conduct Commission, Administration.

R595-1. Rules of Procedure.

R595-1-1. Definitions.

In these rules, unless the context or subject matter otherwise requires:

A. "Chair" means the chair of the Judicial Conduct Commission and includes the vice chair or acting chair.

B. "Commission" means the Judicial Conduct Commission.

C. "Complaint" means reliable information in any form from any source received by the Commission that alleges or from which a reasonable inference can be drawn that a judge committed misconduct or is disabled. If there is no written complaint from another person, the executive director's written statement of the allegations constitutes the complaint.

D. "Examiner" means the lawyer designated by the Commission to gather and present evidence before the masters or hearing panel on formal charges against a judge.

E. "Formal Charges" means the document that formally charges the judge with misconduct or disability. Formal charges are

prepared by the examiner after the Commission finds reasonable cause that a judge committed misconduct or is disabled.

F. "Hearing" means the proceeding at which the issues of law and fact raised by the formal charges and answer are tried.

G. "Hearing Panel" means a panel of at least a quorum of the Commission designated to conduct a hearing on formal charges.

H. "Informal Order of Reprimand" means a reprimand imposed on a judge by the Commission with the prior written consent of the judge.

I. "Investigation" means an inquiry into allegations of misconduct, including a search for and examination of evidence concerning the allegations, divided into two stages: (1) a preliminary investigation conducted by the executive director after the receipt of a complaint; and (2) a full investigation in which the judge is asked to respond to specific allegations.

J. "Judge" means a justice, judge, justice court judge, or judge pro tempore of any court of the state, including part-time, full-time, and senior active judges, but not including court commissioners or administrative law judges.

K. "Masters" means the special masters appointed by the Commission to conduct a hearing on formal charges.

L. "Misconduct" means a violation of the Utah Code of Judicial Conduct and Section 78-8-103(a), (b), (c), or (e) of the Utah Code. Disability is not misconduct.

[E]M. "Presiding Master" means the special master designated to preside over a hearing conducted by masters.

[M]N. "Proceeding" means all steps in the Commission's discipline and disability process.

[N]O. "Reasonable Cause" means a reasonable ground for belief in the existence of facts that support a finding of judicial misconduct or disability.

[O]P. "Record" means all documents filed in the case beginning with the complaint or statement of allegations and includes a transcript of the hearing on the formal charges.

[P]Q. "Respondent" means a judge or former judge against whom formal charges have been filed.

[Q]R. "Screening" means examination of a complaint or other information coming to the attention of the executive director to determine whether the Commission has jurisdiction.

[R]S. "Supreme Court" means the Utah Supreme Court.

KEY: judges, judicial ethics, proceedings, sanctions

~~September 18~~ **December 16, 2000**

78-8-102

78-8-107

Judicial Conduct Commission,
Administration
R595-1-2
Jurisdiction

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23239

FILED: 10/18/2000, 08:05

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Adds statutory reference and clarifies rule.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment adds a statutory reference and clarifies that the Commission "evaluates" allegations of misconduct and disability.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. VIII, Sec. 13; and Section 78-8-107

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Judicial Conduct Commission rules do not apply to state government.

❖LOCAL GOVERNMENTS: Judicial Conduct Commission rules do not apply to local government.

❖OTHER PERSONS: This will only impact the disciplinary procedures taken by the Judicial Conduct Commission against state judges; there are no anticipated costs associated with this amendment because these rules direct the investigative process associated with complaints against judges.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change only impacts the disciplinary procedures taken by the Judicial Conduct Commission against state judges and no additional costs to any "person" is anticipated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses in the State of Utah.

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

Judicial Conduct Commission
Administration
Suite 104, Law and Justice Center
645 South 200 East
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steven H. Stewart at the above address, by phone at (801) 533-3200, by FAX at (801) 533-3208, or by Internet E-mail at steves@utahbar.org.

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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Steven H. Stewart, Director

R595. Judicial Conduct Commission, Administration.

R595-1. Rules of Procedure.

R595-1-2. Jurisdiction.

A. Judges. Pursuant to Section 78-9-101 et seq. of the Utah Code, [F]the Commission has jurisdiction over judges in evaluating[regarding] allegations that misconduct occurred before or during service as a judge and in evaluating[regarding] allegations of disability during service as a judge.

B. Former judges. Pursuant to Section 78-9-101 et seq. of the Utah Code, [F]the Commission has continuing jurisdiction over former judges regarding allegations that misconduct occurred before or during service as a judge if a complaint is made before the judge left office.

KEY: judges, judicial ethics, proceedings, sanctions
[September 18]December 16, 2000

78-8-102
78-8-107



**Judicial Conduct Commission,
Administration
R595-1-3
Executive Director**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23240
FILED: 10/18/2000, 08:05
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Attorney General's office has concluded that the phrase "but not limited to" is "an illegal prospective incorporation."

SUMMARY OF THE RULE OR CHANGE: The amendment deletes "but not limited to."

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. VIII, Sec. 13; and Section 78-8-107

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: Judicial Conduct Commission rules do not apply to state government.
- ❖LOCAL GOVERNMENTS: Judicial Conduct Commission rules do not apply to local government.
- ❖OTHER PERSONS: This will only impact the disciplinary procedures taken by the Judicial Conduct Commission against state judges; there are no anticipated costs associated with this amendment because these rules direct the investigative process associated with complaints against judges.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change only impacts the disciplinary procedures taken by the Judicial Conduct Commission against state judges and no additional costs to any "person" is anticipated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses in the State of Utah.

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

Judicial Conduct Commission
Administration
Suite 104, Law and Justice Center
645 South 200 East
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Steven H. Stewart at the above address, by phone at (801) 533-3200, by FAX at (801) 533-3208, or by Internet E-mail at steves@utahbar.org.

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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Steven H. Stewart, Director

R595. Judicial Conduct Commission, Administration.

R595-1. Rules of Procedure.

R595-1-3. Executive Director.

Powers and Duties. The executive director shall have the authority and duty to:

1. Receive and screen complaints, refer complaints to other agencies when appropriate, conduct preliminary investigations, recommend full investigations, notify complainants about the status and disposition of their complaints, make recommendations to the Commission on the disposition of complaints after investigation, file formal charges when directed to do so by the Commission, and act as examiner in prosecuting formal charges;
2. Maintain permanent records of the operations of Commission's office, including receipt of complaints, screening, investigation, and filing of formal charges in judicial discipline and disability matters, subject to the requirements of Rule 16;
3. Compile statistics to aid in the administration of the system, including[~~but not limited to~~] a log of all complaints received, investigative files, and statistical summaries of docket processing and case dispositions;
4. Prepare the Commission's budget for submission to the Commission and legislature, and administer the funds;
5. Employ and supervise other members of the Commission's staff;
6. With the Commission's approval, engage experts in connection with proceedings; and
7. Perform other duties at the direction of the Commission.

KEY: judges, judicial ethics, proceedings, sanctions
~~September 18~~ December 16, 2000

78-8-102
78-8-107

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**Judicial Conduct Commission,
Administration
R595-1-6
Right to Counsel**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23241

FILED: 10/18/2000, 08:05

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Clarifies that "an accused" judge is entitled to retain counsel.

SUMMARY OF THE RULE OR CHANGE: Clarifies that "an accused" judge is entitled to retain and have assistance of counsel at every stage of Commission proceedings.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. VIII, Sec. 13; and Section 78-8-107

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Judicial Conduct Commission rules do not apply to state government.

❖LOCAL GOVERNMENTS: Judicial Conduct Commission rules do not apply to local government.

❖OTHER PERSONS: This will only impact the disciplinary procedures taken by the Judicial Conduct Commission against state judges; there are no anticipated costs associated with this amendment because these rules direct the investigative process associated with complaints against judges.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change only impacts the disciplinary procedures taken by the Judicial Conduct Commission against state judges and no additional costs to any "person" is anticipated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses in the State of Utah.

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

Judicial Conduct Commission
Administration
Suite 104, Law and Justice Center
645 South 200 East
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steven H. Stewart at the above address, by phone at (801) 533-3200, by FAX at (801) 533-3208, or by Internet E-mail at steves@utahbar.org.

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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Steven H. Stewart, Director

R595. Judicial Conduct Commission, Administration.

R595-1. Rules of Procedure.

R595-1-6. Right to Counsel.

[The]An accused judge shall be entitled to retain[-counsel] and[-to] have the assistance of counsel at every stage of Commission proceedings.

KEY: judges, judicial ethics, proceedings, sanctions

~~September 18~~ December 16, 2000

78-8-102
78-8-107

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**Judicial Conduct Commission,
Administration
R595-1-11
Screening and Investigation**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23242

FILED: 10/18/2000, 08:05

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 78-8-101(2)(b) provides a definition of complaint which includes information "from other sources" so this language can be deleted.

SUMMARY OF THE RULE OR CHANGE: This amendment deletes language covered in Subsection 78-8-101(2)(b), "from other sources," which is part of the definition of "complaint."

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. VIII, Sec. 13; and Section 78-8-107

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Judicial Conduct Commission rules do not apply to state government.

❖LOCAL GOVERNMENTS: Judicial Conduct Commission rules do not apply to local government.

❖OTHER PERSONS: This will only impact the disciplinary procedures taken by the Judicial Conduct Commission against state judges; there are no anticipated costs associated with this amendment because these rules direct the investigative process associated with complaints against judges.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change only impacts the disciplinary procedures taken by the Judicial Conduct Commission against state judges and no additional costs to any "person" is anticipated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses in the State of Utah.

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

Judicial Conduct Commission
Administration
Suite 104, Law and Justice Center
645 South 200 East
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Steven H. Stewart at the above address, by phone at (801) 533-3200, by FAX at (801) 533-3208, or by Internet E-mail at steves@utahbar.org.

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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Steven H. Stewart, Director

R595. Judicial Conduct Commission, Administration.

R595-1. Rules of Procedure.

R595-1-11. Screening and Investigation.

A. Screening. The executive director shall evaluate all information coming to the Commission's attention alleging judicial misconduct or disability by complaint[~~or from other sources~~]. Regardless of whether the information would constitute misconduct or disability if true, the executive director shall conduct a preliminary investigation.

B. Preliminary Investigation.

1. The executive director and the Commission's investigators may conduct interviews and examine evidence to determine whether grounds exist to believe the allegations of complaints, provided that no subpoena shall issue to obtain testimony or evidence until a full investigation has been authorized.

2. When there is credible evidence supporting the allegations against a judge, the executive director shall recommend a full investigation. The executive director may recommend a full investigation when there are grounds to believe that evidence supporting the allegations could be obtained by subpoena or further investigation. In all other cases, the executive director shall recommend that the matter be dismissed.

C. Full Investigation.

1. Within ten (10) days after a full investigation is authorized, the executive director shall give the following notice to the judge:

- a. A specific statement of the allegations being investigated and the canons of the Code of Judicial Conduct allegedly violated, with the provision that the investigation can be expanded if appropriate;
- b. The judge's opportunity to respond; and
- c. The name of the complainant, unless the Commission determines there is good cause to withhold the name.

2. The executive director shall request that the judge file a written response within fifteen (15) days after service of the notice.

3. The chair of the Commission is authorized to issue subpoenas once a full investigation has been approved.

4. The executive director shall direct all investigations.

D. Disposition After Full Investigation.

1. Upon the conclusion of a full investigation, the executive director may recommend to the Commission one or more of the following:

- a. Dismissal;
- b. Informal order of reprimand;
- c. The filing of formal charges for misconduct or disability;
- d. Referral of information indicating possible criminal conduct by a judge to the Supreme Court pursuant to 78-8-104(1)(a), U.C.A.;
- e. Referral of information indicating possible criminal conduct by a judge to a local prosecutor pursuant to 78-8-107(b)(1) and (2), U.C.A.;
- f. Referral of information indicating possible attorney misconduct to the Utah State Bar under 78-8-107, U.C.A.

2. The Commission may adopt, reject, or modify the recommendations of the executive director. If the Commission finds reasonable cause to believe the judge committed misconduct,

- a. It may direct the executive director to file formal charges;
- b. It may propose an informal order of reprimand to the respondent and if the respondent consents, it shall submit the informal order of reprimand to the Supreme Court for review[;].

KEY: judges, judicial ethics, proceedings, sanctions

[September 18]December 16, 2000

78-8-102

78-8-107



Labor Commission, Industrial
Accidents
R612-2-5
Regulation of Medical Practitioner Fees

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23234

FILED: 10/17/2000, 11:21

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment to R612-2-5 allows the Industrial Accidents Division to take advantage of the methodology, data and analysis used by the National Health Care Financing Administration in developing its "Resource Based Relative Value Schedule (RBRVS)". The proposed amendment incorporates the RBRVS's relative values as part of the formula for computing the fees allowed for medical services provided to injured workers under the Utah Workers' Compensation Act.

The proposed amendment also standardizes medical procedure coding requirements consistent with the American Medical Association's CPT-4 coding guidelines and amends the existing conversion factors for various medical specialties.

By adopting the HCFA's RBRVS and the A.M.A.'s CPT-4 coding guidelines, the Division will eliminate the need to maintain Utah-specific relative value schedules and medical coding standards. This will end the duplication of effort that now exists, while at the same time promoting greater uniformity with other jurisdictions and agencies.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment: 1) substitutes the HCFA's RBRVS for the existing Utah-specific RVS; 2) requires use of the A.M.A.'s coding guidelines; and 3) updates conversion factors for various medical specialties.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34A-2-101 et seq.; 34A-3-101 et seq.; and 34A-1-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: HCFA "Resource Based Relative Value Schedule", 2001 edition; AMA CPT-4 Coding Guidelines, 2001 edition; and Labor Commission Medical Fee Guidelines and Codes, as of December 1, 2000

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Labor Commission's Industrial Accidents Division will save approximately \$5,000 per year from eliminating the need to maintain, update and publish the Utah-specific RVS. The changes included in the proposed amendment will neither increase nor decrease the overall amount of payments for medical expenses in the workers' compensation system. Consequently, the proposed amendment should result in no costs or savings to the State in its capacity as an employer. The Commission is unaware of any other costs or savings that may accrue to the State as a result of the proposed amendment.

❖LOCAL GOVERNMENTS: The changes included in the proposed amendment will neither increase nor decrease the overall amount of payments for medical expenses in the workers' compensation system. Consequently, the proposed amendment should result in no costs or savings to local governments in their capacity as employers. The Commission is unaware of any other costs or savings that may accrue to local governments as a result of the proposed amendment.

❖OTHER PERSONS: Due to differences in relative values assigned to various medical services between the existing Utah-specific relative value schedule and the proposed Resource Based Relative Value Schedule, some medical providers will receive lower fees for their services to injured workers, while other medical providers will receive increased fees. On balance, the higher and lower fees under the RBRVS will cancel each other out, resulting in no net change in payments for medical services under the workers' compensation system. The proposed amendment will promote standardization of medical coding, which will produce some degree of savings to health care providers and insurers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs of compliance are the same under the existing rule and the proposed amendment. The only anticipated effect of the proposed amendment on cost of compliance is to reduce such costs through the standardization and simplification of coding requirements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Business and labor interests have expressed a strong concern that the proposed amendment have a neutral effect on the total amount paid for medical services under the workers' compensation system. The Division has undertaken substantial analysis of the proposed amendment and believes that its effect will be fiscally neutral. The proposed amendment should have a positive effect by conforming Utah's relative value schedule and coding standards to national standards.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or by Internet E-mail at icmain.jsewell@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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2001

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R612. Labor Commission, Industrial Accidents.

R612-2. Workers' Compensation Rules-Health Care Providers.

R612-2-5. Regulation of Medical Practitioner Fees.

Pursuant to Section 34A-2-407:

A. The Labor Commission of Utah:

1. Establishes and regulates fees and other charges for medical, surgical, nursing, physical and occupational therapy, mental health, chiropractic, naturopathic, and osteopathic services, or any other area of the healing arts as required for the treatment of an industrially injured employee.

2. ~~[Establishes the following conversion factors per unit of the Relative Value Schedule for medical treatment resulting from an industrial injury or occupational disease, effective January 1, 1999:]~~ Adopts and by this reference incorporates the per unit value of the National Health Care Financing Administration's (HCFA) "Resource-Based Relative Value System" (RBRVS), 2001 edition, as the method for calculating reimbursement and the American Medical Association's CPT-4, 2001 edition, coding guidelines. The CPT-4 coding guidelines are subject to the Utah Labor Commission's Medical Fee Guidelines and Codes and the following Labor Commission conversion factors for medical care rendered for an industrial injury or occupational disease, effective January 1, 2001:

Anesthesiology ~~[\$29.02]~~\$37.00 (1 unit per 15 minutes of anesthesia);

Medicine \$40.00;~~[\$1.42]~~

Pathology and Laboratory ~~[\$1.42]~~150% of Utah's published Medicare carrier;

Radiology ~~[\$1.47]~~\$3.00;

Restorative Medicine ~~[\$1.42]~~\$40.00, with Utah code 97001 at a 0.8 relative value unit and Utah code 97002 at a 0.5 of relative value unit.

Surgery ~~[\$18.42]~~\$37.00;

Codes 20000/49505 thru 49525/60000 of the CPT-4 coding guidelines \$58.00.

3. ~~[Revises the codes and procedures within the Relative Value Schedule after analysis and study of the Medical Fee Advisory Committee recommendations. The Relative Value Schedule can be obtained from the division for a fee sufficient to recover costs of development, printing, and mailing.]~~ Adopts and incorporates by this reference the Utah Labor Commission's Medical Fee Guidelines and Codes, as of December 1, 2000. The Utah Medical Fee Guidelines and Codes can be obtained from the division for a fee sufficient to recover costs of development, printing, and mailing.

4. Decides appropriate billing procedure codes when disputes arise between the medical practitioner and the employer or its insurance carrier. In no instance will the medical practitioner bill both the employer and the insurance carrier.

B. Employees cannot be billed for treatment of their industrial injuries or occupational diseases.

C. Discounting from the fees established by the Labor Commission is allowed only through specific contracts between a medical provider and a payor for treatment of industrial injured/ill patients.

D. Restocking fee 15%. Rule R612-2-15 covers the restocking fee.

E. Dental fees are not published. Rule R612-2-17 covers dental injuries.

F. Ambulance fees are not published. Rule R612-2-19 covers ambulance charges.

KEY: workers' compensation, fees, medical practitioner
~~[November 3, 1998]~~2000 34A-2-101 et seq.
 Notice of Continuation June 15, 1998 34A-3-101 et seq.
 34A-1-104



Labor Commission, Industrial Accidents
R612-4-2
 Premium Rates for the Uninsured
 Employers' Fund and the Employers'
 Reinsurance Fund

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23269

FILED: 10/30/2000, 08:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To establish premium assessment rates for 2001 to fund the Employers' Reinsurance Fund, the Uninsured Employers' Fund, and the Workplace Safety Account.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment: 1) extends the existing premium assessment rates for the Uninsured Employers Fund (0.50%), and the Workplace Safety Account (0.25%) through the calendar year of 2001; and 2) decreases the premium assessment rate for the Employers Reinsurance Fund from 9.25 to 7.25% for the calendar year of 2001. These premium assessments are required by statute to meet the operating expenses and minimum fund balances of the Employers' Reinsurance Fund and the Uninsured Employers Fund and to fund the Labor Commission's Workplace Safety activities.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34A-1-104 and 59-9-101

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Because the proposed amendment decreases the premium assessment rate, there is an anticipated savings to the state budget equivalent to approximately 2% of its workers compensation premium.

❖LOCAL GOVERNMENTS: Because the proposed amendment decreases the premium assessment rate, there is an anticipated savings to local government equivalent to approximately 2% of its workers compensation premium. However, specific savings will vary from local government to local government, depending on employee classifications, experience rates and other factors used in establishing workers compensation premiums.

❖OTHER PERSONS: Because the proposed amendment decreases the premium assessment rate, there is an

anticipated savings to other persons equivalent to approximately 2% of its workers compensation premium. However, specific savings will vary from other persons to other persons, depending on employee classifications, experience rates and other factors used in establishing workers compensation premiums.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment decreases the existing premium assessment rate for the Employers' Reinsurance Fund. Consequently, the proposed amendment will result in a decrease in compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment decreases the existing premium assessment rate for the Employers' Reinsurance Fund. Because the premium assessment rate is applied against workers' compensation insurance premiums, which are remaining unchanged in 2001, the proposed amendment should result in a cost savings for business.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joyce Sewell at the above address, by phone at (801) 530-6988, by FAX at (801) 530-6804, or by Internet E-mail at icmain.jsewell@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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R612. Labor Commission, Industrial Accidents.

R612-4. Premium Rates.

R612-4-2. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund.

A. Pursuant to Section 59-9-101(2), the workers' compensation premium rates effective January 1, ~~2000~~2001, as established by the Labor Commission, shall be:

1. 0.50% for the Uninsured Employers' Fund;
2. ~~9.25%~~7.25% for the Employers' Reinsurance Fund;
3. 0.25% for the workplace safety account.

B. The premium rates are a percentage of the total workers' compensation insurance premium income as detailed in Section 59-9-101(2)(a).

KEY: workers' compensation, rates

~~[December 2, 1999]~~2000

59-9-101(2)

Notice of Continuation December 19, 1996



Labor Commission, Safety
R616-2-3
Safety Codes and Rules for Boilers and
Pressure Vessels

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23270

FILED: 10/30/2000, 08:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule change is to adopt the yearly Addenda for (ASME) Code books.

SUMMARY OF THE RULE OR CHANGE: The proposed rule amendments incorporate by reference the July 1, 2000 addenda to Sections I, IV, and VIII of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (1998).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-7-101

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: ASME Boiler and Pressure Vessel Code (1998): Section I Rules for Construction of Power Boilers, 2000 Addenda, published July 1, 2000. Section IV Rules for Construction of Heating Boilers, 2000 Addenda, published July 1, 2000. Section VIII rules for construction of Pressure Vessels, 2000 Addenda, published July 1, 2000.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no cost or savings to the state budget. The Safety Division has previously purchased the ASME Codes, which include the cost of annual addenda. The substantive provisions of the 2000 addenda do not require any additional expense for administration or enforcement.

As to the impact of the 2000 addenda on the state's cost to own or operate boilers, such impact should be minimal. The primary purpose of the 2000 addenda is to refine and clarify existing standards.

❖LOCAL GOVERNMENTS: As to the impact of the 2000 addenda on local government, such impact should be minimal. The primary purpose of the 2000 addenda is to refine and clarify existing standards.

❖OTHER PERSONS: As to the impact of the 2000 addenda on other persons, such impact should be minimal. The primary purpose of the 2000 addenda is to refine and clarify existing standards.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The 2000 addenda will not increase compliance costs for affected persons, i.e., manufactures or owner/operators of boilers and pressure vessels. The additional compliance requirements imposed by the 2000 addenda are already followed by most affected persons as part of their existing practices.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The primary purpose of the 2000 addenda is to refine and clarify existing standards. Any changes imposed by the addenda have, for the most part, already been incorporated in the practices of the boiler and pressure vessel industry. Consequently, the Commission does not expect the addenda to impose any fiscal burden on business.

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

Labor Commission
Safety
Third Floor, Heber M. Wells Office Building
160 East 300 South
PO Box 146620
Salt Lake City UT 84114-6620, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Larry Patrick at the above address, by phone at (801) 530-6872, by FAX at (801) 530-6390, or by Internet E-mail at icmain.lpatrick@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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2001

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R616. Labor Commission, Safety.

R616-2. Boiler and Pressure Vessel Rules.

R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.

The following safety codes and rules shall apply to all boilers and pressure vessels in Utah, except those exempted pursuant to Section 34A-7-101, and are incorporated herein by this reference in this rule.

- A. ASME Boiler and Pressure Vessel Code (1998).
 1. Section I Rules for Construction of Power Boilers and the [1999]2000 Addenda, published July 1, [1999]2000.
 2. Section IV Rules for Construction of Heating Boilers and the [1999]2000 Addenda, published July 1, [1999]2000.
 3. Section VIII Rules for Construction of Pressure Vessels and the [1999]2000 Addenda, published July 1, [1999]2000.

B. Power Piping ASME B31.1 (1998) and the ASME B31.1a-1999 Addenda, issued November 30, 1999.

C. Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-1998 and the ASME CSD-1a-1999 addenda, issued March 10, 2000.

D. National Board Inspection Code ANSI/NB-23 (1998) and the 1999 NBIC Addendum, published December 31, 1999.

E. Standard for the Prevention of Furnace Explosions/Implosions in Single Burner Boilers, NFPA 8501 (1997).

F. Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers, NFPA 8502 (1995).

G. Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations NB-132 Rev. 4.

H. Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 (1997) and the 1998 Addenda, published December 1998.

KEY: boilers*, certification, safety

[June 2,]2000

34A-7-101 et seq.

Notice of Continuation February 5, 1997



Public Service Commission,
Administration
R746-360
Universal Public Telecommunications
Service Support Fund

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23271

FILED: 10/31/2000, 12:36

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To incorporate current practice and change annual eligibility review of Fund recipients to periodic reviews; correct an error in the current rule which matched total costs estimated by cost proxy models with a portion of revenues; and to delete provisions which are no longer relevant or applicable in the current rule and make minor stylistic changes in text.

SUMMARY OF THE RULE OR CHANGE: The proposed change matches current regulatory agency practice of making periodic reviews of universal service fund recipients by changing the current rule's requirement of making annual reviews to periodic reviews. The current rule calculates universal service fund distributions for non-rate-or-return companies using the difference between proxy model costs estimates for a designated support area and revenues

received from residential users. This creates a mismatch of comparing total costs for a designated area with only a portion of revenues received from the designated area. The proposed change corrects this mismatch by revising the rule to compare the appropriate portion of costs with the appropriate portions of revenues. The proposed change also clarifies that one-time distributions from the universal service fund may be made whether or not the telecommunications corporation is receiving or qualifies for monthly distributions from the Fund.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-8b-15

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--State regulatory agencies had determined that current budgets and time constraints do not permit the annual reviews required by the existing rule. The rule makes changes to match agency activities with current budgets and resource availability.

❖LOCAL GOVERNMENTS: None--No local government activities are affected by the proposed change.

❖OTHER PERSONS: None--Recipients of Fund disbursements have not been required to perform annual reviews, so their reporting and review preparations will not change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--see aggregate anticipated costs or savings to other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the existing rule has not been in effect for a sufficient period to alter agency and recipient review scheduling, Fund recipients have not been asked to prepare for reviews and agency personnel have not had to attempt to complete all reviews in the annual time frame required by the existing rule. By proposing the change to the rule, agency and recipient schedules will not have to be shortened.

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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Barbara Stroud (designee), Paralegal

R746. Public Service Commission, Administration.

R746-360. Universal Public Telecommunications Service Support Fund.

R746-360-1. General Provisions.

A. Authorization -- Section 54-8b-15 authorizes the Commission to establish an expendable trust fund, known as the Universal Public Telecommunications Service Support Fund, the "universal service fund," "USF" or the "fund," to promote equitable cost recovery and universal service by ensuring that customers have access to basic telecommunications service at just, reasonable and affordable rates, consistent with the Telecommunications Act of 1996.

B. Purpose -- The purposes of these rules are:

1. to govern the methods, practices and procedures by which:

a. the USF is created, maintained, and funded by end-user surcharges applied to retail rates [~~paid by service end-users~~];

b. funds are collected for and disbursed from the USF to qualifying telecommunications corporations so that they will provide basic telecommunications service at just, reasonable and affordable rates; and,

2. to govern the relationship between the fund and the trust fund established under 54-8b-12, and establish the mechanism for the phase-out and expiration of the latter fund.

C. Application of the Rules -- The rules apply to all retail providers that provide intrastate public telecommunications services.

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. 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.

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~~]obtained from another telecommunications corporation, or a telecommunications corporation which solely uses essential facilities or unbundled network elements [~~purchased~~]obtained 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 public telecommunications services. The Commission will determine the appropriate geographic area to be used in determining 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~~]collected 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 an consumer or end-user.~~]

J. Trust Fund -- means the Trust Fund established by 54-8b-12.

~~K.~~ USF Proxy Model Costs -- means the total, jurisdictionally unseparated, cost estimate for 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. These models shall be provided by the Commission by January 2, 2001.

~~E.~~ 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.

~~**R746-360-3. Transition From 54-8b-12 to 54-8b-15.**~~

~~A. Phase out of 54-8b-12 Trust Fund and Transfer of Trust Fund Funds -- In order to permit telecommunications corporations to make the transition to the fund created by 54-8b-15 and this rule:~~

~~1. The 54-8b-12 Trust Fund mechanisms shall continue until May 31, 1998, upon which date they shall cease. Funds derived from these funding mechanisms will be deposited in the USF.~~

~~2. Balances remaining in the 54-8b-12 Trust Fund as of June 1, 1998, plus remittances of any funds pursuant to the 54-8b-12 Trust Fund shall be transferred to the USF.~~

~~B. Two-Year Continuation of Equivalent Trust Fund Funding~~

~~Upon written notification to the Commission, telecommunications corporations that received 54-8b-12 Trust Fund support in 1997 may elect to receive support equivalent to what they would have received from the 54-8b-12 Trust Fund rather than support pursuant to the 54-8b-15 USF. These companies may continue to receive this Trust Fund equivalent support until December 31, 1999. During this time period, these companies may elect to end this equivalent support and begin to receive support pursuant to the 54-8b-15 USF by submitting a written notification to the Commission 30 days prior to the beginning of the 54-8b-15 USF support. Funds for equivalent Trust Fund support will be provided from the USF.~~

]

R746-360-[4]3. 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]~~Periodic Review -- The administrator, under the direction of the Commission, shall perform ~~[an annual]~~a periodic 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]4. 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. Surcharge -- The surcharge to be assessed beginning January 1, 2000, shall equal 0.67 percent of billed intrastate retail rates.

R746-360-[6]5. Fund Remittances and Disbursements.

A. Remitting Surcharge Revenues --

1. ~~[Retail providers]~~Telecommunications corporations, not eligible for USF support funds, providing telecommunications services subject to USF surcharges shall collect and remit surcharge revenues to the Commission within 45 days after the end of each month.

2. ~~[Retail providers]~~Telecommunications corporations 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 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 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]6. 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. 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-[7]6A.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. 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]7. 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 and average revenue per line will be used to determine fund distributions within designated support areas.

B. 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.

C. Determination of Support Amounts --

1. Incumbent telephone corporation - Monies from the fund will equal the numerical difference between USF proxy model cost estimates of costs to provide residential Basic Telecommunications Service in the designated support area and 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.

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]8. 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-[10]9. One-Time Distributions From the Fund.

A. Applications for One-Time Distributions -- Telecommunications corporations, whether they are or are not receiving USF funds under R746-360-7 or R746-360-8, 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 for the designated area, customer, or customers 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-[11]10. 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-[12]11. 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*
[December 7, 1999]2000

54-7-25
 54-7-26
 54-8b-12
 54-8b-15



Tax Commission, Administration
R861-1A-11
 Appeal of Factor Order Pursuant to
 Utah Code Ann. Section 59-2-704
 (1953)

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23272

FILED: 10/31/2000, 15:58

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-704, U.C.A., authorizes the State Tax Commission to hold hearings when factor orders are in dispute. It directs the commission to establish the method, procedure, and timetable for those hearings.

SUMMARY OF THE RULE OR CHANGE: This amendment clarifies that the section applies to appeals of all corrective action orders, not just factor orders. It also changes the time frame for appealing corrective action orders to accommodate the changes proposed for R884-24P-27.

(DAR Note: The proposed amendment to Section R884-24P-27 is under DAR No. 23277 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-704

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--The amendment revises the time frames for appealing corrective action orders.

❖LOCAL GOVERNMENTS: None--The amendment revises the time frames for appealing corrective action orders.

❖OTHER PERSONS: None--The amendment revises the time frames for appealing corrective action orders.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendment revises the time frames for appealing corrective action orders.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--There are no fiscal impacts on business.

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

Tax Commission

Administration

Tax Commission Building

210 North 1950 West

Salt Lake City, UT 84134, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

R861. Tax Commission, Administration.**R861-1A. Administrative Procedures.****R861-1A-11. Appeal of [Factor]Corrective Action Order Pursuant to Utah Code Ann. Section 59-2-704[~~(1953)~~].**

A. Appeal of [Factor]Corrective Action Order. Any county appealing a [factor]corrective action order issued pursuant to [Utah Code Ann.]Section 59-2-704[~~(2)~~], [or any amendment initiated by the Commission to the order,] shall, within [15]10 days of the mailing of [an]the order[to factor], request in writing a hearing before the Commission. The Commission shall immediately set the time and place of the hearing, which shall be held no later than [March 1]June 30 of the tax year to which the [factor]corrective action order applies.

B. Hearings. Hearings on [factor]corrective action order appeals shall be conducted as formal hearings and shall be governed by the procedures contained in these rules. If the parties are able to stipulate to a modification of the [factor]corrective action order, and it is evident that there is a reasonable basis for modifying the [factor]corrective action order, [then] an amended [factor]corrective action order may be executed by the Commission. One or more commissioners may preside at a hearing under this rule with the same force and effect as if a quorum of the Commission were present. However, a decision must be made and an order signed by a quorum of the Commission.

C. Decisions and Orders. The Commission shall render its decision and order no later than [March 15]July 10 of the tax year to which the corrective action order applies. Upon reaching a decision, the Commission shall immediately notify the clerk of the county board of equalization and the county assessor [or if unavailable, his deputy, by telephone and shall confirm the order by mail]of that decision. [A county desiring to appeal the order must petition for reconsideration within ten days after the county assessor has been notified by telephone. No petition for reconsideration will be entertained unless evidence not reasonably available at the time of the hearing is to be presented. Oral argument on reconsideration will be heard only if the Commission determines it to be in the public interest. The Commission shall render a decision and order on a petition for reconsideration no later than March 31 and shall notify the county assessor by telephone and by mail.]

D. Sales Information. Access to Commission property sales information shall be available by written agreement with the Commission to any clerk of the county board of equalization and county assessor appealing under this rule. All other reasonable and necessary information shall be available upon request, according to Commission guidelines.

E. Conflict with Other Rules. This rule supersedes all other rules [which]that may otherwise govern [such]these proceedings before the Commission.

KEY: developmentally disabled, grievance procedures, taxation, disclosure requirements

[June 21,]2000

59-2-704

Notice of Continuation May 20, 1997



Tax Commission, Auditing
R865-19S-65
Newspapers, Magazines and
Advertising Agencies Pursuant to Utah
Code Ann. Sections 59-12-103 and 59-
12-104

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 23273
 FILED: 10/31/2000, 15:58
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-12-103 imposes a sales tax on sales of tangible personal property.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment clarifies the sales tax nature of purchases by newspaper publishers; provisions relating to advertising are removed to a separate rule on advertisers. Advertisers are the subject of proposed Tax Commission Section R865-19S-110. **(DAR Note:** The proposed new section R865-19S-110 is under DAR No. 23275 in this *Bulletin*.)

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--The proposed amendment does not make any substantive changes with respect to the sales tax nature of purchases by newspaper publishers.

❖LOCAL GOVERNMENTS: None--The proposed amendment does not make any substantive changes with respect to the sales tax nature of purchases by newspaper publishers.

❖OTHER PERSONS: None--The proposed amendment does not make any substantive changes with respect to the sales tax nature of purchases by newspaper publishers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment does not make any substantive changes with respect to the sales tax nature of purchases by newspaper publishers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no fiscal impacts on businesses as a result of this amendment.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.
R865-19S. Sales and Use Tax.

R865-19S-65. Newspapers, Magazines and Advertising Agencies Pursuant to Utah Code Ann. [Sections]Section 59-12-103[and 59-12-104].

A. "Newspaper" means a publication that appears to be a newspaper in the general or common sense. In addition, the publication:

- 1. must be published at short intervals, daily, or weekly;
 - 2. must not, when its successive issues are put together, constitute a book;
 - 3. must be intended for circulation among the general public;
- and

4. must contain matters of general interest and report on current events.[A. The sale of magazines at retail or the taking of magazine subscriptions is taxable. By express exemption sales at retail of newspapers and newspaper subscriptions are not taxable.]

B. Purchases of tangible personal property by a newspaper publisher are subject to sales and use tax if the property will be used or consumed in the printing or distribution of the newspaper.

C. A newspaper publisher may purchase tax free for resale any tangible personal property that becomes a component part of the newspaper.

1. [Newspaper publishers, may purchase]Examples of tangible personal property that becomes a component part of the newspaper include newsprint, ink, staples, plastic[;] or paper protective coverings, and rubber bands[; or other materials] distributed with the newspaper[newsletters tax free].

[2. To be classified as a newspaper, the publication must appear to be a newspaper in the general or common sense and must contain the following elements:

- a. published at short intervals, daily, or weekly;
- b. must not, when its successive issues are put together, constitute a book;
- c. must be intended for circulation among the general public;
- d. must contain matters of general interest and report on current events;

— B-]D. [Advertising]Purchases of advertising inserts that will be distributed with a newspaper are exempt from sales and use tax if the inserts[that] are identified with the name and date of distribution of the newspaper[are exempt from sales and use tax]. The identification may include a multiple listing of all[the] newspapers [carrying]that will carry the insert and [extended]the corresponding distribution[publication] dates.

1. Advertising inserts that are not identified ~~[with the name and date of distribution of the newspaper]as provided in D.~~ are exempt from sales and use tax if the newspaper maintains a log at its place of business that lists by date and name the inserts included in each publication. The log may reflect all inserts or only the inserts not otherwise identified with the newspaper in accordance with~~[the above]D.~~

~~C. Advertising space sold in newspapers, magazines, or otherwise is not subject to tax. Likewise, charges made by advertising agencies for preparing and placing advertising media are charges for service and, therefore, are not taxable.~~

~~D. The tax applies, however, to sales of tangible personal property to advertisers or advertising agencies for use or consumption in preparing advertisements. Such sales include papers, ink, paint, tools, office supplies, art work purchased from independent artists, engraver's charges for making metal plates, electrotyper's charges for making electrotypes or matrices, and printer's charges for the production of pamphlets, booklets, brochures, and other printed materials.~~

~~E. The tax does not apply with respect to art work produced within the office of the advertiser or the advertising agency for the purpose of visualization of an idea and the client's selection of the particular visualization favored for use in the advertisements. The sale of materials to the advertiser or advertising agency for producing such art work is subject to tax.~~

~~F. If magazines are distributed free of charge within the state, there is still a taxable transaction associated with the production or acquisition of the magazines. The amount of tax due shall be the greater of the tax on component parts such as paper, ink and binding materials purchased by the printer or tax on the amount the sponsor pays the printer for production of the magazine. The sponsor is the party contracting with the publisher to print the magazines. A party who only advertises in the magazine is not considered the sponsor.~~

~~G. If magazines are shipped out of state by common carrier and distributed free of charge to out-of-state recipients, there is not a taxable transaction associated with the production or acquisition of the magazines.]~~

KEY: charities, tax exemptions, religious activities, sales tax
[August 31,]2000 59-12-103
Notice of Continuation May 22, 1997



Tax Commission, Auditing
R865-19S-80

**Printers, Typesetters, Typographers,
 Engravers, and Related Graphic Arts
 Industries Pursuant to Utah Code Ann.
 Section 59-12-103**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23274

FILED: 10/31/2000, 15:58

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-12-103 imposes a sales tax on sales of tangible personal property, and certain specified services.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment deletes archaic language; reorganizes the language within the rule; clarifies the sales tax nature of purchases and sales by printers; and provides that a printers' purchase of graphic design services may be exempt from sales tax if that purchase satisfies the conditions of Tax Commission Section R865-19S-111.

(DAR Note: The proposed new Section R865-19S-111 is under DAR No. 23276 in this *Bulletin*.)

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Immaterial decrease. The proposed amendment provides that certain graphic design services are to taxable, as provided in Section 59-12-103. These services were taxable upon purchases by a printer under the previous interpretation of Section 59-12-103. Since we do not know the universe of persons that will be impacted by this amendment, it is not possible to provide an aggregate number for this tax decrease. However, it is estimated that the overall decrease due to this amendment is immaterial.

❖LOCAL GOVERNMENTS: Immaterial decrease. The proposed amendment provides that certain graphic design services are to taxable, as provided in Section 59-12-103. These services were taxable upon purchases by a printer under the previous interpretation of Section 59-12-103. Since we do not know the universe of persons that will be impacted by this amendment, it is not possible to provide an aggregate number for this tax decrease. However, it is estimated that the overall decrease due to this amendment is immaterial.

❖OTHER PERSONS: Immaterial decrease. The proposed amendment provides that certain graphic design services are to taxable, as provided in Section 59-12-103. These services were taxable upon purchases by a printer under the previous interpretation of Section 59-12-103. Since we do not know the universe of persons that will be impacted by this amendment, it is not possible to provide an aggregate number for this tax decrease. However, it is estimated that the overall decrease due to this amendment is immaterial.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Printers will be required to keep records of nontaxable purchases of graphic design services. However, record keeping is an essential part of the printer's sales tax responsibilities.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be a slight decrease in taxes collected and paid by some printers when the service component is a separate transaction and is no longer taxable.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.

R865-19S. Sales and Use Tax.

R865-19S-80. [Printers, Typesetters, Typographers, Engravers, and Related Graphic Arts Industries] Printers' Purchases and Sales Pursuant to Utah Code Ann. Section 59-12-103.

A. Definitions.

1.a) "Pre-press materials" means materials that:

- (1) are reusable;
- (2) are used in the production of printed matter;
- (3) do not become part of the final printed matter; and
- (4) are sold to the customer.

b) Pre-press materials include film, magnetic media, compact disks, typesetting paper, and printing plates.

2.a) "Printer" means [anyone reproducing] a person that reproduces multiple copies of images, regardless of the process employed or [by what] the name [they may be] by which that person is designated [—such as].

b) A printer includes a person that employs the processes of letterpress, offset, lithography, gravure, engraving, duplicating, silk screen, bindery, or lettership [—etc].

B. Purchases by a printer.

1. Purchases of tangible personal property by a printer are subject to sales and use tax if the property will be used or consumed by the printer.

a) Examples of tangible personal property used or consumed by the printer include conditioners, solvents, developers, and cleaning agents.

2. A printer may purchase tax free for resale any tangible personal property that becomes a component part of the finished goods for resale.

a) Examples of tangible personal property that becomes a component part of the finished goods for resale include glue, stitcher wire, paper, and ink.[

—B. Charges for printing, lithography, silk-screen printing, imprinting, multilithing, multigraphing, mimeographing, duplicating, photostating, steel-die engraving, photoengraving, embossing, and similar operations are taxable even though the paper may be furnished by the consumer.

—C. Services in connection with the sale of printed matter, such as cutting, folding, binding, addressing, and mailing are taxable. Envelopes used in connection therewith are taxable, but actual postage charges are exempt.

—D. Printers may purchase tax free for resale any materials, such as paper and ink that become a component part of the finished goods they resell. Printers are consumers and must pay tax on all materials and equipment purchased for their own use if they retain title to the tangible personal property.]

[E:]3. [Printers]A printer may purchase pre-press materials tax free ~~if~~ reusable pre-press materials, such as composition, electrotypes, stereotypes, mats, photoengravings, electronic engravings, rubber plates, plastic plates, silk screens, steel dies, brass dies, cutting dies, lithographic plates, artwork, transparencies, negatives, positives, punched tape, magnetic electronic tape, duplicating masters, stencils, reproduction proofs used in the preparation of printed matter for resale provided title to said tangible personal property passes to the customer.

—1. The tax applies to the printer's charge to the customer for such material in addition to charges for printed matter in connection with which they are sold.

—2. The] the printer's invoice, or other written material provided to the purchaser, [must contain a statement on its face, that] states that reusable pre-press materials [—associated with that transaction] are included with the purchase. A description and the quantity of the actual items used in the order is not necessary. The statement must not restrict the customer from taking physical possession of [those items if so desired] the pre-press materials.[

—3. If the printer's customer is purchasing printed material for resale, sales tax is still applicable to the selling price of these materials which are not to be resold, and in this case, the charges must be separately priced so that tax will be properly charged.

—4. If printing work is shipped outside of the state of Utah and interstate sale exemption applies, the charges for plates, dies, negatives, and similar items are exempt only if these items are physically shipped out-of-state with the printed material. If these items are retained in Utah by the printer for any reason, the interstate commerce exemption does not apply. Charges for these items must be separately priced, and tax collected on these charges.]

4. The tax treatment of a printer's purchase of graphic design services shall be determined in accordance with rule R865-19S-111.

C. Sales by a printer.

1. Except as provided in this Subsection C., a printer shall collect sales and use tax on the following:

a) charges for printed material, even though the paper may be furnished by the customer;

b) charges for envelopes;

c) charges for services performed in connection with the printing or the sale of printed matter, such as cutting, folding, binding, addressing, and mailing;

d) charges for pre-press materials purchased tax exempt by the printer; and

e) charges for reprints and proofs.

2. Charges for postage are not subject to sales and use tax.

3. Sales by a printer are exempt from sales and use tax if:

a) the sale qualifies for exemption under Section 59-12-104; and

b) the printer obtains from the purchaser a certificate as set forth in rule R865-19S-23.

4. If the printer's customer is purchasing printed material for resale, but will not resell the pre-press materials, the printer must collect sales and use tax on the pre-press materials.

5. If printed material is shipped outside of the state, charges for pre-press materials are exempt from sales tax as a sale of goods sold in interstate commerce only if the pre-press materials are physically shipped out of state with the printed material. If pre-press materials are retained in the state by the printer for any reason, the pre-press materials do not qualify for the sales tax exemption for goods sold in interstate commerce, and as such, the printer must collect sales tax on the part of the transaction relating to the pre-press materials.

D. If a sale by a printer consists of items that are subject to sales and use tax as well as items or services that are not taxable, the nontaxable items or services must be separately stated on the invoice or the entire sale is subject to sales and use tax.]

F. Engravers, photoengravers, typesetters, typographers, artists, and other vendors furnishing materials to printers are required to charge tax unless the printer furnishes them a resale exemption certificate:

1. If a printer purchases materials tax free under a resale-exemption certificate, any such materials used or consumed by him and not resold must be reported by the printer on a tax return as "goods consumed" and the tax paid thereon:

G. Charges for typography or type composition are not subject to tax, provided that title to the materials does not pass from the typesetter to the customer:

1. The retention of title by the typographer or typesetter may be established by issuance of credit slips to show the return of type metal:

2. Typographers and typesetters are consumers of all materials to which they retain title, including type, metal forms, machinery galleys, and similar properties:

3. They are also consumers of ink, film, chemicals, proofing paper, and other supplies which they use in the rendition of their services and must pay the tax on the purchase price of such items:

H. Galley proofs furnished at no extra charge are not taxable. Reprints or proofs in quantity are printed matter, and any charges made are taxable.]

KEY: charities, tax exemptions, religious activities, sales tax [August 31,]2000 59-12-103 Notice of Continuation May 22, 1997



Tax Commission, Auditing
R865-19S-110
Advertisers' Purchases and Sales
Pursuant to Utah Code Ann. Section
59-12-103

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23275

FILED: 10/31/2000, 15:58

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-12-103 imposes a sales tax on sales of tangible personal property.

SUMMARY OF THE RULE OR CHANGE: Proposed section sets forth the sales tax nature of advertisers' purchases and sales. Previously, this information was contained in another Section (R865-19S-65). While language in the previous section that restated statute is not carried over into this section, no substantive changes have been made in this restructuring of the section.

(DAR Note: This proposed amendment to Section R865-19S-65 is under DAR No. 23273 in this *Bulletin*.)

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--The proposed section makes no substantive changes to the sales tax nature of advertisers' purchases and sales.

❖LOCAL GOVERNMENTS: None--The proposed section makes no substantive changes to the sales tax nature of advertisers' purchases and sales.

❖OTHER PERSONS: None--The proposed section makes no substantive changes to the sales tax nature of advertisers' purchases and sales.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed section makes no substantive changes to the sales tax nature of advertisers' purchases and sales.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no fiscal impacts on businesses as a result of this amendment.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.
R865-19S. Sales and Use Tax.
R865-19S-110. Advertisers' Purchases and Sales Pursuant to Utah Code Ann. Section 59-12-103.

A. "Advertiser" means a person that places advertisements in a publication, broadcast, or electronic medium, regardless of the name by which that person is designated.

1. A person is an advertiser only with respect to items actually placed in a publication, broadcast, or electronic medium.

B. All purchases of tangible personal property by an advertiser are subject to sales and use tax as property used or consumed by the advertiser.

C. The tax treatment of an advertiser's purchase of graphic design services shall be determined in accordance with rule R865-19S-111.

D. An advertiser's charges for placement of advertisements are not subject to sales and use tax.

KEY: charities, tax exemptions, religious activities, sales tax
[October 14, 1998]2000 59-12-103
Notice of Continuation May 22, 1997



Tax Commission, Auditing
R865-19S-111
Graphic Design Services Pursuant to
Utah Code Ann. Section 59-12-103

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE No.: 23276
FILED: 10/31/2000, 15:58
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-12-103 imposes a sales tax on sales of tangible personal property, and certain specified services.

SUMMARY OF THE RULE OR CHANGE: Proposed rule indicates that graphic design services are not subject to sales tax if the graphic design is the object of the transaction, and even

though a representation of the design is incorporated into a sample that itself is tangible personal property. The rule also provides guidance for the tax treatment of transactions that include both a graphic design service element and a tangible personal property element.

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Immaterial decrease. The proposed rule provides that certain graphic design services are not taxable, as provided in Section 59-12-103. These services were taxable under the previous interpretation of Section 59-12-103. Since we do not know the universe of persons that will be impacted by this amendment, it is not possible to provide an aggregate number for this tax decrease. However, it is estimated that the overall decrease due to this amendment is immaterial.

❖LOCAL GOVERNMENTS: Immaterial decrease. The proposed rule provides that certain graphic design services are not taxable, as provided in Section 59-12-103. These services were taxable under the previous interpretation of Section 59-12-103. Since we do not know the universe of persons that will be impacted by this amendment, it is not possible to provide an aggregate number for this tax decrease. However, it is estimated that the overall decrease due to this amendment is immaterial.

❖OTHER PERSONS: Immaterial decrease to persons purchasing graphic design services that qualify as nontaxable under the proposed rule. The amount of the decrease is the sales tax that would otherwise have been imposed. Since we do not know the universe of persons that will be impacted by this amendment, it is not possible to provide an aggregate number for this tax decrease. However, it is estimated that the overall decrease due to this amendment is immaterial.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Graphic service providers will be required to keep records of nontaxable sales of graphic design services. However, record keeping is an essential part of a graphic designer's sales tax responsibilities.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There could be a slight decrease in taxes collected and paid by businesses providing graphic design service as a result of this interpretation of statute.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.

R865-19S. Sales and Use Tax.

R865-19S-111. Graphic Design Services Pursuant to Utah Code Ann. Section 59-12-103.

A. Graphic design services are not subject to sales and use tax: 1. if the graphic design is the object of the transaction; and 2. even though a representation of the design is incorporated into a sample or template that is itself tangible personal property.

B. Except as provided in C., if a vendor provides both graphic design services and tangible personal property that incorporates the graphic design:

1. there is a rebuttable presumption that the tangible personal property is the object of the transaction; and

2. the vendor must collect sales and use tax on the graphic design services and the tangible personal property.

C. A vendor that provides both graphic design services and tangible personal property that incorporates the graphic design is not required to collect sales tax on the graphic design services if the vendor subcontracts the production of the tangible personal property to an independent third party.

D. A vendor that provides nontaxable graphic design services and taxable tangible personal property under C. must separately state the nontaxable graphic design services or the entire sale is subject to sales and use tax.

KEY: charities, tax exemptions, religious activities, sales tax [October 14, 1998]2000 59-12-103 Notice of Continuation May 22, 1997



**Tax Commission, Property Tax
R884-24P-27**

Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Section 59-2-704.5

**NOTICE OF PROPOSED RULE
(Amendment)**

DAR FILE NO.: 23277
FILED: 10/31/2000, 15:58
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-704 authorizes the State Tax Commission to conduct and publish studies each year to determine the relationship

between real property assessments and market value. It further authorizes the commission to order each county to adjust its assessments to the most current studies so that the assessments in each county are in accordance with Section 59-2-103 (at "fair market value"). Section 59-2-704.5 authorizes the commission to adopt standards, by rule and after receiving advice from the Utah Assessors Association, for the issuance of corrective action orders.

SUMMARY OF THE RULE OR CHANGE: This rule amendment changes the time frame for conducting the annual assessment/sale ratio study and the issuing of corrective action orders from a two-year process to a one-year process. Ordered adjustments to the real property tax roll will now be made in the current year to which the market data in the study apply, instead of being made in a subsequent year. This amendment was initiated after three years of study by the Property Tax Division in response to a legislative audit recommendation and the recommendations of the Utah Assessors Association.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-2-704 and 59-2-701.5

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting and for the uniform school fund based on increased or decreased property valuation. Some slight overall property valuation changes may occur due to this amendment. Since adjustments to property tax assessment rolls will be made in a more timely fashion, in the current year rather than next, ordered adjustments will reflect a more current representation of the real estate market, instead of lagging a year behind. Most counties initiate steps on their own to keep assessments current and avoid corrective action orders; therefore, most property valuations will be unaffected by this amendment. For the other cases, the cost or savings cannot be estimated without an exhaustive study to predict future real estate market trends. However, it is estimated that the overall change to the state budget will be minimal due to this amendment.

❖LOCAL GOVERNMENTS: The amount of savings or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased property valuation. Some slight overall property valuation changes may occur in the current year rather than the subsequent year due to this amendment. Since adjustments to property tax assessment rolls will be made in a more timely fashion, in the current year rather than next, ordered adjustments will reflect a more current representation of the real estate market, instead of lagging a year behind. Most counties initiate steps on their own to keep assessments current and avoid corrective action orders; therefore, most property valuations will be unaffected by this amendment. For the other cases, the cost or savings cannot be estimated without an exhaustive study to predict future real estate market trends. However, it is estimated that the overall change is minimal due to this amendment.

❖OTHER PERSONS: Property owners with property in counties that receive corrective action orders may see valuation

changes in the current year that otherwise would have lagged behind a year. The resulting cost or benefit will depend in part on current and future real estate trends. However, since most valuation changes are offset by changes to the local property tax rates, and since most counties initiate steps on their own to keep assessments current and avoid corrective action orders, the overall change due to this amendment is minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If a county receives a corrective action order, the county board of equalization will convene a special meeting or schedule an additional agenda item to its regularly scheduled meetings to implement the corrective action. The cost to do so will likely be insignificant to the county board. All other compliance costs are unchanged from the current rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no impacts on businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-27. Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. [Section]Sections 59-2-704 and 59-2-704.5.

A. Definitions.

1. "Coefficient of dispersion (COD)" means the average deviation of a group of assessment ratios taken around the median and expressed as a percent of that measure.

2. "Coefficient of variation (COV)" means the standard deviation expressed as a percentage of the mean.

3. "Division" means the Property Tax Division of the State Tax Commission.

4. "Nonparametric" means data samples that are not normally distributed.

5. "Parametric" means data samples that are normally distributed.

6. "Urban counties" means counties classified as first or second class counties pursuant to Section 17-16-13.

B. The Tax Commission adopts the following standards of assessment performance, ~~regarding assessment level and uniformity:~~

1. ~~Upon completion by the Division of the annual Assessment/Sales Taxation Study, the Division shall issue a corrective action order for a property class or subclass if]For~~ assessment level in each property class, subclass, and geographical area in each county, the measure of central tendency shall meet one of the following measures.

~~a) [the]The measure of central tendency [is not]shall be within 10 percent of the legal level of assessment[or].~~

~~b) [the]The 95 percent confidence interval of the measure of central tendency [does not]shall contain the legal level of assessment.[~~

~~a) The measure of central tendency shall be the mean for parametric samples and the median for nonparametric samples.~~

~~b) The adjustment shall be calculated by dividing the legal level of assessment by the measure of central tendency when uniformity meets the standards in B.2., or by the 95 percent confidence interval limit nearest the legal level of assessment when the standards in B.2. are not met.]~~

2. ~~[Corrective action for]For uniformity of the property being appraised under the cyclical appraisal plan for [a given]the current year, [shall be ordered by the Division if] the measure of dispersion [is outside]shall be within the following limits[for the coefficient of dispersion (COD), or for the coefficient of variation (COV) when data are normally distributed:]~~

~~a) In urban counties[:];~~

~~(1) [the limit for the]a COD [is]of 15 percent or less for primary residential and commercial property, and 20 percent or less for vacant land and secondary residential property[:]; and~~

~~(2) a COV of 19 percent or less for primary residential and commercial property, and 25 percent or less for vacant land and secondary residential property.~~

~~b) In rural counties[:];~~

~~(1) [the limit for the]a COD [is]of 20 percent or less for primary residential and commercial property, and 25 percent or less for vacant land and secondary residential property[:]; and~~

~~(2) a COV of 25 percent or less for primary residential and commercial property, and 31 percent or less for vacant land and secondary residential property.]~~

~~c) The limit for the COV is 1.25 times the COD.~~

~~d) Corrective action may contain language requiring a county to create or follow its cyclical appraisal plan.~~

~~e) If the sample size does not meet the requirements of B.3., or if there is reason to question the reliability of statistical data achieved under B.3., an alternate performance evaluation shall be conducted, which may result in corrective action. The alternate performance evaluation shall include review and analysis of the following:~~

~~(1) the county's procedures for use and collection of market data, including sales, income, rental, expense, vacancy rates, and capitalization rates;~~

~~(2) the county-wide land, residential, and commercial valuation guidelines and their associated procedures for maintaining current market values;~~

~~(3) the accuracy and uniformity of the county's individual property data through a field audit of randomly selected properties;~~
~~(4) the county's level of personnel training, ratio of appraisers to parcels, level of funding, and other workload and resource considerations;~~

3. Statistical measures.

a) The measure of central tendency shall be the mean for parametric samples and the median for nonparametric samples.

b) The measure of dispersion shall be the COV for parametric samples and the COD for nonparametric samples.

~~(3)(c)~~ To achieve statistical accuracy in determining assessment level under B.1. and uniformity under B.2. for any property class, ~~or~~ subclass, or geographical area, the ~~acceptable~~ minimum sample size shall consist of 10 or more ratios.

C. Each year the Division shall conduct and publish an assessment-to-sale ratio study to determine if each county complies with the standards in B.

~~(a)~~ 1. To meet the minimum sample size, the study period may be extended.

~~(b)~~ 2. A smaller sample size may be used if:

~~(1)~~ a) that sample size is at least 10 percent of the class or subclass population; or

~~(2)~~ b) both the Division and the county agree that the sample may produce statistics that ~~infer~~ imply corrective action appropriate to the class or subclass of property.

~~(c)~~ 3. If the Division, after consultation with the counties, determines that the sample size does not produce reliable statistical data, an alternate performance evaluation may be conducted, which may result in corrective action. The alternate performance evaluation shall include review and analysis of the following:

~~(1)~~ a) the county's procedures for collection and use of market data, including sales, income, rental, expense, vacancy rates, and capitalization rates;

~~(2)~~ b) the county-wide land, residential, and commercial valuation guidelines and their associated procedures for maintaining current market values;

~~(3)~~ c) the accuracy and uniformity of the county's individual property data through a field audit of randomly selected properties; and

~~(4)~~ d) the county's level of personnel training, ratio of appraisers to parcels, level of funding, and other workload and resource considerations.

4. All input to the sample used to measure performance shall be completed by ~~September first~~ March 31 of each study ~~cycle~~ year.

5. The Division shall conduct a preliminary annual assessment-to-sale ratio study by April 30 of the study year, allowing counties to apply adjustments to their tax roll prior to the May 22 deadline.

6. The Division shall complete the final study immediately following the closing of the tax roll on May 22.

D. The Division shall order corrective action if the results of the final study do not meet the standards set forth in B.

1. Assessment level adjustments, or factor orders, shall be calculated by dividing the legal level of assessment by one of the following:

a) the measure of central tendency, if the uniformity of the ratios meets the standards outlined in B.2.; or

b) the 95 percent confidence interval limit nearest the legal level of assessment, if the uniformity of the ratios does not meet the standards outlined in B.2.

2. Uniformity adjustments, or reappraisal orders, shall only apply to the property being appraised under the cyclical appraisal plan for the current year. A reappraisal order shall be issued if the property fails to meet the standards outlined in B.2. Prior to implementation of reappraisal orders, counties shall submit a preliminary report to the Division that includes the following:

a) an evaluation of why the standards of uniformity outlined in B.2. were not met; and

b) a plan for completion of the reappraisal that is approved by the Division.

~~(5)~~ 3. ~~[Corrective]~~ A corrective action order may contain language requiring a county to create, modify, or follow its cyclical appraisal plan.

4. All corrective action orders shall be issued by June 10 of the study year.

~~(E)~~ E. The Tax Commission adopts the following procedures to insure compliance and facilitate implementation of ordered corrective action~~[-]~~.

1. ~~[The Division]~~ Prior to the filing of an appeal, the Division shall retain authority to correct errors and, with agreement of the affected county, issue amended orders or stipulate with the affected county to any appropriate alternative action without Tax Commission approval. [The Division may agree to any stipulation] Any stipulation by the Division subsequent to an appeal is subject to Tax Commission approval.

2. A county receiving a corrective action order resulting from this rule may file and appeal with the Tax Commission pursuant to Tax Commission rule R861-1A-11.

3. A corrective action order will become the final Tax Commission order if the county does not appeal in a timely manner, or does not prevail in the appeals process.

4. The Division may assist local jurisdictions to ensure implementation of any corrective action orders by the ~~May 22 deadline~~ following deadlines.

a) Factor orders shall be implemented in the current study year prior to the mailing of valuation notices.

b) Other corrective action, including reappraisal orders, shall be implemented prior to May 22 of the year following the study year. The preliminary report referred to in D.2. shall be completed by November 30 of the current study year.

5. The Division shall complete audits to determine compliance with corrective action orders as soon after the ~~assessment roll closes on May 22~~ deadlines set forth in E.4. as practical. The Division shall review the results of the compliance audit with the county and make any necessary adjustments to the compliance audit ~~[by July 1 of each assessment cycle]~~ within 15 days of initiating the audit. These adjustments shall be limited to the analysis performed during the compliance audit and may not include review of the data used to arrive at the underlying factor order. After any adjustments, the compliance audit will then be given to the Tax Commission for any necessary action.

6. The county shall be informed of any adjustment required as a result of the compliance audit. ~~[Any required adjustment shall appear on the notice required under Section 59-2-919 (4) and Tax Commission rule R884-24P-24 for the current year. This notice~~

shall not be mailed to taxpayers until required adjustments are implemented.]

KEY: taxation, personal property, property tax, appraisal
[~~June 21,~~]2000 Art. XIII, Sec 2
Notice of Continuation May 8, 1997 59-2-704
59-2-704.5



Tax Commission, Property Tax
R884-24P-49
Calculating the Utah Apportioned Value
of a Private Rail Car Company
Pursuant to Utah Code Ann. Section
59-2-201

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23278
FILED: 10/31/2000, 15:58
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-201 UCA, authorizes the State Tax Commission to assess at 100% of fair market value all property that operate as a unit across county lines, if the values must be apportioned among more than one county or state.

SUMMARY OF THE RULE OR CHANGE: Amendment provides for an out-of-service railcar adjustment in determining the taxable value of a private railcar company; provides procedural guidelines for calculating the out-of-service railcar adjustment; and clarifies that the provisions of the section apply to each railcar fleet owned by the private railcar company.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-201

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting and for the uniform school fund based on increased or decreased property valuation, including centrally-assessed property. This amendment will provide consistency in the administration of the out-of-service railcar adjustment, increasing the taxable value for some private railcar companies, while decreasing it for others. It is estimated that the overall change to the state budget due to this amendment would be minimal.

❖LOCAL GOVERNMENTS: The amount of savings or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased property valuation, including centrally-assessed

property. This amendment will provide consistency in the administration of the out-of-service railcar adjustment, increasing the taxable value for some private rail car companies, while decreasing it for others. It is estimated that the overall change to local budgets due to this amendment would be very small.

❖OTHER PERSONS: In the year 2000, ten private railcar companies claimed an idle railcar allowance. It is estimated this rule would have increased total taxable value by \$1,630,160 and increased total property tax by \$20,400. Since all other private railcar companies filing Year 2000 returns did not claim an idle rail car allowance, we are unable to estimate what the out-of-service railcar adjustment would be for these.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The out-of-service railcar adjustment will be included in the information the railcar company reports to the Tax Commission annually.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: While this amendment provides consistent treatment in calculating the idle railcar adjustment, there will be increases or decreases to the taxable value of private car companies. The amount of the change is different to estimate but will be minimal.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.
R884-24P. Property Tax.
R884-24P-49. Calculating the Utah Apportioned Value of a [Private] Rail Car [Company]Fleet Pursuant to Utah Code Ann. Section 59-2-201.

A. Definitions.

1. "Average market value per rail car" means the [total]fleet rail car market value divided by the[total] number of rail cars in the[~~rail car company's~~] fleet.

2. "Fleet rail car market value" means the sum of:

a) the yearly acquisition costs, including modifications and betterments, of the fleet's rail cars;

b) multiplied by the appropriate percent good factors contained in Class 10 of R884-24P-33, Personal Property Valuation Guides and Schedules.

3. "In-service rail cars" means the number of rail cars in the fleet, adjusted for out-of-service rail cars.

4. a) "Out-of-service rail cars" means rail cars:

(1) with extraordinary damage caused by events such as accident, natural disaster, or vandalism; or

(2) in storage.

b) Rail cars cease to be out-of-service once repaired or removed from storage.

c) Out-of-service rail cars do not include rail cars idled due to light repairs or routine maintenance.

5. "System car miles" means both loaded and empty miles accumulated in the U.S., Canada, and Mexico during the prior calendar year by all rail cars in the fleet.

2. "Total rail car market value" means the sum of the acquisition cost by year for rail cars purchased by the rail car company multiplied by the appropriate percent good factors contained in Class 10 of R884-24P-33, Personal Valuation Guides and Schedules, plus the sum of betterments by year depreciated on a 14-year straight line method.

3. "Total system car miles" means both loaded and empty miles accumulated during the prior calendar year by all the rail cars in the rail company's fleet.

6. "Utah car miles" mean both loaded and empty miles accumulated within Utah during the prior calendar year by all the rail cars in the rail company's fleet.

7. "Utah percent of the system factor" means the Utah car miles divided by the total system car miles.

B. The provisions of this rule apply only to private rail car companies.

C. To receive an adjustment for out-of-service rail cars, the rail car company must report the following information to the commission for each of the company's rail car fleets:

1. the type of rail cars out-of-service;

2. the number of days each rail car is out-of-service; and

3. the reason each rail car is out-of-service.

D. The out-of-service adjustment is calculated as follows.

1. Divide the out-of-service days by 365 to obtain the out-of-service rail car equivalent.

2. Subtract the out-of-service rail car equivalent calculated in D.1. from the number of rail cars in the fleet.

E. The taxable value of a private for each rail car company fleet apportioned to Utah, for which the Utah percent of system factor is more than 50 percent, shall be determined by multiplying the Utah percent of system factor by the total fleet rail car market value.

F. The taxable value of a private for each rail car company apportioned to Utah, for which the Utah percent of system factor is less than or equal to 50 percent, shall be determined in the following manner:

1. Calculate the number of fleet rail cars allocated to Utah under the Utah percent of system factor. The steps for this calculation are as follows.

a) Multiply the Utah percent of system factor by the total number of in-service rail cars in the company's fleet.

b) Multiply the product obtained in C.1.a)F.1.a) by 50 percent.

2. Calculate the number of fleet rail cars allocated to Utah under the time speed factor. The steps for this calculation are as follows.

a) Divide the fleet's Utah car miles by the average rail car miles traveled in Utah per year. The Commission has determined that the average rail car miles traveled in Utah per year shall equal 200,000 miles.

b) Multiply the quotient obtained in C.2.a)F.2.a) by the percent of in-service rail cars in the company's fleet.

c) Multiply the product obtained in C.2.b)F.2.b) by 50 percent.

3. Add the number of fleet rail cars allocated to Utah under the Utah percent of system factor, calculated in C.1.b)F.1.b), and the number of fleet rail cars allocated to Utah under the time speed factor, calculated in C.2.c)F.2.c), and multiply that sum by the average market value per rail car.

D. The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, 1997.

KEY: taxation, personal property, property tax, appraisal

[June 21, 2000

Art. XIII, Sec 2

Notice of Continuation May 8, 1997

59-2-201

◆ ————— ◆

Tax Commission, Property Tax
R884-24P-53
 2000 Valuation Guides for Valuation of
 Land Subject to the Farmland
 Assessment Act Pursuant to Utah
 Code Ann. Section 59-2-515

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23279

FILED: 10/31/2000, 15:58

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-515 UCA, authorizes the State Tax Commission to promulgate rules regarding Part 5, "Farmland Assessment Act" of Chapter 2, "Property Tax Act." Section 59-2-514 UCA, authorizes the State Tax Commission to receive farmland valuation recommendations from the State Farmland Evaluation Advisory committee for implementation in Section R884-24P-53.

SUMMARY OF THE RULE OR CHANGE: This rule amendment annually updates the agricultural-use values to be applied by county assessors to land which qualifies for valuation and assessment under the Farmland Assessment Act. The values are recommended to the Commission by the State Farmland Evaluation Advisory Committee which meets under the authority of Section 59-2-514 UCA.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-515

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting and for the uniform school fund based on increased or decreased property valuation, including property assessed under the Farmland Assessment Act (greenbelt). Agricultural land valuation (taxable value) changes have been recommended by land classification and by county. This year, 133 class/county valuations will increase, 124 will decrease and 80 will remain unchanged. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 2000 and a listing of property no longer qualifying which is removed from greenbelt during 2000. However, it is estimated that the overall change is minimal due to this amendment.

❖LOCAL GOVERNMENTS: The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting and for the uniform school fund based on increased or decreased property valuation, including property assessed under the Farmland Assessment Act (greenbelt). Agricultural land valuation (taxable value) changes have been recommended by land classification and by county. This year, 133 class/county valuations will increase, 124 will decrease and 80 will remain unchanged. No total cost or savings could be calculated without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 2000 and a listing of property no longer qualifying which is removed from greenbelt during 2000. However, it is estimated that the overall change is minimal due to this amendment.

❖OTHER PERSONS: Each property owner with property eligible for assessment under the Farmland Assessment Act may see a change in value, depending on property class and situs county. This year, 133 such value indicators will increase, 124 will decrease and 80 will not change. The affect on the property owner will be an increase, decrease, or no change depending on the mix of property types and situs. No aggregate compliance cost can be determined without an exhaustive study of farmland acreage in each county by class, a listing of property newly-qualified for greenbelt during 2000 and a listing of property no longer qualifying which is removed from greenbelt during 2000. However, it is estimated that the overall change is minimal due to this amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: County assessor offices statewide will be required to input the new value indicators into their computer systems to be applied against the acreage for individuals properties. This input process is easily done and represents no significant cost in time or money to assessors' offices.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact to businesses will vary depending on the county and the

property classification. The impact is estimated to be minimal.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.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 12/15/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2000

AUTHORIZED BY: Pam Hendrickson, Commissioner

**R884. Tax Commission, Property Tax.
R884-24P. Property Tax.
R884-24P-53. [2000]2001 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515.**

A. Each year the Property Tax Division shall update and publish schedules to determine the taxable value for land subject to the Farmland Assessment Act on a per acre basis.

1. The schedules shall be based on the productivity of the various types of agricultural land as determined through crop budgets and net rents.

2. Proposed schedules shall be transmitted by the Property Tax Division to county assessors for comment before adoption.

3. County assessors may not deviate from the schedules.

4. Not all types of agricultural land exist in every county. If no taxable value is shown for a particular county in one of the tables, that classification of agricultural land does not exist in that county.

B. All property defined as farmland pursuant to Section 59-2-501 shall be assessed on a per acre basis as follows:

1. Irrigated farmland shall be assessed under the following classifications.

a) Irrigated I. The following counties shall assess Irrigated I property based upon the per acre values listed below:

TABLE 1
Irrigated I

1) Box Elder	725
2) Cache	[625]600
3) Carbon	[525]550
4) Davis	[750]725
5) Emery	[425]475
6) Iron	[700]725
7) Kane	[425]450

8) Millard	700
9) Salt Lake	[600] 590
10) Utah	[700] 650
11) Washington	[650] 625
12) Weber	[750] 725

b) Irrigated II. The following counties shall assess Irrigated II property based upon the per acre values listed below:

TABLE 2
Irrigated II

1) Box Elder	625
2) Cache	[525] 500
3) Carbon	[425] 450
4) Davis	[650] 625
5) Duchesne	[525] 475
6) Emery	[325] 375
7) Grand	[375] 350
8) Iron	[600] 625
9) Juab	[450] 425
10) Kane	[325] 350
11) Millard	600
12) Salt Lake	[500] 490
13) Sanpete	[500] 475
14) Sevier	550
15) Summit	[475] 500
16) Tooele	[450] 475
17) Utah	[600] 550
18) Wasatch	[500] 475
19) Washington	[550] 525
20) Weber	[650] 625

c) Irrigated III. The following counties shall assess Irrigated III property based upon the per acre values listed below:

TABLE 3
Irrigated III

1) Beaver	[450] 475
2) Box Elder	475
3) Cache	[375] 350
4) Carbon	[275] 300
5) Davis	[500] 475
6) Duchesne	[375] 325
7) Emery	[175] 225
8) Garfield	[150] 190
9) Grand	[225] 200
10) Iron	[450] 475
11) Juab	[300] 275
12) Kane	[175] 200
13) Millard	450
14) Morgan	[400] 360
15) Piute	[350] 325
16) Rich	[225] 275
17) Salt Lake	[350] 340
18) San Juan	[150] 190
19) Sanpete	[350] 325
20) Sevier	400
21) Summit	[325] 350
22) Tooele	[300] 325
23) Uintah	[375] 350
24) Utah	[450] 400
25) Wasatch	[350] 325
26) Washington	[400] 375
27) Wayne	[275] 300
28) Weber	[500] 475

d) Irrigated IV. The following counties shall assess Irrigated IV property based upon the per acre values listed below:

TABLE 4
Irrigated IV

1) Beaver	[350] 375
2) Box Elder	375
3) Cache	[275] 250
4) Carbon	[175] 200
5) Daggett	[275] 235
6) Davis	[400] 375
7) Duchesne	[275] 225
8) Emery	[75] 125
9) Garfield	[50] 90
10) Grand	[125] 100
11) Iron	[350] 375
12) Juab	[200] 175
13) Kane	[75] 100
14) Millard	350
15) Morgan	[300] 260
16) Piute	[250] 225
17) Rich	[200] 175
18) Salt Lake	[250] 240
19) San Juan	[50] 90
20) Sanpete	[250] 225
21) Sevier	300
22) Summit	[225] 250
23) Tooele	[200] 225
24) Uintah	[275] 250
25) Utah	[350] 300
26) Wasatch	[250] 225
27) Washington	[300] 275
28) Wayne	[175] 200
29) Weber	[400] 375

2. Fruit orchards shall be assessed per acre based upon the following schedule:

TABLE 5
Fruit Orchards

a) Box Elder	600
b) Davis	[620] 600
c) Utah	[575] 560
d) Washington	[760] 750
e) Weber	[640] 600
f) All other counties	[580] 575

3. Meadow IV property shall be assessed per acre based upon the following schedule:

TABLE 6
Meadow IV

1) Beaver	[170] 180
2) Box Elder	[175] 180
3) Cache	[200] 210
4) Carbon	[125] 120
5) Daggett	[175] 160
6) Davis	[220] 230
7) Duchesne	[150] 140
8) Emery	100
9) Garfield	100
10) Grand	[110] 100
11) Iron	[100] 185
12) Juab	125
13) Kane	[100] 90
14) Millard	[150] 160
15) Morgan	[150] 155
16) Piute	[145] 150
17) Rich	[125] 120
18) Salt Lake	175
19) Sanpete	175

20) Sevier	[200] <u>190</u>
21) Summit	[175] <u>180</u>
22) Tooele	175
23) Uintah	[160] <u>165</u>
24) Utah	[190] <u>195</u>
25) Wasatch	[175] <u>180</u>
26) Washington	[190] <u>195</u>
27) Wayne	[145] <u>130</u>
28) Weber	[230] <u>235</u>

4. Dry land shall be classified as one of the following two categories and shall be assessed on a per acre basis as follows:

a) Dry III. The following counties shall assess Dry III property based upon the per acre values listed below:

TABLE 7
Dry III

1) Beaver	[65] <u>50</u>
2) Box Elder	[90] <u>70</u>
3) Cache	[110] <u>75</u>
4) Carbon	[70] <u>50</u>
5) Davis	[80] <u>70</u>
6) Duchesne	[75] <u>50</u>
7) Garfield	50
8) Grand	50
9) Iron	[60] <u>50</u>
10) Juab	[90] <u>60</u>
11) Kane	50
12) Millard	[105] <u>75</u>
13) Morgan	[115] <u>80</u>
14) Rich	[110] <u>60</u>
15) Salt Lake	[60] <u>50</u>
16) San Juan	[50] <u>45</u>
17) Sanpete	[70] <u>50</u>
18) Summit	[70] <u>50</u>
19) Tooele	[75] <u>50</u>
20) Uintah	[80] <u>45</u>
21) Utah	[60] <u>45</u>
22) Wasatch	[70] <u>50</u>
23) Washington	[55] <u>50</u>
24) Weber	[90] <u>65</u>

b) Dry IV. The following counties shall assess Dry IV property based upon the per acre values listed below:

TABLE 8
Dry IV

1) Beaver	[30] <u>15</u>
2) Box Elder	[55] <u>35</u>
3) Cache	[75] <u>40</u>
4) Carbon	[35] <u>15</u>
5) Davis	[45] <u>35</u>
6) Duchesne	[40] <u>15</u>
7) Garfield	15
8) Grand	15
9) Iron	[25] <u>15</u>
10) Juab	[55] <u>25</u>
11) Kane	15
12) Millard	[70] <u>40</u>
13) Morgan	[80] <u>45</u>
14) Rich	[75] <u>25</u>
15) Salt Lake	[25] <u>15</u>
16) San Juan	[15] <u>10</u>
17) Sanpete	[35] <u>15</u>
18) Summit	[35] <u>15</u>
19) Tooele	[40] <u>15</u>
20) Uintah	[45] <u>10</u>
21) Utah	[25] <u>10</u>

22) Wasatch	[35] <u>15</u>
23) Washington	[20] <u>15</u>
24) Weber	[55] <u>30</u>

5. Grazing land shall be classified as one of the following four categories and shall be assessed on a per acre basis as follows:

TABLE 9
Grazing Land

a) Graze I	
1) All Counties	[42] <u>50</u>
b) Graze II	
2) All Counties	[44] <u>15</u>
c) Graze III	
3) All Counties	[9] <u>10</u>
d) Graze IV	
4) All Counties	5

6. Land classified as nonproductive shall be assessed as follows on a per acre basis:

TABLE 10
Nonproductive Land

a) Nonproductive Land	
1) All Counties	5

KEY: taxation, personal property, property tax, appraisal
~~June 21,~~ **2000** **Art. XIII, Sec 2**
Notice of Continuation May 8, 1997 **59-2-704.5**



Workforce Services, Employment
 Development
R986-200-211
 Education and Training As Part of an
 Employment Program

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE NO.: 23285
 FILED: 11/01/2000, 15:38
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This change is necessary to correct an error made in the new rules effective October 2, 2000. Those rules used the incorrect conjunctive "or" instead of "and" and were thus not in compliance with State statute.

SUMMARY OF THE RULE OR CHANGE: The rule effective October 2, 2000, stated that to qualify for an extension to the 24-month limit for financial assistance while attending school, the extension can only be granted if three criteria are met. Two of those criteria are in State statute and a client must satisfy both. The rule which became effective October 2,

2000, used the conjunctive "or" instead of "and" in listing the criteria. This amendment corrects that error.
(DAR Note: The previous filing for R986-200 was published in the August 15, 2000, issue of the *Utah State Bulletin* under DAR No. 23048 and is effective as of October 2, 2000.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-3-301 et seq.

ANTICIPATED COST OR SAVINGS TO:

- ◆THE STATE BUDGET: There are no costs to the State Budget associated with this rule change as this rule change is to make the rules comply with existing State law.
 - ◆LOCAL GOVERNMENTS: This rule does not apply to local government; therefore, there are no costs or savings.
 - ◆OTHER PERSONS: There will be no costs to anyone as a result of this rule change as this change is only being made to correct a rule and bring it into compliance with State law.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs associated with this change because all costs related to this rule are included within existing budgets.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no impact on business as a result of these changes.

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

Workforce Services
 Employment Development
 Second Floor
 140 East 300 South
 PO Box 45244
 Salt Lake City, UT 84145-0244, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at (801) 526-9645, by FAX at (801) 526-9244, or by Internet E-mail at wsadmpo.spixton@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 12/15/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/12/2000, 6:00 p.m., 1385 South State St., Room 157, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2001

AUTHORIZED BY: Robert Gross, Executive Director

**R986. Workforce Services, Employment Development.
 R986-200. Family Employment Program.
 R986-200-211. Education and Training As Part of an Employment Plan.**

(1) A parent client's participation in education or training beyond that required to obtain a high school diploma or its equivalent is limited to the lesser of:

- (a) 24 months which need not be continuous; or
- (b) the completion of the education and training requirements of the employment plan.
- (2) Post high school education or training will only be approved if all of the following are met:
 - (a) The client can demonstrate that the education or training would substantially increase the income level that the client would be able to achieve without the education and training, and would offset the loss of income the household incurs while the education or training is being completed.
 - (b) The client does not already have a degree or skills training certificate in a currently marketable occupation.
 - (c) An assessment specific to the client's education and training aptitude has been completed showing the client has the ability to be successful in the education or training.
 - (d) The mental and physical health of the client indicates the education or training could be completed successfully and the client could perform the job once the schooling is completed.
 - (e) The specific employment goal that requires the education or training is marketable in the area where the client resides or the client has agreed to relocate for the purpose of employment once the education/training is completed.
 - (f) The client, when determined appropriate, is willing to complete the education/training as quickly as possible, such as attending school full time which may include attending school during the summer.
 - (g) The client can realistically complete the requirements of the education or training program within the required time frames or time limits of the financial assistance program, including the 36 month lifetime limit for FEP and FEPTP, for which the client is eligible.
- (3) A parent client may participate in education or training for up to six months beyond the 24-month limit if:
 - (a) the parent client is employed for 80 or more hours per month during each month of the extension; ~~or~~and
 - (b) circumstances beyond the control of the client prevented completion within 24 months; ~~or~~and
 - (c) the Department director or designee determines that extending the 24 month limit is prudent because other employment, education, or training options do not enable the family to meet the objective of the program.
- (4) A parent client with a high school diploma or equivalent who has received 24 months of education or training while receiving financial assistance must participate in full time work activities. Full time work activities is defined as at least part time education or training and 80 hours or more of work per month with a combined minimum of 30 hours work, education, training, and/or job search of 30 hours per week.
- (5) Graduate work can never be approved or supported as part of an employment plan.

**KEY: family employment program
 [~~October 2,~~]2000** **35A-3-301 et seq.**



Workforce Services, Employment
Development
R986-400-409
Time Limits

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 23286
FILED: 11/01/2000, 15:38
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In changes to the rule made in October 2000, an error was made in the conjunction used in determining which months count toward the time limit. The rule then used the conjunction "and" instead of "or". This change is necessary to correct that error in the rule.

SUMMARY OF THE RULE OR CHANGE: This rule change changes the conjunction from "and" to "or" in determining which months count toward the time limit for General Assistance. The current rule, effective October 2, 2000, contained an error which renders the provision nonsensical. This amendment corrects that error. Now months when a client receives benefits "or" when the client was disqualified from receiving benefits, count. Under the mistaken provision only months when a client received "and" was disqualified count. **(DAR Note:** The previous filing for R986-400 was published in the August 15, 2000, issue of the *Utah State Bulletin* under DAR No. 23050 and is effective as of October 2, 2000.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 35A-3-401 and 35A-3-402

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There are no costs or savings associated with this new rule because it corrects an error in the rule passed October 2, 2000, and reflects the Department policy.

❖LOCAL GOVERNMENTS: This rule does not apply to local government, therefore, there are no costs or savings.

❖OTHER PERSONS: There are no costs or savings associated with this new rule because it corrects an error in the rule passed October 2, 2000, and now correctly reflects Department policy and practice prior to October 2, 2000.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs associated with this new rule because all of the costs related to this rule are included within existing budgets.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These changes will have no impact on business.

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

Workforce Services
Employment Development
Second Floor
140 East 300 South
PO Box 45244
Salt Lake City, UT 84145-0244, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at (801) 526-9645, by FAX at (801) 526-9244, or by Internet E-mail at wsadmpto.spixton@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 12/15/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/12/2000, 6:00 p.m., 1385 South State St., Room 157, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2001

AUTHORIZED BY: Robert Gross, Executive Director

R986. Workforce Services, Employment Development.
R986-400. General Assistance and Working Toward Employment.
R986-400-409. Time Limits.

(1) An individual cannot receive GA financial assistance for more than 24 months out of any 60-month period. Months which count toward the 24-month limit include any and all months during which a client:

(a) received a full or partial financial assistance payment beginning with the month of March, 1998; ~~and~~or

(b) was ineligible due to the client's failure to comply with the requirements of an employment plan under R986-400-407.

(2) There are no exceptions or extensions to the time limit.

(3) Advanced written notice for termination of GA financial assistance due to time limits is not required.

KEY: general assistance, working toward employment
[October 2,]2000 **35A-3-401**
35A-3-402

Workforce Services, Employment
Development
R986-700
Child Care Assistance

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23287

FILED: 11/01/2000, 15:38

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Federal law requires that clients be given the widest array of choice in choosing child care providers possible. The Department is concerned that all children be in a safe and healthy child care environment and these rule changes require that all child care providers be licensed or certified unless the provider is related to the child or the client.

SUMMARY OF THE RULE OR CHANGE: Unrelated child care providers must obtain a license or Residential Certification before the Department will approve a child care subsidy for a client who chooses that child care provider. For clients presently receiving a child care subsidy, there is a phase in period to find an eligible provider. The phase in period will be determined by the Department and in no event will be later than June 30, 2001.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-3-310

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no costs to the State during the present fiscal year as the costs of this change will be paid for out of Federal dollars. It is anticipated that there will be costs associated with ongoing licensing, certification and renewal functions by the Bureau of Licensing. It was estimated that the cost of those functions would be \$235,000 the first year but less after the first year. The costs the first year will come from existing Federal dollars and not the State budget. Ongoing expenses for licensing, certification and renewals are unknown but are anticipated to be less than the initial year costs. Those ongoing costs, after this first year, will come from the State budget.

❖LOCAL GOVERNMENTS: This rule does not apply to local government and therefore, there are no costs or savings to local governments.

❖OTHER PERSONS: License exempt child care providers who will be required to obtain a license or Residential Certification will have costs of between \$60 and \$100. These are fees associated with obtaining a license or certificate.

COMPLIANCE COSTS FOR AFFECTED PERSONS: License exempt child care providers will be required to pay the fees associated with obtaining a license or Residential Certificate if they opt to continue to provide care to clients who receive a subsidy.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change will cost child care providers who opt to continue to serve clients who receive a child care subsidy the costs of obtaining a license or Residential Certification. No other businesses will experience any costs. The cost is estimated to be between \$60 and \$100 per year for each provider. It is estimated that

there are fewer than 1,000 providers who will be affected by these changes.

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

Workforce Services
Employment Development
Second Floor
140 East 300 South
PO Box 45244
Salt Lake City, UT 84145-0244, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at (801) 526-9645, by FAX at (801) 526-9244, or by Internet E-mail at wsadmpo.spixton@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 12/15/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/12/2000, 6:00 p.m., 1385 South State St., Room 157, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2001

AUTHORIZED BY: Robert Gross, Executive Director

R986. Workforce Services, Employment Development.**R986-700. Child Care Assistance.****R986-700-702. General Provisions.**

- (1) CC is provided to support employment.
- (2) CC is available, as funding permits, to the following clients who are employed or are participating in activities that lead to employment:
 - (a) parents;
 - (b) specified relatives; or
 - (c) clients who have been awarded custody or appointed guardian of the child.
- (3) Child care is provided only for children living in the home and only during hours when neither parent is available to provide care for the children.
- (4) If a client is eligible to receive CC, the following children, living in the household unit, are eligible:
 - (a) children under the age of 13; and
 - (b) children age 13 to 18 years if the child is:
 - (i) physically or mentally incapable of self-care as determined by a medical doctor, doctor of osteopathy or licensed or certified psychologist; and/or
 - (ii) under court supervision.
- (5) Clients who qualify for child care services will be paid if and as funding is available. When the child care needs of eligible applicants exceed available funding, applicants will be placed on a waiting list. Eligible applicants on the list will be served as funding becomes available. Special needs children will be prioritized at the top of the list and will be served first. "Special needs child" means a child identified by the Department of Human Services, Division of Services to People with Disabilities, as having a physical or mental disability requiring special child care services.

- (6) The amount of CC might not cover the entire cost of care.
- (7) A client is only eligible for CC if the client has no other options available for child care. The client is encouraged to obtain child care at no cost from a parent, sibling, relative, or other suitable provider. If suitable child care is available to the client at no cost from another source, CC cannot be provided.
- (8) CC can only be provided for an eligible provider and will not be provided for illegal or unsafe child care. Illegal child care is care provided by any person or facility required to be licensed or certified but where the provider has not fulfilled the requirements necessary to obtain the license or certification.
- (9) Neither the Department nor the state of Utah are liable for injuries that may occur when a child is placed in child care even if ~~[subsidized by] the parent receives a subsidy from the Department.~~
- (10) Foster care parents receiving payment from the Department of Human Services are not eligible to receive CC.
- (11) Once eligibility for CC has been established, eligibility must be reviewed at least once every six months. The review is not complete until the re-certification forms are signed and returned to the local office. All requested verifications must be provided at the time of the review. If the Department has reason to believe the client's circumstances have changed, affecting either eligibility or payment amount, the Department will reduce or terminate CC even if the certification period has not expired.

R986-700-705. Eligible Providers and Provider Settings.

- (1) The Department will only pay CC to ~~[eligible]~~ clients who ~~[pay for child care in the following settings:]~~ select eligible providers. The only eligible providers are:
 - (a) licensed and accredited providers:
 - (i) licensed homes;
 - (ii) licensed family group homes; and
 - (iii) licensed child care centers.
 - (b) license exempt providers who are not required by law to be licensed and are either:
 - (i) ~~[license exempt homes;~~
 - ~~— (ii) license exempt centers;~~
 - ~~— (iii) the child's own home; and] or~~
 - (i) the home of a relative related to the client and/or the child. Related in this paragraph is as defined in R986-700-706(3).
 - (c) homes with a Residential Certificate obtained from the Bureau of Licensing.
- (2) All clients who were receiving child care prior to January 1, 2001, will be granted a grace period in which to find an eligible provider. The length of the grace period will be determined by the Department but in no event will it extend later than June 30, 2001.
- (3) The Department may, on a case by case basis, grant an exception and pay for CC when an eligible provider is not available:
 - (a) within a two hour round trip drive from the client's home;
 - or
 - (b) because a child has special needs which cannot be otherwise accommodated; or
 - (c) which will accommodate the hours when the client needs child care.
- (4) License exempt providers must register with the Department and agree to maintain minimal health and safety criteria by signing a certification before payment to the client can be approved. The minimum criteria are that:

- (a) the provider be at least 18 years of age and physically and mentally capable of providing care to children;
 - (b) the provider's home is equipped with hot and cold water, toilet facilities, and is clean and safe from hazardous items which could cause injury to a child. This applies to outdoor areas as well;
 - (c) there are working smoke detectors and fire extinguishers on all floors of the house where children are provided care;
 - (d) there are no individuals residing in the home who have felony criminal convictions, or misdemeanor convictions which are offenses against a person, or have been subject to a substantiated finding of child abuse or neglect by the Utah Department of Human Services, Division of Child and Family Services or a court;
 - (e) there is a telephone in operating condition with a list of emergency numbers located next to the phone which includes the phone numbers for poison control and for the parents of each child in care;
 - (f) food will be provided to the child in care of sufficient amount and nutritional value to provide the average daily nutrient intake required. Food supplies will be maintained to prevent spoilage or contamination. Any allergies will be noted and care given to ensure that the child in care is protected from exposure to those items; and
 - (g) the child in care will be immunized as required by the Utah Immunization Act and; ~~[that]~~
 - (h) good hand washing practices will be maintained to discourage infection and contamination.
- ~~[(3)]~~ The following providers are not eligible for receipt of a CC payment:
- (a) a member of household assistance unit who is receiving one or more of the following assistance payments: FEP, FEPTP, diversion assistance or food stamps for any child in that household assistance unit. The person may, however, be paid as a provider for a child in a different household assistance unit;
 - (b) a sibling of the child living in the home;
 - (c) household members whose income must be counted in determining eligibility for CC;
 - (d) a parent, foster care parent, stepparent or former stepparent, even if living in another residence;
 - (e) illegal aliens;
 - (f) persons under age 18;
 - (g) a provider providing care for the child in another state; and
 - (h) a provider who has committed fraud as a provider, as determined by ORS or by a court.

KEY: child care
[October 2, 2000

35A-3-310



End of the Notices of Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

An agency may file a 120-DAY (EMERGENCY) RULE when it finds that the regular rulemaking procedures would:

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (*Utah Code* Subsection 63-46a-7(1) (1996)).

As with a PROPOSED RULE, a 120-DAY RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the 120-DAY RULE including the name of a contact person, justification for filing a 120-DAY RULE, anticipated cost impact of the rule, and legal cross-references. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space.

A 120-DAY RULE is effective at the moment the Division of Administrative Rules receives the filing, or on a later date designated by the agency. A 120-DAY RULE is effective for 120 days or until it is superseded by a permanent rule.

Because 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the proposed rule. Emergency or 120-DAY RULES are governed by *Utah Code* Section 63-46a-7 (1996); and *Utah Administrative Code* Section R15-4-8.

Environmental Quality, Drinking Water **R309-204** Facility Design and Operation: Source Development

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 23251
FILED: 10/19/2000, 16:18
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division has received proposals for use of leased water rights in connection with new public drinking water systems. Current rules do not establish any minimum conditions for the use of leased water.

SUMMARY OF THE RULE OR CHANGE: Subsection R309-204-4(8) is added; clarifying that all sources for public water systems (PSW) shall have a valid right to divert water for the intended use; title to the water right be vested in the entity owning the (PSW) or leased from a title holder provided: (a) the terms of the lease allow for renewal at the option of the pws owner for a minimum of 20 years with a first right of refusal to purchase the water rights at the end of the lease period, and (b) the cost of the lease and its renewal be subject to the review and concurrence of the PSC. Subsections R309-204-5(3)(a), R309-204-6(5)(v) and R309-204-7(4)(c) refer the reader to the added subsection R309-204-4(8). Water rights is added to the keywords list at the end of the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-4-104(1)(a)(ii)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--Because this is primarily a clarification and formalization of the Division's review policy concerning validity of water rights utilized by public drinking water systems there will be no increased work load to staff nor any change to the State budget as a result of these proposed changes.

❖LOCAL GOVERNMENTS: None--For the same reasons as outlined above in State Budget.

❖OTHER PERSONS: Purchasers of lots in new subdivisions, developed primarily by private land developers, may see increased cost of the lot due to additional costs the developer may incur in purchase or lease of adequate water rights. This should be a disclosed cost that the buyer is fully aware of prior to purchase rather than a hidden cost that the buyer may only become aware of after construction of a home or business; making him a hostage to the developer or water right title holder.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Private land developers, building drinking water systems for new subdivisions, may find water right title holders less agreeable to the longer lease terms and renewal agreements of this proposal and may incur additional costs for adequate water rights or leases.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department agrees that the proposed changes to this rule will have little to no fiscal impact on existing public water systems. Impact on developers of new subdivisions and to purchasers of lots should be minimal; especially if the State Engineer continues

the practice of allowing transfer of rights to other diversion points within a drainage basin, thereby preventing developers being held hostage by prior land owners holding title to water rights on a specific piece of land.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent peril to the public health, safety, or welfare.

Present proposals for leased water use, having very short time periods and without any conditions for renewal, are seen as an imminent risk to the customers of PWS's. An adequate quantity of safe water is necessary for the health and welfare of residents served water by a PWS. If the length of a lease is too short and/or allows an unlimited increase in the cost of renewal, especially after large investments have been made in houses or businesses, the water users become hostages to the water right owners. This proposed amendment establishes a minimum of 20 years for a lease; a time frame which may allow the pws to set monies aside for the outright purchase of title to the water rights or seek other more permanent rights from other sources.

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

Environmental Quality
Drinking Water
Second floor
150 North 1950 West
PO Box 144830
Salt Lake City, UT 84114-4830, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Michael B. Georgeson/William B. Birkes at the above address, by phone at (801) 536-4197/(801) 536-4201, by FAX at (801) 536-4211, or by Internet E-mail at mgeorgeson@deq.state.ut.us or bbirkes@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE.

THIS RULE IS EFFECTIVE ON: 10/20/2000

AUTHORIZED BY: Kevin W. Brown, Director and Executive Secretary of Board

R309. Environmental Quality, Drinking Water.
R309-204. Facility Design and Operation: Source Development.

.....

R309-204-4. General.

(1) Issues to be Considered.

The selection, development and operation of a public drinking water source must be done in a manner which will protect public health and assure that all required water quality standards, as described in R309-103, are met.

(2) Communication with the Division.

Because of the issues described above in (1), engineers are advised to work closely with the Division to help assure that sources are properly sited, developed and operated.

(3) Number of Sources and Quantity Requirements.

Community water systems established after January 1, 1998 serving more than 100 connections shall have a minimum of two sources, except where served by a water treatment plant. Community Water Systems established prior to that date, currently serving more than 100 connections, shall obtain a separate source no later than January 1, 2000. For all systems, the total developed source capacity(ies) shall equal or exceed the peak day demand of the system. Refer to R309-203-5 of these rules for procedure to estimate the peak day demand.

(4) Quality Requirements.

In selecting a source of water for development, the designing engineer shall demonstrate to the satisfaction of the Executive Secretary that the source(s) selected for use in public water systems are of satisfactory quality, or can be treated in a manner so that the quality requirements of R309-103 can be met.

(5) Initial Analyses.

All new drinking water sources, unless otherwise noted below, shall be analyzed for the following:

(a) All the primary and secondary inorganic contaminants listed in R309-103, Table 103-1 and Table 103-5 (excluding Asbestos unless it would be required by R309-104-4.1.2),

(b) Ammonia as N; Boron; Calcium; Chromium, Hex as Cr; Copper; Lead; Magnesium; Potassium; Turbidity, as NTU; Specific Conductivity at 25 degrees Celsius, u mhos/cm; Bicarbonate; Carbon Dioxide; Carbonate; Hydroxide; Phosphorous, Ortho as P; Silica, dissolved as SiO₂; Surfactant as MBAS; Total Hardness as CaCO₃; and Alkalinity as CaCO₃,

(c) Pesticides, PCB's and SOC's as listed in R309-103-2.3a, Table 103-2 unless the system is a transient non-community pws or, if a community pws or non-transient non-community pws, they have received waivers in accordance with R309-104-4.3.1f. The following six constituents have been excused from monitoring in the State by the EPA, dibromochloropropane, ethylene dibromide, Diquat, Endothall, glyphosate and Dioxin,

(d) VOC's as listed in R309-103-2.3b, Table 103-3 unless the system is a transient non-community pws, and

(e) Radiologic chemicals as listed in R309-103-2.4 unless the system is a non-transient non-community pws or a transient non-community pws.

(f) Unregulated contaminants as listed in R309-104-5.1.1 list A and list B, unless a transient non-coummity pws.

All analyses shall be performed by a certified laboratory as required by R309-104-3 (Specially prepared sample bottles are required),

(6) Source Classification.

Subsection R309-202-7(1)(a)(i) provides information on the classification of water sources. The Executive Secretary shall classify all existing or new sources as either:

(a) Surface water or ground water under direct influence of surface water which will require conventional surface water treatment or an approved equivalent, or as

(b) Ground water not under the direct influence of surface water.

(7) Latitude and Longitude.

The latitude and longitude, to at least the nearest second, or the location by section, township, range, and course and distance from an established outside section corner or quarter corner of each point of diversion shall be submitted to the Executive Secretary prior to source approval.

(8) Water Rights.

All sources for public drinking water systems shall have a valid right to divert water for the purposes intended, and in the quantities necessary as outlined in rule R309-203. This right is issued by the State Engineer (Division of Water Rights). Title to the water right shall be vested in the entity owning the public drinking water system or may be leased by the public drinking water system owner from the title holder provided:

(a) the terms of the lease allow for renewal at the option of the public drinking water system owner for a minimum of 20 years with a first right of refusal to purchase the water right at the end of the lease period, and

(b) the cost of the lease and its renewal shall be subject to the review and concurrence of the Public Service Commission and notice of that concurrence be provided to the Division (Division of Drinking Water) prior to approval of a public drinking water system utilizing leased water rights.

R309-204-5. Surface Water Sources.

(1) Definition.

A surface water source, as is defined in R309-200, shall include, but not be limited to tributary systems, drainage basins, natural lakes, artificial reservoirs, impoundments and springs or wells which have been classified as being directly influenced by surface water. Surface water sources will not be considered for culinary use unless they can be rendered acceptable by conventional surface water treatment or other equivalent treatment techniques acceptable to the Executive Secretary.

(2) Pre-design Submittal.

The following information must be submitted to the Executive Secretary and approved in writing before commencement of design of diversion structures and/or water treatment facilities:

(a) A copy of the chemical analyses required by R309-103 and described in R309-204-4(5) above, and

(b) A survey of the watershed tributary to the watercourse along which diversion structures are proposed. The survey shall include, but not be limited to:

(i) determining possible future uses of impoundments or reservoirs,

(ii) the present stream classification by the Division of Water Quality, any obstacles to having stream(s) reclassified IC, and determining degree of watershed control by owner or other agencies,

(iii) assessing degree of hazard to the supply by accidental spillage of materials that may be toxic, harmful or detrimental to treatment processes,

(iv) obtaining samples over a sufficient period of time to assess the microbiological, physical, chemical and radiological characteristics and variations of the water,

(v) assessing the capability of the proposed treatment process to reduce contaminants to applicable standards, and

(vi) consideration of currents, wind and ice conditions, and the effect of tributary streams at their confluence.

(3) Pre-construction Submittal.

Following approval of a surface water source, the following additional information must be submitted for review and approval prior to commencement of construction:

(a) Evidence that the water system owner has a legal right to divert water from the proposed source for domestic or municipal purposes (see R309-204-4(8));

(b) Documentation regarding the minimum firm yield which the watercourse is capable of producing (see R309-204-5(4)(a) below; and

(c) Complete plans and specifications and supporting documentation for the proposed treatment facilities so as to ascertain compliance with R309-206 or R309-207.

(4) Quantity.

The quantity of water from surface sources shall:

(a) Be assumed to be no greater than the low flow of a 25 year recurrence interval or the low flow of record for these sources when 25 years of records are not available;

(b) Meet or exceed the anticipated peak day demand for water as estimated in R309-203-7 and provide a reasonable surplus for anticipated growth; and

(c) Be adequate to compensate for all losses such as silting, evaporation, seepage, and sludge disposal which would be anticipated in the normal operation of the treatment facility.

(5) Diversion Structures.

Design of intake structures shall provide for:

(a) Withdrawal of water from more than one level if quality varies with depth;

(b) Intake of lowest withdrawal elevation located at sufficient depth to be kept submerged at the low water elevation of the reservoir;

(c) Separate facilities for release of less desirable water held in storage;

(d) Occasional cleaning of the inlet line;

(e) A diversion device capable of keeping large quantities of fish or debris from entering an intake structure; and

(f) Suitable protection of pumps where used to transfer diverted water (refer to R309-209-5).

(6) Impoundments.

The design of an impoundment reservoir shall provide for, where applicable:

(a) Removal of brush and trees to the high water level;

(b) Protection from floods during construction;

(c) Abandonment of all wells which may be inundated (refer to applicable requirements of the Division of Water Rights); and

(d) Adequate precautions to limit nutrient loads.

R309-204-6. Ground Water - Wells.

(1) Required Treatment.

If properly developed, water from wells may be suitable for culinary use without treatment. A determination as to whether treatment may be required can only be made after the source has been developed and evaluated.

(2) Standby Power.

Water suppliers, particularly community water suppliers, should assess the capability of their system in the event of a power outage. If gravity fed spring sources are not available, one or more of the system's well sources should be equipped for operation during power outages. In this event:

(a) To ensure continuous service when the primary power has been interrupted, a power supply should be provided through connection to at least two independent public power sources, or portable or in-place auxiliary power available as an alternative; and

(b) When automatic pre-lubrication of pump bearings is necessary, and an auxiliary power supply is provided, the pre-lubrication line should be provided with a valved by-pass around the automatic control, or the automatic control shall be wired to the emergency power source.

(3) The Utah Division of Water Rights.

The Utah Division of Water Rights (State Engineer's Office) regulates the drilling of water wells. Before the drilling of a well commences, the well driller must receive a start card from the State Engineer's Office.

(4) Source Protection.

Public drinking water systems are responsible for protecting their sources from contamination. The selection of a well location shall only be made after consideration of the requirements of R309-113. Sources shall be located in an area which will minimize threats from existing or potential sources of pollution.

If certain precautions are taken, sewer lines may be permitted within a public drinking water system's source protection zones at the discretion of the Executive Secretary. When sewer lines are permitted in protection zones both sewer lines and manholes shall be specially constructed as follows:

(a) sewer lines shall be ductile iron pipe with mechanical joints or fusion welded high density polyethylene plastic pipe (solvent welded joints shall not be accepted);

(b) lateral to main connection shall be shop fabricated or saddled with a mechanical clamping watertight device designed for the specific pipe;

(c) the sewer pipe to manhole connections shall be made using a shop fabricated sewer pipe seal ring cast into the manhole base (a mechanical joint shall be installed within 12 inches of the manhole base on each line entering the manhole, regardless of the pipe material);

(d) the sewer pipe shall be laid with no greater than 2 percent deflection at any joint;

(e) backfill shall be compacted to not less than 95 percent of maximum laboratory density as determined in accordance with ASTM Standard D-690;

(f) sewer manholes shall meet the following requirements:

(i) the manhole base and walls, up to a point at least 12 inches above the top of the upper most sewer pipe entering the manhole, shall be shop fabricated in a single concrete pour.

(ii) the manholes shall be constructed of reinforced concrete.

(iii) all sewer lines and manholes shall be air pressure tested after installation.

(5) Outline of Well Approval Process.

(a) Well drilling shall not commence until both of the following items are submitted and receive a favorable review:

(i) a Preliminary Evaluation Report on source protection issues as required by R309-113-13(2), and

(ii) engineering plans and specifications governing the well drilling.

(b) Grouting Inspection During Well Construction.

An engineer from the Division, or the appropriate district engineer of the Department of Environmental Quality, shall be contacted at least three days before the anticipated beginning of the

well grouting procedure (see R309-204-6(6)(i)). The well grouting procedure shall be witnessed by one of these individuals or their designee.

(c) After completion of the well drilling the following information shall be submitted and receive a favorable review before water from the well can be introduced into a public water system:

(i) a copy of the "Report of Well Driller" as required by the State Engineer's Office which is complete in all aspects and has been stamped as received by the same;

(ii) a copy of the letter from the engineer described in R309-204-6(5)(b) above, indicating inspection and confirmation that the well was grouted in accordance with the well drilling specifications and the requirements of this rule;

(iii) a copy of the pump test including the yield vs. drawdown test as described in R309-204-6(10)(b);

(iv) a copy of the chemical analyses required by R309-204-4(5);

(v) documentation indicating that the water system owner has a right to divert water for domestic or municipal purposes (see R309-204-4(8)) from the well source;

(vi) a copy of complete plans and specifications covering well equipment and diversion piping necessary to introduce water from the well into the distribution system; and

(vii) a bacteriological analysis of water obtained from the well after installation of permanent equipment, disinfection and flushing.

(d) An Operation Permit shall be obtained in accordance with R309-201-9 before any water from the well is introduced into a public water system.

(6) Well Materials, Design and Construction.

(a) ANSI/NSF Standards 60 and 61 Certification.

All interior surfaces must consist of products complying with ANSI/NSF Standard 61. This requirement applies to casings, drop pipes, well screens, coatings, adhesives, solders, fluxes, pumps, switches, electrical wire, sensors, and all other equipment or surfaces which may be contact the drinking water.

All substances introduced into the well during construction or development shall be certified to comply with ANSI/NSF Standard 60. This requirement applies to drilling fluids (biocides, clay thinners, defoamers, foamers, loss circulation materials, lubricants, oxygen scavengers, viscosifiers, weighting agents) and regenerants. This requirement also applies to well grouting and sealing materials which may come in direct contact with the drinking water.

(b) Permanent Steel Casing Pipe shall:

(i) be new single steel casing pipe meeting AWWA Standard A-100, ASTM or API specifications and having a minimum weight and thickness as given in Table 1 found in R655-4-7.2 of the Utah Administrative Code (Administrative Rules for Water Well Drillers, adopted January 19, 1995, Division of Water Rights);

(ii) have additional thickness and weight if minimum thickness is not considered sufficient to assure reasonable life expectancy of the well;

(iii) be capable of withstanding forces to which it is subjected;

(iv) be equipped with a drive shoe when driven;

(v) have full circumferential welds or threaded coupling joints; and

(vi) project at least 18 inches above the anticipated final ground surface and at least 12 inches above the anticipated pump house floor level. At sites subject to flooding the top of the well

casing shall terminate at least three feet above the 100 year flood level or the highest known flood elevation, whichever is higher.

(c) Non-Ferrous Casing Material.

The use of any non-ferrous material for a well casing shall receive prior approval of the Executive Secretary based on the ability of the material to perform its desired function. Thermoplastic water well casing pipe shall meet ANSI/ASTM Standard F480-76 and shall bear the logo NSF-wc indicating compliance with NSF Standard 14 for use as well casing.

(d) Disposal of Cuttings.

Cuttings and waste from well drilling operations shall not be discharged into a waterway, lake or reservoir. The rules of the Utah Division of Water Quality must be observed with respect to these discharges.

(e) Packers.

Packers, if used, shall be of material that will not impart taste, odor, toxic substances or bacterial contamination to the well water. Lead, or partial lead packers are specifically prohibited.

(f) Screens.

The use of well screens is recommended where appropriate and, if used, they shall:

(i) be constructed of material resistant to damage by chemical action of groundwater or cleaning operations;

(ii) have size of openings based on sieve analysis of formations or gravel pack materials;

(iii) have sufficient diameter to provide adequate specific capacity and low aperture entrance velocities;

(iv) be installed so that the operating water level remains above the screen under all pumping conditions; and

(v) be provided with a bottom plate or washdown bottom fitting of the same material as the screen.

(g) Plumbness and Alignment Requirements.

Every well shall be tested for plumbness and vertical alignment in accordance with AWWA Standard A100. Plans and specifications submitted for review shall:

(i) have the test method and allowable tolerances clearly stated in the specifications. and

(ii) clearly indicate any options the design engineer may have if the well fails to meet the requirements. Generally wells may be accepted if the misalignment does not interfere with the installation or operation of the pump or uniform placement of grout.

(h) Casing Perforations.

The placement of perforations in the well casing shall:

(i) be so located to permit as far as practical the uniform collection of water around the circumference of the well casing, and

(ii) be of dimensions and size to restrain the water bearing soils from entrance into the well.

(i) Grouting Techniques and Requirements.

All permanent well casing for public drinking water wells shall be grouted to a depth of at least 100 feet below the ground surface unless an "exception" is issued by the Executive Secretary (see R309-102-2.2).

If a well is to be considered in a protected aquifer the grout seal shall extend from the ground surface down to at least 100 feet below the surface, and through the protective layer, as described in R309-113-6(1)(v).

The following applies to all drinking water wells:

(i) Consideration During Well Construction.

(A) Sufficient annular opening shall be provided to permit a minimum of two inches of grout between the permanent casing and the drilled hole, taking into consideration any joint couplings. If a carrier casing is left in place, the minimum clearances above shall pertain to both annular openings (between casings and between carrier casing and the drilled hole), the carrier casing shall be adequately perforated so as to ensure grout contact with the native formations, and the carrier casing shall be withdrawn at least five feet during grouting operations.

(B) Additional information is available from the Division for recommended construction methods for grout placement.

(C) The casing(s) must be provided with sufficient guides welded to the casing to permit unobstructed flow and uniform thickness of grout.

(ii) Grouting Materials.

(A) Neat Cement Grout.

Cement, conforming to ASTM Standard C150, and water, with no more than six gallons of water per sack of cement, shall be used for two inch openings. Additives may be used to increase fluidity subject to approval by the Executive Secretary.

(B) Concrete Grout.

Equal parts of cement conforming to ASTM Standard C150, and sand, with not more than six gallons of water per sack of cement may be used for openings larger than two inches.

(C) Clay Seal.

Where an annular opening greater than six inches is available a clay seal of clean local clay mixed with at least ten percent swelling bentonite may be used when approved by the Executive Secretary.

(iii) Application.

(A) When the annular opening is less than four inches, grout shall be installed under pressure, by means of a positive displacement grout pump, from the bottom of the annular opening to be filled.

(B) When the annular opening is four or more inches and 100 feet or less in depth, and concrete grout is used, it may be placed by gravity through a grout pipe installed to the bottom of the annular opening in one continuous operation until the annular opening is filled.

(C) All temporary construction casings should be removed but shall be withdrawn at least five feet during the grouting operation to ensure grout contact with the native formations.

(D) When a "well in a protected aquifer" classification is desired, the grout seal shall extend from the ground surface down to at least 100 feet below the surface, and through the protective clay layer (see R309-113-6(1)(v)). If the clay layer starts below 100 feet, grout shall extend from the ground surface to a depth of at least 100 feet, grout or native fill may be utilized from there to the top of the clay layer, and then grout placed completely through the protective clay layer. If the clay layer starts and ends above 100 feet, grout shall extend from the ground surface down to and completely through the protective clay layer.

(E) After cement grouting is applied, work on the well shall be discontinued until the cement or concrete grout has properly set; usually a period of 72 hours.

(j) Water Entered Into Well During Construction.

Any water entering a well during construction shall not be contaminated and should be obtained from a chlorinated municipal system. Where this is not possible the water must be dosed to give

a 100 mg/l free chlorine residual. Refer also to the administrative rules of the Division of Water Rights in this regard.

(k) Gravel Pack Wells.

The following shall apply to gravel packed wells:

(i) the gravel pack material is to be of well rounded particles, 95 percent siliceous material, that are smooth and uniform, free of foreign material, properly sized, washed and then disinfected immediately prior to or during placement,

(ii) the gravel pack is placed in one uniform continuous operation,

(iii) refill pipes, when used, are Schedule 40 steel pipe incorporated within the pump foundation and terminated with screwed or welded caps at least 12 inches above the pump house floor or concrete apron,

(iv) refill pipes located in the grouted annular opening be surrounded by a minimum of 1.5 inches of grout,

(v) protection provided to prevent leakage of grout into the gravel pack or screen, and

(vi) any casings not withdrawn entirely meet requirements of R309-204-6(6)(b) or R309-204-6(6)(c).

(7) Well Development.

(a) Every well shall be developed to remove the native silts and clays, drilling mud or finer fraction of the gravel pack.

(b) Development should continue until the maximum specific capacity is obtained from the completed well.

(c) Where chemical conditioning is required, the specifications shall include provisions for the method, equipment, chemicals, testing for residual chemicals, and disposal of waste and inhibitors.

(d) Where blasting procedures may be used the specifications shall include the provisions for blasting and cleaning. Special attention shall be given to assure that the grouting and casing are not damaged by the blasting.

(8) Capping Requirements.

(a) A welded metal plate or a threaded cap is the preferred method for capping a well.

(b) At all times during the progress of work the contractor shall provide protection to prevent tampering with the well or entrance of foreign materials.

(9) Well Abandonment.

(a) Test wells and groundwater sources which are to be permanently abandoned shall be sealed by such methods as necessary to restore the controlling geological conditions which existed prior to construction or as directed by the Utah Division of Water Rights.

(b) Wells to be abandoned shall be sealed to prevent undesirable exchange of water from one aquifer to another. Preference shall be given to using a neat cement grout. Where fill materials are used, which are other than cement grout or concrete, they shall be disinfected and free of foreign materials. When an abandoned well is filled with cement- grout or concrete, these materials shall be applied to the well- hole through a pipe, tremie, or bailer.

(10) Well Assessment.

(a) Step Drawdown Test.

Preliminary to the constant-rate test required below, it is recommended that a step-drawdown test (uniform increases in pumping rates over uniform time intervals with single drawdown

measurements taken at the end of the intervals) be conducted to determine the maximum pumping rate for the desired intake setting.

(b) Constant-Rate Test.

A "constant-rate" yield and drawdown test shall:

(i) be performed on every production well after construction or subsequent treatment and prior to placement of the permanent pump,

(ii) have the test methods clearly indicated in the specifications,

(iii) have a test pump with sufficient capacity that when pumped against the maximum anticipated drawdown, it will be capable of pumping at least 1.5 times the desired design discharge rate,

(iv) provide for continuous pumping for at least 24 hours or until stabilized drawdown has continued for at least six hours when test pumped at a "constant-rate" equal to 1.5 times the desired design discharge rate,

(v) provide the following data:

(A) capacity vs. head characteristics for the test pump (manufacturer's pump curve),

(B) static water level (in feet to the nearest tenth, as measured from an identified datum; usually the top of casing),

(C) depth of test pump intake,

(D) time and date of starting and ending test(s),

(vi) For the "constant-rate" test provide the following at time intervals sufficient for at least ten essentially uniform intervals for each log cycle of the graphic evaluation required below:

(A) record the time since starting test (in minutes),

(B) record the actual pumping rate,

(C) record the pumping water level (in feet to the nearest tenth, as measured from the same datum used for the static water level),

(D) record the drawdown (pumping water level minus static water level in feet to the nearest tenth),

(E) provide graphic evaluation on semilogarithmic graph paper by plotting the drawdown measurements on the arithmetic scale at locations corresponding to time since starting test on the logarithmic scale, and

(vii) Immediately after termination of the constant-rate test, and for a period of time until there are no changes in depth to water level measurements for at least six hours, record the following at time intervals similar to those used during the constant-rate pump test:

(A) time since stopping pump test (in minutes),

(B) depth to water level (in feet to the nearest tenth, as measured from the same datum used for the pumping water level).

(11) Well Disinfection.

Every new, modified, or reconditioned well including pumping equipment shall be disinfected before being placed into service for drinking water use. These shall be disinfected according to AWWA Standard C654 published by the American Water Works Association as modified to incorporate the following as a minimum standard:

(i) the well shall be disinfected with a chlorine solution of sufficient volume and strength and so applied that a concentration of at least 50 parts per million is obtained in all parts of the well and comes in contact with equipment installed in the well. This solution shall remain in the well for a period of at least eight hours, and

(ii) a satisfactory bacteriologic water sample analysis shall be obtained prior to the use of water from the well in a public water system.

(12) Well Equipping.

(a) Naturally Flowing Wells.

Naturally flowing wells shall:

(i) have the discharge controlled by valves,
 (ii) be provided with permanent casing and sealed by grout,
 (iii) if erosion of the confining bed adjacent to the well appears likely, special protective construction may be required by the Division.

(b) Line Shaft Pumps.

Wells equipped with line shaft pumps shall:

(i) have the casing firmly connected to the pump structure or have the casing inserted into the recess extending at least 0.5 inches into the pump base,

(ii) have the pump foundation and base designed to prevent fluids from coming into contact with joints between the pump base and the casing,

(iii) be designed such that the intake of the well pump is at least ten feet below the maximum anticipated drawdown elevation,

(iv) avoid the use of oil lubrication for pumps with intake screens set at depths less than 400 feet (see R309-102-4.7 for additional requirements of lubricants).

(c) Submersible Pumps.

Where a submersible pump is used:

(i) The top of the casing shall be effectively sealed against the entrance of water under all conditions of vibration or movement of conductors or cables.

(ii) The electrical cable shall be firmly attached to the riser pipe at 20 foot intervals or less.

(iv) The intake of the well pump must be at least ten feet below the maximum anticipated drawdown elevation.

(d) Pitless Well Units and Adapters.

Pitless well units and adapters shall:

(i) not be used unless the specific application has been approved by the Executive Secretary,

(ii) terminate at least 18 inches above final ground elevation or three feet above the highest known flood elevation whichever is greater,

(iii) be approved by NSF International or the Pitless Adapter Association or other appropriate Review Authority,

(iv) have suitable access to the interior of the casing in order to disinfect the well,

(v) have a suitable sanitary seal or cover at the upper terminal of the casing that will prevent the entrance of any fluids or contamination, especially at the connection point of the electrical cables,

(vi) have suitable access so that measurements of static and pumped water levels in the well can be obtained,

(vii) allow at least one check valve within the well casing,

(viii) be furnished with a cover that is lockable or otherwise protected against vandalism or sabotage,

(ix) be shop-fabricated from the point of connection with the well casing to the unit cap or cover,

(x) be of watertight construction throughout,

(xi) be constructed of materials at least equivalent to and having wall thickness compatible to the casing,

(xii) have field connection to the lateral discharge from the pitless unit of threaded, flanged or mechanical joint connection,

(xiii) be threaded or welded to the well casing. If the connection to the casing is by field weld, the shop assembled unit must be designed specifically for field welding to the casing. The only field welding permitted on the pitless unit will be that needed to connect a pitless unit to the casing, and

(xiv) have an inside diameter as great as that of the well casing, up to and including casing diameters of 12 inches, to facilitate work and repair on the well, pump, or well screen.

(e) Well Discharge Piping.

The discharge piping shall:

(i) be designed so that the friction loss will be low,

(ii) have control valves and appurtenances located above the pump house floor when an above-ground discharge is provided,

(iii) be protected against the entrance of contamination,

(iv) be equipped with (in order of placement from the well head) a smooth nosed sampling tap, a check valve, a pressure gauge, a means of measuring flow and a shutoff valve,

(v) where a well pumps directly into a distribution system, be equipped with an air release vacuum relief valve located upstream from the check valve, with exhaust/relief piping terminating in a down-turned position at least six inches above the floor and covered with a No. 14 mesh corrosion resistant screen. An exception to this requirement will be allowed provided specific proposed well head valve and piping design includes provisions for pumping to waste all trapped air before water is introduced into the distribution system,

(vi) have all exposed piping valves and appurtenances protected against physical damage and freezing,

(vii) be properly anchored to prevent movement, and

(f) Water Level Measurement.

(i) Provisions shall be made to permit periodic measurement of water levels in the completed well.

(ii) Where permanent water level measuring equipment is installed it shall be made using corrosion resistant materials attached firmly to the drop pipe or pump column and installed in such a manner as to prevent entrance of foreign materials.

(g) Observation Wells.

Observation wells shall be:

(i) constructed in accordance with the requirements for permanent wells if they are to remain in service after completion of a water supply well, and

(ii) protected at the upper terminal to preclude entrance of foreign materials.

(h) Electrical Protection.

Sufficient electrical controls shall be placed on all pump motors to eliminate electrical problems due to phase shifts, surges, lightning, etc.

(13) Well House Construction.

The use of a well house is strongly recommended, particularly in installations utilizing above ground motors.

In addition to applicable provisions of R309-209, well pump houses shall conform to the following:

(a) Casing Projection Above Floor.

The permanent casing for all ground water wells shall project at least 12 inches above the pump house floor or concrete apron surface and at least 18 inches above the final ground surface. However, casings terminated in underground vaults may be

permitted if the vault is provided with a drain to daylight sized to handle in excess of the well flow and surface runoff is directed away from the vault access.

(b) Floor Drain.

Where a well house is constructed the floor surface shall be at least six inches above the final ground elevation and shall be sloped to provide drainage. A "drain-to-daylight" shall be provided unless highly impractical.

(c) Earth Berm.

Sites subject to flooding shall be provided with an earth berm terminating at an elevation at least two feet above the highest known flood elevation or other suitable protection as determined by the Executive Secretary.

(d) Well Casing Termination at Flood Sites.

The top of the well casing at sites subject to flooding shall terminate at least 3 feet above the 100 year flood level or the highest known flood elevation, whichever is higher (refer to R309-204-6(6)(b)(vi)).

(e) Miscellaneous.

The well house shall be ventilated, heated and lighted in such a manner as to assure adequate protection of the equipment (refer to R309-209-5(2) (a) through (h))

(f) Fencing.

Where necessary to protect the quality of the well water the Executive Secretary may require that certain wells be fenced in a manner similar to fencing required around spring areas.

(g) Access.

An access shall be provided either through the well house roof or sidewalls in the event the pump must be pulled for replacement or servicing the well.

R309-204-7. Ground Water - Springs.

(1) General.

Springs vary greatly in their characteristics and they should be observed for some time prior to development to determine any flow and quality variations. Springs determined to be "under the direct influence of surface water" will have to be given "surface water treatment".

(2) Source Protection.

Public drinking water systems are responsible for protecting their spring sources from contamination. The selection of a spring should only be made after consideration of the requirements of R309-204-4. Springs must be located in an area which shall minimize threats from existing or potential sources of pollution. A Preliminary Evaluation Report on source protection issues is required by R309-113-13(2). If certain precautions are taken, sewer lines may be permitted within a public drinking water system's source protection zones at the discretion of the Executive Secretary. When sewer lines are permitted in protection zones both sewer lines and manholes shall be specially constructed as described in R309-204-6(4).

(3) Surface Water Influence.

Some springs yield water which has been filtered underground for years, other springs yield water which has been filtered underground only a matter of hours. Even with proper development, the untreated water from certain springs may exhibit turbidity and high coliform counts. This indicates that the spring

water is not being sufficiently filtered in underground travel. If a spring is determined to be "under the direct influence of surface water", it shall be given "conventional surface water treatment" (refer to R309-202-6).

(4) Pre-construction Submittal

Before commencement of construction of spring development improvements the following information must be submitted to the Executive Secretary and approved in writing.

(a) Detailed plans and specifications covering the development work.

(b) A copy of an engineer's statement indicating:

(i) the historical record (if available) of spring flow variation,
(ii) expected minimum flow and the time of year it will occur,
(iii) expected maximum flow and the time of year it will occur,

(iv) expected average flow,

(v) the behavior of the spring during drought conditions.

After evaluating this information, the Division will assign a "firm yield" for the spring which will be used in assessing the number of and type of connections which can be served by the spring (see "desired design discharge rate" in R309-200).

(c) A copy of documentation indicating the water system owner has a right to divert water for domestic or municipal purposes (see R309-204-4(8)) from the spring source.

(d) A Preliminary Evaluation Report on source protection issues as required by R309-113-13(1).

(e) A copy of the chemical analyses required by R309-204-4(5).

(f) An assessment of whether the spring is "under the direct influence of surface water" (refer to R309-202-7(1)(a)(i)).

(5) Information Required after Spring Development.

After development of a culinary spring, the following information shall be submitted:

(a) Proof of satisfactory bacteriologic quality.

(b) Information on the rate of flow developed from the spring.

(c) As-built plans of spring development.

(6) Operation Permit Required.

Water from the spring can be introduced into a public water system only after it has been approved for use, in writing, by the Executive Secretary.

(7) Spring Development.

The development of springs for drinking water purposes shall comply with the following requirements:

(a) The spring collection device, whether it be collection tile, perforated pipe, imported gravel, infiltration boxes or tunnels must be covered with a minimum of ten feet of relatively impervious soil cover. Such cover must extend a minimum of 15 feet in all horizontal directions from the spring collection device. Clean, inert, non-organic material shall be placed in the vicinity of the collection device(s).

(b) Where it is impossible to achieve the ten feet of relatively impervious soil cover, an acceptable alternate will be the use of an impermeable liner provided that:

(i) the liner has a minimum thickness of at least 10 mils,

(ii) all seams in the liner are folded or welded to prevent leakage,

(iii) the liner is certified as complying with ANSI/NSF Standard 61. This requirement is waived if certain that the drinking water will not contact the liner,

(iv) the liner is installed in such a manner as to assure its integrity. No stones, two inch or larger or sharp edged, shall be located within two inches of the liner,

(v) a minimum of two feet of relatively impervious soil cover is placed over the impermeable liner,

(vi) the soil and liner cover are extended a minimum of 15 feet in all horizontal directions from the collection devices.

(c) Each spring collection area shall be provided with at least one collection box to permit spring inspection and testing.

(d) All junction boxes and collection boxes, must comply with R309-210-14 with respect to access manholes, air vents, and overflow piping. Lids for these spring boxes shall be gasketed and the box adequately vented.

(e) The spring collection area shall be surrounded by a fence located a distance of 50 feet (preferably 100 feet if conditions allow) from all collection devices on land at an elevation equal to or higher than the collection device, and a distance of 15 feet from all collection devices on land at an elevation lower than the collection device. The elevation datum to be used is the surface elevation at the point of collection. The fence shall be at least "stock tight" (see R309-200). In remote areas where no grazing or public access is possible, the fencing requirement may be waived by the Executive Secretary. In populated areas a six foot high chain link fence with three strands of barbed wire may be required.

(f) Within the fenced area all vegetation which has a deep root system shall be removed.

(g) A diversion channel, or berm, capable of diverting all anticipated surface water runoff away from the spring collection area shall be constructed immediately inside the fenced area.

(h) A permanent flow measuring device shall be installed. Flow measurement devices such as critical depth meters or weirs shall be properly housed and otherwise protected.

(i) The spring shall be developed as thoroughly as possible so as to minimize the possibility of excess spring water ponding within the collection area. Where the ponding of spring water is unavoidable, the excess shall be collected by shallow piping or french drain and be routed beyond and down grade of the fenced area required above, whether or not a fence is in place.

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KEY: drinking water, source development, source maintenance, water rights
October 20, 2000 **19-4-104**



Insurance, Administration
R590-205
Privacy of Consumer Information
Compliance Deadline

NOTICE OF 120-DAY (EMERGENCY) RULE
DAR FILE NO.: 23246
FILED: 10/18/2000, 12:17
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To notify department licensees that the compliance date for the Gramm-Leach-Bliley Act (GLB) of 1999 has been extended.

SUMMARY OF THE RULE OR CHANGE: As noted in the Purpose Section, this rule provides an extension regulated by the insurance department to comply with the Gramm-Leach-Bliley (GLB) Act. The Enforcement Section gives the insurance commissioner the right to enforce the GLB Act with respect to all licensees. The Compliance Date Section notes that the GLB Act requires compliance to its provision effective November 13, 2000. However, the rule extends the date of compliance to July 1, 2001.

(DAR Note: A corresponding proposed new rule is under DAR No. 23247 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-2-202
FEDERAL REQUIREMENT FOR THIS RULE: 15 U.S.C. 6805

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The emergency rule will give the department time to adopt final state regulations and give those subject to the regulations time in which to develop safeguards, procedures and systems to protect their customers' nonpublic personal information consistent with the regulations. It will also preserve the State's ability to regulate the disclosure of such information. The only cost to the department will be printing and mailing costs to notify the insurance industry about this emergency rule. Mailing will be sent to 1,360 insurers, associations and other interested parties.

❖**LOCAL GOVERNMENTS:** This rule will not affect local government. The rule is regulated by a state government agency to which all fees are paid by its licensees.

❖**OTHER PERSONS:** The persons affected by the emergency rule will be state-chartered financial institutions that conduct the business of insurance, domestic insurance companies, resident agents, resident agencies, resident broker, insurance consultants, adjusters and other individuals or entities regulated by the Utah Insurance Department. Since the rule extends the time for compliance with section V of the GLB Act, it will save the affected persons time and money to avoid unnecessary and duplicative compliance efforts right now.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The persons affected by the emergency rule will be state chartered financial institutions that conduct the business of insurance, domestic insurance companies, resident agents, resident agencies, resident broker, insurance consultants, adjusters and other individuals or entities regulated by the Utah Insurance Department. Since the rule extends the time for compliance with section V of the GLB Act, it will save the affected persons time and money to avoid unnecessary and duplicative compliance efforts right now.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will extend the time for full compliance with section V of the GLB Act to July 1, 2001. It will not have a negative impact on the insurance

industry. Rather it benefits the industry by clarifying their obligation to be fully compliant with the act by July 1, 2001, rather than trying to become immediately compliant. It will save the industry time and money and avoid unnecessary and duplicative compliance efforts right now.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent peril to the public health, safety, or welfare.

The GLB Act of 1999 was enacted by Congress and signed by the President on November 12, 1999. Provisions of this act required federal banking agencies and certain other federal agencies to issue final regulations safeguarding banking customers' records and information. The Board of Governors of the Federal Reserve System, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, and the Office of Thrift Supervision issued joint regulations on May 10, 2000, implementing the consumer financial information privacy provisions of the act. The rules are effective November 13, 2000, however the federal agencies established July 1, 2001, as the deadline for full compliance with the regulations. The regulations require financial institutions under the jurisdiction of the federal agencies to establish policies, procedures and systems that protect and prevent inappropriate disclosure of nonpublic personal information of their customers.

The GLB Act also requires state insurance regulators to implement rules establishing privacy standards governing disclosure and use of customer information and records of financial institutions and other persons that are subject to their jurisdiction. Failure to adopt these rules will make a state ineligible to override the federal regulations that have been implemented. Without a compliance extension from state insurance regulators, state regulated financial institutions, insurers, insurance agents, agencies, brokers, consultants, adjusters and others must be fully compliant immediately. Without the compliance deadline, confusion will occur in the market place and will result in multiple privacy notices from state and federally regulated financial institutions with differing disclosure requirements and procedures. Market conditions will become unstable. Costs to the institutions will increase which will increase costs to consumer. Protection from disclosure of nonpublic information of state regulated financial institutions and others will be at risk and seriously and immediately undermined.

The breadth and scope of the standards imposed by GLB is complex and pervasive which make it impossible for state regulated financial institutions, insurers, agents and others subject to state regulation to be in full compliance by November 13, 2000, let alone now. They will all be at risk of being in violation of the federal law immediately. The consequence of the risk is an immediate exposure to litigation based on the violation of the law. Individual and class action lawsuits become an immediate risk to these institutions and persons.

The Utah Insurance Department has been working with the National Association of Insurance Commissioners (NAIC) to develop uniform model regulations regulating the privacy of consumer financial and health information of state regulated

financial institutions and other state regulated persons. The model regulations were just adopted by the NAIC in mid-October 2000. It will take approximately two and one half months to hold a hearing and adopt the regulations in Utah. During the interim all state regulated financial institutions, insurers, agents, agencies, brokers, consultants, adjusters, and others must become fully compliant or receive an immediate extension of the time in which they will be required to become fully compliant. The federal regulators have determined that federally regulated financial institutions, who are substantially larger than state regulated institutions, should have relief from full compliance until July 1, 2001. The Utah Insurance Commissioner has determined that an emergency and perilous situation in the Utah insurance market exists that will immediately and adversely affect state regulated institutions and other persons. The emergency rule will give the department time to adopt final state regulations and give those subject to the regulations time in which to develop safeguards, procedures and systems to protect their customers' nonpublic personal information consistent with the regulations. It will also preserve the State's ability to regulate the disclosure of such information.

This peril is great, immediate, and harmful to the insurance industry, persons insured by the industry and to the public. Immediate issuance of an order extending the time for full compliance with section V of the GLB Act is warranted.

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 jwhitby@insurance.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE.

THIS RULE IS EFFECTIVE ON: 10/18/2000

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-205. Privacy of Consumer Information Compliance Deadline.

R590-205-1. Authority.

This rule is promulgated pursuant to Subsections 31A-2-202(1), 31A-2-201(2) and 31A-2-201(3)(a) in which the commissioner is empowered to administer and enforce Title 31A, to perform duties imposed by Title 31A and to make administrative rules to implement the provisions of Title 31A. Furthermore, Title V, Section 505, 15 U.S.C. 6805, empowers the Utah Insurance Commissioner to enforce Subtitle A of Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6820. Title V,

Section 505, 15 U.S.C. 6805(b)(2), authorizes the commissioner to issue rules to implement the requirements of Title V, Section 501(b) of the federal act.

other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

R590-205-2. Purpose.

The purpose of this rule is provide an extension to persons and entities under the jurisdiction of the Utah Insurance Department that are required to adopt policies, procedures, and controls to prevent the unauthorized disclosure of personal nonpublic information relating to their customers under Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827. The extension would give such persons and entities time to comply with the requirements of Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827.

KEY: insurance law privacy
October 18, 2000

31A-2-201
31A-2-202
15 U.S.C 6805

A further purpose of the rule is to avoid the application of Title V, Section 505(c) of the Gramm-Leach-Bliley Act of 1999 that provides that if a state fails to adopt regulations to implement Title V of the federal act, the State shall not be eligible to override any federal insurance customer protections prescribed by a Federal Banking Agency.



R590-205-3. Applicability and Scope.

This rule shall apply to all insurers, producers, and other persons licensed or required to be licensed or required to be authorized, registered or required to be registered or domiciled in Utah pursuant to the Utah Insurance Code. It also applies to unauthorized insurers who accept business through a licensed surplus line broker in Utah, if the surplus line placements are placed pursuant to Section 31A-15-103.

R590-205-4. Definitions.

For the purposes of this rule the commissioner adopts the following definitions:

(1) "Utah Insurance Code" means Title 31A of the Utah Code.

(2) "Licensee" means all insurers, producers, and other persons licensed or required to be licensed or required to be authorized, registered or required to be registered or domiciled in Utah pursuant to the Utah Insurance Code, including but not limited to unauthorized insurers who accept business through a licensed surplus line broker in Utah, if the surplus line placements are placed pursuant to Section 31A-15-103.

**End of the Notices of 120-Day
(Emergency) Rules Section**

R590-205-5. Enforcement.

Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827 shall be enforced by the commissioner with respect to all licensees of the department.

R590-205-6. Effective Date.

This rule takes effect October 18, 2000. In order to provide sufficient time for licensees to establish policies, procedures and controls relating to the use and disclosure of personal nonpublic information of their customers and to comply with the requirements of Title V of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. 6801 through 6827, effective November 13, 2000, the commissioner extends the time for compliance for all licensees to July 1, 2001.

R590-205-7. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such validity shall not affect any

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

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

Agriculture and Food, Animal Industry

R58-7

Livestock Markets, Satellite Video Livestock Auction Market, Livestock Sales, Dealers, and Livestock Market Weighpersons

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23249
FILED: 10/19/2000, 10:13
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Sections 4-2-2 and 4-30-3 authorize the Department of Agriculture and Food to make and enforce rules.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The intent of this rule is to provide uniformity and fairness in the marketing of livestock within the state, whether sold through regularly established livestock markets or other types of sales.

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

Agriculture and Food
Animal Industry
350 North Redwood Road
PO Box 146500

Salt Lake City, UT 84114-6500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dr. Mike Marshall at the above address, by phone at (801) 538-7160, by FAX at (801) 538-7169, or Internet E-mail at mmarshall@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 10/19/2000



Commerce, Real Estate

R162-10

Administrative Procedures

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23258
FILED: 10/24/2000, 10:07
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: *Utah Code Ann.* Section 63-46b-4 authorizes agencies to make rules designating adjudicative procedures as formal or informal.

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 Division

must have this rule in order to conduct some of its adjudicative proceedings on an informal basis.

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

Commerce
Real Estate
Second Floor, Heber Wells Building
160 East 300 South
PO Box 146711
Salt Lake City, UT 84114-6711, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-649, or Internet E-mail at kpost@br.state.ut.us.

AUTHORIZED BY: Theodore "Ted" Boyer, Jr., Director

EFFECTIVE: 10/24/2000

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

Human Services
Aging and Adult Services
Room 325, Human Services Building
120 North 200 West
PO Box 45500
Salt Lake City, UT 84145-0500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Sally Anne Brown at the above address, by phone at (801) 538-8250, by FAX at (801) 538-4395, or Internet E-mail at sbrown@hs.state.ut.us.

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/01/2000

◆ ————— ◆
Human Services, Aging and Adult Services
R510-104
Nutrition Programs for the Elderly

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23288
FILED: 11/01/2000, 15:57
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 62A-3-104 requires the Division to write rules to implement the provisions of the Older Americans Act (42 USC 3001 et seq., 1965). Nutrition programs are mandated by the Act and this rule implements those programs.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments were received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Nutrition programs for the elderly are still required by the Act so this rule must be continued.

◆ ————— ◆
Insurance, Administration
R590-174
Diskette Filing of Annual and Quarterly Statements

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23248
FILED: 10/18/2000, 13:10
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3) this provision allows the commissioner to make rules to implement the provisions of the Code. Section 31A-4-113 gives the commissioner authority to prescribe the form and financial information to be filed.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments for or against this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule goes beyond the insurance code in requiring insurers to file their annual statements electronically on diskettes. The rule also sets filing deadlines for quarterly statements as well as the form and information to be included and specifies which insurers are to file quarterly statements.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 10/18/2000

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

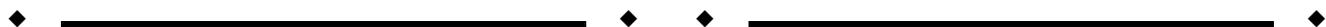
Money Management Council Administration
215 State Capitol
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ann Pedroza at the above address, by phone at (801) 538-1883, by FAX at (801) 538-1465, or Internet E-mail at apedroza@state.ut.us.

AUTHORIZED BY: Edward T. Alter, State Treasurer

EFFECTIVE: 11/01/2000



Money Management Council,
Administration
R628-12
Certification of Qualified Depositories
for Public Funds

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23283
FILED: 11/01/2000, 14:51
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 51-7-18(2)(b) allows the Council to make rules governing the conditions for designation of a financial institution as a qualified depository.

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

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no comments either way.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be continued as public treasurers have to deposit funds as they come in to them. Public treasurers are allowed to use only qualified depositories who have met and continue to meet the requirements of state law and rules of the Council. This rule also sets up the criteria that allows for reporting requirements to the Department of Financial Institutions by all qualified institutions so that institutions that hold public funds are monitored to insure the safety of those deposits.

NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (*Utah Code* Section 63-46a-9 (1996)). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file an extension with the Division of Administrative Rules. The extension permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed extensions for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date. The five-year review extension is governed by *Utah Code* Subsection 63-46a-9(4) and (5) (1996).

Human Services

Aging and Adult Services

No. 23255 (filed 10/24/2000 at 8:44 a.m.): R510-401. Caregiver Respite Services for Caregivers or Care Receivers 60 Years of Age and Over.
Enacted: 11/14/95 (No. 17273, NEW, filed 09/21/95 at 9:17 a.m., published 10/15/95)
Extended Due Date: March 14, 2001

End of the Notices of Five-Year Review Extensions Section

NOTICES OF RULE EFFECTIVE DATES

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

Abbreviations

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

Administrative Services

Fleet Operations

No. 23120 (NEW): R27-3. Vehicle Use Standards.
Published: September 15, 2000
Effective: October 17, 2000

Agriculture and Food

Animal Industry

No. 23109 (AMD): R58-17-15. Aquatic Animal Health Approval.
Published: September 15, 2000
Effective: October 17, 2000

No. 23132 (AMD): R58-18. Elk Farming.
Published: September 15, 2000
Effective: October 17, 2000

Plant Industry

No. 23122 (NEW): R68-20. Utah Organic Standards.
Published: September 15, 2000
Effective: October 17, 2000

Commerce

Occupational and Professional Licensing

No. 23118 (AMD): R156-1. General Rules of the Division of Occupational and Professional Licensing.
Published: September 15, 2000
Effective: October 17, 2000

No. 22924 (CPR): R156-16a. Optometry Practice Act Rules.
Published: September 15, 2000
Effective: October 17, 2000

No. 23127 (AMD): R156-46b. Division Utah Administrative Procedures Act Rules.
Published: September 15, 2000
Effective: October 17, 2000

Real Estate

No. 23128 (AMD): R162-8. Prelicensing Education.
Published: September 15, 2000
Effective: October 17, 2000

Corrections

Administration

No. 23106 (NEW): R251-113. Distribution of Reimbursement from the Inmate Costs Reimbursement Program.
Published: September 15, 2000
Effective: October 17, 2000

Environmental Quality

Solid and Hazardous Waste

No. 23104 (AMD): R315-315-9. Waste Asphalt.
Published: September 15, 2000
Effective: October 20, 2000

Financial Institutions

Administration

No. 23108 (AMD): R331-10. Schedule for Retention or Destruction of Records of Financial Institutions Under the Jurisdiction of the Department of Financial Institutions.
Published: September 15, 2000
Effective: October 17, 2000

Health

Epidemiology and Laboratory Services, Environmental Services

No. 22739 (CPR): R392-400. Temporary Mass Gatherings Sanitation.
Published: September 1, 2000
Effective: November 1, 2000

Health Care Financing, Coverage and Reimbursement Policy

No. 23116 (AMD): R414-7A. Medicaid Certification of New Nursing Facilities.
Published: September 15, 2000
Effective: November 1, 2000

No. 23117 (NEW): R414-401. Nursing Care Facility Assessment.
Published: September 15, 2000
Effective: November 1, 2000

Human Services

Aging and Adult Services

No. 23158 (AMD): R510-104. Nutrition Programs for the Elderly.
Published: October 1, 2000
Effective: November 1, 2000

NOTICES OF RULE EFFECTIVE DATES

Natural Resources

Wildlife Resources

No. 23123 (AMD): R657-9. Taking Waterfowl, Wilson's Snipe and Coot.

Published: September 15, 2000

Effective: October 17, 2000

No. 23124 (AMD): R657-10. Taking Cougar.

Published: September 15, 2000

Effective: October 17, 2000

No. 23125 (AMD): R657-11. Taking Furbearers.

Published: September 15, 2000

Effective: October 17, 2000

Public Safety

Peace Officer Standards and Training

No. 23107 (REP): R728-408. Reserve and Auxiliary Officer Standards.

Published: September 15, 2000

Effective: October 30, 2000

No. 23102 (AMD): R728-409. Refusal, Suspension, or Revocation of Peace Officer Certification.

Published: September 15, 2000

Effective: October 30, 2000

Public Service Commission

Administration

No. 22989 (AMD): R746-320-8. Billing Adjustments.

Published: July 15, 2000

Effective: November 1, 2000

Tax Commission

Administration

No. 23154 (AMD): R861-1A-16. Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207.

Published: October 1, 2000

Effective: November 1, 2000

Auditing

No. 23155 (AMD): R865-19S-112. Confirmation of Purchase of Admission or User Fee Relating to the Olympic Winter Games of 2002 Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104.

Published: October 1, 2000

Effective: November 1, 2000

No. 13130 (AMD): R865-20T-11. Reporting of Imported Cigarettes Pursuant to Utah Code Ann. Section 59-14-212.

Published: September 15, 2000

Effective: November 1, 2000

Property Tax

No. 23156 (AMD): R884-24P-60. Age-Based Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Section 59-2-405.1.

Published: October 1, 2000

Effective: November 1, 2000

No. 23157 (AMD): R884-24P-61. 1.5 Percent Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Sections 41-1a-202, 59-2-104, 59-2-401, 59-2-402, and 59-2-405.

Published: October 1, 2000

Effective: November 1, 2000

No. 23044 (AMD): R884-24P-65. Proportional Assessment of Transitory Personal Property Pursuant to Utah Code Ann. Section 59-2-402.

Published: August 15, 2000

Effective: November 1, 2000

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, 2000, including notices of effective date received through November 1, 2000, the effective dates of which are no later than November 15, 2000. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

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

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

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

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Administrative Rules</u>					
R15-1	Administrative Rule Hearings	23225	5YR	10/16/2000	2000-21/67
R15-2	Public Petitioning for Rulemaking	23226	5YR	10/16/2000	2000-21/67
R15-3	Definitional Clarification of Administrative Rule	23227	5YR	10/16/2000	2000-21/68
R15-4	Administrative Rulemaking Procedures	23228	5YR	10/16/2000	2000-21/69
R15-5	Administrative Rules Adjudicative Proceedings	23229	5YR	10/16/2000	2000-21/69
R15-6	Rulemaking Decision and Administrative Record	23230	5YR	10/16/2000	2000-21/70
<u>Facilities Construction and Management</u>					
R23-2	Procurement of Architectural and Engineering Services	22821	5YR	05/04/2000	2000-11/101
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	22836	AMD	see CPR	2000-11/4
R25-7	Travel-Related Reimbursements for State Employees	22836	CPR	09/02/2000	2000-14/54

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Fleet Operations</u>					
R27-1 (Changed to R27-10)	Identification Mark for State Motor Vehicles	22728	AMD	06/01/2000	2000-9/2
R27-1	Definitions	22977	NEW	10/16/2000	2000-14/6
R27-2	Fleet Operations Adjudicative Proceedings	22807	NSC	05/23/2000	Not Printed
R27-3	Vehicle Use Standards	23210	NEW	10/17/2000	2000-18/4
R27-10	Identification Mark for State Motor Vehicles	22808	NSC	06/26/2000	Not Printed
<u>Fleet Operations, Surplus Property</u>					
R28-1	State Surplus Property Disposal	22729	AMD	06/01/2000	2000-9/3
R28-3	Utah State Agency for Surplus Property Adjudicative Proceedings	22809	NSC	05/23/2000	Not Printed
<u>Purchasing and General Services</u>					
R33-3	Source Selection and Contract Formation	22678	AMD	06/15/2000	2000-6/3
R33-5	Construction and Architect-Engineer Selection	22679	AMD	06/15/2000	2000-6/10
R33-5-510	Application	22971	NSC	08/01/2000	Not Printed
<u>Records Committee</u>					
R35-2	Declining Appeal Hearings	22787	NSC	05/23/2000	Not Printed
AGRICULTURE AND FOOD					
<u>Animal Industry</u>					
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	22930	AMD	08/02/2000	2000-13/3
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R58-7-2	Definitions	22913	AMD	07/18/2000	2000-12/5
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R414-58	Children's Organ Transplants	22958	NSC	08/01/2000	Not Printed
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R657-11	Taking Furbearers	23126	5YR	08/30/2000	2000-18/99
R657-11	Taking Furbearers	23125	AMD	10/17/2000	2000-18/79
R657-13	Taking Fish and Crayfish	22392	AMD	01/03/2000	99-20/31
R657-13-4	Fishing Contests	22693	AMD	04/24/2000	2000-6/41
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R657-15	Closure of Gunnison, Cub and Hat Islands	22881	5YR	05/22/2000	2000-12/59
R657-19	Taking Nongame Mammals	22712	5YR	03/30/2000	2000-8/34
R657-19	Taking Nongame Mammals	22733	NSC	05/01/2000	Not Printed

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R657-21	Cooperative Wildlife Management Units for Small Game and Waterfowl	22973	AMD	08/15/2000	2000-14/18
R657-24	Compensation for Mountain Lion and Bear Damage	23208	5YR	10/12/2000	2000-21/75
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R657-38	Dedicated Hunter Program	22521	AMD	01/18/2000	99-24/38
R657-38	Dedicated Hunter Program	22649	AMD	04/04/2000	2000-5/46
R657-41	Conservation and Sportsman Permits	22939	AMD	08/01/2000	2000-13/56
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R657-46	The Use of Game Birds in Dog Field Trials and Training	22651	AMD	04/04/2000	2000-5/51
R657-47	Trust Fund Permits	22562	NEW	02/01/2000	2000-1/40
R657-47	Trust Fund Permits	22940	AMD	08/01/2000	2000-13/58

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R686-102	Drug Related Offenses	23002	NSC	08/01/2000	Not Printed
R686-103	Professional Practices and Conduct for Utah Educators	22505	AMD	01/05/2000	99-23/105

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R708-32	Uninsured Motorist Database	22908	5YR	06/01/2000	2000-12/60
R708-32	Uninsured Motorist Database	22909	NSC	06/20/2000	Not Printed
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R710-2	Rules Pursuant to the Utah Fireworks Act	22981	AMD	08/16/2000	2000-14/27
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R746-360-2	Definitions	22530	NSC	01/25/2000	Not Printed
R746-401	Rules Governing Reporting of Construction, Purchase, Acquisition, Sale, Transfer or Disposition of Assets by Certain Utilities	22550	NSC	01/25/2000	Not Printed
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R765-171	Postsecondary Proprietary School Act Rules	22951	CPR	10/03/2000	2000-17/74
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R765-604	New Century Scholarship	22052	CPR	02/04/2000	99-20/53
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R850-40-300	Easements Acquired by Application	22795	NSC	08/01/2000	Not Printed
R850-130-400	Application Procedures	22664	NSC	02/25/2000	Not Printed
R850-140-100	Authorities	22796	NSC	08/01/2000	Not Printed
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R861-1A-20	Time of Appeal Pursuant to Utah Code Ann. Sections 59-1-301, 59-1-401, 59-1-501, 59-2-1007, 59-7-517, 59-10-533, 59-12-144, 59-13-210, and 63-46b-3	22890	NSC	06/27/2000	Not Printed
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R865-6F-16	Apportionment of Income of Long-Term Construction Contractors Pursuant to Utah Code Ann. Section 59-7-118	22892	NSC	06/27/2000	Not Printed
R865-6F-18	Corporations Exempt From The Franchise Tax Pursuant to Utah Code Ann. Section 59-7-105	22893	NSC	06/27/2000	Not Printed
R865-6F-19	Taxation of Trucking Companies Pursuant to Utah Code Ann. Sections 59-7-301 through 59-7-321	22894	NSC	06/27/2000	Not Printed
R865-6F-26	Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-7-608	22895	NSC	06/27/2000	Not Printed
R865-6F-27	Order of Credits Applied Against Utah Corporate Franchise Tax Due Pursuant to Utah Code Ann. Sections 9-2-413, 59-6-102, 59-7-104, 59-7-109, 59-7-109.5, 59-7-110, 59-7-110.5, 59-7-110.7, 59-7-110.8, 59-10-603, and 59-13-202	22896	NSC	06/27/2000	Not Printed
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R865-11Q-1	Time Period Within Which an Employer Must Obtain an Experience Modification Factor Pursuant to Utah Code Ann. Section 35A-3-202	22900	NSC	06/27/2000	Not Printed
R865-12L-9	Sellers With No Fixed Place of Business Pursuant to Utah Code Ann. Section 59-12-207	22710	AMD	06/21/2000	2000-8/29
R865-12L-16	Notification to Tax Commission Upon County, City, or Town Imposition of Certain Taxes Pursuant to Utah Code Ann. Sections 59-12-118, 59-12-302, 59-12-501, 59-12-502, 59-12-603, 59-12-703, 59-12-802, and 59-12-804	22803	AMD	06/21/2000	2000-10/45
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R865-16R	Severance Tax	22996	5YR	07/07/2000	2000-15/30
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R873-22M-38	Procedure for Reinstatement of Registration Revoked for Lack of Owner's or Operator's Security Pursuant to Utah Code Ann. Section 41-1a-1220	22804	AMD	06/20/2000	2000-10/47
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R884-24P-57	Judgement Levies Pursuant to Utah Code Ann. Sections 59-2-918.5, 59-2-924, 59-2-1328, and 59-2-1330	22805	AMD	06/21/2000	2000-10/47
R884-24P-60	Age-Based Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Section 59-2-405.1	22903	NSC	06/27/2000	Not Printed
R884-24P-60	Age-Based Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Section 59-2-405.1	23256	AMD	11/01/2000	2000-19/154
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R994-204	Included Employment	22721	5YR	04/04/2000	2000-9/187
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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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	22838	R307-102-1	NSC	08/03/2000	Not Printed
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	22428	R652-40-300	NSC	05/25/2000	Not Printed
	22681	R652-50-610	AMD	07/13/2000	2000-6/40
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	22835	R652-120	5YR	05/09/2000	2000-11/102
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	22902	R873-22M-36	NSC	06/27/2000	Not Printed
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	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
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Natural Resources, Wildlife Resources	22881	R657-15	5YR	05/22/2000	2000-12/59
<u>CONSTRUCTION CONTRACTS</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22997	R606-3	5YR	07/07/2000	2000-15/28
	22675	R606-3-2	NSC	03/20/2000	Not Printed
<u>CONTAMINATION</u>					
Environmental Quality, Radiation Control	22599	R313-15	AMD	03/10/2000	2000-3/34
	23184	R313-15	NSC	10/01/2000	Not Printed
<u>CONTRACTING</u>					
Workforce Services, Environmental Development	23083	R986-706	REP	10/02/2000	2000-16/127
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	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
	22398	R156-56	AMD	see CPR	99-20/15
	22398	R156-56	CPR	02/15/2000	2000-2/21
	22790	R156-56	AMD	07/01/2000	2000-10/5
	22967	R156-56	NSC	08/01/2000	Not Printed
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
	22791	R156-56-706	AMD	07/01/2000	2000-10/18

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	22765	R606-3-2	NSC	03/20/2000	Not Printed
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Public Service Commission, Administration	22550	R746-401	NSC	01/25/2000	Not Printed
<u>CONVEYANCE</u>					
Natural Resources, Water Rights	22806	R655-3	NEW	07/01/2000	2000-10/35
<u>COOPERATIVE WILDLIFE MANAGEMENT UNIT</u>					
Natural Resources, Wildlife Resources	22975	R657-37	AMD	08/15/2000	2000-14/23
<u>CORRECTIONS</u>					
Corrections, Administration	22961	R251-101	NSC	08/01/2000	Not Printed
	22962	R251-705	NSC	08/01/2000	Not Printed
	22963	R251-710	NSC	08/01/2000	Not Printed
	23195	R251-303	5YR	10/04/2000	2000-21/71
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Education, Administration	22669	R277-462	AMD	04/03/2000	2000-5/6
<u>COUNTY JAILS</u>					
Corrections, Administration	23106	R251-113	NEW	10/17/2000	2000-18/46
<u>COVERAGE GROUPS</u>					
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	22378	R414-303	CPR	01/26/2000	99-24/52
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Education, Administration	23213	R277-444	5YR	10/13/2000	2000-21/72
	23214	R277-465	5YR	10/13/2000	2000-21/72
	23023	R277-475	NEW	09/01/2000	2000-15/13
	23215	R277-752	5YR	10/13/2000	2000-21/72
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Human Services, Administration	23167	R495-879	NSC	10/01/2000	Not Printed
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	23144	R313-12-3	NSC	10/01/2000	Not Printed
Human Resource Management, Administration	22839	R477-1	AMD	07/05/2000	2000-11/47
	22851	R477-13	AMD	07/05/2000	2000-11/84
<u>DEMONSTRATION</u>					
Workforce Services, Employment Development	23064	R986-221	REP	10/02/2000	2000-16/85
	23076	R986-421	REP	10/02/2000	2000-16/110
<u>DEVELOPMENT</u>					
School and Institutional Trust Lands, Administration	22796	R850-140-100	NSC	08/01/2000	Not Printed
<u>DEVELOPMENTALLY DISABLED</u>					
Tax Commission, Administration	22904	R861-1A	NSC	06/27/2000	Not Printed
	22889	R861-1A-12	NSC	06/27/2000	Not Printed
	23154	R861-1A-16	AMD	11/01/2000	2000-19/151
	22890	R861-1A-20	NSC	06/27/2000	Not Printed
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Human Resource Management, Administration	22846	R477-8	AMD	07/05/2000	2000-11/67
<u>DISASTERS</u>					
Education, Administration	22945	R277-400	AMD	08/01/2000	2000-13/18
<u>DISCIPLINARY ACTIONS</u>					
Education, Administration	22670	R277-514	AMD	04/03/2000	2000-5/8
	23006	R277-514	NSC	08/01/2000	Not Printed
Professional Practices Advisory Commission, Administration	23001	R686-101	NSC	08/01/2000	Not Printed
	23002	R686-102	NSC	08/01/2000	Not Printed
	22505	R686-103	AMD	01/05/2000	99-23/105
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	22853	R477-14	AMD	07/05/2000	2000-11/85
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	23154	R861-1A	AMD	11/01/2000	2000-19/151
	22889	R861-1A-12	NSC	06/27/2000	Not Printed
	22890	R861-1A-20	NSC	06/27/2000	Not Printed
<u>DISCRIMINATION</u>					
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	22674	R606-2-2	NSC	03/20/2000	Not Printed
	22675	R606-3-2	NSC	03/20/2000	Not Printed
	22997	R606-3	5YR	07/07/2000	2000-15/28

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	22999	R606-5	5YR	07/07/2000	2000-15/29
	22676	R606-5-2	NSC	03/20/2000	Not Printed
	23000	R606-6	5YR	07/07/2000	2000-15/30
Labor Commission, Antidiscrimination and Labor, Fair Housing	22591	R608-1-3	NSC	01/25/2000	Not Printed
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	22587	R156-1-205	AMD	02/15/2000	2000-2/8
	22645	R156-1-308a	AMD	03/20/2000	2000-4/12
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	22659	R510-302	AMD	05/16/2000	2000-5/43
Human Services, Child and Family Services	22814	R512-1	EMR	05/01/2000	2000-10/56
	22876	R512-1	AMD	07/20/2000	2000-12/49
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Environmental Quality, Drinking Water	22731	R309-102	AMD	08/15/2000	2000-9/29
	22732	R309-113 (Changed to R309-600)	AMD	06/12/2000	2000-9/30
	22709	R309-114 (Changed to R309-710)	AMD	06/12/2000	2000-8/9
	23099	R309-150	5YR	08/10/2000	2000-17/87
	22883	R309-200 (Changed to R309-110)	AMD	08/15/2000	2000-12/23
	23251	R309-204	EMR	10/20/2000	2000-22/68
	22884	R309-205 (Changed to R309-520)	AMD	08/15/2000	2000-12/34

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	22730	R309-302	5YR	04/10/2000	2000-9/184
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	22704	R309-605	NEW	06/12/2000	2000-7/8
	22927	R309-605	NSC	06/27/2000	Not Printed
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Public Safety, Driver License	22980	R708-37	NEW	08/15/2000	2000-14/25
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Human Resource Management, Administration	22853	R477-14	AMD	07/05/2000	2000-11/85
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Education, Administration	23019	R277-438	AMD	09/01/2000	2000-15/5
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	22951	R765-171	CPR	10/03/2000	2000-17/74
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Education, Administration	23023	R277-475	NEW	09/01/2000	2000-15/13
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	22718	R277-501	AMD	05/16/2000	2000-8/4
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Human Services, Aging and Adult Services	23158	R510-104	AMD	11/01/2000	2000-19/107
	23288	R510-104	5YR	11/01/2000	2000-22/80
	22619	R510-302	5YR	01/24/2000	2000-4/75
	22659	R510-302	AMD	05/16/2000	2000-5/43
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Commerce, Occupational and Professional Licensing	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
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	22876	R512-1	AMD	07/20/2000	2000-12/49
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	22844	R477-6	AMD	07/05/2000	2000-11/62
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	22674	R606-2-2	NSC	03/20/2000	Not Printed
	22998	R606-4	5YR	07/07/2000	2000-15/29
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	22676	R606-5-2	NSC	03/20/2000	Not Printed
Workforce Services, Workforce Information and Payment Services	22548	R994-202-103	AMD	02/02/2000	2000-1/60
	22824	R994-202-103	NSC	05/25/2000	Not Printed
	22800	R994-405-503	AMD	06/16/2000	2000-10/49
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	22676	R606-5-2	NSC	03/20/2000	Not Printed
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	22722	R994-205	5YR	04/04/2000	2000-9/188
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	22984	R865-9I-6	AMD	08/31/2000	2000-14/37
	22989	R865-9I-46	NSC	06/27/2000	Not Printed
	22899	R865-9I-48	NSC	06/27/2000	Not Printed
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	22709	R309-114 (Changed to R309-710)	AMD	06/12/2000	2000-8/9
	22704	R309-605	NEW	06/12/2000	2000-7/8
	22927	R309-605	NSC	06/27/2000	Not Printed
<u>ENVIRONMENTAL PROTECTION</u>					
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	23133	R307-115	5YR	09/06/2000	2000-19/161
	23039	R307-220-1	NSC	09/01/2000	Not Printed
	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
Environmental Quality, Drinking Water	23099	R309-150	5YR	08/10/2000	2000-17/87
	22730	R309-302	5YR	04/10/2000	2000-9/185
	22604	R309-405	NEW	04/17/2000	2000-3/25
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	22649	R657-38	AMD	04/04/2000	2000-5/46
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	22843	R477-5	AMD	07/05/2000	2000-11/58

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	22647	R315-2-2	CPR	06/05/2000	2000-8/32
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	22706	R651-611-4	AMD	05/16/2000	2000-8/18
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<u>FINANCIAL ASSISTANCE</u>					
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<u>FINANCIAL ASSISTANCE AMOUNT</u>					
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	22921	R414-304	AMD	08/02/2000	2000-13/33
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	23108	R331-10	AMD	10/17/2000	2000-18/48
Money Management Council, Administration	23221	R628-11	5YR	10/13/2000	2000-21/74
	23283	R628-12	5YR	11/01/2000	2000-22/81
<u>FIREPLACE</u>					
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	22982	R710-4	AMD	08/16/2000	2000-14/29
	22560	R710-7	AMD	02/01/2000	2000-1/54
	22561	R710-8	AMD	02/01/2000	2000-1/57
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	22981	R710-2	AMD	08/16/2000	2000-14/27
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<u>FISH</u>					
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	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
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	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
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	22658	R70-310	AMD	04/03/2000	2000-5/5
	22707	R70-310-2	NSC	05/01/2000	Not Printed
	22596	R70-630	5YR	01/11/2000	2000-3/91
	22597	R70-630	AMD	03/03/2000	2000-3/5
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	23070	R986-415	REP	10/02/2000	2000-16/102
	23071	R986-416	REP	10/02/2000	2000-16/103
	23072	R986-417	REP	10/02/2000	2000-16/105
	23073	R986-418	REP	10/02/2000	2000-16/106
	22834	R986-418-812	NSC	05/25/2000	Not Printed
	23074	R986-419	REP	10/02/2000	2000-16/108
	23075	R986-420	REP	10/02/2000	2000-16/109
	23054	R986-900	NEW	10/02/2000	2000-16/131
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	22892	R865-6F-16	NSC	06/27/2000	Not Printed
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	22880	R657-5	AMD	07/18/2000	2000-12/53
	22938	R657-5-15	AMD	08/01/2000	2000-13/55
	22520	R657-6	AMD	01/18/2000	99-24/35
	22972	R657-6	AMD	08/15/2000	2000-14/10
	23124	R657-10	AMD	10/17/2000	2000-18/76
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	22712	R657-19	5YR	03/30/2000	2000-8/34
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	22713	R657-19	AMD	05/17/2000	2000-8/20
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	22971	R33-5-510	NSC	08/01/2000	Not Printed
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	22889	R861-1A-12	NSC	06/27/2000	Not Printed
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	22772	R315-1-1	AMD	07/15/2000	2000-9/43
	22538	R315-2	NSC	01/25/2000	Not Printed
	22773	R315-2	AMD	07/15/2000	2000-9/45
	22653	R315-2-9	NSC	02/25/2000	Not Printed
	22794	R315-2-9	NSC	05/25/2000	Not Printed
	22539	R315-3	NSC	01/25/2000	Not Printed
	22774	R315-3	R&R	See CPR	2000-9/52
	22774	R315-3	CPR	10/20/2000	2000-17/32
	22654	R315-3-20	NSC	02/25/2000	Not Printed
	22775	R-315-4	R&R	See CPR	2000-9/76
	22775	R315-4	CPR	10/20/2000	2000-17/45
	22541	R315-5	NSC	01/25/2000	Not Printed
	22776	R315-5	R&R	See CPR	2000-9/84
	22776	R315-5	CPR	10/20/2000	2000-17/49
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	22777	R315-6	See CPR	10/13/2000	2000-17/50
	22542	R315-7	NSC	01/25/2000	Not Printed
	22778	R315-7	AMD	07/15/2000	2000-9/93
	22543	R315-8	NSC	01/25/2000	Not Printed
	22779	R315-8	AMD	See CPR	2000-9/111
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	22545	R315-16	NSC	01/25/2000	Not Printed
	22780	R315-16	AMD	07/15/2000	2000-9/147
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	22547	R315-101	NSC	01/25/2000	Not Printed
	22781	R315-101	AMD	07/15/2000	2000-9/157
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	22631	R432-8	5YR	02/01/2000	2000-4/70
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	22976	R432-100-33	AMD	08/31/2000	2000-14/8
	22655	R432-270	5YR	02/09/2000	2000-5/64
	22743	R432-270	NSC	05/01/2000	Not Printed
	22852	R432-300	AMD	08/08/2000	2000-11/39
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	22838	R307-102-1	NSC	08/03/2000	Not Printed
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	22816	R765-605	AMD	06/15/2000	2000-10/39
	23025	R765-610	AMD	09/15/2000	2000-16/36
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	22892	R865-6F-16	NSC	06/27/2000	Not Printed
	22893	R865-6F-18	NSC	06/27/2000	Not Printed
	22894	R865-6F-19	NSC	06/27/2000	Not Printed
	22895	R865-6F-26	NSC	06/27/2000	Not Printed
	22896	R865-6F-27	NSC	06/27/2000	Not Printed
	22897	R865-6F-29	NSC	06/27/2000	Not Printed
	22992	R865-9I	NSC	08/01/2000	Not Printed
	22984	R865-9I-6	AMD	08/31/2000	2000-14/37
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	22813	R501-11	AMD	06/20/2000	2000-10/30
	22629	R501-12	AMD	03/17/2000	2000-4/38
	22661	R501-13	R&R	04/15/2000	2000-5/32
	22695	R501-19	NEW	05/02/2000	2000-6/28
	22696	R501-20	NEW	05/02/2000	2000-6/31
	22697	R501-21	NEW	05/02/2000	2000-6/33
	22698	R501-22	NEW	05/02/2000	2000-6/36
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	23064	R986-221	REP	10/02/2000	2000-16/85
	23065	R986-222	REP	10/02/2000	2000-16/87
	23069	R986-414	REP	10/02/2000	2000-16/100
	23076	R986-421	REP	10/02/2000	2000-16/110
	23081	R986-704	REP	10/02/2000	2000-16/124
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	22984	R865-9I-6	AMD	08/31/2000	2000-14/37
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	22933	R58-20	AMD	08/02/2000	2000-13/10
	22934	R58-21	NEW	08/02/2000	2000-13/11
	23088	R58-21-3	NSC	09/01/2000	Not Printed
	22935	R58-22	NEW	08/02/2000	2000-13/12
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	23122	R68-20	NEW	10/17/2000	2000-18/11
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	22600	R313-16	AMD	03/10/2000	2000-3/56
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	23046	R590-148-14	NSC	09/01/2000	Not Printed
	22641	R590-153	AMD	04/11/2000	2000-4/48
	22745	R590-153	NSC	05/23/2000	Not Printed
	22797	R590-160-8	AMD	08/31/2000	2000-10/32
	22489	R590-170	AMD	see CPR	99-23/88
	22489	R590-170	CPR	03/07/2000	2000-2/25
	23035	R590-171	5YR	07/28/2000	2000-16/133
	23036	R590-171	NSC	09/01/2000	Not Printed
	22941	R590-172	5YR	06/15/2000	2000-13/74
	22942	R590-172	AMD	08/10/2000	2000-13/46
	22748	R590-182	AMD	06/08/2000	2000-9/174
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	22417	R590-196	NEW	see CPR	99-20/28
	22417	R590-196	CPR	02/01/2000	99-24/53
	22749	R590-196	AMD	06/08/2000	2000-9/175
	22875	R590-199	NEW	07/21/2000	2000-11/91
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	22506	R590-198	NEW	01/04/2000	99-23/90
	22595	R590-198	NSC	01/25/2000	Not Printed
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	22918	R590-121	NSC	06/27/2000	Not Printed
	23206	R590-130	5YR	10/12/2000	2000-21/73
	22640	R590-131	AMD	see CPR	2000-4/44
	22640	R590-131	CPR	06/29/2000	2000-10/52
	22667	R590-132	5YR	02/15/2000	2000-5/67
	22746	R590-164	5YR	04/11/2000	2000-9/187
	22747	R590-164	NSC	05/23/2000	Not Printed
	23248	R590-174	5YR	10/18/2000	2000-22/80
	22416	R590-197	NEW	01/25/2000	99-20/30
	22621	R590-197	NSC	02/25/2000	Not Printed
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	22957	R414-54	NSC	08/01/2000	Not Printed
	22513	R414-61	NEW	see CPR	99-24/15
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	22861	R156-46b	AMD	07/06/2000	2000-11/6
	23127	R156-46b	AMD	10/17/2000	2000-18/39
	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
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	22660	R307-110-19	NSC	02/25/2000	Not Printed
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	22968	R651-601	NSC	08/01/2000	Not Printed
	22873	R651-606	AMD	09/28/2000	2000-11/98
	22969	R651-606	NSC	09/28/2000	Not Printed
	22474	R651-611	AMD	01/03/2000	99-22/17
	22706	R651-611-4	AMD	05/16/2000	2000-8/18
	22874	R651-634	NEW	07/04/2000	2000-11/99
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	22508	R884-24P-44	AMD	01/20/2000	99-23/107
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	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
<u>PHYSICAL THERAPY</u>					
Commerce, Occupational and Professional Licensing	22734	R156-24a-503	NSC	05/01/2000	Not Printed
<u>PHYSICALLY HANDICAPPED</u>					
Public Service Commission, Administration	22798	R746-343-15	AMD	07/01/2000	2000-10/38
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Capitol Preservation Board (State), Administration	22574	R131-7	NEW	03/13/2000	2000-2/7
<u>PLUMBERS</u>					
Commerce, Occupational and Professional Licensing	22965	R156-55c-102	NSC	08/01/2000	Not Printed
<u>PLUMBING</u>					
Commerce, Occupational and Professional Licensing	22965	R156-55c-102	NSC	08/01/2000	Not Printed
<u>POSITION CLASSIFICATIONS</u>					
Human Resource Management, Administration	22842	R477-4	AMD	07/05/2000	2000-11/57
<u>PRIMARY DISINFECTANTS</u>					
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<u>PRISONS</u>					
Corrections, Administration	22962	R251-705	NSC	08/01/2000	Not Printed
	22963	R251-710	NSC	08/01/2000	Not Printed
<u>PRIVACY</u>					
Public Safety, Driver License	22756	R708-36	NEW	06/01/2000	2000-9/180
Insurance, Administration	23246	R590-205	EMR	10/18/2000	2000-22/76
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Human Services, Recovery Services	22555	R527-5	AMD	02/01/2000	2000-1/33
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<u>PROCEEDINGS</u>					
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	22788	R595-1-6	AMD	06/15/2000	2000-10/34
	22789	R595-1-9	AMD	06/15/2000	2000-10/34
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Administrative Services, Facilities Construction and Management	22821	R23-2	5YR	05/04/2000	2000-11/101

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	22670	R277-514	AMD	04/03/2000	2000-5/8
	23006	R277-514	NSC	08/01/2000	Not Printed
<u>PROFESSIONAL COUNSELORS</u>					
Commerce, Occupational and Professional Licensing	22726	R156-60c	5YR	04/06/2000	2000-9/183
<u>PROFESSIONAL EDUCATION</u>					
Education, Administration	22528	R277-507	AMD	02/01/2000	2000-1/11
<u>PROFESSIONAL EMPLOYER ORGANIZATION</u>					
Commerce, Occupational and Professional Licensing	22677	R156-59	AMD	04/17/2000	2000-6/11
	22786	R156-59	NSC	07/10/2000	Not Printed
	23028	R156-59	AMD	09/18/2000	2000-16/9
	22863	R156-59-302a	AMD	07/10/2000	2000-11/9
<u>PROFESSIONAL PRACTICES</u>					
Education, Administration	23003	R277-106	NSC	08/01/2000	Not Printed
<u>PROGRAM BENEFITS</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22922	R414-306	AMD	08/02/2000	2000-13/41
<u>PROGRAM TYPE</u>					
Workforce Services, Employment Development	23080	R986-703	REP	10/02/2000	2000-16/123
<u>PROPERTY CLAIMS</u>					
Treasurer, Unclaimed Property	22799	R966-1	NSC	05/23/2000	Not Printed
<u>PROPERTY TAX</u>					
Tax Commission, Property Tax	23011	R884-24P	NSC	08/01/2000	Not Printed
	22627	R884-24P-33	AMD	03/28/2000	2000-4/56
	23101	R884-24P-33	AMD	10/03/2000	2000-17/22
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
	23156	R884-24P-60	AMD	11/01/2000	2000-19/154
	23157	R884-24P-61	AMD	11/01/2000	2000-19/155
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
	23044	R884-24P-65	AMD	11/01/2000	2000-16/38
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<u>PSYCHOLOGISTS</u>					
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	23060	R986-216	REP	10/02/2000	2000-16/77
	23061	R986-218	REP	10/02/2000	2000-16/80
	23062	R986-219	REP	10/02/2000	2000-16/83
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	22574	R131-7	NEW	03/13/2000	2000-2/7
	22982	R710-4	AMD	08/16/2000	2000-14/29
<u>PUBLIC EDUCATION</u>					
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	22669	R277-462	AMD	04/03/2000	2000-5/6
	22948	R277-716	AMD	08/01/2000	2000-13/21
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	23177	R392-301	NSC	10/01/2000	Not Printed
	22739	R392-4000	R&R	see CPR	2000-9/161
	22739	R392-4000	CPR	11/01/2000	2000-17/68
	23178	R392-401	NSC	10/01/2000	Not Printed
	23179	R392-402	NSC	10/01/2000	Not Printed
	23180	R392-501	NSC	10/01/2000	Not Printed
	23181	R392-502	NSC	10/01/2000	Not Printed
<u>PUBLIC INFORMATION</u>					
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	22950	R277-916	AMD	08/01/2000	2000-13/24
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	22989	R746-320-8	AMD	11/01/2000	2000-14/36
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	22603	R313-34	AMD	03/10/2000	2000-3/86
	22720	R313-34	5YR	04/03/2000	2000-9/186
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	22601	R313-22	AMD	03/10/2000	2000-3/59
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	23005	R277-472	NSC	08/01/2000	Not Printed
	23024	R277-476	NEW	09/01/2000	2000-15/14
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<u>REAL ESTATE APPRAISAL</u>					
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	22769	R162-104	AMD	06/01/2000	2000-9/23
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	22649	R657-38	AMD	04/04/2000	2000-5/46
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	23177	R392-301	NSC	10/01/2000	Not Printed
	23178	R392-401	NSC	10/01/2000	Not Printed
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<u>REFUGEE RESETTLEMENT PROGRAM</u>					
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	22951	R765-171	CPR	10/03/2000	2000-17/74
Workforce Services, Workforce Information and Payment Services	22828	R994-403	NSC	05/25/2000	Not Printed
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	22803	R865-12L-16	AMD	06/21/2000	2000-10/45
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	22851	R477-13	AMD	07/05/2000	2000-11/84
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	22784	R746-405	NSC	05/01/2000	Not Printed
	22989	R746-320-8	AMD	11/01/2000	2000-14/36
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	22524	R614-1-4	NSC	01/25/2000	Not Printed
	22766	R614-1-5	NSC	05/01/2000	Not Printed
	22925	R614-1-5	NSC	06/27/2000	Not Printed
	22672	R614-1-10	NSC	03/20/2000	Not Printed
Labor Commission, Safety	22702	R616-2-3	AMD	05/09/2000	2000-7/15
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	23034	R616-2-8	NSC	09/01/2000	Not Printed
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	22710	R865-12L-9	AMD	06/21/2000	2000-8/29
	22803	R865-12L-16	AMD	06/21/2000	2000-10/45
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	22644	R164-14	AMD	03/20/2000	2000-4/29
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	22643	R164-4	AMD	03/20/2000	2000-4/20
	22864	R164-11	NSC	05/25/2000	Not Printed
	22865	R164-12	NSC	05/25/2000	Not Printed
	22644	R164-14	AMD	03/20/2000	2000-4/29
	22866	R164-14	NSC	05/25/2000	Not Printed
	22867	R164-26	NSC	05/25/2000	Not Printed
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	22801	R156-63	AMD	06/15/2000	2000-10/24
	23182	R156-63	5YR	09/28/2000	2000-20/67
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	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
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	23100	R315-312-1	AMD	10/05/2000	2000-17/12
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	22828	R994-403	NSC	05/25/2000	Not Printed
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	22648	R657-13-12	AMD	04/04/2000	2000-5/45
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	22712	R657-19	5YR	03/30/2000	2000-8/34
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	22713	R657-19	AMD	05/17/2000	2000-8/20
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	22973	R657-21	AMD	08/15/2000	2000-14/18
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	22650	R657-41-2	AMD	04/04/2000	2000-5/50
	22651	R657-46	AMD	04/04/2000	2000-5/51
	22562	R657-47	NEW	02/01/2000	2000-1/40
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