UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed June 16, 2006, 12:00 a.m. through June 30, 2006, 11:59 p.m.

Number 2006-14
July 15, 2006

Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

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

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 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

Printed in the United States of America

Library of Congress Cataloging-in-Publication Data

Utah state bulletin.
Semimonthly.
1. Delegated legislation--Utah--Periodicals. 2. Administrative procedure--Utah--Periodicals.
I. Utah. Office of Administrative Rules.

KFU440.A73S7
348.792'025--DDC 85-643197

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NOTICES OF
PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between June 16, 2006, 12:00 a.m., and June 30, 2006, 11:59 p.m. are included in this, the July 15, 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 Rules being repealed are completely struck out.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 August 14, 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 November 12, 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.

Commerce, Occupational and Professional Licensing
R156-38b
State Construction Registry Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28848
FILED: 06/27/2006, 13:26

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Amendments are being proposed to the rule to reflect changes made in the statute during the 2006 legislative session in H.B. 160. (DAR NOTE: H.B. 160 (2006) is found at Chapter 297, Laws of Utah 2006, and was effective 07/01/2006.)

SUMMARY OF THE RULE OR CHANGE: In Section R156-38b-401, updated the section title. In Subsection R156-38b-501(3)(a), amendments are made to delete parties that are eligible to file a Notice of Commencement and Subsection R156-38b-501(3)(b) is added to indicate that parties may authorize a third party to file a notice of commencement on its behalf. Added a new Subsection R156-38b-502(1) to indicate that a person who files a preliminary notice may authorize a third party to file the notice on the person's behalf. Added new Subsections R156-38b-503(1)(a) and (b) to increase the categories of parties who are eligible to file a Notice of Completion and to authorize the filing of a Notice of Completion by a third party. In Subsection R156-38b-503(2), amendments are made to refine the content requirements of a Notice of Completion. Added Subsection R156-38b-505(6) to define data entry standards for designated agents.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 38-1-30(3)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division will incur minimal costs of approximately $50 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget. The Division does not anticipate any costs or savings to other state agencies as a result of the proposed amendments to the rule as the rule does not apply to state agencies.

❖ LOCAL GOVERNMENTS: No additional costs to local governments are anticipated as a result of these proposed rule amendments beyond costs already in place for local governments to submit building permit data to the State Construction Registry (SCR), which constitute a notice of commencement.

❖ OTHER PERSONS: The proposed amendments to the rule will require modification to the operations of Utah Interactive. Utah Interactive estimates it will spend $100 in development costs to make technical changes associated with Notices of Commencement, Notices of Completion, and third party filings. The proposed amendments to the rule also provide the option of filing a Notice of Completion to new categories of businesses (lender, surety, or title companies). These filings are optional rather than required and would cost $7.50 per Notice of Completion. The Division is unable to determine how many of these new types of companies will file a Notice of Completion.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments to the rule will require modification to the operations of Utah Interactive. Utah Interactive estimates it will spend $100 in development costs to make technical changes associated with Notices of Commencement, Notices of Completion, and third party filings. The proposed amendments to the rule also provide the option of filing a Notice of Completion to new categories of businesses (lender, surety, or title companies). These filings are optional rather than required and would cost $7.50 per Notice of Completion. The Division is unable to determine how many of these new types of companies will file a Notice of Completion.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing amends the State Construction Registry Rules in accordance with statutory amendments made by the Legislature. Therefore, no fiscal impact to businesses is anticipated beyond those previously addressed in the passage of 2006 H.B. 160. Francine A. Giani, Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
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:
Tom Harper at the above address, by phone at 801-530-6288, by FAX at 801-530-6511, or by Internet E-mail at tharper@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/22/2006

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-38b. State Construction Registry Rules.
R156-38b-401. [~~System~~]Reliability, Availability and Security Standards.

The designated agent shall provide a reliable hosting environment which shall contain the following elements:

(1) Operating Standard. The SCR shall initially adhere to the J2EE standard and such standard in the future as the Division shall designate in cooperation with the designated agent.

(2) System Upgrades. The designated agent shall notify the Division when the SCR requires an update that may cause significant service interruption. Functional or structural changes that impact the system requirements shall require prior approval from the Division.

(3) Security. The designated agent shall take commercially reasonable steps to provide that the information contained in the SCR is secure and protected from unauthorized entry.

(4) System Backup. The designated agent shall provide adequate backup of the system and its data, including the following:

(a) Redundant Servers. There shall be multiple servers running the SCR and Internet environments, but no more than two sets of servers.

(b) Data Backup Environment. There shall be facilities to continuously back up data contained in the SCR. This backed-up data must be easily retrieved and either viewed or placed back into the SCR if required.

(c) Redundant Power Supply. Provide a single reliable redundant power supply for entire environment.

(5) System Recovery. In the event of a system failure, the designated agent shall provide system recovery and re-deployment to meet a standard that will result in restoration into full production within a maximum of three business days. In the event of destruction of the designated agent's primary hosting facility, the designated agent shall meet a standard whereby complete service restoration could be implemented within two weeks provided the telecommunications and data center vendor can meet this schedule.

(6) Software Licensing. The designated agent shall maintain legitimate software licenses for all purchased software used for the SCR.

(7) System Monitoring. Provide continuous monitoring of SCR environment.

(8) System Support. Provide appropriate personnel to continuously maintain the SCR environment.

(9) Continuity of Operations. In the event that, for whatever reason, operation and maintenance of the SCR is transferred to the state or another designated agent, continuity of the SCR shall be maintained in accordance with the governing contractual provisions with the designated agent.

(10) In the event that the Division elects to provide some of the services listed in (1) through (8) above, the designated agent will be relieved of the responsibilities for the services so assumed. Such election by the Division shall be in writing.

R156-38b-501. Notices of Commencement.

(1) Content Requirements. The content of notices of commencement shall be in accordance with Subsection 38-1-31(2).

(2) Persons Who Must File Notices. In accordance with Subsections 38-1-31(1)(a) and (b), the following are required to file a notice of commencement:

(a) For a construction project where a building permit is issued, within 15 days after the issuance of the building permit, the local government entity issuing that building permit shall input the data and transmit the building permit information to the database electronically or by alternate method and such building permit information shall form the basis of a notice of commencement. The local government entity may not transfer this responsibility to the person who is issued or is to be issued the building permit.

(b) For a construction project where a building permit is not issued, within 15 days after commencement of physical construction work at the project site, the original contractor shall file a notice of commencement with the SCR.

(3) Persons Who May File Notices.

(a) In accordance with Subsection 38-1-31(1)(c), an owner of a construction project[~~, a lender, surety, or other interested party~~]or original contractor may but is not required to file a notice of commencement with the designated agent within the prescribed time set forth in Subsection 38-1-31(1)(a) or (b).

(b) The parties identified in R156-38b-501(3)(a) may authorize a third party to file a notice of commencement on its behalf, as established in Subsection 38-1-27(9).

(4) Methodology.

(a) Electronic notice of commencement filings shall be input into the SCR by the person making the filing and shall not be accepted by the SCR unless the person complies with the content requirements for filing a notice of commencement.

(b) Alternate method notice of commencement filings shall be in accordance with this Section and Section R156-38-505.

(c) Checking for Existing Notices. In order to prevent duplicate filings of notices of commencement, a search of the SCR shall be performed for any existing notices of commencement and existing filed amendments before creating a new notice of commencement for a project.

(i) If an existing notice of commencement is identified the following procedures apply:

(A) For an electronic filing by the person attempting to file the new notice of commencement, the SCR shall indicate that a notice of commencement may have already been filed for the project and display the possible notice or notices of commencement that may match the existing project filing. The SCR shall allow the user to review the content of any existing notices to determine whether a notice has already been filed for the project before allowing a new notice to be filed.

(I) If a notice of commencement already exists for the project but the person attempting to file the notice of commencement believes the content of the filing is not accurate, the person shall be given the option of submitting amendments to the content of the notice. The SCR shall reflect the submission date of the amendments, but the filing date of the notice shall remain unchanged. If the person attempting to file the new notice of commencement believes the existing notice is accurate, the system shall permit the proposed new filing to be terminated.

(B) For an alternate method filing, input by the designated agent for the person filing the notice of commencement, the designated agent shall notify the person by electronic or alternate method as specified by the filer, that a notice of commencement has already been filed for the particular project and include a copy of the existing notice of commencement. In addition, the user will be notified that the notice of commencement will be added to the construction project as an amendment to the original filing in the SCR and the appropriate fee will be charged.

(ii) As part of the process described in Subsection R156-38b-501(4)(c)(i), the SCR search for an existing notice of commencement shall display, for review by the person who submitted the search parameters, all notice of commencement filings that fit the search parameters indicated by the submission that prompted the search. The purpose of this requirement is to enable the person to properly identify any existing notice of commencement before a new notice of commencement is created, to avoid duplicate notice of commencement filings.

(iii) If no existing notice of commencement is identified for the particular project, the SCR shall allow the person who submitted the filing to file a new notice of commencement.

(d) Creation of New Notices.

(i) A new notice of commencement shall not be accepted into the SCR until the SCR system has checked for an existing notice in accordance with the procedures outlined in Subsection R156-38b-501(4).

(ii) In accordance with Subsection 38-1-31(1)(d), when a new notice of commencement filing is accepted into the SCR, the SCR shall assign the project a unique project number that identifies the project and can be associated with all future notices of commencement, preliminary notices, notices of completion, and requests for notification applicable to the project.

(e) Merging of Duplicate Filings. Duplicate filings shall be avoided to the extent possible in accordance with the procedure outlined in this Subsection. The SCR shall include functionality to allow a person who has successfully filed, amended or corrected a notice of commencement which duplicates another notice of commencement already in the SCR to merge the notice of commencement with the existing notice of commencement filing.

(i) The SCR shall reflect the effective date of the merger.

(ii) The SCR shall provide notification of the merger to all persons who are associated with either notice of commencement filing, including those who have filed preliminary notices.

(iii) The effective date of a merger reflects the date the unique merger number was cross-referenced to duplicate notice of commencement filings. A merger does not dissolve or affect the filing dates, or the consequences of the filing dates, of the notices being combined.

(f) Resolving Multiple or Inconsistent Property Descriptions.

(i) The person making a notice of commencement filing shall be responsible for correctly identifying a project, and for the consequences of failing to correctly identify a project.

(ii) Neither the division nor the designated agent shall be responsible for the consequences of a person making a notice of commencement filing that identifies a project in such a way that the SCR is unable to identify an existing notice of commencement for the project, according to the search criteria established by the Division in collaboration with the designated agent, nor for the SCR allowing the person to make a successful duplicate notice of commencement filing with a different description of the project.

R156-38b-502. Preliminary Notices.

(1) A person who wishes to file a preliminary notice may authorize a third party to file the notice on the person's behalf, as established in Subsection 38-1-27(9).

(2) Content Requirements. The content of a Preliminary Notice shall be in accordance with Subsection 38-1-32(1)(d).

([~~2~~]3) Methodology.

(a) Electronic preliminary notice filings shall be input into the SCR entry screen by the person making the filing but shall not be accepted by the SCR unless the person complies with the content requirements for filing a preliminary notice. The SCR is responsible for requiring that some data be submitted for each of the content requirements, but it is not responsible for the accuracy, suitability or coherence of the data.

(b) Alternate method preliminary notice filings shall be in accordance with Section R156-38b-505.

(c) Preliminary notice filing submitted before notice of commencement filing.

(i) A preliminary notice for a project may not be filed until the project has an existing notice of commencement. A person who attempts to submit a preliminary notice filing before a notice of commencement has been filed may either:

(A) file the notice of commencement as an interested party to enable the filing of the preliminary notice; or

(B) wait for the notice of commencement to be filed by someone else to enable the filing of his or her preliminary notice.

(i) A person who attempts to submit a preliminary notice filing before a notice of commencement has been filed and who can identify the project, using the building permit number or other identifier adopted by the Division in collaboration with the designated agent, may request notification of the filing of a notice of commencement for the project.

(ii) A preliminary notice filing that is not accepted by the SCR because it is submitted before a notice of commencement has been filed shall be in accordance with Section R156-38b-507.

R156-38b-503. Notices of Completion.

(1) Persons Who May File Notices.

(a) In accordance with Subsection 38-1-33(1)(a)(i), the owner, original contractor, lender, title company or surety associated with the construction project may file a notice of completion.

(b) The parties identified in R156-38b-503(1)(a)(i) may authorize a third party to file the notice on its behalf, as established in Subsection 38-1-27(9).

(2) Content Requirements. The content of a Notice of Completion shall be in[~~In~~] accordance with Section 38-1-33(1)(d).[~~, the content of a notice of completion shall include the indication of the status of the filer as an owner of the project, an original contractor, a lender that has provided financing for the project, or a surety that has provided bonding for the project; identification of the construction project by a means acceptable to the Division in collaboration with the designated agent to which the notice of completion applies; and a declaration of how final completion was determined, in particular, whether completion was determined by:~~

~~(a) the issuance of a permanent certificate of occupancy by the local government entity having jurisdiction over the construction project as specified in Subsection 38-1-33(1)(a)(i);~~

~~(b) the final inspection of the construction project by the local government entity having jurisdiction over the construction project because no certificate of occupancy was required, as specified in Subsection 38-1-33(1)(a)(ii); or~~

~~(c) a determination that no substantial work remained to be completed to finish the construction project because no certificate of occupancy or final inspection were required, as specified in Subsection 38-1-33(1)(a)(iii);~~]

([~~2~~]3) Methodology.

(a) Electronic notice of completion filings shall be input into the SCR input screen by the person making the filing but shall not be accepted by the SCR unless the person complies with the content requirements for filing a notice of completion. The SCR is responsible for requiring that some data be submitted for each of the content requirements, but it is not responsible for validating the accuracy, suitability or coherence of the data.

(b) Alternate method notice of completion filings shall be in accordance with Section R156-38b-505.

R156-38b-505. Alternate Filings.

(1) Alternate Methods of Filing. The alternate methods of filing are those established by Subsections 38-1-27(2)(e)(ii), i.e.,

U.S. Mail and telefax. Private commercial courier is established as an additional alternate method of receipt by the designated agent, but not dispatch from the designated agent.

(2) Content Requirements. The content requirements for alternate method filings shall be the same as for electronic filings as set forth for Notices of Commencement, Preliminary Notices, and Notices of Completion in Sections 38-1-31, 38-1-32, and 38-1-33, respectively, or these rules.

(3) Format Requirements. Alternate method filings shall be submitted in a standard format adopted by the Division in collaboration with the designated agent. Filings not submitted in the standard format, in the sole judgment of the designated agent, shall be rejected and dispatched to the submitter. The filing fee shall be retained by the designated agent as a processing fee for rejecting and dispatching the filing. An additional filing fee shall be due upon resubmission.

(4) Methodology.

(a) U.S. Mail. An alternate method filing by U.S. Mail shall be submitted to the designated agent's mailing address by any method of U.S. Mail.

(b) Express Mail. An alternate method filing by commercial private courier shall be submitted to the designated agent's mailing address by any commercially available method of express mail.

(c) Telefax. An alternate method filing by telefax shall be submitted to the designated agent's toll-free unique SCR fax number.

(5) Processing Requirements.

(a) Transaction Receipt. The designated agent shall confirm a successful alternate method filing and fee payment receipt by sending a transaction receipt as specified in Section R156-38b-602.

(b) Creation of Electronic Image. The designated agent shall create and maintain an electronic image of alternate method filings that are accepted into the SCR. Once an electronic image has been created and the accepted alternate method filing has been entered into the SCR, the original version of the accepted alternate method filing may be destroyed. The electronic image shall remain accessible for audit purposes.

(6) Data Entry Standards.

(a) The designated agent shall meet or exceed the following data entry standards for alternate filings:

(i) a primary operator shall manually input information required by Subsection 38-1-31(2)(a);

(ii) a secondary operator shall independently input the construction project permit number and original contractor name;

(iii) the designated agent shall automatically compare all entries from the primary and secondary operators for consistency;

(iv) following the above procedures, the designated agent shall visually inspect at least 5% of all notices created by alternate filing; and

(v) these standards are to be met prior to Internet publication.

KEY: electronic preliminary lien filing, notice of commencement, preliminary notice, notice of completion
Date of Enactment or Last Substantive Amendment: [~~April 18, 2005~~]2006
Authorizing, and Implemented or Interpreted Law: 38-1-30(3)

♦ ♦

Commerce, Occupational and Professional Licensing

R156-69

Dentist and Dental Hygienist Practice Act Rules

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 28829
FILED: 06/22/2006, 09:45

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division has been evaluating the need for each profession's law/rule examination and has determined that the law/rule examination for applicants for licensure as a dentist or dental hygienist can be deleted with no negative impact on the profession.

SUMMARY OF THE RULE OR CHANGE: In Section R156-69-103, updated statute citation. In Sections R156-69-302b and R156-69-302c, deleted references to Utah Dentist and Dental Hygienist Law Examination.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-69-101 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division will incur minimal costs of approximately $100 to reprint the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

❖ LOCAL GOVERNMENTS: The proposed amendments do not apply to local governments; therefore, no costs or savings are anticipated. Proposed amendments only apply to potential licensees as either a dentist or dental hygienist.

❖ OTHER PERSONS: The proposed amendments only apply to applicants for licensure as either a dentist or dental hygienist. Those applicants for licensure will see a savings of $75 in that they will no longer be required to take the Utah Dentist and Dental Hygienist Law Examination. The Division estimates approximately 200 new dentists and dental hygienists are licensed on a yearly basis, thus resulting in an aggregate savings of $15,000. It should be noted however that any testing agency which the Division has contracted with to give the law/rule examination will see a decrease in the examination fees noted above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments only apply to applicants for licensure as either a dentist or dental hygienist. Those applicants for licensure will see a savings of $75 in that they will no longer be required to take the Utah Dentist and Dental Hygienist Law Examination. It should be noted however, that any testing agency which the Division has contracted with to give the law/rule examination will see a decrease in the examination fees noted above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The regulated industry of dentistry as a whole will experience a cost-savings as a result of this rule fling which eliminates the Utah Dentist and Dental Hygienist Law Examination. No further impact to businesses is anticipated as a result of this filing. Francine A. Giani, Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
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:
Daniel T. Jones at the above address, by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at dantjones@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/22/2006

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-69. Dentist and Dental Hygienist Practice Act Rules.
R156-69-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 69.

R156-69-302b. Qualifications for Licensure - Examination Requirements - Dentist.

In accordance with Subsections 58-69-302(1)(f) and (g), the examination requirements for licensure as a dentist are established as the following:

(1) [~~the Utah Dentist and Dental Hygienist Law Examination with a passing score of at least 75; and~~

~~(2)~~

~~(a)~~]the WREB examination with a passing score as established by the WREB;[~~or~~]

([~~b~~]2) the NERB examination with a passing score as established by the NERB;[~~or~~]

([~~c~~]3) the SRTA examination with a passing score as established by the SRTA; or

([~~d~~]4) the CRDTS examination with a passing score as established by the CRDTS.

R156-69-302c. Qualifications for Licensure - Examination Requirements - Dental Hygienist.

In accordance with Subsections 58-69-302(3)(f) and (g), the examination requirements for licensure as a dental hygienist are established as the following:

(1) [~~the Utah Dentist and Dental Hygienist Law Examination with a passing score of at least 75; and~~

~~(2)~~

~~(a)~~]the WREB examination with a passing score as established by the WREB;[~~or~~]

([~~b~~]2) the NERB examination with a passing score as established by the NERB;[~~or~~]

([~~c~~]3) the SRTA examination with a passing score as established by the SRTA; or

([~~d~~]4) the CRDTS examination with a passing score as established by the CRDTS.

KEY: licensing, dentists, dental hygienists
Date of Enactment or Last Substantive Amendment: [~~December 3, 2002~~]2006
Notice of Continuation: June 19, 2006
Authorizing, and Implemented or Interpreted Law: 58-69-101; 58-1-106(1)(a); 58-1-202(1)(a)

♦ ——————————— ♦

Commerce, Real Estate
R162-209
Administrative Proceedings

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28849
FILED: 06/28/2006, 08:57

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Division of Real Estate and the Utah Residential Mortgage Regulatory Commission have decided to conduct disciplinary proceedings as informal adjudicative proceedings instead of formal adjudicative proceedings.

SUMMARY OF THE RULE OR CHANGE: Disciplinary proceedings are changed from formal adjudicative proceedings (which have been conducted by an Administrative Law Judge) to informal adjudicative proceedings before the Utah Residential Mortgage Regulatory Commission. Procedural rules for various types of informal proceedings are also provided.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 61-2c-103(3) and 63-46b-1(5)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The only State agency that would be impacted would be the Division of Real Estate. The Division of Real Estate anticipates that there will be no significant cost or savings in its budget by conducting more informal adjudicative proceedings that are subject to de novo review instead of formal adjudicative proceedings that are subject to a review on the record.

❖ LOCAL GOVERNMENTS: None--The rules on administrative proceedings before the Utah Residential Mortgage Regulatory Commission do not impact local government; therefore, there are no costs or savings to local government.

❖ OTHER PERSONS: It is anticipated that persons who are the subject of proceedings before the Utah Residential Mortgage Regulatory Commission will save money because the proceedings will be informal proceedings as opposed to formal proceedings. It is unknown whether the appeal from an informal proceeding, which is a trial de novo in district court, will cost these persons money or save them money as compared to the cost of an appeal from a formal proceeding, which is a review on the record of what occurred at the agency level. Therefore, the costs or savings to those persons cannot be determined or quantified.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As set forth above under "Other persons" above, it is unknown whether the change from formal proceedings to informal proceedings for disciplinary actions will cost the persons involved in these proceedings any money, or whether the change will save them money.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing changes the designation of residential mortgage disciplinary hearings from formal adjudicative proceedings to informal adjudicative proceedings. It also codifies procedures for adjudicative proceedings conducted by the agency. It is not clear whether in the long run there will be a cost savings or cost increase to the residential mortgage industry as a result of the change in the designation of adjudicative proceedings. However, no fiscal impact to other businesses is anticipated by such change or by the codification of procedures. 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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/22/2006

AUTHORIZED BY: Derek Miller, Director

R162. Commerce, Real Estate.
R162-209. Administrative Proceedings.
R162-209-1. Requests for Agency Action.

209.1.1 Any application form which is filled out and submitted to the Division for a license or renewal of a license, or for certification of a school, instructor, or course, shall be deemed a request for agency action pursuant to the Utah Administrative Procedures Act, Section 63-46b-1, et seq.

209.1.2 A complaint against a licensee requesting that the Division commence an investigation or a disciplinary action is not a request for agency action pursuant to the Utah Administrative Procedures Act, Section 63-46b-1, et seq.

209.1.3 Other requests for agency action shall be in writing and signed by the requestor, and shall contain the information required by the Utah Administrative Procedures Act, Section 63-46b-3.

R162-209-[~~1~~]2. Formal Adjudicative Proceedings.

Any adjudicative proceeding conducted subsequent to the issuance of a cease and desist order[~~as to the following matters~~] shall be conducted on a formal basis.[~~:~~

~~209.1.1. A disciplinary action commenced by the Division following investigation of a complaint; and~~

~~209.1.2. Any proceedings conducted subsequent to the issuance of a cease and desist order.~~]

R162-209-[~~2~~]3. Informal Adjudicative Proceedings.

209.[~~2~~]3.1. All adjudicative proceedings as to any other matters not specifically designated as formal adjudicative proceedings shall be conducted as informal adjudicative proceedings.

209.[~~2~~]3.2. A hearing will be held in an informal adjudicative proceeding only if required or permitted by the Utah Residential Mortgage Practices Act or by these rules.[

~~209.2.3. A party is not required to file a written answer to a notice of agency action from the Division in an informal adjudicative proceeding.~~]

209.[~~2.4~~]3.3. All proceedings on original or renewal applications for a license will be conducted as informal adjudicative proceedings.

209.3.4. All proceedings on original or renewal applications for certification of a school, instructor, or course will be conducted as informal adjudicative proceedings.

209.3.5. Except as provided in Section 63-46b-20, all proceedings for disciplinary action commenced by the Division following investigation of a complaint will be conducted as informal adjudicative proceedings.[~~209.2.5. Any application form which is filled out and submitted to the Division for a license or renewal of a license shall be deemed a request for agency action pursuant to the Utah Administrative Procedures Act, Section 64-46b-1, et seq.~~

~~209.2.6. Within a reasonable time after receipt of an application, the Division shall:~~

~~(a) issue and mail a license to the applicant, which shall be deemed notification that the application is granted conditionally subject to the outcome of the criminal background check;~~

~~(b) notify the applicant that the application is incomplete or that further information is needed;~~

~~(c) notify the applicant that a hearing shall be scheduled before the Utah Residential Mortgage Regulatory Commission; or~~

~~(d) notify the applicant that the application is denied, and, if the proceeding is one in which a hearing is permitted, that the applicant may request a hearing to challenge the denial.~~

~~209.2.7. Other Requests for Agency Action. All other requests for agency action shall be in writing and signed by the requestor, and shall contain the following:~~

~~(a) the names and addresses of all persons to whom a copy of the request for agency action is being sent;~~

~~(b) the agency's file number or other reference number, if known;~~

~~(c) the date of mailing of the request for agency action;~~

~~(d) a statement of the legal authority and jurisdiction under which the agency action is requested, if known;~~

~~(e) a statement of the relief or action sought from the Division; and~~

~~(f) a statement of the facts and reasons forming the basis for relief or agency action.~~

~~209.2.8. Within a reasonable time after receipt of a request for agency action other than an application for an original or renewed license, the Division shall:~~

~~(a) notify the requestor in writing that the request is granted;~~

~~(b) notify the requestor that the request is incomplete or that further information is needed before the Division is able to make a determination on the request;~~

~~(c) notify the requestor that the Division does not have the legal authority or jurisdiction to grant the relief requested or the action sought; or~~

~~(d) notify the requestor that the request is denied, and, if the proceeding is one in which a hearing is permitted, that he may request a hearing to challenge the denial.~~

~~209.2.9. A complaint against a licensee requesting that the Division commence an investigation or a disciplinary action is not a request for agency action pursuant to the Utah Administrative Procedures Act, Section 64-46-1, et seq.~~]

R162-209-[~~3~~]4. Hearings Not Required.

A hearing is not required and will not be held in the following informal adjudicative proceedings:

(a) The issuance of an original or renewed license when the application has been approved by the Division;

(b) The issuance of an original or renewed school certification, instructor certification, or course certification when the application has been approved by the Division;

(c) The issuance of any interpretation of statute, rule or order, or the issuance of any written opinion or declaratory order determining the applicability of a statute, rule or order, when enforcement or implementation of the statute, rule or order lies within the jurisdiction of the Division;

(d) The denial of an application for original or renewed license on the ground that it is incomplete;

(e) The denial of an application for original or renewed school certification, instructor certification, or course certification on the ground that it does not comply with the requirements of Sections R162-208.9, R162-210.2, R162-210.5, or R162-210.6; or

(f) All proceedings on an application for an exemption from the continuing education requirement.

R162-209-5. Hearings Required in Informal Adjudicative Proceedings.

209.5.1 Hearings will be held in all proceedings commenced by the Division for disciplinary action pursuant to U.C.A. Section 61-2c-402.

R162-209-[4]6. Hearings Permitted.

209.[4]6.1. Except as provided in Subsection 209.6.2, a[~~A~~]n informal post-revocation hearing following the revocation of a license pursuant to Utah Code Section 61-2c-202(4)(d) for the failure of a person to accurately disclose his criminal history will be held [~~only~~]if requested in writing by the person within 30 days from the date the Division's order revoking the license was mailed.

209.6.2 Upon a finding of good cause shown for a delay in requesting a hearing, the Director may grant a post-revocation hearing to a licensee whose request for a hearing was not timely made.

R162-209-[~~5~~]7. Procedures for Hearing in All Informal Adjudicative Proceedings.

209.7.1 The procedures to be followed in all informal adjudicative proceedings are set forth in Title 63, Chapter 46b, Utah Administrative Procedures Act, Utah Administrative Code Section R151-46b, and in these rules.

209.7.2 Except as provided in Subsection 209.8.3 of these rules, a party is not required to file a written answer to a notice of agency action from the Division in an informal adjudicative proceeding.

209.7.3 Assistance of an Administrative Law Judge. In any proceeding under this subsection, the Commission and the Division may, but shall not be required to, delegate a hearing to an Administrative Law Judge or request that an Administrative Law Judge assist the Commission and the Division in conducting the hearing. Any delegation of a hearing to an Administrative Law Judge shall be in writing.

209.[~~5.1~~]7.4. Notice of hearing. Upon the scheduling of a hearing by the Division on an application for a license or upon receipt of a timely request for a hearing where other hearings are permitted, the Division shall mail written notice of [~~the~~]date, time, and place scheduled for the hearing at least ten days prior to the hearing.

209.[~~5.2~~]7.5. Discovery. Discovery is prohibited, but the Division may issue subpoenas or other orders to compel production of necessary and relevant evidence upon written request to the Division. [~~All p~~]Parties shall have access to [~~the Division's files and all materials and information gathered in any investigation to the extent permitted by law.~~]information gathered during an investigation by the Division to the extent permitted by Title 63, Chapter 2, Government Records Access and Management Act, and other applicable laws. The Division shall provide the information within 15 days of receipt of the written request. Information that will not be provided by the Division to a party includes the Division's Investigative Report, draft documents, attorney/client communications, materials containing an attorney's work product, materials containing the investigators' thought processes or analysis, or internal Division forms and memoranda. The Division may decline to provide a party with information that it has already provided to that party.

209.[~~5.3~~]7.6. Intervention. Intervention is prohibited.

209.[~~5.4~~]7.7. Hearings. Hearings shall be open to all parties, except that a hearing [~~on an applicant's fitness for a license shall~~]may be conducted in a closed session which is not open to the public if the presiding officer closes the hearing pursuant to Title 63, Chapter 46b, the Utah Administrative Procedures Act, or Title 52, Chapter 4, the Open and Public Meetings Act.

209.7.8 Representation by Counsel. The [~~parties named in the notice of agency action or the request for agency action~~]respondent in a proceeding commenced by the Division, or the requestor in a proceeding commenced by a request for agency action, may be represented by counsel and shall have the opportunity to testify, present witnesses and other evidence, and comment on the issues.

209.7.9. Witnesses. A party to a proceeding may request that the Division subpoena witnesses or documents on the party's behalf by making a written request to the Division. The Division will thereafter generate the witness subpoenas and furnish them to the party requesting them. The party who has requested that a witness be subpoenaed shall bear the cost of service of the subpoena upon the witness, the witness fee and mileage to be paid to the witness.

209.7.10. Record. The Division shall cause a record to be made of the hearing by audio or video recorder, or by a certified shorthand reporter. Any party to a proceeding, at his own expense, may have a reporter approved by the Division prepare a transcript from the Division's recording of the proceedings.

209.[~~5.5~~]7.11. Orders. Within a reasonable time after the [~~hearing~~]close of a proceeding, the presiding officer shall [~~cause to be issued and sent to the parties~~]issue a signed order [~~based on the facts appearing in the agency's files and on the facts presented in evidence at the hearing. The order shall state~~]in writing that states the decision, [~~and~~]the reasons for the decision, [~~therefor and~~]a notice of [~~the~~]any right of administrative [~~review and~~]or judicial review available to the parties, and [~~including applicable~~]the time limits for filing an appeal or requesting review. The order shall be based on the facts appearing in the Division's files and on the facts presented in evidence at the hearing. A copy of the Order shall be promptly mailed or delivered to each of the parties.

R162-209-8. Additional Procedures for Disciplinary Proceedings Commenced by the Division.

209.8.1 The following additional procedures shall apply to disciplinary proceedings commenced by the Division pursuant to U.C.A. Section 61-2c-402 following the investigation of a complaint by the Division:

209.8.2 Notice of Agency Action and Petition. The proceeding shall be commenced by the Division filing and serving a Notice of Agency Action and a Petition setting forth the allegations made by the Division.

209.8.3 Answer. The presiding officer at the time the Petition is filed may, upon a determination of good cause, require a person against whom a disciplinary proceeding has been initiated pursuant to U.C.A. Section 61-2c-402 to file an Answer to the Petition by ordering in the Notice of Agency Action that the respondent shall file an Answer with the Division. All Answers are required to be filed with the Division within thirty days after the mailing date of the Notice of Agency Action and Petition.

209.8.4 Witness and Exhibit Lists. The Division shall provide its Witness and Exhibit Lists to the respondent at the time it mails its Notice of Hearing to the respondent. The respondent shall provide its Witness and Exhibits Lists to the Division no later than thirty days after the mailing date of the Division's Notice of Agency Action and Petition.

209.8.4.1 Contents of Witness List. A Witness List shall contain the name, address, and telephone number of each witness, and a summary of the testimony expected from the witness.

209.8.4.2 Contents of Exhibit List. An Exhibit List shall contain an identification of each document or other exhibit that the party intends to use at the hearing, and shall be accompanied by copies of the exhibits.

209.8.5 Pre-hearing Motions. Any pre-hearing motion permitted by the Department of Commerce Administrative Procedures Act Rules shall be made in accordance with those rules. The Director of the Division shall receive and rule upon any pre-hearing motions.

KEY: residential mortgage loan origination
Date of Enactment or Last Substantive Amendment: [~~November 3, 2004~~]2006
Notice of Continuation: January 30, 2006
Authorizing, and Implemented or Interpreted Law: 63-46b-4

♦ ♦

Environmental Quality, Water Quality
R317-7
Underground Injection Control (UIC) Program

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28859
FILED: 06/29/2006, 16:26

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the proposed rule change is to align the definition of underground injection control (UIC)-regulated large capacity underground domestic wastewater disposal systems under the administrative rules for the UIC Program with the definition for those systems under the administrative rule for Large Underground Wastewater Disposal Systems. The reason for this change is to simplify the integration of the performance-based UIC Program regulations (Rule R317-7) with the prescriptive Large Underground Wastewater Disposal Systems regulations (Rule R317-5) governing their siting, construction, and operation.

SUMMARY OF THE RULE OR CHANGE: Currently under Subsection R317-7-3(3.5)(I), septic systems regulated under the UIC Program are defined as those that inject waste or effluent from a multiple dwelling, community, or business septic tank and have the capacity to serve 20 or more persons per day. The proposed rule change clarifies that the disposal of effluent from a multi-dwelling, business, or community sanitary waste treatment system, consisting of a septic tank or any other treatment mechanism, into a subsurface fluid distribution system with a design flow rate of greater than 5,000 gallons per day qualifies as a UIC-regulated activity. The rule change adds a definition to Subsection R317-7-2(2.35) for large underground domestic wastewater disposal systems and ties it to the definition of those systems in Subsection R317-1-1(1.16) and emphasizes the fact that these systems are only for the disposal of treated domestic waste. The inclusionary language for the classification of UIC-regulated septic systems in Subsection R317-7-3(3.5)(I) is changed from "septic systems" to "large underground domestic wastewater disposal systems". The exclusionary language in Subsection R317-7-3(3.5)(I) is changed from "the capacity to serve fewer than 20 persons" to "a design flow rate of less than or equal to 5,000 gallons per day". Subsection R317-7-3(3.5)(I) is further expanded to clarify that any subsurface fluid distribution systems, regardless of flow rate, used to dispose of industrial waste is not an underground wastewater disposal system as defined in Subsection R317-1-1(1.32). Any subsurface fluid distribution system used to dispose of industrial waste is defined as an Industrial Process Water and Waste Disposal well. Wastewater discharged into these wells must meet MCLs at the point of discharge. It is the inclusion of the term "large underground domestic wastewater disposal systems" and the change to a flow rate of 5,000 gallons per day that facilitate the alignment of the UIC rules with the Large Underground Wastewater Disposal System rules.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The proposed rule changes are of a technical nature and are not anticipated to impact staff resources or state budget.

❖ LOCAL GOVERNMENTS: The proposed rule change will reduce costs to the local health departments by eliminating the time required to ensure that owner/operators of UIC-regulated onsite wastewater disposal systems are complying with the UIC regulations by filling out and submitting the Utah UIC Inventory Information Form.

❖ OTHER PERSONS: The proposed rule change will reduce costs to owner/operators of systems with flow rates less than 5,000 gallons per day, but which meet the other UIC inclusionary criteria, by eliminating the time required to comply with the UIC regulations by filling out and submitting the Utah UIC Inventory Information Form.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed rule change will reduce compliance costs associated with filing the UIC inventory information form for UIC facilities designed with a flow rate of less than 5,000 gallons per day.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule change will reduce compliance costs associated with filing the UIC inventory information form for UIC facilities designed with a flow rate of less than 5,000 gallons per day. No other impacts to businesses are anticipated. Dianne R. Neilson, Executive Director

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

ENVIRONMENTAL QUALITY
WATER QUALITY
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:

Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at dwham@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2006

AUTHORIZED BY: Walter Baker, Director

R317. Environmental Quality, Water Quality.
R317-7. Underground Injection Control (UIC) Program.
R317-7-2. Definitions.

2.1 "Abandoned Well" means a well whose use has been permanently discontinued or which is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

2.2 "Application" means standard forms for applying for a permit, including any additions, revisions or modifications.

2.3 "Aquifer" means a geologic formation or any part thereof that is capable of yielding significant water to a well or spring.

2.4 "Area of Review" means the zone of endangering influence or fixed area radius determined in accordance with the provisions of 40 C.F.R. 146.6.

2.5 "Background Data" means the constituents or parameters and the concentrations or measurements which describe water quality and water quality variability prior to surface or subsurface discharge.

2.6 "Barrel" means 42 (U.S.) gallons at 60 degrees F and atmospheric pressure.

2.7 "Casing" means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground, or to prevent water, gas, or other fluid from entering or leaving the hole.

2.8 "Casing Pressure" means the pressure within the casing or between the casing and tubing at the wellhead.

2.9 "Catastrophic Collapse" means the sudden and utter failure of overlying "strata" caused by removal of underlying materials.

2.10 "Cementing" means the operation whereby a cement slurry is pumped into a drilled hole and/or forced behind the casing.

2.11 "Cesspool" means a "drywell" that receives untreated sanitary waste containing human excreta, and which sometimes has an open bottom and/or perforated sides.

2.12 "Confining Bed" means a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

2.13 "Confining Zone" means a geological formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.

2.14 "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

2.15 "Conventional Mine" means an open pit or underground excavation for the production of minerals.

2.16 "Disposal Well" means a well used for the disposal of fluids into a subsurface stratum.

2.17 "Drilling Mud" means mud of not less than 36 viscosity (A.P.I. Full Funnel Method) and a weight of not less than nine pounds per gallon.

2.18 "Drywell" means a well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

2.19 "Exempted Aquifer" means an aquifer or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures of 40 C.F.R. 144.7.

2.20 "Existing Injection Well" means an "injection well" other than a "new injection well."

2.21 "Experimental Technology" means a technology which has not been proven feasible under the conditions in which it is being tested.

2.22 "Fault" means a surface or zone of rock fracture along which there has been a displacement.

2.23 "Flow Rate" means the volume per time unit given to the flow of gases or other fluid substance which emerges from an orifice, pump, turbine or passes along a conduit or channel.

2.24 "Fluid" means material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

2.25 "Formation" means a body of rock characterized by a degree of lithologic homogeneity which is prevailingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

2.26 "Formation Fluid" means "fluid" present in a "formation" under natural conditions as opposed to introduced fluids, such as drilling mud.

2.27 "Generator" means any person, by site location, whose act or process produces hazardous waste identified or listed in 40 C.F.R. Part 261.

2.28 "Groundwater" means water below the ground surface in a zone of saturation.

2.29 "Ground water protection area" refers to the drinking water source protection zones for ground water sources delineated by the Utah Division of Drinking Water according to Utah Administrative Code R309-600 - Drinking Water Source Protection For Ground-Water Sources.

2.30 "Hazardous Waste" means a hazardous waste as defined in R315-2-3.

2.31 "Hazardous Waste Management Facility" means all contiguous land, structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combination of them).

2.32 "Improved sinkhole" means a naturally occurring karst depression or other natural crevice found in volcanic terrain and other geologic settings which have been modified by man for the purpose of directing and emplacing fluids into the subsurface.

2.33 "Injection Well" means a well into which fluids are being injected for subsurface emplacement of the fluids.

2.34 "Injection Zone" means a geological "formation," group of formations, or part of a formation receiving fluids through a well.

2.35 "Large underground domestic wastewater disposal system" means a large underground domestic wastewater disposal system (as defined in R317-1-1.16) for emplacing treated domestic wastewater into the subsurface and which is designed for a capacity of greater than 5,000 gallons per day

2.3[~~5~~]6 "Lithology" means the description of rocks on the basis of their physical and chemical characteristics.

2.3[~~6~~]7 "Monitoring Well" means a well used to measure groundwater levels and to obtain water samples for water quality analysis.

2.3[~~7~~]8 "New Injection Well" means an injection well which began injection after January 19, 1983.

2.3[~~8~~]9 "Packer" means a device lowered into a well to produce a fluid-tight seal within the casing.

2.[~~39~~]40 "Plugging" means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

2.4[~~0~~]1 "Plugging Record" means a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations which are sealed and a graphic log of the well showing formation location, formation thickness, and location of plugging structures.

2.4[~~1~~]2 "Point of injection" means the last accessible sampling point prior to waste fluids being released into the subsurface environment through a Class V injection well. For example, the point of injection of a Class V septic system might be the distribution box - the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

2.4[~~2~~]3 "Pressure" means the total load or force per unit area acting on a surface.

2.4[~~3~~]4 "Project" means a group of wells in a single operation.

2.4[4]5 "Professional Engineer" means any person qualified to practice engineering before the public in the state of Utah and professionally registered as required under the Professional Engineers and Professional Land Surveyors Licensing Act Rules (UAC R156-22).

2.4[~~5~~]6 "Professional Geologist" means any person qualified to practice geology before the public in the state of Utah and professionally registered as required under the Professional Geologist Licensing Act Rules (UAC R156-76).

2.4[~~6~~]7 "Radioactive Waste" means any waste which contains radioactive material in concentrations which exceed those listed in 10 C.F.R. Part 20, Appendix B, Table II Column 2.

2.4[~~7~~]8 "Sanitary waste" means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities provided the waste is not mixed with industrial waste.

2.4[~~8~~]9 "Septic system" means a "well" that is used to emplace sanitary waste below the surface and is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

2.[~~49~~]50 "Stratum" (plural strata) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

2.5[~~0~~]1 "Subsidence" means the lowering of the natural land surface in response to earth movements; lowering of fluid pressure; removal of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (Hydrocompaction); oxidation of organic matter in soils; or added load on the land surface.

2.5[~~1~~]2 "Subsurface fluid distribution system" means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

2.5[~~2~~]3 "Surface Casing" means the first string of well casing to be installed in the well.

2.5[~~3~~]4 "Total Dissolved Solids (TDS)" means the total residue (filterable) as determined by use of the method specified in 40 C.F.R. Part 136 Table 1B.

2.5[4]5 "Transferee" means the owner or operator receiving ownership and/or operational control of the well.

2.5[~~5~~]6 "Transferor" means the owner or operator transferring ownership and/or operational control of the well.

2.5[~~6~~]7 "Underground Injection" means a "well injection".

2.5[~~7~~]8 "Underground Sources of Drinking Water (USDW)" means an aquifer or its portion which:

A. Supplies any public water system, or which contains a sufficient quantity of ground water to supply a public water system; and

1. currently supplies drinking water for human consumption; or

2. contains fewer than 10,000 mg/l total dissolved solids (TDS); and

B. is not an exempted aquifer. (See Section 7-4).

2.5[~~8~~]9 "Well" means a bored, drilled or driven shaft whose depth is greater than the largest surface dimension; or a dug hole whose depth is greater than the largest surface dimension; or an improved sinkhole; or a subsurface fluid distribution system.

2.[~~59~~]60 "Well Injection" means the subsurface emplacement of fluids through a well.

2.6[~~0~~]1 "Well Monitoring" means the measurement, by on-site instruments or laboratory methods, of the quality of water in a well.

2.6[~~1~~]2 "Well Plug" means a watertight and gas-tight seal installed in a borehole or well to prevent movement of fluids.

2.6[~~2~~]3 "Well Stimulation" means several processes used to clean the well bore, enlarge channels, and increase pore space in the interval to be injected thus making it possible for wastewater to move more readily into the formation, and includes:

(1) surging;

(2) jetting;

(3) blasting;

(4) acidizing; and

(5) hydraulic fracturing.

R317-7-3. Classification of Injection Wells.

Injection wells are classified as follows:

3.1 Class I

A. Hazardous Waste Injection Wells: wells used by generators of hazardous wastes or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing, within two miles of the well bore, an underground source of drinking water;

B. Nonhazardous Injection Wells: other industrial and municipal waste disposal wells which inject nonhazardous fluids beneath the lowermost formation containing, within two miles of the well bore, an underground source of drinking water; this category includes disposal wells operated in conjunction with uranium mining activities.

C. Radioactive waste disposal wells which inject fluids below the lowermost formation containing an underground source of drinking water within two miles of the well bore.

3.2 Class II. Wells which inject fluids:

A. which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with wastewaters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

B. for enhanced recovery of oil or natural gas; and

C. for storage of hydrocarbons which are liquid at standard temperature and pressure.

Class II injection wells are regulated by the Division of Oil, Gas and Mining under Oil and Gas Conservation General Rules, R649-5.

3.3 Class III. Wells which inject for extraction of minerals, including:

A. mining of sulfur by the Frasch process;

B. in situ production of uranium or other metals. This category includes only in situ production from ore bodies which have not been conventionally mined. Solution mining of conventional mines such as stopes leaching is included in Class V; and

C. solution mining of salts or potash.

3.4 Class IV

A. Wells used by generators of hazardous wastes or of radioactive wastes, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous wastes or radioactive wastes into a formation which, within two miles of the well, contains an underground source of drinking water;

B. wells used by generators of hazardous wastes or of radioactive wastes, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous wastes or radioactive wastes above a formation which, within two miles of the well, contains an underground source of drinking water;

C. wells used by generators of hazardous wastes or by owners or operators of hazardous waste management facilities, to dispose of hazardous wastes which cannot be classified under Section 7-3.1(A) or 7-3.4(A) and (B) of these rules (e.g. wells used to dispose of hazardous wastes into or above a formation which contains an aquifer which has been exempted).

3.5 Class V. Injection wells not included in Classes I, II, III, or IV. Class V wells include:

A. air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump;

B. large capacity cesspools, including multiple dwelling, community or regional cesspools, or other devices that receive untreated sanitary wastes, containing human excreta, which have an open bottom and sometimes have perforated sides. The UIC requirements do not apply to single family residential cesspools nor to non-residential cesspools which receive solely sanitary wastes and have a design flow rate of less than or equal to 5,000 gallons[~~the capacity to serve fewer than 20 persons~~] per day;

C. cooling water return flow wells used to inject water previously used for cooling;

D. drainage wells used to drain surface fluid, primarily storm runoff, into a subsurface formation;

E. dry wells used for the injection of wastes into a subsurface formation;

F. recharge wells used to replenish the water in an aquifer;

G. salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;

H. sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings or other solids into mined out portions of subsurface mines, whether what is injected is radioactive waste or not;

I. large underground domestic wastewater disposal systems (as defined in R317-1-1.16)[~~septic systems~~] used to inject effluent from a domestic wastewater treatment system associated with[~~the waste or effluent from~~] a multiple family dwelling, business establishment, community, or regional business establishment[~~septic tank~~]. The UIC requirements do not apply to single family residential onsite wastewater systems[~~septic system wells~~] (as defined in R317-1-1.13), nor to non-residential onsite wastewater systems[~~septic system wells~~] which are used solely for the disposal of treated domestic[~~sanitary~~] waste and have [~~the capacity to serve fewer than 20 persons~~]a design flow rate of less than or equal to 5,000 gallons per day[~~;~~]. Any subsurface fluid

distribution system or other type of injection well designed for any flow rate and used to dispose of industrial wastewater is not an underground wastewater disposal system as defined by R317-1-1.32.

J. subsidence control wells (not used for the purpose of oil or natural gas production) used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;

K. stopes leaching, geothermal and experimental wells;

L. brine disposal wells for halogen recovery processes;

M. injection wells associated with the recovery of geothermal energy for heating, aquaculture and production of electric power; and

N. injection wells used for in situ recovery of lignite, coal, tar sands, and oil shale.

O. motor vehicle waste disposal wells that receive or have received fluids from vehicular repair or maintenance activities, such as an auto body repair shop, automotive repair shop, new and used car dealership, specialty repair shop (e.g., transmission and muffler repair shop), or any facility that does any vehicular repair work. Fluids disposed in these wells may contain organic and inorganic chemicals in concentrations that exceed the maximum contaminant levels (MCLs) established by the primary drinking water regulations (see 40 CFR Part 141 and Utah Primary Drinking Water Standards R309-200-5). These fluids also may include waste petroleum products and may contain contaminants, such as heavy metals and volatile organic compounds, which pose risks to human health.

KEY: water quality, underground injection control
Date of Enactment or Last Substantive Amendment: [~~October 26, 2004~~]2006
Notice of Continuation: November 13, 2001
Authorizing, and Implemented or Interpreted Law: 19-5

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Health, Epidemiology and Laboratory Services, Environmental Services

R392-110

Home-based Child Care Food Service

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 28825
FILED: 06/19/2006, 16:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule has two purposes. The first is to define the inspection criteria that local health department food safety inspectors will use to evaluate the food preparation/cooking area of residential and family day care facilities. Second, it defines local health department authority and responsibilities for food safety in home-based day care facilities. Local health departments and child care licensing experts requested this rule clarification.

SUMMARY OF THE RULE OR CHANGE: The new rule establishes the minimum standards which residential and family day care providers need to comply to ensure proper food handling and safety. The rule is based on Rule R392-100 and Section 26-15-2.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-15-2

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no anticipated cost to state government because local governments will be performing the required inspections.

❖ LOCAL GOVERNMENTS: Each of the 12 local health departments will need to inspect more facilities. It is estimated that it will cost local health departments approximately $75,000 to $80,000 per year to implement these inspections. These costs will be offset by fees established by each local health department.

❖ OTHER PERSONS: The residential and family day care providers will be assessed fees totaling approximately $60,000 to $65,000, annually.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Local health departments will charge fees ranging from $40 to $75 for the biennial inspections. Residential and family day care providers will be assessed the fee once every two years.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Input from impacted child care providers has so far been positive that this rule change balances the need to assure safe food handling in the settings against the cost of regulation. This will be carefully reexamined based on public comments received during the comment period. A. Richard Melton, Acting Executive Director

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

HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES,
ENVIRONMENTAL SERVICES
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:
Ronald Marsden at the above address, by phone at 801-538-6191, by FAX at 801-538-6564, or by Internet E-mail at rmarsden@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/22/2006

AUTHORIZED BY: David N. Sundwall, Executive Director

R392. Health, Epidemiology and Laboratory Services, Environmental Services.
R392-110. Home-based Child Care Food Service.
R392-110-1. Authority and Purpose.
This rule establishes food service inspection standards for certified or licensed child care providers that provide care for 16 or fewer children. It is authorized by Sections 26-15-2 and 26-39-104.

R392-110-2. Applicability.
This rule applies to food service provided in certified or licensed child care facilities, including residences, that provide care for 16 or fewer children, notwithstanding the provisions of R392-100. R392-100 governs food service provided in facilities that care for more than 16 children.

R392-110-3. Inspection Request, Report.
After request and payment of the fee established by the local health department, a local health department shall inspect a child care provider's food service based on the standards established in this rule and using an inspection form approved by the Department. Upon satisfactory inspection, the local health department shall issue a report to the child care provider stating that the food service provided by the child care provider poses no serious sanitation or health hazard to children.

R392-110-4. Standards.
(1) Food is obtained from sources that comply with law and are approved as outlined in R392-100 3-2.
(2) Food in a hermetically sealed container is obtained from a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.
(3) Food is protected from contamination by storing the food in a clean, dry location where it is not exposed to splash, dust, or other contamination and stored above the floor.
(4) Food is not stored in toilet rooms or mechanical rooms, under sewer lines, under leaking water lines or under any source of contamination.
(5) Food brought in by parents to serve to other children in the facility is from approved sources that comply with law and are approved as outlined in R392-100 3-2
(6) Food brought in by a parent or guardian for specific use of that person's child is labeled with the name of the child.
(7) Bottled or canned baby food, upon opening, is labeled on the outside of the container with the date and time of opening.
(8) Canned or bottled opened baby food containers, except for dry products, are refrigerated and kept at 41 degrees F or below.
(9) Canned or bottled baby food, except for dry products, is discarded if not used within 24 hours of opening.
(10) Infant formula or breast milk is discarded after feeding or within two hours of initiating a feeding.
(11) Refrigerators used to store food for children are maintained and cleaned to prevent contamination of stored food.
(12) Food products stored inside refrigerator are stored at 41 degrees F or below as outlined by R392-100 3-5.
(13) A calibrated thermometer is stored in the refrigerator to verify the temperature of food products.
(14) Food prepared at the day care facility meets the critical cooking, hot holding, cold holding, and cooling temperatures as outlined in R392-100, 3-4 and 3-5.
(15) Each caregiver who prepares or serves food is trained in food safety and has a copy of a current food handler permit on file at the facility.
(16) Food is served on clean plates, single service plates, or a clean and sanitized high chair tray.
(17) If napkins are used at meals or snacks, then they must be single service.
(18) Clean cups or single service cups are provided at each beverage service.
(19) Before each use, reusable food holders, utensils, and preparation surfaces are washed with hot water and detergent solutions, rinsed with clean water, and sanitized as outlined in R392-100 4-501.114.
(20) Food employees clean their hands and exposed portions of their arms:
(a) immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single service and single use articles;
(b) after touching bare human body parts other than clean hands and clean exposed portions of arms;
(c) after using the toilet room;
(d) after caring for or handling any animal, including service animals;
(e) when switching between working with raw food and ready to eat food; and
(f) as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks.
(21) Hand washing facilities are located to allow convenient use by employees in food preparation, food dispensing, and ware washing areas; and in or immediately adjacent to toilet rooms.
(22) When preparing food, employees wear hair restraints, such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens, and unwrapped single service and single use articles.
(23) Food employees wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single service and single use articles.
(24) Poisonous or toxic chemicals are identified.
(25) Procedures are in place to ensure that poisonous or toxic chemicals are safely stored to prevent access by children
(26) Poisonous or toxic materials are stored so they can not contaminate food, equipment, utensils, linens, and single service and single use articles.
(27) Only those poisonous or toxic materials that are required for the operation and maintenance of food storage, preparation, and service areas such as for the cleaning and sanitizing of equipment and utensils and the control of insects and rodents are in the food storage, preparation, and service areas.
(28) Menus for the current week are posted in plain sight and accessible for public review.

KEY: child care providers, food service
Date of Enactment of Last Substantive Change: 2006
Authorizing, and Implemented or Interpreted Law: 26-15-2; 26-39-104

Human Services, Substance Abuse and Mental Health

R523-24

Off-Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 28842
FILED: 06/26/2006, 14:17

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being established to direct the activities mandated by S.B. 58 (2006), which requires the Division of Substance Abuse and Mental Health (DSAMH) to create a process for certifying a curriculum that will be used to train all retail employees who sell alcohol to the public for off-premise consumption. The intent of this law is to decrease the number of sales to underage consumers through educating the retail clerks that allow such purchases to take place. This rule also sets standards for agencies that will provide the mandated training and directs DSAMH's efforts in creating and maintaining a database that will track all persons who are certified to sell alcohol to consumers for off-premise consumption. (DAR NOTE: S.B. 58 (2006) is found at Chapter 342, Laws of Utah 2006, and was effective 07/01/2006.)

SUMMARY OF THE RULE OR CHANGE: This rule provides for the certification of entities that will make available training for retail employees who sell alcohol to consumers for off-premise use; certification of curriculum that will be used by the aforementioned entities; approval for certification of the intended employees; the length of time certification will be allowed for both the entities providing training and the persons receiving certification; the cost remitted to DSAMH for certifying the intended employees; a process for decertifying a curriculum; and a means for tracking persons who have been certified to sell alcohol to consumers for off-premise use. (DAR NOTE: A corresponding 120-day (emergency) rule that was effective 07/01/2006 is under DAR No. 28841 in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-15-401

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Implementation of this rule will require DSAMH to develop a database to track retail employees certified to sell alcoholic beverages. DSAMH estimates that construction of this database will cost $15,000. DSAMH has agreed to pay for completion of this database from existing resources. This rule will also require DSAMH to certify and monitor training providers. Section 62A-15-401 allows DSAMH to assess a fee to cover the cost of implementing the training established by this rule.

❖ LOCAL GOVERNMENTS: DSAMH has determined that this rule will have no fiscal impact on local governments because they do not employ alcohol servers and are not involved in the creation and maintenance of the database.

❖ OTHER PERSONS: The Utah Retailers Association estimates that between 30,000 and 35,000 employees will need to be certified to sell alcoholic beverages for off-premise consumption. The training will take a minimum of 60 minutes. Most retail employees currently receive training on laws related to the sale of alcoholic beverages. DSAMH anticipates that the training established by this rule will be incorporated into existing employee training for most individuals engaged in the sale of beer for off-premise consumption. However, in some cases, training materials will need to be modified. In addition, retail establishments who currently do not formally train employees will need to provide training or make arrangements for employees to be trained. In such circumstances, it is estimated that providers may charge a fee similar to on-premise training at $25/person. This cost may be to the employee or employer depending on their arrangement. Employers will remit $2.50 for each person trained to DSAMH to cover the cost of maintaining the database, and certifying training providers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs associated with this rule include: the development and maintenance of a database by DSAMH; wages paid to employees for one hour of training; employers who do not have a training program, may need to pay a provider for training services; and $2.50 paid by either the employer of employee to cover the cost of maintaining DSAMH's database and printing cost for the certificate of completion.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After careful review, the Department of Human Services has determined that this rule will have several financial impacts on businesses in the state of Utah that include: the cost of training; the cost of one hour's wage for each person trained; and $2.50 per person for licensing fees to be paid to DSAMH. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES
SUBSTANCE ABUSE AND MENTAL HEALTH
Room 209
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Thom Dunford at the above address, by phone at 801-538-4519, by FAX at 801-538-9892, or by Internet E-mail at TDUNFORD@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/22/2006

AUTHORIZED BY: Mark I Payne, Director

R523. Human Services, Substance Abuse and Mental Health.
R523-24. Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration.
R523-24-1. Authority, Intent, and Scope.

(1) These rules are adopted under the authority of Section 62A-15-401 authorizing the Division of Substance Abuse and Mental Health to administer the Alcohol Training and Education Seminar Program.

(2) The intent of statute and rules is to require every person to complete the Seminar who sells or furnishes alcoholic beverages to the public for off premise consumption in the scope of the person's employment with a general food store or similar business.

(3) These rules include:

(a) curriculum content standards,

(b) seminar provider standards,

(c) provider certification process;

(d) the ongoing activities of providers, and

(e) the process for approval, denial, suspension and revocation of provider certification.

R523-24-2. Definitions.

(1) "Approved Curriculum" means a provider's curriculum which has been approved by the Division in accordance with these rules.

(2) "Certification" means written approval from the Division stating a person or company has met the requirements to become a seminar provider.

(3) "Director" means the Director of the Division of Substance Abuse and Mental Health.

(4) "Division" means the Division of Substance Abuse and Mental Health.

(5) "Manager" means a person chosen or appointed to manage, direct, or administer the operations at the premises of a licensee. A manager may also be a supervisor.

(6) "Provider" means an individual or company who has had their curriculum approved and certified by the Division.

(7) "Seminar" means the Off Premise Alcohol Training and Education Seminar.

(8) "Supervisor" means an employee who, under the direction of a manager as defined above if the business establishment employees a manager, or under the direction of the owner or president of the corporation if no manager is hired, directs or has the responsibility to direct, transfer, or assign duties to employees who actually sell or furnish alcoholic beverages to customers for off premise consumption.

(9) "Retail employee" (clerk or supervisor) means any person employed by a general food store or similar business and who is engaged in the sale of or directly supervises the sale of beer to consumers for off premise consumption.

R523-24-3. Provider Certification Application Procedure.

(1) A provider seeking first-time certification shall make application to the Division at least 30 days prior to the first scheduled seminar date. A provider seeking recertification to administer the seminar shall make application to the Division at least 30 days prior to expiration of the current certification.

(2) Any seminar conducted by a non-certified provider shall not meet the retailer training requirements authorized under Section 62A-15-401.

(3) All application forms shall be reviewed by the Division. The Division shall determine if the application is complete and in compliance with Section 62A-15-401 and these rules. If the Division approves the application and curriculum, and determines the provider has met all other requirements, the Division shall certify the provider.

(4) Within 30 days after the Division has taken action, the Division shall officially notify the applicant of the action taken: denial, approval, or request for further information, and notification of the action taken shall be forwarded in writing to the applicant. If an application for recertification requires additional information or corrective action, a provider may continue to conduct seminars for 30 days from the date of notification. If the provider has not resolved the action required with the Division by that date, the provider is no longer certified to provide the seminar and must cease until all actions are approved by the Division.

R523-24-4. Provider Responsibilities.

(1) For each person completing the seminar, the provider shall submit to the Division the name, social security number, expiration date and test results indicating pass or fail, and the required fee, within 30 days of the completion of the seminar.

(2) Each person who has completed the seminar and passed the provider-administered and Division-approved examination shall be approved as a retail employee for a period which begins at the completion of the seminar and expires five years from that date.

(3) The provider shall issue a certification card to the retail employee. The card shall contain at least the name of the retail employee and the expiration date. The provider shall be responsible for issuing any duplicates for lost cards.

R523-24-5. Retail Employee Responsibilities.

(1) A retail employee is required within 30 days of employment by a general food store or similar business to complete and pass the Seminar.

(2) For retail employees who have been certified prior to the implementation of SB 58 Substitute Alcoholic Beverage Amendments - Eliminating Sales to Youth--Knudson 2006, Certification will remain in effect until January, 2008 under the following stipulations:

(a) the provider under which the retailer was trained must submit their curriculum to the Division and obtain certification for the program.

(b) the provider must submit a plan to educate those previously trained about the new administrative penalties outlined in the legislation, and the plan is to be approved by the Division.

R523-24-6. Division Responsibilities.

The Division shall maintain the list of retail employees who have completed the Seminar and provide this information to licensing agencies and licensed general food stores of similar businesses.

R523-24-7. Approved Curriculum.

(1) Each provider must have a curriculum approved by the Division. This curriculum must provide at least sixty minutes of classroom instruction both for original certification and for any and all re-certifications. The contents of an approved curriculum shall include the following components:

(a) alcohol as a drug;
(b) alcohol's effect on the body and behavior including education on the effects of alcohol on the developing youth brain, which information shall be provided by the Division;
(c) recognizing the problem drinker or signs of intoxication;
(d) an overview of state laws related to responsible beverage sale as determined in consultation with the Department of Alcoholic Beverage Control, which information shall be provided by the Division;
(e) statistics identifying the underage drinking problem, which information provided by the Division;
(f) discussion of criminal and administrative penalties for salesclerks and retail stores for selling beer to underage and intoxicated persons;
(g) strategies commonly used by minors to gain access to alcohol;
(h) process for checking ID, for example the FLAG system: Feel Look, Ask, Give Back);
(i) policies and procedures to prevent beer purchases by intoxicated individuals; and
(j) techniques for declining a sale including rehearsal and practice of these techniques using face-to-face role play.

R523-24-8. Examination.
The examination shall include questions from each of the curriculum components identified in Section R523-24-7. The examination will be submitted for approval with the rest of the provider application.

R523-24-9. Alcohol Training and Education Seminar Provider Standards.
(1) The Division may certify a provider applicant who:
(a) identifies all program instructors and instructor trainers and certifies in writing that they:
(i) have been trained to present the course material, and
(ii) that they have not been convicted of a felony or of any violation of the laws or ordinances concerning alcoholic beverages, within the past five years;
(b) agrees to notify the Division in writing of any changes in instructors and submit the assurances called for in Subsection R523-24-9(a) for all new instructors;
(c) can show adequate facilities, instructional equipment and materials, personnel, and financial resources to provide a successful program for the length of time the license is in effect; and
(d) will establish and maintain course completion records.

R523-24-10. Grounds For Denial, Corrective Action, Suspension, and Revocation.
(1) The Division may deny, suspend or revoke certification if:
(a) the provider or applicant violates these rules, or
(b) the applicant fails to correctly complete all required steps of the application process as determined by these rules or other rules or statutes referenced in these rules; or
(c) a provider whose certification has been previously denied, suspended or revoked has reapplied without correcting the problem that resulted in the denial, suspension or revocation.

R523-24-11. Corrective Action.
(1) If the Division becomes aware that a provider is in violation of these rules or other rules or statutes referenced in these rules:
(a) within 30 days after becoming aware of the violation, the Division shall identify in writing the specific areas in which the provider is not in compliance and send written notice to the provider.
(b) within 30 days of notification of noncompliance, the provider shall submit a written plan for achieving compliance. The provider may be granted an extension.

R523-24-12. Suspension and Revocation.
(1) The Director or designee may suspend the certification of a provider as follows:
(a) When a provider fails to respond in writing to areas of noncompliance identified in writing by the Division within the defined period. The defined period is 30-days plus any extensions granted by the Division.
(b) When a provider fails to take corrective action as agreed upon in its written response to the Division.
(c) When a provider fails to allow the Division access to information or records necessary to determine the provider's compliance under these rules and referenced rules and statutes.
(2) The Director or designee may revoke certification of a provider as follows:
(a) A provider or its authorized instructors continue to provide the Seminar while the provider is under a suspended certification.
(b) A provider fails to comply with corrective action while under a suspension.
(c) A program has committed a second violation which constitutes grounds for suspension when a previous violation resulted in a suspension during the last 24 months.

R523-24-13. Procedure for Denial, Suspension, or Revocation.
(1) If the Division has grounds for action under these rules, or as required by law, and intends to deny, suspend or revoke certification of a provider, the steps governing the action are as follows:
(a) The Division shall notify the applicant or provider by personal service or by certified mail, return receipt requested, of the action to be taken. The notice shall contain reasons for the action, to include all statutory or rule violations, and a date when the action shall become effective.
(b) The provider may request an informal hearing with the Director within ten calendar days. The request shall be in writing. Within ten days following the close of the hearing, the Director shall inform the provider or applicant in writing as required under Section 63-46b-5. The provider may appeal to the Department of Human Services Office of Administrative Hearing as provided for under Section 63-46b-5.

KEY: off-premise, training, seminars
Date of Enactment or Last Substantive Amendment: 2006
Authorizing, and Implemented or Interpreted Law: 62A-15-401

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Human Services, Services for People with Disabilities

R539-1-8

Non-Waiver Services for People with Brain Injury

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28845
FILED: 06/27/2006, 09:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to establish criteria for receiving brain injury services.

SUMMARY OF THE RULE OR CHANGE: This change provides comprehensive definitions for evaluating applicants for brain injury services.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-5-101

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This change clarifies definitions as they apply to eligibility and ongoing services for brain injury services. These definitions assure that applicants are properly classified for the services that the Division provides. These classifications do not make any savings or cause additional costs. There will be no cost or savings as the result of this change.

❖ LOCAL GOVERNMENTS: The Division provides these services directly to persons eligible for services. The Division has evaluated the possible role of local government and has concluded that local governments do not provide any assistance or financial support to the persons with disabilities receiving brain injury services. Local governments are not affected by the definitions in this rule. Local governments do not provide these types of services and will not have any cost or savings because of this change.

❖ OTHER PERSONS: The Division provides these services directly to persons eligible for services. The Division has evaluated the possible role of other persons and has concluded that other persons do not provide any assistance or financial support to the persons with disabilities receiving brain injury services. Other persons do not provide these services and will not have any cost or savings because of this change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs to apply for these services or to receive these services or to comply with eligibility requirements for this service. There will be no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Private businesses provide brain injury services under contract with the Department of Human Services and the Division of Services for People with Disabilities. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES
SERVICES FOR PEOPLE WITH DISABILITIES
Room 411
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Steven Bradford at the above address, by phone at 801-538-4197, by FAX at 801-538-4279, or by Internet E-mail at sbradford@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/22/2006

AUTHORIZED BY: George Kelner, Director

R539. Human Services, Services for People with Disabilities.
R539-1. Eligibility.
R539-1-8. Non-Waiver Services for People with Brain Injury.

(1) The Division will serve those Applicants who meet the eligibility requirements for brain injury services. To be determined eligible for non-waiver brain injury services the Applicant must:

(a) have a documented acquired neurological brain injury;

(b) Be 18 years of age or older;

(c) score between 40 and 120 on the [~~Brain Injury~~]Comprehensive Brain Injury Assessment Form 4-1.

(d) meet at least three of the functional limitations listed under number (4).

(2) Applicants with functional limitations due solely to mental illness, substance abuse or deteriorating diseases like Multiple Sclerosis, Muscular Dystrophy, Huntington's Chorea, Ataxia or Cancer [~~as a primary diagnosis~~]are ineligible for [~~these~~] non-waiver services.

(3) Applicants with mental retardation or related conditions are ineligible for these non-waiver services.

(4) In addition to the definitions in Section 62A-5-101(3) and (5), eligibility for brain injury services will be evaluated according to the Applicant's functional limitations as described in the following definitions:

(a) Memory or Cognition means the Applicant's brain injury resulted in substantial problems with recall of information, concentration, attention, planning, sequencing, executive level skills, or orientation to time and place.

(b) Activities of Daily Life means the Applicant's brain injury resulted in substantial dependence on others to move, eat, bathe, toilet, shop, prepare meals, or pay bills.

(c) Judgment and Self-protection means the Applicant's brain injury resulted in substantial limitation of the ability to:

(i) provide personal protection;

(ii) provide necessities such as food, shelter, clothing, or mental or other health care;

(iii) obtain services necessary for health, safety, or welfare;

(iv) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.

(d) Control of Emotion means the Applicant's brain injury resulted in substantial limitation of the ability to regulate mood, anxiety, impulsivity, agitation, or socially appropriate conduct.

(e) Communication means the Applicant's brain injury resulted in substantial limitation in language fluency, reading, writing, comprehension, or auditory processing.

(f) Physical Health means the Applicant's brain injury resulted in substantial limitation of the normal processes and workings of the human body.

(g) Employment means the Applicant's brain injury resulted in substantial limitation in obtaining and maintaining a gainful occupation without ongoing supports.

([~~4~~]5) The Applicant shall be provided with information concerning service options available through the Division and a copy of the Division's Guide to Services.

([~~5~~]6) The Applicant or the Applicant's Guardian must be physically present in Utah and provide evidence of residency [~~a resident of the State of Utah~~]prior to the [~~Division's final~~]determination of eligibility.

([~~6~~]7) It is the Applicant's or Applicant's Representative's responsibility to provide the intake worker with documentation of brain injury, signed by a licensed physician;

([~~7~~]8) The intake worker will complete or compile the following documents as needed to make an eligibility determination:

(a) [~~Brain Injury Intake, Screening and~~]Comprehensive Brain Injury Assessment Form 4-1, Part I through Part VII; and

(b) Brain Injury Social History Summary Form 824BI, completed or updated within one year of eligibility determination;

([~~8~~]9) If eligibility documentation is not completed within 90 calendar days of initial contact, a written notification letter shall be sent to the Applicant or the Applicant's Representative indicating that the intake case will be placed in inactive status.

(a) The Applicant or Applicant's Representative may activate the application at anytime thereafter by providing the remaining required information.

(b) The Applicant or Applicant's Representative shall be required to update information.

([~~9~~]10) When all necessary eligibility documentation is received from the Applicant or Applicant's Representative, region staff shall determine the Applicant eligible or ineligible for funding for brain injury supports.

([~~10~~]11) A Notice of Agency Action, Form 522-I, and a Hearing Request, Form 490S, shall be mailed to each Applicant or Applicant's Representative upon completion of the determination of eligibility or ineligibility for funding. The Notice of Agency Action, Form 522, shall inform the Applicant or Applicant's Representative of eligibility determination and placement on the waiting list. The Applicant or Applicant's Representative may challenge the Notice of Agency Action by filing a written request for an administrative hearing before the Department of Human Services, Office of Administrative Hearings.

(12) Persons receiving Brain Injury services will have their eligibility re-determined on an annual basis. Persons who are determined to no longer be eligible for services will have a transition plan developed to discontinue services and ensure that health and safety needs are met.

KEY: human services, disabilit[~~y~~]ies
Date of Enactment or Last Substantive Amendment: [~~January 25, 2005~~]2006
Notice of Continuation: December 18, 2002
Authorizing, and Implemented or Interpreted Law: 62A-5-103; 62A-5-105

♦ ♦

Human Services, Services for People with Disabilities
R539-9
Supported Employment Pilot Program

NOTICE OF PROPOSED RULE
(New Rule)
DAR FILE NO.: 28844
FILED: 06/27/2006, 09:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this proposed rule is to establish procedures and standards to determine eligibility for the pilot program to provide supported employment for persons on the Division's waiting list.

SUMMARY OF THE RULE OR CHANGE: This rule establishes the Supported Employment Pilot Program within the Division of Services for People with Disabilities and establishes eligibility standards for persons who apply for participation.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-5-103.1

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Supported Employment Pilot Program will be administered within the $150,000 appropriation for this program and does not create an entitlement related to a Medicaid Waiver.

❖ LOCAL GOVERNMENTS: The Division has evaluated all local government agencies as they relate to employment services for persons with disabilities. The Supported Employment Pilot Program does not impact cost or savings to local governments. This program involves the Division and the persons who directly receive services. No agency of any local government provides support, or financial assistance to the persons eligible for this program.

❖ OTHER PERSONS: The Division has reviewed all possible other persons as they relate to employment services for persons with disabilities. The Supported Employment Pilot Program does not impact cost or savings for other persons. No other person provides support, or financial assistance to the persons eligible for this program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs for affected persons. Affected persons are assisted by Division staff to apply for the services and if eligible for the program, are provided services. There are no costs to apply for the services or to receive services or to comply with the eligibility requirements for the services.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Supported Employment services are provided by private businesses to Persons who meet the eligibility standards for the pilot program. Services will be provided by businesses under contract with the

Department of Humans Services, Division of Services for People with Disabilities. Lisa-Michele Church, Executive Director

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

HUMAN SERVICES
SERVICES FOR PEOPLE WITH DISABILITIES
Room 411
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Steven Bradford at the above address, by phone at 801-538-4197, by FAX at 801-538-4279, or by Internet E-mail at sbradford@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/22/2006

AUTHORIZED BY: George Kelner, Director

R539. Human Services, Services for People with Disabilities.
R539-9. Supported Employment Pilot Program.
R539-9-1. Purpose and Authority.

(1) The purpose of this rule is to provide:

(a) procedures and standards for the determination of eligibility for the Division's pilot program to provide supported employment services for Persons on the Division's Waiting List as specified in R539-2-4.

(2) This rule is authorized by Section 62A-5-103.1

R539-9-2. Definitions.

(1) Terms used in this rule are defined in Section 62A-5-101, and

(2) "T score" means a standardized score used to determine a person's priority on the waiting list.

(3) "Supported Employment" means "competitive work" in integrated work settings or employment in "integrated work" settings where individuals are working toward competitive employment, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals, for individuals with the most significant disabilities.

(4) "Competitive Work" means employment in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

(5) "Integrated Work" means job sites where most employees are not disabled, where a client interacts on a regular basis, in the performance of job duties, with employees who are not disabled. If a client is part of a distinct work group of only individuals with disabilities, the work group should consist of no more than eight individuals.

(6) "Extended Services" means on-going support services and other appropriate services, needed to support and maintain an individual with a most significant disability in employment. They are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual in maintaining supported employment. Extended services are based on a determination of the needs of an eligible individual.
Extended services may include natural supports, such as volunteers, family members, co-workers, employer, supervisors, students, and PASS or IRWE.

R539-9-3 Eligibility.

(1) A Person who meets the eligibility requirements listed in Section 62A-5-103.1 may participate in the supported employment pilot program provided that:

(2) the Person agrees to enter services under the conditions listed in Section 62A-5-103.1,

(3) the Person agrees not to use any other Home and Community Based Medicaid Waiver service operated by the Division while participating in the Supported Employment Pilot,

(4) if the person has a Medicaid Card the person may continue to access State Plan, E-Pass and other Medicaid services operated separately from the Division during participation in the pilot,

(5) the person agrees to move off the immediate needs waiting list for supported employment,

(6) the person is found eligible for Division of Rehabilitation Services, Supported Employment funding,

(7) the person agrees to use an approved provider,

(8) the person signs the Supported Employment Pilot Participant Agreement and agrees to follow through with instructions from rehabilitation counselors, services for people with disabilities support coordinators and service brokers and private provider staff,

(9) the person has an Office of Education, Rehabilitation Services, Referral and Services Report form 58 completed signed by a rehabilitation counselor and a support coordinator,

(10) the person agrees that the person's need for extended supported employment services will be met solely by the provision of supported employment services for the duration of the pilot program,

(11) the person agrees to provide information needed by the person's employer to obtain the tax incentive through P.L. 104-188, Federal Welfare to Work, Internal Revenue Service, IRS Form 8850 or Section 59-7-608 or Credit for Employers Who Hire Persons with Disabilities, Form TC-40HD, and

(12) the person has a T score below 50.5.

R539-9-4 Priority.

(1) First priority will be given to Persons on the waiting list for supported employment services who currently receive Division of Rehabilitation Services funding.

(2) Second priority will be given to Persons on the waiting list for supported employment services and no other services.

(3) Third priority will be given to Persons waiting for supported employment and other services.

KEY: disabilities, supported employment
Date of Enactment or Last Substantive Amendment: 2006
Authorizing, and Implemented or Interpreted Law: 62A-5-103.1

Insurance, Administration
R590-102
Insurance Department Fee Payment Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28843
FILED: 06/26/2006, 15:59

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being updated to comply with Subsection 31A-3-103(5), which requires the commissioner to establish the deadlines for payment of any fee established by the legislature. S.B. 4 passed in 2006 made changes in the Department's fees. (DAR NOTE: S.B. 4 (2006) is found at Chapter 4, Laws of Utah 2006, and was effective 07/01/2006.)

SUMMARY OF THE RULE OR CHANGE: Many of the changes being made in the rule are for clarification purposes such as the placing of "Annual" or "Biennial" at the beginning of subsections about fees. In Section R590-102-12, wording regarding nonelectronic filings is being referred to as "preferred process for receiving" filings or applications rather than a "mandated" process. Subsection R590-102-14(2) is being eliminated because the Sunset Provision for the technology services fees was repealed by the 2006 Legislature.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-3-103

ANTICIPATED COST OR SAVINGS TO:
- THE STATE BUDGET: The changes to this rule will not require the department to add or reduce personnel; however, there should be minimal impact on the state budget.
- LOCAL GOVERNMENTS: This rule will have no effect on local governments since it deals solely with the relationship between the Department and its licensees and those using its services.
- OTHER PERSONS: The reduction in late and reinstatement fees will have a positive impact on any persons who have late or reinstatement applications.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The reduction in late and reinstatement fees will have a positive impact on any persons who have late or reinstatement applications.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be a minimal fiscal impact to Utah businesses. D. Kent Michie, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2006

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-102. Insurance Department Fee Payment Rule.
R590-102-3. Definitions.

For the purposes of this rule the following definitions will apply.

(1) "Admitted insurers" include: fraternal, health, health maintenance organization, life, limited health plan, motor club, non-profit health service, property-casualty, title insurers, and a prescription drug plan.

(2) "Agency" means:

(a) a person, other than an individual, including a sole proprietorship by which a natural person does business under an assumed name; and

(b) an insurance organization required to be licensed under Subsections 31A-23a-301, 31A-25-207, and 31A-26-209.

(3) "Captive insurer" includes association captive, branch captive, industrial insured captive, pure captive, and sponsored captive.

(4) "Deadline" means the date or time imposed by statute, order, or rule by which:

(a) a payment must be received by the department without incurring penalties for late payment or non-payment; or

(b) a filing must be received by the department without incurring penalties for late receipt or non-receipt.

(5) "Fee" means an amount set by the legislature for licenses, registrations, certificates, and other filings and services provided by the Insurance Department.

(6) "Full-line agency" includes producer, consultant, independent adjuster, managing general agent, public adjuster, reinsurance intermediary broker, and third party administrator.

(7) "Full-line individual" includes a producer, consultant, independent adjuster, managing general agent, public adjuster, reinsurance intermediary broker, and third party administrator.

(8) "Limited-line agency" includes bail bond and limited-line producer.

(9) "Limited-line individual" includes bail bond agent, limited-lines producer and customer service representative.

(10) "Other organizations" include: home warranty, joint underwriter, purchasing group, rate service organization, risk retention

group, service contract provider, surplus line insurer, accredited reinsurer, trustee reinsurer, and health discount program.

(11) "Paper application" means an application that must be manually entered into the department's database because the application was submitted by paper, facsimile, or email when the department has provided an electronic application process and stated the electronic process is the preferred process for receiving an application.

([~~11~~]12) "Paper filing" means[~~each item of~~] a filing that must be manually entered into the department's database because the filing[~~it~~] was submitted by[~~some method such as~~] paper, facsimile, or email[~~rather than submitted electronically~~] when the department has provided an electronic filing process and stated the electronic process is the preferred process for receiving a filing[~~mandated an electronic filing method~~].

([~~12~~]13) "Received by the department" means:

(a) except as provided in Subsection R590-102-3(11)(b), the date delivered to and stamped received by the department, whether delivered in person or electronically; or

(b) if delivered to the department by a delivery service, the delivery service's postmark date or pick-up date unless a statute, rule, or order related to a specific filing or payment provides otherwise.

R590-102-5. Admitted Insurer[~~- Annual License and Annual Service~~] Fees.

(1) Annual license fees.

(a) certificate of authority, initial license application - due with license application: $1,002;

(b) certificate of authority - renewal - due by the due date on the invoice: $302;

(c) certificate of authority - late renewal - due for any renewal paid after the date on the invoice: $352;

(d) certificate of authority - reinstatement - due with application for reinstatement: $1,002;

(e) certificate of authority - amendments - due with request for amendment: $252;

(f) application for merger, acquisition, or change of control - Form A, due with filing: $2,002. Expenses incurred for consultant(s) services necessary to evaluate the Form A will be charged to the applicant and due when billed;

(g) redomestication filing - due with filing: $2,002; and

(h) application for organizational permit for mutual insurer to solicit applications for qualifying insurance policies or subscriptions for mutual bonds or contribution notes - due with application: $1,002.

(2) The annual initial or annual renewal license fee includes the following licensing services for which no additional fee is required:

(a) filing annual statement and report of Utah business - due annually on March 1;

(b) filing holding company registration statement - Form B;

(c) filing application for material transactions between affiliated companies - Form D;

(d) application for: stock solicitation permit, public offering filing, but not an SEC filing; an SEC filing; private placement offering; and

(e) application for individual license to solicit in accordance with the stock solicitation permit.

(3) Annual service fee:

(a) Due annually by the due date on the invoice. The fee is based on the Utah premium as shown in the latest annual statement on file with the National Association of Insurance Commissioners (NAIC) and the department. Fee calculation example: the 2004 annual service fee calculation will use the Utah premium shown in the December 31, 2003 annual statement.

(i) $0 premium volume: no service fee;

(ii) more than $zero but less than $1 million in premium volume: $700;

(iii) $1 million but less than $3 million in premium volume: $1,100;

(iv) $3 million but less than $6 million in premium volume: $1,550;

(v) $6 million but less than $11 million in premium volume: $2,100;

(vi) $11 million but less than $15 million in premium volume: $2,750;

(vii) $15 million but less than $20 million in premium volume: $3,500; and

(viii) $20 million or more in premium volume: $4,350.

(b) The annual service fee includes the following services for which no additional fee is required:

(i) filing of amendments to articles of incorporation, charter, or bylaws;

(ii) filing of power of attorney;

(iii) filing of registered agent;

(iv) affixing commissioner's seal and certifying any paper;

(v) filing of authorization to appoint and remove agents;

(vi) filing of producer/agency appointment with an insurer - initial;

(vii) filing of producer/agency appointment with an insurer - termination;

(viii) report filing, all lines of insurance;

(ix) rate filing, all lines of insurance; and

(x) form filing, all lines of insurance.

(c) The annual service fee is for services that the department will provide for an admitted insurer during the year. The fee is paid in advance of providing the services.

R590-102-6. Surplus Lines Insurer, Accredited Reinsurer, Trusteed Reinsurer, Other Organizations[~~- Annual License and Annual Service~~] Fees.

(1) Annual license fee.

(a) other organization:

(i) other organization - initial - due with application: $252;

(ii) other organization - renewal - due annually by the due date on the invoice: $202;

(iii) other organization - late renewal - due for any renewal paid after the date on the invoice: $252;

(iv) other organization - reinstatement - due with application for reinstatement: $252;

(v) The annual other organizations initial or renewal fee includes the risk retention group annual statement filing - due annually on May 1.

(b) surplus line insurer, accredited reinsurer, and trusteed reinsurer:

(i) surplus lines insurer, accredited reinsurer, and trusteed reinsurer - initial - due with application $1,002.

(ii) surplus lines insurer, accredited reinsurer, and trusteed reinsurer - renewal - due annually by the due date on the invoice: $302;

(iii) surplus lines insurer, accredited reinsurer, and trusteed reinsurer - late renewal - due for any renewal paid after the date on the invoice: $352;

(iv) surplus lines insurer, accredited reinsurer, and trusteed reinsurer - reinstatement - due with application for reinstatement: $1,002;

(v) The annual initial or renewal surplus line license fee includes the surplus lines annual statement filing for:

(A) U.S. companies - due annually on May 1; and

(B) foreign companies - due within 60 days of the annual statement's filing with the insurance regulatory authority where the company is domiciled.

(vi) The annual initial or renewal accredited reinsurer and trusteed reinsurer license fee includes the annual statement filing - due annually on March 1.

(2) Annual service fee:

(a) Other organization - due annually by the due date on the invoice: $200.

(b) Surplus lines insurer, accredited reinsurer, and trusteed reinsurer - due annually by the due date on the invoice: $200

(c) The annual service fee includes the following services for which no additional fee is required:

(i) filing of power of attorney;

(ii) filing of registered agent;

(iii) rate, form, report or service contract filing; and

(iv) any other services provided to the licensee.

(d) The annual service fee is for services that the department will provide during the year. The fee is paid in advance of providing the services.

R590-102-7. Captive Insurer Fees.

(1) Initial license application - due with license application: $202.

(2) Initial license application review - due by the due date on the invoice: actual costs incurred by the department to review the application.

(3) Annual license fees:

(a) initial - due by the due date on the invoice: $5,002;

(b) renewal - due by the due date on the invoice: $5,002;

(c) late renewal - due for any renewal paid after the date on the invoice: $5,052;

(d) reinstatement - due with application for reinstatement: $[~~5,002~~]5,052.

R590-102-8. Viatical Settlement Provider Fees.

(1) Annual license fees:

(a) initial - due with application: $1,002;

(b) renewal - due by the due date on the invoice: $302;

(c) late renewal - due for any renewal paid after the date on the invoice: $352;

(d) reinstatement - due with reinstatement application: $1,002.

(2) Annual service fee - due by the due date on the invoice: $600.

(a) The annual service fee includes the following services for which no additional fee is required:

(i) rate, form, report or service contract filing; and

(ii) any other services provided to the licensee.

(b) The annual service fee is for services that the department will provide during the year. The fee is paid in advance of providing the services.

R590-102-9. Individual Resident and Non-Resident [~~Biennial~~]License Fees.

(1) Biennial [~~R~~]resident and non-resident full-line individual initial license or renewal fee for two-year period:

(a) initial license fee - due with application: $72:

(b) express initial license fee - due with application: $72;

(c) renewal license fee if renewed prior to renewal deadline - due with renewal application: $72;

(d) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: $122[~~142~~];

(e) lapsed license reinstatement fee if reinstated 31 days through 730 days after renewal deadline - due with application for reinstatement: $122[~~192~~].

(2) Biennial [~~R~~]resident and non-resident limited-line individual initial or renewal license fee, for two-year period:

(a) initial license fee - due with application: $47;

(b) renewal license fee if renewed prior to renewal deadline - due with renewal application: $47;

(c) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: $97[~~92~~];

(d) lapsed license reinstatement fee if reinstated 31 days through 730 days after renewal deadline - due with application for reinstatement: $97[~~142~~].

(3) Fee for addition of producer classification or line of authority to individual producer license - due with request for additional classification or line of authority: $27.

(4) The biennial initial and renewal full-line producer and limited-line producer fee includes the following services for which no additional fee is required:

(a) issuance of letter of certification;

(b) issuance of letter of clearance;

(c) issuance of duplicate license;

(d) individual continuing education services; and

(e) other services provided to the licensee.

(5) The biennial initial and renewal individual license fee includes services the department will provide during the year. The fee is paid in advance of providing the services.

R590-102-10. [~~Biennial~~]Agency License Fees.

(1) Biennial [~~R~~]resident and non-resident agency initial or renewal license per two-year license period for a full-line agency and for a limited-line agency:

(a) initial license fee - due with application: $77;

(b) renewal license fee if renewed prior to renewal deadline - due with renewal application: $77;

(c) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: $127[~~152~~];

(d) lapsed license reinstatement fee if reinstated 31 days through 730 days after renewal deadline - due with application for reinstatement: $127[~~202~~].

(2) Fee for addition of producer classification or line of authority to agency license - due with request for additional classification or line of authority: $27.

(3) Annual [~~B~~]bail bond agency per annual license period:

(a) initial license fee - due with application: $252;

(b) renewal license fee if renewed prior to renewal deadline - due with renewal application: $252;

(c) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: $302[~~502~~]; and

(d) lapsed license reinstatement fee if reinstated 31 days after renewal deadline - due with application for reinstatement: $302[~~602~~].

(4) Annual [~~H~~]health insurance purchasing alliance annual license:

(a) initial license fee - due with application: $502;

(b) renewal license fee if renewed prior to renewal deadline - due with renewal application: $502;

(c) renewal license fee if renewed 1 through 30 days after renewal deadline and prior to license lapse - due with renewal application: $552[~~752~~]; and

(d) lapsed license reinstatement fee if reinstated 31 days after renewal deadline - due with application for reinstatement: $552[~~802~~].

(5) The annual or biennial initial and renewal agency license fee includes the following services for which no additional fee is required:

(a) issuance of letter of certification;

(b) issuance of letter of clearance;

(c) issuance of duplicate license;

(d) filing of producer designation to agency license - initial;

(e) filing of producer designation to agency license - termination;

(f) filing of amendment to agency license;

(g) filing of power of attorney; and

(h) any other services provided to the licensee.

(6) The annual or biennial initial and renewal agency license fee includes services the department will provide during the year. The fee is paid in advance of providing the services.

(7) Title agency filing (rate, form, or report) - due with filing: $25.

R590-102-11. Continuing Education Fees.

(1) Annual [~~C~~]continuing education provider license fees per annual license period:

(a) initial license fee - due with application: $252;

(b) renewal license fee if renewed prior to renewal deadline - due with renewal application: $252;

(c) late renewal license fee if renewed 1 through 60-days after renewal deadline and prior to license lapse - due with renewal application: $302; and

(d) Lapsed license reinstatement fee if reinstated 61 days after renewal deadline - due with application for reinstatement: $[~~352~~]302.

(2) Continuing education course post-approval fee - due with request for approval: $5 per credit hour, minimum fee $27.

R590-102-12. Non-electronic Processing Fees.

(1) Paper filing processing fee - assessed on a non-electronic filing when the department has provided an electronic filing process and stated the electronic process is the preferred process for receiving a filing[~~mandated the use of an electronic filing process~~] - due with each paper filing or by the due date on the invoice: $5.

(2) Paper application processing fee - assessed on a non-electronic application when the department has [~~mandated the use of~~]provided an electronic application process and stated the electronic process is the preferred process for receiving an application - due with each paper application or by the due date on the invoice: $25.

R590-102-14. Electronic Commerce Dedicated Fees.

(1) E-commerce and internet technology services fee:

(a) admitted insurer and surplus lines insurer - due with the annual initial, annual renewal, or reinstatement application: $75;

(b) captive insurer - due with the annual initial, annual renewal, or reinstatement application: $250;

(c) other organization and viatical settlement provider - due with the annual initial, annual renewal, or reinstatement application: $50;

(d) continuing education provider - due with the annual initial, annual renewal, or reinstatement application: $20;

(e) agency - due with the biennial initial, biennial renewal, or reinstatement application: $10;

(f) individual - due with the biennial initial, biennial renewal, or reinstatement application: $5.[

~~(2) The e-commerce and internet technology services fees are authorized until July 1, 2006.~~]

([~~3~~]2) Database access fee - due when the department's database is accessed to input or acquire data: $3 per transaction.

KEY: insurance
Date of Enactment or Last Substantive Amendment: [~~December 28, 2005~~]2006
Notice of Continuation: February 21, 2002
Authorizing, and Implemented or Interpreted Law: 31A-3-103

Natural Resources, Parks and Recreation

R651-224

Towed Devices

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 28826
FILED: 06/20/2006, 12:25

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 73-18-15 lists navigation and steering rules for rules and included are towing restrictions. These two rule changes indicate the dangerous and unlawful methods of towing for the safety of the recreating public.

SUMMARY OF THE RULE OR CHANGE: There are a lot of accidents and near accidents to the recreating public who have been in dangerous situations or have been injured due to lack of instruction and knowledge about towing and where and why it is not allowed. By adding these two amendments to this rule, it will fully explain unlawful methods of towing and tell the public they may not tow in the marinas. State Parks management feel these two changes for the safety and education of the public are needed to help educate and save lives.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 73-18-15

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There could be possible cost savings associated with lives saved due to the increased knowledge and education of the recreating public (Search and Rescue, etc.). The savings cannot be estimated, as numbers vary.

❖ LOCAL GOVERNMENTS: No cost to local government as no one has to purchase any equipment or supplies. No one has to pay any cost to comply with these rule changes. They are

being submitted to help the public more fully understand restrictions and water safety.

❖ OTHER PERSONS: No additional equipment or supplies need be purchased, therefore, there is not a cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: By amending this rule, it does not require anyone to buy any equipment or supplies, therefore, no cost or savings to them, with the exception that if they do not comply, they could be guilty of a Class B misdemeanor violation and associated fines.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department finds that this rule will have no fiscal impact on businesses. Michael Styler, Executive Director

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

NATURAL RESOURCES
PARKS AND RECREATION
Room 116
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/22/2006

AUTHORIZED BY: Mary Tullius, Director

R651. Natural Resources, Parks and Recreation.
R651-224. Towed Devices.
R651-224-1. Observer Required.

The operator of a vessel which is towing a person on water skis or other devices shall be responsible for maintaining a safe course with proper lookout. The progress of the person under tow shall be reported to the vessel operator by the observer.

R651-224-2. Unlawful Methods of Towing.

No person shall operate a motorboat or have the engine of a motorboat run idle while a person is occupying or holding onto the swim platform, swim deck, swim step or swim ladder of the motorboat or while a person is being towed in a non-standing position within 20 feet of the vessel. These restrictions do not apply when a person is occupying the swim platform, swim deck, swim step or swim ladder while assisting with the docking or departure of the motorboat, while exiting or entering the motorboat, or when a motorboat is engaged in law enforcement activity.

R651-224-3. Flag Required.

The operator of a vessel shall be responsible for a flag to be displayed by the observer in a visible manner to other boaters in the area while the person to be towed is in the water, either preparing to be towed or finishing a tow. The flag shall be international orange at least 12 inches square and mounted on a handle.

R651-224-4. PFD to be Worn.

The operator of a vessel which is towing a person(s) on water skis or other devices shall require each person who is water skiing or using other devices to wear a United States Coast Guard approved personal flotation device (PFD), except an inflatable PFD may not be used.

R651-224-5. Capacity of Towing Vessel.

The operator of a vessel which is towing a person(s) on water skis or other devices shall use a vessel with sufficient carrying capacity, as defined by the manufacturer, for the occupant(s) onboard and the person(s) being towed.

R651-224-6. No Towing in Marinas.

The operator of a vessel shall not tow a person(s) in or on any towed device within a wakeless area surrounding a developed marina or launch ramp.

KEY: boating, water skiing
Date of Enactment or Last Substantive Amendment: [~~August 15, 2002~~]August 22, 2006
Notice of Continuation: February 13, 2006
Authorizing, and Implemented or Interpreted Law: 73-18-15

♦ ♦

Natural Resources, Parks and Recreation
R651-601-12
Commercial Activity

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28827
FILED: 06/20/2006, 12:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose for this amendment is to clarify the overall intent of the original rule that delivery services of rental equipment are considered commercial activity.

SUMMARY OF THE RULE OR CHANGE: This amendment will affect all parks where formal concession contracts have been granted. It is to protect the investment and commitment of the concession contractors. There is currently a negative impact on our contract concessions that will be corrected with this rule change. Businesses who have not contracted with the Division (STATE) will have to work with the concessionaire in order to continue doing business on the state parks.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 41-22-10, 63-11-3, and 63-11-17

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET : This change does not affect the State budget with any aggregate anticipated cost or savings. It is a change in rule to protect the investment and commitment of all concession contractors for state parks.
❖ LOCAL GOVERNMENTS : No impact to local government as it is a change in an existing state rule.
❖ OTHER PERSONS: Persons who want to do business on a state park regarding delivery services of rental equipment are considered to be doing a commercial activity and must therefore work with a concession contractor, who holds a valid contract with the State, for that park, in order to deliver their rental equipment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Failure to comply is a Class B misdemeanor, in accordance with Section 76-201-2.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department has reviewed this rule and finds there will be no impact on businesses. Michael Styler, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION
Room 116
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/22/2006

AUTHORIZED BY: Steve Roberts, Deputy Director (Legislation)

R651. Natural Resources, Parks and Recreation.
R651-601. Definitions as Used in These Rules.
R651-601-12. Commercial Activity.

"Commercial Activity" means any activity, private or otherwise, that is for the purpose of commercial gain, or that is part of any scheme or plan established for the purpose of obtaining commercial gain. This includes, but is not limited to:

(1) sales of goods or merchandise.
(2) rentals of equipment.
(3) collection of entrance or admission fees.
(4) collection of storage or use fees.
(5) sales of services.
(6) delivery service of rental equipment to the park area by a rental agency as part of a customer rental agreement.

KEY: parks, off-highway vehicles
Date of Enactment or Last Substantive Amendment: [~~July 19, 2004~~]August 22, 2006
Notice of Continuation: October 23, 2003
Authorizing, and Implemented or Interpreted Law: 41-22-10; 63-11-3; 63-11-17

♦ ——————————————— ♦

Natural Resources, Parks and Recreation
R651-606-10
Quiet Hours

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28857
FILED: 06/29/2006, 11:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: It has been found that without this rule section, there is a great deal left to the interpretation of each individual case, by different judges, and therefore it is important to be in rule, for clarification of areas where quiet hours should be observed and states those times and places. It will serve to clear up any misunderstanding of what "quiet hours" are in state parks.

SUMMARY OF THE RULE OR CHANGE: To understand the times and places for quiet hours in state parks, it has become apparent that too much interpretation is left to individual judge and individual case interpretations, and the Parks Board therefore approved, with some changes, making an amendment to put back in this rule to clarify "quiet hours."

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-11-17

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There are no aggregate anticipated costs or savings to the State budget as this rule is to clarify needed information for our park staffs and those who utilize facilities at Utah's state parks.
❖ LOCAL GOVERNMENTS: This is a state rule and governs only state parks and state park areas, therefore there is no anticipated costs or savings to local government.
❖ OTHER PERSONS: If a person does not obey this rule, they could be warned or cited depending on their actions, by a ranger or other law enforcement personnel. The fine would be determined by statute.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If a person violates the quiet hours rule, and is cited, they could pay a fine to be determined by statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department head has reviewed this rule and find that it has no impact on businesses. Michael Styler, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION
Room 116
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2006

AUTHORIZED BY: Bruce Hamilton, Deputy Director (Operations)

R651. Natural Resources, Parks and Recreation.
R651-606. Camping.
R651-606-10. Quiet Hours.
No person shall operate or allow the operation of a generator, audio device; make or allow the making of unreasonable noises from 10:00 p.m. to 7:00 a.m., except in the following area(s): Coral Pink Sand Dunes State Park, which shall be from 10:00 p.m. to 9:00 a.m.

KEY: parks
Date of Enactment or Last Substantive Amendment: [~~November 1, 2003~~]August 21, 2006
Notice of Continuation: October 23, 2003
Authorizing, and Implemented or Interpreted Law: 63-11-17(8)

♦ ♦

Natural Resources, Parks and Recreation
R651-633-2
Special Closures or Restrictions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28856
FILED: 06/29/2006, 11:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to add Snow Canyon State Park as an area that prohibits hang gliding, para gliding and B.A.S.E. jumping. The activities listed in this rule amendment are considered dangerous to the recreating public at Snow Canyon State Park. It also poses the potential for negative impacts to a protected, sensitive environment.

SUMMARY OF THE RULE OR CHANGE: There is already a portion of this rule that deals with prohibiting the above named sports/activities at Dead Horse Point State Park. These sports/activities are considered dangerous to the recreating public, and therefore are prohibiting such activities at Snow Canyon State Park. This activity is dangerous, not only to participants of the B.A.S.E. jump, but to recreators participating in other, lower profile activities.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(8)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: This rule amendment prohibits activities listed that are deemed dangerous to the recreating public at Snow Canyon State Park. There is no anticipated cost or savings to the state budget.
❖ LOCAL GOVERNMENTS: This rule is dealing with one state park, and the rules for that particular state park. Therefore, there will be no anticipated costs or savings to local government.
❖ OTHER PERSONS: Other persons, mainly the recreating public, will no longer allowed to hang glide, para glide, or B.A.S.E jump at Snow Canyon State Park.

COMPLIANCE COSTS FOR AFFECTED PERSONS: If a person disobeys this rule, they could be found guilty of a Class B Misdemeanor and fined according to that misdemeanor.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After Department review and approval of this rule, the Department finds there will be no fiscal impact on businesses. Michael Styler, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
PARKS AND RECREATION
Room 116
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2006

AUTHORIZED BY: Mary Tullius, Director

R651. Natural Resources, Parks and Recreation.
R651-633. Special Closures or Restrictions.
R651-633-2. General Closures or Restrictions.

Persons are prohibited from being in a closed area or participating in a restricted activity as listed for the following park areas:

(1) Coral Pink Sand Dunes State Park - Motorized vehicle use is prohibited in the non-motorized area of the sand dunes, except for limited and restricted access through the travel corridor;

(2) Dead Horse State Park - Hang gliding, para gliding and B.A.S.E. jumping is prohibited;

(3) Deer Creek State Park - Dogs are prohibited below high water line and in or on the reservoir except for guide or service dogs as authorized by Section 26-30-2;

(4) Jordan River State Park - Possession or consumption of any alcoholic beverage is prohibited;

(5) Jordanelle State Park - Dogs are prohibited in the Rock Cliff area except for the Perimeter Trail and designated parking areas except for guide or service dogs as authorized by Section 26-30-2;

(6) Palisade State Park - Cliff diving is prohibited;

(7) Red Fleet State Park - Cliff diving is prohibited; and

(8) Snow Canyon State Park -

(a) All hiking and walking in the park is limited to roadways, designated trails and slick rock areas and the Sand Dunes area,

(b) Jenny's Canyon Trail is closed annually from March 15 to June 1,

(c) Johnson's Arch Canyon access is closed annually from March 15 to October 31 by permit or guided walk, the canyon is open from November 1 to March 14.

(d) Black Rocks Canyon is closed annually from March 15 to June 30,

(e) West Canyon climbing routes are closed annually from February 1 to June 1 to protect nesting raptors.

(f) Dogs are prohibited on all trails and natural areas of the park unless posted open, except for guide or service dogs as authorized by Section 26-30-2.

(g) Hang gliding, para gliding and B.A.S.E. jumping is prohibited.

KEY: parks
Date of Enactment or Last Substantive Amendment: [~~November 1, 2003~~]August 21, 2006
Notice of Continuation: May 3, 2004
Authorizing, and Implemented or Interpreted Law: 63-11-17(2)(b)

♦ ♦

Tax Commission, Auditing
R865-19S-78
Charges for Labor to Repair or Renovate Tangible Personal Property Pursuant to Utah Code Ann. Section 59-12-103

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28863
FILED: 06/30/2006, 14:55

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment deletes language that has been codified in S.B. 89 (2006). (DAR NOTE: S.B. 89 (2006) is found at Chapter 231, Laws of Utah 2006, and was effective 07/01/2006.)

SUMMARY OF THE RULE OR CHANGE: The proposed amendment deletes language stating that whether tangible personal property is permanently attached to real property shall be determined without regard to the tangible personal property's attachment to a line that supplies water, electricity, gas, telephone, cable, or other similar services.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-12-103 and 59-12-104

ANTICIPATED COST OR SAVINGS TO:
- ❖ THE STATE BUDGET: None--Any fiscal impact would have been taken into account in S.B. 89 (2006).
- ❖ LOCAL GOVERNMENTS: None--Any fiscal impact would have been taken into account in S.B. 89 (2006).
- ❖ OTHER PERSONS: None--Any fiscal impact would have been taken into account in S.B. 89 (2006).

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The language that is deleted in this rule and was codified in S.B. 89 (2006) reflects Tax Commission practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Any fiscal impact hs already been reflected with codification of practice. D'Arcy Dixon Pignanelli, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2006

AUTHORIZED BY: Pam Hendrickson, Commission Chair

R865. Tax Commission, Auditing.
R865-19S. Sales and Use Tax.
R865-19S-78. Charges for Labor [~~to~~]and Repair [~~or Renovate Tangible Personal Property~~]Under an Extended Warranty Agreement Pursuant to Utah Code Ann. [~~Section~~]Sections 59-12-103 and 59-12-104.

[~~A. For purposes of applying the definition of "permanently attached to real property" under Section 59-12-102, the determination of whether the attachment of an item of tangible personal property to real property suggests that the tangible personal property will remain attached to the real property in the same place over the useful life of the tangible personal property shall be made without regard to the tangible personal property's attachment to a line that supplies water, electricity, gas, telephone, cable, or other similar services.~~

~~B. Sales of extended warranty agreements.~~

~~1.~~](1) Sales of extended warranty agreements or service plans are taxable, and tax must be collected at the time of the sale of the agreement. The payment is considered to be for future repair, which would be taxable. If the extended warranty agreement covers parts as well as labor, any parts that are exempt from sales tax pursuant to Section 59-12-104 must be separately stated on the invoice or the entire charge under the extended warranty agreement is taxable. Repairs made under an extended warranty plan are exempt from tax, even if the plan was sold in another state.

[~~a~~)](a) Repair parts provided and services rendered under the warranty agreements or service plans are not taxable because the tax is considered prepaid as a result of taxing the sale of the warranty or service plan when it was sold.

[~~b~~)](b) If the customer is required to pay for any parts or labor at the time of warranty service, sales tax must be collected on the amount charged to the customer. Sales tax must also be collected on any deductibles charged to customers for their share of the repair work done under the warranty agreement. Parts or materials that are exempt from sales tax pursuant to Section 59-12-104 must be separately stated on the invoice or the entire charge for labor and parts is taxable.

[~~2.~~](2) Extended warranties on items of tangible personal property that are converted to real property are not taxable. However, the taxable nature of parts and other items of tangible personal property provided in conjunction with labor under an extended warranty service shall be determined in accordance with R865-19S-58.

KEY: charities, tax exemptions, religious activities, sales tax
Date of Enactment or Last Substantive Amendment: [~~October 13, 2005~~]2006
Notice of Continuation: April 5, 2002
Authorizing, and Implemented or Interpreted Law: 59-12-103; 59-12-104

♦ ♦

Tax Commission, Auditing
R865-19S-113
Sales Tax Obligations of Jeep, Snowmobile, and Boat Tour Operators, River Runners, Outfitters, and Other Sellers Providing Similar Services Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-107

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28862
FILED: 06/30/2006, 13:49

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment brings the rule into compliance with federal law.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment indicates when, according to federal law, the sales tax on admission and user fees does not apply to aircraft and boat tours.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-12-103 and 59-12-107

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: Immaterial decrease in revenues. Almost all aircraft and boat tours are exempt from state taxation under federal law and do not effect local government.
❖ LOCAL GOVERNMENTS: Immaterial decrease in revenues. Almost all aircraft and boat tours are exempt from state taxation under federal law.
❖ OTHER PERSONS: Unknown decrease in costs to persons who book aircraft and boat tours since these are no longer subject to state tax.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Aircraft and boat tour businesses will no longer be required to collect state sales tax on their tours.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Any businesses to which this rule applies will no longer have to collect state sales tax for services exempt under federal law. D'Arcy Dixon Pignanelli, Commissioner

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/21/2006

AUTHORIZED BY: Pam Hendrickson, Commission Chair

R865. Tax Commission, Auditing.
R865-19S. Sales and Use Tax.
R865-19S-113. Sales Tax Obligations of Jeep, Snowmobile, Aircraft, and Boat Tour Operators, River Runners, Outfitters, and Other Sellers Providing Similar Services Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-107.

(1) "Federal airway" shall be identical to the definition of Class E airspace in 14 C.F.R. 71.71 (2006), which is incorporated by reference.

[~~A.~~](2) [~~The~~]Except as provided in Subsections (3) and (4), the provisions of this rule apply to the imposition of sales and use tax under Section 59-12-103 on amounts paid or charged as admission or user fees by jeep, snowmobile, aircraft and boat tour operators, river runners, outfitters, and other sellers providing similar services.

(3) Amounts paid or charged for helicopter, airplane, or other aircraft tours that enter into airspace designated by the Federal Aviation Administration as a federal airway during the tour are exempt from the sales and use tax.

(a) The exemption described in Subsection (3) does not apply if the only time the aircraft enters a federal airway is prior to the commencement of the tour or after the tour ends.

(b) A tour is deemed to occur from the time a paying customer is picked up to the time the paying customer is dropped off at the final destination point.

(4) Amounts paid or charged for boat tours, scenic cruises, or other similar activities on the waters of the state are exempt from sales and use tax if the waters on which the tour, cruise, or other similar activity operates are used, by themselves or in connection with other waters, as highways for interstate commerce.

[~~B.~~](5) If payment for a service provided by a seller described in [~~A.~~](2) occurs in Utah and the service originates or terminates in Utah, the seller shall collect Utah sales and use tax on the entire amount of the transaction.

[~~C.~~](6) If payment for a service provided by a seller described in [~~A.~~](2) occurs outside Utah and the entire service occurs in Utah, the seller shall collect Utah sales and use tax on the entire amount of the transaction.

[~~D.~~](7) If payment for a service provided by a seller described in [~~A.~~](2) occurs outside Utah and the service originates or terminates outside Utah, the seller is not required to collect Utah sales and use tax on the transaction.

[~~E.~~](8) Payment occurs in Utah if the purchaser:

[~~1.~~](a) while at a business location of the seller in the state, presents payment to the seller; or

[~~2.~~](b) does not meet the criteria under [~~E.1.~~](8)(a) and is billed for the service at an address within the state.

[~~F.~~](9) For purposes of this rule, there is a rebuttable presumption that payment for a service provided by a seller described in [~~A.~~](2) occurs in Utah.

KEY: charities, tax exemptions, religious activities, sales tax
Date of Enactment or Last Substantive Amendment: [~~October 13, 2005~~]2006
Notice of Continuation: April 5, 2002
Authorizing, and Implemented or Interpreted Law: 59-12-103; 59-12-107

♦ ——————————— ♦

Workforce Services, Employment Development
R986-400-409
Time Limits

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28858
FILED: 06/29/2006, 16:22

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose for the change is to meet current budget constraints of the General Assistance Program.

SUMMARY OF THE RULE OR CHANGE: This is a state-funded program. The Department did not received the full appropriation that was requested from the legislature. The federal funding being used to offset some administrative costs of the program has been cut. The Department needs to cut the time limit from 24 months to 15 months to meet the current budget.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 35A-3-401 and 35A-3-402, and Subsection 35A-1-104(4)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: This proposed amendment will be made within the current budget. There will be no costs to the budget. The savings from this proposed amendment will bring the Department in line with the allotment from the legislature for this program.
❖ LOCAL GOVERNMENTS: There will be no costs or savings to local governments because this is a state-funded program and local governments do not pay into this program.

❖ OTHER PERSONS: There will be no costs or savings to any other persons. Some participants will only be eligible for 15 months assistance instead of 24 months.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The program does not require any costs for participation. There will be no costs for any affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business. Tani Downing, Executive Director

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

WORKFORCE SERVICES
EMPLOYMENT DEVELOPMENT
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@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 08/14/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 7/26/2006 at 5:00 PM, DWS South Admin Building, 1385 S State, Room 157, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/31/2006

AUTHORIZED BY: Tani Downing, Executive Director

R986. Workforce Services, Employment Development.
R986-400. General Assistance and Working Toward Employment.
R986-400-409. Time Limits.

(1) An individual cannot receive GA financial assistance for more than [~~24~~]15 months out of any 60-month period. Months which count toward the [~~24~~]15-month limit include any and all months during which a client received a full or partial financial assistance payment [~~beginning with the month of March, 1998~~]during the prior 60 month period.

(2) There are no exceptions or extensions to the time limit.

(3) Advanced written notice for termination of GA financial assistance due to time limits is not required.

KEY: general assistance, working toward employment
Date of Enactment or Last Substantive Amendment: [~~January 1, 2004~~]2006
Notice of Continuation: September 14, 2005
Authorizing, and Implemented or Interpreted Law: 35A-3-401; 35A-3-402

♦ ——————————————— ♦

Workforce Services, Unemployment Insurance
R994-403-202
Qualifying Elements for Approval of Training

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 28861
FILED: 06/30/2006, 10:57

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose for the change is to change the requirements for Department approval to reflect standards for training programs funded by the Department.

SUMMARY OF THE RULE OR CHANGE: The current rule lists nine elements to be considered in approving a training deferral. Two of those are: repeated unemployment and no employment history at or above minimum wage. The Department serves clients who do not meet those two requirements but who are receiving training assistance because the client's employment history is at wages insufficient to support his or her family. If that client meets the requirements for training assistance from the other programs administered by the Department, this proposed amendment will allow that to be considered in determining eligibility for a training deferral.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 35A-1-104(4) and 35A-4-502(1)(b)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: This is a federally-funded program so there are no costs or savings to the state budget.
❖ LOCAL GOVERNMENTS: This is a federally-funded program so there are no costs or savings to local government.
❖ OTHER PERSONS: There are no costs or savings to any other persons as there are no fees associated with this program and it is federally funded. It is not anticipated that this will result in increased employer tax rates because so few people will qualify under this proposed amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs or savings to any affected persons as there are no fees associated with this program and it is federally funded.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no compliance costs associated with this change. There are no fees associated with this change. There will be no cost to anyone to comply with these changes. There will be no fiscal impact on any business. Tani Downing, Executive Director

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

WORKFORCE SERVICES
UNEMPLOYMENT INSURANCE
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@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 08/14/2006.

THIS RULE MAY BECOME EFFECTIVE ON: 08/22/2006

AUTHORIZED BY: Tani Downing, Executive Director

R994. Workforce Services, Unemployment Insurance.
R994-403. Claim for Benefits.
R994-403-202. Qualifying Elements for Approval of Training.

All of the following nine elements must be satisfied for a claimant to qualify for Department approval of training. Some of these elements will be waived or modified when required by state or federal law for specific training programs.

(1) The claimant's unemployment is chronic or persistent, or likely to be chronic or persistent, due to any one of the following three circumstances:

(a) A lack of basic work skills. A lack of basic work skills may not be established unless a claimant:

(i)(A) has a history of repeated unemployment attributable to lack of skills[~~;~~

~~(ii)~~] and has no recent history of employment earning a wage substantially above the federal minimum wage[~~;~~] or

(B) qualifies for Department sponsored training because the claimant meets the eligibility requirements for public assistance;

(ii[~~i~~]) has had no formal training in occupational skills;

(i[~~v~~]ii) does not have skills developed over an extended period of time by training or experience; and

(iv) does not have a marketable degree from an institution of higher learning; or

(b) a change in the marketability of the claimant's skills has resulted due to new technology, or major reductions within an industry; or

(c) inability to continue working in occupations using the claimant's skills due to a verifiable, permanent physical or emotional disability,

(2) a claimant must have a reasonable expectation for success as demonstrated by:

(a) an aptitude for and interest in the work the claimant is being trained to perform, or course of study the claimant is pursuing; and

(b) sufficient time and financial resources to complete the training.

(3) The training is provided by an institution approved by the Department.

(4) The training is not available except in school. For example, on-the-job training is not available to the claimant.

(5) The length of time required to complete the training should generally not extend beyond 18 months.

(6) The training should generally be vocationally oriented unless the claimant has no more than two terms, quarters, semesters, or similar periods of academic training necessary to obtain a degree.

(7) There is a reasonable expectation of employment following completion of the training. Reasonable expectation means the claimant will find a job using the skills and education acquired while in training pursuant to a fair and objective projection of job market conditions expected to exist at the time of completion of the training.

(8) A claimant did not leave work to attend school even if the employer required the training for advancement or as a condition of continuing employment.

(9) The schooling is full-time, as defined by the training facility.

KEY: filing deadlines, registration, student eligibility, unemployment compensation
Date of Enactment or Last Substantive Amendment: [~~September 29, 2005~~]2006
Notice of Continuation: June 27, 2002
Authorizing, and Implemented or Interpreted Law: 35A-4-403(1)

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End of the Notices of Proposed Rules Section

NOTICES OF
120-DAY (EMERGENCY) RULES

An agency may file a 120-DAY (EMERGENCY) RULE when it finds that the regular rulemaking procedures would:

(a) cause an imminent peril to the public health, safety, or welfare;
(b) cause an imminent budget reduction because of budget restraints or federal requirements; or
(c) place the agency in violation of federal or state law (*Utah Code* Subsection 63-46a-7(1) (2001)).

As with a PROPOSED RULE, a 120-DAY RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the 120-DAY RULE including the name of a contact person, justification for filing a 120-DAY RULE, anticipated cost impact of the rule, and legal cross-references. A row of dots in the text (· · · · ·) indicates that unaffected text was removed to conserve space.

A 120-DAY RULE is effective at the moment the Division of Administrative Rules receives the filing, or on a later date designated by the agency. A 120-DAY RULE is effective for 120 days or until it is superseded by a permanent rule.

Because 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the proposed rule. Emergency or 120-DAY RULES are governed by *Utah Code* Section 63-46a-7 (2001); and *Utah Administrative Code* Section R15-4-8.

Human Services, Substance Abuse and Mental Health
R523-24
Off-Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration

NOTICE OF 120-DAY (EMERGENCY) RULE
DAR FILE NO.: 28841
FILED: 06/26/2006, 14:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being established to direct the activities mandated by S.B. 58 (2006), which requires the Division of Substance Abuse and Mental Health (DSAMH) to create a process for certifying a curriculum that will be used to train all retail employees who sell alcohol to the public for off-premise consumption. The intent of this law is to decrease the number of sales to underage consumers through educating the retail clerks that allow such purchases to take place. This rule also sets standards for agencies that will provide the mandated training and directs DSAMH's efforts in creating and maintaining a database that will track all persons who are certified to sell alcohol to consumers for off-premise consumption. (DAR NOTE: S.B. 58 (2006) is found at Chapter 342, Laws of Utah 2006, and was effective 07/01/2006.)

SUMMARY OF THE RULE OR CHANGE: This rule provides for the certification of entities that will make available training for retail employees who sell alcohol to consumers for off-premise use; certification of curriculum that will be used by the aforementioned entities; approval for certification of the intended employees; the length of time certification will be allowed for both the entities providing training and the persons receiving certification; the cost remitted to DSAMH for certifying the intended employees; a process for decertifying a curriculum; and a means for tracking persons who have been certified to sell alcohol to consumers for off-premise use. (DAR NOTE: A corresponding proposed new rule is under DAR No. 28842 in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-15-401

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: Implementation of this rule will require DSAMH to develop a database to track retail employees certified to sell alcoholic beverages. DSAMH estimates that construction of this database will cost $15,000. DSAMH has agreed to pay for completion of this database from existing resources. This rule will also require DSAMH to certify and monitor training providers. Section 62A-15-401 allows DSAMH to assess a fee to cover the cost of implementing the training established by this rule.
❖ LOCAL GOVERNMENTS: DSAMH has determined that this rule will have no fiscal impact on local governments because they do not employ alcohol servers and are not involved in the creation and maintenance of the database.
❖ OTHER PERSONS: The Utah Retailers Association estimates that between 30,000 and 35,000 employees will need to be certified to sell alcoholic beverages for off-premise consumption. The training will take a minimum of 60 minutes. Most retail employees currently receive training on laws related to the sale of alcoholic beverages. DSAMH anticipates that the training established by this rule will be incorporated into existing employee training for most individuals engaged in the sale of beer for off-premise consumption. However, in some cases, training materials will

need to be modified. In addition, retail establishments who currently do not formally train employees will need to provide training or make arrangements for employees to be trained. In such circumstances, it is estimated that providers may charge a fee similar to on-premise training at $25/person. This cost may be to the employee or employer depending on their arrangement. Employers will remit $2.50 for each person trained to DSAMH to cover the cost of maintaining the database, and certifying training providers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs associated with this rule include: the development and maintenance of a database by DSAMH; wages paid to employees for one hour of training; employers who do not have a training program, may need to pay a provider for training services; and $2.50 paid by either the employer of employee to cover the cost of maintaining the Division's database and printing cost for the certificate of completion.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: After careful review, the Department of Human Services has determined that this rule will have several financial impacts on businesses in the state of Utah that include: the cost of training; the cost of one hour's wage for each person trained; and $2.50 per person for licensing fees to be paid to DSAMH. Lisa-Michele Church, Executive Director

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD place the agency in violation of federal or state law.
This rule must be enacted immediately to comply with the conditions and time schedules set forth in S.B. 58, which mandates that the DSAMH have an off-premise training program and tracking database established and available to retail employers on 07/01/2006.

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

HUMAN SERVICES
SUBSTANCE ABUSE AND MENTAL HEALTH
Room 209
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Thom Dunford at the above address, by phone at 801-538-4519, by FAX at 801-538-9892, or by Internet E-mail at TDUNFORD@utah.gov

THIS RULE IS EFFECTIVE ON: 07/01/2006

AUTHORIZED BY: Mark I Payne, Director

R523. Human Services, Substance Abuse and Mental Health.
R523-24. Off Premise Retailer (Clerk, Licensee and Manager) Alcohol Training and Education Seminar Rules of Administration.
R523-24-1. Authority, Intent, and Scope.

(1) These rules are adopted under the authority of Section 62A-15-401 authorizing the Division of Substance Abuse and Mental Health to administer the Alcohol Training and Education Seminar Program.

(2) The intent of statute and rules is to require every person to complete the Seminar who sells or furnishes alcoholic beverages to the public for off premise consumption in the scope of the person's employment with a general food store or similar business.

(3) These rules include:

(a) curriculum content standards,

(b) seminar provider standards,

(c) provider certification process;

(d) the ongoing activities of providers, and

(e) the process for approval, denial, suspension and revocation of provider certification.

R523-24-2. Definitions.

(1) "Approved Curriculum" means a provider's curriculum which has been approved by the Division in accordance with these rules.

(2) "Certification" means written approval from the Division stating a person or company has met the requirements to become a seminar provider.

(3) "Director" means the Director of the Division of Substance Abuse and Mental Health.

(4) "Division" means the Division of Substance Abuse and Mental Health.

(5) "Manager" means a person chosen or appointed to manage, direct, or administer the operations at the premises of a licensee. A manager may also be a supervisor.

(6) "Provider" means an individual or company who has had their curriculum approved and certified by the Division.

(7) "Seminar" means the Off Premise Alcohol Training and Education Seminar.

(8) "Supervisor" means an employee who, under the direction of a manager as defined above if the business establishment employees a manager, or under the direction of the owner or president of the corporation if no manager is hired, directs or has the responsibility to direct, transfer, or assign duties to employees who actually sell or furnish alcoholic beverages to customers for off premise consumption.

(9) "Retail employee" (clerk or supervisor) means any person employed by a general food store or similar business and who is engaged in the sale of or directly supervises the sale of beer to consumers for off premise consumption.

R523-24-3. Provider Certification Application Procedure.

(1) A provider seeking first-time certification shall make application to the Division at least 30 days prior to the first scheduled seminar date. A provider seeking recertification to administer the seminar shall make application to the Division at least 30 days prior to expiration of the current certification.

(2) Any seminar conducted by a non-certified provider shall not meet the retailer training requirements authorized under Section 62A-15-401.

(3) All application forms shall be reviewed by the Division. The Division shall determine if the application is complete and in compliance with Section 62A-15-401 and these rules. If the Division approves the application and curriculum, and determines the provider has met all other requirements, the Division shall certify the provider.

(4) Within 30 days after the Division has taken action, the Division shall officially notify the applicant of the action taken: denial, approval, or request for further information, and notification of the action taken shall be forwarded in writing to the applicant. If an application for recertification requires additional information or corrective action, a provider may continue to conduct seminars for 30 days from the date of notification. If the provider has not resolved the action required with the Division by that date, the provider is no longer certified to provide the seminar and must cease until all actions are approved by the Division.

R523-24-4. Provider Responsibilities.

(1) For each person completing the seminar, the provider shall submit to the Division the name, social security number, expiration date and test results indicating pass or fail, and the required fee, within 30 days of the completion of the seminar.

(2) Each person who has completed the seminar and passed the provider-administered and Division-approved examination shall be approved as a retail employee for a period which begins at the completion of the seminar and expires five years from that date.

(3) The provider shall issue a certification card to the retail employee. The card shall contain at least the name of the retail employee and the expiration date. The provider shall be responsible for issuing any duplicates for lost cards.

R523-24-5. Retail Employee Responsibilities.

(1) A retail employee is required within 30 days of employment by a general food store or similar business to complete and pass the Seminar.

(2) For retail employees who have been certified prior to the implementation of SB 58 Substitute Alcoholic Beverage Amendments - Eliminating Sales to Youth--Knudson 2006, Certification will remain in effect until January, 2008 under the following stipulations:

(a) the provider under which the retailer was trained must submit their curriculum to the Division and obtain certification for the program.

(b) the provider must submit a plan to educate those previously trained about the new administrative penalties outlined in the legislation, and the plan is to be approved by the Division.

R523-24-6. Division Responsibilities.

The Division shall maintain the list of retail employees who have completed the Seminar and provide this information to licensing agencies and licensed general food stores of similar businesses.

R523-24-7. Approved Curriculum.

(1) Each provider must have a curriculum approved by the Division. This curriculum must provide at least sixty minutes of classroom instruction both for original certification and for any and all re-certifications. The contents of an approved curriculum shall include the following components:

(a) alcohol as a drug;

(b) alcohol's effect on the body and behavior including education on the effects of alcohol on the developing youth brain, which information shall be provided by the Division;

(c) recognizing the problem drinker or signs of intoxication;

(d) an overview of state laws related to responsible beverage sale as determined in consultation with the Department of Alcoholic Beverage Control, which information shall be provided by the Division;

(e) statistics identifying the underage drinking problem, which information provided by the Division;

(f) discussion of criminal and administrative penalties for salesclerks and retail stores for selling beer to underage and intoxicated persons;

(g) strategies commonly used by minors to gain access to alcohol;

(h) process for checking ID, for example the FLAG system: Feel Look, Ask, Give Back);

(i) policies and procedures to prevent beer purchases by intoxicated individuals; and

(j) techniques for declining a sale including rehearsal and practice of these techniques using face-to-face role play.

R523-24-8. Examination.

The examination shall include questions from each of the curriculum components identified in Section R523-24-7. The examination will be submitted for approval with the rest of the provider application.

R523-24-9. Alcohol Training and Education Seminar Provider Standards.

(1) The Division may certify a provider applicant who:

(a) identifies all program instructors and instructor trainers and certifies in writing that they:

(i) have been trained to present the course material, and

(ii) that they have not been convicted of a felony or of any violation of the laws or ordinances concerning alcoholic beverages, within the past five years;

(b) agrees to notify the Division in writing of any changes in instructors and submit the assurances called for in Subsection R523-24-9(a) for all new instructors;

(c) can show adequate facilities, instructional equipment and materials, personnel, and financial resources to provide a successful program for the length of time the license is in effect; and

(d) will establish and maintain course completion records.

R523-24-10. Grounds For Denial, Corrective Action, Suspension, and Revocation.

(1) The Division may deny, suspend or revoke certification if:

(a) the provider or applicant violates these rules, or

(b) the applicant fails to correctly complete all required steps of the application process as determined by these rules or other rules or statutes referenced in these rules; or

(c) a provider whose certification has been previously denied, suspended or revoked has reapplied without correcting the problem that resulted in the denial, suspension or revocation.

R523-24-11. Corrective Action.

(1) If the Division becomes aware that a provider is in violation of these rules or other rules or statutes referenced in these rules:

(a) within 30 days after becoming aware of the violation, the Division shall identify in writing the specific areas in which the provider is not in compliance and send written notice to the provider.

(b) within 30 days of notification of noncompliance, the provider shall submit a written plan for achieving compliance. The provider may be granted an extension.

R523-24-12. Suspension and Revocation.

(1) The Director or designee may suspend the certification of a provider as follows:

(a) When a provider fails to respond in writing to areas of noncompliance identified in writing by the Division within the defined period. The defined period is 30-days plus any extensions granted by the Division.

(b) When a provider fails to take corrective action as agreed upon in its written response to the Division.

(c) When a provider fails to allow the Division access to information or records necessary to determine the provider's compliance under these rules and referenced rules and statutes.

(2) The Director or designee may revoke certification of a provider as follows:

(a) A provider or its authorized instructors continue to provide the Seminar while the provider is under a suspended certification.

(b) A provider fails to comply with corrective action while under a suspension.

(c) A program has committed a second violation which constitutes grounds for suspension when a previous violation resulted in a suspension during the last 24 months.

R523-24-13. Procedure for Denial, Suspension, or Revocation.

(1) If the Division has grounds for action under these rules, or as required by law, and intends to deny, suspend or revoke certification of a provider, the steps governing the action are as follows:

(a) The Division shall notify the applicant or provider by personal service or by certified mail, return receipt requested, of the action to be taken. The notice shall contain reasons for the action, to include all statutory or rule violations, and a date when the action shall become effective.

(b) The provider may request an informal hearing with the Director within ten calendar days. The request shall be in writing. Within ten days following the close of the hearing, the Director shall inform the provider or applicant in writing as required under Section 63-46b-5. The provider may appeal to the Department of Human Services Office of Administrative Hearing as provided for under Section 63-46b-5.

KEY: off-premise, training, seminars
Date of Enactment or Last Substantive Amendment: July 1, 2006
Authorizing, and Implemented or Interpreted Law: 62A-15-401

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End of the Notices of 120-Day (Emergency) 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).

Commerce, Corporations and Commercial Code

R154-2

Utah Uniform Commercial Code, Revised Article 9 Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28860
FILED: 06/29/2006, 16:41

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 70A-9a-526 requires the division to maintain rules to implement this act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: An ad hoc committee from the Utah State Bar has asked for a change in the rule at Section R154-2-149 which would give more information about exact name searches. No other 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: There is a statutory mandate to continue the rule. The Division is not opposed to changes in the rule and will work with the Utah State Bar on these fixes.

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

COMMERCE
CORPORATIONS AND COMMERCIAL CODE
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:
Kathy Berg at the above address, by phone at 801-530-6216, by FAX at 801-530-6438, or by Internet E-mail at kberg@utah.gov

AUTHORIZED BY: Kathy Berg, Director

EFFECTIVE: 06/29/2006

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Commerce, Occupational and Professional Licensing

R156-9a

Uniform Athlete Agent Act Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28830
FILED: 06/22/2006, 09:48

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 15, Chapter 9, provides for the licensure of athlete agents. Subsections 15-9-103(1)(a) and (b) provide that the Division may adopt and enforce rules to administer Title 15, Chapter 9. Subsection 15-9-103(3)(c) provides that the Athlete Agents Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 15, Chapter 9, with respect to athlete agents.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was originally enacted in July 2001, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 15, Chapter 9, with respect to athlete agents. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
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:
Clyde Ormond at the above address, by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at cormond@utah.gov

AUTHORIZED BY: J. Craig Jackson, Director

EFFECTIVE: 06/22/2006

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Commerce, Occupational and Professional Licensing

R156-67

Utah Medical Practice Act Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28837
FILED: 06/26/2006, 09:40

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 67, provides for the licensure of physicians and surgeons. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-67-201(3)(a) provides that the Physicians Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 58, Chapter 67, with respect to physicians and surgeons.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was last reviewed, it has been amended two times. The Division received a 05/15/2001 letter from R. Chet Loftis/J. Leon Sorensen of the Utah Medical Association in which the association suggested changes to proposed amendments regarding sexual contact with a patient surrogate and disruptive physician behavior. The Division also received a 07/18/2001 letter from Val B. Johnson, President of the Utah Medical Association, in which Mr. Johnson indicated that the Utah Medical Association opposed the Division's proposed rule amendments concerning sexual contact with a patient surrogate and disruptive physician behavior. As a result of the written comments received and further Division review, it was determined that the proposed amendments concerning sexual contact with a patient surrogate and disruptive physician behavior were not needed and the proposed amendments were deleted in a change in proposed rule filing which was ultimately made effective on 11/01/2001.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 67, with respect to physicians and surgeons. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
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:
Diana Baker at the above address, by phone at 801-530-6179, by FAX at 801-530-6511, or by Internet E-mail at dbaker@utah.gov

AUTHORIZED BY: J. Craig Jackson, Director

EFFECTIVE: 06/26/2006

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Commerce, Occupational and Professional Licensing

R156-69

Dentist and Dental Hygienist Practice Act Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28823
FILED: 06/19/2006, 11:40

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 69, provides for the licensure of dentists and dental hygienists. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-69-201(3)(a) provides that the Dentist and Dental Hygienist Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 58, Chapter 69, with respect to dentists and dental hygienists.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was last reviewed in July 2001, it has been amended once on 12/03/2002. Since the last five-year review was completed in July 2001, the Division has received no written comments with respect to this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 69, with respect to dentists and dental hygienists. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
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:
Daniel T. Jones at the above address, by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at dantjones@utah.gov

AUTHORIZED BY: J. Craig Jackson, Director

EFFECTIVE: 06/19/2006

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Commerce, Occupational and Professional Licensing

R156-73

Chiropractic Physician Practice Act Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28824
FILED: 06/19/2006, 11:41

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 73, provides for the licensure of chiropractic physicians. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-73-201(3) provides that the Chiropractic Physician Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1)(a) provides that one of the duties of each board is to recommend appropriate rules to the division director. This rule was enacted to clarify the provisions of Title 58, Chapter 73, with respect to chiropractic physicians.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was last reviewed in July 2001, it has been amended two times. Also, since the rule was last reviewed in July 2001, the Division has not received any written comments regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 73, with respect to chiropractic physicians. The rule should also be continued as it provides information to ensure applicants for licensure are adequately trained and meet minimum licensure requirements.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
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OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
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DIRECT QUESTIONS REGARDING THIS RULE TO:
Daniel T. Jones at the above address, by phone at 801-530-6767, by FAX at 801-530-6511, or by Internet E-mail at dantjones@utah.gov

AUTHORIZED BY: J. Craig Jackson, Director

EFFECTIVE: 06/19/2006

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Environmental Quality, Air Quality
R307-101
General Requirements

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28815
FILED: 06/16/2006, 07:31

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: Subsection 19-2-104(1)(a) states that the Air Quality Board may make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source." Rule R307-101 includes a general introduction to air quality rules in Utah in Section R307-101-1. Section R307-101-2 includes definitions used throughout all other Title R307 rules. Definitions are an important part of the rules to control, abate, and prevent air pollution and thus are authorized by Section 19-2-104.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received outside the comment period when Rule R307-101 has been amended. The rule has been revised five times since its last review on 06/05/2003: 1) DAR No. 26651, published 10/01/2003; no comments were received. 2) DAR No. 27755, published 04/01/2005; several comments were received from the Environmental Protection Agency (EPA). EPA noted that there is no provision in the Clean Air Act for the definition of "Baseline Date" that was proposed for public comment; the Board kept the definition as it was proposed, because the EPA definition does not protect air quality in areas that are moving from nonattainment to attainment. EPA also requested that Utah provide a description of the term "EPA Method 9"; in response, the Division of Air Quality (DAQ) pointed out that Method 9 is a federal reference test method delineated in 40 CFR Part 60, and is incorporated by reference in Rule R307-210. 3) DAR No. 27818, published 05/01/2005; no comments were received. 4) DAR No. 28029, published 07/01/2005; no comments were received. 5) DAR No. 28545, published 04/01/2006; no comments were received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Many of the terms defined in Section R307-101-2 are used in more than one other Title R307 rule. Without the definitions, the other rules would be meaningless. It is essential that Rule R307-101 be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 06/16/2006

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Environmental Quality, Air Quality
R307-110
General Requirements: State Implementation Plan

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28822
FILED: 06/16/2006, 07:35

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-2-104(3)(e) states that the Air Quality Board may "prepare and develop a comprehensive plan or plans for the prevention, abatement, and control of air pollution in the state." Each section of Rule R307-110 incorporates by reference such a plan.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received outside the comment period when Rule R307-110 has been amended. The rule has been amended once since its last review, under DAR No. 28545 that was published on 04/012006, and no comments were received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The federal Clean Air Act requires states to adopt and enforce plans to reduce air pollution to levels that meet federal health standards, and to maintain those protective levels. If a state fails to adopt and enforce such a plan, then the federal government imposes a federal plan. Utah has preferred to adopt its own locally-developed plans, and to incorporate them by reference into

Utah's rules in order that the plans are enforceable. Therefore, it is crucial that Rule R307-110 be continued, so that requirements of the plans are enforceable.

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

ENVIRONMENTAL QUALITY
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150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller or Mat E. Carlile at the above address, by phone at 801-536-4042 or 801-536-4136, by FAX at 801-536-0085 or 801-536-0085, or by Internet E-mail at janmiller@utah.gov or MCARLILE@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 06/16/2006

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Environmental Quality, Air Quality
R307-210
Stationary Sources

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28820
FILED: 06/16/2006, 07:32

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-2-104(1)(a) states that the Air Quality Board may make rules "regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminant source."

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 rule has been revised two times (under DAR No. 27665 published 02/15/2005, and effective on 04/19/2005, and DAR No. 28601 published 05/01/2006) in the past five years. No comments were received on these actions, and no other written comments were received since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Under the Clean Air Act (42 U.S.C. 7411(c)), "Each State may develop and submit to the Administrator of Environmental Protection Agency (EPA) a procedure for implementing and enforcing standards of performance for new sources located in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has under this chapter to implement and enforce such standards." Utah was delegated authority to permit new sources many years ago and intends to maintain that authority rather than allowing the federal government the authority to permit and enforce these standards within Utah. To maintain that authority, Utah must adopt and implement the provisions of 40 CFR Part 60, the regulation implementing 42 U.S.C. 7411. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
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AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 06/16/2006

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Environmental Quality, Air Quality
R307-223
Emission Standards: Existing Small Municipal Waste Combustion Units

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28821
FILED: 06/16/2006, 07:35

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 Section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), the Environmental Protection Agency (EPA) issues standards of performance for existing sources at the time standards are issued for new sources, and states are required to prepare plans and rules to implement the standards for existing sources. EPA issued standards for existing small municipal waste combustion units (40 CFR Part 60, Subpart BBBB) at 63 FR 76378 on 12/06/2000. Subsection 19-2-104(3)(q) states that the Air Quality Board may "meet the requirements of federal air pollution laws." Rule R307-223, along with the Plan for Existing Small Municipal Waste Combustion Units that is incorporated by reference by Section R307-220-4, implements

those regulations in Utah. The only source in Utah that is regulated by the Plan and Rule R307-223 is Wasatch Energy Systems in Davis County.

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 is required by 40 CFR Part 60, Subpart BBBB. It requires that states regulate existing small municipal waste combustion units to ensure that they comply with emission limits for multiple pollutants including such hazardous air pollutants as lead, cadmium, mercury, dioxins, and furans. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
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150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller or Mat E. Carlile at the above address, by phone at 801-536-4042 or 801-536-4136, by FAX at 801-536-0085 or 801-536-0085, or by Internet E-mail at janmiller@utah.gov or MCARLILE@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 06/16/2006

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Environmental Quality, Air Quality
R307-401
Permits: Notice of Intent and Approval Order

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28819
FILED: 06/16/2006, 07:32

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 19-2-108 states that "The board shall require that notice be given to the executive secretary by any person planning to construct a new installation which will or might reasonably be expected to be a source or indirect source of air pollution or to make modifications to an existing installation which will or might reasonably be expected to increase the amount of or change the character or effect of air contaminants discharged..." Rule R307-401 sets forth the requirements that the owner or operator of a source of air pollution must address in giving notice to the executive secretary.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received outside the comment period when Rule R307-401 has been amended. The only amendment since the last review was a Repeal and Reenactment, DAR No. 28325, published in the Utah State Bulletin on 12/01/2005; many comments were received at that time and are included here. COMMENT 1: Some of the permitting definitions that are currently located in Section R307-101-2 have been moved to Rule R307-401. Changes were made to those definitions that could affect the scope of the rule. The purpose of these changes is not clear. It is also not clear why corresponding definitions were not changed in Section R307-101-2. It is confusing to have slightly different definitions in the two rules. RESPONSE 1: One of the goals of the rewrite of Rule R307-401 was to separate requirements that are part of Utah's comprehensive new source review (NSR) program (minor NSR) from those that are coming from the federal major source NSR program (major NSR). In general, Rule R307-401 uses terms that were adopted as part of the major NSR program so that there is some consistency within the permitting program. The major NSR terms have been used for the broader range of sources and pollutants that are covered under the minor NSR program. The proposed changes to definitions mirror the Division of Air Quality (DAQ)'s current interpretation of Rule R307-401 as it applies to the minor NSR program, and the changes reflect the broader applicability of the minor NSR program. There were some changes to the definitions to better reflect how these terms have been used in the minor NSR program. DAQ does not believe that these changes in definitions will affect how the minor NSR program has been historically implemented. In addition, when these definitions were moved to Rule R307-401, they were realigned with the major NSR definitions whenever possible. Over the years, DAQ's definitions that were originally based on the federal definitions have been modified to improve grammar or readability. Because the PSD permitting program in Rule R307-405 will now incorporate the federal definitions by reference, DAQ believed that it was important to match those definitions, to the degree possible, with the corresponding definitions in Rule R307-401. This is important because the minor source and major source programs must operate in parallel. DAQ does not believe that these changes will affect how the minor NSR program has historically been implemented. The comments and responses on specific definitions follow: 1a) "Actual emissions" -- The term "pollutant" was changed to "air contaminant" thereby increasing the scope of the definition. The reference to a 2-year period was changed to a 24-month period. The provisions that apply to electric utility steam generating units were removed. RESPONSE 1a: These changes do not affect how the rule is implemented. A modification requires PSD review if the increase in actual emissions is significant. For this reason, the term "actual emissions" is very critical to the

PSD program. However, under the minor NSR program, the term "actual emissions" is not used to determine whether a modification requires an approval order. Instead, Rule R307-401 requires an approval order if a change is made that "will or might reasonably be expected to increase the amount of or change the effect of, or the character of, air contaminants discharged…" The term "actual emissions" is used only to determine when a source is considered "de minimis" (see proposed Section R307-401-9). Within this context, language that is specific to electric utility steam generating units and to pollutants that are regulated under the Clean Air Act has no meaning, and was therefore removed from the definition as part of the overall rule clean up. The final point raised about the change from a 2-year period to 24-month period will have no effect within the context of determining if a source is de minimis because a source must continue to stay below the cutoff level in the future to maintain its status as a de minimis source. 1b) "Construction" -- the definition has minor editorial changes. Why are these changes made here and not in the corresponding definition in Rule R307-101? RESPONSE 1b: As described above, the changes were made to align the definition with the language that is incorporated by reference in the PSD rule. The changes were not made to the corresponding definition in Section R307-101-2 because that definition applies to the major NSR program for nonattainment areas in Rule R307-403. DAQ has delayed revisions to Rule R307-403 because any changes to that rule are complicated by uncertainties of how NSR will apply for the new National Ambient Air Quality Standards (NAAQS). DAQ plans to bring Rule R307-403 to the Board at a later date to address the NSR reform provisions and the new NAAQS and will review the definitions in Section R307-101-2 at that time to make them consistent with the federal language. 1c) "Emissions unit" -- the definition was changed to refer to emissions of "air contaminants" rather than "pollutants subject to regulation under the Clean Air Act." This expands the scope of the definition. RESPONSE 1c: Rule R307-401 applies broadly to "installations" that emit air contaminants. The term "emissions unit" is used in definitions that were adopted as part of the PSD program. DAQ has never interpreted the reference to pollutants regulated under the Clean Air Act to limit the applicability of the minor NSR program that comes directly from the Utah Air Conservation Act. The change merely clarifies how the definition has been used for the minor NSR program. 1d) "Fugitive emissions" -- the definition has been narrowed to include only emissions which could not reasonably pass through a stack. The current definition describes fugitive emissions as "emissions from an installation or facility which are neither passed through an air cleaning device nor vented through a stack or could not reasonably pass through a stack…" RESPONSE 1d: The definition was changed to match the language that is incorporated in the PSD rule. Within the context of Rule R307-401, there is no change in the implementation of the rule because of how the term is used. 1e) "Potential to emit" -- the definition was changed to refer to emissions of "air contaminants" rather than "pollutants subject to regulation under the Clean Air Act." This expands the scope of the definition. RESPONSE 1e: Rule R307-401 applies broadly to "installations" that emit air contaminants. The term potential to emit is used in definitions that were adopted as part of the PSD program. DAQ has never interpreted the reference to pollutants regulated under the Clean Air Act to limit the applicability of the minor NSR program that comes directly from the Utah Air Conservation Act. The change merely clarifies how the definition has been used for the minor NSR program. 1f) "Secondary emissions" -- the definition was changed to remove language that "secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the source or modification which causes the secondary emissions." This expands the scope of the definition. RESPONSE 1f: The definition was changed to match the definition that was incorporated by reference in the PSD rule. The specific language described above came originally from the major NSR rule for nonattainment areas. It is not clear why this definition is different in that rule. However, in the context of Rule R307-401 there is no effect on how the program is implemented because the term "secondary emissions" is used only in the definition of potential to emit, that states "Secondary emissions do not count in determining the potential to emit of a stationary source." Within this context, aligning the definition with the PSD definition does not change how the rule is implemented. 1g) "Best available control technology" and "indirect source" -- these definitions had minor revisions. RESPONSE 1g: The definitions were aligned with the definitions in the PSD rule. The changes were very minor and do not affect implementation of the rule. 1h) "Stationary source" and "building, structure, facility, or installation" -- these are new definitions. They refer to air contaminants and would expand the scope of the rule. RESPONSE 1h: Section R307-101-2 contains a definition for the term "source" that combines the two terms "stationary source" and "building, structure, facility, or installation" that are used in the PSD rule. In this rulemaking, the terms were separated to match the PSD rule, and this does not affect the usage of these terms. Rule R307-401 clearly applies to installations that emit "air contaminants" rather than being limited to pollutants that are regulated under the Clean Air Act. The applicability language comes directly from the Utah Air Conservation Act. The PSD program, on the other hand, applies only to the narrower group of pollutants. DAQ has used this broader authority in the minor NSR program to regulate air contaminants that would have a local impact, but are not yet addressed nationally. DAQ recommends making some changes to the proposed language in Rule R307-401 to clarify that an approval order is required for "installations" rather than "stationary sources" to conform with the language in the Utah Air Conservation Act. This will ensure that the proposed rule change does not inadvertently change the applicability language that is currently used in R307-401. COMMENT 2: In a number of places in proposed Rules R307-401 and R307-405, when specifying what the executive secretary is to do, the term "shall" has been replaced by the term "will." Does this imply that the executive secretary is not required to take the actions specified in the rule? RESPONSE 2: The term was changed to reflect the legal authority of the rule. The State cannot regulate itself, and therefore the use of the term "shall" is not appropriate and does not have any greater meaning than the term "will." The rules are intended to regulate sources. However, it is important to describe in the rule how the executive secretary will review applications, seek public comment, etc. If the executive secretary does not

follow the process established in the rule, there is not an enforcement action (penalties, etc.) against the executive secretary. However, the underlying statutes (Air Conservation Act, Administrative Procedures Act, etc.) would govern the actions of the State. If the language was adopted into the federal SIP, then EPA could also take action against the State, such as withdrawing approval of the permitting program. If the executive secretary does not follow the established procedures, then any action could be challenged as being an arbitrary implementation of the rule. So, in summary, the terms were changed to better reflect the legal authority of the rule, but the use of the term "will" does not change the legal obligation of the executive secretary to follow the established procedures. COMMENT 3: In proposed Subsection R307-401-14(3), "his representative" should be changed to the "executive secretary's representative," consistent with many other parts of the rules. RESPONSE 3: The change has been made as recommended. COMMENT 4: Cross references in Subsections R307-401-15(1)(b) and R307-401-16(2) need to be corrected. RESPONSE 4: The change has been made as recommended. COMMENT 5: References to temporary relocation in Subsections R307-401-9(4) and R307-401-17 (last sentence) need to be updated from Section R307-401-16 to R307-401-17. RESPONSE 5: The change has been made as recommended. COMMENT 6: The requirement in current Section R307-401-4 to send a copy of the Notice of Intent (NOI) to EPA, local officials, federal land managers (FLMs) or Indian Governing Bodies has been removed. RESPONSE 6: The language referenced by the commentor came from the PSD SIP requirements in 40 CFR 51.166(q) and has been incorporated by reference into Section R307-405-18. Although the language applied broadly to all NOIs in the current rule, in practice DAQ has not followed this procedure for minor sources and minor modifications. With the change in the rule, the minor NSR program will operate under Utah public review and comment procedures. There will be no change to the current public notification practices. COMMENT 7: Utah needs to clarify whether removing the requirement for Board approval of permits that consume more than 50% of the increment would impact maintenance of the PSD increments and to state that the provisions is not required by federal regulations. RESPONSE 7: The current provision in Subsection R307-401-6(3) that requires approval by the Board for a permit that consumes more than 50% of the increment is not required by federal regulations. Removing this provision will not affect maintenance of the PSD increments because 40 CFR 52.21(k), incorporated by reference in Section R307-405-12, requires that the proposed source or modification would not cause or contribute to air pollution in violation of the increment. Approval by the Board was an additional administrative step that did not directly affect the amount of increment consumed by a project. COMMENT 8: The current rule does not allow a small source exemption for any source that has a potential to emit that would make it a major stationary source. It appears that this provision provides a necessary limit on sources eligible for the exemption and should be retained. RESPONSE 8: The small source exemption in the proposed Section R307-401-9 applies to sources with actual emissions that are less than 5 tons/year for any air contaminant or 500 pounds/year of any hazardous air pollutant (HAP). These levels are well below the 100 tons/year potential to emit (PTE) cutoff for major sources as defined in Section R307-101-2. It is unlikely that a source with such low actual emissions would have a high PTE. However, if such a source did exist, Section R307-401-9 requires the source to submit a NOI within 6 months if the source emits more than 5 tons/year of any air contaminant in any year. In addition, the major source permitting requirements in Rules R307-405 and R307-403 are not affected by this exemption, so a major source or major modification would still be required to obtain a permit. The reference to major sources was removed from the small source exemption because it did not provide any added regulatory value, and the definition of major source is complex. COMMENT 9: EPA recommends that small source exemption registry be made mandatory instead of voluntary to maintain an accurate registry and emissions inventory. RESPONSE 9: The small source registry is essentially a list of all of the sources that are not required to receive an approval order. Under Utah's statute, any source of air pollution could potentially be required to obtain an approval order, but DAQ has never required extremely small sources, such as an auto parts degreaser at a repair shop or a homeowner's lawnmower, to obtain an approval order. It is not possible to maintain a complete registry because the list of sources would range from those with 4.99 tons/year of emissions to those with 1 pound/year of emissions. EPA does not require a similar registry for national programs. Instead, the national programs focus on the sources that meet the applicability requirements. Under Utah's rules, and national regulations, a source faces enforcement action if they do not comply with a rule if they meet the applicability requirements. DAQ has maintained a registry in the non-attainment area, even though it is not complete. However, the registry has been useful for compliance staff because they can determine whether an applicability review has already been completed for a source. DAQ has found that many sources in attainment areas are already requesting documentation from DAQ that they qualify for the small source exemption for their own tracking purposes. DAQ believes that sources will continue to voluntarily register with the state to avoid unnecessary compliance scrutiny, and we will no longer have a regulatory requirement that is not practicably enforceable for very small sources.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: As specified in Section 19-2-108, the Air Quality Board shall require that a new or modifying source of air pollution notify the executive secretary when intending to construct a new source or modify and existing source. Rule R307-401 is the Board's rule to require the notice, specify its contents, and determine the timetable for the executive secretary's response to that notice. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
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EFFECTIVE: 06/16/2006

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Environmental Quality, Air Quality

R307-405

Permits: Major Sources in Attainment or Unclassified Areas (PSD)

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28816
FILED: 06/16/2006, 07:31

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: Subsection 19-2-104(3)(q) states that the Air Quality Board may meet the requirements of federal laws. The Clean Air Act, Part C (42 U.S.C. 7470 ff), Prevention of Significant Deterioration of Air Quality, is implemented by 40 CFR 51.166, which requires states to implement these regulations when issuing permits to sources of air pollution. Rule R307-405, last amended by DAR No. 28322, published 12/01/2005, implements the federal requirements.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received outside the comment period when Rule R307-405 has been amended. Rule R307-405 was amended in DAR No. 28322, published 12/01/2005. Following are comments received and responses made during that amendment process. COMMENT 1: The New Source Review (NSR) Reform rule will allow many more modifications at existing major sources than under the current NSR rules. RESPONSE 1: The Division of Air Quality (DAQ) has evaluated the air quality impact of the NSR Reform provisions in Utah. The major source permitting requirements in attainment areas (the Prevention of Significant Deterioration (PSD), permitting program) are only a portion of Utah's overall permitting requirements, and the effect of the NSR Reform provisions must be viewed in the context of the entire program. A review of the PSD permits that have been issued in recent years shows that all of these permits were either for new sources that would not be affected by the rule, or were for big modifications that would be subject to the PSD program under both the new and the old rules. DAQ has not identified any past PSD projects that would not have been subject to PSD under the new NSR reform provisions. If a modification that would have required PSD review is no longer subject to those provisions because of the changes to applicability under NSR Reform, DAQ does not believe that emission increases will occur. Utah requires all sources, both major and minor, to apply best available control technology (BACT) when an emission unit is modified. Therefore, even when a modification is not considered a major modification, the source must still apply BACT. The net effect is that emissions will not change if a modification is reviewed under the minor source program rather than the PSD program. DAQ analyzed 14 different scenarios to determine how a modification would be affected by the change in applicability provisions. The scenarios were chosen to focus on the types of changes that would no longer be subject to the PSD rule. The analysis looked at whether a modification would be subject to the old PSD provisions, new PSD provisions, minor source permitting program, and minor source modeling requirements. In 12 of the 14 scenarios, BACT would be required for the modification even if the modification no longer met the applicability provisions of the PSD rule. The two exceptions occurred for modifications where emissions from the source were decreasing. Under these scenarios, a modification that would formerly have been reviewed under the PSD program could be constructed without the requirement to apply BACT. This is the type of scenario where the PSD rule is currently creating a disincentive for sources to reduce emissions. DAQ has had inquiries from a number of sources that wanted to install pollution control equipment or switch to a cleaner fuel, but chose not to continue with the project because the permitting requirements were too much of a disincentive. DAQ believes that under these two scenarios it is more likely that the applicability changes will encourage sources to reduce emissions, resulting in an overall emission decrease due to the adoption of the applicability provisions. COMMENT 2: The Utah state permitting rule will not ensure that emissions from existing major sources in nonattainment areas will not increase. The Utah permitting rule does not require lowest achievable emission rate (LAER) control technology or emissions offsetting for minor modifications in non-attainment areas. RESPONSE 2: The current rule revision is focused on the major source permitting requirements in attainment areas (PSD permitting program). The nonattainment area requirements in Rule R307-403 have not been changed. DAQ will evaluate the effects of NSR reform in nonattainment areas in a future rulemaking. COMMENT 3: NSR Reform rule will benefit older, grandfathered sources, allowing upgrades and life extension projects without either the installation of pollution control equipment or evaluation of air quality impacts. RESPONSE 3: As described in the response to COMMENT 1, the effects of NSR Reform must be viewed within the context of Utah's entire permitting program. Utah's minor source permitting program, in combination with the State Implementation Plan (SIP) requirements in nonattainment

areas, has been very effective over the last 30 years and there are very few grandfathered sources left in the state. In addition, many sources that used to qualify as major sources are now considered minor sources due to emission reductions. DAQ reviewed the emission inventory, operating permits, and approval orders to estimate the number of sources in the state that are currently considered major sources under the PSD permitting program. The review focused on the attainment areas of the state because the nonattainment area provisions are not affected by the current rule change. DAQ identified 29 potential major sources. Of these sources, 7 have undergone PSD review and 14 have been regulated by Utah's minor source program, SIPs, maximum achievable control technology (MACT) standards, or other requirements that have required emission limitations and emission controls. There were only 8 sources where the major emission units were grandfathered. One of these sources was a small natural-gas burning power plant, and the other 7 were natural gas compressor stations in the Uintah Basin. These sources are all relatively small, they are burning a clean fuel, and if the compressor engines were to be modified in the future it would not be possible to replace these units with similar technology because today's compressor engines are designed to be much cleaner than engines built in the 1950's or 1960's. Other states may have a large number of old, grandfathered-sources, but that is not the case in Utah. As described in the response to COMMENT 1, modifications to these grandfathered units would likely require the installation of BACT under Utah's minor source permitting program even if the modification was not considered a major modification under the PSD program. COMMENT 4: Given that the District of Columbia (DC) Court vacated two of the original 2002 programs (Clean Unit exemption and Pollution Control Projects) indicates that additional assurances are needed to show that the remaining programs do not increase emissions in Utah. RESPONSE 4: As described in the previous comments, DAQ analyzed the air quality impact due to the adoption of NSR reform in Utah, and concluded that the new applicability provisions would not increase emissions in Utah, and may actually decrease emissions due to the removal of current disincentives. This analysis did not consider the effects of the Clean Unit and Pollution Control Project exemptions because these provisions had already been vacated by the DC Court. DAQ cannot comment on how removal of these two provisions would affect the national analysis of NSR Reform, but, because these provisions were not included in Utah's analysis, the additional assurances that have been requested have already been addressed. COMMENT 5: Given the uncertainties associated with the new rule an air quality analysis is needed to determine the impact of the new rule change on emissions in Utah. RESPONSE 5: It is DAQ's considered opinion that the provisions of the reform rule will not weaken the combined Federal and State NSR program in Utah. The development of the EPA's NSR rule has been a ten-year process that included input from air quality experts across the country including state and local air quality agencies, advocacy groups, industry groups, and the public. EPA also issued a technical analysis of the anticipated air quality impacts of the NSR rule in December of 2002 and an update in 2003. DAQ's rule development was a two-year process that included five stakeholder meetings, an NSR website to present current information on the rule development, and an e-mail outreach program to inform stakeholders of the latest rule changes. As described in the previous comments, DAQ analyzed the air quality impact due to the adoption of NSR reform in Utah, and concluded that the new applicability provisions would not increase emissions in Utah, and may actually decrease emissions due to the removal of current disincentives. The reform rule was finalized 12/31/2002. Ten northeastern states filed a challenge to the rule in the Court of Appeals for the DC Court. The Court issued its decision June 2005 (New York v. EPA). The Court found the following reform elements to be permissible interpretations of the Clean Air Act (CAA): a) The actual to projected actual applicability test; b) the ten-year, look-back period for baseline actual emissions calculations; c) the use of the demand growth exclusion; d) the plant-wide applicability program; and e) the Court concluded the CAA unambiguously defines emissions increase in terms of actual emissions. The DC Court also found that all procedural challenges related to lack of notice to be without merit. Finally the Court rejected challenges to EPA's technical analysis. Based on the combined efforts of the EPA and DAQ, the Division does not anticipate negative impacts on air quality due to the NSR reform rule. DAQ does not anticipate any increase in air emissions due to the reform rule and has recommended the rule to the Air Quality Board for approval. EPA Region VIII has indicated that they expect state agencies to either submit a reform rule revision by 01/02/2006, or demonstrate a good faith effort to develop a rule for adoption early in 2006. Region VIII has indicated that the consequences of not pursuing a reform package could include sanctions and eventually the promulgation of a Federal Implementation Plan (FIP). Based on the merits of the reform rule DAQ does not see any advantage in challenging EPA on the reform rule. COMMENT 6: Utah's state permitting program will not ensure that emissions from major sources will not increase because Utah has exemptions that could allow modifications that escape major source NSR to also escape minor source NSR. RESPONSE 6: As described in the previous comments (see COMMENT 1), DAQ evaluated a number of different scenarios to determine whether modifications that would no longer be subject to PSD would still be reviewed under Utah's minor source program. Utah's minor source permitting program has a number of exemptions that are located in Sections R307-401-9 through R307-401-16. Most of these exemptions, by their nature, would only apply to minor sources. The two that could possibly apply to PSD major sources are Section R307-401-11, Replacement-in-kind Equipment and Section R307-401-12, Reduction in Air Contaminants. The replacement-in-kind rule is restrictive, and has been modified to contain some of the more specific language regarding eligibility that are found in the PSD rule. DAQ has not found that this rule has been used by sources to avoid updated technology because sources have an incentive to upgrade to newer, more efficient units. In addition, older technologies are often no longer available. Sources that are decreasing emissions are exempted from Utah's minor source program under Section R307-401-12. As described in the response to COMMENT 1, DAQ believes that the current requirement is acting as a disincentive for sources to install pollution controls or to increase the efficiency of older

emission units. The removal of the disincentive from both the PSD program and the minor source program is more likely to decrease emissions in Utah than to increase emissions. COMMENT 7: Utah's statewide permitting program does not require modeling for minor modifications to major sources to ensure compliance with the National Ambient Air Quality Standards (NAAQS), PSD increments, or protect Class I areas. RESPONSE 7: Section R307-410-3 (renumbered to Section R307-410-4 in the proposal) requires modeling for new or modified sources with emissions of 40 tons/yr of SO2 or NOx, 5 tons/yr of PM10 fugitive emissions, 15 tons/yr of PM10 non-fugitive emissions, 100 tons/yr CO, or 0.6 tons/yr of lead. These levels are significantly below the 250 tons/year threshold in the PSD program for determining applicability. In addition, DAQ has the ability to do modeling in-house if there is reason to suspect that a source would cause a violation of the NAAQS. Rule R307-410 also requires modeling for hazardous air pollutants. COMMENT 8: The recent increases in regional pollution, in Utah, including PM2.5, and ozone, as well as the introduction of more stringent PM standards by EPA in 2006 would be additional information indicating the need for a Utah specific air quality impact analysis. RESPONSE 8: The State of Utah adopted a SIP in 2003 to address regional haze. This SIP will ensure progress towards reducing haze that is affecting Utah's national parks. Revisions to the SIP are due in 2008 and then each 10 years after that date. The State of Utah is working with other western states to understand the regional impacts of ozone and PM2.5 and anticipates that air quality improvements on the west coast will help regional issues as well. In addition, Utah's effective minor NSR program has led to on-going emission reductions. COMMENT 9: The new rule would allow sources to use higher baseline actual levels which will result in fewer modifications triggering major NSR review. RESPONSE 9: The current PSD rule allows a source to use a different baseline period if that is more representative of normal operations. The rule also encourages sources to either time their permit increases based on production levels, or to increase their emissions to increase their baseline emissions. The revised rule will remove these disincentives. Even more importantly, Utah's minor NSR program will still require modifications that are not considered "major modifications" to apply the BACT to the modified emissions unit. As shown in Utah's analysis of the air quality impact of adopting NSR reform, the combination of the PSD program with the minor NSR program will ensure that emissions will not increase even if sources are no longer subject to the PSD program. COMMENT 10: The State of Utah does not have adequate information to determine actual emissions under the ten-year, look back period allowed under the new baseline actual rule. The State of Utah should consider using a five-year, look back period rather than the ten year allowed under the new rule. RESPONSE 10: Under the provisions of Rule R307-405, it is the source's responsibility to demonstrate baseline emissions. DAQ will be able to compare this information with emissions inventory submittals in most cases and resolve any discrepancies with the source. If the source is not able to adequately demonstrate emissions for the requested baseline period then the baseline period will not be acceptable. A five-year, look back period will not be any easier to demonstrate than a ten-year, look back period. COMMENT 11: Section 110(1) of the CAA mandates that EPA may not approve a revision to Utah's SIP if it would interfere with attainment of the NAAQS or with any other requirement of the CAA. Utah is obliged to conduct an analysis to ensure that any revisions to the NSR program will not adversely affect compliance with the CAA requirements. RESPONSE 11: The DC Court in New York v. EPA reiterated its interpretation of the CAA regarding the division of responsibilities between State regulatory agencies and EPA with respect to the NSR program. The EPA is responsible for the development of NSR rules and programs and the State agencies are responsible of the implementation of the NSR program. The EPA is responsible for the development of NSR rules and therefore, for complying with Section 110 of the CAA. The EPA mandate issued to State agencies to proceed with the reform rule is based on EPA's determination that the implementation of the new rule will not interfere with the requirements of the CAA. While it is not the responsibility of the State of Utah to conduct an analysis to demonstrate compliance with CAA, as directed by the Air Quality Board, DAQ studied the impact of the NSR reform rule on emissions in Utah. The Division found that the new NSR program would be as effective as the existing NSR program. It is DAQ's position that the new rule will improve the NSR program by eliminating disincentives in the existing rules that can discourage modernization of facilities while preserving the effectiveness of the NSR program (see COMMENTS 1 and 5 above). COMMENT 12: In the introduction to the PSD SIP it states that "In 1977, Congress added language to the Clean Air Act to prevent significant deterioration of air quality in areas where the air quality was still pristine." The word "pristine" should be changed to "unimpaired" because not all PSD areas are clean. RESPONSE 12: DAQ believes that the description is appropriate when describing the goals of Congress and the language has not been changed in the SIP. COMMENT 13: EPA lacked the necessary data to undertake a meaningful environmental impact analysis. RESPONSE 13: The DC Court of Appeals reviewed the issue of the adequacy of EPA's NSR Reform rule environmental impact statement (EIS) in New York v. EPA decided 06/24/2005. The court found that EPA in its original 2002 and the 2003 EIS documents had adequately responded to petitioner's allegations. The DC Court found that that EPA's study was entitled to deference. As directed by the Air Quality Board, DAQ studied the impact of the NSR reform rule on emissions in Utah and found that the new NSR program would be as effective as the existing NSR program and would eliminate disincentives in the existing NSR program that can hinder the modernization of sources (see COMMENT 1). COMMENT 14: The new rule will create State enforcement problems by not requiring upfront review of applicability determinations that could later require "after the fact enforcement" actions. RESPONSE 14: Sources making modifications using the reform rule are required to keep records under the following three conditions: a) the source uses the actual to projected actual test and makes an estimate of future actual emissions; b) the modification will not result in a significant net emissions increase; and c) the source believes that there is a "reasonable possibility" that the modification may result in significant emissions increase. Under the existing NSR rules, an applicability determination for a modification does not

require any recordkeeping or reporting to regulatory agencies. The above requirements for a determination under the new rule will extend the requirements under the Federal NSR program to require both recordkeeping and reporting for applicability tests that are not significant. In the State of Utah all applicability determinations will be reviewed under either the State or Federal NSR programs. Any source modifications that results in an emissions increase are reviewed under the State NSR program. DAQ does not anticipate that the reform rule will allow sources to undertake modification projects without agency review. COMMENT 15: The adoption of the Reform rule will place greater burden on the DAQ to ensure compliance with the NSR requirements. RESPONSE 15: DAQ does not anticipate that the review of NSR permits will be significantly altered as a result of the reform rule. The existing NSR state rule requires the review of all modifications at a source that would change air emissions. The reform rule requires a State review of all source modifications that increase air emissions. DAQ does not anticipate a significant increase in permits associated with the new rule. The processing and review of a PSD source under the existing rules is a complex undertaking that has not been changed significantly. The changes to the rule will not add to the overall requirements of a PSD review. PSD sources comprise only a small percentage of the regulated sources in Utah (see COMMENT 1). DAQ does not anticipate that reform rule changes will alter compliance inspections at PSD sources or add to the number of required inspections. COMMENT 16: The State of Utah is not required to submit the NSR reform rules. Under both Section 116 of the CAA and the DC Court decision (New York v. EPA), the State could submit the current NSR program to EPA as a replacement for the NSR Reform rule. RESPONSE 16: A number of issues that were part of the New York v. EPA court challenge were not addressed by the DC Court for lack of a factual record. One of those issues was the submittal of alternative NSR standards instead of the reform rule. DAQ does not see any advantage to resubmitting the existing NSR rule given the rule development process and technical analysis under taken by EPA and DAQ. It is DAQ's position that the new rule will improve the NSR program by eliminating disincentives in the existing rules that can discourage modernization of facilities while preserving the effectiveness of the NSR program. To resubmit the current NSR program in place of the reform rule would place the State of Utah at risk of Region VIII sanctions for no discernable reason. COMMENT 17: The State of Utah could adopt an alternative version of the NSR Reform rule based on the "model rule" menu of options prepared by STAPPA/ALAPCO. RESPONSE 17: As directed by the Air Quality Board, DAQ studied the impact of the NSR reform rule on emissions in Utah and found that the new NSR program would be as effective as the existing NSR program. It is DAQ's position that the new rule will improve the NSR program by eliminating disincentives in the existing rules that can discourage modernization of facilities while preserving the effectiveness of the NSR program. Given that the Reform rule will not alter the effectiveness of the NSR program and does improve the existing rule DAQ does not intent to adopt an alternative version of the reform rule. COMMENT 18: The new rule does not require review or documentation of the actual to projected actual test. Also the DC Court remanded the record keeping provisions of the reform rule applicability test for modifications. Utah's adoption of the new rule is premature and should be postponed until EPA has responded to the DC Court. RESPONSE 18: Sources making modifications using the reform rule are required to keep records under the following three conditions: a) the source uses the actual to projected actual test and makes an estimate of future actual emissions; b) the modification will not result in a significant net emissions increase; and c) the source believes that there is a "reasonable possibility" that the modification may result in significant emissions increase. Under the existing NSR rules, an applicability determination for a modification does not require any record keeping or reporting. The above requirements for a determination under the new rule extend the requirements under the Federal NSR program. In the State of Utah, all applicability determinations will be reviewed under either the State or Federal NSR programs. All source modifications that result in an emissions increase are reviewed under the State NSR program. Any applicability determinations using the new actual to future actual test will have to be submitted to the State under the state NSR program. The "reasonable possibility" provision has been remanded to EPA by the DC Court for clarification. It is the position of DAQ that the NSR program can be implemented while the EPA clarifies the "reasonable possibility" provision without altering the record keeping requirements of the reform rule. The remand to EPA will create an incentive for sources to maintain records for all modifications that utilize the new applicability test until the rule is clarified. COMMENT 19: Future actual emissions are not federally enforceable limits. RESPONSE 19: Sources making modifications that do not result in a significant net emissions increase are required to keep records under the conditions listed above (COMMENT 17). When those conditions apply, sources are required to maintain records for either five or ten years depending on the type of modification undertaken. The sources are also required to report to the appropriate regulatory agency emissions that are greater than the future actual emissions used in the applicability determination. No record keeping is required for source modifications that are not significant under the existing NSR rule. The requirements under the reform rule are an extension of NSR record keeping and reporting requirements. It is DAQ's position that the record keeping and reporting requirements of the reform rule with regards to applicability will be equivalent to the existing NSR program and in some case will be more stringent. COMMENT 20: The Plant-wide Applicability Limit (PAL) provisions lack adequate record keeping and reporting requirements to ensure compliance. RESPONSE 20: The PAL provision of the NSR Reform rule requires the following monitoring, recordkeeping and reporting: a) emissions from all emission units at the source must be monitored on a rolling 12 month schedule; b) source wide total emissions are reported on a rolling 12-month total for the ten year effective PAL term; c) the terms and conditions of an approved PAL become Title V applicable requirements; d) under Title V an annual compliance certification, semi-annual monitoring and deviation reports are required; e) the PAL threshold emissions value is a federally enforceable limit specified in the PAL permit; and f) the source must retain records of all required testing and monitoring data for at least five years from the

date that the monitoring was done. The monitoring, record keeping and reporting requirements above are as stringent as those required for NSR major sources under the existing rule. It is the position of DAQ that the record keeping provisions in the PAL rule are adequate to ensure compliance. COMMENT 21: The PAL threshold limit will be inflated in two ways: 1) the limit is calculated using the new ten-year baseline actual look back period which will inflate the plant-wide threshold; and 2) start-up and breakdown emissions can also be added to the plant-wide threshold. RESPONSE 21: The existing PSD rule uses a two-year, look back period to determine baseline actual emissions, except if a source petitions to use a baseline period that is more representative of normal operations. The two-year look back can under certain circumstances create disincentives to plant modernization. The existing rule encourages sources to either time their permit increases based on production levels, or to increase their emissions to increase their baseline emissions. The revised ten-year baseline rule will remove these disincentives to postpone plant modifications. To require sources to use the existing two-year, look back period for the calculation of the PAL limit would build-in the current disincentives in the PAL program. The purpose of the ten-year look back period is to allow the source to base applicability determination on plant conditions that are representative of the source operations. Startup and shutdown and malfunction (SSM) emissions under the new rule have to be added to both the baseline actual (current) and projected (future) actual calculations when the source is using the actual to projected actual test. The source will have to justify the use of SSM emissions as part of the projected actual emissions test. If the pre- and post-project SSM emissions are the same, than the applicability test will not be affected. If the post-project SSM emissions are greater than the pre-project startup, than the test results will be altered in favor of the source. In all cases the source will have to justify the estimated values for pre- and post-project emissions from SSM. In the case of a modernization project, DAQ would anticipate that SSM emissions would decrease and would require justification from the source if SSM were anticipated to increase. All State and Federal provisions regulating SSM have to be applied to the emissions estimates. It is DAQ's position that this provision of the new rule increases the complexity for sources and DAQ but as long as the emissions are accurate for both the pre- and post-project emissions the PAL limit will not be inflated. COMMENT 22: The PAL provisions will allow modifications to avoid NSR review. RESPONSE 22: The PAL threshold value is determined by adding the EPA significance level per pollutant to the actual plant-wide emissions at a source. The emissions at the source cannot be increased greater than the significance level unless that increase is offset with a corresponding decrease at the source. The procedure of offsetting project emissions is called "netting". The procedure of "netting" is allowed on a per project basis under the existing rules. The PAL provision allows netting to take place under one permit and any change at a source can be implemented as long as the net change is not greater than the significance level for that pollutant. The PAL provision will not allow changes that would not be allowed under the existing NSR provisions. The Utah State NSR permitting rule is applicable to any changes at a source. Any emission increases at a source will be reviewed under the State rule even in cases where the change is exempt from Federal NSR major source review under a PAL permit. It is DAQ's position that the NSR Reform Rule will not allow modifications to avoid NSR review. COMMENT 23: We recommend that the definition of "Air Quality Related Value" be retained because this definition is not contained in 40 CFR 52.21. RESPONSE 23: DAQ did not intend to delete this definition -- the intention was to incorporate it by reference. Because the term is not defined in 52.21, the definition will be included in Rule R307-405. It was previously located in Rule R307-101, but is more appropriately located in Rule R307-405. COMMENT 24: In the definition of the term "Administrator" two cites to 52.21 paragraph (y) are not needed because this section "Clean Units Comparable to BACT" is not being incorporated by reference. RESPONSE 24: DAQ agrees and the references have been removed. COMMENT 25: Utah has proposed to substitute the definition of major source baseline date in 52.21(b)(14) with the definition of major source baseline date that was submitted with the PM10 Maintenance Plan. DAQ revised the PM10 major source baseline date to the date that EPA approves the PM10 maintenance plan that was adopted by the Board on 07/06/2005 for Davis, Salt Lake, Utah, and Weber Counties. EPA has previously stated that this definition may not be approvable into Utah's SIP because there is no provision in the CAA for using a different date if an area was in non-attainment status on 01/06/1975. If this definition is not revised, EPA may have to use the current SIP definitions of major source baseline date when acting on the SIP revision to incorporate the NSR Reform Rule. RESPONSE 25: The following response to EPA's concerns was prepared when the PM10 SIP was adopted by the Board in July 2005. "The Clean Air Act establishes requirements for new sources in non-attainment areas in Section 173 of the Act, and requirements for new sources in attainment areas (PSD) in section 165 of the Act. However, the Act does not specifically address the transition of areas from non-attainment into the PSD program. UDAQ does not believe that the statute intended for increment consumption or expansion to occur in an area while the area was not attaining the standard. Presumably, the majority of emission reductions that occurred at major sources in non-attainment areas will be reductions required to provide for attainment in the area. To the extent that such decreases are associated with a construction activity, if we require that these be counted as part of the increment, they would actually expand increment. This would make the increment analysis in these areas a hollow requirement, because the NAAQS would be exceeded well before the increment level was reached. UDAQ believes that it is unreasonable to interpret the Clean Air Act to require such a hollow requirement. A much more reasonable interpretation is to use the date that an area is re-designated to attainment as the new starting point, and then use the PSD program as part of the overall strategy to maintain the now 'clean air' in those areas." COMMENT 26: Section R307-405-18 incorporate by reference 51.166(q)(1) and (2) which provides the general public participation requirements for a SIP approved state. However, some specific public participation requirements applicable to PSD sources, such as a minimum 30-day public comment period for PSD permits, which are in the proposed Section R307-401-7 are not specified in 40 CFR

51.166(q). Therefore, to ensure consistency between Section R307-405-18 and Section R307-401-7, we recommend that Section R307-405-18 also reference, or add, the requirements for PSD sources specified in Section R307-401-7. RESPONSE 26: A source that receives a PSD permit under Rule R307-405 is also required to receive an approval order under Rule R307-401. The approval order will include all of the elements of the PSD permit, and will operate as the umbrella permit that includes multiple NSR requirements. Therefore, a PSD source will receive an approval order that has undergone the public comment process outlined in Section R307-401-7 and the additional public comment process in 40 CFR 51.166(q) will also apply as required by Section R307-405-18. COMMENT 27: The requirements in the current Section R307-405-7 that contains a commitment to develop a state plan if the increment has been violated appears to have been deleted. RESPONSE 27: The language in the current Section R307-405-7 has been moved to the SIP because it is a commitment by the State rather than a regulatory requirement. It can be found on page 5, section E of the PSD SIP. The State cannot regulate itself, but can make a commitment about what we will do if an increment is violated. Once this provision is in the federally-approved SIP, then EPA can enforce this provision against the state. If we don't meet our commitment, then EPA can issue a SIP call requiring us to address the deficiency in our SIP. COMMENT 28: In Subsection R307-405-19(b), the reference to 40 CFR 70.4(b)(3)(iii) is changed to Section R307-415-7i. The provisions do not seem to be equivalent because Section R307-415-7i applies only to certain permit actions in the operating permit program. RESPONSE 28: After reviewing the provisions, DAQ agrees with the commenter that Section R307-415-7i is not equivalent to 70.4(b)(3)(viii). Because this reference to Part 70 is referring to a specific provision, rather than Utah's operating permit program in general, it will be acceptable to keep the reference to Part 70 in the incorporated rule. Subsection R307-405-19(b) has been deleted from the draft rule. COMMENT 29: The reference to Administrator in 52.21(a)(2)(iii) should be changed to executive secretary. RESPONSE 29: Subsection R307-405-3(2)(d)(i) changes the term "Administrator" to executive secretary throughout the rule, except for the instances listed in Subsection R307-405-3(2)(d)(ii). Because 52.21(a)(2)(iii) is not on the list of exceptions, the reference has been changed to executive secretary. COMMENT 30: The existing language in Section R307-401-6 states: "The executive secretary shall issue an approval order if it is determined through plan review that the following conditions have been met," while the language proposed in the new Section R307-401-8 deletes "if it is determined through plan review." Currently there is a document that identifies items from the engineering review that do not appear in the Approval Order, and even with that, it's hard to understand why decisions are made. I'm concerned that such documentation will not be available in the future, if DAQ management changes its policies. RESPONSE 30: The language to be deleted does not govern the kind of documentation that DAQ provides. In the first place, "plan review" is an undefined term, and therefore is meaningless; currently, DAQ uses the term "engineering review," and may in the future use some other process with some other name. The end result is the same, however, the approval order is issued only if the applicant meets all the conditions specified in the rule, and the only way to show that the conditions are met is to provide documentation of the analysis and conclusions. Second, the purpose of administrative rules is for an agency to regulate entities outside itself; the rulemaking process provides an open process so that affected parties and the public can offer input. Thus it is appropriate that the rule delineates the conditions that the applicant must meet before receiving an approval order, but it is not appropriate to include in a rule a specification of the process that DAQ uses to make its determinations. Any agency's actions are regulated by a variety of statutes and rules, including the CAA and federal rules, the Utah Air Conservation Act, the state Administrative Procedures Act, and the state statute and rules governing rulemaking. If DAQ did not operate with open and transparent processes, EPA would not be able to delegate the NSR program to Utah, as DAQ could not show that the federally-required conditions have been met without documenting the review. COMMENT 31: The current NSR rule has worked well for new source permitting but has not been as effective for permitting plant modifications. The existing rule with respect to modifications is difficult to understand and implement. PacifiCorp views the reform rule as a first step to improve the NSR program. PacifiCorp will comment on three areas of the reform rule: 1) PacifiCorp supports the use of the actual to projected actual applicability test. Under (the WEPCO rule) 40 CFR Part 51.166, amended 07/21/1992 (57 FR 32314), the Federal PSD program has allowed electric utilities to use the actual test alternative since 1992; 2) PacifiCorp supports the use of the five-year, look back period to determine the baseline actual emissions at electrical generating units under the new actual to projected actual test; and 3) PacifiCorp supports the PAL program. The PAL program will give PacifiCorp the flexibility to implement change while installing state of the art emission controls. Mid-America's purchase of PacifiCorp includes commitments to upgrades throughout our system within the next seven to eight years; in Utah alone, we will see reductions of 60% in SO_2, 34% in NO_x, and 64% in mercury. The PAL program will help PacifiCorp to efficiently complete plant modifications while maintaining air quality. RESPONSE 31: Noted. COMMENT 32: PacifiCorp finds the existing NSR rule to be difficult to understand and susceptible to multiple interpretations. The adoption of the reform rule is the first step in a process to improve the NSR program. RESPONSE 32: Noted. COMMENT 33: The PAL program will allow sources with multiple emission units to establish a plant-wide emission limit for a particular emissions category rather than being required to manage individual emission limits at multiple units at a plant. This simplified approach to emission limits continues to protect the environment by ensuring that future emissions do not increase, while allowing operational flexibility at the plant. RESPONSE 33: Noted. COMMENT 34: PacifiCorp also notes its disagreement with the comment letter dated 10/31/2005 and submitted to the Air Quality Board on behalf of various organizations and individuals in opposition to the reform. The intent of the letter was to stop the rule making process from advancing, which PacifiCorp views as a counter productive approach to the reform of the NSR program. Many of the claims in the letter have already been addressed in the

Federal and State rulemaking process to date. RESPONSE 34: Noted.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Without Rule R307-405, the provisions of 40 CFR 51.166 would be administered by the Environmental Protection Agency (EPA). The Air Quality Board has chosen to administer federal programs itself rather than leaving them to EPA. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 06/16/2006

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Environmental Quality, Air Quality
R307-410
Permits: Emission Impact Analysis

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28818
FILED: 06/16/2006, 07:31

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: Subsection 19-2-104(1) states that the Air Quality Board may make rules "(a) regarding the control, abatement, and prevention of air pollution from all sources..." Rule R307-410 establishes procedures and requirements for evaluating the expected impact of emissions from new or modified sources that require an approval order under Rule R307-401. Rule R307-410 also establishes the procedures and requirements for evaluating the impact of emissions of hazardous air pollutants. These evaluations help to determine the control requirements necessary to attain and maintain the federal health standards for air quality.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Written comments were received only when Rule R307-410 was amended. Rule R307-410 was amended once under DAR No. 28323, published 12/01/2005. COMMENT: Rule R307-410 establishes modeling thresholds that are based on the federal rules. These rules do not adequately address Utah's airsheds that are bounded by mountains and subject to persistent inversions. The U.S. standard for NOx is an annual standard, but other nations set shorter-term standards. Shorter-term NOx standards are important in Utah because NOx is a precursor to ozone and PM2.5. Permitting actions allow high short term NOx averages because the annual average does not meet the threshold level. The rule would be more effective if the threshold was based on a shorter averaging period. RESPONSE: The modeling thresholds in Rule R307-410 are based on the federal significance level that was established in the Prevention of Significant Deterioration (PSD) program. Unlike the PSD program, the thresholds apply to all sources, not just major sources. The threshold level for NOx is 40 tons/year. The Division of Air Quality (DAQ) has found that the current thresholds have worked well to identify sources that would likely affect National Ambient Air Quality Standards (NAAQS) levels in areas close to the source. The threshold level determines when a source is required to submit a modeling analysis with the Notice of Intent to Construct. If the executive secretary has reason to believe that a source that falls below the threshold will be a problem, then modeling can be completed in-house. In all cases, the executive secretary cannot issue an approval order if it causes a violation of the federal health standard. Ozone and PM2.5 problems in Utah are primarily due to the reactions of precursor emissions. Current permitting models are not effective to determine the effect of a source of NOx on either ozone or PM2.5. For this reason, Utah has adopted an emissions offset program for NOx that applies in nonattainment and maintenance areas for ozone and PM2.5. This program has been an effective mechanism for addressing the impact of new and modified sources of NOx.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R307-410 is necessary and should be continued so that sources of air pollution know the requirements that apply to them as they prepare applications to construct or modify their installations.

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

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 06/16/2006

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Environmental Quality, Air Quality
R307-801
Asbestos

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28817
FILED: 06/16/2006, 07:31

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: Subsection 19-2-104(1)(d) states that the Air Quality Board may make rules to implement Subchapter II, Asbestos Hazard Emergency Response (AHERA), of the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and to review and approve asbestos management plans submitted by local education agencies. Subsections 19-2-104(3)(r) and (s) allow the Board to establish work practice, certification, and clearance air sampling requirements for persons who: (i) contract to conduct demolition, renovation, salvage, encapsulation work involving friable asbestos-containing materials, or asbestos inspections; or (ii) conduct such work in areas to which the public has access or in school buildings subject to AHERA; and to establish certification requirements for inspectors, management planners, abatement project designers, contractors, or workers under AHERA. Rule R307-801 establishes procedures and requirements for asbestos projects and training programs, for certification of persons engaged in asbestos activities, and work practice standards for such work.

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 were received outside the comment period when Rule R307-801 was amended. The rule was amended once since its last review, DAR No. 28501 published in the March 1, 2006, edition of the Utah State Bulletin. COMMENT: In my mineral course in college, I learned that there are three types of asbestos--blue, brown, and white--and that blue and brown have been proven to cause cancer. However, my textbook said that white asbestos fibers do not lodge in the lungs and do not seem to affect health significantly. Since white asbestos is the type used in most buildings, it seems a terrible waste of time and money to put in extra regulations for a substance that is not particularly dangerous for the general public. RESPONSE: The amendment does not require any additional notification to the Division of Air Quality; it allows contractors to notify the Division of their projects electronically if they wish to do so. The rule does not require removal of asbestos from buildings, but sets safety requirements that must be followed if asbestos is removed. The commenter is incorrect in saying that the asbestos generally used in buildings does not affect public health. All three types of asbestos (Amosite (brown), Crocidolite (blue) and Chrysotile (white)) are found in Utah buildings and all are known to cause cancer. There is no regulatory difference found in current federal and state rules among the three types of asbestos.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Without Rule R307-801, Utah would not have authority to implement the federal requirements; implementation would be carried out by the Environmental Protection Agency. The specific authorizations in Subsections 19-2-104(1)(d) and 19-2-104(3)(r) and (s) clearly indicate that the Legislature prefers that the Division of Air Quality implement the program. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

EFFECTIVE: 06/16/2006

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Environmental Quality, Water Quality
R317-11
Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Percolation and Soil Tests for Underground Wastewater Disposal Systems

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28855
FILED: 06/29/2006, 10:41

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 19-5-104(1)(f) authorizes the Utah Water Quality Board to adopt and enforce rules to protect the public health for the design, construction, operation, and maintenance of underground wastewater disposal systems, liquid scavenger operations, and vault and earthen pit privies. Section 19-5-121 sets forth certification requirements in order to design, inspect, maintain, or conduct percolation or soil tests for underground wastewater disposal.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: This rule was last amended on 01/30/2003. No comments were received during the rulemaking process. This has not been a controversial rule. No other comments have been received either supporting or opposing the rule since the last five-year review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is required for the Water Quality Board to implement the state's certification program associated with the design, inspection, and maintenance of underground wastewater disposal systems as outlined in the Water Quality Act. The certification program is established in order to assist in protecting the quality of waters in the state of Utah by helping ensure that personnel have adequate experience and training to design, inspect, maintain, or conduct percolation or soil tests for underground wastewater disposal systems. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
WATER QUALITY
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:
Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at dwham@utah.gov

AUTHORIZED BY: Walter Baker, Director

EFFECTIVE: 06/29/2006

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Fair Corporation (Utah State), Administration
R325-1
Utah State Fair Competitive Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28832
FILED: 06/22/2006, 14:47

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-3(2) requires each agency who (a) authorizes, requires, or prohibits an action; (b) provides or permits a material benefit, to make rules. Section 9-4-1103 requires the Utah State Fair Corporation to arrange and plan expositions, which requires us to provide, sponsor and promote public entertainment, displays, exhibits, etc. This in turn requires that rules and guidelines for exhibitors, renters, and the public are set.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There is no record of written comments having been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Fair has between 6,500 and 6,800 competitive exhibitors each year and must have some basic guidelines that are enforceable. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
FAIR CORPORATION (UTAH STATE)
ADMINISTRATION
155 N 1000 W
SALT LAKE CITY UT 84116-3399, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kelly West at the above address, by phone at 801-538-8441, by FAX at 801-538-8455, or by Internet E-mail at kellyw@fiber.net

AUTHORIZED BY: Richard Frenette, Executive Director

EFFECTIVE: 06/22/2006

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Fair Corporation (Utah State), Administration

R325-2

Utah State Fair Commercial Exhibitor Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28833

FILED: 06/22/2006, 14:48

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-3(2) requires each agency who (a) authorizes, requires, or prohibits an action; (b) provides or permits a material benefit, to make rules. Section 9-4-1103 requires the Utah State Fair Corporation to arrange and plan expositions, which requires us to provide, sponsor and promote public entertainment, displays, exhibits, etc. This in turn requires that rules and guidelines for exhibitors, renters, and the public are set.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There is no record of written comments having been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Fair rents space to approximately 400 commercial exhibitors each year and must have some basic rules that are enforceable. Therefore, this rule should be continued.

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

FAIR CORPORATION (UTAH STATE)
ADMINISTRATION
155 N 1000 W
SALT LAKE CITY UT 84116-3399, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kelly West at the above address, by phone at 801-538-8441, by FAX at 801-538-8455, or by Internet E-mail at kellyw@fiber.net

AUTHORIZED BY: Richard Frenette, Executive Director

EFFECTIVE: 06/22/2006

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Fair Corporation (Utah State), Administration

R325-3

Utah State Fair Patron Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28834

FILED: 06/22/2006, 14:49

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-3(2) requires each agency who (a) authorizes, requires, or prohibits an action; (b) provides or permits a material benefit, to make rules. Section 9-4-1103 requires the Utah State Fair Corporation to arrange and plan expositions, which requires us to provide, sponsor and promote public entertainment, displays, exhibits, etc. This in turn requires that rules and guidelines for exhibitors, renters, and the public are set.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There is no record of written comments having been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Approximately 300,000 patrons come to the Fair annually so there is a need for basic enforceable rules. Therefore, this rule should be continued.

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

FAIR CORPORATION (UTAH STATE)
ADMINISTRATION
155 N 1000 W
SALT LAKE CITY UT 84116-3399, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kelly West at the above address, by phone at 801-538-8441, by FAX at 801-538-8455, or by Internet E-mail at kellyw@fiber.net

AUTHORIZED BY: Richard Frenette, Executive Director

EFFECTIVE: 06/22/2006

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Fair Corporation (Utah State), Administration

R325-4

Interim Patrons Rules (Other Than Utah State Fair)

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28835
FILED: 06/22/2006, 14:49

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-3(2) requires each agency who (a) authorizes, requires, or prohibits an action; (b) provides or permits a material benefit, to make rules. Section 9-4-1103 requires the Utah State Fair Corporation to arrange and plan expositions, which requires us to provide, sponsor and promote public entertainment, displays, exhibits, etc. This in turn requires that rules and guidelines for exhibitors, renters, and the public are set.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There is no record of written comments having been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: There are over 150 different interim events at the Fairpark each year that must have basic enforceable rules. Therefore, this rule should be continued.

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

FAIR CORPORATION (UTAH STATE)
ADMINISTRATION
155 N 1000 W
SALT LAKE CITY UT 84116-3399, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kelly West at the above address, by phone at 801-538-8441, by FAX at 801-538-8455, or by Internet E-mail at kellyw@fiber.net

AUTHORIZED BY: Richard Frenette, Executive Director

EFFECTIVE: 06/22/2006

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Fair Corporation (Utah State), Administration

R325-5

Interim Renters Rules (Other Than Utah State Fair)

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 28836
FILED: 06/22/2006, 14:50

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-46a-3(2) requires each agency who (a) authorizes, requires, or prohibits an action; (b) provides or permits a material benefit, to make rules. Section 9-4-1103 requires the Utah State Fair Corporation to arrange and plan expositions, which requires us to provide, sponsor and promote public entertainment, displays, exhibits, etc. This in turn requires that rules and guidelines for exhibitors, renters, and the public are set.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There is no record of written comments having been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: There are over 150 different interim events at the Fairpark each year that must have basic enforceable rules. Therefore, this rule should be continued.

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

FAIR CORPORATION (UTAH STATE)
ADMINISTRATION
155 N 1000 W
SALT LAKE CITY UT 84116-3399, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kelly West at the above address, by phone at 801-538-8441, by FAX at 801-538-8455, or by Internet E-mail at kellyw@fiber.net

AUTHORIZED BY: Richard Frenette, Executive Director

EFFECTIVE: 06/22/2006

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Insurance, Administration
R590-136
Title Insurance Agents' Annual Reports

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28846
FILED: 06/27/2006, 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: Section 31A-23a-413 requires that the insurance commissioner write a rule to specify the date to be filed and forms to be used by title producers in filing an annual financial report with the commissioner. Section R590-136-4 of the rule establishes the forms and information to be filed with the commissioner. Section R590-136-5 sets the date to be filed annually. Subsection 31A-23a-503(8) specifies controlled business information to be filed with the report required in Section 31A-23a-413. Section R590-136-5 of the rule sets forth forms to be used in reporting to the commissioner and the information to be reported.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has received no written comments regarding this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule allows the department to determine the financial solvency of an agency handling escrow trust funds. Since there are no capital reserve requirements and the agencies handle substantial amounts of the public's money, solvency is paramount to public safety. Therefore, this rule should be continued.

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

INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 06/27/2006

Insurance, Administration
R590-206
Privacy of Consumer Financial and Health Information

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28847
FILED: 06/27/2006, 12:47

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: Subsections 31A-2-201(2) and (3)(a) state the commissioner is empowered to administer and enforce Title 31A to perform duties imposed by the Title and to make administrative rules to implement it. Title V, Section 505 (15 U.S.C. 6805) empowers the commissioner to enforce 15 U.S.C. 6801 through 6820. Section 6805(b)(2) authorizes the commissioner to issue rules to implement the requirements of Title V, Section 501(b) of the federal act. The commissioner is also authorized under Subsection 31A-23-317(3) to adopt rules implementing the requirements of Title V, Section 501(b) of the federal code. This deals with the adoption of federal regulations governing the treatment of nonpublic personal health and financial information by its licensees and ensures that they are in compliance with the federal law.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comment regarding this rule in the past five years, even during the period changes were made to the rule during the first part of 2002.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule complements the privacy requirements of the federal Health Insurance Portability and Accountability Act, Pub. L. No. 104-191, 110 Stat. 1962, and provides significant protections to insurance consumers. It protects privacy of personal information that is gathered by insurance companies, agents, and other producers of insurance products during the course marketing, selling or placing insurance. If the rule is not reauthorized, those protections will be adversely affected. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
INSURANCE
ADMINISTRATION
Room 3110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 06/27/2006

Natural Resources, Forestry, Fire and State Lands
R652-2
Sovereign Land Management Objectives

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28851
FILED: 06/28/2006, 10:17

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 implements Sections 65A-1-2 and 65A-10-1 which authorize the Division of Forestry, Fire and State Lands to prescribe the general land management objectives for sovereign lands.

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 either supporting or opposing 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 rule gives direction for decisions regarding use of the sovereign lands within the state by outlining some of the key provisions of the public trust doctrine, and multiple-use, sustained yield principles. This rule is used in the continued management of sovereign lands and should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
FORESTRY, FIRE AND STATE LANDS
1594 W NORTH TEMPLE
SUITE 3520
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dave Grierson at the above address, by phone at 801-538-5504, by FAX at 801-533-4111, or by Internet E-mail at davegrierson@utah.gov

AUTHORIZED BY: Michael Styler, Executive Director

EFFECTIVE: 06/28/2006

Natural Resources, Forestry, Fire and State Lands
R652-8
Adjudicative Proceedings

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28852
FILED: 06/28/2006, 10:18

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 implements Subsection 63-46b-1(5), and Sections 63-46b-4 and 63-46b-5 which gives the public a way to challenge or have Division decisions reviewed.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received either in support or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is essential in carrying out the responsibilities of the Division by establishing an administrative procedure where decisions can be reviewed and parties can utilize in presenting information or concerns in this statutory process. This rule has been used by non-agency parties to challenge Division decisions in the past year. This rule should be continued.

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

NATURAL RESOURCES
FORESTRY, FIRE AND STATE LANDS
1594 W NORTH TEMPLE
SUITE 3520
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dave Grierson at the above address, by phone at 801-538-5504, by FAX at 801-533-4111, or by Internet E-mail at davegrierson@utah.gov

AUTHORIZED BY: Michael Styler, Executive Director

EFFECTIVE: 06/28/2006

Natural Resources, Forestry, Fire and State Lands
R652-9
Consistency Review

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28850
FILED: 06/28/2006, 10:16

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 establishes the procedure through which any party aggrieved by a division action directly determining the rights, obligations, or legal interests of specific persons may petition the executive director of the Department of Natural Resources to review the action for consistency with statutes, rules, and division policy pursuant to Subsection 65A-1-4(5).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received either in support or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule is essential in carrying out the responsibilities of the Division by establishing an administrative procedure where decisions can be appealed to an outside authority. Parties can utilize this process in presenting information or concerns of Division decisions. This rule has been used by non-agency parties to challenge Division decisions in the past year. This rule should be continued.

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

NATURAL RESOURCES
FORESTRY, FIRE AND STATE LANDS
1594 W NORTH TEMPLE
SUITE 3520
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dave Grierson at the above address, by phone at 801-538-5504, by FAX at 801-533-4111, or by Internet E-mail at davegrierson@utah.gov

AUTHORIZED BY: Michael Styler, Executive Director

EFFECTIVE: 06/28/2006

Natural Resources, Forestry, Fire and State Lands
R652-41
Right of Entry

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28853
FILED: 06/28/2006, 10:19

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 implements Section 65A-7-1 which authorizes the Division of Forestry, Fire and State Lands to establish criteria by rule for the sale, exchange, lease, or other disposition or conveyance of sovereign lands including procedures for determining fair-market value of those lands.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received either in support or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule provides a process for the controlled use of sovereign lands by commercial interests that are making money from the use of sovereign lands. A Right of Entry is a tool used to monitor and control the use of those lands. There have been over 100 Rights of Entry issued in the last five years. This rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
FORESTRY, FIRE AND STATE LANDS
1594 W NORTH TEMPLE
SUITE 3520
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dave Grierson at the above address, by phone at 801-538-5504, by FAX at 801-533-4111, or by Internet E-mail at davegrierson@utah.gov

AUTHORIZED BY: Michael Styler, Executive Director

EFFECTIVE: 06/28/2006

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Natural Resources, Forestry, Fire and State Lands
R652-80
Land Exchanges

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 28854
FILED: 06/28/2006, 10:20

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 implements Sections 65A-7-1 and 65A-7-7 which authorize the Division of Forestry, Fire and State Lands to establish criteria by rule for the sale, exchange, lease, or other disposition or conveyance of sovereign lands including procedures for determining fair-market value of those lands.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been no written comments received either in support or opposing the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule provides a process for the exchange of state lands for other lands when in the best interest of the state, or the public trust. This tool is used for the beneficial management of lands held by the division. The ability to consolidate isolated tracts of land, or inholdings within federal lands gives the state flexibility in their management and provides opportunities for win-win situations for the state and other parties. This rule has been used within the past five years, and it is anticipated that it will continue to be used. This rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
NATURAL RESOURCES
FORESTRY, FIRE AND STATE LANDS
1594 W NORTH TEMPLE
SUITE 3520
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dave Grierson at the above address, by phone at 801-538-5504, by FAX at 801-533-4111, or by Internet E-mail at davegrierson@utah.gov

AUTHORIZED BY: Michael Styler, Executive Director

EFFECTIVE: 06/28/2006

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

NOTICES OF RULE EFFECTIVE DATES

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

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

Administrative Services
Finance
No. 28702 (AMD): R25-7. Travel-Related Reimbursements for State Employees.
Published: May 15, 2006
Effective: July 1, 2006

Risk Management
No. 28667 (R&R): R37-4. Adjusted Utah Governmental Immunity Limitations on Judgments.
Published: May 15, 2006
Effective: July 1, 2006

Commerce
Occupational and Professional Licensing
No. 28621 (AMD): R156-1. General Rules of the Division of Occupational and Professional Licensing.
Published: May 15, 2006
Effective: June 19, 2006

No. 28674 (AMD): R156-40. Recreational Therapy Practice Act Rules.
Published: May 15, 2006
Effective: June 22, 2006

No. 28672 (AMD): R156-60b. Marriage and Family Therapist Licensing Act Rules.
Published: May 15, 2006
Effective: June 19, 2006

Real Estate
No. 28520 (AMD): R162-2-2. Licensing Procedure.
Published: March 1, 2006
Effective: June 21, 2006

No. 28520 (CPR): R162-2-2. Licensing Procedure.
Published: May 1, 2006
Effective: June 21, 2006

No. 28597 (AMD): R162-8-8. Administrative Proceedings.
Published: May 1, 2006
Effective: June 21, 2006

No. 28668 (AMD): R162-10. Administrative Procedures.
Published: May 15, 2006
Effective: June 21, 2006

No. 28665 (AMD): R162-102-3. Renewal.
Published: May 15, 2006
Effective: June 28, 2006

No. 28666 (AMD): R162-105-1. Scope of Authority.
Published: May 15, 2006
Effective: June 28, 2006

Environmental Quality
Air Quality
No. 28545 (AMD): R307-101-2. Definitions.
Published: April 1, 2006
Effective: June 16, 2006

No. 28320 (AMD): R307-110-9. Section VIII, Prevention of Significant Deterioration.
Published: December 1, 2005
Effective: June 16, 2006

No. 28320 (CPR): R307-110-9. Section VIII, Prevention of Significant Deterioration.
Published: April 1, 2006
Effective: June 16, 2006

No. 28544 (AMD): R307-325. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions.
Published: April 1, 2006
Effective: June 16, 2006

No. 28325 (R&R): R307-401. Permit: Notice of Intent and Approval Order.
Published: December 1, 2005
Effective: June 16, 2006

No. 28325 (CPR): R307-401. Permit: New and Modified Sources.
Published: April 1, 2006
Effective: June 16, 2006

No. 28322 (R&R): R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD).
Published: December 1, 2005
Effective: June 16, 2006

No. 28322 (CPR): R307-405. Permits: Major Sources in Attainment or Unclassified Areas (PSD).
Published: April 1, 2006
Effective: June 16, 2006

No. 28323 (AMD): R307-410. Permits: Emissions Impact Analysis.
Published: December 1, 2005
Effective: June 16, 2006

No. 28323 (CPR): R307-410. Permits: Emissions Impact Analysis.
Published: April 1, 2006
Effective: June 16, 2006

No. 28546 (REP): R307-413. Permits: Exemptions and Special Provisions.
Published: April 1, 2006
Effective: June 16, 2006

No. 28502 (AMD): R307-801. Asbestos.
Published: March 1, 2006
Effective: June 16, 2006

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 28582 (AMD): R414-52. Optometry Services.
Published: April 15, 2006
Effective: July 1, 2006

No. 28583 (AMD): R414-53. Eyeglasses Services.
Published: April 15, 2006
Effective: July 1, 2006

No. 28698 (AMD): R414-303-7. Foster Care.
Published: May 15, 2006
Effective: July 1, 2006

No. 28680 (AMD): R414-304-11. Income Standards.
Published: May 15, 2006
Effective: July 1, 2006

No. 28699 (AMD): R414-504. Nursing Facility Payments.
Published: May 15, 2006
Effective: July 1, 2006

Human Resource Management

Administration

No. 28692 (AMD): R477-1. Definitions.
Published: May 15, 2006
Effective: July 1, 2006

No. 28689 (AMD): R477-2. Administration.
Published: May 15, 2006
Effective: July 1, 2006

No. 28691 (AMD): R477-4. Filling Positions.
Published: May 15, 2006
Effective: July 1, 2006

No. 28681 (AMD): R477-5. Employee Status and Probation.
Published: May 15, 2006
Effective: July 1, 2006

No. 28688 (AMD): R477-6. Compensation.
Published: May 15, 2006
Effective: July 1, 2006

No. 28570 (AMD): R477-7. Leave.
Published: April 15, 2006
Effective: July 1, 2006

No. 28690 (AMD): R477-7. Leave.
Published: May 15, 2006
Effective: July 1, 2006

No. 28682 (AMD): R477-8. Working Conditions.
Published: May 15, 2006
Effective: July 1, 2006

No. 28687 (AMD): R477-9. Employee Conduct.
Published: May 15, 2006
Effective: July 1, 2006

No. 28684 (AMD): R477-10. Employee Development.
Published: May 15, 2006
Effective: July 1, 2006

No. 28683 (AMD): R477-11. Discipline.
Published: May 15, 2006
Effective: July 1, 2006

No. 28685 (AMD): R477-12. Separations.
Published: May 15, 2006
Effective: July 1, 2006

No. 28686 (AMD): R477-14. Substance Abuse and Drug-Free Workplace.
Published: May 15, 2006
Effective: July 1, 2006

Human Services

Child and Family Services

No. 28662 (AMD): R512-305. Out of Home Services, Independent Living Services.
Published: May 15, 2006
Effective: June 19, 2006

No. 28663 (AMD): R512-306. Independent Living Services, Education and Training Voucher Program.
Published: May 15, 2006
Effective: June 19, 2006

Insurance
Administration
No. 28678 (AMD): R590-225. Submission of Property and Casualty Rate and Form Filings.
Published: May 15, 2006
Effective: June 29, 2006

Public Lands Policy Coordinating Office
No. 28697 (NEW): R694-1. Archeological Permits.
Published: May 15, 2006
Effective: June 23, 2006

Transportation
Motor Carrier, Ports of Entry
No. 28703 (NEW): R912-8. Minimum Tire, Axle and Suspension Ratings for Heavy Vehicles and the Use of Retractable or Variable Load Suspension Axles in Utah.
Published: May 15, 2006
Effective: June 22, 2006

Program Development
No. 28531 (AMD): R926-8-3. Factors Used to Consider Proposals.
Published: March 15, 2006
Effective: June 22, 2006

Preconstruction
No. 28677 (AMD): R930-3. Highway Noise Abatement.
Published: May 15, 2006
Effective: June 22, 2006

Transportation Commission
Administration
No. 28675 (NEW): R940-1. Establishment of HOT-Lane Toll Rates.
Published: May 15, 2006
Effective: June 22, 2006

Workforce Services
Employment Development
No. 28693 (AMD): R986-400. General Assistance and Working Toward Employment.
Published: May 15, 2006
Effective: June 22, 2006

End of the Notices of Rule Effective Dates Section

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

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2006, including notices of effective date received through June 30, 2006, the effective dates of which are no later than July 15, 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
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
5YR = Five-Year Review

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
Administrative Rules					
R15-4	Administrative Rulemaking Procedures	28586	EMR	04/15/2006	2006-8/57
Facilities Construction and Management					
R23-1	Procurement of Construction	28608	AMD	06/01/2006	2006-9/10
R23-1	Procurement of Construction	28609	AMD	06/01/2006	2006-9/3
R23-2	Procurement of Architect-Engineer Services	28607	AMD	06/01/2006	2006-9/12
Finance					
R25-5	Payment of Per Diem to Boards	28384	AMD	01/25/2006	2005-24/2
R25-7	Travel-Related Reimbursements for State Employees	28702	AMD	07/01/2006	2006-10/2
Fleet Operations					
R27-1	Definitions	28474	5YR	01/30/2006	2006-4/33
R27-1	Definitions (5YR EXTENSION)	28279	NSC	01/30/2006	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R27-1-2	Definitions	28368	NSC	01/01/2006	Not Printed
R27-2	Fleet Operations Adjudicative Proceedings	28475	5YR	01/30/2006	2006-4/33
R27-3	Vehicle Use Standards	28477	5YR	01/30/2006	2006-4/34
R27-3	Vehicle Use Standards (5YR EXTENSION)	28280	NSC	01/30/2006	Not Printed
R27-7	Safety and Loss Prevention of State Vehicles	28469	5YR	01/20/2006	2006-4/34
Fleet Operations, Surplus Property					
R28-2	Surplus Firearms	28496	5YR	02/07/2006	2006-5/47
Information Technology Services					
R29-1	Division of Information Technology Services Adjudicative Proceedings	28788	5YR	06/08/2006	2006-13/61
R29-1	Technology Services Adjudicative Proceedings	28828	NSC	06/22/2006	Not Printed
R29-2	Telecommunications Services and Requirements	28794	NSC	06/22/2006	Not Printed
Purchasing and General Services					
R33-1	Utah State Procurement Rules Definitions	28436	NSC	02/22/2006	Not Printed
R33-1-1	Definitions	28445	AMD	02/21/2006	2006-2/3
R33-2-101	Delegation of Authority of the Chief Procurement Officer	28437	NSC	02/22/2006	Not Printed
R33-3	Source Selection and Contract Formation	28447	AMD	02/21/2006	2006-2/5
R33-4	Specifications	28438	NSC	02/22/2006	Not Printed
R33-5	Construction and Architect-Engineer Selection	28448	NSC	02/22/2006	Not Printed
R33-7	Cost Principles	28439	NSC	02/22/2006	Not Printed
R33-8	Property Management	28440	NSC	02/22/2006	Not Printed
Records Committee					
R35-1	State Records Committee Appeal Hearing Procedures	28462	AMD	03/14/2006	2006-3/3
Risk Management					
R37-1	Risk Management General Rules	28413	AMD	03/31/2006	2006-1/4
R37-4	Adjusted Utah Governmental Immunity Limitations on Judgments	28667	R&R	07/01/2006	2006-10/5
Agriculture and Food					
Administration					
R51-3	Government Records Access and Management Act	28552	5YR	03/16/2006	2006-8/69
R51-4	ADA Complaint Procedure	28553	5YR	03/16/2006	2006-8/69
Animal Industry					
R58-10	Meat and Poultry Inspection	28506	AMD	04/03/2006	2006-5/2
Marketing and Development					
R65-8	Management of the Junior Livestock Show Appropriation	28558	5YR	03/16/2006	2006-8/70
Plant Industry					
R68-4	Standardization, Marketing, and Phytosanitary Inspection of Fresh Fruits, Vegetables, and Other Plant and Plant Products	28504	5YR	02/10/2006	2006-5/47
R68-7	Utah Pesticide Control Act	28554	5YR	03/16/2006	2006-8/70
R68-8	Utah Seed Law	28452	5YR	01/09/2006	2006-3/38
R68-18	Quarantine Pertaining to Karnal Bunt	28505	5YR	02/10/2006	2006-5/48
Regulatory Services					
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	28503	AMD	04/03/2006	2006-5/3

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R70-330	Raw Milk for Retail	28555	5YR	03/16/2006	2006-8/71
R70-370	Butter	28556	5YR	03/16/2006	2006-8/71
R70-380	Grade A Condensed and Dry Milk Products and Condensed and Dry Whey	28557	5YR	03/16/2006	2006-8/72
R70-410	Grading and Inspection of Shell Eggs With Standard Grade and Weight Classes	28471	5YR	01/24/2006	2006-4/35
R70-410-1	Authority	28485	AMD	03/20/2006	2006-4/4
Alcoholic Beverage Control					
Administration					
R81-10A-7	Draft Beer Sales/Minors on Premises	28431	NSC	01/01/2006	Not Printed
Capitol Preservation Board (State)					
Administration					
R131-4	Procurement of Construction	28727	5YR	05/12/2006	2006-11/92
Commerce					
Administration					
R151-1-2	Electronic Meetings	28664	AMD	06/15/2006	2006-10/7
R151-14	New Automobile Franchise Act Rule	28542	AMD	05/02/2006	2006-7/2
R151-35	Powersport Vehicle Franchise Act Rule	28543	AMD	05/02/2006	2006-7/3
R151-46b	Department of Commerce Administrative Procedures Act Rules	28709	5YR	05/03/2006	2006-11/92
Consumer Protection					
R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	28574	AMD	05/16/2006	2006-8/7
R152-22-3	Application for Charitable Organization Permit	28573	AMD	05/16/2006	2006-8/9
Corporations and Commercial Code					
R154-2	Utah Uniform Commercial Code, Revised Article 9 Rules	28860	5YR	06/29/2006	2006-14/38
Occupational and Professional Licensing					
R156-1	General Rules of the Division of Occupational and Professional Licensing	28621	AMD	06/19/2006	2006-10/8
R156-3a	Architect Licensing Act Rules	28429	CPR	04/03/2006	2006-5/44
R156-3a	Architect Licensing Act Rules	28429	AMD	04/03/2006	2006-2/15
R156-3a	Architect Licensing Act Rules	28604	5YR	04/10/2006	2006-9/39
R156-3a-501	Administrative Penalties - Unlawful Conduct	28671	NSC	05/10/2006	Not Printed
R156-9a	Uniform Athlete Agent Act Rules	28830	5YR	06/22/2006	2006-14/38
R156-17b	Pharmacy Practice Act Rules	28530	AMD	04/17/2006	2006-6/2
R156-17b	Pharmacy Practice Act Rules	28620	NSC	05/15/2006	Not Printed
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	28444	AMD	04/03/2006	2006-2/17
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	28444	CPR	04/03/2006	2006-5/45
R156-31b	Nurse Practice Act Rules	28365	AMD	01/23/2006	2005-24/3
R156-37	Utah Controlled Substances Act Rules	28310	AMD	02/16/2006	2005-22/8
R156-37	Utah Controlled Substances Act Rules	28310	CPR	02/16/2006	2006-2/35
R156-40	Recreational Therapy Practice Act Rules	28674	AMD	06/22/2006	2006-10/11
R156-40	Recreational Therapy Practice Act Rules	28831	NSC	07/11/2006	Not Printed
R156-44a	Nurse Midwife Practice Act Rules	28352	AMD	01/05/2006	2005-23/4
R156-46a	Hearing Instrument Specialist Licensing Act Rules	28732	AMD	07/11/2006	2006-11/32

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-46b	Division Utah Administrative Procedures Act Rules	28673	5YR	04/25/2006	2006-10/86
R156-47b	Massage Therapy Practice Act Rules	28478	5YR	01/31/2006	2006-4/35
R156-50	Private Probation Provider Licensing Act Rules	28550	5YR	03/13/2006	2006-7/33
R156-55b	Electricians Licensing Rules	28611	AMD	06/01/2006	2006-9/15
R156-55b	Electricians Licensing Rules	28772	NSC	06/12/2006	Not Printed
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
R156-56-707	Statewide Amendments to the IPC	28805	NSC	06/29/2006	Not Printed
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ABBREVIATIONS

AMD = Amendment
CPR = Change in proposed rule
EMR = Emergency rule (120 day)
NEW = New rule
EXD = Expired
NSC = Nonsubstantive rule change
REP = Repeal
R&R = Repeal and reenact
5YR = Five-Year Review

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Tax Commission, Property Tax	28432	R884-24P-19	AMD	03/06/2006	2006-2/31
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Environmental Quality, Air Quality	28325	R307-401	R&R	06/16/2006	2005-23/14
	28325	R307-401	CPR	06/16/2006	2006-7/25
	28819	R307-401	5YR	06/16/2006	2006-14/43
ARC					
Administrative Services, Fleet Operations	28469	R27-7	5YR	01/20/2006	2006-4/34
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Community and Economic Development, Community Development, History	28407	R212-4	NSC	01/01/2006	Not Printed
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Public Lands Policy Coordinating Office, Administration	28697	R694-1	NEW	06/23/2006	2006-10/75
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Administrative Services, Facilities Construction and Management	28607	R23-2	AMD	06/01/2006	2006-9/12
Commerce, Occupational and Professional Licensing	28429	R156-3a	AMD	04/03/2006	2006-2/15
	28429	R156-3a	CPR	04/03/2006	2006-5/44
	28604	R156-3a	5YR	04/10/2006	2006-9/39
	28671	R156-3a-501	NSC	05/10/2006	Not Printed
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Community and Economic Development, Community Development, Fine Arts	28362	R207-2	NSC	01/01/2006	Not Printed
art financing					
Community and Economic Development, Community Development, Fine Arts	28361	R207-1	NSC	01/01/2006	Not Printed
art in public places					
Community and Economic Development, Community Development, Fine Arts	28361	R207-1	NSC	01/01/2006	Not Printed
	28362	R207-2	NSC	01/01/2006	Not Printed
art loans					
Community and Economic Development, Community Development, Fine Arts	28362	R207-2	NSC	01/01/2006	Not Printed
art preservation					
Community and Economic Development, Community Development, Fine Arts	28361	R207-1	NSC	01/01/2006	Not Printed
art work					
Community and Economic Development, Community Development, Fine Arts	28362	R207-2	NSC	01/01/2006	Not Printed
asbestos					
Environmental Quality, Air Quality	28502	R307-801	AMD	06/16/2006	2006-5/22
	28817	R307-801	5YR	06/16/2006	2006-14/53

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asbestos hazard emergency response Environmental Quality, Air Quality	28502	R307-801	AMD	06/16/2006	2006-5/22
	28817	R307-801	5YR	06/16/2006	2006-14/53
	28468	R307-801-5	NSC	02/22/2006	Not Printed
assisted living facilities Public Safety, Fire Marshal	28578	R710-3-3	AMD	05/16/2006	2006-8/43
athlete agent Commerce, Occupational and Professional Licensing	28830	R156-9a	5YR	06/22/2006	2006-14/38
athletics Education, Administration	28701	R277-517	5YR	05/01/2006	2006-10/87
automobiles Commerce, Administration	28542	R151-14	AMD	05/02/2006	2006-7/2
banking Commerce, Corporations and Commercial Code	28860	R154-2	5YR	06/29/2006	2006-14/38
banking law Money Management Council, Administration	28606	R628-10	5YR	04/11/2006	2006-9/42
	28723	R628-10	NSC	05/30/2006	Not Printed
	28600	R628-12	NSC	05/10/2006	Not Printed
barrier Transportation, Preconstruction	28677	R930-3	AMD	06/22/2006	2006-10/80
basic skills competency Education, Administration	28735	R277-603	NEW	07/11/2006	2006-11/42
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bids Transportation, Operations, Construction	28559	R916-1-7	AMD	05/16/2006	2006-8/51
big game seasons Natural Resources, Wildlife Resources	28379	R657-5	AMD	01/18/2006	2005-24/11
	28718	R657-5	AMD	07/11/2006	2006-11/78
bituminous-asphaltic sands School and Institutional Trust Lands, Administration	28483	R850-22-900	AMD	03/20/2006	2006-4/15
block grant funding Education, Administration	28864	R277-478	5YR	07/03/2006	Not Printed

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boating					
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	28623	R651-202	5YR	04/18/2006	2006-10/89
	28626	R651-203	5YR	04/18/2006	2006-10/90
	28624	R651-204	5YR	04/18/2006	2006-10/90
	28625	R651-205	5YR	04/18/2006	2006-10/90
	28509	R651-206	5YR	02/13/2006	2006-5/48
	28648	R651-207	NSC	05/10/2006	Not Printed
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	28649	R651-208	NSC	05/10/2006	Not Printed
	28628	R651-208	5YR	04/18/2006	2006-10/91
	28650	R651-210	NSC	05/10/2006	Not Printed
	28629	R651-210	5YR	04/18/2006	2006-10/92
	28630	R651-211	5YR	04/18/2006	2006-10/92
	28631	R651-212	5YR	04/18/2006	2006-10/93
	28651	R651-213	NSC	05/10/2006	Not Printed
	28632	R651-213	5YR	04/18/2006	2006-10/93
	28633	R651-214	5YR	04/18/2006	2006-10/94
	28510	R651-215	5YR	02/13/2006	2006-5/49
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	28636	R651-218	5YR	04/18/2006	2006-10/95
	28637	R651-219	5YR	04/18/2006	2006-10/96
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	28638	R651-220	5YR	04/18/2006	2006-10/96
	28656	R651-221	NSC	05/10/2006	Not Printed
	28639	R651-221	5YR	04/18/2006	2006-10/97
	28511	R651-222	5YR	02/13/2006	2006-5/49
	28512	R651-224	5YR	02/13/2006	2006-5/50
	28657	R651-226	NSC	05/10/2006	Not Printed
	28640	R651-226	5YR	04/18/2006	2006-10/97
boilers					
Labor Commission, Safety	28515	R616-2	NSC	02/27/2006	Not Printed
	28839	R616-2	NSC	06/30/2006	Not Printed
	28257	R616-2-3	AMD	01/01/2006	2005-20/43
	28564	R616-2-3	AMD	05/17/2006	2006-8/42
bonding requirements					
Money Management Council, Administration	28533	R628-4-2	NSC	03/07/2006	Not Printed
Transportation, Operations, Construction	28559	R916-1-7	AMD	05/16/2006	2006-8/51

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brain injury					
Human Services, Services for People with Disabilities	28716	R539-1-8	EMR	05/05/2006	2006-11/88
breaks					
Human Resource Management, Administration	28682	R477-8	AMD	07/01/2006	2006-10/52
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Public Safety, Highway Patrol	28342	R714-500	AMD	01/05/2006	2005-23/59
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Health, Health Care Financing, Coverage and Reimbursement Policy	28680	R414-304-11	AMD	07/01/2006	2006-10/24
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Commerce, Occupational and Professional Licensing	28286	R156-56	AMD	01/01/2006	2005-21/6
	28285	R156-56-707	AMD	01/01/2006	2005-21/25
	28805	R156-56-707	NSC	06/29/2006	Not Printed
	28427	R156-56-711	NSC	02/23/2006	Not Printed
building inspection					
Commerce, Occupational and Professional Licensing	28286	R156-56	AMD	01/01/2006	2005-21/6
	28285	R156-56-707	AMD	01/01/2006	2005-21/25
	28805	R156-56-707	NSC	06/29/2006	Not Printed
	28427	R156-56-711	NSC	02/23/2006	Not Printed
burial					
Community and Economic Development, Community Development, History	28411	R212-12	NSC	01/01/2006	Not Printed
capacity					
Transportation, Administration	28358	R907-68	NEW	01/04/2006	2005-23/61
	28617	R907-68	AMD	06/01/2006	2006-9/30
	28532	R907-68	AMD	06/01/2006	2006-6/15
care receiver					
Human Services, Aging and Adult Services	28190	R510-401	AMD	02/23/2006	2005-18/37
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caregiver					
Human Services, Aging and Adult Services	28190	R510-401	AMD	02/23/2006	2005-18/37
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cash management					
Money Management Council, Administration	28534	R628-16	NSC	03/07/2006	Not Printed
cemetery					
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	28257	R616-2-3	AMD	01/01/2006	2005-20/43
	28564	R616-2-3	AMD	05/17/2006	2006-8/42
	28840	R616-3	NSC	06/30/2006	Not Printed
	28256	R616-3-3	AMD	02/08/2006	2005-20/44
certified court reporter					
Commerce, Occupational and Professional Licensing	28428	R156-74	AMD	02/16/2006	2006-2/24
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Commerce, Occupational and Professional Licensing	28352	R156-44a	AMD	01/05/2006	2005-23/4
charity					
Commerce, Consumer Protection	28573	R152-22-3	AMD	05/16/2006	2006-8/9
child abuse					
Human Services, Child and Family Services	28613	R512-203	NEW	06/01/2006	2006-9/24
	28614	R512-300-4	AMD	06/01/2006	2006-9/26
child care					
Workforce Services, Employment Development	28561	R986-700-705	NSC	04/17/2006	Not Printed
	28481	R986-700-709	AMD	04/12/2006	2006-4/31
child care facilities					
Health, Health Systems Improvement, Child Care Licensing	28245	R430-2	AMD	02/06/2006	2005-20/14
	28245	R430-2	CPR	02/06/2006	2005-24/33
	28593	R430-2	AMD	05/25/2006	2006-8/33
	28246	R430-3	AMD	02/06/2006	2005-20/18
	28246	R430-3	CPR	02/06/2006	2005-24/35
	28248	R430-4	AMD	02/06/2006	2005-20/23
	28248	R430-4	CPR	02/06/2006	2005-24/37
	28594	R430-4	AMD	05/25/2006	2006-8/34
	28249	R430-6	AMD	02/06/2006	2005-20/26
	28249	R430-6	CPR	02/06/2006	2005-24/41
child support					
Human Services, Recovery Services	28412	R527-35	AMD	02/22/2006	2006-1/27
	28670	R527-200	5YR	04/24/2006	2006-10/88
child welfare					
Human Services, Child and Family Services	28612	R512-11	NEW	06/01/2006	2006-9/23
	28613	R512-203	NEW	06/01/2006	2006-9/24
	28614	R512-300-4	AMD	06/01/2006	2006-9/26
	28662	R512-305	AMD	06/19/2006	2006-10/65

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CIO					
Governor, Planning and Budget, Chief Information Officer	28791	R365-5	NSC	06/22/2006	Not Printed
civil procedures					
Human Services, Recovery Services	28752	R527-800	5YR	05/24/2006	2006-12/86
Class I area					
Environmental Quality, Air Quality	28322	R307-405	R&R	06/16/2006	2005-23/22
	28322	R307-405	CPR	06/16/2006	2006-7/28
	28816	R307-405	5YR	06/16/2006	2006-14/46
	28818	R307-410	5YR	06/16/2006	2006-14/52
client rights					
Community and Economic Development, Community Development, Community Services	28359	R202-201	NSC	01/01/2006	Not Printed
coal mining					
Natural Resources, Oil, Gas and Mining; Coal	28742	R645-106	5YR	05/17/2006	2006-12/87
communicable diseases					
Human Services, Administration	28598	R495-862	5YR	04/04/2006	2006-9/41
community action programs					
Community and Economic Development, Community Development, Community Services	28353	R202-100	NSC	01/01/2006	Not Printed
community development					
Community and Economic Development, Community Development	28350	R199-11	NSC	01/01/2006	Not Printed
Community and Culture, Housing and Community Development	28647	R199-11	5YR	04/19/2006	2006-10/86
complaint					
Human Services, Child Protection Ombudsman (Office of)	28401	R515-1	NEW	02/01/2006	2006-1/26
compliance					
Environmental Quality, Radiation Control	28870	R313-14	5YR	07/10/2006	Not Printed
computer software					
Governor, Planning and Budget, Chief Information Officer	28789	R365-3	NSC	06/22/2006	Not Printed
concealed firearm permit					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	28250	R722-300	AMD	01/09/2006	2005-20/48
	28296	R722-300-13	NSC	01/09/2006	Not Printed
concern					
Natural Resources, Wildlife Resources	28751	R657-48	5YR	05/24/2006	2006-12/88

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Human Resource Management, Administration	28689	R477-2	AMD	07/01/2006	2006-10/38
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Human Resource Management, Administration	28687	R477-9	AMD	07/01/2006	2006-10/55
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Environmental Quality, Drinking Water	28422	R309-550-5	AMD	03/08/2006	2006-1/20
consumer protection					
Commerce, Consumer Protection	28574	R152-1	AMD	05/16/2006	2006-8/7
	28573	R152-22-3	AMD	05/16/2006	2006-8/9
continuous monitoring					
Environmental Quality, Air Quality	28226	R307-170	AMD	01/05/2006	2005-19/6
contractors					
Commerce, Occupational and Professional Licensing	28611	R156-55b	AMD	06/01/2006	2006-9/15
	28772	R156-55b	NSC	06/12/2006	Not Printed
	28286	R156-56	AMD	01/01/2006	2005-21/6
	28285	R156-56-707	AMD	01/01/2006	2005-21/25
	28805	R156-56-707	NSC	06/29/2006	Not Printed
	28427	R156-56-711	NSC	02/23/2006	Not Printed
contracts					
Administrative Services, Facilities Construction and Management	28608	R23-1	AMD	06/01/2006	2006-9/10
	28609	R23-1	AMD	06/01/2006	2006-9/3
Capitol Preservation Board (State), Administration	28727	R131-4	5YR	05/12/2006	2006-11/92
Transportation, Operations, Construction	28559	R916-1-7	AMD	05/16/2006	2006-8/51
controlled substances					
Commerce, Occupational and Professional Licensing	28310	R156-37	AMD	02/16/2006	2005-22/8
	28310	R156-37	CPR	02/16/2006	2006-2/35
Tax Commission, Collections	28539	R867-2B	5YR	03/07/2006	2006-7/35
cooperative agreement					
Natural Resources, Forestry, Fire and State Lands	28525	R652-122	NSC	03/07/2006	Not Printed
copyright					
Governor, Planning and Budget, Chief Information Officer	28789	R365-3	NSC	06/22/2006	Not Printed
corrections					
Corrections, Administration	28576	R251-104	5YR	03/28/2006	2006-8/72
	28705	R251-702	5YR	05/03/2006	2006-11/93
	28706	R251-708	5YR	05/03/2006	2006-11/94
	28707	R251-711	5YR	05/03/2006	2006-11/94
	28577	R251-712	5YR	03/28/2006	2006-8/72

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court reporting Commerce, Occupational and Professional Licensing	28428	R156-74	AMD	02/16/2006	2006-2/24
coverage groups Health, Health Care Financing, Coverage and Reimbursement Policy	28698	R414-303-7	AMD	07/01/2006	2006-10/23
crime victims Crime Victim Reparations, Administration	28867	R270-1	5YR	07/03/2006	Not Printed
	28868	R270-2	5YR	07/03/2006	Not Printed
criminal background checks Education, Rehabilitation	28521	R280-204	NEW	04/03/2006	2006-5/16
criminal records Corrections, Administration	28713	R251-111	5YR	05/04/2006	2006-11/93
cultural resources Community and Economic Development, Community Development, History	28403	R212-7	NSC	01/01/2006	Not Printed
curricula Education, Administration	28467	R277-705	AMD	03/06/2006	2006-3/18
dam safety Natural Resources, Water Rights	28710	R655-10	5YR	05/03/2006	2006-11/96
	28712	R655-12	5YR	05/03/2006	2006-11/97
damages Natural Resources, Wildlife Resources	28455	R657-24	AMD	03/06/2006	2006-3/24
dams Natural Resources, Water Rights	28710	R655-10	5YR	05/03/2006	2006-11/96
	28711	R655-11	5YR	05/03/2006	2006-11/97
	28712	R655-12	5YR	05/03/2006	2006-11/97
data processing Administrative Services, Information Technology Services	28794	R29-2	NSC	06/22/2006	Not Printed
DCFS Human Services, Child Protection Ombudsman (Office of)	28401	R515-1	NEW	02/01/2006	2006-1/26
de minimis Environmental Quality, Air Quality	28546	R307-413	REP	06/16/2006	2006-7/9
debt Human Services, Recovery Services	28739	R527-936	5YR	05/16/2006	2006-12/87
definitions Administrative Services, Fleet Operations	28474	R27-1	5YR	01/30/2006	2006-4/33
	28279	R27-1	NSC	01/30/2006	Not Printed
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Human Resource Management, Administration	28692	R477-1	AMD	07/01/2006	2006-10/32
dental hygienists					
Commerce, Occupational and Professional Licensing	28823	R156-69	5YR	06/19/2006	2006-14/40
dentists					
Commerce, Occupational and Professional Licensing	28823	R156-69	5YR	06/19/2006	2006-14/40
depository					
Money Management Council, Administration	28606	R628-10	5YR	04/11/2006	2006-9/42
	28723	R628-10	NSC	05/30/2006	Not Printed
developmentally disabled					
Agriculture and Food, Administration	28553	R51-4	5YR	03/16/2006	2006-8/69
	28430	R861-1A-37	AMD	03/06/2006	2006-2/29
disabilities					
Human Services, Services for People with Disabilities	28716	R539-1-8	EMR	05/05/2006	2006-11/88
	28715	R539-9	EMR	05/05/2006	2006-11/90
discipline of employees					
Human Resource Management, Administration	28683	R477-11	AMD	07/01/2006	2006-10/59
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disclosure requirements					
Tax Commission, Administration	28430	R861-1A-37	AMD	03/06/2006	2006-2/29
discrimination					
Agriculture and Food, Administration	28553	R51-4	5YR	03/16/2006	2006-8/69
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Human Resource Management, Administration	28683	R477-11	AMD	07/01/2006	2006-10/59
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Commerce, Occupational and Professional Licensing	28621	R156-1	AMD	06/19/2006	2006-10/8
domestic violence					
Human Services, Child and Family Services	28614	R512-300-4	AMD	06/01/2006	2006-9/26
drinking water					
Environmental Quality, Drinking Water	28416	R309-105-9	AMD	03/08/2006	2006-1/11
	28417	R309-150-6	AMD	03/08/2006	2006-1/12
	28418	R309-405-4	AMD	03/08/2006	2006-1/14
	28419	R309-510-9	AMD	03/08/2006	2006-1/16
	28420	R309-540-6	AMD	03/08/2006	2006-1/18
	28421	R309-545-7	AMD	03/08/2006	2006-1/19
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driver licenses Public Safety, Driver License	28569	R708-6	5YR	03/23/2006	2006-8/74
drug abuse Human Resource Management, Administration	28686	R477-14	AMD	07/01/2006	2006-10/63
drug stamps Tax Commission, Collections	28539	R867-2B	5YR	03/07/2006	2006-7/35
drug/alcohol education Human Resource Management, Administration	28686	R477-14	AMD	07/01/2006	2006-10/63
dual employment Human Resource Management, Administration	28682	R477-8	AMD	07/01/2006	2006-10/52
earthquakes Natural Resources, Water Rights	28711	R655-11	5YR	05/03/2006	2006-11/97
education Education, Administration	28591	R277-709	AMD	05/16/2006	2006-8/12
educational expenditures Education, Administration	28864	R277-478	5YR	07/03/2006	Not Printed
	28865	R277-479	5YR	07/03/2006	Not Printed
educational program evaluation Education, Administration	28465	R277-501	AMD	03/06/2006	2006-3/10
educational program evaluations Education, Administration	28737	R277-506	AMD	07/11/2006	2006-11/35
educational tuition Human Resource Management, Administration	28684	R477-10	AMD	07/01/2006	2006-10/56
educator Education, Administration	28592	R277-510	NSC	04/12/2006	Not Printed
	28466	R277-510	NEW	03/06/2006	2006-3/15
educator license renewal Education, Administration	28465	R277-501	AMD	03/06/2006	2006-3/10
elderly Human Services, Aging and Adult Services	28190	R510-401	AMD	02/23/2006	2005-18/37
	28190	R510-401	CPR	02/23/2006	2005-22/46
electric assisted bicycle headgear Public Safety, Driver License	28560	R708-33	5YR	03/17/2006	2006-8/76

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	28256	R616-3-3	AMD	02/08/2006	2005-20/44
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	28780	R477-4-9	NSC	07/01/2006	Not Printed
	28681	R477-5	AMD	07/01/2006	2006-10/42
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	28388	R202-205	NSC	01/01/2006	Not Printed
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	28418	R309-405-4	AMD	03/08/2006	2006-1/14
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	28437	R33-2-101	NSC	02/22/2006	Not Printed
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	28683	R477-11	AMD	07/01/2006	2006-10/59
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	28312	R432-100-24	AMD	01/05/2006	2005-22/34
	28313	R432-100-33	AMD	01/05/2006	2005-22/35
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Labor Commission, Adjudication	28547	R602-2-1	AMD	05/05/2006	2006-7/14
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	28466	R277-510	NEW	03/06/2006	2006-3/15
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	28538	R926-9	NEW	04/20/2006	2006-6/17
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Community and Economic Development, Community Development, History	28410	R212-11	NSC	01/01/2006	Not Printed
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Community and Culture, Olene Walker Housing Trust Fund	28492	R235-1	NSC	03/01/2006	Not Printed
	28402	R235-1	NEW	03/01/2006	2006-1/9
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	28680	R414-304-11	AMD	07/01/2006	2006-10/24
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	28828	R29-1	NSC	06/22/2006	Not Printed
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	28269	R590-166-4	AMD	01/24/2006	2005-20/40
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	28587	R590-177	5YR	03/31/2006	2006-8/73
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	28117	R590-85	CPR	01/31/2006	2005-24/44
	28117	R590-85	CPR	01/31/2006	2005-20/61
	28267	R590-98	CPR	01/31/2006	2005-24/46
	28267	R590-98	AMD	01/31/2006	2005-20/39
	28528	R590-99	NSC	03/06/2006	Not Printed
	28495	R590-131-4	NSC	02/24/2006	Not Printed
	28846	R590-136	5YR	06/27/2006	2006-14/57
	28589	R590-200	5YR	03/31/2006	2006-8/73
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Human Services, Child Protection Ombudsman (Office of)	28401	R515-1	NEW	02/01/2006	2006-1/26
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Human Services, Juvenile Justice Services	28378	R547-13	AMD	01/18/2006	2005-24/8
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Labor Commission, Safety	28838	R616-1	NSC	06/30/2006	Not Printed
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	28571	R477-7	EMR	04/01/2006	2006-8/64
	28570	R477-7	AMD	07/01/2006	2006-8/36
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	28429	R156-3a	AMD	04/03/2006	2006-2/15
	28604	R156-3a	5YR	04/10/2006	2006-9/39
	28671	R156-3a-501	NSC	05/10/2006	Not Printed
	28830	R156-9a	5YR	06/22/2006	2006-14/38
	28620	R156-17b	NSC	05/15/2006	Not Printed
	28530	R156-17b	AMD	04/17/2006	2006-6/2
	28365	R156-31b	AMD	01/23/2006	2005-24/3
	28310	R156-37	AMD	02/16/2006	2005-22/8
	28310	R156-37	CPR	02/16/2006	2006-2/35
	28831	R156-40	NSC	07/11/2006	Not Printed
	28674	R156-40	AMD	06/22/2006	2006-10/11
	28352	R156-44a	AMD	01/05/2006	2005-23/4
	28732	R156-46a	AMD	07/11/2006	2006-11/32
	28478	R156-47b	5YR	01/31/2006	2006-4/35
	28550	R156-50	5YR	03/13/2006	2006-7/33
	28611	R156-55b	AMD	06/01/2006	2006-9/15
	28772	R156-55b	NSC	06/12/2006	Not Printed
	28286	R156-56	AMD	01/01/2006	2005-21/6
	28285	R156-56-707	AMD	01/01/2006	2005-21/25
	28805	R156-56-707	NSC	06/29/2006	Not Printed
	28427	R156-56-711	NSC	02/23/2006	Not Printed
	28672	R156-60b	AMD	06/19/2006	2006-10/13
	28603	R156-60c-502	AMD	06/01/2006	2006-9/17
	28605	R156-60d	5YR	04/10/2006	2006-9/39
	28345	R156-63-503	AMD	01/10/2006	2005-23/5
	28837	R156-67	5YR	06/26/2006	2006-14/39
	28823	R156-69	5YR	06/19/2006	2006-14/40
	28824	R156-73	5YR	06/19/2006	2006-14/40
	28428	R156-74	AMD	02/16/2006	2006-2/24
Commerce, Real Estate	28665	R162-102-3	AMD	06/28/2006	2006-10/19
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Insurance, Administration	28527	R590-93-6	NSC	03/06/2006	Not Printed
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Public Safety, Fire Marshal	28584	R710-6	5YR	03/30/2006	2006-8/77
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Agriculture and Food, Marketing and Development	28558	R65-8	5YR	03/16/2006	2006-8/70

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Environmental Quality, Radiation Control	28871	R313-16	5YR	07/10/2006	Not Printed
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Community and Economic Development, Community Development, History	28403	R212-7	NSC	01/01/2006	Not Printed
Natural Resources, Forestry, Fire and State Lands	28853	R652-41	5YR	06/28/2006	2006-14/60
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Commerce, Occupational and Professional Licensing	28672	R156-60b	AMD	06/19/2006	2006-10/13
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Commerce, Occupational and Professional Licensing	28478	R156-47b	5YR	01/31/2006	2006-4/35
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School and Institutional Trust Lands, Administration	28484	R850-24-300	AMD	03/20/2006	2006-4/16
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Education, Administration	28523	R277-717	AMD	04/03/2006	2006-5/13
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Medicaid					
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	28258	R414-2A	CPR	03/03/2006	2006-2/36
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	28582	R414-52	AMD	07/01/2006	2006-8/31
	28583	R414-53	AMD	07/01/2006	2006-8/32
	28357	R414-60	R&R	01/04/2006	2005-23/42
	28356	R414-63	REP	01/04/2006	2005-23/44
	28595	R414-305	EMR	04/01/2006	2006-8/58
	28699	R414-504	AMD	07/01/2006	2006-10/25
Human Services, Recovery Services	28752	R527-800	5YR	05/24/2006	2006-12/86
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medical practitioner					
Labor Commission, Industrial Accidents	28729	R612-2-5	AMD	07/11/2006	2006-11/74
	28730	R612-2-22	AMD	07/11/2006	2006-11/75
medically underserved					
Health, Health Systems Improvement, Primary Care and Rural Health	28644	R434-30	5YR	04/18/2006	2006-10/88
mental health					
Commerce, Occupational and Professional Licensing	28603	R156-60c-502	AMD	06/01/2006	2006-9/17
Human Services, Substance Abuse and Mental Health, State Hospital	28738	R525-8	5YR	05/16/2006	2006-12/86

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School and Institutional Trust Lands, Administration	28484	R850-24-300	AMD	03/20/2006	2006-4/16
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School and Institutional Trust Lands, Administration	28484	R850-24-300	AMD	03/20/2006	2006-4/16
minerals reclamation					
Natural Resources, Oil, Gas and Mining; Non-Coal	28337	R647-1-106	AMD	02/23/2006	2005-23/46
	28338	R647-2	AMD	02/23/2006	2005-23/48
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	28340	R647-4	AMD	02/23/2006	2005-23/55
	28341	R647-5-101	AMD	02/23/2006	2005-23/58
minimum sizing					
Environmental Quality, Drinking Water	28419	R309-510-9	AMD	03/08/2006	2006-1/16
minimum standards					
Natural Resources, Forestry, Fire and State Lands	28525	R652-122	NSC	03/07/2006	Not Printed
mining					
Labor Commission, Safety	28838	R616-1	NSC	06/30/2006	Not Printed
minority education					
Education, Administration	28523	R277-717	AMD	04/03/2006	2006-5/13
	28866	R277-717	5YR	07/03/2006	Not Printed
modeling					
Environmental Quality, Air Quality	28323	R307-410	AMD	06/16/2006	2005-23/31
	28323	R307-410	CPR	06/16/2006	2006-7/30
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Environmental Quality, Air Quality	28226	R307-170	AMD	01/05/2006	2005-19/6
motor vehicle safety					
Transportation, Motor Carrier, Ports of Entry	28695	R912-8	NSC	04/28/2006	Not Printed
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Commerce, Administration	28542	R151-14	AMD	05/02/2006	2006-7/2
Public Safety, Driver License	28567	R708-20	5YR	03/21/2006	2006-8/76
Transportation Commission, Administration	28675	R940-1	NEW	06/22/2006	2006-10/80
motorboat noise					
Natural Resources, Parks and Recreation	28511	R651-222	5YR	02/13/2006	2006-5/49
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Community and Economic Development, Indian Affairs	28441	R230-1	NSC	01/01/2006	Not Printed
	28479	R230-1	5YR	01/31/2006	2006-4/37
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Governor, Planning and Budget	28295	R361-1	REP	01/03/2006	2005-22/36
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Commerce, Occupational and Professional Licensing	28365	R156-31b	AMD	01/23/2006	2005-24/3
occupational licensing					
Commerce, Occupational and Professional Licensing	28621	R156-1	AMD	06/19/2006	2006-10/8
	28673	R156-46b	5YR	04/25/2006	2006-10/86
	28611	R156-55b	AMD	06/01/2006	2006-9/15
	28772	R156-55b	NSC	06/12/2006	Not Printed
Environmental Quality, Water Quality	28855	R317-11	5YR	06/29/2006	2006-14/54
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Commerce, Administration	28543	R151-35	AMD	05/02/2006	2006-7/3
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Natural Resources, Parks and Recreation	28642	R651-401	5YR	04/18/2006	2006-10/98
	28658	R651-405	NSC	05/10/2006	Not Printed
	28641	R651-405	5YR	04/18/2006	2006-10/98
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	28643	R651-406	5YR	04/18/2006	2006-10/99
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Human Services, Substance Abuse and Mental Health	28841	R523-24	EMR	07/01/2006	2006-14/34

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oil shale School and Institutional Trust Lands, Administration	28483	R850-22-900	AMD	03/20/2006	2006-4/15
Older Americans Act Human Services, Aging and Adult Services	28778	R510-1	5YR	06/02/2006	2006-13/61
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	28402	R235-1	NEW	03/01/2006	2006-1/9
ombudsman Human Services, Child Protection Ombudsman (Office of)	28401	R515-1	NEW	02/01/2006	2006-1/26
onsite wastewater systems Environmental Quality, Water Quality	28596	R317-4	AMD	05/19/2006	2006-8/14
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operating permit Environmental Quality, Air Quality	28549	R307-415-7d	NSC	03/28/2006	Not Printed
operations School and Institutional Trust Lands, Administration	28482	R850-21-900	AMD	03/20/2006	2006-4/14
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optometry Health, Health Care Financing, Coverage and Reimbursement Policy	28582	R414-52	AMD	07/01/2006	2006-8/31
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	28544	R307-325	AMD	06/16/2006	2006-7/8
parks					
Natural Resources, Parks and Recreation	28513	R651-611	5YR	02/13/2006	2006-5/50
	28169	R651-611	AMD	01/01/2006	2005-18/46
partnering					
Transportation, Program Development	28531	R926-8-3	AMD	06/22/2006	2006-6/16
payment determination					
Community and Economic Development, Community Development, Community Services	28386	R202-203	NSC	01/01/2006	Not Printed
penalties					
Environmental Quality, Drinking Water	28418	R309-405-4	AMD	03/08/2006	2006-1/14
Environmental Quality, Radiation Control	28870	R313-14	5YR	07/10/2006	Not Printed
people with disabilities					
Human Services, Services for People with Disabilities	28719	R539-2-4	AMD	07/11/2006	2006-11/72
per diem allowance					
Administrative Services, Finance	28384	R25-5	AMD	01/25/2006	2005-24/2
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Administrative Services, Finance	28702	R25-7	AMD	07/01/2006	2006-10/2
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Community and Economic Development, Community Development, Fine Arts	28361	R207-1	NSC	01/01/2006	Not Printed
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Transportation, Motor Carrier, Ports of Entry	28703	R912-8	NEW	06/22/2006	2006-10/78
	28415	R912-11	AMD	02/08/2006	2006-1/28
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	28681	R477-5	AMD	07/01/2006	2006-10/42
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	28517	R311-205-2	AMD	05/15/2006	2006-5/28
	28518	R311-207-5	AMD	05/15/2006	2006-5/31
	28519	R311-211	AMD	05/15/2006	2006-5/32
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Commerce, Occupational and Professional Licensing	28620	R156-17b	NSC	05/15/2006	Not Printed
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Commerce, Occupational and Professional Licensing	28620	R156-17b	NSC	05/15/2006	Not Printed
	28530	R156-17b	AMD	04/17/2006	2006-6/2
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Commerce, Occupational and Professional Licensing	28837	R156-67	5YR	06/26/2006	2006-14/39
Health, Health Systems Improvement, Primary Care and Rural Health	28331	R434-100-6	NSC	01/01/2006	Not Printed
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Transportation, Motor Carrier, Ports of Entry	28616	R912-9	AMD	06/01/2006	2006-9/31
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Agriculture and Food, Plant Industry	28505	R68-18	5YR	02/10/2006	2006-5/48
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Community and Economic Development, Community Development, History	28411	R212-12	NSC	01/01/2006	Not Printed
PM10					
Environmental Quality, Air Quality	28822	R307-110	5YR	06/16/2006	2006-14/41
	28320	R307-110-9	AMD	06/16/2006	2005-23/12
	28320	R307-110-9	CPR	06/16/2006	2006-7/24
PM2.5					
Environmental Quality, Air Quality	28822	R307-110	5YR	06/16/2006	2006-14/41
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	28320	R307-110-9	CPR	06/16/2006	2006-7/24
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Commerce, Administration	28543	R151-35	AMD	05/02/2006	2006-7/3
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Insurance, Administration	28585	R590-235	NEW	06/07/2006	2006-8/40
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preservation					
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prisons					
Corrections, Administration	28705	R251-702	5YR	05/03/2006	2006-11/93
	28706	R251-708	5YR	05/03/2006	2006-11/94
	28707	R251-711	5YR	05/03/2006	2006-11/94
	28577	R251-712	5YR	03/28/2006	2006-8/72
privacy					
Governor, Planning and Budget, Chief Information Officer	28791	R365-5	NSC	06/22/2006	Not Printed
private probation provider					
Commerce, Occupational and Professional Licensing	28550	R156-50	5YR	03/13/2006	2006-7/33
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Commerce, Occupational and Professional Licensing	28345	R156-63-503	AMD	01/10/2006	2005-23/5
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Commerce, Occupational and Professional Licensing	28550	R156-50	5YR	03/13/2006	2006-7/33
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Administrative Services, Facilities Construction and Management	28608	R23-1	AMD	06/01/2006	2006-9/10
	28609	R23-1	AMD	06/01/2006	2006-9/3
	28607	R23-2	AMD	06/01/2006	2006-9/12
Capitol Preservation Board (State), Administration	28727	R131-4	5YR	05/12/2006	2006-11/92
professional competency					
Education, Administration	28737	R277-506	AMD	07/11/2006	2006-11/35
	28700	R277-513	5YR	05/01/2006	2006-10/87
	28606	R628-10	5YR	04/11/2006	2006-9/42
	28723	R628-10	NSC	05/30/2006	Not Printed
professional counselors					
Commerce, Occupational and Professional Licensing	28603	R156-60c-502	AMD	06/01/2006	2006-9/17
professional engineers					
Commerce, Occupational and Professional Licensing	28444	R156-22	AMD	04/03/2006	2006-2/17
	28444	R156-22	CPR	04/03/2006	2006-5/45
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Commerce, Occupational and Professional Licensing	28444	R156-22	AMD	04/03/2006	2006-2/17
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Environmental Quality, Radiation Control	28869	R313-12	5YR	07/10/2006	Not Printed
property casualty insurance filing					
Insurance, Administration	28678	R590-225	AMD	06/29/2006	2006-10/72

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Tax Commission, Property Tax	28432	R884-24P-19	AMD	03/06/2006	2006-2/31
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Environmental Quality, Air Quality	28322	R307-405	R&R	06/16/2006	2005-23/22
	28322	R307-405	CPR	06/16/2006	2006-7/28
	28816	R307-405	5YR	06/16/2006	2006-14/46
	28818	R307-410	5YR	06/16/2006	2006-14/52
public body					
Commerce, Administration	28664	R151-1-2	AMD	06/15/2006	2006-10/7
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Administrative Services, Facilities Construction and Management	28608	R23-1	AMD	06/01/2006	2006-9/10
	28609	R23-1	AMD	06/01/2006	2006-9/3
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	28434	R203-5	NSC	01/01/2006	Not Printed
Public Safety, Fire Marshal	28579	R710-4	AMD	05/16/2006	2006-8/45
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Environmental Quality, Radiation Control	28872	R313-17	5YR	07/10/2006	Not Printed
public education					
Commerce, Consumer Protection	28574	R152-1	AMD	05/16/2006	2006-8/7
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Human Resource Management, Administration	28689	R477-2	AMD	07/01/2006	2006-10/38
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	28600	R628-12	NSC	05/10/2006	Not Printed
	28534	R628-16	NSC	03/07/2006	Not Printed
public library					
Community and Economic Development, Community Development, Library	28344	R223-2	NSC	01/01/2006	Not Printed
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Natural Resources, Wildlife Resources	28453	R657-39	5YR	01/09/2006	2006-3/39
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Agriculture and Food, Administration	28552	R51-3	5YR	03/16/2006	2006-8/69
	28442	R182-1	NSC	01/01/2006	Not Printed
public schools					
Education, Administration	28463	R277-410	AMD	03/06/2006	2006-3/7
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Environmental Quality, Drinking Water	28420	R309-540-6	AMD	03/08/2006	2006-1/18
quality control					
Agriculture and Food, Regulatory Services	28503	R70-101	AMD	04/03/2006	2006-5/3
RACT					
Environmental Quality, Air Quality	28544	R307-325	AMD	06/16/2006	2006-7/8
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Environmental Quality, Radiation Control	28541	R313-32	AMD	05/10/2006	2006-7/13
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Environmental Quality, Radiation Control	28541	R313-32	AMD	05/10/2006	2006-7/13
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Transportation, Preconstruction	28489	R930-5	R&R	04/25/2006	2006-4/18
rates					
Administrative Services, Finance	28384	R25-5	AMD	01/25/2006	2005-24/2
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Transportation, Motor Carrier, Ports of Entry	28703	R912-8	NEW	06/22/2006	2006-10/78
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Commerce, Real Estate	28665	R162-102-3	AMD	06/28/2006	2006-10/19
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real estate business					
Commerce, Real Estate	28520	R162-2-2	CPR	06/21/2006	2006-9/36
	28520	R162-2-2	AMD	06/21/2006	2006-5/4
	28597	R162-8-8	AMD	06/21/2006	2006-9/18
	28668	R162-10	AMD	06/21/2006	2006-10/16
	28494	R162-10-1	AMD	04/19/2006	2006-5/7
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Natural Resources, Oil, Gas and Mining; Coal	28742	R645-106	5YR	05/17/2006	2006-12/87
records appeal hearings					
Administrative Services, Records Committee	28462	R35-1	AMD	03/14/2006	2006-3/3
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Commerce, Occupational and Professional Licensing	28831	R156-40	NSC	07/11/2006	Not Printed
recreational therapy					
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	28674	R156-40	AMD	06/22/2006	2006-10/11
recreational vehicles					
Commerce, Administration	28542	R151-14	AMD	05/02/2006	2006-7/2
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Workforce Services, Employment Development	28425	R986-300-305	AMD	03/01/2006	2006-1/31
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Natural Resources, Wildlife Resources	28453	R657-39	5YR	01/09/2006	2006-3/39
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Community and Economic Development, Community Development, History	28410	R212-11	NSC	01/01/2006	Not Printed
Natural Resources, Wildlife Resources	28456	R657-40	5YR	01/10/2006	2006-3/40
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Governor, Planning and Budget, Chief Information Officer	28793	R365-10	NSC	06/22/2006	Not Printed
	28795	R365-101	NSC	06/22/2006	Not Printed
reservoirs					
Natural Resources, Water Rights	28710	R655-10	5YR	05/03/2006	2006-11/96
	28711	R655-11	5YR	05/03/2006	2006-11/97
	28712	R655-12	5YR	05/03/2006	2006-11/97
residency requirements					
Community and Economic Development, Community Development, Community Services	28385	R202-202	NSC	01/01/2006	Not Printed
residential mortgage loan origination					
Commerce, Real Estate	28499	R162-202-10	AMD	04/05/2006	2006-5/7
	28450	R162-203	AMD	03/09/2006	2006-3/4
	28497	R162-204	AMD	04/05/2006	2006-5/8
	28498	R162-205	AMD	04/05/2006	2006-5/9
	28451	R162-207-3	AMD	03/09/2006	2006-3/5
	28476	R162-209	5YR	01/30/2006	2006-4/36
Resource Development Coordinating Committee (RDCC)					
Governor, Planning and Budget	28295	R361-1	REP	01/03/2006	2005-22/36
respite					
Human Services, Aging and Adult Services	28190	R510-401	AMD	02/23/2006	2005-18/37
	28190	R510-401	CPR	02/23/2006	2005-22/46
retirement					
Human Resource Management, Administration	28685	R477-12	AMD	07/01/2006	2006-10/61

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right of petition					
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risk management					
Administrative Services, Risk Management	28413	R37-1	AMD	03/31/2006	2006-1/4
	28667	R37-4	R&R	07/01/2006	2006-10/5
roads					
Transportation, Administration	28358	R907-68	NEW	01/04/2006	2005-23/61
	28617	R907-68	AMD	06/01/2006	2006-9/30
	28532	R907-68	AMD	06/01/2006	2006-6/15
ropeways					
Transportation, Operations, Traffic and Safety	28524	R920-50-1	AMD	04/04/2006	2006-5/40
rules and procedures					
Fair Corporation (Utah State), Administration	28832	R325-1	5YR	06/22/2006	2006-14/55
	28833	R325-2	5YR	06/22/2006	2006-14/55
	28834	R325-3	5YR	06/22/2006	2006-14/56
	28835	R325-4	5YR	06/22/2006	2006-14/56
	28836	R325-5	5YR	06/22/2006	2006-14/57
	28692	R477-1	AMD	07/01/2006	2006-10/32
Natural Resources, Forestry, Fire and State Lands	28851	R652-2	5YR	06/28/2006	2006-14/58
Public Service Commission, Administration	28139	R746-345	AMD	02/08/2006	2005-17/31
	28139	R746-345	CPR	02/08/2006	2005-24/47
safety					
Environmental Quality, Radiation Control	28873	R313-18	5YR	07/10/2006	Not Printed
Labor Commission, Occupational Safety and Health	28548	R614-1-4	AMD	05/02/2006	2006-7/18
	28514	R614-1-5	NSC	02/27/2006	Not Printed
Labor Commission, Safety	28515	R616-2	NSC	02/27/2006	Not Printed
	28839	R616-2	NSC	06/30/2006	Not Printed
	28257	R616-2-3	AMD	01/01/2006	2005-20/43
	28564	R616-2-3	AMD	05/17/2006	2006-8/42
	28840	R616-3	NSC	06/30/2006	Not Printed
	28256	R616-3-3	AMD	02/08/2006	2005-20/44
Transportation, Preconstruction	28489	R930-5	R&R	04/25/2006	2006-4/18
safety regulations					
Transportation, Motor Carrier, Ports of Entry	28415	R912-11	AMD	02/08/2006	2006-1/28
salaries					
Human Resource Management, Administration	28688	R477-6	AMD	07/01/2006	2006-10/43
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Education, Administration	28446	R277-602	AMD	02/15/2006	2006-2/25
	28736	R277-602	AMD	07/11/2006	2006-11/38

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school district services					
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school personnel					
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schools					
Education, Administration	28464	R277-477	AMD	03/06/2006	2006-3/8
Environmental Quality, Air Quality	28502	R307-801	AMD	06/16/2006	2006-5/22
	28817	R307-801	5YR	06/16/2006	2006-14/53
	28468	R307-801-5	NSC	02/22/2006	Not Printed
science					
Education, Administration	28523	R277-717	AMD	04/03/2006	2006-5/13
	28866	R277-717	5YR	07/03/2006	Not Printed
securities regulation					
Money Management Council, Administration	28534	R628-16	NSC	03/07/2006	Not Printed
security guards					
Commerce, Occupational and Professional Licensing	28345	R156-63-503	AMD	01/10/2006	2005-23/5
security measures					
Corrections, Administration	28713	R251-111	5YR	05/04/2006	2006-11/93
	28706	R251-708	5YR	05/03/2006	2006-11/94
seizure of property					
Tax Commission, Collections	28539	R867-2B	5YR	03/07/2006	2006-7/35
self insurance plans					
Public Safety, Driver License	28572	R708-19	5YR	03/23/2006	2006-8/75
self-employment income					
Community and Economic Development, Community Development, Community Services	28386	R202-203	NSC	01/01/2006	Not Printed
seminars					
Human Services, Substance Abuse and Mental Health	28841	R523-24	EMR	07/01/2006	2006-14/34
septic tanks					
Environmental Quality, Water Quality	28596	R317-4	AMD	05/19/2006	2006-8/14
services					
Human Services, Services for People with Disabilities	28719	R539-2-4	AMD	07/11/2006	2006-11/72
settlements					
Labor Commission, Adjudication	28547	R602-2-1	AMD	05/05/2006	2006-7/14
shorthand reporter					
Commerce, Occupational and Professional Licensing	28428	R156-74	AMD	02/16/2006	2006-2/24
signs					
Transportation, Preconstruction, Right-of-Way Acquisition	28490	R933-2-3	AMD	03/31/2006	2006-4/29

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single risk limitation					
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smoke					
Environmental Quality, Air Quality	28501	R307-204	AMD	04/07/2006	2006-5/18
	28602	R307-204	5YR	04/07/2006	2006-9/40
	28459	R307-204	NSC	04/07/2006	Not Printed
social services					
Human Services, Administration	28598	R495-862	5YR	04/04/2006	2006-9/41
Human Services, Child and Family Services	28614	R512-300-4	AMD	06/01/2006	2006-9/26
	28662	R512-305	AMD	06/19/2006	2006-10/65
solicitations					
Commerce, Consumer Protection	28573	R152-22-3	AMD	05/16/2006	2006-8/9
sovereign land management					
Natural Resources, Forestry, Fire and State Lands	28851	R652-2	5YR	06/28/2006	2006-14/58
special needs students					
Education, Administration	28446	R277-602	AMD	02/15/2006	2006-2/25
	28736	R277-602	AMD	07/11/2006	2006-11/38
species					
Natural Resources, Wildlife Resources	28751	R657-48	5YR	05/24/2006	2006-12/88
stack height					
Environmental Quality, Air Quality	28323	R307-410	AMD	06/16/2006	2005-23/31
	28323	R307-410	CPR	06/16/2006	2006-7/30
standards					
Natural Resources, Wildlife Resources	28456	R657-40	5YR	01/10/2006	2006-3/40
state and local affairs					
Money Management Council, Administration	28533	R628-4-2	NSC	03/07/2006	Not Printed
state employees					
Administrative Services, Finance	28384	R25-5	AMD	01/25/2006	2005-24/2
	28702	R25-7	AMD	07/01/2006	2006-10/2
Human Resource Management, Administration	28681	R477-5	AMD	07/01/2006	2006-10/42
state HEAT office records					
Community and Economic Development, Community Development, Community Services	28390	R202-207	NSC	01/01/2006	Not Printed
state lands					
Community and Economic Development, Indian Affairs	28441	R230-1	NSC	01/01/2006	Not Printed
	28479	R230-1	5YR	01/31/2006	2006-4/37
state records committee					
Administrative Services, Records Committee	28462	R35-1	AMD	03/14/2006	2006-3/3

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state register					
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state vehicle use					
Administrative Services, Fleet Operations	28477	R27-3	5YR	01/30/2006	2006-4/34
	28280	R27-3	NSC	01/30/2006	Not Printed
stationary sources					
Environmental Quality, Air Quality	28820	R307-210	5YR	06/16/2006	2006-14/42
	28601	R307-210-1	AMD	06/15/2006	2006-9/19
stipend					
Education, Administration	28735	R277-603	NEW	07/11/2006	2006-11/42
stock brokers					
Money Management Council, Administration	28534	R628-16	NSC	03/07/2006	Not Printed
storage tanks					
Environmental Quality, Drinking Water	28421	R309-545-7	AMD	03/08/2006	2006-1/19
student loans					
Regents (Board Of), Administration	28676	R765-649	5YR	04/25/2006	2006-10/100
students					
Education, Administration	28591	R277-709	AMD	05/16/2006	2006-8/12
substance abuse counselors					
Commerce, Occupational and Professional Licensing	28605	R156-60d	5YR	04/10/2006	2006-9/39
surveyors					
Commerce, Occupational and Professional Licensing	28444	R156-22	AMD	04/03/2006	2006-2/17
	28444	R156-22	CPR	04/03/2006	2006-5/45
tax credit					
Community and Economic Development, Community Development, History	28410	R212-11	NSC	01/01/2006	Not Printed
taxation					
Tax Commission, Administration	28430	R861-1A-37	AMD	03/06/2006	2006-2/29
Tax Commission, Auditing	28540	R865-21U	5YR	03/07/2006	2006-7/34
Tax Commission, Collections	28539	R867-2B	5YR	03/07/2006	2006-7/35
Tax Commission, Property Tax	28432	R884-24P-19	AMD	03/06/2006	2006-2/31
teacher certification					
Education, Administration	28737	R277-506	AMD	07/11/2006	2006-11/35
	28700	R277-513	5YR	05/01/2006	2006-10/87
	28701	R277-517	5YR	05/01/2006	2006-10/87
teachers					
Education, Administration	28590	R277-503	AMD	05/16/2006	2006-8/10
technology best practices					
Governor, Planning and Budget, Chief Information Officer	28793	R365-10	NSC	06/22/2006	Not Printed

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	28795	R365-101	NSC	06/22/2006	Not Printed
telecommunications					
Administrative Services, Information Technology Services	28794	R29-2	NSC	06/22/2006	Not Printed
Public Service Commission, Administration	28139	R746-345	AMD	02/08/2006	2005-17/31
	28139	R746-345	CPR	02/08/2006	2005-24/47
telecommuting					
Human Resource Management, Administration	28682	R477-8	AMD	07/01/2006	2006-10/52
telephone utility regulation					
Public Service Commission, Administration	28139	R746-345	AMD	02/08/2006	2005-17/31
	28139	R746-345	CPR	02/08/2006	2005-24/47
terms of office					
Natural Resources, Wildlife Resources	28453	R657-39	5YR	01/09/2006	2006-3/39
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Commerce, Occupational and Professional Licensing	28672	R156-60b	AMD	06/19/2006	2006-10/13
tickets					
Administrative Services, Fleet Operations	28469	R27-7	5YR	01/20/2006	2006-4/34
title insurance					
Insurance, Title and Escrow Commission	28529	R592-2-5	NSC	03/06/2006	Not Printed
tolls					
Transportation, Program Development	28538	R926-9	NEW	04/20/2006	2006-6/17
Transportation Commission, Administration	28675	R940-1	NEW	06/22/2006	2006-10/80
traffic noise abatement					
Transportation, Preconstruction	28677	R930-3	AMD	06/22/2006	2006-10/80
traffic regulations					
Public Safety, Driver License	28568	R708-16	5YR	03/23/2006	2006-8/74
training					
Environmental Quality, Radiation Control	28873	R313-18	5YR	07/10/2006	Not Printed
Human Services, Substance Abuse and Mental Health	28841	R523-24	EMR	07/01/2006	2006-14/34
training programs					
Human Resource Management, Administration	28684	R477-10	AMD	07/01/2006	2006-10/56
tramway permits					
Transportation, Operations, Traffic and Safety	28524	R920-50-1	AMD	04/04/2006	2006-5/40
tramways					
Transportation, Operations, Traffic and Safety	28524	R920-50-1	AMD	04/04/2006	2006-5/40
transfer					
Governor, Planning and Budget, Chief Information Officer	28789	R365-3	NSC	06/22/2006	Not Printed

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transition to adult living					
Human Services, Child and Family Services	28662	R512-305	AMD	06/19/2006	2006-10/65
	28663	R512-306	AMD	06/19/2006	2006-10/67
transmission and distribution pipelines					
Environmental Quality, Drinking Water	28422	R309-550-5	AMD	03/08/2006	2006-1/20
transportation					
Administrative Services, Finance	28702	R25-7	AMD	07/01/2006	2006-10/2
Transportation, Administration	28358	R907-68	NEW	01/04/2006	2005-23/61
	28617	R907-68	AMD	06/01/2006	2006-9/30
	28532	R907-68	AMD	06/01/2006	2006-6/15
Transportation, Motor Carrier, Ports of Entry	28703	R912-8	NEW	06/22/2006	2006-10/78
Transportation, Program Development	28531	R926-8-3	AMD	06/22/2006	2006-6/16
	28538	R926-9	NEW	04/20/2006	2006-6/17
Transportation, Preconstruction	28677	R930-3	AMD	06/22/2006	2006-10/80
	28489	R930-5	R&R	04/25/2006	2006-4/18
Transportation Commission, Administration	28675	R940-1	NEW	06/22/2006	2006-10/80
transportation commission					
Transportation, Administration	28358	R907-68	NEW	01/04/2006	2005-23/61
	28532	R907-68	AMD	06/01/2006	2006-6/15
	28617	R907-68	AMD	06/01/2006	2006-9/30
transportation safety					
Transportation, Operations, Traffic and Safety	28524	R920-50-1	AMD	04/04/2006	2006-5/40
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Transportation, Motor Carrier, Ports of Entry	28616	R912-9	AMD	06/01/2006	2006-9/31
	28415	R912-11	AMD	02/08/2006	2006-1/28
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Education, Administration	28464	R277-477	AMD	03/06/2006	2006-3/8
underground storage tanks					
Environmental Quality, Environmental Response and Remediation	28516	R311-200	AMD	05/15/2006	2006-5/26
	28517	R311-205-2	AMD	05/15/2006	2006-5/28
	28518	R311-207-5	AMD	05/15/2006	2006-5/31
	28519	R311-211	AMD	05/15/2006	2006-5/32
underserved					
Health, Health Systems Improvement, Primary Care and Rural Health	28331	R434-100-6	NSC	01/01/2006	Not Printed
unemployment compensation					
Workforce Services, Unemployment Insurance	28721	R994-302	5YR	05/09/2006	2006-11/98
	28722	R994-308	5YR	05/09/2006	2006-11/98
	28480	R994-406-302	NSC	02/22/2006	Not Printed

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units					
Environmental Quality, Radiation Control	28869	R313-12	5YR	07/10/2006	Not Printed
user tax					
Tax Commission, Auditing	28540	R865-21U	5YR	03/07/2006	2006-7/34
utah.gov					
Governor, Planning and Budget, Chief Information Officer	28790	R365-4	NSC	06/22/2006	Not Printed
utility rules					
Transportation, Preconstruction	28360	R930-6	AMD	01/27/2006	2005-24/31
vacations					
Human Resource Management, Administration	28443	R477-7	EMR	01/01/2006	2006-2/40
	28571	R477-7	EMR	04/01/2006	2006-8/64
	28690	R477-7	AMD	07/01/2006	2006-10/47
	28570	R477-7	AMD	07/01/2006	2006-8/36
victim compensation					
Crime Victim Reparations, Administration	28355	R270-1	AMD	01/04/2006	2005-23/6
	28867	R270-1	5YR	07/03/2006	Not Printed
	28473	R270-1-4	NSC	02/22/2006	Not Printed
	28868	R270-2	5YR	07/03/2006	Not Printed
victims of crime					
Crime Victim Reparations, Administration	28355	R270-1	AMD	01/04/2006	2005-23/6
	28867	R270-1	5YR	07/03/2006	Not Printed
	28868	R270-2	5YR	07/03/2006	Not Printed
victims of crimes					
Crime Victim Reparations, Administration	28473	R270-1-4	NSC	02/22/2006	Not Printed
violations					
Environmental Quality, Radiation Control	28870	R313-14	5YR	07/10/2006	Not Printed
waiver					
Health, Health Systems Improvement, Primary Care and Rural Health	28331	R434-100-6	NSC	01/01/2006	Not Printed
waste oil					
Environmental Quality, Air Quality	28546	R307-413	REP	06/16/2006	2006-7/9
waste to energy plant					
Environmental Quality, Air Quality	28821	R307-223	5YR	06/16/2006	2006-14/43
waste water					
Environmental Quality, Water Quality	28596	R317-4	AMD	05/19/2006	2006-8/14
	28855	R317-11	5YR	06/29/2006	2006-14/54
water conservation					
Environmental Quality, Drinking Water	28419	R309-510-9	AMD	03/08/2006	2006-1/16
water hauling					
Environmental Quality, Drinking Water	28422	R309-550-5	AMD	03/08/2006	2006-1/20

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water safety rules					
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	28645	R651-801	5YR	04/18/2006	2006-10/99
	28661	R651-802	NSC	05/10/2006	Not Printed
	28646	R651-802	5YR	04/18/2006	2006-10/100
water skiing					
Natural Resources, Parks and Recreation	28512	R651-224	5YR	02/13/2006	2006-5/50
water system rating					
Environmental Quality, Drinking Water	28417	R309-150-6	AMD	03/08/2006	2006-1/12
watershed management					
Environmental Quality, Drinking Water	28416	R309-105-9	AMD	03/08/2006	2006-1/11
website					
Governor, Planning and Budget, Chief Information Officer	28791	R365-5	NSC	06/22/2006	Not Printed
weight					
Transportation, Motor Carrier, Ports of Entry	28703	R912-8	NEW	06/22/2006	2006-10/78
welfare fraud					
Human Services, Recovery Services	28752	R527-800	5YR	05/24/2006	2006-12/86
wildland fire					
Environmental Quality, Air Quality	28501	R307-204	AMD	04/07/2006	2006-5/18
wildland urban interface					
Natural Resources, Forestry, Fire and State Lands	28525	R652-122	NSC	03/07/2006	Not Printed
wildlife					
Natural Resources, Wildlife Resources	28379	R657-5	AMD	01/18/2006	2005-24/11
	28718	R657-5	AMD	07/11/2006	2006-11/78
	28303	R657-13	AMD	01/18/2006	2005-22/41
	28382	R657-17	AMD	01/18/2006	2005-24/17
	28454	R657-19	AMD	03/06/2006	2006-3/22
	28377	R657-23	AMD	01/18/2006	2005-24/19
	28455	R657-24	AMD	03/06/2006	2006-3/24
	28457	R657-33	AMD	03/06/2006	2006-3/25
	28371	R657-38	AMD	01/18/2006	2005-24/22
	28456	R657-40	5YR	01/10/2006	2006-3/40
	28376	R657-42	AMD	01/18/2006	2005-24/27
wildlife conservation					
Natural Resources, Wildlife Resources	28371	R657-38	AMD	01/18/2006	2005-24/22
wildlife law					
Natural Resources, Wildlife Resources	28303	R657-13	AMD	01/18/2006	2005-22/41
workers' compensation					
Labor Commission, Adjudication	28547	R602-2-1	AMD	05/05/2006	2006-7/14
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	28298	R612-4-2	AMD	01/01/2006	2005-22/41
	28728	R612-7-3	AMD	07/11/2006	2006-11/77
Workforce Investment Act Workforce Services, Employment Development	28400	R986-600-604	NSC	01/01/2006	Not Printed
working toward employment Workforce Services, Employment Development	28693	R986-400	AMD	06/22/2006	2006-10/81
x-ray Environmental Quality, Radiation Control	28871	R313-16	5YR	07/10/2006	Not Printed