

UTAH STATE BULLETIN

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

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Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, 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.utah.gov/>

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Digest* is available by E-mail or over the Internet. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

Division of Administrative Rules, Salt Lake City 84114

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SPECIAL NOTICES

Environmental Quality Air Quality

Public Notice: Public Hearing on 2004 Sulfur Dioxide Milestone Report

Utah's State Implementation Plan for Regional Haze, adopted by the Air Quality Board on November 17, 2003, requires that Utah cooperate with four other states in producing an annual report to determine if emissions of sulfur dioxide from large industrial sources are less than the emissions milestone set in the Plan. The draft report for calendar year 2004 is now available for public comment at: <http://www.wrapair.org/index.html>.

The report shows that total emissions of sulfur dioxide from large sources in the five states--Utah, Arizona, New Mexico, Wyoming and Oregon--were 334,533 tons, while the milestone is 448,259 tons. The report demonstrates that emissions in the five states are less than the milestone and the states have met the requirements of the plan for 2004. Therefore, implementation of the backstop trading program for sulfur dioxides is not triggered.

The Utah Division of Air Quality will hold a public hearing at 10:00 a.m. on February 22, 2006, in Room 201 of the Utah Department of Environmental Quality building at 168 North 1950 West in Salt Lake City, Utah. In compliance with the American with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Charlene Lamph, Office of Human Resources at (801) 536-4413 (TDD 536-4414).

The comment period closes at 5:00 p.m. on March 1, 2006. Comments postmarked on or before that date will be accepted. Comments may be submitted by electronic mail to: janmiller@utah.gov or may be mailed to:

ATTN: SO2 Milestone Report
Richard W. Sprott, Director
Utah Division of Air Quality
PO Box 144820
Salt Lake City, UT 84114-4820

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 January 4, 2006, 12:00 a.m., and January 17, 2006, 11:59 p.m. are included in this, the February 1, 2006, 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 each rule that is 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 March 3, 2006. 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 June 1, 2006, 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 (2001); 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, Records
Committee
R35-1
State Records Committee Appeal
Hearing Procedures

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28462

FILED: 01/17/2006, 13:59

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During a recent hearing, the Committee saw the need to expand and clarify this rule.

SUMMARY OF THE RULE OR CHANGE: Under Subsection R35-1-1(1), the number three is spelled out rather than in numerical form. Section R35-1-2 provides an option for the governmental entity to bring a representative sample of the records involved in the appeal and clarifies some of the language of the rule. Section R35-1-2 also adds a rule about the procedure and time frame for postponing or withdrawing an appeal before the State Records Committee.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-2-502(2)(a)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There may be a cost savings if the petitioner does not comply with the rule for postponement or withdrawal and the Committee orders the petitioner to pay the government entity's reasonable costs and expenses.
- ❖ LOCAL GOVERNMENTS: There may be a cost savings if the petitioner does not comply with the rule for postponement or withdrawal and the Committee orders the petitioner to pay the government entity's reasonable costs and expenses.
- ❖ OTHER PERSONS: There may be a cost to the petitioner if he does not comply with the rule for postponement or withdrawal and is ordered to pay for the government entity's reasonable costs and expenses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If the petitioner does not comply with the rule for postponement or withdrawal there may be a cost for paying the government entity's reasonable costs and expenses.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be a cost to businesses if they are the petitioner and they do not comply with the rule for postponement or withdrawal. D'Arcy Dixon Pignanelli, Executive Director

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

ADMINISTRATIVE SERVICES
RECORDS COMMITTEE
ARCHIVES BUILDING

346 S RIO GRANDE
SALT LAKE CITY UT 84101-1106, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Janell Tuttle at the above address, by phone at 801-531-3862, by FAX at 801-531-3867, or by Internet E-mail at jtuttle@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2006

AUTHORIZED BY: Patricia Smith-Mansfield, Director

R35. Administrative Services, Records Committee.

R35-1. State Records Committee Appeal Hearing Procedures.

R35-1-1. Scheduling Committee Meetings.

(1) The Executive Secretary shall respond in writing to the notice of appeal within ~~3~~ three business days.

(2) Two weeks prior to the Committee meeting or appeal hearing the Executive Secretary shall send a notice of the meeting to at least one newspaper of general circulation within the geographic jurisdiction.

(3) One week prior to the Committee meeting or appeal hearing the Executive Secretary shall post a notice of the meeting indicating the agenda, date, time and place of the meeting at the building where the meeting is to be held and at the Utah State Archives.

R35-1-2. Procedures for Appeal Hearings.

(1) The meeting shall be called to order by the Committee Chair.

(2) Opening statements will be presented by the petitioner and the governmental entity. Each party shall be allowed five minutes to present their opening statements before the Committee.

(3) Testimony shall be presented by the petitioner and the governmental entity. Each party shall be allowed thirty minutes to present testimony and evidence and to call witnesses.

(4) Witnesses providing testimony shall be sworn in by the Committee Chair.

(5) Questioning of ~~the evidence presented and~~ and parties by Committee members ~~shall be~~ is permitted.

(6) The government entity must bring the disputed records to the hearing to allow ~~F~~ the Committee ~~may~~ to view ~~documents~~ records in camera if it deems an in camera inspection necessary. If the records withheld are voluminous or the government entity contends they have not been identified with reasonable specificity, the government entity shall notify the Committee and the adverse party at least two days before the hearing and obtain approval from the Committee Chair to bring a representative sample of the potentially responsive records to the hearing, if it is possible to do so.

(7) Third party presentations shall be permitted. At the conclusion of the testimony presented, the Committee Chair shall ask for statements from any third party. Third party presentations shall be limited to ten minutes.

(8) Closing arguments may be presented by the petitioner and the governmental entity. Each party shall be allowed five minutes to present a closing argument and make rebuttal statements.

(9) ~~[Committee deliberations.]~~
~~(a) Following deliberations, after presentation of the evidence, the Committee shall commence deliberations. A Committee Member shall make a motion to grant [in whole or part] or to deny the petitioner's request in whole or in part, [shall be made by a member.]~~ Following discussion of the motion, the Chair shall call for the question. The motion shall serve as the basis for the Committee Decision and Order. The Committee shall vote and make public the decision of the Committee during the hearing.

(10) ~~[Adjournment.]~~
~~(a) The Committee may adjourn, reschedule, continue, or reopen a hearing on the motion of a member.~~

(11) ~~[Ex Parte Communication between the Parties and the Committee Members.]~~

~~(a) Except as expressly authorized by law, there shall be no communication between the parties and the members of the Committee concerning the subject matter of the appeal before the hearing or prior to the issuance of a final Decision And Order. Any other oral or written communication from the parties to the members of the Committee, or from the members of the Committee to the parties, shall be directed to the Executive Secretary for transmittal.~~

(12) ~~[Electronic participation at meetings.]~~ The following provisions govern any meeting at which one or more members of the Committee or a party appears telephonically or electronically pursuant to Utah Code Section 52-4-7.8.

(a) The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. The anchor location, unless otherwise designated in the notice, shall be at the offices of the Division of State Archives, Salt Lake City, Utah.

(b) If one or more members of the Committee or a party may participate electronically or telephonically, public notices of the meeting shall so indicate. In addition, the notice shall specify the anchor location where the members of the Committee not participating electronically or telephonically will be meeting and where interested persons and the public may attend and monitor the open portions of the meeting.

(c) When notice is given of the possibility of a member of the Committee appearing electronically or telephonically, any member of the Committee may do so and shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the Committee. At the commencement of the meeting, or at such time as any member of the Committee initially appears electronically or telephonically, the Chair shall identify for the record all those who are appearing telephonically or electronically. Votes by members of the Committee who are not at the physical location of the meeting shall be confirmed by the Chair.

(13) If the petitioner wishes to postpone the hearing or withdraw the appeal, the petitioner shall notify the Committee and the government entity in writing no later than two days prior to the scheduled hearing date. Failure to comply with this provision may result in a Committee order requiring that the petitioner pay the government entity's reasonable costs and expenses. The Committee will ordinarily deny a government entity's request to postpone the hearing, unless the government entity has obtained the petitioner's prior consent to reschedule the hearing date.

R35-1-3. Issuing the Committee Decision and Order.

(1) The Decision and Order shall be signed by the Committee Chair and distributed by the Executive Secretary within three business days after the hearing. Copies of the Decision and Order will be distributed to the petitioner, the governmental entity and all other interested parties. The original order shall be maintained by the Executive Secretary. A copy of the order shall be made available for public access at the Utah State Archives website.

R35-1-4. Committee Minutes.

(1) All meetings of the Committee shall be recorded. Access to the audio recordings shall be provided by the Executive Secretary at the Utah State Archives, Research Center.

(2) Written minutes of the meetings and appeal hearings shall be maintained by the Executive Secretary. A copy of the approved minutes shall be made available for public access at the Utah State Archives.

KEY: government documents, state records committee, records appeal hearings

Date of Enactment or Last Substantive Amendment: [July 14, 2005]2006

Notice of Continuation: July 2, 2004

Authorizing, and Implemented or Interpreted Law: 63-2-502(2)(a)



Commerce, Real Estate **R162-203** Status Changes

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28450

FILED: 01/09/2006, 12:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to clarify that if a licensee has not been required to submit proof of completion of the continuing education requirement at the time of renewal because the licensee renewed on inactive status, proof of completion of the education must be submitted in order to activate the inactive license.

SUMMARY OF THE RULE OR CHANGE: This change adds Subsection R162-203-5(203.5)(c) stating that if the licensee was on inactive status at the time of last renewal, proof of successful completion of the required continuing education is required in order to activate the inactive license.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2c-103(3)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** None--State government is not affected by the continuing education requirements that mortgage loan

officers must fulfill, or when they are required to submit proof of completion of those education hours.

❖ **LOCAL GOVERNMENTS:** Local governments do not act as mortgage loan officers and do not regulate mortgage loan officers. Therefore, local governments are not affected by the continuing education requirements for mortgage loan officers or rules stating when proof of completion of those education hours must be submitted.

❖ **OTHER PERSONS:** None--The only persons who are affected by the time at which licensed mortgage loan officers must submit proof of their required continuing education hours are the mortgage officers themselves. Whether they must submit proof of their required continuing education hours at the time of license renewal or at the time of license activation will not change the cost of their required continuing education.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Whether mortgage loan officers must submit proof of their continuing education hours at the time of license renewal or upon activation of license does not change the cost of their required continuing education.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule clarifies license activation procedures with respect to continuing education requirements. These amendments appear to create no fiscal impact to businesses. Francine A. Giani, Executive Director

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

COMMERCE
REAL ESTATE
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shelley Wismer at the above address, by phone at 801-530-6761, by FAX at 801-530-6749, or by Internet E-mail at swismer@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2006

AUTHORIZED BY: Derek Miller, Director

R162. Commerce, Real Estate.
R162-203. Changes to Residential Mortgage Licensure Statement.
R162-203-2. Entity Affiliation.

An individual licensed under the Utah Residential Mortgage Practices Act shall notify the Division on the form required by the Division of the entity for which that individual shall conduct residential mortgage lending before acting on behalf of that entity.

203.2.1. Transfers. Prior to transferring from one entity to another, or from one branch office to another, the licensee must

mail, deliver, or electronically transmit to the Division written notice of the transfer on the form required by the Division.

R162-203-5. Activation.

203.5 All licensees changing to active status must submit to the Division;

~~(a) the applicable non-refundable activation fee;~~

(b) a written request for activation on the form required by the Division[-]; and

(c) if the licensee was on inactive status at the time of the most recent renewal, proof of successful completion of the number of hours of continuing education that would have been required to renew had the licensee been on active status at the time of the licensee's most recent renewal. To qualify as continuing education for activation, all continuing education hours submitted must have been completed within twenty-four months prior to applying to activate.

KEY: residential mortgage loan origination

Date of Enactment or Last Substantive Amendment: ~~November 3, 2004~~2006

Authorizing, and Implemented or Interpreted Law: 61-2c-205(3)

Commerce, Real Estate
R162-207-3
Renewal Process

NOTICE OF PROPOSED RULE
(Amendment)

DAR File No.: 28451
FILED: 01/09/2006, 12:41

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The reason for the change is to clarify that a licensee may not escape the statutory continuing education requirement by renewing a license on inactive status, which does not require submission of proof of continuing education, and then activating the license once the renewal has been accomplished.

SUMMARY OF THE RULE OR CHANGE: The rule is changed to require that if a licensee renews on inactive status, and therefore, does not have to submit proof of continuing education hours in order to renew, the licensee must submit proof of the required continuing education hours in order to activate the license.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2c-103(3)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** None--State government is not affected by the continuing education requirements that mortgage loan officers must fulfill, or when they are required to submit proof of completion of those hours.

❖ **LOCAL GOVERNMENTS:** None--Local governments do not act as mortgage loan officers and do not regulate mortgage loan

officers. Therefore, local governments are not affected by the continuing education requirements for mortgage loan officers or rules requiring when proof of completion of those hours must be submitted.

❖ **OTHER PERSONS:** None--The only persons who are affected by the time at which licensed mortgage loan officers must submit proof of their required continuing education hours are the mortgage officers themselves. Whether they must submit proof of their required continuing education at the time of license renewal or at the time of license activation will not change the cost of their required continuing education.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Whether mortgage loan officers must submit proof of their continuing education hours at the time of license renewal or upon activation of license does not change the cost of their required continuing education.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing clarifies license activation procedures with respect to continuing education requirements. These amendments appear to create no fiscal impact to businesses. Francine A. Giani, Executive Director

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

COMMERCE
REAL ESTATE
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shelley Wismer at the above address, by phone at 801-530-6761, by FAX at 801-530-6749, or by Internet E-mail at swismer@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2006

AUTHORIZED BY: Derek Miller, Director

R162. Commerce, Real Estate.

R162-207. License Renewal.

R162-207-3. Renewal Process.

207.3.1 **Renewal Notice.** A license renewal notice shall be sent by the Division to the licensee at the mailing address shown on Division records. The renewal notice shall specify the requirements for renewal and shall require that the licensee document or certify that the requirements have been met. The licensee must apply to renew and pay all applicable fees on or before the expiration date shown on the notice.

207.3.2 **Application for Renewal.** All applications for renewal must be made in the form required by the division and shall include the following:

(a) A licensure statement in the form required by the division;
(b) The renewal fee and the Residential Mortgage Loan Education, Research, and Recovery Fund fee;

(c) If the applicant is an individual, proof using forms approved by the division of having completed during the two years prior to application the continuing education required by the commission under Section 61-2c-104;

(d) The current home street address and home telephone number of any individual applicant or control person of an entity applicant;

(e) A current mailing address for the applicant;

(f) Answers to a "Licensing Questionnaire" supplying information about events that occurred in the preceding two years related to mortgage licensure in other jurisdictions, license sanctions or surrenders, pending disciplinary actions, pending investigations, criminal convictions or pleas, and/or civil judgments or findings based on fraud, misrepresentation, or deceit;

(g) If, at the time of application for renewal, an individual applicant or a control person of an entity applicant is charged with, or since the last renewal has been convicted of or entered a plea to, any felony or misdemeanor, the following information must be provided on each conviction, plea, or charge: the charging document, the case docket, and the judgment and sentencing document, if applicable; and

(h) If, in the two years preceding application for renewal, an individual or entity applicant or a control person of an entity applicant has had a license or registration suspended, revoked, surrendered, canceled or denied based on misconduct in a professional capacity that relates to good moral character or the competency to transact the business of residential mortgage loans, the applicant must provide the documents stating the sanction taken against the license or registration and the reasons therefore.

207.3.3 **Continuing Education Requirement.** All active licensees are required to have completed their continuing education requirement prior to applying to renew.

207.3.3.1 **Documentation of Continuing Education.** Any licensee who renews online and certifies that the required continuing education has been completed shall maintain the original course completion certificates supporting that certification for two years following renewal. The licensee shall produce those certificates for audit upon request by the Division.

207.3.3.2 **Out of State Courses.** Continuing education credit will be given for a course taken in another state provided the course has been certified for continuing education purposes by the licensing agency in the other state and the subject matter of the course relates to protection of the public, but not to state-specific licensing laws. Evidence must be retained by the licensee, and provided to the Division upon request, that the course was certified by the other state at the time the course was taken.

207.3.3.3 **Continuing Education Requirement upon activation of license.** As a condition for the activation of an inactive license that was on inactive status at the time of the licensee's most recent renewal, the licensee shall supply the Division with proof of successful completion of the number of hours of continuing education that would have been required to renew had the license been on active status at the time of the licensee's most recent renewal. To qualify as continuing education for activation, all continuing education hours submitted must have been completed within twenty-four months prior to applying to activate.

207.3.4 **Late Renewal.** If all required renewal forms, fees, and documentation have not been received or postmarked by the

expiration date of the license, the license shall expire. When an active license expires, an individual licensee's affiliation with a licensed entity automatically terminates.

207.3.4.1 A licensee may apply to renew an expired license within thirty days after the expiration date of the license by completing all of the renewal requirements, including the continuing education requirement, and paying a non-refundable late fee.

207.3.4.2 After the thirty day period, and until six months after the expiration date of the license, a licensee may apply to reinstate a license by completing all of the renewal requirements, including the continuing education requirement, paying a non-refundable late fee, and providing proof of successful completion of 12 hours of continuing education in addition to that required for a timely renewal on active status.

KEY: residential mortgage loan origination

Date of Enactment or Last Substantive Amendment:
[November 3, 2004]2006

Authorizing, and Implemented or Interpreted Law: 61-2c-103(3); 61-2c-202(4)(a)(ii)



Education, Administration R277-410 Accreditation of Schools

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28463

FILED: 01/17/2006, 16:16

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the amendment is to provide for consistency with Rule R277-705 in public school acceptance of credit from accredited nonpublic schools and programs.

SUMMARY OF THE RULE OR CHANGE: The amendments update the definition of accreditation, and provide language that refers to Rule R277-705 for standards and procedures for acceptance of credit.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-402(1)(c)(i)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated cost or savings to state budget. The changes merely provide a clearer definition of accreditation and provide for consistency between rules.

❖ **LOCAL GOVERNMENTS:** There are no anticipated cost or savings to local government. The changes merely provide a clearer definition of accreditation and provide for consistency between rules.

❖ **OTHER PERSONS:** There are no anticipated cost or savings to other persons. The changes merely provide a clearer definition of accreditation and provide for consistency between rules.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The changes merely provide a clearer definition of accreditation and provide for consistency between rules.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact to businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2006

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration. R277-410. Accreditation of Schools. R277-410-1. Definitions.

A. "Accreditation" means the formal process for [Northwest and Board approval of a school that has met standards considered by the Board to be essential for the operation of a quality school program]evaluation and approval under the Standards for Accreditation of the Northwest Association of Accredited Schools or the accreditation standards of the Board, available from the Utah State Office of Education Accreditation Specialist.

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

C. "Elementary school" for the purpose of this rule means grades K-6 in whatever kind of school the grade levels exists.

D. "Middle school" for the purpose of this rule means grades 7-8 in whatever kind of school the grade levels exist.

E. "Northwest" means the Northwest Association of Accredited Schools, the regional accrediting association of which Utah is a member.

F. "Secondary school" for the purpose of this rule means a school that includes grades 9-12 that offers credits toward high school graduation or diplomas or both in whatever kind of school the grade levels exist.

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

R277-410-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution Article X, Section 3 which vests general control and supervision of public

education in the Board, by Section 53A-1-402(1)(c)(i) which directs the Board to adopt rules for school accreditation, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to specify accreditation procedures and responsibility for public schools for which accreditation is required and for nonpublic schools which voluntarily request Northwest accreditation.

R277-410-3. Accreditation of Public Schools.

A. The USOE has responsibility to facilitate accreditation by the Board for Utah public schools. The Board is not responsible for the accreditation of nonpublic schools, including private, parochial, or other independent schools.

B. Utah public secondary schools, as defined in R277-410-1F, including charter schools, shall be members of Northwest and be accredited by Northwest, except as exempted by R277-412-3C and R277-413-3K.

C. Utah public elementary and middle schools, as defined in R277-410-1C and D, including charter schools, that desire accreditation shall be members of Northwest and meet the requirements of R277-413. Northwest accreditation is optional for Utah elementary and middle schools.

D. All Northwest accredited schools shall complete the annual accreditation report and file the report in accordance with USOE procedures.

E. If a school includes grade levels for which accreditation is both mandatory and optional, the school shall be accredited in its entirety.

R277-410-4. Transfer or Acceptance of Credit.

~~[A. Utah public schools shall accept student credit at face value from public schools accredited by Northwest and by regional or third party accrediting associations recognized by Northwest.~~

~~B. Utah public schools shall accept student credit at face value from a nonpublic school if the school was evaluated by Northwest consistent with the following credit approval criteria:~~

~~(1) the accreditation was by a regional or national organization representing the appropriate category of the applicant school;~~

~~(2) the school's accreditation team included a USOE representative;~~

~~(3) the accreditation included the school's written self-evaluation;~~

~~(4) the accreditation required a listing of the school's course offerings; and~~

~~(5) the accreditation required a description of the process for appointment, qualifications and evaluation of school faculty and administrators; and~~

~~C. The credits designated for acceptance by the public school shall include a description or explanation of the nonpublic school's credits' comparability to Utah Core Curriculum requirements. Credits that do not compare to Utah Core Curriculum standards requirements may be accepted as elective credit only.~~

~~D. If a school is not accredited, or if the accredited school did not satisfy all criteria of R277-410-4B, the school requested to accept the credit has discretion in accepting the credit.]A. Utah public schools shall accept transfer credits from accredited secondary schools, accredited special purpose schools and the Utah Electronic High School consistent with R277-705.~~

B. Utah public schools shall accept transfer credits from supplemental education providers, which may or may not be accredited, and other credit sources consistent with R277-705.

KEY: accreditation, public schools, nonpublic schools

Date of Enactment or Last Substantive Amendment: [April 1, 2005]2006

Notice of Continuation: September 12, 2002

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(c); 53A-1-401(3)



Education, Administration

R277-477

Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 28464

FILED: 01/17/2006, 16:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to reflect the creation of the Interest and Dividends Account within the Uniform School Fund, to provide language on approval of School LAND Trust Program plans by the State Charter School Board, and provide for the Utah Schools for the Deaf and the Blind allocation of School LAND Trust Program money.

SUMMARY OF THE RULE OR CHANGE: The amendment provides new definitions, updates statutory references, provides for School LAND Trust Program plans, and funding for special school populations.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-16-101.5(3)(c)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget because the amount in the Interest and Dividends Account is now added to the School LAND Trust Program funds for distribution to schools. The money has never been part of the state budget.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs to local local government because the amount in the Interest and Dividends Account is now added to the School LAND Trust Program funds for distribution to schools. Individual schools may receive a minimal increase due to the revised definitions and policies.

❖ **OTHER PERSONS:** There are no anticipated costs or savings to other persons because the amount in the Interest and Dividends Account is now added to the School LAND Trust Program funds for distribution to schools.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amount in the Interest and Dividends Account is now added to the School LAND Trust Program funds for distribution to schools.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2006

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-477. Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program.

R277-477-1. Definitions.

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

B. "Fall Enrollment Report" means the audited census of students registered in Utah public schools as [determined by enrollment on the first school day in October of each year] reported in the audited October 1 Fall Enrollment Report from the previous year.

C. "Funds" means interest and dividend income as defined under Section 53A-16-101.5(2).

D. "Interest and Dividends Account" means an account created under Section 53A-16-101 established to collect interest and dividends from the permanent State School Fund until the end of the fiscal year at which time the funds are distributed to school districts through the School LAND Trust Program.

[D]E. "Student" means a child in public school grades kindergarten through twelve counted on the audited October 1 Fall Enrollment Report of the school district, charter school, or USDB.

[E]E. "USDB" means the Utah Schools for the Deaf and the Blind.

[F]G. "USOE" means the Utah State Office of Education.

R277-477-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which places general control and supervision of the public school system under the Board, by Section 53A-16-101.5(3)(c) which allows the Board to adopt rules regarding the time and manner in which the student count shall be made for allocation of school trust land[s] funds, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to:

(1) provide direction [e]in the distribution of interest and dividends from the [permanent State School Fund]Interest and Dividends Account created in Section 53A-16-101 and funded in Section 53A-16-101.5(2) through school districts[-, and];

(2) provide a process for the dissemination of accurate and uniform information [among]to the Legislature, Board, local school boards [~~and districts,~~]schools, the School and Institutional Trust Lands Administration, State Treasurer, State Director of Finance, USOE, and others as [may be]necessary to facilitate effective administration and implementation of the School LAND Trust Program[-]; and

(3) determine the time and manner in which the student count shall be made for allocation of the monies as provided in Section 53A-16-101.5(3)(c).

R277-477-3. Distribution of Funds -- Determination of Proportionate Share.

A. Funds shall be distributed to school districts[-] and charter schools[-, ~~and the USDB~~] as provided under Section 53A-16-101.5(3)(a). The distribution shall be based on the state's total fall enrollment as reflected in the audited October 1 Fall Enrollment Report from the previous school year.

B. Each school district and the USOE, with regard to charter schools and the USDB, shall distribute funds received under R277-477-3A to each school[-, ~~including schools that have opened since the prior October 1 Enrollment Report,~~] on an equal per student basis.

C. Local school boards and the USOE may adjust distributions, maintaining an equal per student distribution for school openings and closures and for boundary changes occurring after the audited October 1 Fall Enrollment Report of the prior year.

D. All schools receiving funds shall have a school community council or a board designated to make school community council decisions, including elected parent members whose membership rotates, as required by Sections 53A-1a-108 and 53A-1a-511(4)(a), and a current school plan for enhancing or improving academic excellence consistent with Section 53A-16-101.5 approved by the local school board [and]or State Charter School Board for state chartered schools.

E. The plan shall be electronically submitted to the USOE on the School LAND Trust website.

[E]E. All charter schools shall be considered collectively as a [unit]school district to receive a base amount under Section 53A-16-101.5(3)(a)(i).

G. The USDB shall receive the average statewide per pupil base amount as the school's base allocation.

[D]H. In order to receive its allocation, a school shall satisfy the requirements of Section 53A-16-101.5(4-7)[~~(5)(6)~~].

I. Plans shall include specific academic goals, steps to meet those goals, measurements to assess improvement and specific expenditures to implement plans that may include purchase of workbooks, textbooks, professional development, computer hardware and software, library and media supplies, or supplement funding for aides, teachers and specialists, and other tools for student academic improvement consistent with Section 53A-16-101.5(5).

[E]J. [Interest and dividend i]Income from the [permanent State School Fund]Interest and Dividends Account shall be distributed to school districts [at]after the close of the state fiscal year as the USOE receives the funds in the Interest and Dividends Account within the Uniform School Fund.

[F]K. Each school board shall [establish a policy for]ensure timely distribution of the funds to eligible schools.

[G]L. In a year-end report, each local board shall provide to the USOE:

(1) the names of schools and the funds distributed under this rule;

(2) required school plan information as designated in R277-477-4;

(3) a list of 10 percent of the district schools, or five schools implementing exemplary plans to be used to inform the public;[and]

(4) the date on which funds were made available to each school[-]; and

(5) the local school board of education meeting date(s) when School LAND Trust plans were approved.

[H]M. Funds not used in the school approved plan may be carried over by the school to the next school year and added to the School LAND Trust Program funds available for expenditure in that school the following year. Schools shall provide an explanation for any carry over that exceeds one-half of the school's allocation in the school plan or report.

N. Funds from the School LAND Trust Program that are expended inconsistent with the requirements and academic intent of the law or inconsistent with the original school board/charter board approval shall be withheld by the USOE in subsequent years until the misappropriated funds have been restored.

[I]O. Schools serving only youth in custody may form committees and submit plans to the district serving the students. Youth in custody schools shall receive the same per pupil distribution as other schools in the district providing services.

[J]P. Plans submitted by schools chartered by the State Charter School Board shall be reviewed and approved by [the]each charter school governing body and then submitted to the State Charter School Board [or its designee]for final approval.

[K]Q. Plans submitted by schools chartered by local school boards shall be reviewed and approved by the charter school and then submitted to the local school board for approval.

R. Plans submitted by the USDB governing board shall be reviewed and approved by the State Superintendent or designee.

R277-477-4. Information to USOE.

A. Information on each school's plan to address critical academic needs shall be completed via the School LAND Trust Program website maintained through the USOE for accurate and uniform reporting.

B. To facilitate submission of information by schools, each school board shall establish a timeline for timely submission of information and [approval]a district submission date for the district schools not later than May 15 of each year.

C. Timelines shall allow for school committee reconsideration and editing of the school plan [when]following local school board[s] requested changes.

D. USOE staff shall visit ten percent of the schools receiving funds from the School LAND Trust Program annually to discuss the program and website, receive information and suggestions, provide training, answer questions and review implementation of the plans and reported purchases.

E. School districts wishing to submit information to the School LAND Trust website through a comprehensive electronic plan shall meet the parameters for programming and data entry required by the USOE. They shall review School LAND Trust plans on the USOE website prior to local school board approval to ensure information consistent with the law has been downloaded by individual schools into the electronic plan visible on the School LAND Trust Program website.

KEY: schools, trust lands funds

Date of Enactment or Last Substantive Amendment: ~~May 17, 2002~~2006

Notice of Continuation: November 23, 2005

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-16-101.5(3)(c); 53A-1-401(3)

Education, Administration

R277-501

Educator Licensing Renewal, Highly Qualified and Timelines

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28465

FILED: 01/17/2006, 16:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to remove language relating to No Child Left Behind (NCLB) highly qualified information and NCLB qualifications which made the rule lengthy and confusing. The language that is removed has been incorporated into a new rule.

SUMMARY OF THE RULE OR CHANGE: The amendment removes Sections R277-501-4 and R277-501-5 and provides other clarification changes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-6-104

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated costs or savings because of the amendment to this rule. The amendment only removes language that makes the rule lengthy and confusing and provides some clarification.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. The amendment only removes language that makes the rule lengthy and confusing and provides some clarification.

❖ OTHER PERSONS: There are no anticipated costs or savings to other persons. The amendment only removes language that makes the rule lengthy and confusing and provides some clarification.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. Requirements are not changing because of the amendment. The amendment only removes language that makes the rule lengthy and confusing and provides some clarification.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see no impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2006

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-501. Educator Licensing Renewal, ~~Highly Qualified~~ and Timelines.

R277-501-1. Definitions.

A. "Acceptable alternative professional development activities" means activities that do not fall within a specific category under R277-501-3 but are consistent with this rule.

B. "Accredited" means a teacher preparation program accredited by the National Council for Accreditation of Teacher Education (NCATE), the Teacher Education Accreditation Council (TEAC) or one of the major regional accrediting associations as defined under R277-503-1~~[E]~~N.

C. "Accredited school" for purposes of this rule means a public or private school that has met standards considered to be essential for the operation of a quality school program and has had formal approval by the Northwest Association of Schools and Colleges.

~~[E]~~D. "Active educator" for purposes of this rule means an individual holding a valid license issued by the Board who is employed by a [unit of the public education system or an]Utah public or accredited private school in a role covered by the license or an individual who has taught successfully for three of the five years

in the educator's renewal cycle in a Utah public or accredited private school.

~~[D]~~E. "Active educator license" means a license that is currently valid for service in a position requiring a license.

~~[E]~~E. "Approved Inservice" means training or courses, approved by the USOE under R277-519-3, in which current educators or individuals who have previously received a license may participate to renew a license, teach in another subject area or teach at another grade level.

~~[F]~~G. "Board" means the Utah State Board of Education.

~~[G]~~H. "College/university course" means a course taken through an institution approved under Section 53A-6-108. "University level course" means a course having the same academic rigor and requirements similar to a university/college course and taught by appropriately trained individuals.

~~[H. "Core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography under the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act (NCLB), Title IX, Part A, 20 U.S.C. 7801, Section 9101(11)-]~~L. "Course work successfully completed" for purposes of this rule means the student earns a grade C or better.

~~[I]~~J. "Documentation of professional development activities" means:

(1) an original report card or student transcript for university/college courses;

(2) certificate of completion for an approved inservice, conference, workshop, institute, symposium, educational travel experience and staff development;

(3) summary, explanation, or copy of the product and supervisor's signature, if available, or complete documentation of professional development activities that support district and school policies and further academic pursuit or educational innovations of professional development activities. All agendas, work products, and certificates shall be maintained by the educator;

(4) an agenda or conference program demonstrating sessions and duration of professional development activities.

~~[J]~~K. "Educational research" means conducting educational research or investigating education innovations.[

~~— K. "Highly qualified" means a teacher has met the specific requirements of ESEA, NCLB, Title IX, Part A, 20 U.S.C. 7801, Section 9101(23).~~

~~— L. "HOUSSE" means high, objective, uniform state standard of evaluation permitted under ESEA, NCLB, Title IX, Part A, 20 U.S.C. 7801, Section 9101(23)(C)(ii).]~~

~~[M]~~L. "Inactive educator" means an individual holding a valid license issued by the Board who was employed by a ~~[unit of the public education system or an]Utah public or accredited private school in a role covered by the license for less than three years in the individual's renewal period.~~

~~[N]~~M. "Inactive educator license" means a license, other than a surrendered, suspended or revoked license, that is currently not valid due to the holder's failure to complete requirements for license renewal.

~~[O]~~N. "Level 1 license" means a Utah professional educator license issued upon completion of an approved preparation program or an alternative preparation program, or pursuant to an agreement under the NASDTEC Interstate Contract, to applicants who have also met all ancillary requirements established by law or rule.

[P]O. "Level 2 license" means a Utah professional educator license issued after satisfaction of all requirements for a Level 1 license and:

- (1) requirements established by law or rule;
- (2) three years of successful education experience within a five-year period in a Utah public or accredited private school; and
- (3) satisfaction of requirements under R277-522 for teachers whose employ[ed]ment as a Level 1 licensed educator began after January 1, 2003 in a Utah public or accredited private school.

[Q]P. "Level 3 license" means a Utah professional educator license issued to an educator who holds a current Utah Level 2 license and has also received National Board Certification or a doctorate in education or in a field related to a content area in a unit of the public education system ~~or an accredited private school~~.

[R]Q. "License" means an authorization issued by the Board which permits the holder to serve in a professional capacity in a ~~unit of the public education system or an accredited private~~ Utah school.

[S]R. "NASDTEC" means the National Association of State Directors of Teacher Education and Certification. NASDTEC maintains an Educator Information Clearinghouse for its members regarding persons whose licenses have been suspended or revoked.

[F]S. "National Board Certification" means the successful completion of the National Board for Professional Teaching Standards (NBPTS) process, a three-year process, that may include national content-area assessment, an extensive portfolio, and assessment of video-taped classroom teaching experience.

T. "No Child Left Behind (NCLB) standards for highly qualified teachers" means that all teachers of Core academic subjects as defined under R277-510-1B, demonstrate adequate content knowledge of their teaching assignments as of July 1, 2006.

U. "Professional colleague" for purposes of this rule means a Utah Level 2 or 3 licensed educator who has adequate familiarity with the inactive educator's license area of concentration and endorsement(s).

[U]V. "Professional development plan" means a document prepared by the educator consistent with this rule.

[V]W. "Professional development points" means the points accumulated by a Utah license holder through activities approved under this rule for the purpose of satisfying requirements of Section 53A-6-104.

[W]X. "USOE" means the Utah State Office of Education.

[X]Y. "Verification of employment" means official documentation of employment as an educator.

R277-501-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-6-104 which requires the Board to make rules requiring participation in professional development activities in order for educators to retain Utah licensure, and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide definitions and requirements for an educator to renew a Utah educator license. This rule requires verification of employment, development of a professional development plan and documentation of activities consistent with Section Title 53A, Chapter 6.

R277-501-3. Categories of Acceptable Activities for a Licensed Educator.

A. A college/university course:
(1) shall be successfully completed with a "C" or better, or a "pass."

- (2) Each semester hour equals 18 license points; or
- (3) Each quarter hour equals 12 license points.

B. ~~Inservice~~Professional development:

- (1) shall be state-approved under R277-519-3.
- (2) may be requested from the USOE by:

(a) written request from a private provider on a form supplied by the USOE and received by the appropriate USOE subject specialist at least two weeks prior to the beginning date of the scheduled inservice, or

(b) a request submitted through the computerized inservice program connected to the USOE licensure system.

(i) The computerized process is available in most Utah school districts and area technology centers.

(ii) Such requests shall be made at least two weeks prior to the beginning of the scheduled inservice.

(3) Each clock hour of authorized inservice time equals one professional development point.

(4) The inservice shall be successfully completed through attendance and required project(s).

C. Conferences, workshops, institutes, symposia, educational travel experience or staff-development programs:

(1) Acceptable workshops and programs include those with prior written approval by the USOE, recognized professional associations, district supervisors, or school supervisors regardless of the source of sponsorship or funding.

(2) One license point is awarded for each clock hour of educational participation ~~[-]; license points may be limited to specific educational activities under R277-501-3C.~~

D. Content and pedagogy testing:

(1) Acceptable tests include those approved by the Board.

(2) 25 license points shall be awarded for each Board-approved test score report submitted.

(3) No more than two test score reports may be submitted in a license cycle for a maximum of 50 points.

(4) Each score report submitted shall have a different test number and title.

(5) The license renewal applicant is responsible for reporting of score test results. This information should be used by renewal applicants to design ongoing professional development.

[D]E. Service in professional activities in an educational institution:

(1) Acceptable service includes that in which the license holder contributes to improving achievement in a school, district, or other educational institution, including planning and implementation of an improvement plan.

(2) One license point is awarded for each clock hour of participation.

(3) An inactive educator may earn professional development points by service in professional activities under the supervision of an active administrator.

[E]F. Service in a leadership role in a national, state-wide or district recognized professional education organization:

(1) Acceptable service includes that in which the license holder assumes a leadership role in a professional education organization.

(2) One license point is awarded for each clock hour of participation with a maximum of 10 license points per year.

[F]G. Educational research and innovation that results in a final, demonstrable product:

(1) Acceptable activities include conducting educational research or investigating educational innovations.

(2) This research activity shall follow school and district policy.

(3) An inactive educator may conduct research and receive professional development points on programs or issues approved by a practicing administrator.

(4) One license point is awarded for each clock hour of participation.

[G]H. Acceptable alternative professional development activities:

(1) Acceptable activities are those that enhance or improve education yet may not fall into a specific category.

(2) These activities shall be approved by an educator's principal/supervisor or in the case of the inactive educator, a professional colleague, or a USOE or Utah school district specialist.

(3) One license point is awarded for each clock hour of participation.

[H]I. Substituting in a [unit of the public education system or an]Utah public or accredited private school may be an acceptable alternative professional development activity toward license renewal if the license holder is not an active educator as defined under [R277-501C]R277-501-1D and is paid and authorized as a substitute. A substitute shall earn one point for every two hours of documented substitute time. Verification of hours shall be obtained from the employer or from the supervising principal. A license holder may earn up to 25 professional development points per year not to exceed a total of 50 points in a license cycle as a substitute.

[I]J. A license-holder who instructs students in a professional or volunteer capacity in a [unit of the public education system or an]Utah public or accredited private school may earn up to 25 professional development points per year not to exceed a total of 50 points in a license cycle. Paraprofessionals/volunteers may accrue one professional development point for every three hours of paraprofessional/volunteer service, as determined and verified by the building principal or supervisor.

[J]K. Up to 50 license points may be earned in any one or any combination of categories [D]E, [E]F and [F]G above.

[R277 501 4. NCLB Highly Qualified Secondary.

~~In order to meet the federal requirements under a Highly Objective Uniform Statewide System of Evaluation (HOUSSE), a secondary educator shall have a bachelor's degree, an educator license and one of the following for each of the teacher's NCLB Core academic subject assignments:~~

~~A. a University major degree, masters degree, doctoral degree or National Board Certification; or~~

~~B. documentation that the teacher has passed, at a level designated by the USOE, an appropriate USOE approved subject area test(s); or~~

~~C. an endorsement in a subject area directly related to the educator's academic major; or~~

~~D. documentation of coursework equivalent to a major degree (30 semester or 45 quarter hours); or~~

~~E. documentation of satisfaction of Utah's HOUSSE requirements for assignments not directly related to the educator's academic major.~~

~~(1) a current endorsement for the assignment; and~~

~~(2) completion of 200 professional development points directly related to the area in which the teacher seeks to meet the federal standard under R277-501(3) as applicable. (No more than 100 points may be earned for successful teaching in related area(s)); and~~

~~(3) all Utah secondary teachers who teach NCLB content courses shall have points and documentation of highly qualified status before June 30, 2006; and~~

~~(4) documentation includes official transcripts, annual teaching evaluation(s), data of adequate student achievement.~~

R277-501-5. NCLB Highly Qualified Elementary and Early Childhood.

~~A. In order to meet the federal requirements under a Highly Objective Uniform Statewide System of Evaluation (HOUSSE), an elementary/early childhood educator shall satisfy before June 30, 2006 R277-501-5A (1) and (2) and (3)(a) or (b), and B or C as provided below:~~

~~(1) the educator has a current Utah educator license; and~~

~~(2) the educator is assigned consistent with the teacher's current state educator license; and~~

~~(3) the educator shall:~~

~~(a) have completed an elementary or early childhood major or both from an accredited college or university; or~~

~~(b) the teacher's employer may review the teacher's college/university transcripts and subsequent professional development to document that the following have been satisfied with academic grades of C or better:~~

~~(i) nine semester hours of language arts/reading or the equivalent; and~~

~~(ii) six semester hours of physical/biological science or the equivalent; and~~

~~(iii) nine semester hours of social sciences or the equivalent; and~~

~~(iv) three semester hours of the arts or the equivalent; and~~

~~(v) nine semester hours of college level mathematics or the equivalent as approved by the USOE; and~~

~~(vi) six semester hours of elementary/early childhood methodology (block); and~~

~~B. the educator has obtained a Level 2 license; or~~

~~C. An elementary/early childhood teacher shall pass Board-approved content test(s).~~

]R277-501-[6]4. Required Renewal License Points for Designated License Holders.

A. Level 1, 2 and 3 license holders may accrue relicensure points beginning with the date of each new license renewal.

[A]B. Level 1 license holder with no licensed educator experience.

(1) An educator desiring to retain active status shall earn at least 100 license points in each three year period.

[B]C. Level 1 license holder with one year licensed educator experience in a Utah public or accredited private school within a three year period.

(1) An active educator shall earn at least 75 license points in each three year period; and

(2) any years taught shall have satisfactory evaluation(s).

[C]D. Level 1 license holder with two years licensed educator experience in a Utah public or accredited private school within a three year period.

(1) An active educator shall earn at least 50 license points in each three year period; and

(2) Any years taught shall have satisfactory evaluation(s).

~~[D]E.~~ Level 1 license holder with three years licensed educator experience in a Utah public or accredited private school within a three year period.

(1) An active educator shall earn at least 25 professional development points in each three year period; and

(2) Any years taught shall have satisfactory evaluation(s).

~~[E]F.~~ An educator seeking a Level 2 license shall notify the USOE of completion of Level 2 license prerequisites consistent with R277-522, Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers and R277-502, Educator Licensing and Data Retention.

~~[F]G.~~ Level 2 license holder:

(1) An active educator shall earn at least ~~[400]95~~ license points within each five year period. License points shall be earned in activities defined under this rule that contribute to competence, performance, and effectiveness in the education profession.

(2) An inactive educator shall earn at least 200 license points within a five year period to maintain an active educator license.

(3) An inactive educator who works one year in a Utah public or accredited private school within a five year period shall earn 165 license points within a five year period to maintain an active educator license.

(4) An inactive educator who works two years in a Utah public or accredited private school within a five year period shall earn 130 license points within a five year period to maintain an active educator license.

(5) Credit for any year(s) taught requires satisfactory evaluation(s).

~~[G]H.~~ Level 3 license holder:

(1) A Level 3 license holder with National Board Certification shall meet the National Board for Professional Teaching Standards (NBPTS) requirements consistent with the NBPTS schedule available from the USOE Educator Licensure Section. A Level 3 license holder shall be responsible to provide verification of NBPTS status prior to the license holder's designated renewal date.

(2) A Level 3 license holder with a doctorate degree from a regionally accredited college or university in education or in a field related to a content area in a unit of the public education system ~~or an accredited private school~~ and shall meet the active or inactive educator Level 2 license holder requirements within a seven year period.

(3) An educator seeking a Level 3 license shall notify the USOE of completion of Level 3 license requirements. Level 3 license criteria apply to the license holder as of the license holder's renewal date following the notification to the USOE.

~~[H]I.~~ Teachers seeking license renewal who do not meet NCLB standards for highly qualified teachers under R277-510 shall focus ~~[400]95~~ of the 200 required professional development points in teaching assignments in which the teacher does not hold an appropriate major, ~~[or]major equivalent,~~ or other NCLB highly qualified criteria.

R277-501-[7]5. Renewal Timeline with Point Requirements for Educator Level 2 License Holders.

A. A Level 2 active educator~~s:~~

~~(1) A licensed educator whose license expires June 30, 2004 shall earn 80 license points between July 1, 1999 and June 30, 2004 and shall provide verification of employment.~~

~~(2) A licensed educator~~ whose license expires June 30~~[, 2005]~~ shall earn ~~[400]95~~ license points ~~[between July 1, 1999 and June 30, 2005]~~ during the educator's five year renewal period and shall provide verification of employment.

B. A Level 2 inactive educator~~s:~~

~~(1) A licensed educator whose license expires on June 30, 2004 shall earn 180 license points between July 1, 1999 and June 30, 2004.~~

~~(2) A licensed educator whose license expires after June 30, 2004~~ whose license expires June 30 shall earn 200 license points during the educator's five year renewal period.

R277-501-[8]6. Miscellaneous Renewal Information.

A. A licensed educator shall develop and maintain a professional development plan. The plan:

(1) shall be based on the educator's professional goals and current or anticipated assignment,

(2) shall take into account the goals and priorities of the school/district,

(3) shall be consistent with federal and state laws and district policies, and

(4) may be adjusted as circumstances change.

(5) shall be reviewed and signed by the educator's supervisor or a professional colleague designated by the building administrator.

~~(6)B.~~ If an educator is not employed in ~~[education]~~a Utah public or accredited private school at the renewal date, the educator shall~~[-~~

~~(a)~~ review the plan and documentation with a professional colleague who may sign the professional development plan and USOE verification form~~[-or~~

~~(b) review the professional development plan and personally sign the verification form].~~ The verification form signed by the professional colleague shall be provided to the USOE between January 1 and June 30 of the renewal year.

~~[B]C.~~ Each Utah license holder shall be responsible for maintaining a professional development ~~[folder]plan.~~

(1) It is the educator's responsibility to retain copies of complete documentation of professional development activities with appropriate signatures.

(2) The professional development ~~[folder]documentation~~ shall be retained by the educator for a minimum of two renewal cycles.

~~[C]D.~~ The "Verification for License Renewal" form shall be submitted to the USOE Licensing Section, 250 East 500 South, P.O. Box 144200, Salt Lake City, Utah 84114-4200 between January 1 and June 30 of the educator's assigned renewal year.

(1) Forms submitted by mail that are not complete or do not bear original signatures shall not be processed.

(2) Failure to submit the verification form consistent with deadlines shall result in beginning anew the administrative licensure process, including all attendant fees and criminal background checks.

(3) The USOE may, at its own discretion, review or audit verification for license renewal forms or educator license renewal folders or records.

~~[D]E.~~ License holders may begin to acquire professional development points under this rule ~~[as of July 1, 1999]~~on the date identified on the license as the date of licensure.

~~[E]F.~~ This rule does not explain criteria or provide credit standards for state approved inservice programs. That information is provided in R277-519.

[F]G. Credit for district lane changes or other purposes is determined by a school district and is awarded at a school district's discretion. Professional development points should not be assumed to be credit for school district purposes, such as salary or lane change credit.

[G]H. A renewal fee set by the USOE shall be charged to educators who seek renewal from an inactive status or to make level changes. Educators with active licenses shall be charged a renewal fee consistent with R277-50[3]2.

[H]I. The USOE may make exceptions to the provisions of this rule for unique and compelling circumstances.

(1) Exceptions may only be made consistent with the purposes of this rule and the authorizing statutes.

(2) Requests for exceptions shall be made in writing at least 30 days prior to the license holder's renewal date to the Coordinator of Educator Licensing, USOE.

(3) Approval or disapproval shall be made in a timely manner.

[I]J. Licenses awarded under R277-521, Professional Specialist Licensing, are subject to renewal requirements under this rule.

(1) Specialists shall be considered licensed as of September 15, 1999[~~, the effective date of R277-521~~] or at their official employment date, whichever is later.

(2) All specialists shall be considered Level 1, 2 or 3 license holders consistent with R277-521-3, 4 and 5.

(3) Years of work experience beginning September 15, 1999 count toward levels of licensure.

[J]K. Consistent with Section 53A-6-104(2) and (4), an educator may comply with the professional development requirements of this rule by:

(1) satisfactory completion of the educator's employing school district's district-specific professional development plan; and

(2) submission by the employing school district of the names of educators who completed district-specific professional development plans; and

(3) submission of professional development information in a timely manner consistent with the educator's license renewal cycle; failure of timely notification by districts to the USOE may result in expiration of licenses and additional time and costs for relicensure.

[K]L. Completion of relicensure requirements by an educator under R277-501-[6]4 or R277-501-[8]6K, may not satisfy HOUSSE requirements for highly qualified status under No Child Left Behind, as defined in R277-520.

[L]M. Educators are individually responsible for tracking their renewal cycles and completing professional development in a timely manner.

KEY: educational program evaluations, educator license renewal

Date of Enactment or Last Substantive Amendment: ~~July 16, 2004~~2006

Notice of Continuation: February 23, 2005

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-104; 53A-1-401(3)

◆ ————— ◆

Education, Administration R277-510 Educator Licensing - Highly Qualified Teachers

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 28466

FILED: 01/17/2006, 16:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this new rule is to provide No Child Left Behind (NCLB) highly qualified information for both new-to-the-profession and veteran early childhood, elementary, secondary and special education teachers. The NCLB highly qualified information has become increasingly complicated as Utah has successfully sought accommodations for teachers in special settings and for multiple-subject teachers.

SUMMARY OF THE RULE OR CHANGE: The rule provides definitions, NCLB highly qualified standards for secondary teachers, special education teachers, elementary and early childhood teachers, and multiple subject teachers.

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

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated costs or savings to state budget. The NCLB highly qualified teacher information was previously in another rule. This information is now provided for in an independent rule to make the issue less lengthy and confusing.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. The NCLB highly qualified teacher information was previously in another rule. This information is now provided for in an independent rule to make the issue less lengthy and confusing.

❖ **OTHER PERSONS:** There are no anticipated costs or savings to other persons. The NCLB highly qualified teacher information was previously in another rule. This information is now provided for in an independent rule to make the issue less lengthy and confusing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The requirements were already in place in an existing rule and have simply been incorporated into this new rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have review this rule and I see no fiscal impact on businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2006

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-510. Educator Licensing - Highly Qualified Teachers.

R277-510-1. Definitions.

- A. "Board" means the Utah State Board of Education.
- B. "Core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography under the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act (NCLB), Title IX, Part A, 20 U.S.C. 7801, Section 9101(11).
- C. "Date of hire" means the date on which the initial employment contract is signed between educator and employer or the date on which an educator receives a Core academic subject assignment for the first time.
- D. "Endorsement" means a qualification based on content area mastery obtained through a higher education major or minor or through a state-approved endorsement program.
- E. "Highly qualified" means a teacher has met the specific requirements of ESEA, NCLB, Title IX, Part A, 20 U.S.C. 7801, Section 9101(23) or 34 CFR 200.56.
- F. "HOUSSE" means High Objective Uniform State Standard of Evaluation permitted under ESEA, NCLB, Title IX, Part A, 20 U.S.C. 7801, Section 9101(23)(C)(ii).
- G. "HOUSSE points" means points or hours earned in activities identified under R277-501-3A, B, or C.
- H. "IDEA" means the federal Individuals with Disabilities Education Act, Title I, Part A, Section 602.
- I. "Multiple subject qualified" means that a licensed educator who is highly qualified in at least one Core academic subject may be designated highly qualified and provide instruction in science, social studies, language arts, and mathematics, or any combination of those courses, as assigned by the school district or the school.
- J. "Multiple subject teacher" means a teacher in a necessarily existent small school as defined under R277-445 or as a special education teacher defined under R277-510H, or in a Youth in Custody program as defined under R277-709 or a board-designated alternative school whose size meets necessarily existent small school

criteria as defined under R277-445, who teaches more than two Core academic subjects defined under R277-510-1B or under R277-700.

K. "Restricted endorsement" means an endorsement available and limited to teachers in necessarily existent small schools as determined under R277-445, teachers in alternative schools who meet the size criteria of R277-445, and teachers in youth in custody programs or to special educators seeking highly qualified status in mathematics, language arts, or science. Teacher qualifications shall include at least nine semester hours of USOE-approved university-level courses in each course taught by the teacher holding a restricted endorsement.

L. "Standard license area of concentration" means that the educator has successfully completed three years of teaching in the license area.

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

R277-510-2. Authority and Purpose.

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

B. The purpose of this rule is to provide definitions and requirements for an educator to meet federal requirements for highly qualified status.

R277-510-3. NCLB Highly Qualified - Secondary Teachers.

In order to meet the federal requirements under NCLB, a secondary educator shall have a bachelor's degree, an educator license and one of the following for each of the teacher's NCLB Core academic subject teaching assignments:

A. a University major degree, masters degree, doctoral degree or National Board Certification; or

B. documentation that the teacher has passed, at a level designated by the USOE, an appropriate Board-approved subject area test(s); or

C. documentation of coursework equivalent to a major degree (30 semester or 45 quarter hours); or

D. documentation of satisfaction of Utah's HOUSSE requirements for assignments as follows:

(1) an endorsement in a subject area directly related to the educator's academic major; or

(2) a current endorsement for the assignment and completion of 200 professional development points, accrued after the endorsement was approved by the USOE, directly related to the area in which the teacher seeks to meet the federal highly qualified teacher standard under R277-510-1E as applicable. No more than 100 points may be earned for successful teaching in related area(s); and

E. All Utah secondary teachers who teach Core academic subjects shall have points and documentation, determined by the employing school district, of highly qualified status before June 30, 2006. Documentation includes official transcripts, annual teaching evaluation(s), data of adequate student achievement.

R277-510-4. NCLB Highly Qualified - Special Education Teachers.

A. In order to meet the federal requirements under HOUSSE, NCLB, and the requirements of IDEA, a special educator assigned as the classroom teacher of record for any K-8 Core academic

subject shall satisfy (1) and (2) and (3) or (1) and (2) and (4) or (1) and (2) and (5) before June 30, 2006 as provided below:

(1) has a current Utah educator license; and
(2) is assigned consistent with the teacher's current state educator license; and

(3) has met the requirements for highly qualified status under R277-510-5; or

(4) a K-8 special educator with a mild/moderate endorsement defined under R277-504-1K(1), hearing impaired endorsement defined under R277-504-1K(3), visually impaired endorsement defined under R277-504-1K(4), or K-12 special educator with a severe license defined under R277-504-1K(2) shall pass a Board-approved content test at the state designated passing score; or

(5) documentation of satisfaction of Utah's HOUSSE requirements for assignments as follows:

(a) has completed a minimum of 36 semester hours of Core academic subject courses from an accredited college/university consistent with R277-503, or other professional development directly related to the educator's assignment. The teacher's employer shall review and retain documentation verifying completion of these requirements. Transcript credits shall have been completed with academic grades of C or better:

(i) nine semester hours of language arts/reading or the equivalent as approved by the USOE; and

(ii) six semester hours of physical/biological science or the equivalent as approved by the USOE; and

(iii) nine semester hours of social sciences or the equivalent as approved by the USOE; and

(iv) nine semester hours of college level mathematics or the equivalent as approved by the USOE; and

(v) three semester hours of the arts or the equivalent as approved by the USOE.

B. To meet the highly qualified requirements under NCLB, a K-12 special educator endorsed in mild/moderate, or hearing impairments, or visual impairments, assigned as the classroom teacher of record for any K-12 course reported under NCLB statute shall satisfy the following before June 30, 2006:

(1) has a current Utah educator license; and

(2) is assigned consistent with the educator's current state license; and

(3) shall satisfy highly qualified status in at least one Core academic subject by:

(a) meeting the requirements of R277-510-3; or

(b) having a restricted endorsement as defined under R277-510-1J or its equivalent, and passing an appropriate Board-approved subject assessment; and

(4) Special educators who teach two or more subjects shall satisfy highly qualified status by:

(a) satisfying R277-510-4B(3)(a) or (b); and

(b) submitting documentation that the educator has passed a Board-approved multiple subject test with a passing score at the state-designated passing score with subtest scores in the average range or higher; and

(c) shall not be assigned to teach a Core academic subject if the educator did not pass the appropriate subtest in the average range or higher.

(5) Special educators who teach two or more subjects may have two years beyond the special educator's date of hire or June 30, 2006 to become highly qualified in additional course assignments.

C. School districts/charter schools are responsible for monitoring and appropriately assigning special educators consistent with this rule.

D. Sixth grade special educators assigned in elementary school settings shall satisfy R277-510-4A to be highly qualified.

R277-510-5. NCLB Highly Qualified - Elementary and Early Childhood Teachers.

In order to meet the federal requirements of NCLB, an elementary/early childhood educator shall satisfy before June 30, 2006 R277-510-5A and B and C or A and B and D and E as provided below:

A. the educator has a current Utah educator license; and

B. the educator is assigned consistent with the teacher's current state educator license; and

C. an elementary/early childhood teacher shall pass Board-approved content test(s);

D. documentation of satisfaction of Utah's HOUSSE requirements for assignments as follows:

(1) has completed an elementary or early childhood major or both from an accredited college or university; or

(2) the teacher's employer shall review the teacher's college/university transcripts and subsequent professional development to document that the following have been satisfied with academic grades of C or better:

(a) nine semester hours of language arts/reading or the equivalent as approved by the USOE; and

(b) six semester hours of physical/biological science or the equivalent as approved by the USOE; and

(c) nine semester hours of social sciences or the equivalent as approved by the USOE; and

(d) nine semester hours of college level mathematics or the equivalent as approved by the USOE;

(e) three semester hours of the arts or the equivalent as approved by the USOE; and

E. the educator has obtained a Level 2 license with a standard license area of concentration.

R277-510-6. NCLB Highly Qualified - Multiple Subject Teachers.

A. In order to meet federal requirements under a HOUSSE standard, a multiple subject teacher, as defined under R277-510-1J, shall satisfy R277-510-6A(1), (2), (3) and (4) or (5) and (6)(a) or (b) as provided below:

(1) the educator has a current Utah educator license; and

(2) the educator is assigned consistent with the educator's current license; and

(3) the educator is highly qualified in at least one Core academic subject, as defined under R277-510-1B or R277-700; and

(4) the educator holds an endorsement as defined under R277-510-1C in each teaching assignment; or

(5) the educator holds a restricted endorsement as defined under R277-510-1K; and

(6) the educator submits a passing score on a Board-approved test providing:

(a) documentation that the teacher has passed, at a level designated by the USOE, an appropriate Board-approved subject area test(s); or

(b) documentation that the teacher has passed a Board-approved multiple subject test with a passing score.

B. In addition, an educator shall satisfy:
(1) R277-510-6A(1) and (2) and (4) and take the Board-approved content test or a Board-approved multiple subject test and pass at the state-designated passing score with all subtest scores in the average range or higher; or

(2) R277-510-6A(1) and (2) and (5) and take the Board-approved content test or a Board-approved multiple subject test and pass at the state-designated passing score with all subtest scores in the average range or higher.

C. An educator shall not be assigned to teach a Core academic subject if the educator did not pass the appropriate subtest in the average range or higher.

D. School districts/charter schools are responsible for monitoring and assigning educators consistent with this rule.

E. Multiple subject teachers in necessarily existent small school settings who are designated highly qualified in at least one Core academic subject, under R277-510-1B, shall have three school years from the date of hire to become highly qualified in additional Core academic subject teaching assignment(s).

F. A multiple subject teacher in necessarily existent small school settings shall have one additional three year period from the date of hire to become highly qualified in any and all additional Core academic subject teaching assignment(s).

KEY: educators, highly qualified

**Date of Enactment or Last Substantive Amendment: 2006
 Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-6-104; 53A-1-401(3)**

Education, Administration

R277-705

Secondary School Completion and Diplomas

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE No.: 28467
 FILED: 01/17/2006, 16:48

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide new definitions, to require school district policies about accepting student credit, to give direction to school districts regarding diploma language consistent with state law, and to make other technical changes.

SUMMARY OF THE RULE OR CHANGE: The amended rule defines special purpose schools and supplementary education providers and better defines the Utah Basic Skills Competency Test (UBSCT) Advisory Committee. The amended rule requires school district policies to accept student credit and gives direction to school districts regarding diploma language consistent with state law.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53A-1-402(1)(b) and (c)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to state budget. The state has no responsibility for granting student credit.

❖ LOCAL GOVERNMENTS: There may be nominal costs for local school boards to reprint or revise their diplomas consistent with state law and/or to review several kinds of credit that students may earn toward graduation.

❖ OTHER PERSONS: There may be costs for other persons or special purpose schools or supplemental education providers as they revise their course offerings to be consistent with Core curriculum courses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Any compliance costs are speculative because supplemental education providers or special purpose schools may or may not have course offerings aligned with the state Core curriculum. Alignment with state Core curriculum is necessary for courses to be accepted for credit.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule and I see that there may be fiscal impact on businesses. Any costs are speculative because supplemental education providers or special purpose schools may or may not have course offerings aligned with the state Core curriculum. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION
 ADMINISTRATION
 250 E 500 S
 SALT LAKE CITY UT 84111-3272, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol Lear at the above address, by phone at 801-538-7835, by FAX at 801-538-7768, or by Internet E-mail at carol.lear@schools.utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 03/04/2006

AUTHORIZED BY: Carol Lear, Director, School Law and Legislation

R277. Education, Administration.

R277-705. Secondary School Completion and Diplomas.

R277-705-1. Definitions.

In addition to terms defined in Section 53A-1-602:

A. "Accredited" means evaluated and approved under the Standards for Accreditation of the Northwest Association of Accredited Schools [and Colleges] or the accreditation standards of the Board, available from the Utah State Office of Education Accreditation Specialist.

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

C. "Criterion-referenced test (CRT)" means a test to measure performance against a specific standard. The meaning of the scores is not tied to the performance of other students.

D. "Cut score" means the minimum score a student must attain for each subtest to pass the UBSCCT.

E. "Demonstrated competence" means subject mastery as determined by school district standards and review. School district review may include such methods and documentation as: tests, interviews, peer evaluations, writing samples, reports or portfolios.

F. "Diploma" means an official document awarded by a public school district or high school consistent with state and district graduation requirements and the provisions of this rule.

G. "Individualized Education Program (IEP)" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Utah Special Education Rules and Part B of the Individuals with Disabilities Education Act (IDEA).

H. "Secondary school" means grades 7-12 in whatever kind of school the grade levels exist.

I. "Section 504 Plan" means a written statement of reasonable accommodations for a student with a qualifying disability that is developed, reviewed, and revised in accordance with Section 504 of the Rehabilitation Act of 1973.

J. "Special purpose schools" means schools designated by regional accrediting agencies, such as Northwest. These schools typically serve a specific population such as students with disabilities, youth in custody, or schools with specific curricular emphasis. Their courses and curricula are designed to serve their specific populations and may be modified from traditional programs.

K. "Supplemental education provider" means a private school or educational service provider which may or may not be accredited, that provides courses or services similar to public school courses/classes.

[F]L. "Transcript" means an official document or record(s) generated by one or several schools which includes, at a minimum: the courses in which a secondary student was enrolled, grades and units of credit earned, UBSCCT scores and dates of testing, citizenship and attendance records. The transcript is usually one part of the student's permanent or cumulative file which also may include birth certificate, immunization records and other information as determined by the school in possession of the record.

[K]M. "Utah Performance Assessment System for Students (U-PASS)" means:

(1) systematic norm-referenced achievement testing of all students in grades 3, 5, 8, and 11 required by this part in all schools within each school district by means of tests designated by the Board;

(2) criterion-referenced achievement testing of students in all grade levels in basic skills courses [~~except as otherwise provided for science in Subsection (2), to include constructed responses to questions on a pilot basis for tests administered during the 2002-2003 and 2003-2004 school years, except science tests, and the inclusion of constructed response questions on all criterion-referenced tests, except science tests, administered during the 2004-2005 school year and for each year thereafter~~];

(3) [~~a~~] direct writing assessments in grades 6 and 9;

(4) beginning with the 2003-2004 school year, a tenth grade basic skills competency test as detailed in Section 53A-1-611; and

(5) beginning with the 2002-2003 school year, the use of student behavior indicators in assessing student performance.

[E]N. "Unit of credit" means credit awarded for courses taken consistent with this rule or upon school district/school authorization or for mastery demonstrated by approved methods.

[M]O. "Utah Alternative Assessment (UAA)" means an assessment instrument for students in special education with disabilities so severe they are not able to participate in the components of U-PASS even with testing accommodations or modifications. The UAA measures progress on instructional goals and objectives in the student's individual education program (IEP).

[N]P. "Utah Basic Skills Competency Test (UBSCT)" means a test to be administered to Utah students beginning in the tenth grade to include at a minimum components on English, language arts, reading and mathematics. Utah students shall satisfy the requirements of the UBSCT in addition to state and district graduation requirements prior to receiving a [~~basic~~] high school diploma indicating a passing score on all UBSCT subtests.

[Q]Q. "UBSCT Advisory Committee" means a committee that is advisory to the Board with membership appointed by the Board, [~~comprised of not more than 15 members with~~] including appropriate representation of special populations from the following[

- (1) parents;
- (2) [~~one~~] high school principal(s);
- (3) [~~one~~] high school teacher(s);
- (4) [~~one~~] district superintendent(s);
- (5) [~~one~~] Coalition of Minorities Advisory Committee [~~member~~];
- (6) Utah State Office of Education staff;
- (7) [~~one high school student~~];
- (8) ~~business~~;
- (9) [~~one~~] local school board(s) [~~members~~];
- (10) higher education.

R277-705-2. Authority and Purpose.

A. This rule is authorized by Article X, Section 3 of the Utah Constitution, which places general control and supervision of the public schools under the Board; Section 53A-1-402(1)(b) and (c) which direct[s] the Board to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements; Sections 53A-1-603 through 53A-1-611 which direct the Board to adopt rules for the conduct and administration of U-PASS; and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide consistent definitions, provide alternative methods for students to earn and schools to award credit, to provide rules and procedures for the assessment of all students as required by law, and to provide for differentiated diplomas or certificates of completion consistent with state law.

R277-705-3. [Units of Credit] District Policy Explaining Credits Earned and Reciprocity for Credit for Demonstrated Competency.

A. All Utah schools or school districts shall have a written policy explaining the process and standards for acceptance and reciprocity of credits earned by students.

(1) Policies need not repeat the requirements of state law or this rule.

(2) Policies shall provide a review process at the school or school district level for credit for demonstrated competency.

(3) Policies shall provide a review process for credit earned for home schooling. This provision does not require schools/school districts to grant credit for home school courses or programs.

~~[A]B.~~ Units of credit shall be awarded to students and be recorded on student transcripts for satisfaction of district-approved courses or subject matter.

~~[B]C.~~ Students may earn credit by any of the following methods, as designated by the school district policy:

(1) successful completion, as determined by the school district or school, of secondary school courses;

(2) successful completion, as determined by the school district or school, of concurrent enrollment classes consistent with Section 53A-17a-120 and R277-713;

(3) demonstrated competency, as determined by the school district or school;

(4) assessment, as determined by the school district or school;

(5) review of student work or projects consistent with school district or school procedures and criteria; and

(6) following successful completion, as determined by the school district or school, of correspondence or electronic coursework offered by ~~[an]~~ accredited education institutions with prior approval by the school district or school to the extent practicable and consistent with other provisions of this rule.

~~[C]D.~~ School districts or schools shall designate by written policy at least ~~[three]~~four methods or credit-earning processes in addition to traditional public school courses by which students of the district may earn credit.

~~[D]E.~~ Schools shall accept credits from accredited ~~[education institutions:]~~secondary schools, accredited special purpose schools and the Utah Electronic High School.

F. Schools shall accept credits from supplemental education providers and other credit sources with written approval from the student's principal or designee consistent with R277-705-3D prior to program enrollment.

~~[(1) schools shall accept credits from accredited schools when a student enrolls in the district for the first time;~~

~~— (2) districts may limit additional credits earned by students to courses or programs that are consistent with the student's Student Education Plan or Student Education/Occupation Plan as established by school, student and parent(s).]G. Credits earned from supplemental education providers:~~

~~(1) shall be aligned with state Core Curriculum;~~

~~(2) shall have course content that matches Core course requirements; and~~

~~(3) shall have end of course tests that meet or exceed school district assessments.~~

H. Grades from supplemental education providers may be accepted, at the school/school district's discretion, as pass/fail grades.

I. Credits accepted consistent with R277-705-3E and F shall be recognized as original credit earned for specific courses, including Core courses. For instance, a tenth grade language arts course taken from an accredited provider, consistent with this rule and school district policy, shall count for tenth grade language arts for high school graduation.

J. School districts may not waive credits required for graduation, but may, consistent with this rule and documentation available to the district, grant credit based on demonstrated competency, assessment, or mastery.

K. School districts may require documentation of compliance with Section 53A-11-102 prior to reviewing student home school or competency work, testing, or materials.

~~[E]L.~~ A school district or school has the final decision-making authority for the awarding of credit~~[-and shall do so]~~ consistent with state law, ~~[and]~~due process, and this rule.

R277-705-4. Diplomas and ~~[Completion-]Certificates of Completion.~~

A. School districts or schools shall award diplomas and ~~certificates of completion[-certificates].~~

B. School districts or schools shall offer differentiated diplomas to secondary school students and adults to include:

(1) a ~~[basic-]high school diploma [awarded to]~~indicating on the diploma that a student ~~[who has-]~~successfully completed all state and district course requirements for graduation and ~~[has-]~~passed all subtests of the UB SCT.

(2) ~~[alternative completion]~~a high school diploma indicating on the diploma that a student did not receive a passing score on all UB SCT subtests; ~~[awarded to a student who-]~~the student shall have:

(a) ~~[has-]~~met all state and district course requirements for graduation; and

(b) beginning with the graduating class of 2007, participated in UB SCT remediation consistent with school district or school policies and opportunities; and

~~[(b)c] [has-]~~provided documentation of at least three attempts to take and pass all subtests of the UB SCT unless:

~~(i) the student took all subtests of the UB SCT offered while the student was enrolled in Utah schools; or~~

~~(ii) the student has been out of the secondary school system at least [20]five years or more beginning June 1, 2006; or~~

~~(iii) a student's IEP team has determined that the student's participation in statewide assessment is through the UAA.~~

~~[(e) has not passed all subtests of the UB SCT; or~~

~~(d) is under an IEP and:~~

~~(i) has met all district and state course requirements for graduation; and~~

~~(ii) has provided documentation of at least three attempts to take and pass all subtests of the UB SCT, unless the IEP team determines that the student's participation in statewide assessment is through the UAA; and~~

~~(iii) has not passed all subtests of the UB SCT.~~

] C. School districts or schools shall establish criteria for students to ~~[offer]earn~~ a certificate of completion ~~[to]that may be awarded to~~ students who have completed their senior year, are exiting the school system, and have not met all state or district requirements for a diploma.

R277-705-5. Students with Disabilities.

A. A student with disabilities served by special education programs shall satisfy high school completion or graduation criteria, consistent with state and federal law and the student's IEP.

B. A student may be awarded a certificate of completion or a differentiated diploma, consistent with state and federal law and the student's IEP or Section 504 Plan.

R277-705-6. Utah Basic Skills Competency Testing Requirements and Procedures.

A. All Utah public school students shall participate in Utah Basic Skills Competency testing, unless alternate assessment is

designated in accordance with federal law or regulations or state law.

B. Timeline:

(1) Beginning with students in the graduating class of 2006, UBSCT requirements shall apply.

(2) No student may take any subtest of the UBSCT before the tenth grade year.

~~(3) Beginning in the 2004-2005 school year, UBSCT shall be given twice annually.~~

~~(4) Tenth graders should first take the test in the second half of their tenth grade year.~~

~~(5) Exceptions may be made to this timeline with documentation of compelling circumstances and upon review by the school principal and USOE assessment staff.~~

C. UBSCT components, scoring and consequences:

(1) UBSCT consists of subtests in reading, writing and mathematics.

(2) Students who reach the established cut score for any subtest in any administration of the assessment have passed that subtest.

(3) Students shall pass all subtests to qualify for a ~~basic~~ high school diploma indicating a passing score on all UBSCT subtests unless they qualify under one of the exceptions of state law or this rule such as R277-705-6D.

(4) Students who do not reach the established cut score for any subtest shall have multiple additional opportunities to retake the subtest.

(5) Students who have not passed all subtests of the UBSCT by the end of their senior year may receive a diploma indicating that a student did not receive a passing score on all UBSCT subtests or a certificate of completion ~~or alternative completion diploma~~.

(6) The certificate of completion or ~~an alternative completion~~ diploma indicating that a student did not receive a passing score on all UBSCT subtests may be converted to a ~~basic~~ high school diploma indicating a passing score on all UBSCT subtests whenever the student completes all current state and district ~~basic~~ diploma requirements.

(7) Beginning in June 2006, an adult student enrolled in a Utah school district adult education program may receive an adult high school diploma indicating a passing score on all UBSCT subtests and by completing all state and district diploma requirements including provisions of this rule ~~and passing all subtests of the UBSCT~~ or may receive an adult ~~alternative completion~~ high school diploma indicating that a student did not receive a passing score on all UBSCT subtests consistent with district and state requirements.

(8) Specific testing dates shall be calendared and published at least two years in advance by the Board.

D. Reciprocity and new seniors:

(1) Students who transfer from out of state to a Utah high school after the tenth grade year may be granted reciprocity for high school graduation exams taken and passed in other states or countries based on criteria set by the Board and applied by the local board.

(2) Students for whom reciprocity is not granted and students from other states or countries that do not have high school graduation exams shall be required to pass the UBSCT before receiving a ~~basic~~ high school diploma indicating a passing score on all UBSCT subtests if they enter the system before the final administration of the test in the student's senior year.

(3) ~~The Board shall also establish criteria for granting a diploma to students who enter a Utah high school after the final~~

~~administration of the test in their senior year.]~~ The UBSCT Advisory Committee following review of applicable documentation shall recommend to the Board the type of diploma that a student entering a Utah high school in the student's senior year after the final administration of the UBSCT may receive.

~~(4) Students may appeal to the local board for exceptions.]~~

E. Testing eligibility:

(1) Building principals shall certify that all students taking the test in any administration are qualified to be ~~there~~ tested.

(2) Students are qualified if they:

(a) are enrolled in tenth grade, eleventh, or twelfth grade (or equivalent designation in adult education) in a Utah public school program; or

(b) are enrolled in a Utah private/parochial school (with documentation) and are least 15 years old or enrolled at the appropriate grade level; or

(c) are home schooled (with documentation required under Section 53A-11-102) and are at least 15 years old; and

(3) Students eligible for accommodations, assistive devices, or other special conditions during testing shall submit appropriate documentation at the test site.

F. Testing procedures:

(1) Three subtests make up the UBSCT: reading, writing, and mathematics. Each subtest ~~shall~~ may be given on a separate day.

(2) The same subtest shall be given to all students on the same day, as established by the Board.

(3) All sections of a subtest shall be completed in a single day.

(4) Subtests are not timed. Students shall be given the time necessary within the designated test day to attempt to answer every question on each section of the subtest.

(5) Makeup opportunities shall be provided to students for the ~~Utah Basic Skills Competency Test~~ UBSCT according to the following:

(a) Students shall be allowed to participate in makeup tests if they were not present for the entire ~~Utah Basic Skills Competency Test~~ UBSCT or subtest(s) of the ~~Utah Basic Skills Competency Test~~ UBSCT.

(b) School districts shall determine acceptable reasons for student makeup eligibility which may include absence due to ~~serious~~ illness, absence due to family emergency, or absence due to death of family member or close friend.

(c) School districts shall provide a makeup window not to exceed five school days immediately following the last day of each administration of the ~~Utah Basic Skills Competency Test~~ UBSCT.

(d) School districts shall determine and notify parents in an appropriate and timely manner of dates, times, and sites of makeup opportunities for the ~~Utah Basic Skills Competency Test~~ UBSCT.

(6) Arrangements for extraordinary circumstances or exceptions to R277-705-5 shall be reviewed and decided by the UBSCT Advisory Committee on a case-by-case basis consistent with the purposes of this rule and enabling legislation.

R277-705-7. Security and Accountability.

A. Building principals shall be responsible to secure and return completed tests consistent with Utah State Office of Education timelines.

B. School district testing directors shall account for all materials used, unused and returned.

C. Results shall be returned to students and parents/guardians no later than eight weeks following the administration of ~~the~~ each test.

D. Appeals for failure to pass the UBSCT due to extraordinary circumstances:

(1) If a student or parent has good reason to believe[s], including documentation, that a testing irregularity or inaccuracy in scoring prevented a student from passing the UBSCT, the student or parent may appeal to the local board within 60 days of receipt of the test results.

(2) The local board shall consider the appeal and render a decision in a timely manner.

(3) The parent or student may appeal the local board's decision ~~[to]~~through the ~~[Board]~~UBSCT Advisory Committee, under rules adopted by the Board.

(4) Appeals under this section are limited to the criteria of R277-705-7D(1).

R277-705-8. Designation of Differentiated Diplomas and Certificates of Completion.

A. As provided under Section 53A-1-611(2)(d), districts or schools shall designate in express language at least the following types of diplomas or certificates:

(1) High School Diploma indicating a passing score on all UBSCT subtests.

(2) High School Diploma indicating that a student did not receive a passing score on all UBSCT subtests.

(3) Certificate of Completion.

B. The designation shall be made on the face of the diploma or certificate of completion provided to students.

R277-705-8]9. Student Rights and Responsibilities Related to Graduation, Transcripts and Receipt of Diplomas.

A. School districts shall supervise the granting of credit and awarding of diplomas, but may delegate the responsibility to schools within the district.

B. A school district or school may determine criteria for a student's participation in graduation activities, honors, and exercises, independent of a student's receipt of a diploma or certificate of completion.

C. Diplomas or certificates, credit or unofficial transcripts may not be withheld from students for nonpayment of school fees.

D. School districts or schools shall establish consistent timelines for all students for completion of graduation requirements. Timelines shall be consistent with state law and this rule.

KEY: curricula

Date of Enactment or Last Substantive Amendment: [~~April 1, 2005]~~2006

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1)(b); 53A-1-603 through 53A-1-611; 53A-1-401(3)



Natural Resources, Wildlife Resources
R657-19
 Taking Nongame Mammals

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 28454

FILED: 01/10/2006, 09:25

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: Section R657-19-6 is being amended to allow landowners to take Utah prairie dogs on specified private lands as part of an approved conservation agreement enacted between the U.S. Fish and Wildlife Service and the owner of the private land. The landowner must obtain a valid Incidental Take permit from the U.S. Fish and Wildlife Service before any action is taken. Additions in Section R657-19-7 simply refer to the new language in Section R657-19-6.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-13-3, 23-14-18 and 23-14-19

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The amendment allows private landowners to participate in a program of the U.S. Fish and Wildlife Service for taking Utah Prairie dogs on specified private lands with a valid Incidental Take permit. Therefore, these amendments do not create a cost or savings impact to the state budget or the Division of Wildlife Resources' budget.

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

❖ OTHER PERSONS: The amendment allows private landowners to participate in a program of the U.S. Fish and Wildlife Service and does not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendment allows private landowners to participate in a program of the U.S. Fish and Wildlife Service for taking Utah Prairie dogs on specified private lands with a valid Incidental Take permit. The U.S. Fish and Wildlife Services provides this permit free of charge, therefore, there are not any additional compliance costs associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses. Michael R. Styler, Executive Director

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

NATURAL RESOURCES
 WILDLIFE RESOURCES

1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Robin Thomas at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at robinthomas@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 03/06/2006

AUTHORIZED BY: James F Karpowitz, Director

R657. Natural Resources, Wildlife Resources.

R657-19. Taking Nongame Mammals.

R657-19-6. Utah Prairie Dog Provisions.

(1)(a) A person may not take a Utah Prairie dog, *Cynomys parvidens*, without first obtaining a certificate of registration from the division.

(b) A certificate of registration for taking Utah prairie dogs may be issued as provided in Subsection (i) or Subsection (ii), or Subsection (iii), if the taking will not further endanger the existence of the species:

(i) in cases where Utah Prairie dogs are causing damage to agricultural lands as provided in the rules of the U.S. Fish and Wildlife Service; or

(ii) as provided in a valid Incidental Take permit issued by the U.S. Fish and Wildlife Service under an approved Habitat Conservation Plan[-]; or

(iii) as provided under a valid Incidental Take permit issued by the U.S. Fish and Wildlife Service allowing take of Utah prairie dogs on specified private lands as part of an approved conservation agreement enacted between the U.S. Fish and Wildlife Service and the owner of those private lands.

(c) A person may apply for a certificate of registration at the division's southern regional office, 1470 North Airport Road, Suite 1, Cedar City, Utah 84720.

(d) A landowner, lessee, or their immediate family member, or an employee on a regular payroll and not hired specifically to take Utah prairie dogs, may apply for a certificate of registration.

(e)(i) A person, other than those listed in Subsection (d), may apply for a certificate of registration to take Utah prairie dogs as a designee of the landowner or lessee provided the application includes:

(A) an explanation of the need for the certificate of registration to be issued;

(B) justification for utilization of the designee; and

(C) the landowner or lessee's signature.

(ii) A maximum of two designee certificates of registration may be issued per landowner or lessee.

(iii) Each designee application shall be considered individually based upon the explanation and justification provided.

(f) An application for a certificate of registration must include:

(i) full name;

(ii) complete mailing address;

(iii) phone number;

(iv) date of birth;

(v) weight and height;

(vi) gender;

(vii) color of hair and eyes;

(viii) social security number;

(ix) driver's license number, if issued;

(x) proof of hunter education certification if the applicant was born after December 31, 1965; and

(xi) the township, range, section and 1/4 section of the agricultural lands where the prairie dogs will be taken.

(g) An applicant must be at least 14 years of age at the time of application and must abide by the provisions for children being accompanied by adults while hunting with a weapon pursuant to Section 23-20-20.

(h) After review of the application, a certificate of registration may be issued.

(i) A maximum of four certificates of registration may be issued to any landowner or lessee, including those issued to the landowner or lessee's designees.

(j) A certificate of registration shall be issued on an individual basis and shall be valid only for the person to whom the certificate of registration is issued.

(k) A certificate of registration is not transferrable and must be signed by the holder prior to use.

(l) If the application and permitting process is accomplished by U.S. Mail, the certificate of registration shall only become valid after a copy of the signed certificate of registration is received by the division's southern regional office.

(2)(a) A person may take Utah prairie dogs with a firearm during daylight hours or by trapping as specified on the certificate of registration.

(b) A person may not use any chemical toxicant to take Utah prairie dogs.

(c) In addition to the requirements of this rule, any person taking Utah prairie dogs must comply with state laws, and local ordinances and laws.

(d) A person at least 14 years of age and under 16 years of age who takes Utah Prairie dogs must be accompanied by an adult with a valid certificate of registration to take Utah Prairie dogs on the same property.

R657-19-7. Areas Open to Taking Utah Prairie Dogs -- Dates Open --Limits on Number of Utah Prairie Dogs Taken.

(1) A person who obtains a valid certificate of registration may take Utah prairie dogs only on private lands within the following counties:

(a) Beaver;

(b) Garfield;

(c) Iron;

(d) Kane;

(e) Millard;

(f) Piute;

(g) Sanpete;

(h) Sevier;

(i) Washington; and

(j) Wayne.

(2) Taking of a Utah prairie dog on any land or by any method, other than as provided in the valid certificate of registration, including any public land, is a violation of state and federal law.

(3) Any person, who is specifically named on a valid certificate of registration, may remove Utah prairie dogs, as provided in the certificate of registration.

(4) The taking of any Utah prairie dog outside the areas provided in this section is prohibited, except by division employees while acting in the performance of their assigned duties.

(5) The taking of Utah prairie dogs is limited to the dates designated on the certificate of registration. All dates are confined to June 1 through December 31, except as provided in Subsection R657-19-6(1)(b)(iii).

(6)(a) A person may take only the total number of Utah prairie dogs designated in the certificate of registration, except as provided in Subsection R657-19-6(1)(b)(iii).

(b) The total range-wide take of Utah prairie dogs causing agricultural damage is limited to no more than 6,000 Utah prairie dogs annually.

(c) If the division determines that taking Utah prairie dogs has an adverse effect on conservation of the species, taking shall be further restricted or prohibited.

KEY: wildlife, game laws

Date of Enactment or Last Substantive Amendment: [~~October 2, 2003~~ 2006]

Notice of Continuation: August 15, 2003

Authorizing, and Implemented or Interpreted Law: 23-13-3; 23-14-18; 23-14-19



Natural Resources, Wildlife Resources
R657-24
 Compensation for Mountain Lion and Bear Damage

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28455

FILED: 01/10/2006, 10:07

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted for taking public input and reviewing the division's mountain lion and bear damage compensation program.

SUMMARY OF THE RULE OR CHANGE: Section R657-24-2 is being amended to align the definition of livestock with the definition for livestock listed in Section 23-24-1. Instead of meaning a calf less than 12 months of age, sheep, or a lamb less than 6 months of age, it will now be cattle, sheep, goats, or turkeys. Subsection R657-24-3(1) is being amended to refer to fair market value as stated in Section 23-24-2.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-24-1 and 4-23-7

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The amendment simply aligns the definition of livestock in Section R657-24-2 with that in Section 23-24-1 and changed the mention of fair market value compensation in Subsection R657-24-3(1) to refer to Section 23-24-2. Therefore, these amendments do not create a cost or savings impact to the state budget or the Division of Wildlife Resources' budget. In Fiscal Year 2006, the Division of Wildlife Resources was budgeted \$200,000 to use as payment for mountain and bear damage compensation. That amount varies from year to year and is determined by the Legislature.

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

❖ OTHER PERSONS: None--The amendment does not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendment simply aligns the definition of livestock in Section R657-24-2 with that in Section 23-24-1 and changed the mention of fair market value compensation in Subsection R657-24-3(1) to refer to Section 23-24-2. Therefore, affected persons do not have any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses. Michael R. Styler, Executive Director

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

NATURAL RESOURCES
 WILDLIFE RESOURCES
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Robin Thomas at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at robinthomas@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 03/06/2006

AUTHORIZED BY: James F Karpowitz, Director

**R657. Natural Resources, Wildlife Resources.
 R657-24. Compensation for Mountain Lion and Bear Damage.
 R657-24-1. Purpose and Authority.**

Under authority of Section 23-24-1, this rule provides the procedures, standards, requirements and limits for obtaining

compensation for damages to livestock by mountain lion and black bear.

R657-24-2. Definitions.

(1) Terms used in this rule are defined in Sections 23-13-2 and 23-24-1(1).

(2) In addition:

(a) "Black bear" means *Ursus americanus*.

(b) "Fair market value" means the average commercial livestock prices from July 1 through June 30, as determined by the Utah Livestock and Auction Reporting Service.

(c) "Injury" means an act by a mountain lion or bear that results in the death of livestock within 30 days of the act or a permanent injury to livestock.

(d) "Livestock" means ~~[a calf less than 12 months of age, sheep, or a lamb less than six months of age.]~~cattle, sheep, goats, or turkeys.

(e) "Mountain lion" means *Felis concolor*.

R657-24-3. Notification of Damage -- Payment of Damage Claims.

(1) When livestock are damaged by a bear or mountain lion, the owner may receive compensation ~~[for 50% of the fair market value of the damage]~~in accordance with Section 23-24-1(2).

(2)(a) Notification must be made in writing to one of the regional division offices within four working days of discovering the damage.

(b) Notification may be made orally to expedite field investigations, and must be followed in writing within four working days after the damage is discovered.

(3)(a) Claims for damage payments received from July 1 through June 30 are assessed and accepted or denied based on information reported on the livestock damage form.

(b) Claims accepted for damage payments are held until all damage claims for the July 1 through June 30 period have been collected.

(c) If the total amount of the damage claims exceed the appropriated funds for this purpose, damage payments will be prorated for all eligible claims.

(4) Damage payments will be paid only for confirmed losses.

(5)(a) The division or animal damage control specialists will document on approved livestock damage forms the type and magnitude of livestock losses experienced by livestock producers.

(b) Where agreement with the type or magnitude of losses is not achieved by animal damage control specialists, a division representative shall follow up with an additional field investigation to assess damage claims.

KEY: wildlife, damages, livestock

Date of Enactment or Last Substantive Amendment: ~~1990~~2006

Notice of Continuation: October 7, 2005

Authorizing, and Implemented or Interpreted Law: 23-24-1; 4-23-7



Natural Resources, Wildlife Resources
R657-33
 Taking Bear

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28457

FILED: 01/10/2006, 11:24

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Wildlife Board meetings conducted annually for taking public input and reviewing the division's bear program. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and administrative record for this rule at the Division of Wildlife Resources (DWR).

SUMMARY OF THE RULE OR CHANGE: Section R657-33-2 is being amended to define "limited entry permit." Section R657-33-14 is being amended to allow hunters with a limited entry bear archery permit to now use two bait stations instead of one. Section R657-33-25 is being amended to require all hunters who draw a permit to hunt black bear to complete a mandatory orientation course before their permit is distributed. Previously, not all of the bear hunt areas required the course. Section R657-33 is being amended to provide DWR additional time to process refunds for unsuccessful applicants who applied in the drawing who applied with a check or money order. Those individuals will now receive their refunds in April instead of May. Other administrative changes are made for consistency and clarity.

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

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** None--The amendments clarify the procedures and requirements for obtaining bear permits, and other administrative details. Therefore, DWR determines that these amendments do not create a cost or savings impact to the state budget or the DWR's budget.

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

❖ **OTHER PERSONS:** None--The amendments clarify the procedures and requirements for obtaining bear permits, and other administrative details. The amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendments clarify the procedures and requirements for obtaining bear permits, and other administrative details. DWR determines that there are no additional compliance costs for affected persons associated with this amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendments to this rule do not create an impact on businesses. Michael R. Styler, Executive Director

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Robin Thomas at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at robinthomas@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 03/06/2006

AUTHORIZED BY: James F Karpowitz, Director

R657. Natural Resources, Wildlife Resources.

R657-33. Taking Bear.

R657-33-2. Definitions.

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
- (a) "Bait" means any lure containing animal, mineral or plant materials.
- (b) "Baiting" means the placing, exposing, depositing, distributing or scattering of bait to lure, attract or entice bear on or over any area.
- (c) "Bear" means *Ursus americanus*, commonly known as black bear.
- (d) "Canned hunt" means that a bear is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the bear.
- (e) "Cub" means a bear less than one year of age.
- (f) "Evidence of sex" means the teats, and sex organs of a bear, including a penis, scrotum or vulva.
- (g) "Green pelt" means the untanned hide or skin of a bear.
- (h) "Limited entry hunt" means any hunt listed in the hunt table, published in the proclamation of the Wildlife Board for taking bear, which is identified as a limited entry hunt and does not include pursuit only.
- (i) "Limited entry permit" means any permit obtained for a limited entry hunt by any means, including conservation permits and sportsman permits.
- ~~(j)~~~~(k)~~ "Pursue" means to chase, tree, corner or hold a bear at bay.
- ~~(j)~~~~(k)~~~~(i)~~ "Valid application" means:
- (A) it is for a species that the applicant is eligible to possess a permit;
- (B) there is a hunt for that species regardless of estimated permit numbers; and
- (C) there is sufficient information on the application to process the application, including personal information, hunt information, and sufficient payment.

(ii) Applications missing any of the items in Subsection (i) may still be considered valid if the application is timely corrected through the application correction process.

~~(k)~~~~(l)~~ "Waiting period" means a specified period of time that a person who has obtained a bear permit must wait before applying for any other bear permit.

R657-33-14. Use of Bait.

(1)(a) A person who has obtained a limited entry bear archery permit may use archery tackle only, even when hunting bear away from the bait station.

(b) A person may establish or use ~~[only one]~~no more than two bait ~~[station]~~stations. The bait station~~(s)~~ may be used during both open seasons.

(c) Bear lured to a bait station may not be taken with any firearm or the use of dogs.

(d) Bait may not be contained in or include any metal, glass, porcelain, plastic, cardboard, or paper.

(e) The bait station must be marked with a sign provided by the division and posted within 10 feet of the bait.

(2)(a) Bait may be placed only in areas open to hunting and only during the open seasons.

(b) All materials used as bait must be removed within 72 hours after the close of the season or within 72 hours after the person or persons, who are registered for that bait station harvest a bear.

(3) A person may use nongame fish as bait, except those listed as prohibited in Rule R657-13 and the proclamation of the Wildlife Board for Taking Fish and Crayfish. No other species of protected wildlife may be used as bait.

(4)(a) Domestic livestock or its parts, including processed meat scraps, may be used as bait.

(b) A person using domestic livestock or their parts for bait must have in possession:

(i) a certificate from a licensed veterinarian certifying that the domestic livestock or their parts does not have a contagious disease, and stating the cause and date of death; and

(ii) a certificate of brand inspection or other proof of ownership or legal possession.

(5) Bait may not be placed within:

(a) 100 yards of water or a public road or designated trail; or

(b) 1/2 mile of any permanent dwelling or campground.

(6) Violations of this rule and the proclamation of the Wildlife Board for taking and pursuing bear concerning baiting on federal lands may be a violation of federal regulations and prosecuted under federal law.

R657-33-25. Taking Bear.

(1) A person may take only one bear during the season and from the limited entry area specified on the permit.

(2)(a) A person may not take or pursue a female bear with cubs.

(b) Any bear, except a cub or a sow accompanied by cubs, may be taken during the prescribed seasons.

(3) Limited entry permits may be obtained by following the application procedures provided in this rule and the proclamation of the Wildlife Board for taking and pursuing bear.

(4)(a) A mandatory orientation course is required for hunters who draw a permit ~~[for the following hunts:]~~to hunt black bear.

~~(i) South Slope, Yellowstone;~~

~~(ii) South Slope, Vernal/Diamond Mountain/Bonanza;~~

- ~~— (iii) Nine Mile, Anthro Range Creek;~~
- ~~— (iv) La Sal Mountains, Dolores Triangle;~~
- ~~— (v) San Juan;~~
- ~~— (vi) Central Mountains, Manti North;~~
- ~~— (vii) Central Mountains, Manti South;~~
- ~~— (viii) Wasatch Mountains, West; and~~
- ~~— (ix) Wasatch Mountains, Currant Creek Avintaquin.~~
- ~~— (b) Hunters will be notified of the orientation process.~~
- ~~— (e) Permits for spring~~(b) Permits for bear hunts will be distributed to successful applicants upon completion of the orientation course.

(5) Season dates, closed areas and limited entry permit areas are published in the proclamation of the Wildlife Board for taking and pursuing bear.

R657-33-33. Refunds.

(1) Unsuccessful applicants, who applied in the drawing and who applied with a check or money order, will receive a refund in ~~[May]~~April.

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

(3) The handling fees are nonrefundable.

KEY: wildlife, bear, game laws

Date of Enactment or Last Substantive Amendment: ~~[March 4, 2005]~~2006

Notice of Continuation: December 31, 2002

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-13-2



Public Safety, Fire Marshal
R710-9
Rules Pursuant to the Utah Fire Prevention Law

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 28461
FILED: 01/17/2006, 13:55

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board met on January 10, 2006, in a regularly scheduled Board meeting and voted by majority to amend an existing administrative rule. The majority of the proposed amendments to this administrative rule involved the transferring of all portions of the rule that involved fire service training, education, and certification to the newly proposed Rule R710-10. There were also two small corrections to the rule that were time dated. (DAR NOTE: The proposed new rule of R710-10 is under DAR No. 28460 in this issue.)

SUMMARY OF THE RULE OR CHANGE: The proposed amendments to Rule R710-9 are as follows: 1) portions of Section R710-9-2, and all of Sections R710-9-8, R710-9-10, R710-9-12 and

R710-9-13 have been transferred to the new Rule R710-10; and 2) in Subsections R710-9-6(6.7.5) and R710-9-6(6.7.6), the Board proposes to eliminate requirements that were time dated and were required up to January 1, 2006. These requirements are no longer needed.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no aggregate anticipated costs or savings to the State budget for the enactment of these proposed amendments because the majority of the provisions in this rule are being transferred to Rule R710-10.

❖ LOCAL GOVERNMENTS: There is no aggregate anticipated costs or savings to local government for the enactment of these proposed amendments because this does not effect local government.

❖ OTHER PERSONS: There is no aggregate anticipated costs or savings to other persons for the enactment of these proposed amendments. The majority of the provisions that will be amended are being transferred into the new Rule R710-10.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance costs for affected persons for the enactment of these proposed rule amendments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses for the enactment of these proposed rule changes.

The only proposed amendment changes that affect business is time dated and no longer applies. Robert L. Flowers, Commissioner

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

PUBLIC SAFETY
FIRE MARSHAL
Room 302
5272 S COLLEGE DR
MURRAY UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 03/06/2006

AUTHORIZED BY: Ron L. Morris, Utah State Fire Marshal



R710. Public Safety, Fire Marshal.**R710-9. Rules Pursuant to the Utah Fire Prevention Law.****R710-9-1. Title, Authority, and Adoption of Codes.**

1.1 These rules shall be known as the "Rules Pursuant to the Utah Fire Prevention Law", and may be cited as such, and will be hereafter referred to as "these rules".

1.2 These rules are promulgated in accordance with Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, as amended.

1.3 These rules are adopted by the Utah Fire Prevention Board to provide minimum rules for safeguarding life and property from the hazards of fire and explosion, for board meeting conduct, procedures to amend incorporated references, establish [several] board subcommittees, [~~establish a Fire Service Education Administrator and Fire Education Program Coordinator,~~] enforcement of the rules of the State Fire Marshal, [~~establish rules for the Utah Fire and Rescue Academy,~~] and deputizing Special Deputy State Fire Marshals.

1.4 There is adopted as part of these rules the following code which is incorporated by reference:

1.4.1 International Fire Code (IFC), 2003 edition, excluding appendices, as promulgated by the International Code Council, Inc., except as amended by provisions listed in R710-9-6, et seq.

1.5 There is further adopted as part of these rules the following codes which are also incorporated by reference and supercede the adopted standards listed in the International Fire Code, 2003 edition, Chapter 45, Referenced Standards, as follows:

1.5.1 National Fire Protection Association (NFPA), NFPA 10, Standard for Portable Fire Extinguishers, 2002 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.2 National Fire Protection Association (NFPA), NFPA 13, Standard for Installation of Sprinkler Systems, 2002 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.3 National Fire Protection Association (NFPA), NFPA 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, 2002 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.4 National Fire Protection Association (NFPA), NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height, 2002 edition, except as amended by provisions listed in R710-9-6, et seq.

1.5.5 National Fire Protection Association (NFPA), NFPA 70, National Electric Code, 2002 edition, as adopted by the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953 and the Utah Administrative Code R156-56-701. Wherever there is a section, figure or table in the International Fire Code (IFC) that references "ICC Electrical Standard", that reference shall be replaced with "National Electric Code".

1.5.6 National Fire Protection Association (NFPA), NFPA 72, National Fire Alarm Code, 2002 edition, except as amended in provisions listed in R710-9-6, et seq.

1.5.7 National Fire Protection Association (NFPA), NFPA 101, Life Safety Code, 2003 edition, except as amended in provisions listed in R710-9-6, et seq. Wherever there is a section, figure or table in NFPA 101 that references "NFPA 5000 - Building Construction and Safety Code", that reference shall be replaced with the "International Building Code".

1.5.8 National Fire Protection Association (NFPA), NFPA 160, Standard for Flame Effects Before an Audience, 2001 edition, except as amended by provisions listed in R710-9-6, et seq.

1.6 National Fire Protection Association (NFPA), NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2001 edition, except as amended by provisions listed in R710-9-6, et seq.[]

~~1.7 National Fire Protection Association (NFPA), NFPA 1403, Standard on Live Fire Training Evolutions, 2002 edition, except as amended by provisions in R710-9-6, et seq.]~~

R710-9-2. Definitions.

~~2.1 "Academy" means Utah Fire and Rescue Academy.~~

~~2.2 "Academy Director" means the Director of the Utah Fire and Rescue Academy.~~

~~2.3 "Administrator" means Fire Service Education Administrator.~~

~~2.4]1 "Appreciable Depth" means a depth greater than 1/4 inch.~~

2.5]2 "Authority Having Jurisdiction (AHJ)" means the State Fire Marshal, his authorized deputies, or the local fire enforcement authority.

2.6]3 "Board" means Utah Fire Prevention Board.

~~2.7 "Career Firefighter" means one whose primary employment is directly related to the fire service.~~

~~2.8 "Certification Council" means Utah Fire Service Certification Council.~~

~~2.9 "Coordinator" means Fire Education Program Coordinator.~~

~~2.10]4 "Division" means State Fire Marshal.~~

2.11]5 "ICC" means International Code Council, Inc.

2.12]6 "IFC" means International Fire Code.

2.13]7 "Institutional occupancy" means asylums, mental hospitals, hospitals, sanitariums, homes for the aged, residential health care facilities, children's homes or institutions, or any similar institutional occupancy.

2.14]8 "LFA" means Local Fire Authority.

2.15]9 "NFPA" means National Fire Protection Association.

2.16]10 "Place of assembly" means where 50 or more people gather together in a building, structure, tent, or room for the purpose of amusement, entertainment, instruction, or education.[]

~~2.17 "Plan" means Fire Academy Strategic Plan.]~~

2.18]11 "SFM" means State Fire Marshal or authorized deputy.[]

~~2.19 "Standards Council" means Fire Service Standards and Training Council.]~~

2.20]12 "Sub-Committee" means Fire Prevention Board Budget Sub-Committee or Amendment Sub-Committee.

2.21]13 "UCA" means Utah Code Annotated, 1953.[]

~~2.22 "Volunteer/Part Paid Firefighter" means one whose primary employment is not directly related to the fire service.]~~

R710-9-6. Amendments and Additions.

The following amendments and additions are hereby adopted by the Board for application statewide:

6.1 Administration

6.1.1 IFC, Chapter 1, Section 102.3 is deleted and rewritten as follows: No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure maintains a reasonable level of fire and life safety and the change to use or occupancy does not create a distinct hazard to life or property as determined by the AHJ.

6.1.2 IFC, Chapter 1, Section 102.4 is deleted and rewritten as follows: The design and construction of new structures shall comply with the International Building Code. Repairs, alterations and additions to existing structures are allowed when such structure maintains a reasonable level of fire and life safety and the change does not create a distinct hazard to life or property as determined by the AHJ.

6.1.3 IFC, Chapter 1, Section 102.5 is deleted and rewritten as follows: The construction, alteration, repair, enlargement, restoration, relocation or movement of existing buildings or structures that are designated as historic buildings are allowed when such historic structures maintains a reasonable level of fire and life safety and the change does not create a distinct hazard to life or property as determined by the AHJ.

6.1.4 IFC, Chapter, 1, Section 102.4 is amended as follows: On line three after the words "Building Code." add the following sentence: "The design and construction of detached one- and two-family dwellings and multiple single-family dwellings (town houses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code."

6.1.5 IFC, Chapter 1, Section 109.2 is amended as follows: On line three after the words "is in violation of this code," add the following "or other pertinent laws or ordinances".

6.2 Definitions

6.2.1 IFC, Chapter 2, Section 202, Educational Group E, Day care is amended as follows: On line three delete the word "five" and replace it with the word "four".

6.2.2 IFC, Chapter 2, Section 202, Institutional Group I, Group I-1 is amended to add the following: Add "Type 1" in front of the words "Assisted living facilities".

6.2.3 IFC, Chapter 2 Section 202, Institutional Group I, Group I-2 is amended as follows: On line three delete the word "five" and replace it with the word "three". After "Detoxification facilities" delete the rest of the paragraph, and add the following: "Ambulatory surgical centers with two or more operating rooms where care is less than 24 hours, Outpatient medical care facilities for ambulatory patients (accommodating more than five such patients in each tenant space) which may render the patient incapable of unassisted self-preservation, and Type 2 assisted living facilities. Type 2 assisted living facilities with five or fewer persons shall be classified as a Group R-4. Type 2 assisted living facilities with at least six and not more than 16 residents shall be classified as a Group I-1 facility.

6.2.4 IFC, Chapter 2, Section 202, Institutional Group I, Group I-4, day care facilities, Child care facility is amended as follows: On line three delete the word "five" and replace it with the word "four". Also on line two of the Exception after Child care facility delete the word "five" and replace it with the word "four".

6.2.5 IFC, Chapter 2, Section 202 General Definitions, Occupancy Classification, Residential Group R-1 is amended to add the following: Exception: Boarding houses accommodating 10 persons or less shall be classified as Residential Group R-3.

6.2.6 IFC, Chapter 2, Section 202 General Definitions, Occupancy Classification, Residential Group R-2 is amended to add the following: Exception: Boarding houses accommodating 10 persons or less shall be classified as Residential Group R-3.

6.3 General Precautions Against Fire

6.3.1 IFC, Chapter 3, Section 304.1.2 is amended to delete the following sentence: "Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the International Urban/Wildland Interface Code."

6.3.2 IFC, Chapter 3, Section 311.1.1 is amended as follows: On line ten delete the words "International Property Maintenance Code and the" from this section.

6.3.3 IFC, Chapter 3, Section 315.2.1 is amended to add the following: Exception: Where storage is not directly below the sprinkler heads, storage is allowed to be placed to the ceiling on wall mounted shelves that are protected by fire sprinkler heads in occupancies meeting classification as light or ordinary hazard.

6.4 Elevator Recall and Maintenance

6.4.1 IFC, Chapter 6, Section 607.3 is deleted and rewritten as follows: Firefighter service keys shall be kept in a "Supra - Stor-a-key" elevator key box or similar box with corresponding key system that is adjacent to the elevator for immediate use by the fire department. The key box shall contain one key for each elevator and one key for lobby control.

6.5 Building Services and Systems

6.5.1 IFC, Chapter 6, Section 610.1 is amended to add the following: On line three after the word "Code" add the words "and NFPA 96".

6.6 Record Drawings

6.6.1 IFC, Chapter 9, Section 901.2.1 is amended to add the following: The code official has the authority to request record drawings ("as built") to verify any modifications to the previously approved construction documents.

6.6.2 IFC, Chapter 9, Section 902.1 Definitions, RECORD DRAWINGS is deleted and rewritten as follows: Drawings ("as built") that document all aspects of a fire protection system as installed.

6.7 Fire Protection Systems

6.7.1 Inspection and Testing of Automatic Fire Sprinkler Systems

The owner or administrator of each building shall insure the inspection and testing of water based fire protection systems as required in IFC, Chapter 9, Section 901.6.

6.7.2 IFC, Chapter 9, Section 903.2.7 Group R, is amended to add the following: Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) constructed in accordance with the International Residential Code for one- and two-family dwellings.

6.7.3 IFC, Chapter 9, Section 903.2.7 is amended to add the following: Exception: Group R-4 fire areas not more than 4500 gross square feet and not containing more than 16 residents, provided the building is equipped throughout with an approved fire alarm system that is interconnected and receives its primary power from the building wiring and a commercial power system.

6.7.4 IFC, Chapter 9, Section 903.6 is amended to add the following subsection: 903.6.2 Commercial cooking operation suppression. Automatic fire sprinkler systems protecting commercial kitchen exhaust hood and duct systems with appliances that generate appreciable depth of cooking oils shall be replaced with a UL300 listed system by May 1, 2004.

6.7.5 IFC, Chapter 9, Section 903.6 is amended to add the following subsection: 903.6.3 Dry chemical hood system suppression. Existing automatic fire-extinguishing systems using dry chemical that protect commercial kitchen exhaust hood and duct systems shall be removed and replaced with a UL300 listed system by January 1, 2006 ~~or before that date when any of the following occurs: 1) Six year internal maintenance service; 2) Recharge; 3) Hydrostatic test date as indicated on the manufacturers date of the cylinders; or 4) Reconfiguration of the system piping~~.

6.7.6 IFC, Chapter 9, Section 903.6 is amended to add the following subsection: 903.6.4 Wet chemical hood system suppression. Existing wet chemical fire-extinguishing systems not UL300 listed and protecting commercial kitchen exhaust hood and duct systems shall be removed, replaced or upgraded to a UL300 listed system by January 1, 2006~~[or before that date when any of the following occurs: 1) Six year internal maintenance service; 2) Recharge; 3) Hydrostatic test date as indicated on the manufacturer date of the cylinder; or 4) Reconfiguration of the system piping].~~

6.7.7 IFC, Chapter 9, Section 903.6 is amended to add the following subsection: 903.6.5 Group A-2 occupancies. An automatic fire sprinkler system shall be provided throughout Group A-2 occupancies where indoor pyrotechnics are used.

6.7.8 IFC, Chapter 9 Section 904.11.6.4 is amended to add the following: Automatic fire extinguishing systems located in occupancies where usage is limited and less than six consecutive months, may be serviced annually if the annual service is conducted immediately before the period of usage, and approval is received from the AHJ.

6.7.9 IFC, Chapter 9, 906.2 is amended to add the following exception: 2. 30 day inspections shall not be required and maintenance shall be permitted to be once every three years for dry chemical or halogenated agent portable fire extinguishers that are connected to a supervised listed electronic monitoring system that meet the following: 2.1 Electronic monitoring shall confirm that extinguishers are properly positioned, properly charged, and unobstructed; 2.2 Loss of power or circuit continuity to the electronic monitoring device shall initiate a trouble signal; 2.3 The extinguishers shall be installed inside of a building or cabinet in a non-corrosive environment; 2.4 Electronic monitoring devices and supervisory circuits shall be tested every three years when extinguisher maintenance is performed; and, 2.5 A written log of required hydrostatic test dates for extinguishers shall be maintained by the owner to ensure that hydrostatic tests are conducted at the frequency required by NFPA 10.

6.7.10 NFPA, Standard 10, Section 6.2.1 is amended to add the following sentence: The use of a supervised listed electronic monitoring system shall be permitted to satisfy the 30 day fire extinguisher interval inspection requirement.

6.7.11 NFPA, Standard 10, Section 6.3.1 is amended to add the following: Fire extinguishers that are connected to a supervised listed electronic monitoring system are allowed to have the maintenance intervals extended to 3 years.

6.8 Backflow Protection

6.8.1 The potable water supply to automatic fire sprinkler systems and standpipe systems shall be protected against backflow in accordance with the International Plumbing Code as amended in the Utah Administrative Code, R156-56-707.

6.9 Retroactive Installations of Automatic Fire Alarm Systems in Existing Buildings

6.9.1 IFC, Chapter 9, Sections 907.3.1.1, 907.3.1.2, 907.3.1.3, 907.3.1.4, 907.3.1.5, 907.3.1.6, 907.3.1.7, and 907.3.1.8 are deleted.

6.10 Smoke Alarms

6.10.1 IFC, Chapter 9, Section 907.3.2 is amended to add the following: On line three after the word "occupancies" add "and detached one- and two-family dwellings and multiple single-family dwellings (townhouses)".

6.10.2 IFC, Chapter 9, Section 907.3.2.3 is amended to add the following: On line one after the word "occupancies" add "and detached one- and two-family dwellings and multiple single-family dwellings (townhouses)".

6.10.3 IFC, Chapter 9, Section 907.20.5 is amended to add the following sentences: Increases in nuisance alarms shall require the fire alarm system to be tested for sensitivity. Fire alarm systems that continue after sensitivity testing with unwarranted nuisance alarms shall be replaced as directed by the AHJ.

6.11 Means of Egress

6.11.1 IFC, Chapter 10, Section 1008.1.8.3 is amended to add the following: 5. Doors in Group I-1 and I-2 occupancies, where the clinical needs of the patients require specialized security measures for their safety, approved access controlled egress may be installed when all the following are met: 5.1 The controlled egress doors shall unlock upon activation of the automatic fire sprinkler system or the automatic fire detection system. 5.2 The facility staff can unlock the controlled egress doors by either sensor or keypad. 5.3 The controlled egress doors shall unlock upon loss of power. 6. Doors in Group I-1 and I-2 occupancies, where the clinical needs of the patients require approved, listed delayed egress locks, they shall be installed on doors as allowed in IFC, Section 1008.1.8.6.

6.11.2 IFC, Chapter 10, Section 1009.3 is amended as follows: On line six of Exception 5 delete "7.75" and replace it with "8". On line seven of Exception 5 delete "10" and replace it with "9".

6.11.3 IFC, Chapter 10, Section 1009.11, Exception 4 is deleted and replaced with the following: 4. In occupancies in Group R-3, as applicable in Section 101.2 and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, handrails shall be provided on at least one side of stairways consisting of four or more risers.

6.11.4 IFC, Chapter 10, Section 1009.11.3 is amended to add the following: Exception: Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy shall be permitted to have a maximum cross sectional dimension of 3.25 inches (83 mm) measured 2 inches (51mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16mm) and 1.5 inches (38mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6mm) deep on each side and shall be at least 0.5 (13mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

6.11.5 IFC, Chapter 10, Section 1012.2 is amended to add the following exception: 3. For occupancies in Group R-3 and within individual dwelling units in occupancies in Group R-2, as applicable in Section 101.2, guards shall form a protective barrier not less than 36 inches (914mm).

6.11.6 IFC, Chapter 10, Section 1027.2 is amended to add the following: On line five after the word "fire" add the words "and building".

6.12 Fireworks

6.12.1 IFC, Chapter 33, Section 3301.1.3 is amended to add the following Exception: 10. The use of fireworks for display and retail sales is allowed as set forth in UCA 53-7-220 and UCA 11-3-1.

6.13 Flammable and Combustible Liquids

6.13.1 IFC, Chapter 34, Section 3404.4.3 is amended as follows: Delete 3403.6 on line three and replace it with 3403.4.

6.14 Liquefied Petroleum Gas

6.14.1 IFC, Chapter 38, Section 3809.12, is amended as follows: Delete 20 from line three and replace it with 10.

6.14.2 IFC, Chapter 38, Section 3809.14 is amended as follows: Delete 20 from line three and replace it with 10.

~~**[R710-9-8. Fire Service Education Administrator and Fire Education Program Coordinator.**~~

~~8.1 There is created by the Board a Fire Service Education Administrator for the State of Utah. This Administrator shall be the State Fire Marshal.~~

~~8.2 The Administrator shall oversee statewide fire service education of all personnel receiving training monies from the Fire Academy Support Account.~~

~~8.2.1 The Administrator shall oversee fire service education in fire suppression, fire prevention, fire administration, operations, hazardous materials, rescue, fire investigation, and public fire education in the State of Utah.~~

~~8.3 The Administrator shall dedicate sufficient time and efforts to ensure that those monies dedicated from the Fire Academy Support Account are expended in the best interests of all personnel receiving fire service education.~~

~~8.4 The Administrator shall ensure equitable monies are expended in fire service education to volunteer, career, and prospective fire service personnel.~~

~~8.5 The Administrator shall as directed by the Board, solicit the legislature for funding to ensure that fire service personnel receive sufficient monies to receive the education necessary to prevent loss of life or property.~~

~~8.6 The Administrator shall oversee the Fire Department Assistance Grant program by completing the following:~~

~~8.6.1 Insure that a broad based selection committee is impaneled each year.~~

~~8.6.2 Compile for presentation to the Board the proposed grants.~~

~~8.6.3 Receive the Board's approval before issuing the grants.~~

~~8.7 The Administrator shall if necessary, establish proposed changes to fire service education statewide, insuring personnel receive the most proficient and professional training available, insure completion of agreements and contracts, and insure that payments on agreements and contracts are completed expeditiously.~~

~~8.8 The Administrator shall report to the Board at each regularly scheduled Board meeting the current status of fire service education statewide. The Administrator shall present any proposed changes in fire service education to the Board, and receive direction and approval from the Board, before making those changes.~~

~~8.9 To assist the Administrator in statewide fire service education there is hereby created a Fire Education Program Coordinator.~~

~~8.10 The Coordinator shall conduct fire service education evaluations, budget reviews, performance audits, and oversee the effectiveness of fire service education statewide.~~

~~8.11 The Coordinator shall ensure that there is an established Utah Fire Service Strategic Training Plan for fire service education statewide. The Coordinator shall work with the Academy Director to update the Strategic Plan and keep it current to the needs of the fire service.~~

~~8.12 The Coordinator shall report findings of audits, budgetary reviews, training contracts or agreements, evaluation of training standards, and any other necessary items of interest with regard to fire service education to the Administrator.~~

~~8.13 The Coordinator shall ensure that contracts are established each year for training and education of fire personnel that meets the needs of those involved in fire service education statewide.~~

~~8.14 The Coordinator shall be the staff assistant to the Fire Service Standards and Training Council and shall present agenda~~

~~items to the Council Chair that need resolution or review. As the staff assistant to the Training Council, the coordinator shall ensure that appointed members attend, encourage that the decisions made further the interests of fire service education statewide, and ensure that the Board is kept informed of the Training Council's decisions.~~

~~**[R710-9-9]8. Enforcement of the Rules of the State Fire Marshal.**~~

~~[9]8.1 Fire and life safety plan reviews of new construction, additions, and remodels of state owned facilities shall be conducted by the SFM, or his authorized deputies. State owned facilities shall be inspected by the SFM, or his authorized deputies.~~

~~[9]8.2 Fire and life safety plan reviews of new construction, additions, and remodels of public and private schools shall be completed by the SFM, or his authorized deputies, and the LFA.~~

~~[9]8.3 Fire and life safety plan reviews of new construction, additions, and remodels of publicly owned buildings, privately owned colleges and universities, and institutional occupancies, with the exception of state owned buildings, shall be completed by the LFA. If not completed by the LFA, the SFM, or his authorized deputies shall complete the plan review.~~

~~[9]8.4 The following listed occupancies shall be inspected by the LFA. If not completed by the LFA, the SFM, or his authorized deputies shall inspect.~~

~~[9]8.4.1 Publicly owned buildings other than state owned buildings as referenced in 9.1 of this rule.~~

~~[9]8.4.2 Public and private schools.~~

~~[9]8.4.3 Privately owned colleges and universities.~~

~~[9]8.4.4 Institutional occupancies as defined in Section 9-2 of this rule.~~

~~[9]8.4.5 Places of assembly as defined in Section 9-2 of this rule.~~

~~[9]8.5 The Board shall require prior to approval of a grant the following:~~

~~[9]8.5.1 That the applying fire agency be actively participating in the statewide fire statistics reporting program.~~

~~[9]8.5.2 The Board shall also require that the applying fire agency be actively working towards structural or wildland firefighter certification through the Utah Fire Service Certification System.~~

~~**[R710-9-10. Fire Service Standards and Training Council.**~~

~~10.1 There is created by the Board, the Fire Service Standards and Training Council, whose duties are to provide direction to the Board and Academy in matters relating to fire service standards, training, and certification.~~

~~10.2 The Standards Council shall serve in an advisory position to the Board, members shall be appointed by the Board, shall serve four year terms, and shall consist of the following members:~~

~~10.2.1 Representative from the Utah State Fire Chiefs Association.~~

~~10.2.2 Representative from the Utah State Firemen's Association.~~

~~10.2.3 Representative from the Fire Marshal's Association of Utah.~~

~~10.2.4 Specialist in hazardous materials representing the Hazardous Materials Institute.~~

~~10.2.5 Fire/arson investigator representing the Utah Chapter of the International Association of Arson Investigators.~~

~~10.2.6 Specialist in wildland fire suppression and prevention from the Utah State Division of Forestry, Fire and State Lands.~~

~~—10.2.7 Representative from the International Association of Firefighters.~~

~~—10.2.8 Representative from the Utah Fire Service Certification Council.~~

~~—10.2.9 Representative from the fire service that is an Advanced Life Support (ALS) provider to represent Emergency Medical Services.~~

~~—10.2.10 Representative from the Utah Fire Training Officers Association.~~

~~—10.3 The Standards Council shall meet quarterly and may hold other meetings as necessary for proper transaction of business. A majority of the Standards Council members shall be present to constitute a quorum.~~

~~—10.4 The Standards Council shall select one of its members to act in the position of chair, and another member to act as vice chair. The chair and vice chair shall serve one year terms on a calendar year basis. Elections for chair and vice chair shall occur at the meeting conducted in the last quarter of the calendar year. If voted upon by the council, the vice chair will become the chair the next succeeding calendar year.~~

~~—10.5 If a Standards Council member has two or more unexcused absences during a 12 month period, from regularly scheduled Standards Council meetings, it is considered grounds for dismissal pending review by the Board. The Coordinator shall submit the name of the Standards Council member to the Board for status review.~~

~~—10.6 A member of the Standards Council may have a representative of their respective organization sit in proxy of that member, if submitted and approved by the Coordinator prior to the meeting.~~

~~—10.7 The Chair or Vice Chair of the Standards Council shall report to the Board the activities of the Standards Council at regularly scheduled Board meetings. The Coordinator may report to the Board the activities of the Standards Council in the absence of the Chair or Vice Chair.~~

~~—10.8 The Standards Council shall consider all subjects presented to them, subjects assigned to them by the Board, and shall report their recommendations to the Board at regularly scheduled Board meetings.~~

~~—10.9 One half of the members of the Standards Council shall be reappointed or replaced by the Board every two years.~~

[R710-9-[41]2. Fire Prevention Board Budget and Amendment Sub-Committees.

[41]2.1 There is created two Fire Prevention Board Sub-Committees known as the Budget Subcommittee and the Amendment Subcommittee. The subcommittees membership shall be appointed from members of the Board.

[41]2.2 Membership on the Sub-Committee shall be by appointment of the Board Chair or as volunteered by Board members. Membership on the Sub-Committee shall be limited to four Board members.

[41]2.3 The Sub-Committee shall meet as necessary and shall vote and appoint a chair to represent the Sub-Committee at regularly scheduled Board meetings.

[R710-9-12. Utah Fire Service Certification Council.

~~—12.1 There is created by the Board, the Utah Fire Service Certification Council, whose duties are to oversee fire service certification in the State of Utah.~~

~~—12.2 The Certification Council shall be made up of 12 members, appointed by the Academy Director, approved by the Board, and each member shall serve three year terms.~~

~~—12.3 The Certification Council shall be made up of users of the certification system and comprise both paid and volunteer fire personnel, members with special expertise, and members from various geographical locations in the state.~~

~~—12.4 The purpose of the Certification Council is to provide direction on all aspects of certification, and shall report the activities of the Certification Council to the Fire Service Standards and Training Council.~~

~~—12.5 Functioning of the Certification Council with regard to certification, re certification, testing, meeting procedures, examinations, suspension, denial, annulment, revocation, appeals, and reciprocity, shall be conducted as specified in the Utah Fire Service Voluntary Certification Program, Policy and Procedures Manual.~~

~~—12.6 A copy of the Utah Fire Service Voluntary Certification Program, Policy and Procedures Manual, shall be kept on file at the State Fire Marshal's Office and the Utah Fire and Rescue Academy.~~

R710-9-13. Utah Fire and Rescue Academy.

~~—13.1 The fire service training school shall be known as the Utah Fire and Rescue Academy.~~

~~—13.2 The Director of the Utah Fire and Rescue Academy shall report to the Administrator the activities of the Academy with regard to completion of the agreed academy contract.~~

~~—13.3 The Academy Director may recommend to the Administrator or Coordinator new or expanded standards regarding fire suppression, fire prevention, public fire education, safety, certification, and any other items of necessary interest about the Academy.~~

~~—13.4 The Academy shall receive approval from the Administrator, after being presented to the Standards and Training Council, any substantial changes in Academy training programs that vary from the agreed contract.~~

~~—13.5 The Academy Director shall provide to the Coordinator by October 1st of each year, a numerical summary of those career, volunteer/part paid, and non affiliated students attending the Academy in the following categories:~~

~~—13.5.1 Those who have received certification during the previous contract period at each certification level.~~

~~—13.5.2 Those who have received an academic degree in any Fire Science category in the previous contract period.~~

~~—13.5.3 Those who have completed other Academy classes during the previous contract period.~~

~~—13.6 The Academy Director shall provide to the Coordinator by October 1st of each year, a numerical comparison of the categories required in Section 13.5, comparing attendance in the previous contract period.~~

~~—13.7 The Academy Director shall provide to the Coordinator by October 1st of each year, in accepted budgeting practices, the following:~~

~~—13.7.1 A cost analysis of classes to include the total spent for each class title, the average cost per class, the number of classes delivered, the number of participants per class title, and the cost per participant for each class title provided by the Academy.~~

~~—13.7.2 A budget summary comparing amounts budgeted to actual expenditures for each budget code funded by the contract.~~

~~13.8 The Academy Director shall provide to the Coordinator by October 1st of each year, a numerical summary of those students attending Academy courses in the following categories:~~

~~13.8.1 Non-affiliated personnel enrolled in college courses.~~

~~13.8.2 Career fire service personnel enrolled in college credit courses.~~

~~13.8.3 Volunteer and part-paid fire service personnel enrolled in college credit courses.~~

~~13.8.4 Non-affiliated personnel enrolled in non-credit continuing education courses.~~

~~13.8.5 Career fire service personnel enrolled in non-credit continuing education courses.~~

~~13.8.6 Volunteer and part-paid fire service personnel enrolled in non-credit continuing education courses.~~

~~13.9 The Academy Director shall present to the Coordinator by January of each year, proposals to be incorporated in the Academy contract for the next fiscal year.~~

[R710-9-~~14~~10. Repeal of Conflicting Board Actions.

All former Board actions, and parts thereof, conflicting or inconsistent with the provisions of this Board action or of the codes hereby adopted, are hereby repealed.

R710-9-~~15~~11. Validity.

The Utah Fire Prevention Board hereby declares that should any section, paragraph, sentence, or word of this Board action, or of the codes hereby adopted, be declared invalid, it is the intent of the Utah Fire Prevention Board that it would have passed all other portions of this action, independent of the elimination of any portion as may be declared invalid.

R710-9-~~16~~12. Adjudicative Proceedings.

~~12.1~~ All adjudicative proceedings performed by the agency shall proceed informally as set forth herein and as authorized by UCA, Sections 63-46b-4 and 63-46b-5.

~~12.2~~ If a city, county, or fire protection district refuses to establish a method of appeal regarding a portion of the IFC, the appealing party may petition the Board to act as the board of appeals.

~~12.3~~ A person may request a hearing on a decision made by the SFM, his authorized deputies, or the LFA, by filing an appeal to the Board within 20 days after receiving final decision.

~~12.4~~ All adjudicative proceedings, other than criminal prosecution, taken by the SFM, his authorized deputies, or the LFA, to enforce the Utah Fire Prevention and Safety Act and these rules, shall commence in accordance with UCA, Section 63-46b-3.

~~12.5~~ The Board shall act as the hearing authority, and shall convene as an appeals board after timely notice to all parties involved.

~~12.6~~ The Board shall direct the SFM to issue a signed order to the parties involved giving the decision of the Board within a reasonable time of the hearing pursuant to UCA, Section 63-46b-5(i).

~~12.7~~ Reconsideration of the Board's decision may be requested in writing within 20 days of the date of the decision pursuant to UCA, Section 63-46b-13.

~~12.8~~ Judicial review of all final Board actions resulting from informal adjudicative proceedings is available pursuant to UCA, Section 63-46b-15.

KEY: fire prevention, law

Date of Enactment or Last Substantive Amendment: ~~January 10, 2006~~ March 6, 2006

Notice of Continuation: June 12, 2002

Authorizing, and Implemented or Interpreted Law: 53-7-204

Public Safety, Fire Marshal **R710-10**

Rules Pursuant to Fire Service Training, Education, and Certification

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 28460

FILED: 01/17/2006, 13:25

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board met on January 10, 2006, in a regularly scheduled Board meeting and voted by majority to create a new administrative rule to deal with fire service training, education, and certification. The majority of this new administrative rule has been transferred from Rule R710-9, Rules Pursuant to the Utah Fire Prevention Law, and a new section is added for Non-Affiliated Fire Service Training. The Fire Prevention Board desired that due to the size and specific nature of the training standards, they should be placed in one administrative rule. (DAR NOTE: The proposed amendment to Rule R710-9 is under DAR No. 28461 in this issue.)

SUMMARY OF THE RULE OR CHANGE: The proposed new rule has the following: 1) Subsections R710-10-2(2.9) and R710-10-2(2.11) are newly formulated definitions; 2) Section R710-10-8, Non-Affiliated Fire Service Training, is a newly formulated section to this administrative rule; and 3) the rest of the administrative rule has been transferred from Rule R710-9. The transferred information has been in effect in Rule R710-9 for a number of years.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: National Fire Protection Association (NFPA), NFPA 1403, Standard on Live Fire Training Evolutions, 2002 edition

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There is no aggregate anticipated costs or savings to the State budget for the enactment of this new administrative rule because most of the provisions in this new rule are being transferred from Rule R710-9 and have been in effect for an extended period of time.

❖ **LOCAL GOVERNMENTS:** There is no aggregate anticipated costs or savings to local government for the enactment of this new administrative rule. There are some procedural changes

now required by those local fire departments that teach, but not an outright monetary cost.

❖ OTHER PERSONS: There is no aggregate anticipated costs or savings to other persons for the enactment of this new administrative rule. Most of the provisions in this rule have been transferred from an existing rule and have been effect for a number of years.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance costs for affected persons for the enactment of this new rule. Most of the provisions in this rule have been transferred from an existing rule and have been effect for a number of years.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses because this newly proposed administrative rule does not effect business. It deals with state and local fire service training, education, and certification. Robert Flowers, Commissioner

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

PUBLIC SAFETY
FIRE MARSHAL
Room 302
5272 S COLLEGE DR
MURRAY UT 84123-2611, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent Halladay at the above address, by phone at 801-284-6352, by FAX at 801-284-6351, or by Internet E-mail at bhallada@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/03/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 03/06/2006

AUTHORIZED BY: Ron L. Morris, Utah State Fire Marshal

R710. Public Safety, Fire Marshal.

R710-10. Rules Pursuant to Fire Service Training, Education, and Certification.

R710-10-1. Title, Authority, and Adoption of Codes.

1.1 These rules shall be known as the "Rules Pursuant to Fire Service Training, Education, and Certification, and may be cited as such, and will be hereafter referred to as "these rules"."

1.2 These rules are promulgated in accordance with Title 53, Chapter 7, Section 204, Utah Code Annotated 1953, as amended.

1.3 These rules are adopted by the Utah Fire Prevention Board to provide minimum rules for fire service training, education and certification by establishing a Fire Service Education Administrator, a Fire Education Program Coordinator, the Fire Service Standards and Training Council, the Fire Service Certification Council, the Utah Fire and Rescue Academy, and standards for those agencies conducting non-affiliated fire service training.

1.4 There is adopted as part of these rules the following code which is incorporated by reference:

1.4.1 National Fire Protection Association (NFPA), NFPA 1403, Standard on Live Fire Training Evolutions, 2002 edition.

R710-10-2. Definitions.

2.1 "Academy" means Utah Fire and Rescue Academy.

2.2 "Academy Director" means the Director of the Utah Fire and Rescue Academy.

2.3 "Administrator" means Fire Service Education Administrator.

2.4 "Board" means Utah Fire Prevention Board.

2.5 "Career Firefighter" means one whose primary employment is directly related to the fire service.

2.6 "Certification Council" means the Fire Service Certification Council.

2.7 "Certification System" means the Utah Fire Service Certification System.

2.8 "Coordinator" means Fire Service Education Program Coordinator.

2.9 "Non-Affiliated" means an individual who is not a member of an organized fire department.

2.10 "Plan" means Fire Academy Strategic Plan.

2.11 "SFM" means State Fire Marshal or authorized deputy.

2.12 "Standards Council" means Fire Service Standards and Training Council.

2.13 "UCA" means Utah Code Annotated, 1953.

2.14 "Volunteer/Part-Paid Firefighter" means one whose primary employment is not directly related to the fire service.

R710-10-3. Fire Service Education Administrator.

3.1 There is created by the Board a Fire Service Education Administrator for the State of Utah. This Administrator shall be the State Fire Marshal.

3.2 The Administrator shall oversee statewide fire service education of all personnel receiving training monies from the Fire Academy Support Account.

3.2.1 The Administrator shall oversee fire service education in fire suppression, fire prevention, fire administration, operations, hazardous materials, rescue, fire investigation, and public fire education in the State of Utah.

3.3 The Administrator shall dedicate sufficient time and efforts to ensure that those monies dedicated from the Fire Academy Support Account are expended in the best interests of all personnel receiving fire service education.

3.4 The Administrator shall ensure equitable monies are expended in fire service education to volunteer, career, and prospective fire service personnel.

3.5 The Administrator shall as directed by the Board, solicit the legislature for funding to ensure that fire service personnel receive sufficient monies to receive the education necessary to prevent loss of life or property.

3.6 The Administrator shall oversee the Fire Department Assistance Grant program by completing the following:

3.6.1 Insure that a broad based selection committee is impaneled each year.

3.6.2 Compile for presentation to the Board the proposed grants.

3.6.3 Receive the Board's approval before issuing the grants.

3.7 The Administrator shall if necessary, establish proposed changes to fire service education statewide, insuring personnel

receive the most proficient and professional training available, insure completion of agreements and contracts, and insure that payments on agreements and contracts are completed expeditiously.

3.8 The Administrator shall report to the Board at each regularly scheduled Board meeting the current status of fire service education statewide. The Administrator shall present any proposed changes in fire service education to the Board, and receive direction and approval from the Board, before making those changes.

R710-10-4. Fire Service Education Program Coordinator.

4.1 The Fire Service Education Program Coordinator shall assist the Administrator in statewide fire service education.

4.2 The Coordinator shall conduct fire service education evaluations, budget reviews, performance audits, and oversee the effectiveness of fire service education statewide.

4.3 The Coordinator shall ensure that there is an established Utah Fire Service Strategic Training Plan for fire service education statewide. The Coordinator shall work with the Academy Director to update the Strategic Plan and keep it current to the needs of the fire service.

4.4 The Coordinator shall report findings of audits, budgetary reviews, training contracts or agreements, evaluation of training standards, and any other necessary items of interest with regard to fire service education to the Administrator.

4.5 The Coordinator shall ensure that contracts are established each year for training and education of fire personnel that meets the needs of those involved in fire service education statewide.

4.6 The Coordinator shall be the staff assistant to the Fire Service Standards and Training Council and shall present agenda items to the Council Chair that need resolution or review. As the staff assistant to the Training Council, the coordinator shall ensure that appointed members attend, encourage that the decisions made further the interests of fire service education statewide, and ensure that the Board is kept informed of the Training Council's decisions.

R710-10-5. Fire Service Standards and Training Council.

5.1 There is created by the Board, the Fire Service Standards and Training Council, whose duties are to provide direction to the Board and Academy in matters relating to fire service standards, training, and certification.

5.2 The Standards Council shall serve in an advisory position to the Board, members shall be appointed by the Board, shall serve four year terms, and shall consist of the following members:

5.2.1 Representative from the Utah State Fire Chiefs Association.

5.2.2 Representative from the Utah State Firemen's Association.

5.2.3 Representative from the Fire Marshal's Association of Utah.

5.2.4 Specialist in hazardous materials representing the Hazardous Materials Institute.

5.2.5 Fire/arson investigator representing the Utah Chapter of the International Association of Arson Investigators.

5.2.6 Specialist in wildland fire suppression and prevention from the Utah State Division of Forestry, Fire and State Lands.

5.2.7 Representative from the International Association of Firefighters.

5.2.8 Representative from the Utah Fire Service Certification Council.

5.2.9 Representative from the fire service that is an Advanced Life Support (ALS) provider to represent Emergency Medical Services.

5.2.10 Representative from the Utah Fire Training Officers Association.

5.3 The Standards Council shall meet quarterly and may hold other meetings as necessary for proper transaction of business. A majority of the Standards Council members shall be present to constitute a quorum.

5.4 The Standards Council shall select one of its members to act in the position of chair, and another member to act as vice chair. The chair and vice chair shall serve one year terms on a calendar year basis. Elections for chair and vice chair shall occur at the meeting conducted in the last quarter of the calendar year. If voted upon by the council, the vice chair will become the chair the next succeeding calendar year.

5.5 If a Standards Council member has two or more unexcused absences during a 12 month period, from regularly scheduled Standards Council meetings, it is considered grounds for dismissal pending review by the Board. The Coordinator shall submit the name of the Standards Council member to the Board for status review.

5.6 A member of the Standards Council may have a representative of their respective organization sit in proxy of that member, if submitted and approved by the Coordinator prior to the meeting.

5.7 The Chair or Vice Chair of the Standards Council shall report to the Board the activities of the Standards Council at regularly scheduled Board meetings. The Coordinator may report to the Board the activities of the Standards Council in the absence of the Chair or Vice Chair.

5.8 The Standards Council shall consider all subjects presented to them, subjects assigned to them by the Board, and shall report their recommendations to the Board at regularly scheduled Board meetings.

5.9 One-half of the members of the Standards Council shall be reappointed or replaced by the Board every two years.

R710-10-6. Utah Fire Service Certification Council.

6.1 There is created by the Board, the Utah Fire Service Certification Council, whose duties are to oversee fire service certification in the State of Utah.

6.2 The Certification Council shall be made up of 12 members, appointed by the Academy Director, approved by the Board, and each member shall serve three year terms.

6.3 The Certification Council shall be made up of users of the certification system and comprise both paid and volunteer fire personnel, members with special expertise, and members from various geographical locations in the state.

6.4 The purpose of the Certification Council is to provide direction on all aspects of certification, and shall report the activities of the Certification Council to the Fire Service Standards and Training Council.

6.5 Functioning of the Certification Council with regard to certification, re-certification, testing, meeting procedures, examinations, suspension, denial, annulment, revocation, appeals, and reciprocity, shall be conducted as specified in the Utah Fire Service Voluntary Certification Program, Policy and Procedures Manual.

6.6 A copy of the Utah Fire Service Voluntary Certification Program, Policy and Procedures Manual, shall be kept on file at the State Fire Marshal's Office and the Utah Fire and Rescue Academy.

R710-10-7. Utah Fire and Rescue Academy.

7.1 The primary fire service training school shall be known as the Utah Fire and Rescue Academy.

7.2 The Director of the Utah Fire and Rescue Academy shall report to the Administrator the activities of the Academy with regard to completion of the agreed academy contract.

7.3 The Academy Director may recommend to the Administrator or Coordinator new or expanded standards regarding fire suppression, fire prevention, public fire education, safety, certification, and any other items of necessary interest about the Academy.

7.4 The Academy shall receive approval from the Administrator, after being presented to the Standards and Training Council, any substantial changes in Academy training programs that vary from the agreed contract.

7.5 The Academy Director shall provide to the Coordinator by October 1st of each year, a numerical summary of those career, volunteer/part-paid, and non-affiliated students attending the Academy in the following categories:

7.5.1 Those who have received certification during the previous contract period at each certification level.

7.5.2 Those who have received an academic degree in any Fire Science category in the previous contract period.

7.5.3 Those who have completed other Academy classes during the previous contract period.

7.6 The Academy Director shall provide to the Coordinator by October 1st of each year, a numerical comparison of the categories required in Section 13.5, comparing attendance in the previous contract period.

7.7 The Academy Director shall provide to the Coordinator by October 1st of each year, in accepted budgeting practices, the following:

7.7.1 A cost analysis of classes to include the total spent for each class title, the average cost per class, the number of classes delivered, the number of participants per class title, and the cost per participant for each class title provided by the Academy.

7.7.2 A budget summary comparing amounts budgeted to actual expenditures for each budget code funded by the contract.

7.8 The Academy Director shall provide to the Coordinator by October 1st of each year, a numerical summary of those students attending Academy courses in the following categories:

7.8.1 Non-affiliated personnel enrolled in college courses.

7.8.2 Career fire service personnel enrolled in college credit courses.

7.8.3 Volunteer and part-paid fire service personnel enrolled in college credit courses.

7.8.4 Non-affiliated personnel enrolled in non-credit continuing education courses.

7.8.5 Career fire service personnel enrolled in non-credit continuing education courses.

7.8.6 Volunteer and part-paid fire service personnel enrolled in non-credit continuing education courses.

7.9 The Academy Director shall present to the Coordinator by January of each year, proposals to be incorporated in the Academy contract for the next fiscal year.

R710-10-8. Non-Affiliated Fire Service Training.

8.1 Those training organizations that desire to offer certification through the Certification System for non-affiliated personnel must receive approval in writing from the Standards Council and the Academy Director.

8.2 Before approval is granted, the training organization requesting approval shall demonstrate the following:

8.2.1 Complete a written application requesting approval to conduct the training course.

8.2.2 Designate an approved course coordinator to oversee the course delivery and insure the course meets each of the applicable objectives.

8.2.3 Insure that qualified instructors are used to teach each subject.

8.2.4 Insure sufficient student to instructor ratios for all subjects or skills to be taught to include those designated high hazard.

8.2.5 Demonstrate that sufficient equipment and facilities will be provided to meet the training requirements of the course being taught.

8.2.6 Maintain course documentation as required through the Certification System to insure that all elements of the necessary training is completed.

8.2.7 Follow the accepted requirements of the Certification System for requesting testing and certification.

8.3 As required in Section 8.2.2 of these rules, the designated course coordinator shall meet the following requirements:

8.3.1 Be currently certified at the certification level as established by the Standards Council.

8.3.2 Insure that all assigned instructors meet the requirements as required in Section 8.4 of these rules.

8.3.3 Insure that the course syllabus and practical skills guide meet the requirements of the Certification System.

8.3.4 Insure that the requirements of Sections 8.2.4, 8.2.5, 8.2.6, and 8.2.7 of these rules are met.

8.4 As required in Section 8.2.3 of these rules, qualified instructors shall meet the following requirements:

8.4.1 Must be currently certified at the certification level as established by the Standards Council.

8.4.2 If the instructor is not certified, instructor qualification can be satisfied by special knowledge, experience or establishment of expertise.

R710-10-9. Repeal of Conflicting Board Actions.

All former Board actions, or parts thereof, conflicting or inconsistent with the provisions of this Board action or of the codes hereby adopted, are hereby repealed.

R710-10-10. Validity.

The Utah Fire Prevention Board hereby declares that should any section, paragraph, sentence, or word of this Board action, or of the codes hereby adopted, be declared invalid, it is the intent of the Utah Fire Prevention Board that it would have passed all other portions of this action, independent of the elimination of any portion as may be declared invalid.

R710-10-11. Adjudicative Proceedings.

11.1 All adjudicative proceedings performed by the agency shall proceed informally as set forth herein and as authorized by UCA, Sections 63-46b-4 and 63-46b-5.

11.2 A person may request a hearing on a decision made by the SFM, his authorized deputies, or the LFA, by filing an appeal to the Board within 20 days after receiving final decision.

11.3 All adjudicative proceedings, other than criminal prosecution, taken by the SFM, his authorized deputies, or the LFA, to enforce the Utah Fire Prevention and Safety Act and these rules, shall commence in accordance with UCA, Section 63-46b-3.

11.4 The Board shall act as the hearing authority, and shall convene as an appeals board after timely notice to all parties involved.

11.5 The Board shall direct the SFM to issue a signed order to the parties involved giving the decision of the Board within a reasonable time of the hearing pursuant to UCA, Section 63-46b-5(i).

11.6 Reconsideration of the Board's decision may be requested in writing within 20 days of the date of the decision pursuant to UCA, Section 63-46b-13.

11.7 Judicial review of all final Board actions resulting from informal adjudicative proceedings is available pursuant to UCA, Section 63-46b-15.

KEY: fire training

Date of Enactment or Last Substantive Amendment: March 6, 2006

Authorizing, and Implemented or Interpreted Law: 53-7-204

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End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Agriculture and Food, Plant Industry

R68-8

Utah Seed Law

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28452
FILED: 01/09/2006, 16:57

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 4-16-3 authorize the department to make and enforce such rules as in its judgement are necessary to administer and enforce this chapter. Section 4-17-3 authorizes the commissioner the power and duty to enforce the functions necessary to prevent the spread of noxious weeds.

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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule lists the noxious weed seeds that are prohibited in the state. It provides the labeling provisions, germination standards, and seed testing requirements for agriculture seeds being distributed in the State of Utah. Therefore, this rule should be continued.

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

AGRICULTURE AND FOOD
PLANT INDUSTRY
350 N REDWOOD RD
SALT LAKE CITY UT 84116-3034, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Clair Allen, Marolyn Leetham, or Stephen Burningham at the above address, by phone at 801-538-7180, 801-538-7114, or 801-538-7183, by FAX at 801-538-7189, 801-538-7126, or 801-538-7126, or by Internet E-mail at ClairAllen@utah.gov, mleetham@utah.gov, or stburningham@utah.gov

AUTHORIZED BY: Leonard M. Blackham, Commissioner

EFFECTIVE: 01/09/2006



Health, Health Systems Improvement, Licensing

R432-106

Specialty Hospital - Critical Access

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28449
FILED: 01/06/2006, 14:31

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 26, Chapter 21, establishes the Health Facility Committee and requires rulemaking for the licensing of health care facilities.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: In April 2005, comments received from the Utah Hospital Association outlined new federal guidelines regarding Critical Access Hospitals. These comments included a new limit for swing beds from 10 to 25, and changes in the definitions of a necessary provider. These changes to the federal rule were verified through the office of Primary Care and Rural Health within the Department.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The suggested amendments listed above were made to the rule and are effective as of January 5, 2006. There was no opposition to the rule or to the suggested amendments. No other comments have been submitted in the last five years. This rule is necessary to promote the public health and welfare through establishment of a specialty hospital category for rural hospitals. Its intent is to allow rural communities to: preserve access to primary care and emergency health care services, provide health care services which meet community needs, and help assure the financial viability of program participants through improved reimbursement and different operating requirements. The rule sets standards for the operation of a Critical Access Hospital, (CAH). The standards of patient care apply to inpatient, outpatient, and satellite services. Therefore, this rule should be continued.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Joel Hoffman at the above address, by phone at 801-538-6165, by FAX at 801-538-6163, or by Internet E-mail at jhoffman@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 01/06/2006

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Labor Commission, Industrial Accidents
R612-4
Premium Rates

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

DAR File No.: 28458
FILED: 01/12/2006, 08:24

**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: The Legislature has granted the Labor Commission the authority to set the premium rates to fund the Employers Reinsurance Fund, the Uninsured Employers' Fund and the workplace safety account, for each calendar year as set forth in Section 59-9-101 and Title 34A, Chapter 2.

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 written comments have been received during and since the last five-year review of this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Legislature has not changed the law which grants the Labor Commission the responsibility to set the premium rates. The funds that the premium rates fund are still needed to assist workers in the state, therefore, this rule should be continued.

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

LABOR COMMISSION
INDUSTRIAL ACCIDENTS
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sara Danielson at the above address, by phone at 801-530-6953, by FAX at 801-530-6390, or by Internet E-mail at sdanielson@utah.gov

AUTHORIZED BY: R Lee Ellertson, Commissioner

EFFECTIVE: 01/12/2006

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Natural Resources, Wildlife Resources
R657-39
Regional Advisory Councils

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

DAR File No.: 28453
FILED: 01/09/2006, 17:16

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 23-14-2.6(7) and Section 23-14-19. Utah's five regional advisory councils were created by the Utah State Legislature in the early 1990s to get more public input from citizens at the grassroots level concerning wildlife management, rules, and regulations.

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 written comments have been submitted since the last five-year review of R657-39. The most recent amendments to the rule were made in 2003

and they were simply to provide exceptions to a regional advisory council member serving more than two terms: 1) members representing Native Americans may serve unlimited terms; 2) members filling a vacancy for two years or less will not be credited with serving a term; and 3) members who have served two terms may serve additional terms after four years absence from membership. Other changes were made for consistency.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-39 provides the standards and procedures for the operation of regional advisory councils. Each council is made up of 12 to 15 people who represent various interest groups or constituencies. The councils are a valuable asset to the Division of Wildlife Resources and the citizens of the state of Utah. They encourage people to become involved in decisions that affect the wildlife resources of the state and allow the Division of Wildlife Resources to gain a better understanding of their customers and constituents. Therefore, this rule should be continued.

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

NATURAL RESOURCES
 WILDLIFE RESOURCES
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Robin Thomas at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at robinthomas@utah.gov

AUTHORIZED BY: James F Karpowitz, Director

EFFECTIVE: 01/09/2006



Natural Resources, Wildlife Resources

R657-40

Wildlife Rehabilitation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28456
 FILED: 01/10/2006, 10:31

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: Under Sections 23-13-4, 23-14-18, and 23-20-3, the Wildlife Board is authorized and required to provide rules to regulate and prescribe the means by which protected wildlife may be held in captivity for rehabilitation purposes.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Wildlife Resources and the Wildlife Board have not received any written comments, either in support or opposition to Rule R657-40. Any written comments received in opposition to this rule would be resolved using existing policies and procedures or the issue would be placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the annual process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and administrative record for this rule at the Division of Wildlife Resources.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-40 provides the procedures, standards, and requirements for possessing protected wildlife in captivity for rehabilitation purposes by trained and educated individuals as a public service for the benefit of Utah's wildlife resources. The provisions adopted in this rule are effective in providing the standards and requirements for providing this service. Continuation of this rule is necessary for continued success of this program.

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

NATURAL RESOURCES
 WILDLIFE RESOURCES
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Robin Thomas at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at robinthomas@utah.gov

AUTHORIZED BY: James F Karpowitz, Director

EFFECTIVE: 01/10/2006



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).

Environmental Quality

Air Quality

No. 28459 (filed 01/17/2006 at 1:03 p.m.): R307-204. Emission Standards: Smoke Management.
ENACTED OR LAST REVIEWED: 03/06/2001 (No. 23139, NEW, filed 09/07/2000 at 11:53 a.m.,
published 10/01/2000; and No. 23139, CPR, filed 01/11/2001 at 12:26 p.m., published 02/01/2001).
EXTENDED DUE DATE: 07/04/2006

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

Commerce

Occupational and Professional Licensing

No. 28352 (AMD): R156-44a. Nurse Midwife Practice Act Rules.
Published: December 1, 2005
Effective: January 5, 2006

No. 28345 (AMD): R156-63-503. Administrative Penalties.
Published: December 1, 2005
Effective: January 10, 2006

Crime Victim Reparations

Administration

No. 28355 (AMD): R270-1. Award and Reparations Standards.
Published: December 1, 2005
Effective: January 4, 2006

Environmental Quality

Air Quality

No. 28226 (AMD): R307-170. Continuous Emission Monitoring Program.
Published: October 1, 2005
Effective: January 5, 2006

Solid and Hazardous Waste

No. 28346 (AMD): R315-102. Penalty Policy.
Published: December 1, 2005
Effective: January 20, 2006

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 28357 (R&R): R414-60. Medicaid Policy for Pharmacy Copayment Procedures.
Published: December 1, 2005
Effective: January 4, 2006

No. 28356 (REP): R414-63. Medicaid Policy for Pharmacy Reimbursement.
Published: December 1, 2005
Effective: January 4, 2006

Health Systems Improvement, Licensing

No. 28312 (AMD): R432-100-24. Pharmacy Services.
Published: November 15, 2005
Effective: January 5, 2006

No. 28313 (AMD): R432-100-33. Medical Records.
Published: November 15, 2005
Effective: January 5, 2006

No. 28311 (AMD): R432-100-38. Emergency and Disaster Plan.
Published: November 15, 2005
Effective: January 5, 2006

No. 28301 (AMD): R432-106. Specialty Hospital - Critical Access.
Published: November 15, 2005
Effective: January 5, 2006

Public Safety

Fire Marshal

No. 28292 (AMD): R710-9. Rules Pursuant to the Utah Fire Prevention Law.
Published: November 1, 2005
Effective: January 10, 2006

Highway Patrol

No. 28342 (AMD): R714-500. Chemical Analysis Standards and Training.
Published: December 1, 2005
Effective: January 5, 2006

Criminal Investigations and Technical Services, Criminal Identification

No. 28250 (AMD): R722-300. Concealed Firearm Permit Rule.
Published: October 15, 2005
Effective: January 9, 2006

Transportation

Administration

No. 28358 (NEW): R907-68. Prioritization of New Transportation Capacity Projects.
Published: December 1, 2005
Effective: January 4, 2006

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, 2006, including notices of effective date received through January 17, 2006, the effective dates of which are no later than February 1, 2006. 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).

DAR NOTE: The index may contain inaccurate page number references. Also the index is incomplete in the sense that index entries for Changes in Proposed Rules (CPRs) are not preceded by entries for their parent Proposed Rules. Bulletin issue information and effective date information presented in the index are, to the best of our knowledge, complete and accurate. If you have any questions regarding the index and the information it contains, please contact Nancy Lancaster (801 538-3218), Mike Broschinsky (801 538-3003), or Kenneth A. Hansen (801 538-3777).

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.utah.gov/>).

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	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
<u>Finance</u>					
R25-5	Payment of Per Diem to Boards	28384	AMD	01/25/2006	2005-24/2
<u>Fleet Operations</u>					
R27-1-2	Definitions	28368	NSC	01/01/2006	Not Printed
R27-7	Safety and Loss Prevention of State Vehicles	28469	5YR	01/20/2006	Not Printed
Agriculture and Food					
<u>Plant Industry</u>					
R68-8	Utah Seed Law	28452	5YR	01/09/2006	2006-3/38
<u>Regulatory Services</u>					
R70-410	Grading and Inspection of Shell Eggs With Standard Grade and Weight Classes.	28471	5YR	01/24/2006	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Alcoholic Beverage Control					
<u>Administration</u>					
R81-10A-7	Draft Beer Sales/Minors on Premises	28431	NSC	01/01/2006	Not Printed
Commerce					
<u>Occupational and Professional Licensing</u>					
R156-31b	Nurse Practice Act Rules	28365	AMD	01/23/2006	2005-24/3
R156-44a	Nurse Midwife Practice Act Rules	28352	AMD	01/05/2006	2005-23/4
R156-56	Utah Uniform Building Standard Act Rules	28286	AMD	01/01/2006	2005-21/6
R156-56-707	Statewide Amendments to the IPC	28285	AMD	01/01/2006	2005-21/25
R156-63-503	Administrative Penalties	28345	AMD	01/10/2006	2005-23/5
Community and Economic Development					
<u>Administration</u>					
R182-1	Government Records Access and Management Act Rules	28442	NSC	01/01/2006	Not Printed
<u>Community Development</u>					
R199-8	Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance	28347	NSC	01/01/2006	Not Printed
R199-9	Policy Concerning Enforceability and Taxability of Bonds Purchased	28348	NSC	01/01/2006	Not Printed
R199-10	Procedures in Case of Inability to Formulate Contract for Alleviation of Impact	28349	NSC	01/01/2006	Not Printed
R199-11	Community Development Block Grants (CDBG)	28350	NSC	01/01/2006	Not Printed
<u>Community Development, Community Services</u>					
R202-100	Community Services Block Grant Rules	28353	NSC	01/01/2006	Not Printed
R202-201	Energy Assistance: General Provisions	28359	NSC	01/01/2006	Not Printed
R202-202	Energy Assistance Programs Standards	28385	NSC	01/01/2006	Not Printed
R202-203	Energy Assistance Income Standards, Income Eligibility, and Payment Determination	28386	NSC	01/01/2006	Not Printed
R202-204	Energy Assistance: Asset Standards	28387	NSC	01/01/2006	Not Printed
R202-205	Energy Assistance: Program Benefits	28388	NSC	01/01/2006	Not Printed
R202-206	Energy Assistance: Eligibility Determination	28389	NSC	01/01/2006	Not Printed
R202-207	Energy Assistance: Records and Benefit Management	28390	NSC	01/01/2006	Not Printed
R202-208	Energy Assistance: Special State Programs	28391	NSC	01/01/2006	Not Printed
<u>Community Development, Energy Services</u>					
R203-4	Utah Public Building Energy Loan and Grant Programs	28433	NSC	01/01/2006	Not Printed
R203-5	Utah Energy Technology Demonstration Program	28434	NSC	01/01/2006	Not Printed
<u>Community Development, Fine Arts</u>					
R207-1	Utah Arts Council General Program Rules	28361	NSC	01/01/2006	Not Printed
R207-2	Policy for Commissions, Purchases, and Donations to, and Loans from, the Utah State Art Collections	28362	NSC	01/01/2006	Not Printed
<u>Community Development, History</u>					
R212-1	Adjudicative Proceedings	28404	NSC	01/01/2006	Not Printed
R212-3	Memberships, Sales, Gifts, Bequests, Endowments	28406	NSC	01/01/2006	Not Printed
R212-4	Archaeological Permits	28407	NSC	01/01/2006	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R212-6	State Register for Historic Resources and Archaeological Sites	28405	NSC	01/01/2006	Not Printed
R212-7	Cultural Resource Management	28403	NSC	01/01/2006	Not Printed
R212-8	Preservation Easements	28408	NSC	01/01/2006	Not Printed
R212-9	Board of State History as the Cultural Sites Review Committee Review Board	28409	NSC	01/01/2006	Not Printed
R212-11	Historic Preservation Tax Credits	28410	NSC	01/01/2006	Not Printed
R212-12	Computerized Record of Cemeteries, Burial Locations and Plots, and Granting Matching Funds	28411	NSC	01/01/2006	Not Printed
<u>Community Development, Library</u>					
R223-1	Adjudicative Procedures	28343	NSC	01/01/2006	Not Printed
R223-2	Public Library Online Access for Eligibility to Receive Public Funds	28344	NSC	01/01/2006	Not Printed
<u>Indian Affairs</u>					
R230-1	Native American Grave Protection Repatriation Act	28441	NSC	01/01/2006	Not Printed
Crime Victim Reparations					
<u>Administration</u>					
R270-1	Award and Reparations Standards	28355	AMD	01/04/2006	2005-23/6
Environmental Quality					
<u>Air Quality</u>					
R307-170	Continuous Emission Monitoring Program	28226	AMD	01/05/2006	2005-19/6
<u>Drinking Water</u>					
R309-600	Drinking Water Source Protection for Ground-Water Sources	28392	NSC	01/01/2006	Not Printed
R309-605	Source Protection: Drinking Water Source Protection for Surface Water Sources	28380	NSC	01/01/2006	Not Printed
<u>Solid and Hazardous Waste</u>					
R315-102	Penalty Policy	28346	AMD	01/20/2006	2005-23/38
Governor					
<u>Planning and Budget</u>					
R361-1	Rule for Implementation of the Resource Development Coordinating Committee Act, 1981	28295	REP	01/03/2006	2005-22/36
Health					
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-60	Medicaid Policy for Pharmacy Copayment Procedures	28357	R&R	01/04/2006	2005-23/42
R414-63	Medicaid Policy for Pharmacy Reimbursement	28356	REP	01/04/2006	2005-23/44
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-7	Emergency Medical Services Prehospital Data System Rules.	28470	5YR	01/24/2006	Not Printed
R426-8	Emergency Medical Services Per Capita Grants Program Rules	28472	5YR	01/24/2006	Not Printed
<u>Health Systems Improvement, Licensing</u>					
R432-100-24	Pharmacy Services	28312	AMD	01/05/2006	2005-22/34
R432-100-33	Medical Records	28313	AMD	01/05/2006	2005-22/35
R432-100-38	Emergency and Disaster Plan	28311	AMD	01/05/2006	2005-22/38
R432-106	Specialty Hospital - Critical Access	28301	AMD	01/05/2006	2005-22/39

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R432-106	Specialty Hospital - Critical Access	28449	5YR	01/06/2006	2006-3/38
<u>Health Systems Improvement, Primary Care and Rural Health</u>					
R434-100-6	Contract Requirements	28331	NSC	01/01/2006	Not Printed
Human Resource Management					
<u>Administration</u>					
R477-7	Leave	28443	EMR	01/01/2006	2006-2/40
Human Services					
<u>Juvenile Justice Services</u>					
R547-13	Guidelines for Admission to Secure Youth Detention Facilities Review	28378	AMD	01/18/2006	2005-24/8
Insurance					
<u>Administration</u>					
R590-166-4	Rule	28269	AMD	01/24/2006	2005-20/40
Labor Commission					
<u>Industrial Accidents</u>					
R612-4	Premium Rates	28458	5YR	01/12/2006	2006-3/39
R612-4-2	Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund	28298	AMD	01/01/2006	2005-22/41
<u>Safety</u>					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	28257	AMD	01/01/2006	2005-20/43
Natural Resources					
<u>Parks and Recreation</u>					
R651-611	Fee Schedule	28169	AMD	01/01/2006	2005-18/46
<u>Wildlife Resources</u>					
R657-5	Taking Big Game	28379	AMD	01/18/2006	2005-24/11
R657-13	Taking Fish and Crayfish	28303	AMD	01/18/2006	2005-22/41
R657-17	Lifetime Hunting and Fishing License	28382	AMD	01/18/2006	2005-24/17
R657-23	Utah Hunter Education Program	28377	AMD	01/18/2006	2005-24/19
R657-38	Dedicated Hunter Program	28371	AMD	01/18/2006	2005-24/22
R657-39	Regional Advisory Councils	28453	5YR	01/09/2006	2006-3/39
R657-40	Wildlife Rehabilitation	28456	5YR	01/10/2006	2006-3/40
R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	28376	AMD	01/18/2006	2005-24/27
Public Safety					
<u>Fire Marshal</u>					
R710-9	Rules Pursuant to the Utah Fire Prevention Law	28292	AMD	01/10/2006	2005-21/38
<u>Highway Patrol</u>					
R714-500	Chemical Analysis Standards and Training	28342	AMD	01/05/2006	2005-23/59
<u>Criminal Investigations and Technical Services, Criminal Identification</u>					
R722-300	Concealed Firearm Permit Rule	28250	AMD	01/09/2006	2005-20/48

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Transportation					
<u>Administration</u>					
R907-68	Prioritization of New Transportation Capacity Projects	28358	NEW	01/04/2006	2005-23/61
Workforce Services					
<u>Employment Development</u>					
R986-600-604	Adults, Youth, and Dislocated Workers	28400	NSC	01/01/2006	Not Printed

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

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