UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed April 17, 2007, 12:00 a.m. through May 1, 2007, 11:59 p.m.

Number 2007-10
May 15, 2007

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

TABLE OF CONTENTS

1. SPECIAL NOTICES

2. NOTICES OF PROPOSED RULES

3. FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

SPECIAL NOTICES

Governor's Proclamation: Calling the Fifty-Seventh Legislature into a Second Extraordinary Session

P R O C L A M A T I O N

WHEREAS, since the close of the 2007 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Second Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 16th day of May, 2007, at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2007 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Salt Lake Capitol Complex in Salt Lake City, Utah, this 1st day of May, 2007.

(State Seal)

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

End of the Special Notices Section

NOTICES OF
PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between April 17, 2007, 12:00 a.m., and May 1, 2007, 11:59 p.m. are included in this, the May 15, 2007, 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 between paragraphs (· · · · · ·) indicates that unaffected text from within a section was removed to conserve space. Unaffected sections are not printed. 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 June 14, 2007. 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 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 September 12, 2007, 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 seven calendar days after the close of the public comment period 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 Section 63-46a-4; and Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Administrative Services, Finance
R25-7
Travel-Related Reimbursements for State Employees

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29910
FILED: 05/01/2007, 18:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is amended to: 1) change the higher reimbursement rate for private vehicles to match federal reimbursement rates and the lower reimbursement rate to match Fleet Services' costs; 2) increase the lodging for specific cities based on market conditions; 3) increase per diem rates for meals because of increased consumer prices, and 4) add four more cities to the premium city list.

SUMMARY OF THE RULE OR CHANGE: The rule is being revised as the result of a division review of current reimbursement rates and practices. The review showed the following: 1) because the Division of Finance adopts the federal mileage rates as the state reimbursement rate for a private vehicle, if a fleet vehicle is not available to the employee, Finance needs to increase the state mileage reimbursement rate. The federal government changed its rate in January 2007, therefore, the Division of Finance is changing the state rate to comply effective 07/01/2007, the beginning of the fiscal year; 2) because the Division of Fleet Operations has determined that their cost of operating a fleet vehicle has also changed, the Division of Finance is increasing the reimbursement rate for an employee who is approved to drive a private vehicle when a state fleet vehicle is unavailable; 3) because the current standard lodging maximum reimbursement rate is no longer sufficient, rates per night for the following areas are increased: St. George/Moab from $65 to $70; Metropolitan Salt City (Draper to Centerville) and Tooele from $68 to $80; Provo/Orem from $63 to $70; Ogden from $63 to $65; Logan/Price from $60 to $70; Panguitch from $60 to $65; Park City, Heber City, Midway from $68 to $80; and Vernal/Roosevelt from $60 to $75; 4) meal allowances have been raised to adjust to higher consumer prices. The following rates will now apply: in state meal allowance for breakfast will increase from $6 to $8; lunch from $9 to $11; and dinner from $15 to $16 for a total of $35 a day. The out-of-state meal allowance for breakfast will increase from $9 to $10; lunch from $11 to $13; and dinner from $18 to $20 for a total of $43 a day; and (5) adds San Diego, Orlando, Atlanta, and Baltimore to the list of premium cities which will be reimbursed up to $57 a day with receipts, up from the previous $50 a day.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63A-3-107 and 63A-3-106

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Amending this rule will result in a cost to the state budget. State agencies will spend more to reimburse some travel expenses. The Division of Finance does not know how many total miles agencies will reimburse. The Division of Finance does not know how many nights lodging agencies will reimburse nor how many employees will use the rule for premium cities allowance.

❖ LOCAL GOVERNMENTS: This rule applies only to state agencies and state employees and, therefore, will have no impact on local government.

❖ OTHER PERSONS: The amendments to this rule may result in additional reimbursement to persons acting on behalf of the state but not employed directly by the state. The Division of Finance does not know how many individuals in this category will be reimbursed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with revisions to Rule R25-7. If an agency chooses to permit employees to travel, any other costs resulting from compliance with these amendments will be paid by the agency, not by employees (the affected persons). In fact, employees who are allowed to travel will actually receive additional reimbursement as a result of the amendments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Amendments to Rule R25-7 apply only to state agencies and state employees and have no impact on businesses. Kim Hood, Executive Director

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

ADMINISTRATIVE SERVICES
FINANCE
Room 2110 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:
Marilee Richins at the above address, by phone at 801-538-3450, by FAX at 801-538-3244, or by Internet E-mail at MPRICHINS@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: Kim Hood, Executive Director

R25. Administrative Services, Finance.
R25-7. Travel-Related Reimbursements for State Employees.
R25-7-6. Reimbursement for Meals.

(1) State employees who travel on state business may be eligible for a meal reimbursement.

(2) The reimbursement will include tax, tips, and other expenses associated with the meal.

(3) Allowances for in-state travel differ from those for out-of-state travel.

(a) The daily travel meal allowance for in-state travel is [~~$30.00~~]$35.00 and is computed according to the rates listed in the following table.

TABLE 1

In-State Travel Meal Allowances

Meals	Rate
Breakfast	[~~$6.00~~]$8.00
Lunch	[~~$9.00~~]$11.00
Dinner	[~~$15.00~~]$16.00
Total	[~~$30.00~~]$35.00

(b) The daily travel meal allowance for out-of-state travel is [~~$38.00~~]$43.00 and is computed according to the rates listed in the following table.

TABLE 2

Out-of-State Travel Meal Allowances

Meals	Rate
Breakfast	[~~$9.00~~]$10.00
Lunch	[~~$11.00~~]$13.00
Dinner	[~~$18.00~~]$20.00
Total	[~~$38.00~~]$43.00

(4) When traveling to premium cities (New York, Los Angeles, Chicago, San Francisco, Washington DC, Boston, San Diego, Orlando, Atlanta, Blatimore, and Arlington), the traveler may choose to accept the per diem rate for out-of-state travel or to be reimbursed at the actual meal cost, with original receipts, up to [~~$50~~]$57 per day.

(a) The traveler will qualify for premium rates on the day the travel begins and/or the day the travel ends only if the trip is of sufficient duration to qualify for all meals on that day.

(b) Complimentary meals of a hotel, motel and/or association and meals included in registration costs are deducted from the [~~$50~~]$57 premium allowance as follows:

(i) If breakfast is provided deduct [~~$12~~]$14, leaving a premium allowance for lunch and dinner of actual up to [~~$38~~]$43.

(ii) If lunch is provided deduct [~~$15~~]$17, leaving a premium allowance for breakfast and dinner of actual up to [~~$35~~]$40.

(iii) If dinner is provided deduct [~~$23~~]$31, leaving a premium allowance for breakfast and lunch of actual up to [~~$27~~]$31.

(c) The traveler must use the same method of reimbursement for an entire day.

(d) Actual meal cost includes tips.

(e) Alcoholic beverages are not reimbursable.

(5) When traveling in foreign countries, the traveler may choose to accept the per diem rate for out-of-state travel or to be reimbursed at the reasonable, actual meal cost, with original receipts.

(a) The traveler may combine the reimbursement methods during a trip; however, he must use the same method of reimbursement for an entire day.

(b) Actual meal cost includes tips.

(c) Alcoholic beverages are not reimbursable.

(6) The meal reimbursement calculation is comprised of three parts:

(a) The day the travel begins. The traveler's entitlement is determined by the time of day he leaves his home base (the location the employee leaves from and/or returns to), as illustrated in the following table.

TABLE 3

The Day Travel Begins

1st Quarter a.m. 12:01-6:00 *B, L, D	2nd Quarter a.m. 6:01-noon *L, D	3rd Quarter p.m. 12:01-6:00 *D	4th Quarter p.m. 6:01-midnight *no meals
In-State			
[~~$30.00~~]$35.00	[~~$24.00~~]$27.00	[~~$15.00~~]$16.00	$0
Out-of-State			
[~~$38.00~~]$43.00	[~~$29.00~~]$33.00	[~~$18.00~~]$20.00	$0

*B=Breakfast, L=Lunch, D=Dinner

(b) The days at the location.

(i) Complimentary meals of a hotel, motel, and/or association and meals included in the registration cost are deducted from the total daily meal allowance.

(ii) Meals provided on airlines will not reduce the meal allowance.

(c) The day the travel ends. The meal reimbursement the traveler is entitled to is determined by the time of day he returns to his home base, as illustrated in the following table.

TABLE 4

The Day Travel Ends

1st Quarter a.m. 12:01-6:00 *no meals	2nd Quarter a.m. 6:01-noon *B	3rd Quarter p.m. 12:01-7:00 *B, L	4th Quarter p.m. 7:01-midnight *B, L, D
In-State			
$0	[~~$6.00~~]$8.00	[~~$15.00~~]$19.00	[~~$30.00~~]$35.00
Out-of-State			
$0	[~~$9.00~~]$10.00	[~~$20.00~~]$23.00	[~~$38.00~~]$43.00

*B=Breakfast, L=Lunch, D=Dinner

(7) An employee may be authorized by his Department Director or designee to receive a meal allowance when his destination is at least 100 miles from his home base and he does not stay overnight.

(a) Breakfast is paid when the employee leaves his home base before 6:01 a.m.

(b) Lunch is paid when the trip meets one of the following requirements:

(i) The employee is on an officially approved trip that warrants entitlement to breakfast and dinner.

(ii) The employee leaves his home base before 10 a.m. and returns after 2 p.m.

(iii) The Department Director provides prior written approval based on circumstances.

(c) Dinner is paid when the employee leaves his home base and returns after 7 p.m.

(d) The allowance is not considered an absolute right of the employee and is authorized at the discretion of the Department Director or designee.

R25-7-8. Reimbursement for Lodging.

State employees who travel on state business may be eligible for a lodging reimbursement.

[~~(7)~~](1) For stays at a conference hotel, the state will reimburse the actual cost plus tax for both in-state and out-of-state travel. The traveler must include the conference registration brochure with the Travel Reimbursement Request, form FI 51A or FI 51B.

(2) [~~For non-conference hotel in-state travel, where the department/traveler makes reservations through the State Travel Agency, the state will reimburse the actual cost up to $60 per night~~]For in-state lodging at a non-conference hotel, the state will reimburse the actual cost up to $60 per night for single occupancy plus tax except [~~in Moab, Cedar City, St. George, metropolitan Salt Lake City (Draper to Centerville), Ogden, Layton, Park City, Tooele, Heber City, Midway, and Provo/Orem. In these areas, the rates are:~~

~~(a) Moab, Cedar City, and St. George - $65 per night plus tax~~

~~(b) Metropolitan Salt Lake City (Draper to Centerville), Park City, Tooele, Heber City, and Midway - $68 per night plus tax~~

~~(c) Ogden, Layton, and Provo/Orem - $63 per night plus tax~~]as noted in the table below:

TABLE 5

Cities with Differing Rates

Cedar City	$65 plus tax
Layton	$65 plus tax
Logan	$70 plus tax
Moab	$70 plus tax
Ogden	$65 plus tax
Panguitch	$65 plus tax
Park City	$80 plus tax
Heber City, Midway	$80 plus tax
Price	$70 plus tax
Provo, Orem	$65 plus tax
Roosevelt	$75 plus tax
Metropolitan Salt Lake City (Draper to Centerville), Tooele	$80 plus tax
St. George	$70 plus tax
Vernal	$75 plus tax

[~~(5)~~](3) For out-of-state travel stays at a non-conference hotel, the state will reimburse the actual cost [~~up to $65~~]per night plus tax, not to exceed the federal lodging rate for the location.

[~~(4) The same rates apply for in-state travel for stays at a non-conference hotel where the department/traveler makes their own reservations.~~

] [~~(3)~~](4) The state will reimburse the actual cost per night plus tax for [~~out-of-state travel where the department/traveler makes reservations through the State Travel Agency~~]in-state or out-of-state travel stays where the department/traveler makes reservations through the State Travel Office.

[~~(1)~~](5) Lodging is reimbursed at the rates listed in Table 5 for single occupancy only. For double state employee occupancy, add $20, for triple state employee occupancy, add $40, for quadruple state employee occupancy, add $60.

(6) Exceptions will be allowed for unusual circumstances when approved in writing by the Department Director or designee prior to the trip.

(a) For out-of-state travel, the approval may be on the form FI 5.

(b) Attach the written approval to the Travel Reimbursement Request, form FI 51B or FI 51D.

[~~(8)~~](7) A proper receipt for lodging accommodations must accompany each request for reimbursement.

(a) The tissue copy of the [~~MasterCard Corporate~~]charge receipt is not acceptable.

(b) A proper receipt is a copy of the registration form generally used by motels and hotels which includes the following information: name of motel/hotel, street address, town and state, telephone number, current date, name of person/persons staying at the motel/hotel, date of occupancy, amount and date paid, signature of agent, number in the party, and single or double occupancy.

[~~(9)~~](8) Travelers may also elect to stay with friends or relatives or use their personal campers or trailer homes instead of staying in a hotel.

(a) With proof of staying overnight away from home on approved state business, the traveler will be reimbursed the following:

(i) [~~$20~~]$25 per night with no receipts required or

(ii) Actual cost up to [~~$30~~]$40 per night with a signed receipt from a facility such as a campground or trailer park, not from a private residence.

[~~(10)~~](9) Travelers who are on assignment away from their home base for longer than 90 days will be reimbursed as follows:

(a) First 30 days - follow regular rules for lodging and meals. Lodging receipt is required.

(b) After 30 days - $46 per day for lodging and meals. No receipt is required.

R25-7-10. Reimbursement for Transportation.

State employees who travel on state business may be eligible for a transportation reimbursement.

(1) Air transportation is limited to Air Coach or Excursion class.

(a) All reservations (in-state and out-of-state) should be made through the State Travel Office for the least expensive air fare available at the time reservations are made.

(b) Only one change fee per trip will be reimbursed.

(c) The explanation for the change and any other exception to this rule must be given and approved by the Department Director or designee.

(d) In order to preserve insurance coverage, travelers must fly on tickets in their names only.

(2) Travelers may be reimbursed for mileage to and from the airport and long-term parking or away-from-the-airport parking.

(a) The maximum reimbursement for parking, whether travelers park at the airport or away from the airport, is the airport long-term parking rate.

(b) The parking receipt must be included with the Travel Reimbursement Request, form FI 51A or FI 51B.

(c) Travelers may be reimbursed for mileage to and from the airport to allow someone to drop them off and to pick them up.

(3) Travelers may use private vehicles with [~~prior~~] approval from the Department Director or designee.

(a) Only one person in a vehicle may receive the reimbursement, regardless of the number of people in the vehicle.

(b) [~~Reimbursement for a private vehicle will be at the rate of 32 cents per mile, or 44 1/2 cents per mile if a state fleet vehicle is not available to the employee.~~]Reimbursement for a private vehicle will be at the rate of 36 cents per mile or 48.5 cents per mile if a state vehicle is not available to the employee.

(i) To determine which rate to use, the traveler must first determine if their department has an agency vehicle (long-term leased vehicle from Fleet Operations) that meets their needs and is reasonably available for the trip (does not apply to special purpose vehicles). If reasonably available, the employee should use an agency vehicle. If an agency vehicle that meets their needs is not reasonably available, the agency may approve the traveler to use either a daily pool fleet vehicle or a private vehicle. If a daily pool fleet vehicle is not reasonably available, the traveler may be reimbursed at 48.5 cents per mile.

(ii) If a trip is estimated to average 100 miles or more per day, the agency should approve the traveler to rent a daily pool fleet vehicle if one is reasonably available. Doing so will cost less than if the traveler takes a private vehicle. If the agency approves the traveler to take a

private vehicle, the employee will be reimbursed at the lower rate of 36 cents per mile.

(c) Agencies may establish a reimbursement rate that is more restrictive than the rate established in this Section.

(d) Exceptions must be approved in writing by the Director of Finance.

(e) Mileage will be computed from the latest official state road map and will be limited to the most economical, usually traveled routes.

(f) If the traveler uses a private vehicle on official state business and is reimbursed for mileage, parking charges may be reimbursed as an incidental expense.

(g) An approved Private Vehicle Usage Report, form FI 40, should be included with the department's payroll documentation reporting miles driven on state business during the payroll period.

(h) Departments may allow mileage reimbursement on an approved Travel Reimbursement Request, form FI 51A or FI 51B, if other costs associated with the trip are to be reimbursed at the same time.

(4) A traveler may choose to drive instead of flying if approved by the Department Director.

(a) If the traveler drives a state-owned vehicle, the traveler may be reimbursed for meals and lodging for a reasonable amount of travel time; however, the total cost of the trip must not exceed the equivalent cost of the airline trip. The traveler may also be reimbursed for incidental expenses such as toll fees and parking fees.

(b) If the traveler drives a privately-owned vehicle, reimbursement will be at the rate of [~~32~~]36 cents per mile or the airplane fare, whichever is less, unless otherwise approved by the Department Director.

(i) The lowest fare available within 30 days prior to the departure date will be used when calculating the cost of travel for comparison to private vehicle cost.

(ii) An itinerary printout which is available through the State Travel Office is required when the traveler is taking a private vehicle.

([~~e~~]iii) The traveler may be reimbursed for meals and lodging for a reasonable amount of travel time; however, the total cost of the trip must not exceed the equivalent cost of an airline trip.

([~~d~~]iv) If the traveler uses a private vehicle on official state business and is reimbursed for mileage, parking charges may be reimbursed as an incidental expense.

([~~e~~]c) When submitting the reimbursement form, attach a schedule comparing the cost of driving with the cost of flying. The schedule should show that the total cost of the trip driving was less than or equal to the total cost of the trip flying.

([~~f~~]d) If the travel time taken for driving during the employee's normal work week is greater than that which would have occurred had the employee flown, the excess time used will be taken as annual leave and deducted on the Time and Attendance System.

(5) Use of rental vehicles must be approved in writing in advance by the Department Director.

(a) An exception to advance approval of the use of rental vehicles shall be fully explained in writing with the request for reimbursement and approved by the Department Director.

(b) Detailed explanation is required if a rental vehicle is requested for a traveler staying at a conference hotel.

(c) When making rental car arrangements through the State Travel [~~Agency~~]Office, reserve the vehicle you need. Upgrades in size or model made when picking up the rental vehicle will not be reimbursed.

(i) State employees should rent vehicles to be used for state business in their own names, using the state contract so they will have full coverage under the state's liability insurance.

(ii) Rental vehicle reservations not made through the [~~travel agency~~]State Travel Office must be approved in advance by the Department Director.

(iii) The traveler will be reimbursed the actual rate charged by the rental agency.

(iv) The traveler must have approval for a rental car in order to be reimbursed for rental car parking.

(6) Travel by private airplane must be approved in advance by the Department Director or designee.

(a) The pilot must certify to the Department Director that he is certified to fly the plane being used for state business.

(b) If the plane is owned by the pilot/employee, he must certify the existence of at least $500,000 of liability insurance coverage.

(c) If the plane is a rental, the pilot must provide written certification from the rental agency that his insurance covers the traveler and the state as insured. The insurance must be adequate to cover any physical damage to the plane and at least $500,000 for liability coverage.

(d) Reimbursement will be made at 50 cents per mile.

(e) Mileage calculation is based on air mileage and is limited to the most economical, usually-traveled route.

(7) Travel by private motorcycle must be approved prior to the trip by the Department Director or designee. Travel will be reimbursed at 16 cents per mile.

(8) A car allowance may be allowed in lieu of mileage reimbursement in certain cases. Prior written approval from the Department Director, the Department of Administrative Services, and the Governor is required.

KEY: air travel, per diem allowances, state employees, transportation
Date of Enactment or Last Substantive Amendment: July 1, [~~2006~~]2007
Notice of Continuation: May 1, 2003
Authorizing, and Implemented or Interpreted Law: 63A-3-107; 63A-3-106

♦ ♦

Alcoholic Beverage Control, Administration
R81-1-3
General Policies

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29881
FILED: 04/30/2007, 09:51

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to establish authority and guidelines for the Department of Alcoholic Beverage Control (DABC) to require cash payments for administrative and licensing fees and payments for liquor by licensees,

permittees, and package agents who have had checks returned to the department by a bank.

SUMMARY OF THE RULE OR CHANGE: This proposed rule amendment establishes authority and guidelines for the DABC to require a licensee, permittee, or package agent who has paid DABC by check for administrative and licensing fees or the purchase of liquor, and had that check returned to the DABC from the bank for reasons of insufficient funds, "return to maker", or a closed account, to require subsequent payments to DABC to be made in cash for a designated period of time.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 32A-1-107

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The state incurs salary costs when state employees expend time collecting on returned checks. Therefore, it stands to reason that the state can anticipate budget savings when licensees, permittees, or package agents who have had checks returned are required to make future purchases and fee payments in cash. It is unknown exactly what those savings will be.

❖ LOCAL GOVERNMENTS: None--Payments by licensees, permittees, and package agents to DABC for administrative and licensing fees and/or liquor purchases only affect the DABC and will have no impact on local governments.

❖ OTHER PERSONS: None--Licensees, permittees, and package agents will pay the same amount for administrative and licensing fees and/or the purchase of liquor regardless of whether they use a check or cash, though cash payment may be less convenient.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Licensees, permittees, and package agents will pay the same amount for administrative and licensing fees and/or the purchase of liquor regardless of whether they use a check or cash, though cash payment may be less convenient.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be no fiscal impact on businesses if this proposed rule amendment is passed and implemented. The rule will, however, be a great help to the department in the management of licensee, permittee, and package agent accounts. Kenneth F. Wynn, Director

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

ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY UT 84104-1630, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Sharon Mackay at the above address, by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at smackay@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: Kenneth F. Wynn, Director

R81. Alcoholic Beverage Control, Administration.
R81-1. Scope, Definitions, and General Provisions.
R81-1-3. General Policies.

(1) Official State Label.

Pursuant to Section 32A-1-109(6)(m), the department shall affix an official state label to every container of liquor that is at least 187 ml sold in the state, and to every box containing containers of liquor under 187 ml in size. Removal of the label is prohibited.

(2) Labeling.

No licensee or permittee shall sell or deliver any alcoholic beverage in containers not marked, branded or labeled in conformity with regulations enacted by the agencies of the United States government pertaining to labeling and advertising.

(3) Manner of Paying Fees.

Payment of all fees for licenses or permits, or renewals thereof, shall be made in legal tender of the United States of America, certified check, bank draft, cashier's check, United States post office money order, or personal check.

(4) Copy of Commission Rules.

Copies of the commission rules shall be available at the department's office, 1625 South 900 West, P. O. Box 30408, Salt Lake City, Utah 84130-0408 for an administrative cost of $20 per copy, or on the department's website at http://www.abc.utah.gov.

(5) Interest Assessment on Delinquent Accounts.

The department may assess the legal rate of interest provided in Sections 15-1-1 through -4 for any debt or obligation owed to the department by a licensee, permittee, package agent, or any other person.

(6) Returned Checks.

(a) The department will assess a $20 charge for any check payable to the department returned for the following reasons:

[~~(a) Insufficient Funds~~](i) insufficient funds;

[~~(b) Refer to Maker; and~~](ii) refer to maker; or

[~~(c) Account Closed~~](iii) account closed.

(b) Receipt of a check payable to the department which is returned by the bank for any of [~~these~~]the reasons listed in Subsection (6)(a) may result in the immediate suspension of the license, permit, or operation of the package agency of the person tendering the check until legal tender of the United States of America, certified check, bank draft, cashier's check, or United States post office money order is received at the department offices, 1625 South 900 West, Salt Lake City, Utah, plus the $20 returned check charge. Failure to make good the returned check and pay the $20 returned check charge within thirty days after the license, permit, or operation of the package agency is suspended, is grounds for revocation of the license or permit, or termination of the package agency contract, and the forfeiture of the licensee's, permittee's, or package agent's bond.

(c) In addition to the remedies listed in Subsection (6)(b), the department shall require that the licensee, permittee, or package

agent transact business with the department on a "cash only" basis under the following guidelines:

(i) Except as provided in Subsection (6)(b)(ii):

(A) two or more returned checks received by the department from or on behalf of a licensee, permittee, or package agent within three consecutive months shall require that the licensee, permittee, or package agent be on "cash only" status for a period of three to six consecutive months from the date the department received notice of the second returned check;

(B) one returned check received by the department from or on behalf of a licensee, permittee, or package agent within six consecutive months after the licensee, permittee, or package agent has come off "cash only" status shall require that the licensee, permittee, or package agent be returned to "cash only" status for an additional period of six to 12 consecutive months from the date the department received notice of the returned check;

(C) one returned check received by the department from or on behalf of a licensee, permittee, or package agent at any time after the licensee, permittee, or package agent has come off "cash only" status for a second time shall require that the licensee, permittee, or package agent be on "cash only" for an additional period of 12 to 24 consecutive months from the date the department received notice of the returned check;

(D) a returned check received by the department from or on behalf of an applicant for a license, permit, or package agency for either an application or initial license or permit fee shall require that the applicant be on "cash only" status for a period of three consecutive months from the date the department received notice of the returned check;

(E) a returned check received by the department from or on behalf of a licensee or permittee for a license or permit renewal fee shall require that the licensee or permittee be on "cash only" status for a period of three consecutive months from the date the department received notice of the returned check;

(ii) a returned check received by the department from or on behalf of an applicant for or holder of a single event permit or temporary special event beer permit shall require that the person or entity that applied for or held the permit be on "cash only" status for any future events requiring permits from the commission that are conducted within a period of up to18 consecutive months from the date the department received notice of the returned check;

(iii) in instances where the department has discretion with respect to the length of time a licensee, permittee, or package agent is on "cash only" status, the department may take into account:

(A) the dollar amount of the returned check(s);

(B) the length of time required to collect the amount owed the department;

(C) the number of returned checks received by the department during the period in question; and

(D) the amount of the licensee, permittee, or package agency bond on file with the department in relation to the dollar amount of the returned check(s).

(iv) for purposes of this Subsection (6)(c), a licensee, permittee, or package agent that is on "cash only" status may make payments to the department in cash, with a cashier's check, or with a current debit card with an authorized pin number; and

(v) the department may immediately remove a licensee, permittee, or package agent from "cash only" status if it is determined that the cause of the returned check was due to bank error, and was not the fault of the person tendering the check.

(d) In addition to the remedies listed in Subsections (6)(a), (b) and (c), the department may pursue any legal remedies to effect collection of any returned check.

(7) Disposition of unsaleable merchandise.

The department, after determining that certain alcoholic products are distressed or unsaleable, but consumable, may make those alcoholic products available to the Utah Department of Public Safety for education or training purposes.

All merchandise made available to the Utah Department of Public Safety must be accounted for as directed by the Department of Alcoholic Beverage Control.

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [~~March 30,~~]2007
Notice of Continuation: August 31, 2007
Authorizing, and Implemented or Interpreted Law: 32A-1-107; 32A-1-119(5)(c); 32A-3-103(1)(a); 32A-4-103(1)(a); 32A-4-106(1)(a); 32A-4-203(1)(a); 32A-4-304(1)(a); 32A-4-307(1)(a); 32A-4-401(1)(a); 32A-5-103(1)(a); 32A-6-103(2)(a); 32A-7-103(2)(a); 32A-7-106(5); 32A-8-103(1)(a); 32A-8-503(1)(a); 32A-9-103(1)(a); 32A-10-203(1)(a); 32A-10-206(14); 32A-10-303(1)(a); 32A-10-306(5); 32A-11-103(1)(a)

♦ ♦

Alcoholic Beverage Control, Administration

R81-1-25

Sexually-Oriented Entertainers and Stage Approvals

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29898
FILED: 04/30/2007, 11:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: With the passage of S.B. 205 by the 2007 Legislature, much of the language in this rule was transferred into statute. This amendment modifies the rule to accommodate for the new statutes. (DAR NOTE: S.B. 205 (2007) is found at Chapter 284, Laws of Utah 2007, and was effective 04/30/2007.)

SUMMARY OF THE RULE OR CHANGE: This proposed amendment substantially reduces the length and language of the sexually-oriented entertainers and stage approvals rule as it is now written. The amendment defines the terms "seminude" and "sexually-oriented entertainer", and designates that the rule applies to class D private clubs and taverns which are now the only licensed establishments allowed to have seminude or sexually-oriented entertainers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 32A-1-107 and 32A-1-603

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--This rule amendment merely moves the regulations for seminude or sexually-oriented entertainment from rule to statute. There are no costs or savings involved in doing this.

❖ LOCAL GOVERNMENTS: None--The regulations for seminude and sexually-oriented entertainment in this rule are enforced by the State and do not affect local governments.

❖ OTHER PERSONS: None--The regulations for seminude and sexually-oriented entertainment are not substantially changed except that this type of entertainment is now limited to class D private clubs and taverns and the bulk of the regulations are now found in statute. These changes have incurred no additional costs or savings for any other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The regulations for seminude and sexually-oriented entertainment are not substantially changed except that seminude or sexually-oriented entertainment is now limited to class D private clubs and taverns and the bulk of the regulations are now found in statute. These changes have incurred no additional compliance costs to licensees who choose to have this type of entertainment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule is amended because most of its provisions are now in statute and no longer needed in rule. The department anticipates no fiscal impact on businesses as a result of this proposed amendment. Kenneth F. Wynn, Director

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

ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY UT 84104-1630, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Sharon Mackay at the above address, by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at smackay@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: Kenneth F. Wynn, Director

R81. Alcoholic Beverage Control, Administration.
R81-1. Scope, Definitions, and General Provisions.
R81-1-25. Sexually-Oriented Entertainers and Stage Approvals.

(1) Authority. This rule is pursuant to:

(a) the police powers of the state under 32A-1-103 to regulate the sale, service and consumption of alcoholic beverages in a manner that protects the public health, peace, safety, welfare, and morals;

(b) the commission's powers and duties under 32A-1-107 to prescribe the conduct and management of any premises upon which alcoholic beverages may be sold, consumed, served, or stored; and

(c) [~~32A-4-106(22), 32A-4-307(22), 32A-5-107(40), 32A-7-106(5), 32A-10-206(14), and 32A-10-306(5)~~]32A-1-601 through -604 that prescribe the attire and conduct of sexually-oriented entertainers in premises regulated by the commission and require them to appear or perform only in a tavern or class D private club and only upon a stage or in a designated area approved by the commission in accordance with commission rule.

(2) Purpose. This rule[~~:~~

~~(a) establishes reasonable and uniform guidelines governing the time, place and manner of operation of premises regulated by the commission that have sexually-oriented entertainers so as to reduce the adverse secondary effects that such premises have upon communities, and to protect the health, peace, safety, welfare, and morals of the residents of those communities;~~

~~(b) establishes guidelines used by the commission to approve stages or designated performance areas where sexually-oriented entertainers may perform;~~

~~(c) establishes guidelines for licensees and permittees to control the attire and conduct of sexually-oriented entertainers when the entertainers mingle with patrons or other persons in premises regulated by the commission; and~~

~~(d) shall be construed to protect the governmental interests identified by this rule in a manner consistent with protections provided by the constitutions of the United States and the state of Utah~~] establishes guidelines used by the commission to approve stages and designated performance areas in a tavern or class D private club where sexually-oriented entertainers may appear or perform in a state of seminudity.

(3) Definitions.

[~~(a) "Licensee" or "permittee" means a retailer authorized by the commission to sell, serve, and allow consumption of alcoholic beverages on its premises regardless of whether the retailer also holds a locally-issued sexually- oriented business license.~~

~~(b) "Semi-nude" means a state of dress in which opaque attire, costume, or clothing covers no more than the nipple and areola of the female breast and the male or female genitals, pubic area, and anus, which covering of the genitals, pubic area, and anus is no narrower than four inches (4") wide in the front, five inches (5") wide in the back, and does not taper to less than one inch (1") wide at the narrowest point.~~

~~(c) "Sexually-oriented entertainer" means any person who appears at or performs on behalf of or at the request of a licensee or permittee on a premises regulated by the commission on a contractual or voluntary basis, whether or not the person is designated an employee, independent contractor, agent, or otherwise of the licensee or permittee, for the entertainment of patrons, and who appears semi-nude.~~

~~(d) "Straddle dancing" means the use by any sexually-oriented entertainer of any part of his or her body to touch the genitals, pubic area, buttocks, anus or female breast of any other person. Conduct shall be "straddle dancing" regardless of whether the "touch" is direct or through attire, costume, or clothing. "Straddle dancing", shall include but not be limited to conduct commonly referred to by the terms "lap dancing", "table dancing", and "face dancing".~~](a) "Seminude", "seminudity, or "state of seminudity"means a state of dress as defined in 32A-1-105(49).

(b) "Sexually-oriented entertainer" means a person defined in 32A-1-105(50).

(4) Application of Rule.

[~~(a) A licensee or permittee shall not allow:~~

~~(i) a sexually-oriented entertainer to appear or perform except on a stage or in a performance area that complies with this rule, and has been approved by the commission;~~

~~(ii) a sexually-oriented entertainer, while in the portion of the premises used by patrons, to be dressed in other than opaque clothing which covers and conceals the entertainer's performance attire or costume from the top of the breast to the knee;~~

~~(iii) a sexually-oriented entertainer to engage in straddle dancing with another person on the premises;~~

~~(iv) a sexually-oriented entertainer to touch a patron during the entertainer's performance, or while the entertainer is dressed in performance attire or costume;~~

~~(v) a patron to be on the stage or in the performance area while a sexually-oriented entertainer is appearing or performing on the stage or in the performance area;~~

~~(vi) a patron to touch a sexually-oriented entertainer during the entertainer's performance, or while the entertainer is dressed in performance attire or costume; or~~

~~(vii) a patron to place money or any other object on or within the costume or the person of any sexually-oriented entertainer.~~

~~(b) Nothing herein precludes a local authority from being more restrictive with respect to attire and conduct of sexually-oriented entertainers in premises regulated by the commission.~~](a) A sexually-oriented entertainer may appear or perform seminude only on the premises of a tavern or class D private club.

(b) A tavern or class D private club licensee, or an employee, independent contractor, or agent of the licensee shall not allow:

(i) a sexually-oriented entertainer to appear or perform seminude except in compliance with the conditions and attire and conduct restrictions of 32A-1-602 and -603;

(ii) a patron to be on the stage or in the performance area while a sexually-oriented entertainer is appearing or performing on the stage or in the performance area; and

(iii) a sexually-oriented entertainer to appear or perform seminude except on a stage or in a designated performance area that has been approved by the commission.

(c) Stage and designated performance area requirements.

(i) The following shall submit for commission approval a floor-plan containing the location of any stage or designated performance area where sexually-oriented entertainers appear or perform:

(A) an applicant for a tavern or class D private club license [~~or permit~~]from the commission who intends to have sexually-oriented entertainment on the premises;

(B) a current tavern or class D private club licensee [~~or permittee~~]of the commission that did not have sexually-oriented entertainment on the premises when application was made for the license or permit, but now intends to have such entertainment on the premises; or

(C) a current tavern or class D private club licensee [~~or permittee~~]of the commission that has sexually-oriented entertainment on the premises, but has not previously had the stage or performance area approved by the commission.

(ii) The commission may approve a stage or performance area where sexually-oriented entertainers may perform in a state of seminudity only if the stage or performance area:

(A) is horizontally separated from the portion of the premises on which patrons are allowed by a minimum of three (3) feet, which separation shall be delineated by a physical barrier or railing that is at least three (3) feet high from the floor;

(B) is configured so as to preclude a patron from:

(I) touching the sexually-oriented entertainer;

(II) placing any money or object on or within the costume or the person of any sexually-oriented entertainer;

(III) is configured so as to preclude a sexually-oriented entertainer from touching a patron; and

(IV) conforms to the requirements of any local ordinance of the jurisdiction where the premise is located relating to distance separation requirements between sexually-oriented entertainers and patrons that may be more restrictive than the requirements of Sections (4)(c)(i) and (ii) of this rule.

(iii) The person applying for approval of a stage or performance area shall submit with their application:

(A) a diagram, drawn to scale, of the premises of the business including the location of any stage or performance area where sexually-oriented entertainers [~~or performers~~]will appear or perform;

(B) a copy of any applicable local ordinance relating to distance separation requirements between sexually-oriented entertainers and patrons; and

(C) evidence of compliance with any such applicable local ordinance.

KEY: alcoholic beverages
Date of Enactment or Last Substantive Amendment: [~~March 30,~~]2007
Notice of Continuation: August 31, 2006
Authorizing, and Implemented or Interpreted Law: 32A-1-107; 32A-1-119(5)(c); 32A-3-103(1)(a); 32A-4-103(1)(a); 32A-4-106(1)(a); 32A-4-203(1)(a); 32A-3-304(1)(a); 32A-4-307(1)(a); 32A-4-401(1)(a); 32A-5-103(1)(a); 32A-6-103(2)(a); 32A-7-103(2)(a); 32A-7-106(5); 32A-8-103(1)(a); 32A-8-503(1)(a); 32A-9-103(1)(a); 32A-10-203(1)(a); 32A-10-206(14); 32A-10-303(1)(a); 32A-10-306(5); 32A-11-103(1)(a)

♦ ♦

Commerce, Occupational and Professional Licensing

R156-56

Utah Uniform Building Standard Act Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29866
FILED: 04/26/2007, 13:02

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division is proposing changes to the rule to adopt amendments to the building codes approved by the Uniform Building Code Commission after review by various subcommittees and to renumber the building code amendment sections to be more

organized and easy to find. Over the years as new codes were added or new amendments were added, a new section was added in sequential order. With the addition of more codes over the years, the prior organization has become cumbersome to use. The newly renumbered building code amendment sections are organized as follows: Sections R156-56-700 through R156-56-703 will be used for the overall list of codes adopted or approved. Sections R156-56-800 through R156-56-819 will be reserved for amendments to adopted codes having statewide application. Sections R156-56-900 through R156-56-919 will be reserved for amendments to adopted codes having local jurisdiction application. The last two digits will correspond to the last two digits of Sections R156-56-800 through R156-56-819 so that a person can quickly determine if there are local amendments or statewide amendments in the same code. Sections R156-56-920 through R156-56-930 will be reserved for amendments to approved codes which are applicable only in local jurisdictions, again with the last two digits corresponding to the last two digits of statewide code amendments. All referenced subsections have been renumbered throughout as needed. This renumbering did not result in any change in substance to the amendments being renumbered. It should also be noted that this rule filing is one of four rule filings affecting Rule R156-56. Once the Division and Commission have determined which of all of the rule filings affecting Rule R156-56 will be made effective, a nonsubstantive rule filing may be filed by the Division to update and correct all subsection numbering. (DAR NOTE: The other filings for Rule R156-56 are: different changes to Rule R156-56 are under DAR No. 29863; changes to Section R156-56-704 under DAR No. 29864; and different changes to Section R156-56-704 under DAR No. 29865 in this issue, May 15, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: In Section R156-56-401, adds a standardized building permit three-digit designation for additional compliance agencies which have been identified since this requirement was first enacted. In Section R156-56-701, makes corrections in section numbers. Section R156-56-704 becomes Section R156-56-801. In Subsection R156-56-801(23), a change is made to an existing amendment to the reference to garages from "located beneath" to "accessory to". Affected garages are not always located beneath but may be located side by side or have the building arranged in another manner. This proposed change clarifies the intent of the previous amendment. Section R156-56-711 becomes Section R156-56-802. In Subsection R156-56-802(1), a change is made to delete the reference to local amendments and to update new section numbers. In Subsection R156-56-802(23), the amendment to G2413.1(402.1) is being deleted. This amendment required a minimum natural gas service line of one inch. It was found that there are situations where the larger gas pipe size requirement of one inch is not necessary. Therefore, eliminating this amendment returns the requirement to the International Code Council (ICC) code requirement which states the size must be large enough to meet the demands that are made based upon the equipment installed. Section R156-56-707 becomes Section R156-56-803. Section R156-56-708 becomes Section R156-56-804. Section R156-56-709 becomes Section R156-56-805. In Subsection R156-56-805(3), the amendment to Section 402.1 is being deleted. This amendment required a minimum natural gas service line of one inch. It was found that there are situations where the larger gas pipe size requirement of one inch is not necessary. Therefore, eliminating this amendment returns the requirement to the ICC code requirement which states the size must be large enough to meet the demands that are made based upon the equipment installed. Section R156-56-706 becomes Section R156-56-806. Section R156-56-710 becomes Section R156-56-807. Section R156-56-714 becomes Section R156-56-808. Section R156-56-713 becomes Section R156-56-820. Section R156-56-705 becomes Section R156-56-901. Section R156-56-712 becomes Section R156-56-902. Subsection R156-56-902(1) is added with respect to local amendments only. The following new sections have also been added for local amendments to the adopted building codes: Sections R156-56-903, R156-56-904, R156-56-905, R156-56-906, R156-56-907, and R156-56-920. In Section R156-56-903, a local amendment affecting South Jordan is being added which requires certain types of backflow prevention when connecting to the city's culinary (potable) water system and also allied requirements for backflow prevention when a separate secondary (irrigation) water system is available. This backflow prevention is required to protect the drinking water supply form contamination.

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division has determined that there should be no direct effect on the state budget as a result of the proposed amendments other than minimal costs to affected state agencies who need to reprint the rule once the proposed amendments are made effective.

❖ LOCAL GOVERNMENTS: The Division has determined that there should be no direct effect on a local government budget as a result of the proposed amendments other than minimal costs to reprint the rule once the proposed amendments are made effective. However, South Jordan local government may see some increased costs, which the Division is unable to determine in an exact amount, to ensure compliance with a requested local amendment requiring certain types of back flow prevention when connecting to the city's culinary water system and also allied requirements for back flow prevention when a separate secondary water system is available.

❖ OTHER PERSONS: The proposed technical changes and section renumbering will not result in any significant impact on any party except as discussed further. The elimination of the one-inch minimum gas supply pipe will result in minor savings for a limited number of residences where a smaller pipe can be used. It is expected that the number of affected residences will be minor. Most residences in planning for existing and potential future uses would choose the larger pipe. It is much more costly to retrofit to a larger pipe than the cost to install a larger service pipe at the first instance. For those choosing to use the smaller pipe initially, they may face more than offsetting cost in the future if they should add to their residence. For example, this could happen if someone added a gas fireplace or other gas appliance at a later date. The

local amendment for South Jordan may result in higher costs on initial installations of about $200 per affected residence but this cost may be offset by a higher cost required to retrofit to prevent back flow when the city culinary water customer hooks up to a secondary irrigation water system. When a municipality or water district has both a culinary and secondary water system where potential cross connection may occur, the culinary water system needs protection from potential contamination. It is not unusual for the secondary (irrigation) water system to be turned off from late fall to early spring. During this time, water users often will tie into the culinary system to water yards or other outdoor uses that are normally connected to the secondary water system. This double use if not correctly changed from one system to the other system, and without the required backflow prevention device, could result in backflow of secondary water into the culinary water system. Since backflow prevention devices are often required for other purposes under the code, this amendment will not always result in higher costs to each residence but could result in cost increases only on a smaller number of residences. The damage costs of contamination incidence could be very substantial in comparison to the cost of prevention and such damage costs would be the responsibility of the residence which caused the contamination problem. Overall, the minimal costs of prevention seems to be a reasonable offset to potential very high cost of damages that could occur. The Division is unable to determine how many persons these amendments will affect or the cost of implementation due to such varying factors and therefore it is impossible to estimate an aggregate impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendment with respect to gas pipe size may result in limited savings to a limited number of persons and the local South Jordan amendment may result in higher installation costs for a limited number of persons as discussed above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing adds standardized building permit three-digit designations, renumbers and reorganizes building code sections, removes a requirement for a one-inch natural gas supply pipe, adds a backflow prevention provision for the City of South Jordan, and makes other technical amendments. No fiscal impact to businesses is anticipated beyond those discussed in the rule summary. 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:
Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dansjones@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 06/14/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/15/2007 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: F. David Stanley, Director

R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-401. Standardized Building Permit Number.

As provided in Section 58-56-18, beginning on January 1, 2007, any agency issuing a permit for construction within the state of Utah shall use the standardized building permit numbering which includes the following:

(1) The permit number shall consist of 12 digits with the following components in the following order:

(a) digits one, two and three shall be alphabetical characters identifying the compliance agency issuing the permit as specified in the table in Subsection (3);

(b) digits four and five shall be numerical characters indicating the year of permit issuance;

(c) digits six and seven shall be numerical characters indicating the month of permit issuance;

(d) digits eight and nine shall be numerical characters indicating the day of the month on which the permit is issued; and

(e) digits ten, eleven and twelve shall be numerical characters used to distinguish between permits issued by the agency on the same day.

(2) When used in addition to a different permit numbering system, as provided for in Subsection 58-56-18(3)(b), the standardized building permit number shall be clearly identified and labeled as the "state permit number" or "Utah permit number".

(3) The following table establishes the three digit alphabetical character for which the compliance agency shall be identified as provided in Subsection (1)(a):

TABLE
COMPLIANCE AGENCY PERMIT TABLE
FOR STANDARDIZED BUILDING PERMIT
THREE LETTER DESIGNATIONS

Index:
Column 1: City, [~~or~~]town, or other compliance agency in which project is located
Column 2: County in which the city, [~~or~~]town, or other compliance agency is located
Column 3: City, [~~or~~]town or other compliance agency 3 digit designation (Designation is shown for cities, [~~or~~]towns, or other compliance agency which issue building permits. If no designation is shown, the building permits for the city, [~~or~~]town, or other compliance agency are issued by the county, therefore the county three digit designation should be used)
Column 4: County 3 digit designation

1 City, Town, [~~or~~] [~~Town~~]or other Compliance Agency	2 County	3 City, Town,[~~or~~]County [~~Town Desig~~] or other [~~ation~~]Compliance Agency Designation	4 Designation
Adamsville	BEAVER		BVR
Alpine	UTAH	ALP	
Alta	SALT LAKE	ALT	
Altamont	DUCHESNE		DCH
Alton	KANE		KAN
Altonah	DUCHESNE		DCH
Amalga	CACHE		CAC
American Fork	UTAH	AFC	
Aneth	SAN JUAN		SJC
Angle	PIUTE		PIU
Annabella	SEVIER		SEV
Antimony	GARFIELD		GRF
Apple Valley	WASHINGTON		WSC
Aragonite	TOOELE		TOC
Aurora	SEVIER		SEV
Austin	SEVIER		SEV
Avon	CACHE		CAC
Axtell	SANPETE		SPC
Bacchus	SALT LAKE		SCO
Ballard	UINTAH	BAL	
Bauer	TOOELE		TOC
Bear River	BOX ELDER	BRC	
Beaver City	BEAVER		BEA
BEAVER COUNTY			BVR
Beaver Dam	BOX ELDER		BEC
Benjamin	UTAH		UTA
Benson	CACHE		CAC
Beryl	IRON		IRO
Bicknell	WAYNE		WAY
Big Water	KANE	BWM	
Birdseye	UTAH		UTA
Black Rock	MILLARD		MIL
Blanding	SAN JUAN	BLA	
Bloomington Hills	WASHINGTON	STG (part of St. George)	
Bloomington	WASHINGTON	STG (part of St. George)	
Blue Creek	BOX ELDER		BEC
Bluebell	DUCHESNE		DCH
Bluff	SAN JUAN		SJC
Bluffdale	SALT LAKE	BLU	
Bonanza	UINTAH		UTC
Boneta	DUCHESNE		DCH
Bothwell	BOX ELDER		BEC
Boulder	GARFIELD		GRF
Bountiful	DAVIS	BOU	
BOX ELDER COUNTY			BEC
Brian Head	IRON	BHT	
Bridgeland	DUCHESNE		DCH
Brigham	BOX ELDER	BRI	
Brighton	SALT LAKE		SCO
Brookside	WASHINGTON		WSC
Bryce	GARFIELD		GRF
Bullfrog	KANE		KAN
Burmester	TOOELE		TOC
Burrville	SEVIER		SEV
CACHE COUNTY			CAC
Cache Junction	CACHE		CAC
Caineville	WAYNE		WAY
Callao	JUAB		JUA
Camp Williams	UTAH		UTA
Cannonville	GARFIELD		GRF
CARBON COUNTY			CAR
Carbonville	CARBON		CAR
Castle Dale	EMERY		EMR
Castle Rock	SUMMIT		SUM
Castle Valley	GRAND		GRA
Cedar City	IRON	CEC	
Cedar Creek	BOX ELDER		BEC
Cedar Fort	UTAH	CFT	
Cedar Hills	UTAH	CDH	
Cedar Mountain	TOOELE		TOC
Cedar Springs	BOX ELDER		BEC
Cedar Valley	UTAH		UTA
Cedarview	DUCHESNE		DCH
Center Creek	WASATCH		WAC
Centerfield	SANPETE		SPC
Centerville	DAVIS	CEV	
Central	SEVIER		SEV
Central	WASHINGTON		WSC
Central Valley	SEVIER		SEV
Charleston	WASATCH	CHA	
Chester	SANPETE		SPC
Christinburg	SANPETE		SPC
Christmas Meadows	SUMMIT		SUM
Church Wells	KANE		KAN
Circleville	PIUTE	CIR	
Cisco	GRAND		GRA
Clarkston	CACHE		CAC
Clawson	EMERY		EMR
Clear Lake	MILLARD		MIL
Clearcreek	BOX ELDER		BEC
Clearcreek	CARBON		CAR
Clearfield	DAVIS	CLE	
Cleveland	EMERY		EMR
Clinton	DAVIS	CLI	
Clive	TOOELE		TOC
Clover	TOOELE	RUV(became Rush Valley)	
Coalville	SUMMIT	COA	
College Ward	CACHE		CAC
Collinston	BOX ELDER		BEC
Colton	UTAH		UTA
Copperton	SALT LAKE		SCO
Corinne	BOX ELDER	COR	
Cornish	CACHE		CAC
Cottonwood	SALT LAKE		SCO
Cottonwood Heights	SALT LAKE	CHC	
Cove	CACHE		CAC
Cove Fort	MILLARD		MIL
Crescent	SALT LAKE		SCO
Crescent Junction	GRAND		GRA
Croyden	MORGAN		MRG
DAGGETT COUNTY			DAG
Dameron Valley	WASHINGTON		WSC
Daniels	WASATCH		WAC
DAVIS COUNTY			DAV
Deer Creek	WASATCH		WAC
Delle	TOOELE		TOC
Delta	MILLARD	DEL	
Deseret	MILLARD		MIL
Deseret Mound	IRON		IRO
Devils Slide	MORGAN		MRG
Deweyville	BOX ELDER	DEW	
Diamond Valley	WASHINGTON		WSC
Div of Facilities Construction and Mgmt	(statewide)	FCM	
Dividend	UTAH		UTA
Draper	SALT LAKE	DRA	
Draper City South	UTAH		UTA
Duchesne City	DUCHESNE	DUC	
DUCHESNE COUNTY			DCH
Duck Creek	KANE		KAN
Dugway (Federal)	TOOELE	XXX	
Dutch John	DAGGETT		DAG
Eagle Mountain	UTAH	EMC	
East Carbon	CARBON	ECC	
East Green River	GRAND		GRA
East Millcreek	SALT LAKE		SCO
Eastland	SAN JUAN		SJC
Echo	SUMMIT		SUM
Eden	WEBER		WEB
Elk Ridge	UTAH	ERC	
Elberta	UTAH		UTA
Elmo	EMERY		EMR
Elsinore	SEVIER		SEV
Elwood	BOX ELDER	ELW	
Emery City	EMERY	EME	
EMERY COUNTY			EMR

Emory	SUMMIT		SUM
Enoch	IRON	ENO	
Enterprise	WASHINGTON	ENT	
Ephraim	SANPETE		SPC
Erda	TOOELE		TOC
Escalante	GARFIELD		GRF
Eskdale	MILLARD		MIL
Etna	BOX ELDER		BEC
Eureka	JUAB	EUR	
Fairfield	UTAH		UTA
Fairmont	SEVIER		SEV
Fairview	SANPETE		SPC
Farmington	DAVIS	FAR	
Farr West	WEBER	FAW	
Faust	TOOELE		TOC
Fayette	SANPETE		SPC
Ferron	EMERY		EMR
Fielding	BOX ELDER	FIE	
Fillmore	MILLARD	FIL	
Flowell	MILLARD		MIL
Fort Duchesne	UINTAH		UTC
Fountain Green	SANPETE		SPC
Francis	SUMMIT	FRA	
Freedom	SANPETE		SPC
Freeport Circle	DAVIS		DAV
Fremont	WAYNE		WAY
Fremont Junction	SEVIER		SEV
Fruit Heights	DAVIS	FRU	
Fruitland	DUCHESNE		DCH
Fry Canyon	SAN JUAN		SJC
Gandy	MILLARD		MIL
Garden City	RICH	GAR	
Garfield	SALT LAKE		SCO
GARFIELD COUNTY			GRF
Garland	BOX ELDER	GRL	
Garrison	MILLARD		MIL
Geneva	UTAH	GEV	
Genola	UTAH	GEN	
Glendale	KANE		KAN
Glenwood	SEVIER		SEV
Goldhill	TOOELE		TOC
Goshen	UTAH	GOS	
Grafton	WASHINGTON	ROC (part of Rock-ville)	
GRAND COUNTY		GRA	
Granite	SALT LAKE		SCO
Grantsville	TOOELE	GTV	
Green River	EMERY		EMR
Greenville	BEAVER		BVR
Greenwich	PIUTE		PIU
Greenwood	MILLARD		MIL
Grouse Creek	BOX ELDER		BEC
Grover	WAYNE		WAY
Gunlock	WASHINGTON		WSC
Gunnison	SANPETE		SPC
Gusher	UINTAH		UTC
Hailstone	WASATCH		WAC
Halls Crossing	SAN JUAN		SJC
Hamilton Fort	IRON		IRO
Hamlin Valley	IRON		IRO
Hanksville	WAYNE		WAY
Hanna	DUCHESNE		DCH
Harrisville	WEBER	HAR	
Hatch	GARFIELD		GRF
Hatton	MILLARD		MIL
Heber	WASTACH	HEB	
Helper	CARBON		CAR
Henefer	SUMMIT	HEN	
Henrieville	GARFIELD		GRF
Herriman	SALT LAKE	HER	
Hiawatha	CARBON		CAR
Hideway Valley	SANPETE		SPC
Highland	UTAH	HIG	
Hildale	WASHINGTON	HIL	
Hinckley	MILLARD	HIN	
Hite	SAN JUAN		SJC
Holden	MILLARD	HOL	
Holladay	SALT LAKE	HOD	
Honeyville	BOX ELDER	HON	
Hooper	WEBER	HOO	
Hot Springs	BOX ELDER		BEC
Hovenweep Mountain	SAN JUAN		SJC
Howell	BOX ELDER	HPW	
Hoytsville	SUMMIT		SUM
Huntington	EMERY		EMR
Huntsville	WEBER	HTV	
Hurricane	WASHINGTON	HUR	
Hyde Park	CACHE	HPC	
Hyrum	CACHE		CAC
Ibapah	TOOELE		TOC
Indianola	SANPETE		SPC
Ioka	DUCHESNE		DCH
IRON COUNTY			IRO
Iron Springs	IRON		IRO
Ivins	WASHINGTON	INI	
Jensen	UINTAH		UTC
Jericho	JUAB		JUA
Joseph	SEVIER		SEV
JUAB COUNTY			JUA
Junction	PIUTE	JUN	
Kamas	SUMMIT	KAM	
Kanab	KANE	KNB	
Kanarraville	IRON		IRO
KANE COUNTY			KAN
Kaneville	WEBER		WEC
Kanosh	MILLARD	KNS	
Kayenta	WASHINGTON	INI (part of Ivins)	
Kaysville	DAVIS	KAY	
Kearns	SALT LAKE		SCO
Keetley	WASATCH		WAC
Kelton	BOX ELDER		BEC
Kenilworth	CARBON		CAR
Kingston	PIUTE	KIN	
Knolls	TOOELE		TOC
Koosharem	SEVIER		SEV
La Sal	SAN JUAN		SJC
La Verkin	WASHINGTON	LAV	
Lake Powell	SAN JUAN		SJC
Lakepoint	TOOELE		TOC
Lakeshore	UTAH		UTA
Lakeside	BOX ELDER		BEC
Laketown	RICH		RIC
Lakeview	UTAH		UTA
Lapoint	UINTAH		UTC
Lark	SALT LAKE		SCO
Lawrence	EMERY		EMR
Layton	DAVIS	LAY	
Leamington	MILLARD	LEA	
Leeds	WASHINGTON	LEE	
Leeton	UINTAH		UTC
Lehi	UTAH	LEH	
Leland	UTAH		UTA
Leota	UINTAH		UTC
Levan	JUAB	LEV	
Lewiston	CACHE	LEW	
Liberty	WEBER		WEC
Lincoln	TOOELE		TOC
Lindon	UTAH	LIN	
Little Mountain	WEBER		WEC
Littleton	MORGAN		MRG
Loa	WAYNE	LOA	
Logan	CACHE	LOG	
Long Valley	KANE		KAN
Losepa	TOOELE		TOC
Low	TOOELE		TOC
Lucin	BOX ELDER		BEC
Lund	IRON		IRO
Lyman	WAYNE		WAY
Lynn	BOX ELDER		BEC
Lynndyl	MILLARD	LYN	
Madsen	BOX ELDER		BEC
Maeser	UINTAH		UTC
Magna	SALT LAKE		SCO
Mammoth	JUAB		JUA

Manderfield	BEAVER	BVR
Manila	DAGGETT	MNL
Manti	SANPETE	SPC
Mantua	BOX ELDER	MNT
Mapleton	UTAH	MAP
Marion	SUMMIT	SUM
Marriott-Slaterville	WEBER	MSC
Marysvale	PIUTE	MAR
Mayfield	SANPETE	SPC
Meadow	MILLARD	MEA
Meadowville	RICH	RIC
Mendon	CACHE	MEN
Mexican Hat	SAN JUAN	SJC
Middleton	WASHINGTON	STG (part of St. George)
Midvale	SALT LAKE	MID
Midway	WASATCH	MWC
Milburn	SANPETE	SPC
Milford	BEAVER	MLF
Mill Fork	UTAH	UTA
MILLARD COUNTY		MIL
Mills	JUAB	JUA
Mills Junction	TOOELE	TOC
Millville	CACHE	CAC
Milton	MORGAN	MRG
Minersville	BEAVER	BVR
Moab	GRAND	MOA
Modena	IRON	IRO
Mohrland	EMERY	EMR
Molen	EMERY	EMR
Mona	JUAB	MON
Monarch	DUCHESNE	DCH
Monroe	SEVIER	SEV
Montezuma Creek	SAN JUAN	SJC
Monticello	SAN JUAN	MNC
Monument Valley	SAN JUAN	SJC
Moore	EMERY	EMR
Morgan City	MORGAN	MOR
MORGAN COUNTY		MRG
Moroni	SANPETE	SPC
Mt Carmel	KANE	KAN
Mt Emmons	DUCHESNE	DCH
Mt Green	MORGAN	MRG
Mt Home	DUCHESNE	DCH
Mt Olympus	SALT LAKE	SCO
Mt Pleasant	SANPETE	SPC
Mt Sterling	CACHE	CAC
Murray	SALT LAKE	MUR
Myton	DUCHESNE	DCH
Naples	UINTAH	NAP
National	CARBON	CAR
Navaho Lake	DUCHESNE	DCH
Neola	DUCHESNE	DCH
Nephi	JUAB	NEP
New Harmony	WASHINGTON	WSC
Newcastle	IRON	IRO
Newton	CACHE	NEW
Nibley	CACHE	NIB
North Logan	CACHE	NLC
North Ogden	WEBER	NOC
North Salt Lake	DAVIS	NSL
Oak City	MILLARD	OAK
Oakley	SUMMIT	OKL
Oasis	MILLARD	MIL
Ogden	WEBER	OGD
Ogden City School Dist	WEBER	OSD
Ophir	TOOELE	OPH
Orangeville	EMERY	ORA
Orderville	KANE	KAN
Orem	UTAH	ORE
Orrey	WAYNE	WAY
Ouray	UINTAH	UTC
Palmyra	UTAH	UTA
Panguitch	GARFIELD	GRF
Paradise	CACHE	CAC
Paragonah	IRON	IRO
Park City	SUMMIT	PAC
Park City East	WASATCH	WAC
Park Valley	BOX ELDER	BEC
Parowan	IRON	IRO
Partoun	JUAB	JUA
Payson	UTAH	PAY
Penrose	BOX ELDER	BEC
Peoa	SUMMIT	SUM
Perry	BOX ELDER	PER
Petersboro	CACHE	CAC
Peterson	MORGAN	MRG
Pickleville	RICH	RIC
Pigeon Hollow Junction	SANPETE	SPC
Pine Valley	WASHINGTON	WSC
Pineview	SUMMIT	SUM
Pinto	WASHINGTON	WSC
Pintura	WASHINGTON	WSC
PIUTE COUNTY		PIU
Plain City	WEBER	PLA
Pleasant Grove	UTAH	PGC
Pleasant View	WEBER	PVC
Plymouth	BOX ELDER	PLY
Portage	BOX ELDER	BEC
Porterville	MORGAN	MRG
Price	CARBON	PRI
Promontory	BOX ELDER	BEC
Providence	CACHE	PRV
Provo	UTAH	PRO
Provo Canyon	UTAH	UTA
Randlett	UINTAH	UTC
Randolph	RICH	RAN
Redmond	SEVIER	RED
Redmonton	BOX ELDER	BEC
RICH COUNTY		RIC
Richfield	SEVIER	RCF
Richmond	CACHE	CAC
Richville	MORGAN	MRG
River Heights	CACHE	CAC
Riverdale	WEBER	RVD
Riverside	BOX ELDER	BEC
Riverton	SALT LAKE	RVT
Rockville	WASHINGTON	ROC
Rocky Ridge Town	JUAB	ROR
Roosevelt	DUCHESNE	ROO
Rosette	BOX ELDER	BEC
Round Valley	RICH	RIC
Roy	WEBER	ROY
Rubys Inn	GARFIELD	GRF
Rush Valley	TOOELE	RUV
Sage Creek Junction	RICH	RIC
Salem	UTAH	SLM
Salina	SEVIER	SEV
Salt Lake City	SALT LAKE	SLC
SALT LAKE COUNTY		SCO
Salt Lake Suburban Sanitary District #1	SALT LAKE	SSD
Salt Springs	TOOELE	TOC
Samak	SUMMIT	SUM
SAN JUAN COUNTY		SJC
Sandy	SALT LAKE	SAN
SANPETE COUNTY		SPC
Santa Clara	WASHINGTON	SAC
Santaquin	UTAH	STQ
Saratoga Springs	UTAH	SRT
Scipio	MILLARD	SCI
Scofield	CARBON	CAR
Sevier	SEVIER	SEV
SEVIER COUNTY		SEV
Shivwits (Federal)	WASHINGTON	YYY
Sigurd	SEVIER	SEV
Silver City	JUAB	JUA
Silver Creek Junction	SUMMIT	SUM
Silver Fork	SALT LAKE	SCO
Silver Reef	WASHINGTON	LEE (part of Leeds)
Smithfield	CACHE	SMI
Snowbird	SALT LAKE	SCO
Snowville	BOX ELDER	SNO
Snyderville	SUMMIT	SUM

Soldier Summit	WASATCH		WAC
South Jordan	SALT LAKE	SOJ	
South Ogden	WEBER	SOO	
South Salt Lake	SALT LAKE	SSL	
South Weber	DAVIS	[~~SOW~~]SWC	
Spanish Fork	UTAH	SFC	
Spring City	SANPETE		SPC
Spring Glen	CARBON		CAR
Spring Lake	UTAH		UTA
Springdale	WASHINGTON	SPD	
Springville	UTAH	SPV	
St George	WASHINGTON	STG	
St John	TOOELE	RUV (became Rush Valley)	
Standrod	BOX ELDER		BEC
Stansbury Park	TOOELE		TOC
Sterling	SANPETE		SPC
Stockmore	DUCHESNE		DCH
Stockton	TOOELE	STO	
Stoddard	MORGAN		MRG
Sugarville	MILLARD		MIL
Summit	IRON		IRO
SUMMIT COUNTY			SUM
Summit Park	SUMMIT		SUM
Summit Point	SAN JUAN		SJC
Sundance	UTAH		UTA
Sunnyside	CARBON		CAR
Sunset	DAVIS	SUN	
Sutherland	MILLARD		MIL
Swan Creek	TOOELE		TOC
Syracuse	DAVIS	SYR	
Tabiona	DUCHESNE		DCH
Talmage	DUCHESNE		DCH
Taylor	WEBER		WEC
Taylorsville	SALT LAKE	TAY	
Teasdale	WAYNE		WAY
Thatcher	BOX ELDER	THA	
Thistle	UTAH		UTA
Thompson Springs	GRAND		GRA
Ticaboo	GARFIELD		GRF
Timpe	TOOELE		TOC
Tintic	JUAB		JUA
Tooele City	TOOELE	TOO	
TOOELE COUNTY			TOC
Toquerville	WASHINGTON	TOQ	
Torrey	WAYNE		WAY
Tremonton	BOX ELDER	TRE	
Trenton	CACHE		CAC
Tridell	UINTAH		UTC
Tropic	GARFIELD		GRF
Trout Creek	JUAB		JUA
Tucker	UTAH		UTA
Ucolo	SAN JUAN		SJC
Uintah	WEBER	UIN	
UINTAH COUNTY			UTC
Upalco	DUCHESNE		DCH
Upton	SUMMIT		SUM
UTAH COUNTY			UTA
Uvada	IRON		IRO
Venice	SEVIER		SEV
Vernal	UINTAH	VER	
Vernon	TOOELE		TOC
Veyo	WASHINGTON		WSC
Vineyard	UTAH	VIN	
Virgin	WASHINGTON	VIR	
Wahsatch	SUMMIT		SUM
Wales	SANPETE		SPC
Wallsburg	WASATCH		WAC
Wanship	SUMMIT		SUM
Warren	WEBER		WEC
WASATCH COUNTY			WAC
Washington City	WASHINGTON	WAS	
Washakie	BOX ELDER		BEC
Washington Terrace	WEBER	WAT	
WASHINGTON COUNTY			WSC
WAYNE COUNTY			WAY
WEBER COUNTY			WEC
Webster Cove Junction	CACHE		CAC
Wellington	CARBON		CAR
Wellsville	CACHE		CAC
Wendover	TOOELE	WEN	
West Bountiful	DAVIS	WEB	
West Haven	WEBER	WEH	
West Jordan	SALT LAKE	WEJ	
West Point	DAVIS	WEP	
West Valley	SALT LAKE	WVC	
West Warren	WEBER		WEC
West Weber	WEBER		WEC
Westwater	GRAND		GRA
Whiterocks	UINTAH		UTC
Widtsoe Junction	GARFIELD		GRF
Wildwood	UTAH		UTA
Willard	BOX ELDER	WIL	
Wilson	WEBER		WEC
Wins	WASHINGTON		WSC
Woodland Hills	UTAH	WHO	
Woodland	SUMMIT		SUM
Woodruff	RICH		RIC
Woodrow	MILLARD		MIL
Woods Cross	DAVIS	[~~WCC~~]WXC	
Woodside	EMERY		EMR
Yost	BOX ELDER		BEC
Young Ward	CACHE		CAC
Zane	IRON		IRO

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

(1) In accordance with Subsection 58-56-4(3), and subject to the limitations contained in Subsection (6), (7), and (8), the following codes are hereby incorporated by reference, which codes together with any amendments specified under these rules, are adopted as the construction standards to be applied to building construction, alteration, remodeling and repair and in the regulation of building construction, alteration, remodeling and repair in the state:

(a) the 2006 edition of the International Building Code (IBC), including Appendix J promulgated by the International Code Council shall become effective on January 1, 2007;

(b) the 2005 edition of the National Electrical Code (NEC) promulgated by the National Fire Protection Association, to become effective January 1, 2006;

(c) the 2006 edition of the International Plumbing Code (IPC) promulgated by the International Code Council shall become effective on January 1, 2007;

(d) the 2006 edition of the International Mechanical Code (IMC) promulgated by the International Code Council shall become effective on January 1, 2007;

(e) the 2006 edition of the International Residential Code (IRC) promulgated by the International Code Council shall become effective on January 1, 2007;

(f) the 2006 edition of the International Energy Conservation Code (IECC) promulgated by the International Code Council shall become effective on January 1, 2007;

(g) the 2006 edition of the International Fuel Gas Code (IFGC) promulgated by the International Code Council shall become effective on January 1, 2007;

(h) subject to the provisions of Subsection (4), the Federal Manufactured Housing Construction and Safety Standards Act (HUD Code) as promulgated by the Department of Housing and Urban Development and published in the Federal Register as set forth in 24 CFR parts 3280 and 3282 as revised April 1, 1990;

(i) subject to the provisions of Subsection (4), Appendix E of the 2006 edition of the International Residential Code promulgated by the International Code Council shall become effective on January 1, 2007; and

(j) subject to the provisions of Subsection (4), the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard promulgated by the National Fire Protection Association shall become effective January 1, 2007.

(2) In accordance with Subsection 58-56-4(4), and subject to the limitations contained in Subsection 58-56-4(5), the following codes or standards are hereby incorporated by reference and approved for use and adoption by a compliance agency as the construction standards which may be applied to existing buildings in the regulation of building alteration, remodeling, repair, removal, seismic evaluation and rehabilitation in the state:

(a) the 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings (UCADB) promulgated by the International Code Council;

(b) the 2006 edition of the International Existing Building Code (IEBC), including its appendix chapters, promulgated by the International Code Council;

(c) ASCE 31-03, Seismic Evaluation of Existing Buildings, promulgated by the American Society of Civil Engineers;

(d) Pre-standard and Commentary for the Seismic Rehabilitation of Buildings (FEMA 356) published by the Federal Emergency Management Agency (November 2000).

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

(4) In accordance with Subsection 58-56-4(2), the following are hereby adopted as the installation standard for manufactured housing for new installations or for existing manufactured or mobile homes which are subject to relocation, building alteration, remodeling or rehabilitation in the state:

(a) The manufacturer's installation instruction for the model being installed shall be the primary standard.

(b) If the manufacturer's installation instruction for the model being installed is not available or is incomplete, the following standards shall be applicable:

(i) Appendix E of the 2006 edition of the International Residential Code as promulgated by the International Code Council [~~Appendix E~~]for installations defined in Section AE101 of Appendix E; or

(ii) If an installation is beyond the scope of the 2006 edition of the International Residential Code [~~Appendix E~~]as defined in Section AE101 of Appendix E, then the 2005 edition of the NFPA 225 Model Manufactured Home Installation Standard promulgated by the National Fire Protection Association shall apply.

(c) The manufacturer, dealer or homeowner shall be permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction Appendix E of the 2006 edition of the International Residential Code, or the 2005 edition of the NFPA 225, provided the design is approved in writing by a professional engineer or architect licensed in Utah.

(d) For mobile homes built prior to June 15, 1976, the home shall also comply with the additional installation and safety requirements specified in Section R156-56-[~~714~~]808.

(5) Pursuant to the Federal Manufactured Home Construction and Safety Standards Section 604(d), a manufactured home may be installed in the state of Utah which does not meet the local snow load requirements as specified in Subsection R156-56-[~~704~~]801; however all such homes which fail to meet the standards of Subsection R156-56-[~~704~~]801 shall have a protective structure built over the home which meets the International Building Code and the snow load requirements under Subsection R156-56-[~~704~~]801.

(6) To the extent that the building codes adopted under Subsection (1) establish local administrative functions or establish a method of appeal which pursuant to Section 58-56-8 are designated to be established by the compliance agency, such provisions are not included in the codes adopted hereunder but authority over such provisions are reserved to the compliance agency to establish such provisions.

(7) To the extent that the building codes adopted under Subsection (1) establish provisions, standards or references to other codes which by state statutes are designated to be established or administered by other state agencies or local city, town or county jurisdictions, such provisions are not included in the codes adopted herein but authority over such provisions are reserved to the agency or local government having authority over such provisions. Provisions excluded under this Subsection include but are not limited to:

(a) the International Property Maintenance Code;

(b) the International Private Sewage Disposal Code, authority over which would be reserved to the Department of Health and the Department of Environmental Quality;

(c) the International Fire Code which pursuant to Section 53-7-106 authority is reserved to the Utah Fire Prevention Board; and

(d) day care provisions which are in conflict with the Child Care Licensing Act, authority over which is designated to the Utah Department of Health.

(8) To the extent that the codes adopted under Subsection (1) establish provisions that exceed the authority granted to the Division, under the Utah Uniform Building Standards Act, to adopt codes or amendments to such codes by rulemaking procedures, such provisions, to the extent such authority is exceeded, are not included in the codes adopted.

R156-56-[~~704~~]801. Statewide Amendments to the IBC.

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

. . . . . .

(22) In Section F903.2.8 condition 2 is deleted and replaced with the following:

2. Where a Group S-1 fire area is located more than three stories above the lowest level of fire department vehicle access; or

(23) Section (F)903.2.9 is deleted and replaced with the following:

(F)903.2.9 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as parking garages in accordance with Section 406.[4]2 or where located beneath other groups.

Exception 1: Parking garages of less than 5,000 square feet (464 m^2)[~~located beneath~~]accessory to Group R-3 occupancies.

Exception 2: Open parking garages not located beneath other groups if one of the following conditions is met:

a. Access is provided for fire fighting operations to within 150 feet (45,720 mm) of all portions of the parking garage as measured from the approved fire department vehicle access; or

b. Class I standpipes are installed throughout the parking garage.

. . . . . .

R156-56-[~~711~~]802. Statewide Amendments to the IRC.

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

(1) All statewide amendments to the IBC under Section R156-56-[~~704~~]801, [~~local amendments under Section R156-56-705,~~]the NEC under Section R156-56-[~~706~~]806, the IPC under Section R156-56-[~~707~~]803, the IMC under Section R156-56-[~~708~~]804, the IFGC under Section R156-56-[~~709~~]805 and the IECC under Section R156-56-[~~710~~]807 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC. All references to the ICC Electrical Code are deleted and replaced with the National Electrical Code adopted under Section R156-56-701(1)(b).

(2) Section 106.3.2 is deleted and replaced with the following:

106.3.2 Previous approval. If a lawful permit has been issued and the construction of which has been pursued in good faith within 180 days after the effective date of the code and has not been abandoned, then the construction may be completed under the code in effect at the time of the issuance of the permit.

. . . . . .

(22) A new Section G2401.2 is added as follows:

G2401.2 Meter Protection. Fuel gas services shall be in an approved location and/or provided with structures designed to protect the fuel gas meter and surrounding piping from physical damage, including falling, moving, or migrating ice and snow. If an added structure is used, it must provide access for service and comply with the IBC or the IRC.[

~~(23) In Section G2413.1(402.1) General Considerations, the following sentence is added at the end of the section:~~

~~In residential occupancies, natural gas service lines shall be no less than 1 inch (25 mm) in diameter.~~]

([~~24~~]23) Section P2602.3 is added as follows:

P2602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction.

([~~25~~]24) Section P2602.4 is added as follows:

P2602.4 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann, (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317, Chapter 4, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

([~~26~~]25) Section P2603.2.1 is deleted and replaced with the following:

P2603.2.1 Protection against physical damage. In concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joists, rafters, or similar members less than 1 1/2 inch (38 mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Protective shield plates shall be a minimum of 1/16 inch-thick (1.6 mm) steel, shall cover the area of the pipe where the member is notched or bored, and shall be at least the thickness of the framing member penetrated.

([~~27~~]26) In Section P2801.7 the word townhouses is deleted.

([~~28~~]27) Section P2902.1.1 is added as follows:

P2902.1.1 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly.

([~~29~~]28) Table P2902.3 is deleted and replaced with the following:

. . . . . .

([~~30~~]29) Table 2902.3a is added as follows:

. . . . . .

([~~31~~]30) Section P3003.2.1 is added as follows:

Section P3003.2.1 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

([~~32~~]31) In Section P3103.6, the following sentence is added at the end of the paragraph:

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

([~~33~~]32) In Section P3104.4, the following sentence is added at the end of the paragraph:

Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed below grade in accordance with Chapter 30, and Sections P3104.2 and P3104.3. A wall cleanout shall be provided in the vertical vent.

([~~34~~]33) Chapter 43, Referenced Standards, is amended as follows:

The following reference standard is added:

. . . . . .

([~~35~~]34) In Chapter 43, the following standard is added under NFPA as follows:

. . . . . .

R156-56-[~~707~~]803. Statewide Amendments to the IPC.

. . . . . .

R156-56-[~~708~~]804. Statewide Amendments to the IMC.

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

R156-56-[~~709~~]805. Statewide Amendments to the IFGC.

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

(1) The following paragraph is added at the end of Section 305.1

305.1 General. After natural gas, space and water heating appliances have been adjusted for altitude and the Btu content of the natural gas, the installer shall apply a sticker in a visible location indicating that the proper adjustments to such appliances have been made. The adjustments for altitude and the Btu content of the natural gas shall be done in accordance with the manufacturer's installation instructions and the gas utility's approved practices.

(2) Chapter 4, Section 401 General, a new section 401.9 is added as follows:

401.9 Meter protection. Fuel gas services shall be in an approved location and/or provided with structures designed to protect the fuel gas meter and surrounding piping from physical damage, including falling, moving, or migrating ice and snow. If an added structure is used, it must still provide access for service and comply with the IBC or the IRC.[

~~(3) In Section 402.1 General Considerations, the following sentence is added at the end of the section:~~

~~In residential occupancies, natural gas service lines shall be no less than 1 inch (25 mm) in diameter.~~]

R156-56-[~~706~~]806. Statewide Amendments to the NEC.

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

R156-56-[~~710~~]807. Statewide Amendments to the IECC.

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

(1) In Section 504.4, the following exception is added:

Exception: Heat traps, other than the arrangement of piping and fittings, shall be prohibited unless a means of controlling thermal expansion can be ensured as required in the IPC Section 607.3.

R156-56-[~~714~~]808. Installation and Safety Requirements for Mobile Homes Built Prior to June 15, 1976.

. . . . . .

R156-56-[~~713~~]820. Statewide Amendments to the IEBC.

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

(1) In Section 101.5 the exception is deleted.

(2) Section R106.3.2 is deleted and replaced with the following:

R106.3.2 Previous approval. If a lawful permit has been issued and the construction of which has been pursued in good faith within 180 days after the effective date of the code and has not been abandoned, then the construction may be completed under the code in effect at the time of the issuance of the permit.

(3) In Section 202 the definition for existing buildings is deleted and replaced with the following:

EXISTING BUILDING. A building lawfully erected prior to January 1, 2002, or one which is deemed a legal non-conforming building by the code official, and one which is not a dangerous building.

(4) Section 606.2.2 is deleted and replaced with the following:

602.2.2 Parapet bracing, wall anchors, and other appendages. Buildings constructed prior to 1975 shall have parapet bracing, wall anchors, and appendages such as cornices, spires, towers, tanks, signs, statuary, etc. evaluated by a licensed engineer when said building is undergoing reroofing, or alteration of or repair to said feature. Such parapet bracing, wall anchors, and appendages shall be evaluated in accordance with the reduced International Building Code level seismic forces as specified in IEBC Section 506.1.1.3 and design procedures of Section 506.1.1.1. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce, or remove the deficient feature.

EXCEPTIONS:

1. Group R-3 and U occupancies.

2. Unreinforced masonry parapets need not be braced according to the above stated provisions provided that the maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F.

(5) Section 705.3.1.2 is deleted and replaced with the following:

705.3.1.2 Fire escapes required. When more than one exit is required, an existing fire escape complying with Section 705.3.1.2.1 shall be accepted as providing one of the required means of egress.

705.3.1.2.1 Fire escape access and details. Fire escapes shall comply with all of the following requirements:

1. Occupants shall have unobstructed access to the fire escapes without having to pass through a room subject to locking.

2. Access to an existing fire escape shall be through a door, except that windows shall be permitted to provide access from single dwelling units or sleeping units in Group R-1, R-2, and I-1 occupancies or to provide access from spaces having a maximum occupant load of 10 in other occupancy classifications.

3. Existing fire escapes shall be permitted only where exterior stairs cannot be utilized because of lot lines limiting the stair size or because of the sidewalks, alleys, or roads at grade level.

4. Openings within 10 feet (3048 mm) of fire escape stairs shall be protected by fire assemblies having minimum 3/4-hour fire-resistance ratings.

Exception: Opening protection shall not be required in buildings equipped throughout with an approved automatic sprinkler system.

5. In all buildings of Group E occupancy, up to and including the 12th grade, buildings of Group I occupancy, rooming houses, and childcare centers, ladders of any type are prohibited on fire escapes used as a required means of egress.

(6) Section 906.1 is deleted and replaced with the following:

906.1 General. Accessibility in portions of buildings undergoing a change of occupancy classification shall comply with Section 605 and 912.8.

(7) Section 907.3.1 is deleted and replaced with the following:

907.3.1 Compliance with the International Building Code. When a building or portion thereof is subject to a change of occupancy such that a change in the nature of the occupancy results in a higher seismic occupancy based on Table 1604.5 of the International Building Code; or where such change of occupancy results in a reclassification of a building to a higher hazard category as shown in Table 912.4; or where a change of a Group M occupancy to a Group A, ETM R-1, R-2, or R-4 occupancy with

two-thirds or more of the floors involved in Level 3 alteration work; or when such change of occupancy results in a design occupant load increase of 100% or more, the building shall conform to the seismic requirements of the International Building Code for the new seismic use group.

Exceptions 1-4 remain unchanged.

5. Where the design occupant load increase is less than 25 occupants and the occupancy category does not change.

(8) In Section 912.7.3 exception 2 is deleted.

(9) In Section 912.8 number 7 is added as follows:

7. When a change of occupancy in a building or portion of a building results in a Group R-2 occupancy, not less than 20 percent of the dwelling or sleeping units shall be Type B dwelling or sleeping units. These dwelling or sleeping units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one unit, of the dwelling or sleeping units shall be Type A dwelling units.

R156-56-[~~705~~]901. Local Amendments to the IBC.

. . . . . .

R156-56-[~~712~~]902. Local Amendments to the IRC.

The following are adopted as amendments to the IRC to be applicable to the following jurisdictions:

(1) All local amendments to the IBC under Section R156-56-901, the NEC under Section R156-56-906, the IPC under Section R156-56-903, the IMC under Section R156-56-904, the IFGC under Section R156-56-905 and the IECC under Section R156-56-907 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC for the local jurisdiction to which the local amendment has been made. All references to the ICC Electrical Code are deleted and replaced with the National Electrical Code adopted under Section R156-56-701(1)(b).

([~~1~~]2) City of Farmington:

R325 Automatic Sprinkler Systems.

. . . . . .

([~~2~~]3) Morgan City Corp:

In Section R105.2 Work Exempt From Permit, the following is added:

10. Structures intended to house farm animals, or for the storage of feed associated with said farm animals when all the following criteria is met:

a. The parcel of property involved is zoned for the keeping of farm animals or has grand fathered animal rights.

b. The structure is setback not less than 50 feet from the rear or side of dwellings, and not less than 10 feet from property lines and other structures.

c. The structure does not exceed 1000 square feet of floor area, and is limited to 20 feet in height. Height is measured from the average grade to the highest point of the structure.

d. Before construction, a site plan is submitted to, and approved by the building official.

Electrical, plumbing, and mechanical permits shall be required when that work is included in the structure.

([~~3~~]4) Morgan County:

In Section R105.2 Work Exempt From Permit, the following is added:

10. Structures intended to house farm animals, or for the storage of feed associated with said farm animals when all the following criteria is met:

a. The parcel of property involved is zoned for the keeping of farm animals or has grand fathered animal rights.

b. The structure is set back not less than required by the Morgan County Zoning Ordinance for such structures, but not less than 10 feet from property lines and other structures.

c. The structure does not exceed 1000 square feet of floor area, and is limited to 20 feet in height. Height is measured from the average grade to the highest point of the structure.

d. Before construction, a Land Use Permit must be applied for, and approved, by the Morgan County Planning and Zoning Department.

Electrical, plumbing, and mechanical permits shall be required when that work is included in the structure.

([~~4~~]5) City of North Salt Lake:

Sections R325.1 and R325.2 are added as follows:

R325.1 When Required. An automatic sprinkler system shall be installed throughout every dwelling when the following condition is present:

1. The structure is over 6,200 square feet.

R325.2 Installation requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eves, or in enclosed attic spaces, unless required by the fire chief. Such system shall be installed in accordance with NFPA 13-D.

([~~5~~]6) Park City Corporation:

Appendix P is adopted.

([~~6~~]7) Park City Corporation and Park City Fire District:

. . . . . .

([~~7~~]8) Sandy City

A new Section R325 is added to the IRC as follows:

Section R325 IGNITION RESISTANT CONSTRUCTION

R325.1 General. Buildings and structures constructed in areas designated as Wildland-Urban Interface Areas by Sandy City shall be constructed using ignition resistant construction as determined by the Fire Marshal. Section 502 of the 2006 International Wildland-Urban Interface Code (IWUIC), as promulgated by the International Code Council, shall be used to determine Fire Hazard Severity. The provisions listed in Chapter 5 of the 2006 IWUIC, as modified herein, shall be used to determine the requirements for Ignition Resistant Construction.

(i) In Section 504 of the IWUIC Class I IGNITION-RESISTANT CONSTRUCTION a new Section 504.1.1 is added as follows:

504.1.1 General. Subsections 504.5, 504.6, and 504.7 shall only be required on the exposure side of the structure, as determined by the Fire Marshal, where defensible space is less than 50 feet as defined in Section 603 of the 2006 IWUIC.

(ii) In Section 505 of the IWUIC Class 2 IGNITION-RESISTANT CONSTRUCTION Subsections 505.5 and 505.7 are deleted.

R156-56-903. Local Amendments to the IPC.

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

(1) South Jordan

(a) Section 312.9.2 is deleted and replaced with the following:

312.9.2 Testing. Reduced pressure principle backflow preventer assemblies, double check-valve assemblies, pressure vacuum breaker assemblies, reduced pressure detector fire protection backflow prevention assemblies, double check detector fire protection backflow prevention assemblies, hose connection backflow preventers, and spill-proof vacuum breakers shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10 or CSA B64.10. Assemblies, other than the reduced pressure principle assembly, protecting lawn irrigation systems that fail the annual test shall be replaced with a reduced pressure principle assembly.

(b) Section 608.16.5 is deleted and replaced with the following:

608.16.5 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a reduced pressure principle backflow preventer.

R156-56-904. Local Amendment to the IMC.

The following are adopted as amendments to the IMC to be applicable to the following jurisdictions:

R156-56-905. Local Amendment to the IFGC.

The following are adopted as amendments to the IFGC to be applicable to the following jurisdictions:

R156-56-906. Local Amendment to the NEC.

The following are adopted as amendments to the NEC to be applicable to the following jurisdictions:

R156-56-907. Local Amendment to the IECC.

The following are adopted as amendments to the IECC to be applicable to the following jurisdictions:

R156-56-920. Local Amendment to the IEBC.

The following are adopted as amendments to the IEBC to be applicable to the following jurisdictions:

KEY: contractors, building codes, building inspection, licensing
Date of Enactment or Last Substantive Amendment: [~~March 27,~~]2007
Notice of Continuation: March 29, 2007
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-56-1; 58-56-4(2); 58-56-6(2)(a)

♦ ♦

Commerce, Occupational and Professional Licensing

R156-56

Utah Uniform Building Standard Act Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29863
FILED: 04/26/2007, 12:27

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This is a separate rule filing for building inspector unprofessional conduct rules, citation fine schedule for building inspectors, and factory built housing dealers and building inspector licensing requirements. This is a separate rule filing from the other rule filings affecting Rule R156-56 because building inspector requirements are overseen by the Building Inspector Licensing Board rather than the Uniform Building Code Commission which oversees the building codes adopted under the Uniform Building Standards Act. The Building Inspector Licensing Board has approved this filing. There are three purposes for this rule filing: 1) Section R156-56-302 clarifies and adds qualifications for limited inspector licenses. Limited inspectors may be required to perform certain special inspections required by the building codes; 2) Section R156-56-501 is to publish the fine schedule for citations issued under Section 58-56-9.1. H.B. 135 was passed during the 2007 legislative session which gave the Division citation authority over factory built housing dealers and building inspectors; and 3) the changes in Section R156-56-502 are to delete the unprofessional conduct provisions that have now been added to Title 58, Chapter 56, as a result of H.B. 135 passed during the 2007 legislative session.(DAR NOTES: The other filings for Rule R156-56 are: changes to Section R156-56-704 under DAR No. 29864; different changes to Section R156-56-704 under DAR No. 29865; and other changes to Rule R156-56 under DAR No. 29866 in this issue, May 15, 2007, of the Bulletin. H.B. 135 (2007) is found at Chapter 145, Laws of Utah 2007, and was effective 04/03/2007.)

SUMMARY OF THE RULE OR CHANGE: In Section R156-56-302, adds to the options and clarifies the requirements to obtain a limited inspector license. This includes the qualifications to obtain a limited inspector license to conduct special inspections which are required under the International Building Code (IBC) which has been adopted in Utah. The IBC provides what the qualifications should be for many of these special inspectors, including the Certified Welding Inspector Certification issued by the American Welding Society. The current rule allows only an International Code Council (ICC) certification for Welding Inspectors. This conflicts with the IBC, which allows the Certified Welding Inspector Certification issued by the American Welding Society. These added qualifications are to ensure that when the provisions of the IBC state the qualifications for a special inspector, the licensing requirements for limited inspectors do not conflict with the building code requirements. The IBC also requires special inspections in a number of other areas but the IBC does not always state the qualifications required for such special inspectors. For these inspectors, we have provided that the limited inspector applicants may submit their qualifications to the Division for the limited area in which they propose to inspect, whatever those qualifications may be. The IBC anticipates that the building official will determine if

the special inspector is qualified based upon the requirements of the job and the special inspector's education, training and experience, whatever those qualifications may be. However, since Utah statute requires licensure for these special inspectors when they work for compliance agencies, the division needs to provide a means for such applicants to obtain licensure in spite of the fact that the IBC has not stated the qualifications for such special inspectors. Under the proposed rules, these applicants will be allowed to submit the same documentation for licensure that they would be required to submit to the building official under the IBC to obtain approval to make the special inspections. In Section R156-56-501, adds administrative penalties/fines for unlawful conduct. In Section R156-56-502, deletes unprofessional conduct for building inspectors since these provisions are now contained in the statute (Title 58, Chapter 56).

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division anticipates these proposed amendments should have no direct effect on the state budget. There may be an indirect effect on the state budget when the state is involved in construction projects which involve employment of special building inspectors. Since the added option for special building inspectors would result in potential savings to affected parties, if there is an indirect impact, it would be a savings. Due to such varying factors, the Division is unable to determine an amount of potential savings.

❖ LOCAL GOVERNMENTS: The Division anticipates these proposed amendments should have no direct effect on local government budgets. There may be an indirect effect on the local government budget when the local government is involved in construction projects which involve employment of special building inspectors. Since the added option for special building inspectors would result in potential savings to affected parties, if there is an indirect impact, it would be a savings. Due to such varying factors, the Division is unable to determine an amount of potential savings.

❖ OTHER PERSONS: The proposed amendments will allow special inspectors who are qualified by terms of the IBC to obtain a limited inspector license without meeting additional training and testing requirements that are not needed for special inspectors who will conduct special inspections in very limited areas. Normally, the cost to obtain the additional training and ICC certificates under existing rules could be up to several hundred dollars per applicant. It is unknown how many persons this would affect but the Division estimates that it would be under 40 persons. The cost impact of paying for a citation will be the amount specified in the fine schedule. The Division is unable to determine how many persons the fine schedule would affect as it depends on how many persons engage in misconduct that is a citable offense. Although the fine schedule is implemented in rule, the overall financial impact is no different than the impact imposed by the new statute change which gave the Division citation authority. There is no cost or savings regarding the change in unprofessional conduct rules. This is because even though the unprofessional conduct is now in the statute rather than this rule, there is no change in the underlying requirements that have been in effect.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendments will allow special inspectors who are qualified by terms of the IBC to obtain a limited inspector license without meeting additional training and testing requirements that are not needed for special inspectors who will conduct special inspections in very limited areas. Normally, the cost to obtain the additional training and ICC certificates under existing rules could be up to several hundred dollars per applicant. It is unknown how many persons this would affect but the Division estimates that it would be under 40 persons. The cost impact of paying for a citation will be the amount specified in the fine schedule. The Division is unable to determine how many persons the fine schedule would affect as it depends on how many persons engage in misconduct that is a citable offense. Although the fine schedule is implemented in rule, the overall financial impact is no different than the impact imposed by the new statute change which gave the Division citation authority. There is no cost or savings regarding the change in unprofessional conduct rules. This is because even though the unprofessional conduct is now in the statute rather than this rule, there is no change in the underlying requirements that have been in effect.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing clarifies the qualifications for limited inspector licenses, publishes the fine schedule for citations as required by statute, and removes an unnecessary provision regarding unprofessional conduct that is now codified into the umbrella statute. No fiscal impact to businesses is anticipated beyond those discussed in the rule summary. 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:
Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dansjones@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 06/14/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/15/2007 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: F. David Stanley, Director

R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-302. Licensure of Inspectors.

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

(1) License Classifications. Each inspector required to be licensed under Subsection 58-56-9(1) shall qualify for licensure and be licensed by the division in one of the following classifications:

(a) Combination Inspector; or

(b) Limited Inspector.

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

(a) Combination Inspector.

(i) Inspect the components of any building, structure or work for which a standard is provided in the specific edition of the codes adopted under these rules or amendments to these codes as included in these rules.

(ii) Determine whether the construction, alteration, remodeling, repair or installation of all components of any building, structure or work is in compliance with the adopted codes.

(iii) After determination of compliance or noncompliance with the adopted codes take appropriate action as is provided in the aforesaid codes.

(b) Limited Inspector.

(i) A Limited Inspector may only conduct activities under Subsections (ii), (iii) or (iv) for which the Limited Inspector has maintained current certificates under the adopted codes as provided under Subsections R156-56-302(3)(b) and R156-56-302(2)(c)(ii).

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

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

(iv) Subject to the limitations under Subsection (i), after determination of compliance or noncompliance with the adopted codes, take appropriate action as is provided in the adopted codes.

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

(a) Combination Inspector.

Has passed the examination for and maintained as current the following national certifications for codes adopted under these rules:

(i) the "Combination Inspector Certification" issued by the International Code Council; or

(ii) all of the following certifications:

(A) the "Building Inspector Certification" issued by the International Code Council or both the "Commercial Building Inspector Certification" and the "Residential Building Inspector Certification" issued by the International Code Council;

(B) the "Electrical Inspector Certification" issued by the International Code Council or the "General Electrical Certification" issued by the International Association of Electrical Inspectors, or both the "Commercial Electrical Inspector Certification" and the "Residential Electrical Inspector Certification" issued by the International Code Council;

(C) the "Plumbing Inspector Certification" issued by the International Code Council, or both the "Commercial Plumbing Inspector Certification" and the "Residential Plumbing Inspector Certification" issued by the International Code Council; and

(D) the "Mechanical Inspector Certification" issued by the International Code Council or both the "Commercial Mechanical Inspector Certification" and the "Residential Mechanical Inspector Certification" issued by the International Code Council.

(b) Limited Inspector.

Has passed the examination for and maintained as current one or more of the following national certifications for codes adopted under these rules:

(i) the "Building Inspector Certification" issued by the International Code Council;

(ii) the "Electrical Inspector Certification" issued by the International Code Council or the "General Electrical Certification" issued by the International Association of Electrical Inspectors;

(iii) the "Plumbing Inspector Certification" issued by the International Code Council;

(iv) the "Mechanical Inspector Certification" issued by the International Code Council;

(v) the "Residential Combination Inspector Certification" issued by the International Code Council;

(vi) the "Commercial Combination Certification" issued by the International Code Council;

(vii) the "Commercial Building Inspector Certification" issued by the International Code Council;

(viii) the "Commercial Electrical Inspector Certification" issued by the International Code Council;

(ix) the "Commercial Plumbing Inspector Certification" issued by the International Code Council;

(x) the "Commercial Mechanical Inspector Certification issued by the International Code Council;

(xi) the "Residential Building Inspector Certification" issued by the International Code Council;

(xii) the "Residential Electrical Inspector Certification" issued by the International Code Council;

(xiii) the "Residential Plumbing Inspector Certification" issued by the International Code Council;

(xiv) the "Residential Mechanical Inspector Certification" issued by the International Code Council;

(xv) any other special or otherwise limited inspector certifications used by the International Code Council which certifications cover a part of the codes adopted under these rules including but not limited to each of the following: Reinforced Concrete Special Inspector, Prestressed Concrete Special Inspector, Structural Masonry Special Inspector, Structural Steel and Bolting Special Inspection, Structural Welding Special Inspection, Spray Applied Fire Proofing Special Inspector, Residential Energy Inspector, Commercial Energy Inspector;[~~or~~]

(xvi) the Certified Welding Inspector Certification issued by the American Welding Society;

(xvii) any other certification issued by an agency specified in Chapter 17 of the IBC or an agency specified in the referenced standards; or

(xviii) any combination certification which is based upon a combination of one or more of the above listed certifications.

(c) If no qualification is listed in the IBC for a special inspector, the special inspector may submit his qualifications to the licensing board for approval.

(4) Application for License.

(a) An applicant for licensure shall:

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

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

(5) Code transition provisions.

(a) If an inspector or applicant obtains a new, renewal or recertification or replacement national certificate after a new code or code edition is adopted, the inspector or applicant is required to obtain that certification under the currently adopted code or code edition.

(b) After a new code or new code edition is adopted under these rules, the inspector is required to re-certify their national certification to the new code or code edition at the next available renewal cycle of the national certification.

(c) If a licensed inspector fails to obtain the national certification as required in Subsection (a) or (b), their authority to inspect for the area covered by the national certification automatically expires at the expiration date of the national certification that was not obtained as required.

(d) If an inspector recertifies a national certificate on a newer edition of the codes adopted before that newer edition is adopted under these rules, such recertification shall be considered as a current national certification as required by these rules.

(e) If an inspector complies with these transition provisions, the inspector shall be considered to have a current national certification as required by these rules.

R156-56-501. [~~Reserved~~]Administrative Penalties - Unlawful Conduct.

[~~Reserved.~~]In accordance with Subsections 58-56-9.1 and 58-56-9.5, unless otherwise ordered by the presiding officer, the following fine schedule shall apply:

(1) Engaging in the sale of factory built housing without being registered.

First offense: $500

Second offense: $1,000

(2) Selling factory built housing within the state as a dealer without collecting and remitting to the division the fee required by Section 58-56-17.

First offense: $500

Second offense: $1,000

(3) Acting as a building inspector or representing oneself to be acting as a building inspector, unless licensed or exempted from licensure under Title 58, Chapter 56 or using the title building inspector or any other description, words, letters, or abbreviation indicating that the person is a building inspector if the person has not been licensed under Title 58, Chapter 56.

First offense: $500

Second offense: $1,000

(4) Acting as a building inspector beyond the scope of the license held.

First offense: $500

Second offense: $1,000

(5) Hiring or employing in any manner an unlicensed person as a building inspector, unless exempted from licensure.

First offense: $800

Second offense: $1,600

(6) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is double the second offense amount, with a maximum amount not to exceed the maximum fine allowed under Section 58-56-9.5.

(7) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(8) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(9) In all cases the presiding officer shall have the discretion, after a review of the aggravating or mitigating circumstances, to increase or decrease the fine amount based on the evidence reviewed.

R156-56-502. [~~Unprofessional Conduct - Building Inspectors~~]Reserved.

Reserved.[~~"Unprofessional conduct" includes:~~

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

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

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

~~(4) the personal use of information or knowingly revealing information to unauthorized persons when that information has been obtained by the inspector as a result of their employment, work, or position as an inspector;~~

~~(5) unlawful acts or acts which are clearly unethical under generally recognized standards of conduct of an inspector;~~

~~(6) engaging in fraud or knowingly misrepresenting a fact relating to the performance of duties and responsibilities as an inspector;~~

~~(7) knowingly failing to require that all plans, specifications, drawings, documents and reports be stamped by architects, professional engineers or both as established by law;~~

~~(8) knowingly failing to report to the Division any act or omission of a licensee under Title 58, Chapter 55, which when left uncorrected constitutes a hazard to the public health and safety;~~

~~(9) knowingly failing to report to the Division unlicensed practice by persons performing services who are required by law to be licensed under Title 58, Chapter 55;~~

~~(10) approval of work which materially varies from approved documents that have been stamped by an architect, professional engineer or both unless authorized by the licensed architect, professional engineer or both; and~~

~~(11) failing to produce verification of current licensure and current certifications for the codes adopted under these rules upon the request of the Division, any compliance agency, or any contractor or property owner whose work is being inspected.~~]

KEY: contractors, building codes, building inspection, licensing
Date of Enactment or Last Substantive Amendment: [~~March 27,~~]2007
Notice of Continuation: March 29, 2007

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-56-1; 58-56-4(2); 58-56-6(2)(a)

♦ ♦

Commerce, Occupational and Professional Licensing

R156-56-704

(Changed to R156-56-801)

Statewide Amendments to the IBC

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29865
FILED: 04/26/2007, 12:44

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule filing is to clarify requirements for areas of refuge which are required to be located in exit stairways in certain multistory buildings. Areas of refuge are areas where people with disabilities may go in the event of a fire or other emergency to await rescue by fire fighting or other emergency personnel. Disabled persons are often not able to traverse stairs when a fire or other emergency alarm sounds. The 2003 edition of the International Building Code (IBC) was inadequate in addressing areas of refuge for disabled persons. Under that code, the safety of disabled persons was not adequately protected in emergency situations. As a result, the 2006 code made several changes requiring areas of refuge, which in many cases could be very costly to implement and did not necessarily add significantly to the protection for persons with disabilities in emergency situations and did not sufficiently balance the costs of implementation compared to added safety achieved. For certain installations it could be quite costly to comply with the new requirements. Also, alternative methods of protection of disabled persons may be available at lower costs but still providing more protection than was previously provided in the 2003 codes, however these alternatives have not been adequately considered in the 2006 code. Areas of refuge can be costly because they are not allowed to be in the normal building use areas but must be in areas that are protected from fire or smoke. The area that would normally be used for this purpose under the 2006 code is in stairways. This can be costly to provide adequate space for persons in wheelchairs to wait for rescue while providing for enough space for safe exit for other persons. The wheel chairs in the area of refuge cannot block the exit for other persons. The International Code Council (ICC) scheduled final action hearings to be held in May 2007 which will decide how the IBC will address this issue in the next code cycle. At that time, ICC will be taking one of three possible actions: 1) leave the 2006 code unchanged; 2) return to the 2003 code; or 3) adopt proposed compromise language. Whichever action is taken at this final action hearing in May 2007 will be the provisions that will go into the 2009 IBC code. It is anticipated that the proposed compromise language will be the alternative which will be adopted. The proposed rule filing under DAR No. 29864 is the compromise language that is proposed for the ICC final action committee and which is expected to be the result of that hearing in May 2007. It is expected that if the ICC adopts the proposed compromise language, then the filing under DAR No. 29864 would be adopted in Utah to correspond to the action taken by the ICC at the national level. The proposed rule filing under DAR No. 29865 is the potential alternative being considered by ICC that would return the IBC to provisions that were contained in the 2003 IBC. Although this is one of the alternatives that will be considered at the ICC final action hearings, this alternative is not expected to be adopted. If the ICC at the final action hearing returns to the 2003 code, then the filing under DAR No. 29865 would be adopted in Utah to correspond to the action taken by the ICC at the national level. The Utah Uniform Building Code Commission also believes that it is important to follow the national action at the earliest possible time so that the very stringent requirements are not effective for the remainder of the current code cycle and then relaxed again at the next code cycle. Accordingly, either the filing under DAR No. 29864 or 29865 would be adopted depending on action taken at the final action hearing by ICC at the national level. The alternative proposed rule not adopted would then be allowed to lapse. It should also be noted that this rule filing is one of four rule filings affecting Rule R156-56. Once the Division and Commission have determined which of all of the rule filings affecting Rule R156-56 will be made effective, a nonsubstantive rule filing may be filed by the Division to update and correct all subsection numbering. (DAR NOTE: The other filings for Rule R156-56 are: changes to Rule R156-56 are under DAR No. 29863; different changes to Section R156-56-704 under DAR No. 29864; and other changes to Rule R156-56 under DAR No. 29866 in this issue, May 15, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: Amendments to Section 1007.3 and 1007.4 regarding areas of refuge are added at Subsections R156-56-704(27) and (28).

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division has determined that there should be no direct effect on the state budget. However, there may be substantial cost savings to buildings if the state is involved in construction of a building where areas of refuge are required if either proposed filing under DAR No. 29864 or 29865 is adopted.

❖ LOCAL GOVERNMENTS: The Division has determined that there should be no direct effect on a local government budget. However, there may be substantial cost savings to a buildings if the local government is involved in construction of a building where areas of refuge are required if either proposed filing under DAR No. 29864 or 29865 is adopted.

❖ OTHER PERSONS: It is expected that cost savings for certain buildings could be substantial but it is impossible to estimate due to the variability of construction designs that may be affected. It is unknown how many persons these

amendments may affect; therefore, it is impossible to estimate an aggregate impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is impossible to estimate the compliance or savings of affected persons because the costs or savings would vary depending on the building being constructed. It is expected that cost savings for certain buildings could be substantial if either filing under DAR No. 29864 or 29865 is adopted.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing clarifies the requirements for areas of refuge. Two alternatives are drafted, the adoption of which will depend upon the decision of the ICC. No fiscal impact to businesses is anticipated beyond those already discussed in the rule summary. 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:
Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dansjones@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 06/14/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/15/2007 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, Utah.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: F. David Stanley, Director

R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-[~~704~~]801. Statewide Amendments to the IBC.

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

. . . . . .

(26) Section (F)907.2.10 is deleted and replaced with the following:

(F)907.2.10 Single- and multiple-station alarms. Listed single- and multiple-station smoke alarms complying with U.L. 217 shall be installed in accordance with the provision of this code and the household fire-warning equipment provision of NFPA 72. Listed single- and multiple-station carbon monoxide detectors shall comply with U.L. 2034 and shall be installed in accordance with the provisions of this code and NFPA 720.

(F)907.2.10.1 Smoke alarms. Single- or multiple-station smoke alarms shall be installed in the locations described in Sections (F)907.2.10.1.1 through (F)907.2.10.1.3.

(F)907.2.10.1.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.

2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(F)907.2.10.1.2 Groups R-2, R-3, R-4 and I-1. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(F)907.2.10.1.3 Group I-1. Single- or multiple-station smoke alarms shall be installed and maintained in sleeping areas in occupancies in Group I-1.

Exception: Single- or multiple-station smoke alarms shall not be required where the building is equipped throughout with an automatic fire detection system in accordance with Section (F)907.2.6.

(F)907.2.10.2 Carbon monoxide alarms. Carbon monoxide alarms shall be installed on each habitable level of a dwelling unit or sleeping unit in Groups R-2, R-3, R-4 and I-1 equipped with fuel burning appliances.

(F)907.2.10.3. Power source. In new construction, required alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Alarms are not required to be equipped with battery backup in Group R-1 where they are connected to an emergency electrical system.

(F)907.2.10.4 Interconnection. Where more than one alarm is required to be installed with an individual dwelling unit in Group R-2, R-3, or R-4, or within an individual sleeping unit in Group R-1, the alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Approved combination smoke and carbon-monoxide detectors shall be permitted.

(F)907.2.10.5 Acceptance testing. When the installation of the alarm devices is complete, each detector and interconnecting wiring for multiple-station alarm devices shall be tested in accordance with the household fire warning equipment provisions of NFPA 72 and NFPA 720, as applicable.

(27) In Section 1007.3 a new exception 6 is added as follows:

6. Areas of refuge are not required at exit stairways in buildings or facilities equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

(28) In Section 1007.4 the word "exception" is changed to "exception 1" and an exception 2 is added as follows:

2. Elevators are not required to be accessed from an area of refuge or horizontal exit in buildings or facilities equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

(27) In Section 1008.1.8.3, a new subparagraph (5) is added as follows:

(5) Doors in Group I-1 and I-2 occupancies, where the clinical needs of the patients require specialized security measures for their safety, approved access controlled egress may be installed when all the following are met:

5.1 The controlled egress doors shall unlock upon activation of the automatic fire sprinkler system or automatic fire detection system.

5.2 The facility staff can unlock the controlled egress doors by either sensor or keypad.

5.3 The controlled egress doors shall unlock upon loss of power.

. . . . . .

KEY: contractors, building codes, building inspection, licensing
Date of Enactment or Last Substantive Amendment: [~~March 27,~~]2007
Notice of Continuation: March 29, 2007
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-56-1; 58-56-4(2); 58-56-6(2)(a)

♦ ♦

Commerce, Occupational and Professional Licensing

R156-56-704

(Changed to R156-56-801)

Statewide Amendments to the IBC

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29864
FILED: 04/26/2007, 12:34

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule filing is to clarify requirements for areas of refuge which are required to be located in exit stairways in certain multistory buildings. Areas of refuge are areas where people with disabilities may go in the event of a fire or other emergency to await rescue by fire fighting or other emergency personnel. Disabled persons are often not able to traverse stairs when a fire or other emergency alarm sounds. The 2003 edition of the International Building Code (IBC) was inadequate in addressing areas of refuge for disabled persons. Under that code, the safety of disabled persons was not adequately protected in emergency situations. As a result, the 2006 code made several changes requiring areas of refuge, which in many cases could be very costly to implement and did not necessarily add significantly to the protection for persons with disabilities in emergency situations and did not sufficiently balance the costs of implementation compared to added safety achieved. For certain installations, it could be quite costly to comply with the new requirements. Also, alternative methods of protection of disabled persons may be available at lower costs but still providing more protection than was previously provided in the 2003 codes, however these alternatives have not been adequately considered in the 2006 code. Areas of refuge can be costly because they are not allowed to be in the normal building use areas but must be in areas that are protected from fire or smoke. The area that would normally be used for this purpose under the 2006 code is in stairways. This can be costly to provide adequate space for persons in wheelchairs to wait for rescue while providing for enough space for safe exit for other persons. The wheel chairs in the area of refuge cannot block the exit for other persons. The International Code Council (ICC) scheduled final action hearings to be held in May 2007 which will decide how the IBC will address this issue in the next code cycle. At that time ICC will be taking one of three possible actions: 1) leave the 2006 code unchanged; 2) return to the 2003 code; or 3) adopt proposed compromise language. Whichever action is taken at this final action hearing in May 2007 will be the provisions that will go into the 2009 IBC code. It is anticipated that the proposed compromise language will be the alternative which will be adopted. This filing (DAR No. 29864) is the compromise language that is proposed for the ICC final action committee and which is expected to be the result of that hearing in May 2007. It is expected that if the ICC adopts the proposed compromise language, then this filing would be adopted in Utah to correspond to the action taken by the ICC at the national level. The proposed filing under DAR No. 29865 is the potential alternative being considered by ICC that would return the IBC to provisions that were contained in the 2003 IBC. Although this is one of the alternatives that will be considered at the ICC final action hearings, this alternative is not expected to be adopted. If the ICC at the final action hearing returns to the 2003 code, then the filing under DAR No. 29865 would be adopted in Utah to correspond to the action taken by the ICC at the national level. The Utah Uniform Building Code Commission also believes that it is important to follow the national action at the earliest possible time so that the very stringent requirements are not effective for the remainder of the current code cycle and then relaxed again at the next code cycle. Accordingly, either filing under DAR No. 29864 or 29865 would be adopted depending on action taken at the final action hearing by the ICC at the national level. The alternative proposed rule not adopted would then be allowed to lapse. It should also be noted that this rule filing is one of four rule filings affecting Rule R156-56.

Once the Division and Commission have determined which of all of the rule filings affecting Rule R156-56 will be made effective, a nonsubstantive rule filing may be filed by the Division to update and correct all subsection numbering. (DAR NOTE: The other filings for Rule R156-56 are: changes to Rule R156-56 under DAR No. 29863; different changes to Section R156-56-704 under DAR No. 29865; and other changes to Rule R156-56 under DAR No. 29866 in this issue, May 15, 2007, of the Bulletin.)

SUMMARY OF THE RULE OR CHANGE: Amendments to Section 1007.3 and 1007.4 regarding areas of refuge are added at Subsections R156-56-704(27) and (28).

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division has determined that there should be no direct effect on the state budget. However, there may be substantial cost savings to buildings if the state is involved in construction of a building where areas of refuge are required if either proposed filing under DAR No. 29864 or 29865 is adopted.

❖ LOCAL GOVERNMENTS: The Division has determined that there should be no direct effect on a local government budget. However, there may be substantial cost savings to a buildings if the local government is involved in construction of a building where areas of refuge are required if either proposed filing under DAR No. 29864 or 29865 is adopted.

❖ OTHER PERSONS: It is expected that cost savings for certain buildings could be substantial but it is impossible to estimate due to the variability of construction designs that may be affected. It is unknown how many persons these amendments may affect; therefore, it is impossible to estimate an aggregate impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is impossible to estimate the compliance or savings of affected persons because the costs or savings would vary depending on the building being constructed. It is expected that cost savings for certain buildings could be substantial if either proposed filing under DAR No. 29864 or 29865 is adopted.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing clarifies the requirements for areas of refuge. Two alternatives are drafted, the adoption of which will depend upon the decision of the ICC. No fiscal impact to businesses is anticipated beyond those already discussed in the rule summary. 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:
Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dansjones@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 06/14/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/15/2007 at 9:00 AM, State Office Building, Room 4112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: F. David Stanley, Director

R156. Commerce, Occupational and Professional Licensing.
R156-56. Utah Uniform Building Standard Act Rules.
R156-56-[~~704~~]801. Statewide Amendments to the IBC.

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

. . . . . .

(26) Section (F)907.2.10 is deleted and replaced with the following:

(F)907.2.10 Single- and multiple-station alarms. Listed single- and multiple-station smoke alarms complying with U.L. 217 shall be installed in accordance with the provision of this code and the household fire-warning equipment provision of NFPA 72. Listed single- and multiple-station carbon monoxide detectors shall comply with U.L. 2034 and shall be installed in accordance with the provisions of this code and NFPA 720.

(F)907.2.10.1 Smoke alarms. Single- or multiple-station smoke alarms shall be installed in the locations described in Sections (F)907.2.10.1.1 through (F)907.2.10.1.3.

(F)907.2.10.1.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.

2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

3. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(F)907.2.10.1.2 Groups R-2, R-3, R-4 and I-1. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

2. In each room used for sleeping purposes.

3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm

installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(F)907.2.10.1.3 Group I-1. Single- or multiple-station smoke alarms shall be installed and maintained in sleeping areas in occupancies in Group I-1.

Exception: Single- or multiple-station smoke alarms shall not be required where the building is equipped throughout with an automatic fire detection system in accordance with Section (F)907.2.6.

(F)907.2.10.2 Carbon monoxide alarms. Carbon monoxide alarms shall be installed on each habitable level of a dwelling unit or sleeping unit in Groups R-2, R-3, R-4 and I-1 equipped with fuel burning appliances.

(F)907.2.10.3. Power source. In new construction, required alarms shall receive their primary power from the building wiring where such wiring is served from a commercial source and shall be equipped with a battery backup. Alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Alarms are not required to be equipped with battery backup in Group R-1 where they are connected to an emergency electrical system.

(F)907.2.10.4 Interconnection. Where more than one alarm is required to be installed with an individual dwelling unit in Group R-2, R-3, or R-4, or within an individual sleeping unit in Group R-1, the alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Approved combination smoke and carbon-monoxide detectors shall be permitted.

(F)907.2.10.5 Acceptance testing. When the installation of the alarm devices is complete, each detector and interconnecting wiring for multiple-station alarm devices shall be tested in accordance with the household fire warning equipment provisions of NFPA 72 and NFPA 720, as applicable.

(27) In Section 1007.3 a new exception 6 is added as follows:

6. Areas of refuge are not required at exit stairways in buildings or facilities equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and, in addition, one of the following is provided:

6.1 An accessible wheelchair space of at least 30 inches by 48 inches is provided within an enlarged floor-level landing of a vertical exit enclosure and such space does not encroach on the required egress width; or

6.2 An elevator in accordance with Section 1007.4; or

6.3 The building is equipped throughout with a smoke control system in accordance with Section 909.

(28) In Section 1007.4 the word "exception" is changed to "exception 1" and an exception 2 is added as follows:

2. Elevators are not required to be accessed from an area of refuge or horizontal exit in buildings or facilities equipped throughout with an automatic fire sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and, in addition, one of the following is provided:

2.1 Elevators are accessed from a lobby large enough to accommodate an accessible wheelchair space and separated from the remainder of the building by a smoke partition constructed in accordance with Section 710; or

2.2 An exit stairway in accordance with Section 1007.3; or

2.3 The building is equipped throughout with a smoke control system in accordance with Section 909.

(27) In Section 1008.1.8.3, a new subparagraph (5) is added as follows:

(5) Doors in Group I-1 and I-2 occupancies, where the clinical needs of the patients require specialized security measures for their safety, approved access controlled egress may be installed when all the following are met:

5.1 The controlled egress doors shall unlock upon activation of the automatic fire sprinkler system or automatic fire detection system.

5.2 The facility staff can unlock the controlled egress doors by either sensor or keypad.

5.3 The controlled egress doors shall unlock upon loss of power.

. . . . . .

KEY: contractors, building codes, building inspection, licensing
Date of Enactment or Last Substantive Amendment: [~~March 27,~~]2007
Notice of Continuation: March 29, 2007
Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-56-1; 58-56-4(2); 58-56-6(2)(a)

Health, Children's Health Insurance Program
R382-1
Benefits and Administration

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29872
FILED: 04/26/2007, 16:15

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The State Plan for the Children's Health Insurance Program (CHIP) was changed in July 2006. This rulemaking is necessary to update the rule so that it correctly reflects the State Plan.

SUMMARY OF THE RULE OR CHANGE: This change corrects the reference to the section in the State Plan where benefits are described. It also clarifies that in order to receive CHIP benefits, children must enroll in one of the managed care organizations that contracts with the Department of Health.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-18-3 and 26-1-5

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Section 6.2 of the State Plan for the Children's Health Insurance Program, July 1, 2005 ed.; and Section 8 of the State Plan for the Children's Health Insurance Program, July 1, 2005 ed.

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There is no budget impact because this amendment only reflects changes in the State Plan.
❖ LOCAL GOVERNMENTS: There is no budget impact because local governments do not fund or provide CHIP benefits.
❖ OTHER PERSONS: There is no budget impact because this amendment only reflects changes in the State Plan.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this amendment only reflects changes in the State Plan.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These technical changes to the rule to conform to the Medicaid state plan should not have a fiscal impact on business. David N. Sundwall, MD, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
CHILDREN'S HEALTH INSURANCE PROGRAM
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:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: David N. Sundwall, Executive Director

R382. Health, Children's Health Insurance Program.
R382-1. Benefits and Administration.
R382-1-1. Authority and Purpose.

This rule implements the Children's Health Insurance Program under Title XXI of the Social Security Act, as adopted in the state under Title 26, Chapter 40 of the Utah Code. It is authorized by Section 26-40-103.

R382-1-3. Nature of Program and Benefits.

(1) The Children's Health Insurance Program provides reimbursement to medical providers for services rendered to a child who meets the eligibility requirements and application requirements of R382-10. The Children's Health Insurance Program provides limited benefits as described in this rule. The Department provides reimbursement coverage under the program only for benefits and levels of coverage for each program benefit:

(a) as provided in rule governing the Children's Health Insurance Program;

(b) as described and limited in [~~the Attachment B benefit plan~~]Section 6.2 of the State Plan for the Children's Health Insurance Program, [~~1998~~]July 1, 2005 ed., which is adopted and incorporated by reference, and all applicable laws and rules[~~;~~].

[~~(c) to the extent that it has agreed to reimburse providers with whom it contracts to provide services; and~~

~~(d) as limited in provider manuals that form part of its contracts with providers.~~

] (2) The Children's Health Insurance Program is not health insurance. A relationship with the Department as the insurer and the enrollee as the insured is not created under the program.

R382-1-4. Limitation of Abortion Benefits.

Abortion is a covered benefit only if necessary to save the life of the mother.

R382-1-5. Providers.

[~~(1) The Department shall reimburse only providers who contract with the Department to provide services under the program.~~

~~(2)~~]The Department [~~may~~]requires a child to enroll in [~~a health maintenance organization or other~~]one of the managed care organizations that contracts with the Department under the program.

R382-1-6. Reimbursement.

(1) The Department shall reimburse only for benefits as limited in [~~provider manuals that form part of~~]its contracts with [~~providers~~]the managed care organizations.[

~~(2) The Department shall reimburse providers according to the fee schedule or schedules that are made part of its contracts with providers.~~]

([~~3~~]2) Payment for services by the [~~Department~~]contracted managed care organization and enrollee co-payment, if any, constitutes full payment for services. A provider may not bill or collect any additional monies for services rendered[~~, pursuant to a contract to provide services under the Children's Health Insurance Program~~].

R382-1-7. Cost Sharing.

A provider may require an enrollee to pay a co-payment equal to that listed in Section 8 of the State Plan for the Children's Health Insurance Program, July 1, [~~1998~~]2005 ed., which is adopted and incorporated by reference.

R382-1-8. Grievances and Appeals.

(1) An applicant or enrollee may request an agency conference at any time to resolve a problem without requesting an agency action under the Utah Administrative Procedures Act.

(a) Agency conferences may be held at the discretion of the Department.

(b) A representative authorized in writing may participate in the agency conference.

(c) The Department may conduct an agency conference by telephone if the applicant or enrollee does not object.

(2) The enrollee, the enrollee's parent(s), or representative authorized in writing by the enrollee or the enrollee's parent(s) may request an agency action. An applicant, the applicant's parent(s), or representative authorized in writing by the applicant or the applicant's parent(s) may request an agency action.

(a) Any request for agency action must be in writing clearly stating a desire to commence an agency proceeding, delivered or mailed to the Department, Department of Workforce Services, or the local [~~Bureau of Eligibility Services~~]eligibility [~~O~~]office. The request

must be mailed within 90 days of the Department's action or initial decision.

(b) Proceedings pursuant to requests for agency action under the Children's Health Insurance Program are designated as formal proceedings.

(c) An applicant's or enrollee's authorized representative may participate in the administrative proceedings before the Department.

(d) The Department may conduct the administrative proceeding, including any hearings, telephonically or by other similar means if the applicant or enrollee does not object.

(e) The enrollee may choose not to accept the continued benefits that the Department offers pending an administrative decision.

(f) The Department need not conduct a hearing if the sole issue is one of state or federal law or policy.

(3) [~~A enrollee enrolled in a health maintenance organization or other managed care organization that contracts with the Department under the program to provide services~~]Enrollees must exhaust [~~his~~]grievance remedies with the [~~health maintenance organization or other~~]managed care organization before [~~he~~]they can request an agency action.

KEY: children's health benefits[~~*~~]
Date of Enactment or Last Substantive Amendment: [~~July 14, 1998~~|2007]
Notice of Continuation: June 9, 2003
Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-40-103

♦ ♦

Health, Children's Health Insurance Program
R382-10
Eligibility

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29873
FILED: 04/26/2007, 16:26

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment is necessary to increase quarterly premiums for coverage under the Children's Health Insurance Program (CHIP) and to exempt taxable interest and dividend income if a household expects to receive less than $500 per year.

SUMMARY OF THE RULE OR CHANGE: This amendment increases quarterly premium amounts approved during the 2007 General Session of the Utah Legislature (H.B. 150). It also exempts taxable interest and dividend income if a household expects to receive less than $500 per year. (DAR NOTE: H.B. 150 (2007) is found at Chapter 371, Laws of Utah 2007, and will be effective 07/01/2007.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5 and 26-40-103

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This amendment allows the Department to collect an additional $1,084,540 in quarterly premiums. By increasing the enrollee's share of the cost, CHIP can use existing budget to cover rising health care costs.

❖ LOCAL GOVERNMENTS: There is no budget impact because local governments do not fund or provide CHIP benefits.

❖ OTHER PERSONS: CHIP families with income above 100% of the federal poverty level (FPL) pay an additional $1,084,540 in quarterly premiums, which allows CHIP to use existing budget to cover rising health care costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A single family with income between 100% and 150% of the FPL pays $68 more per year in quarterly premiums. A single family with income from 151% to 200% of the FPL pays $140 more per year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rising health care costs necessitate this increase in cost sharing by the recipients of this service. Fiscal impact on business is not anticipated. David N. Sundwall, MD, Executive Director

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

HEALTH
CHILDREN'S HEALTH INSURANCE PROGRAM
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:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@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 06/14/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 5/24/2007 at 5:00 PM, Cannon Health Building, 288 N 1460 W, Room 114, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: David N. Sundwall, Executive Director

R382. Health, Children's Health Insurance Program.
R382-10. Eligibility.
R382-10-13. Income Provisions.

To be eligible to enroll in the Children's Health Insurance Program, gross household income must be equal to or less than 200% of the federal non-farm poverty guideline for a household of equal size. All gross income, earned and unearned, received by the parents and stepparents of any child who is included in the household size, is

counted toward household income, unless this section specifically describes a different treatment of the income.

(1) The Department does not count income that is defined in 20 CFR 416(K) Appendix, 2006 edition, which is adopted and incorporated by reference.

(2) Any income in a trust that is available to, or is received by a household member, is countable income.

(3) Payments received from the Family Employment Program, General Assistance, or refugee cash assistance or adoption support services as authorized under Title 35A, Chapter 3 is countable income.

(4) Rental income is countable income. The following expenses can be deducted:

(a) taxes and attorney fees needed to make the income available;

(b) upkeep and repair costs necessary to maintain the current value of the property;

(c) utility costs only if they are paid by the owner; and

(d) interest only on a loan or mortgage secured by the rental property.

(5) Deposits to joint checking or savings accounts are countable income, even if the deposits are made by a non-household member. An applicant or enrollee who disputes household ownership of deposits to joint checking or savings accounts shall be given an opportunity to prove that the deposits do not represent income to the household. Funds that are successfully disputed are not countable income.

(6) Cash contributions made by non-household members are counted as income unless the parties have a signed written agreement for repayment of the funds.

(7) The interest earned from payments made under a sales contract or a loan agreement is countable income to the extent that these payments will continue to be received during the eligibility period.

(8) In-kind income, which is goods or services provided to the individual from a non-household member and which is not in the form of cash, for which the individual performed a service or is provided as part of the individual's wages is counted as income. In-kind income for which the individual did not perform a service or did not work to receive is not counted as income.

(9) SSI and State Supplemental Payments are countable income.

(10) Death benefits are not countable income to the extent that the funds are spent on the deceased person's burial or last illness.

(11) A bona fide loan that an individual must repay and that the individual has contracted in good faith without fraud or deceit, and genuinely endorsed in writing for repayment is not countable income.

(12) Child Care Assistance under Title XX is not countable income.

(13) Reimbursements of Medicare premiums received by an individual from Social Security Administration or the Department are not countable income.

(14) Needs-based Veteran's pensions are not counted as income. If the income is not needs-based, only the portion of a Veteran's Administration check to which the individual is legally entitled is countable income.

(15) Income of a child is excluded if the child is not the head of a household.

(16) Educational income such as educational loans, grants, scholarships, and work-study programs are not countable income. The individual must verify enrollment in an educational program.

(17) Reimbursements for expenses incurred by an individual are not countable income.

(18) Any payments made to an individual because of his status as a victim of Nazi persecution as defined in Pub. L. No. 103-286 are not countable income, including payments made by the Federal Republic of Germany, Austrian Social Insurance payments, and Netherlands WUV payments.

(19) Victim's Compensation payments as defined in Pub. L. No. 101-508 are not countable income.

(20) Disaster relief funds received if a catastrophe has been declared a major disaster by the President of the United States as defined in Pub. L. No. 103-286 are not countable income.

(21) Income of an alien's sponsor or the sponsor's spouse, is not countable income.

(22) If the household expects to receive less than $500 per year, taxable interest and dividend income are not countable income.

R382-10-21. Quarterly Premiums.

(1) Each family with children enrolled in the CHIP program must pay a quarterly premium based on the countable income of the family during the first month of the quarter.

(a) A family whose countable income is equal to or less than 100% of the federal poverty level or who are American Indian pays no premium.

(b) A family with countable income greater than 100% and up to 150% of the federal poverty level must pay a quarterly premium of $[~~13~~]30.

(c) A family with countable income greater than 150% and up to 200% of the federal poverty level must pay a quarterly premium of $[~~25~~]60.

(2) A family who does not pay its quarterly premium by the premium due date will be terminated from CHIP. Coverage may be reinstated when any of the following events occur:

(a) The family pays the premium by the last day of the month immediately following the termination;

(b) The family's countable income decreased to below 100% of the federal poverty level prior to the first month of the quarter.

(c) The family's countable income decreases prior to the first month of the quarter and the family owes a lower premium amount. The new premium must be paid within 30 days.

(3) A family who was terminated from CHIP who reapplies within one year of the termination date, must pay any outstanding premiums before the children can be re-enrolled.

KEY: children's health benefits
Date of Enactment or Last Substantive Amendment: 2007
Notice of Continuation: June 10, 2003
Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-40

♦ ♦

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-2A-7

Limitations

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29868
FILED: 04/26/2007, 16:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment is necessary to clarify Medicaid policy regarding hyperbaric oxygen therapy services.

SUMMARY OF THE RULE OR CHANGE: This change specifies that only a level one facility accredited by the Undersea and Hyperbaric Medical Society may provide hyperbaric oxygen therapy.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-18-3 and 26-1-5

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is an estimated annual savings of $22,395 to the General Fund and $52,605 in federal funds that results from the companion filings of Sections R414-2A-7 and R414-3A-6. (DAR NOTE: The proposed amendment to Section R414-3A-6 is under DAR No. 29869 in this issue, May 15, 2007, of the Bulletin.)

❖ LOCAL GOVERNMENTS: There is no budget impact that results from the companion filings of Sections R414-2A-7 and R414-3A-6, because local governments do not fund hyperbaric oxygen therapy services.

❖ OTHER PERSONS: Providers lose an estimated $75,000 in annual revenue, which results from the companion filings of Sections R414-2A-7 and R414-3A-6.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Five current providers may lose up to $15,000 each in annual revenue, unless they achieve the required accreditation proposed in the companion filings of Sections R414-2A-7 and R414-3A-6.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department believes that requiring this accreditation of providers is appropriate to assure quality care for Medicaid recipients and that the fiscal impact on business is justified. David N. Sundwall, MD, Executive Director

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
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:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: David N. Sundwall, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-2A. Inpatient Hospital Services.
R414-2A-7. Limitations.

(1) Inpatient admissions for 24 hours or more solely for observation or diagnostic evaluation do not qualify for reimbursement under the DRG system.

(2) Inpatient hospital care for treatment of alcoholism or drug dependency is limited to medical treatment of symptoms associated with drug or alcohol detoxification.

(3) Abortion procedures must first be reviewed and preauthorized by the Department as meeting the requirements of Utah Code 26-18-4 and 42 CFR 441.203.

(4) Sterilization and hysterectomy procedures must first be reviewed and preauthorized by the Department as meeting the requirements of 42 CFR 441, Subpart F.

(5) Organ transplant services are governed by R414-10A, Transplant Services Standards.

(6) Take home supplies, dressings, non-rental durable medical equipment, and drugs are reimbursed as part of payment under the DRG.

(7) Hyperbaric oxygen therapy is limited to service in a hospital facility in which the hyperbaric unit [~~has been~~]is accredited [~~or approved~~]as a level one facility by the Undersea and Hyperbaric Medical Society.

(8) Inpatient services solely for pain management do not qualify for reimbursement under the DRG system. Pain management is adjunct to other Medicaid services.

(9) Medicaid does not cover inpatient admissions for the treatment of eating disorders.

(10) Physician services provided by a physician who is paid by a hospital are inpatient services reimbursed as part of payment billed on a 1500 form. Payment for physician services provided by providers who are not paid by the hospital is governed by R414-10, Physician Services.

(11) Inpatient rehabilitation services must first be reviewed and preauthorized.

(12) Inpatient psychiatric services not covered by mental health contractual agreements must first be reviewed and preauthorized by the Department to assure that the admission meets the requirements of 42 CFR 412.27 and Part 441, Subpart D.

KEY: Medicaid
Date of Enactment or Last Substantive Amendment: [~~March 3, 2006~~]2007
Notice of Continuation: November 26, 2002
Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3; 26-18-3.5

♦ ♦

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-3A-6
Services

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29869
FILED: 04/26/2007, 16:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment is necessary to clarify Medicaid policy regarding hyperbaric oxygen therapy services.

SUMMARY OF THE RULE OR CHANGE: This change specifies that only a level one facility accredited by the Undersea and Hyperbaric Medical Society may provide hyperbaric oxygen therapy.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-18-3 and 26-1-5

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is an estimated annual savings of $22,395 to the General Fund and $52,605 in federal funds that results from the companion filings of Sections R414-2A-7 and R414-3A-6. (DAR NOTE: The proposed amendment to Section R414-2A-7 is under DAR No. 29868 in this issue, May 15, 2007, of the Bulletin.)

❖ LOCAL GOVERNMENTS: There is no budget impact that results from the companion filings of Sections R414-2A-7 and R414-3A-6, because local governments do not fund hyperbaric oxygen therapy services.

❖ OTHER PERSONS: Providers lose an estimated $75,000 in annual revenue, which results from the companion filings of Sections R414-2A-7 and R414-3A-6.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Five current providers may lose up to $15,000 each in annual revenue, unless they achieve the required accreditation proposed in the companion filings of Sections R414-2A-7 and R414-3A-6.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department believes that requiring this accreditation of providers is appropriate to assure quality care for Medicaid recipients and that the fiscal impact on business is justified. David N. Sundwall, MD, Executive Director

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
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:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: David N. Sundwall, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-3A. Outpatient Hospital Services.
R414-3A-6. Services.

(1) Services appropriate in the outpatient hospital setting for adequate diagnosis and treatment of a client's illness are limited to less than 24 hours and encompass medically necessary diagnostic, therapeutic, rehabilitative, or palliative medical services and supplies ordered by a physician or other practitioner of the healing arts.

(2) Outpatient hospital services include:

(a) the service of nurses or other personnel necessary to complete the service and provide patient care during the provision of service;

(b) the use of hospital facilities, equipment, and supplies; and

(c) the technical portion of clinical laboratory and radiology services.

(3) Laboratory services are limited to tests identified by the Centers for Medicare and Medicaid Services (CMS) where the individual laboratory is CLIA certified to provide, bill and receive Medicaid payment.

(4) Cosmetic, reconstructive, or plastic surgery is limited to:

(a) correction of a congenital anomaly;

(b) restoration of body form following an injury; or

(c) revision of severe disfiguring and extensive scars resulting from neoplastic surgery.

(5) Abortion procedures are limited to procedures certified as medically necessary, cleared by review of the medical record, approved by division consultants, and determined to meet the requirements of Utah Code 26-18-4 and 42 CFR 441.203.

(6) Sterilization procedures are limited to those that meet the requirements of 42 CFR 441, Subpart F.

(7) Nonphysician psychosocial counseling services are limited to evaluations and may be provided only through a prepaid mental health plan by a licensed clinical psychologist for:

(a) mentally retarded persons;

(b) cases identified through a CHEC/EPSDT screening; or

(c) victims of sexual abuse.

(8) Outpatient individualized observation of a mental health patient to prevent the patient from harming himself or others is not covered.

(9) Sleep studies are available only in a sleep disorder center accredited by the American Academy of Sleep Medicine.

(10) Hyperbaric Oxygen Therapy is limited to service in a hospital facility in which the hyberbaric unit [~~has been~~]is accredited [~~or approved~~]as a level one facility by the Undersea and Hyperbaric Medical Society.

(11) Lithotripsy is covered by an all-inclusive fixed fee. This payment covers all hospital and ambulatory surgery-related services for lithotripsy on the same kidney for 90 days, including repeat treatments. Lithotripsy for treatment of the other kidney is a separate service.

(12) Reimbursement for services in the emergency department is limited to codes and diagnoses that are medically necessary emergency

services as described in the provider manual. The diagnosis reflecting the primary reason for emergency services must be used and must be one of the first five diagnoses listed on the claim form.

(13) Take home supplies and durable medical equipment are not reimbursable.

(14) Prescriptions are not a covered Medicaid service for a client with the designation "Emergency Services Only Program" printed on the Medicaid Identification Card.

KEY: Medicaid
Date of Enactment or Last Substantive Amendment: [~~July 25, 2006~~]2007
Notice of Continuation: November 26, 2002
Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-2.3; 26-18-3(2); 26-18-4

♦ ♦

Health, Health Care Financing, Coverage and Reimbursement Policy

R414-401-3

Assessment

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29908
FILED: 05/01/2007, 17:35

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 2007 Utah Legislature increased appropriations (H.B. 150) for this program which necessitates an increase to the assessment on Medicaid beds in nursing facilities. This rule implements that assessment increase. (DAR NOTE: H.B. 150 (2007) is found at Chapter 371, Laws of Utah 2007, and will be effective 07/01/2007.)

SUMMARY OF THE RULE OR CHANGE: In Subsection R414-401-3(2), nonintermediate care facilities for the mentally retarded are assessed at the uniform rate of $8.96 per patient day, which is an increase from the previous $6.18 per patient day assessment. This change becomes effective 07/01/2007. This increase allows for the draw down of additional federal funds to the benefit of the nursing home industry.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Budget neutral due to collection of $4,100,000 from nursing and swing bed facilities and a draw down of federal matching funds in the amount of approximately $10,200,000.

❖ LOCAL GOVERNMENTS: Local hospitals with swing beds will see increased revenue due to increased federal funding. This funding will be applied for swing bed reimbursement rates beginning in calendar year 2008. Inasmuch as swing beds are variable, it is not possible to determine the additional funding that will be made available to these facilities.

❖ OTHER PERSONS: There is an enhanced revenue of approximately $14,300,000 for nursing facility providers as a result of federal matching funds. In addition, there is an estimated cost of $332,873 to non-Medicaid certified facilities, based on four facilities and an estimated number of 37,151 patient days.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs include an increased collection of $2.78 per non-Medicare patient day from each nursing facility or a total of $4,100,000. This collection will be used as state funds to draw down about $14,300,000 in federal funds. All Medicaid certified nursing and swing bed facilities will gain from this process. The amount of gain depends on the number of Medicaid patients in the facility. In addition, there is an average cost of $83,218 to a single non-Medicaid certified facility.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Facilities that accept Medicaid patients will see an increase in revenue. David N. Sundwall, MD, Executive Director

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
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:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: David N. Sundwall, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-401. Nursing Care Facility Assessment.
R414-401-3. Assessment.

(1) The collection agent for the nursing care facility assessment shall be the Department, which is vested with the administration and enforcement of the assessment.

(2) The uniform rate of assessment for every facility is [~~$6.18~~]$8.96 per non-Medicare patient day provided by the facility, except that intermediate care facilities for the mentally retarded shall be assessed at the uniform rate of $5.52 per patient day. Swing bed facilities shall be assessed the uniform rate for nursing facilities effective January 1, 2006. The Utah State Veteran's Home is exempted from this assessment and this rule.

(3) Each nursing care facility must pay its assessment monthly on or before the last day of the next succeeding month.

(4) The Department shall extend the time for paying the assessment to the next month succeeding the federal approval of a Medicaid State Plan Amendment allowing for the assessment, and consequent reimbursement rate adjustments.

KEY: Medicaid, nursing facility
Date of Enactment or Last Substantive Amendment: [~~July 1, 2005~~]2007
Authorizing, and Implemented or Interpreted Law: 26-1-30; 26-35a

Health, Health Care Financing, Coverage and Reimbursement Policy
R414-504
Nursing Facility Payments

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29907
FILED: 05/01/2007, 17:30

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rulemaking is necessary to simplify and improve the accuracy of nursing facility rate calculations.

SUMMARY OF THE RULE OR CHANGE: This amendment defines the use of Medicaid operational bed capacity and weighted Medicaid banked beds, provides a cap to the Fair Rental Value reimbursement portion of the daily rate, includes additional payment withholding for failure to respond in a timely manner to audit findings, increases the Nursing Facility Quality Improvement Incentive monies, adds new state fiscal year 2008 Nursing Facility Quality Incentive programs, adds a new Quality Improvement Incentive for Intermediate Care Facilities for the Mentally Retarded (ICF/MR), and includes other minor clarifications.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-18-3 and 26-1-5

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no budget impact to the state budget due to the clarifications to the Fair Rental Value calculation amendments because the change does not alter the overall amount of state and federal funds that regulated health care facilities receive. The quality improvement incentive funds for Medicaid nursing facilities are reserved from the Medicaid base funding. The quality improvement incentive provisions of the amendments may impact the state budget used to reimburse nursing facilities to the extent that individual nursing facilities do not take advantage of the quality improvement incentives. The Department cannot determine how many Medicaid nursing facilities will qualify for the quality improvement incentives and, therefore, cannot estimate the impact to the state budget because of the quality improvement incentive programs.

❖ LOCAL GOVERNMENTS: There is no budget impact to local government due to the clarifications to the Fair Rental Value calculation amendments because the change does not alter the overall amount of state and federal funds that regulated health care facilities receive. Further, there is only a small possibility that the few government-owned facilities that currently operate will see a negative impact on the payments they receive. The Department cannot determine how many Medicaid nursing facilities will take advantage of the quality improvement incentives and, therefore, cannot estimate the impact to local governments because of the quality improvement incentive programs.

❖ OTHER PERSONS: There is no budget impact to other persons due to the clarifications to the Fair Rental Value calculation amendments because the change does not alter the overall amount of state and federal funds that regulated health care facilities receive. As the overall pay out amount remains the same for these facilities, there is a possibility that some facilities will see a negative impact on the payments they receive. Nevertheless, this change positively affects payments for the majority of the facilities. The Department cannot determine how many Medicaid nursing facilities will take advantage of the quality improvement incentives and, therefore, cannot estimate the impact to Medicaid nursing facilities because of the quality improvement incentive programs. These changes will have no impact on individual Medicaid nursing facility residents.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Most facilities will not be impacted by the Fair Rental Value cap. While it is difficult to estimate how a particular nursing facility will manage its banked beds, assuming no changes from past practices and using currently available data, there will be approximately seven facilities that will receive approximately $2.56 less per Medicaid patient day. A Medicaid nursing facility (non-ICF/MR) that does not take advantage of all of the quality improvement incentives may experience an annual loss of potential Medicaid payments of $471.02 per Medicaid certified bed. An ICF/MR that does not take advantage of and qualify for the quality improvement incentive may experience a loss of potential Medicaid payments of approximately $0.99 per Medicaid patient day. These changes will have no impact on individual Medicaid nursing facility residents.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: These rule changes should have a positive impact on incentives a facility will have to improve the facility by qualifying for higher reimbursement. This should have a positive fiscal impact on businesses. David N. Sundwall, MD, Executive Director

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
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:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: David N. Sundwall, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.
R414-504. Nursing Facility Payments.
R414-504-2. Definitions.

The definitions in R414-1-2 and R414-501-2 apply to this rule. In addition:

(1) "Behaviorally complex resident" means a long-term care resident with a severe, medically based behavior disorder, including traumatic brain injury, dementia, Alzheimer's, Huntington's Chorea, which causes diminished capacity for judgment, retention of information or decision-making skills, or a resident, who meets the Medicaid criteria for nursing facility level of care and who has a medically-based mental health disorder or diagnosis and has a high level resource use in the nursing facility not currently recognized in the case mix.

(2) "Case Mix Index" means a score assigned to each facility based on the average of the Medicaid patients' RUGS scores for that facility.

(3) "Facility Case Mix Rate" means the rate the Department issues to a facility for a specified period of time. This rate utilizes the case mix index for a provider, labor wage index application and other case mix related costs.

(4) "FCP" means the Facility Cost Profile report filed by the provider on an annual basis.

(5) "Minimum Data Set" (MDS) means a set of screening, clinical and functional status elements, including common definitions and coding categories, that form the foundation of the comprehensive assessment for all residents of long term care facilities certified to participate in Medicaid.

(6) "Nursing Costs" means the most current costs from the annual FCP report reported on lines 070-012 Nursing Admin Salaries and Wages; 070-013 Nursing Admin Tax and Benefits; 070-040 Nursing Direct Care Salaries and Wages; 070-041 Nursing Direct Care Tax and Benefits, and 070-050 Purchased Nursing Services.

(7) "Nursing facility" or "facility" means a Medicaid-participating NF, SNF, or a combination thereof, as defined in 42 USC 1396r (a) (1988), 42 CFR 440.150 and 442.12 (1993), and UCA 26-21-2(15).

(8) "Patient day" means the care of one patient during a day of service, excluding the day of discharge.

(9) "Property costs" means the fair rental value (FRV) established by this rule.

(10) "RUGS" means the 34 RUG identification system based on the Resource Utilization Group System established by Medicare to measure and ultimately pay for the labor, fixed costs and other resources necessary to provide care to Medicaid patients. Each "RUG" is assigned a weight based on an assessment of its relative value as measured by resource utilization.

(11) "RUGS score" means a total number based on the individual RUGS derived from a resident's physical, mental and clinical condition, which projects the amount of relative resources needed to provide care to the resident. RUGS is calculated from the information obtained through the submission of the MDS data.

(12) "Sole community provider" means a facility that is not an urban provider and is not within 30 paved road miles of another existing facility and is the only facility:

(a) within a city, if the facility is located within the incorporated boundaries of a city; or

(b) within the unincorporated area of the county if it is located in an unincorporated area.

(13) "Urban provider" means a facility located in a county which has a population greater than 90,000 persons.

(14) "FRV Data Report" means a report that provides the Department with information relating to capital improvements to be included in the FRV calculation.

(15) "Banked beds" means beds that have been taken off-line by the provider, through the process defined by Utah Department of Health, Bureau of Facility Licensing, to reduce the operational capacity of the facility, but does not reduce the licensed bed capacity. This is used in the FRV calculation.

(16) "Medicaid operational bed capacity" means the number of beds remaining when the weighted Medicaid banked beds are subtracted from the facility's Medicaid certified beds.

(17) "Weighted Medicaid banked beds" means the facility's Medicaid certified beds divided by the facility's total licensed beds, which quotient is then multiplied by the facility's banked beds, rounded-down to the nearest whole number. For example, assume there is a facility with 180 licensed beds, 60 banked beds, and 156 Medicaid certified beds. The 156 Medicaid certified beds are divided by 180 total licensed beds, which equals 0.87, which is then multiplied by 60 banked beds, which equals 52 weighted Medicaid banked beds. The Medicaid operational bed capacity then becomes 156 Medicaid certified beds minus 52 weighted Medicaid banked beds, which equals 104 Medicaid operational beds.

R414-504-3. Principles of Facility Case Mix Rates and Other Payments.

The following principles apply to the payment of freestanding and provider based nursing facilities for services rendered to nursing care level I, II, and III Medicaid patients, as defined in R414-502. This rule does not affect the system for reimbursement for intensive skilled Medicaid patient add-on amounts.

(1) Approximately 59% of total payments in aggregate to nursing facilities for nursing care level I, II and III Medicaid patients are based on a prospective facility case mix rate. In addition, these facilities shall be paid a flat basic operating expense payment equal to approximately 29% of the total payments. The balance of the total payments will be paid in aggregate to facilities as required by R414-504-3 based on other authorized factors, including property and behaviorally complex residents, in the proportion that the facility qualifies for the factor.

(2) Each quarter, the Department shall calculate a new case mix index for each nursing facility. The case mix index is based on three months of MDS assessment data. The newly calculated case mix index is applied to a new rate at the beginning of a quarter according to the following schedule:

(a) January, February and March MDS assessments are used for July 1 rates.

(b) April, May and June MDS assessments are used for October 1 rates.

(c) July, August and September MDS assessments are used for January 1 rates.

(d) October, November and December MDS assessments are used for April 1 rates.

(3) MDS data is used in calculating each facility's case mix index. This information is submitted by each facility and, as such, each facility is responsible for the accuracy of its data. The Department may exclude inaccurate or incomplete MDS data from the calculation.

(4) MDS assessments for recipients who are eligible for the "Intensive Skilled" add-on are excluded from the case mix calculation. A facility with less than 20 percent of its total census days as Medicaid days, as reported on its FCP or FRV data report, is excluded from the state case mix average. The state average case mix index is used to set the rate for that facility.

(5) A facility may apply for a special add-on rate for behaviorally complex residents by filing a written request with the Division of Health Care Financing. The Department may approve an add-on rate if an assessment of the acuity and needs of the patient demonstrates that the facility is not adequately reimbursed by the RUGS score for that patient. The rate is added on for the specific resident's payment and is not subsumed as part of the facility case mix rate. Utah's Bureau of Health Facility Licensure Certification and Resident Assessment will make the determination as to qualification for any additional payment. The Division of Health Care Financing shall determine the amount of any add-on.

(6) Property costs are paid separately from the RUGS rate.

(7) Property costs shall be calculated once per year, each July 1, and reimbursed as a component of the facility rate based on an FRV System.

(a) Under this FRV system, the Department reimburses a facility based on the estimated current value of its capital assets in lieu of direct reimbursement for depreciation, amortization, interest, and rent or lease expenses. The FRV system establishes a nursing facility's bed value based on the age of the facility and total square footage.

(i) The initial age of each nursing facility used in the FRV calculation is determined as of September 15, 2004, using each facility's initial year of construction.

(ii) The age of each facility is adjusted each July 1 to make the facility one year older.

(iii) The age is reduced for replacements, major renovations, or additions placed into service since the facility was built, as reported on the FRV Data Report, provided there is sufficient documentation to support the historical changes.

(A) If a facility adds new beds, these new beds are averaged into the age of the original beds to arrive at the facility's age.

(B) If a facility completed a major renovation (defined as a project with capitalized cost equal to or greater than $500 per bed) or replacement project, the cost of the project is represented by an equivalent number of new beds.

(I) The renovation or replacement project must have been completed during a 24-month period and reported on an FRV Data Report for the reporting period used for the July 1 rate year and be related to the reasonable functioning of the nursing facility. Renovations unrelated to either the direct or indirect functioning of the nursing facility shall not be used to adjust the facility's age.

(II) The equivalent number of new beds is determined by dividing the cost of the project by the accumulated depreciation per bed of the facility's existing beds immediately before the project.

(III) The equivalent number of new beds is then subtracted from the total actual beds. The result is multiplied by the difference in the year of the completion of the project and the age of the facility, which age is based on the initial construction year or the last reconstruction or renovation project. The product is then divided by the actual number of beds to arrive at the number of years to reduce the age of the facility.

(b) A nursing facility's fair rental value per diem is calculated as follows:

As used in this subsection (b), "capital index" is the percent change in the nursing home "Per bed or person, total cost" row and "3/4" column as found in the two most recent annual R.S. Means Building Construction Cost Data as adjusted by the weighted average total city cost index for Salt Lake City, Utah.

(i) The buildings and fixtures value per licensed bed is $50,000, which is based upon a standard facility size of at least 450 square feet determined using the R.S. Means Building Construction Cost Data adjusted by the weighted average total city cost index for Salt Lake City, Utah. To this $50,000 is added 10% ($5,000) for land and 10% ($5,000) for movable equipment. Each nursing facility's total licensed beds are multiplied by this amount to arrive at the "total bed value." The total bed value is trended forward by multiplying it by the capital index and adding it to the total bed value to arrive at the "newly calculated total bed value." The newly calculated total bed value is depreciated, except for the portion related to land, at 1.50 percent per year according to the weighted age of the facility. The maximum age of a nursing facility shall be 35 years. Therefore, nursing facilities shall not be depreciated to an amount less than 47.50 percent or 100 percent minus (1.50 percent times 35) of the newly calculated bed value. There shall be no recapture of depreciation.

(ii) A nursing facility's annual FRV is calculated by multiplying the facility's newly calculated bed value times a rental factor. The rental factor is the sum of the 20-year Treasury Bond Rate as published in the Federal Reserve Bulletin using the average for the calendar year preceding the rate year and a risk value of three percent. Regardless of the result produced in this subsection (ii), the rental factor shall not be less than nine percent or more than 12 percent.

(iii) The facility's annual FRV is divided by the greater of:

(A) the facility's annualized actual resident days during the cost reporting period; and

(B) Seventy-five percent of the annualized Medicaid operational bed capacity of the facility; however, the Department recognizes banked beds only as reported in the most recent FRV Data Report. For example, banked beds as reported on the FRV Data Report for the period ending February 28th/29th would be incorporated in the following July 1 FRV calculation.

(iv) The FRV per diem determined under this fair rental value system shall be no lower than $8 and no greater than $22 per patient day.

(c) A pass-through component of the rate is applied and is calculated as follows:

(i) The nursing facility's per diem property tax and property insurance cost is determined by dividing the sum of the facility's allowable property tax and property insurance costs, as reported in the most recent FCP or FRV Data Report, as applicable, by the facility's actual total patient days.

(ii) For a newly constructed or newly certified facility that has not submitted an FCP or FRV Data Report that would be used in the rate period, the per diem property tax and property insurance is the state average daily property tax and property insurance cost of all facilities.

(8) Newly constructed or newly certified facilities' case mix component of the rate shall be paid using the average case mix index. This average case mix index remains in place until sufficient MDS data exist for the facility to calculate the case mix as described in R414-504-3(2). At the following quarter's rate setting, the Department shall issue a new case mix adjusted rate. The property payment to the facility is controlled by R414-504-3(7).

(9) An existing facility acquired by a new owner will continue at the same case mix index and property cost payment established for the facility under the previous ownership for the remainder of the quarter.

(a) The subsequent quarter's case mix index is established using the prior ownership facility MDS data until sufficient MDS data exist for the facility to calculate the case mix as described in R414-504-3(2).

(b) The property component is calculated for the facility at the beginning of the next state fiscal year, as noted in R414-504-3(7).

(10) A sole community provider that is financially distressed may apply for a payment adjustment above the case mix index established rate. The maximum increase will be 7.5% above the average of the most recent Medicaid daily rate for all Medicaid residents in all freestanding nursing facilities in the state. The maximum duration of this adjustment is for no more than a total of 12 months per facility in any five-year period.

(a) The application shall propose what the adjustment should be and include a financial review prepared by the facility documenting:

(i) the facility's income and expenses for the past 12 months; and

(ii) specific steps taken by the facility to reduce costs and increase occupancy.

(b) Financial support from the local municipality and county governing bodies for the continued operation of the facility in the community is a necessary prerequisite to an acceptable application. The Department, the facility and the local governing bodies may negotiate the amount of the financial commitment from the governing bodies, but in no case may the local commitment be less than 50% of the state share required to fund the proposed adjustment. Any continuation of the adjustment beyond 6 months requires a local commitment of 100% of the state share for the rate increase above the base rate. The applicant shall submit letters of commitment from the applicable municipality or county, or both, committing to make an intergovernmental transfer for the amount of the local commitment.

(i) If the governmental agency receives donations in order to provide the financial contribution, it must document that the donations are "bona fide" as set forth in 42 CFR 433.54.

(c) The Department may conduct its own independent financial review of the facility prior to making a decision whether to approve a different payment rate.

(d) If the Department determines that the facility is in imminent peril of closing, it may make an interim rate adjustment for up to 90 days.

(e) The Department's determination shall be based on maintaining access to services and maintaining economy and efficiency in the Medicaid program.

(f) If the facility desires an adjustment for more than 90 days, it must demonstrate that:

(i) the facility has taken all reasonable steps to reduce costs, increase revenue and increase occupancy;

(ii) despite those reasonable steps the facility is currently losing money and forecast to continue losing money; and

(iii) the amount of the approved adjustment will allow the facility to meet expenses and continue to support the needs of the community it serves, without unduly enriching any party.

(g) If the Department approves an interim or other adjustment, it shall notify the facility when the adjustment is scheduled to take effect and how much contribution is required from the local governing bodies. Payment of the adjustment is contingent on the facility obtaining a fully executed binding agreement with local governing bodies to pay the contribution to the Department.

(h) The Department may withhold or deny payment of the interim or other adjustment if the facility fails to obtain the required agreement prior to the scheduled effective date of the adjustment.

(11) A provider may challenge the rate set pursuant to this rule using the appeal in R410-14. This applies to which rate methodology is used as well as to the specifics of implementation of the methodology. A provider must exhaust administrative remedies before challenging rates in any other forum.

(12) In developing payment rates, the Department may adjust urban and non-urban rates to reflect differences in urban and non-urban labor costs. The urban labor costs reimbursement cannot exceed 106% of the non-urban labor costs. Labor costs are as reported on the most recent FCP but do not include FCP-reported management, consulting, director, and home office fees.

(13) The Department reimburses swing beds, transitional care unit beds, and small health care facility beds that are used as nursing facility beds, using the prior calendar year state-wide average of the daily nursing facility rate.

(14) Withholding of Title XIX payments

(a) The Department may withhold Title XIX payments from providers if:

(i) there is a shortage in a resident trust account managed by the facility;

(ii) the facility fails to submit a complete and accurate FCP as required by Utah State Plan Attachment 4.19-D, Section 332;

(iii) the facility fails to submit timely, accurate Minimum Data Set (MDS) data;

(iv) the facility owes money to the Division of Health Care Financing because of an overpayment, nursing care facility assessment, civil money penalty, or other offset[-]; or

(v) the facility fails to respond within ten business days to requests for information relating to desk review or audit findings relating to the facility's submitted FCP or FRV Data Report.

(b) For ongoing operations, the Department will provide a 30-day notice before withholding payments. The Department may immediately withhold Title XIX payments without giving 30-days notice if it believes the delay may jeopardize the recovery. The Department and provider may negotiate a repayment schedule acceptable to the Department for monies owed to the Department listed in subsection(a)(iv). The repayment schedule may not exceed 180 days.

(c) When the Department rescinds withholding of payments to a facility, it will resume payments according to the regular claims payment cycle. The Department will not issue special checks outside the regular claims payment cycle for any reason.

R414-504-4. Quality Improvement Incentive.

(1) Upon federal approval of the Nursing Care Facilities State Plan Amendment, funds in the amount of $[~~500,000~~]1,000,000 shall be set aside annually to reimburse non-ICF/MR facilities that have a quality improvement plan and have no violations that are at an "immediate jeopardy" level, as determined by the Department, at the

most recent re-certification survey and during the incentive period. The Department shall distribute incentive payments to qualifying facilities based on the proportionate share of the total Medicaid patient days in qualifying facilities. If a facility appeals the determination of a survey violation, the incentive payment will be withheld pending the final administrative appeal. On appeal, if violations are found not to have occurred at a severity level of "immediate jeopardy" or higher, the incentive payment will be paid to the facility. If the survey findings are upheld, the remaining incentive payments will be distributed to all qualifying facilities.

(2) A facility that receives a substandard quality of care level F, H, I, J, K, or L during the July 1 through June 30 incentive period is eligible for only 50% of the possible payout.

(3) In addition to the above incentive, funds in the amount of $3,406,000 shall be set aside in state fiscal year 2008 for use in state fiscal year 2008 for the following quality improvement initiatives:

(a) Incentive for facilities to purchase or enhance clinical information systems, which incorporate advanced technology into improved patient care, such as better integration, capture of more information at the point of care, more automated reminders, etc. Qualifying Medicaid providers may receive up to $108.02 for software and up to $90 for hardware for each Medicaid certified bed. The Medicaid certified bed count used for each facility for this incentive is the count as of July 1, 2007. The Department will establish qualifying criteria by rule prior to distributing this incentive.

(b) Incentive for facilities to improve their heating, ventilating, and air conditioning systems. Qualifying Medicaid providers may receive up to $162 for each Medicaid certified bed. The Medicaid certified bed count used for each facility for this incentive is the count as of July 1, 2007. The Department will establish qualifying criteria by rule prior to distributing this incentive.

(c) Incentive to encourage facilities to use innovative means to improve the residents' dining experience. Qualifying Medicaid providers may receive up to $111 for each Medicaid certified bed. The Medicaid certified bed count used for each facility for this incentive is the count as of July 1, 2007. The Department will establish qualifying criteria by rule prior to distributing this incentive.

(d) Applications and all supporting documentation must be received by June 8, 2008, for consideration.

R414-504-5. Reimbursement for Intermediate Care Facilities for the Mentally Retarded.

The following principles apply to the payment of community-based intermediate care facilities for the mentally retarded (ICF/MRs) that are licensed under Utah Code 26-21-13.5:

(1) The Department pays approximately 93% of the aggregate payments to ICF/MR s based on a prospective flat rate established in Utah State Plan Attachment 4.19-D. The Department pays the balance as a property cost component calculated by the Fair Rental Value system pursuant to R414-504-3.

(2) Funds in the amount of $200,000 shall be set aside annually for incentives to facilities that have a meaningful quality improvement plan and have demonstrated a means to measure that plan. In addition, the facility must have had no violations, as determined by the Department, that are at an immediate jeopardy level at the most recent re-certification survey and during the incentive period. The Department shall distribute incentive payments to qualifying facilities based on the proportionate share of the total Medicaid patient days in qualifying facilities. If a facility appeals the determination of a survey violation, the incentive payment will be withheld pending the final administrative appeal. On appeal, if violations are found not to have occurred at a severity level of immediate jeopardy or higher, the incentive payment will be paid to the facility. If the survey findings are upheld, the Department shall distribute the remaining incentive payments to all qualifying facilities.

KEY: Medicaid
Date of Enactment or Last Substantive Amendment: [~~July 1, 2006~~]2007
Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3; 26-35a

♦ ♦

Health, Health Care Financing, Medical Assistance Program
R420-1
Utah Medical Assistance Program

NOTICE OF PROPOSED RULE
(Repeal)
DAR FILE NO.: 29909
FILED: 05/01/2007, 17:40

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This repeal is necessary because the Utah Medical Assistance Program (UMAP) no longer exists. It was replaced by the the Primary Care Network (PCN) program that provides medically necessary care for low income clients who do not qualify for Medicaid.

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

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-18-3 and 26-1-5

ANTICIPATED COST OR SAVINGS TO:
- THE STATE BUDGET: There is no budget impact because the repeal of this rule only clarifies that UMAP no longer exists.
- LOCAL GOVERNMENTS: There is no budget impact because the repeal of this rule only clarifies that UMAP no longer exists.
- OTHER PERSONS: There is no budget impact because the repeal of this rule only clarifies that UMAP no longer exists.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no budget impact because the repeal of this rule only clarifies that UMAP no longer exists.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule repeal deals with a program that has not existed for many years. No impact on business. David N. Sundwall, MD, Executive Director

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

HEALTH
HEALTH CARE FINANCING,
MEDICAL ASSISTANCE PROGRAM
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:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: David N. Sundwall, Executive Director

R420. Health, Health Care Financing, Medical Assistance Program.
[~~R420-1. Utah Medical Assistance Program.~~
~~R420-1-1. Utah Medical Assistance Program.~~
~~(1) The Utah Medical Assistance Program (UMAP) is designed to provide medically necessary care to low income clients who are not eligible for Medicaid or Medicare.~~
~~(2) This rule is authorized under Section 26-18-10.~~
~~(3) To be eligible for UMAP services, clients must meet the criteria in R414-310.~~
~~(4) The scope of services covered by UMAP is limited to specialty care received during an authorized and donated hospital stay.~~

~~KEY: indigent, medicaid, UMAP~~
~~Date of Enactment or Last Substantive Amendment: July 2, 2002~~
~~Notice of Continuation: July 12, 2002~~
~~Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-10~~]

♦ ♦

Human Resource Management, Administration
R477-1
Definitions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29882
FILED: 04/30/2007, 09:55

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Amendments to this rule: delete definitions which are no longer needed; add new definitions and change current definitions to support amendments to other Department of Human Resource Management (DHRM) rules; add clarification at the request of Human Resources (HR) professionals to assist in the interpretation of policy in the field; and support changes to state policy in the application of federal law. Nonsubstantive changes are also made to correct references to rule and Utah code.

SUMMARY OF THE RULE OR CHANGE: Five definitions are deleted: Subsection R477-1-1(26), Contract Agency, is no longer needed because of changes to Title 67, Chapter 19, effective on 07/01/2006, which no longer require contract agencies; Subsection R477-1-1(53), Full time Equivalent (FTE), is replaced by two new definitions; Subsection R477-1-1(100), Reasonable Suspicion, is merged with Subsection R477-1-1(101), Reasonable Suspicion Drug and Alcohol Test; Subsection R477-1-1(117), Sexual Harassment, is no longer needed because issues in this area are dealt with as unlawful harassment which is covered by the definition in Subsection R477-1-1(121), Unlawful Harassment; and Subsection R477-1-1(122), Underfill, is no longer necessary as a rule with the consolidation of HR. There are two new definitions, Subsection Rules R477-1-1(2), Actual FTE, and Subsection R477-1-1(14), Budgeted FTE. These reflect an agreement reached earlier in the year between DHRM, the Division of Finance, Office of Planning and Budget, and the Legislative Fiscal Analyst on the use of these two terms. Several definitions were amended to add clarity or support policy changes in the body of DHRM rules. These include Subsection R477-1-1(1), Abandonment of Position; Subsection R477-1-1(21), Category of Work; Subsection R477-1-1(75), Market Comparability Adjustment; Subsection R477-1-1(100), Reasonable Suspicion Drug or Alcohol Test; Subsection R477-1-1(104), Reemployment; Subsection R477-1-1(111), RIF'd Individual; Subsection R477-1-1(119), Transfer; and Subsection R477-1-1(122), USERRA (Uniformed Services Employment and Reemployment Rights Act). All other amendments are nonsubstantive in nature.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 67-19-6

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: These definitions do not by themselves impose any action or commitment of resources by agencies. They merely support policy in the larger body of DHRM rules. There is therefore no anticipated fiscal impact to agencies with these changes.
❖ LOCAL GOVERNMENTS: This rule only affects the executive branch of state government and will have no impact on local governments.
❖ OTHER PERSONS: This rule only affects the executive branch of state government and will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule only affects agencies of the executive branch of state government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by DHRM

have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the Utah Personnel Management Act, Title 67, Chapter 19. This act limits the provisions of career service and these rules to employees of the executive branch of state government. The only possible impact may be a very slight, indirect effect if an agency passes costs or savings on to business through fees. However, it is anticipated that the minimal costs associated with these changes will be absorbed by agency budgets and will have no effect on business. Jeff Herring, Executive Director

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

HUMAN RESOURCE MANAGEMENT
ADMINISTRATION
Room 2120 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:
Lyle Almond at the above address, by phone at 801-538-3391, by FAX at 801538-3081, or by Internet E-mail at lalmond@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: Jeff Herring, Executive Director

R477. Human Resource Management, Administration.
R477-1. Definitions.
R477-1-1. Definitions.

The following definitions apply throughout these rules unless otherwise indicated within the text of each rule.

(1) Abandonment of Position: An act of resignation resulting [~~from an employee's unexcused absence from work or failure to come to work for three consecutive days when the employee is capable, but does not properly notify his supervisor~~]when an employee is absent from work for three consecutive working days without approval.

(2) Actual FTE: The total number of full time equivalents based on actual hours paid in the state payroll system.

([~~2~~]3) Actual Hours Worked: Time spent performing duties and responsibilities associated with the employee's job assignments.

([~~3~~]4) Actual Wage: The employee's assigned salary rate in the central personnel record maintained by the Department of Human Resource Management.

([4]5) Administrative Leave: Leave with pay granted to an employee at management discretion that is not charged against the employee's leave accounts.

([~~5~~]6) Administrative Adjustment: A DHRM approved change of a position from one job to another job or salary range change for administrative purposes that is not based on a change of duties and responsibilities.

([~~6~~]7) Administrative Salary Decrease: A decrease in the current actual wage of one or more salary steps based on non-disciplinary administrative reasons determined by an agency head or commissioner.

([~~7~~]8) Administrative Salary Increase: An increase in the current actual wage of one or more salary steps based on special circumstances determined by an agency head or commissioner.

([~~8~~]9) Agency: An entity of state government that is:

(a) directed by an executive director, elected official or commissioner defined in [~~Chapter 67-22~~]Title 67, Chapter 22 or in other sections of the code ;

(b) authorized to employ personnel; and

(c) subject to DHRM rules.

([~~9~~]10) Agency Head: The executive director or commissioner of each agency or their designated appointee.

([~~10~~]11) Agency Management: The agency head and all other officers or employees who have responsibility and authority to establish, implement, and manage agency policies and programs.

([~~11~~]12) Appeal: A formal request to a higher level review for consideration of an unacceptable grievance decision.

([~~12~~]13) Appointing Authority: The officer, board, commission, person or group of persons authorized to make appointments in their agencies.

(14) Budgeted FTE: The total number of full time equivalents budgeted by the Legislature and approved by the Governor.

([~~13~~]15) Bumping: A procedure that may be applied prior to a reduction in force action (RIF). It allows employees with higher retention points to bump other employees with lower retention points as identified in the work force adjustment plan, as long as employees meet the eligibility criteria outlined in interchangeability of skills.

([~~14~~]16) Career Mobility: A time limited assignment of an employee to a position of equal or higher salary range for purposes of professional growth or fulfillment of specific organizational needs.

([~~15~~]17) Career Service Employee: An employee who has successfully completed a probationary period in a career service position.

([~~16~~]18) Career Service Exempt Employee: An employee appointed to work for an unspecified period of time or who serves at the pleasure of the appointing authority and may be separated from state employment at any time without just cause.

([~~17~~]19) Career Service Exempt Position: A position in state service exempted by law from provisions of competitive career service as prescribed in Section 67-19-15 and in Subsection R477-2-1(1).

([~~18~~]20) Career Service Status: Status granted to employees who successfully complete a probationary period for competitive career service positions.

([~~19~~]21) Category of Work: A job series within an agency that is designated by the agency head as having positions to be eliminated agency wide through a reduction in force. Category of work may be further reduced after review by DHRM as follows:

(a) a unit smaller than the agency upon providing justification and rationale for approval, for example:

(i) [~~low org~~]unit number;

(ii) cost centers;

(iii) geographic locations;

(iv) agency programs.

(b) positions identified by a set of essential functions, for example:

(i) position analysis data;

(ii) certificates;

(iii) licenses;

(iv) special qualifications;

(v) degrees that are required or directly related to the position.

([~~20~~]22) Certifying: The act of verifying the qualifications and availability of individuals on the hiring list. The number of individuals certified shall be based on standards and procedures established by the Department of Human Resource Management.

([~~21~~]23) Change of Workload: A change in position responsibilities and duties or a need to eliminate or create particular positions in an agency caused by legislative action, financial circumstances, or administrative reorganization.

([~~22~~]24) Classification Grievance: The approved procedure by which an agency or a career service employee may grieve a formal classification decision regarding the classification of a position.

([~~23~~]25) Classified Service: Positions that are subject to the classification and compensation provisions stipulated in Section 67-19-12[~~-of the Utah Code Annotated~~].

([~~24~~]26) Classification Study: A Classification review conducted by DHRM [~~or an approved contract agency,~~]under the rules outlined in Section R477-3-4. A study may include single or multiple job or position reviews.

([~~25~~]27) Compensatory Time: Time off that is provided to an employee in lieu of monetary overtime compensation.

[~~(26) Contract Agency: An agency with authority to perform specific HR functions as outlined in a formal delegation agreement with DHRM under authority of section 67-19-7.~~

] ([~~27~~]28) Contractor: An individual who is contracted for service, is not supervised by a state supervisor, but is responsible for providing a specified service for a designated fee within a specified time. The contractor shall be responsible for paying all taxes and FICA payments, and shall not accrue benefits.

([~~28~~]29) Corrective Action: A documented administrative action to address substandard performance of an employee as described in Section R477-10-2.

([~~29~~]30) Critical Incident Drug or Alcohol Test: A drug or alcohol test conducted on an employee as a result of the behavior, action, or inaction of an employee that is of such seriousness it requires an immediate intervention on the part of management.

([~~30~~]31) Demeaning Behavior: Any behavior which lowers the status, dignity or standing of any other individual.

([~~31~~]32) Demotion: A disciplinary action resulting in a reduction of an employee's current actual wage.

([~~32~~]33) Department: The Department of Human Resource Management.

([~~33~~]34) Derisive Behavior: Any behavior which insults, taunts, or otherwise belittles or shows contempt for another individual.

([~~34~~]35) Designated Hiring Rule: A rule promulgated by DHRM that defines which individuals on a certification are eligible for appointment to a career service position.

([~~35~~]36) DHRM: The Department of Human Resource Management.

([~~36~~]37) DHRM Approved Recruitment and Selection System: The state's recruitment and selection system, which is a centralized and automated computer system administered by the Department of Human Resource Management.

([~~37~~]38) Disability: Disability shall have the same definition found in the Americans With Disabilities Act (ADA) of 1990, 42 USC 12101 (1994); Equal Employment Opportunity Commission regulation, 29 CFR 1630 (1993); including exclusions and modifications.

([~~38~~]39) Disciplinary Action: Action taken by management under the rules outlined in Section R477-11.

([~~39~~]40) Discrimination: Unlawful action against an employee or applicant based on race, religion, national origin, color, sex, age, disability, protected activity under the anti-discrimination statutes, political affiliation, military status or affiliation, or any other non-merit factor, as specified by law.

([~~40~~]41) Dismissal: A separation from state employment for cause.

([~~41~~]42) Drug-Free Workplace Act: A 1988 congressional act, 34 CFR 85 (1993), requiring a drug-free workplace certification by state agencies that receive federal grants or contracts.

([~~42~~]43) Employee Personnel Files: For purposes of [~~Titles 67-18 and 67-19~~]Title 67, Chapters 18 and 19, the files maintained by DHRM and agencies as required by Section R477-2-[~~6~~]5. This does not include employee information maintained by supervisors.

([~~43~~]44) Employment Eligibility Certification: A requirement of the Immigration Reform and Control Act of 1986, 8 USC 1324 (1988) that employers verify the identity and eligibility of individuals for employment in the United States.

([~~44~~]45) "Escalator" Principle: Under the Uniformed Services Employment and Reemployment Rights Act (USERRA), returning veterans are entitled to return back onto their seniority escalator at the point they would have occupied had they not left state employment.

([~~45~~]46) Equal Employment Opportunity (EEO): Nondiscrimination in all facets of employment by eliminating patterns and practices of illegal discrimination.

([~~46~~]47) Excess Hours: A category of compensable hours separate and apart from compensatory or overtime hours that accrue at straight time only when an employee's actual hours worked, plus additional hours paid, exceed an employee's normal work period.

([~~47~~]48) Fair Employment Opportunity and Practice: Assures fair treatment of applicants and employees in all aspects of human resource administration without regard to age, disability, national origin, political or religious affiliation, race, sex, or any non-merit factor.

([~~48~~]49) Fitness For Duty Evaluation: Evaluation, assessment or study by a licensed professional to determine if an individual is able to meet the performance or conduct standards required by the position held, or is a direct threat to the safety of self or others.

([~~49~~]50) FLSA: Fair Labor Standards Act. The federal statute that governs overtime. See 29 USC 201 (1996).

([~~50~~]51) FLSA Exempt: Employees who are exempt from the Fair Labor Standards Act.

([~~51~~]52) FLSA Nonexempt: Employees who are not exempt from the Fair Labor Standards Act.

([~~52~~]53) Follow Up Drug or Alcohol Test: Unannounced drug or alcohol tests conducted for up to five years on an employee who has previously tested positive or who has successfully completed a voluntary or required substance abuse treatment program.[

~~(53) Full Time Equivalent (FTE): The budgetary equivalent of one full time position filled for one year.~~]

(54) Furlough: A temporary leave of absence from duty without pay for budgetary reasons or lack of work.

(55) Grievance: A career service employee's claim or charge of the existence of injustice or oppression, including dismissal from employment resulting from an act, occurrence, omission, condition, discriminatory practice or unfair employment practice not including position classification or schedule assignment.

(56) Grievance Procedures: The statutory process of grievances and appeals as set forth in Sections 67-19a-101 through 67-19a-408 and the rules promulgated by the Career Service Review Board.

(57) Gross Compensation: Employee's total earnings, taxable and nontaxable, as shown on the employee's paycheck stub.

(58) Hiring List: A list of qualified and interested applicants who are eligible to be considered for appointment or conditional appointment to a specific position.

(59) Hostile Work Environment: A work environment or work related situation where an individual suffers physical or emotional stress due to the unwelcome behavior of another individual which is motivated by race, religion, national origin, color, sex, age, disability or protected activity under the anti-discrimination statutes.

(60) HRE: Human Resource Enterprise; the state human resource management information system.

(61) Immediate Supervisor: The employee or officer who exercises direct authority over an employee and who appraises the employee's performance.

(62) Incompetence: Inadequacy or unsuitability in performance of assigned duties and responsibilities.

(63) Inefficiency: Wastefulness of government resources including time, energy, money, or staff resources or failure to maintain the required level of performance.

(64) Interchangeability of Skills: Employees are considered to have interchangeable skills only for those positions they have previously held successfully in Utah state government employment or for those positions which they have successfully supervised and for which they satisfy job requirements.

(65) Intern: An individual in a college degree program assigned to work in an activity where on-the-job training is accepted.

(66) Job: A group of positions similar in duties performed, in degree of supervision exercised or required, in requirements of training, experience, or skill and other characteristics. The same salary range and test standards are applied to each position in the group.

(67) Job Description: A document containing the duties, distinguishing characteristics, knowledge, skills, and other requirements for a job.

(68) Job Identification Number: A unique number assigned to a job by DHRM.

(69) Job Proficiency Rating: An average of the last three annual performance evaluation ratings used in reduction in force proceedings.

(70) Job Requirements: Skill requirements defined at the job level.

(71) Job Series: Two or more jobs in the same functional area having the same job class title, but distinguished and defined by increasingly difficult levels of duties and responsibilities and requirements.

(72) Legislative Salary Adjustment: A legislatively approved salary increase for a specific category of employees based on criteria determined by the Legislature.

(73) Malfeasance: Intentional wrongdoing, deliberate violation of law or standard, or mismanagement of responsibilities.

(74) Market Based Bonus: One time lump sum monies given to a new hire or a current employee to encourage employment with the state.

(75) Market Comparability Adjustment: Legislatively approved [~~reallocation~~]change to [~~of~~]a salary range for a job or to an employee's actual wage based on a compensation survey conducted by DHRM.

(76) Merit Increase: A legislatively approved and funded salary increase for employees to recognize and reward successful performance.

(77) Misfeasance: The improper or unlawful performance of an act that is lawful or proper.

(78) Nonfeasance: Failure to perform either an official duty or legal requirement.

(79) Performance Evaluation: A formal, periodic evaluation of an employee's work performance.

(80) Performance Evaluation Date: The date when an employee's performance evaluation shall be conducted. An evaluation shall be conducted at least once during the probationary period and no less than once annually thereafter consistent with the common review date.

(81) Performance Management: The ongoing process of communication between the supervisor and the employee which defines work standards and expectations, and assesses performance leading to a formal annual performance evaluation.

(82) Performance Plan: A written summary of the standards and expectations required for the successful performance of each job duty or task. These standards normally include completion dates and qualitative and quantitative levels of performance expectations.

(83) Performance Standard: Specific, measurable, observable and attainable objectives that represent the level of performance to which an employee and supervisor are committed during an evaluation period.

(84) Personnel Adjudicatory Proceedings: The informal appeals procedure contained in Title 63, Chapter 46b, for all human resource policies and practices not covered by the state employees grievance procedure promulgated by the Career Service Review Board, or the classification appeals procedure.

(85) Position: A unique set of duties and responsibilities identified by DHRM authorized job and position management numbers.

(86) Position Description: A document that describes the detailed tasks performed, as well as the knowledge, skills, abilities, and other requirements of a specific position.

(87) Position Identification Number: A unique number assigned to a position for FTE management.

(88) Position Management Report: A document that lists an agency's authorized positions including job identification numbers, salaries, and schedules. The list includes occupied or vacant positions and full or part-time positions.

(89) Position Sharing: A situation where two employees share the duties and responsibilities of one full-time career service position. Leave benefits for position sharing employees are pro-rated according to the number of hours worked. To be eligible for benefits, position sharing employees must work at least 50% of a full-time equivalent.

(90) Post Accident Drug or Alcohol Test: A Drug or alcohol test conducted on an employee who is involved in a vehicle accident while on duty:

(a) where a fatality occurs;

(b) where the employee receives a citation under state or local law for a moving traffic violation arising from the accident and the accident involves bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident;

(c) where the employee receives a citation under state or local law for a moving traffic violation arising from the accident and the accident involves one or more motor vehicles that incur disabling damage as a result of the accident that must be transported away from the scene by a tow truck or other vehicle;

(d) where there is reasonable suspicion that the employee had been driving while under the influence of a controlled substance.

(91) Preemployment Drug Test: A drug test conducted on final candidates for a safety sensitive position or on a current employee prior to assuming safety sensitive duties.

(92) Probationary Employee: An employee hired into a career service position who has not completed the required probationary period for that position.

(93) Probationary Period: A period of time considered part of the selection process, identified at the job level, the purpose of which is to allow management to evaluate an employee's ability to perform assigned duties and responsibilities and to determine if career service status should be granted.

(94) Productivity Step Adjustment: A management authorized salary increase of one to four steps. Management and employees agree to the adjustment for employees who accept an increased workload resulting from actual and budgeted FTE reductions[~~ and agency base budget reduction~~].

(95) Promotion: An action moving an employee from a position in one job to a position in another job having a higher maximum salary step.

(96) Protected Activity: Opposition to discrimination or participation in proceedings covered by the antidiscrimination statutes or the Utah State Grievance and Appeal Procedure. Harassment based on protected activity can constitute unlawful retaliation.

(97) Random Drug or Alcohol Test: Unannounced drug or alcohol testing of a sample of safety sensitive employees done in accordance with federal regulations or state rules, policies, and procedures, and conducted in a manner such that each safety sensitive employee has an equal chance of being selected for testing.

(98) Reappointment: Return to work of an individual from the reappointment register. Accrued annual leave, converted sick leave, compensatory time and excess hours in the employee's former position were cashed out upon separation.

(99) Reappointment Register: A register of individuals who have:

(a) held career service positions and been separated in a reduction in force;

(b) held career service positions and accepted career service exempt positions without a break in service and were not retained, unless discharged for cause;

(c) by Career Service Review Board decision been placed on the reappointment register.[

~~(100) Reasonable Suspicion: Knowledge sufficient to induce an ordinary, reasonable and prudent person to arrive at a conclusion of thought or belief based on factual, non-subjective and substantiated observations or reported circumstances. Factual situations verified through personal visual observation of behavior or actions, or substantiated by a reliable witness.~~]

([~~101~~]100) Reasonable Suspicion Drug or Alcohol Test: A drug or alcohol test conducted on an employee based on [~~reasonable suspicion that the employee may be under the influence of drugs or alcohol~~]specific, contemporaneous, articulate observations concerning the appearance, behavior, speech or body odors of the employee.

([~~102~~]101) Reassignment: A management initiated action moving an employee from his current job or position to a different job or position for administrative reasons not included in the definition of promotion or demotion.

([~~103~~]102) Reclassification: A DHRM [~~or an approved contract agency~~]reallocation of a single position or multiple positions from one job to another job to reflect management initiated changes in duties and responsibilities[~~ as determined by a classification study~~].

([~~104~~]103) Reduction in Force: (RIF) Abolishment of positions resulting in the termination of career service staff. RIFs can occur due to inadequate funds, a change of workload, or a lack of work.

([~~105~~]104) Reemployment: Return to work of an employee who resigned or took military leave of absence from state employment to [~~join the~~]serve in the uniformed services covered under USERRA. Accrued annual leave, converted sick leave, compensatory time and excess hours may have been cashed out at separation.

([~~106~~]105) Rehire: Return to work of a former career service employee who resigned from state employment. Accrued annual leave, converted sick leave, compensatory time and excess hours in their former position were cashed out at separation.

([~~107~~]106) Requisition: An electronic document used for Utah Job Match recruitment, selection and tracking purposes that includes specific information for a particular position, job seekers' applications, and a hiring list.

([~~108~~]107) Retaliation: An adverse employment action taken against an employee who has engaged in a protected activity. The adverse action must have a causal link.

([~~109~~]108) Return from LWOP: A return to work from any leave without pay status. Accrued annual leave, converted sick leave, compensatory time and excess hours may have been cashed out before the leave without pay period began.

([~~110~~]109) Return to Duty Drug or Alcohol Test: A drug or alcohol test conducted on an employee prior to allowing the employee to return to duty after successfully completing a drug or alcohol treatment program.

([~~111~~]110) Ridiculing Behavior: Any behavior specifically performed to cause humiliation or to mock, taunt or tease another individual.

([~~112~~]111) RIF'd Individual: A former employee [~~who~~]whose employment is terminated as a result of a reduction in force.

([~~113~~]112) Safety Sensitive Position: A position approved by DHRM that includes the performance of functions:

(a) directly related to law enforcement; or

(b) involving direct access or having control over direct access to controlled substance; or

(c) directly impacting the safety or welfare of the general public;or

(d) which require an employee to carry or have access to firearms.

([~~114~~]113) Salary Range: The segment of an approved pay plan assigned to a job.

([~~115~~]114) Schedule: The determination of whether a position meets criteria stipulated in the Utah Code Annotated to be career service (Schedule B) or career service exempt (Schedule A).

([~~116~~]115) Serious Health Condition: An illness, injury, impairment, physical or mental condition that involves:

(a) inpatient care in a hospital, hospice, or residential medical care facility; or

(b) outpatient care with continuing treatment by a health care provider.[

~~(117) Sexual Harassment:~~

~~(a) A form of unlawful discrimination of a sexual nature which is unwelcome and pervasive, demeaning, ridiculing, derisive or coercive and results in a hostile, abusive or intimidating work environment.~~

~~(i) Level One: sex role stereotyping~~

~~(ii) Level Two: targeted gender harassment/discrimination~~

~~(iii) Level Three: targeted or individual harassment~~

~~(iv) Level Four: criminal touching of another's body parts or taking indecent liberties with another.~~

~~(b) Any quid pro quo behavior which requires an employee to submit to sexual conduct in return for increased employment benefits or under threat of adverse employment repercussions.~~]

([~~118~~]116) Tangible Employment Action: Any significant change in employment status e.g. hiring, firing, promotion, failure to promote, demotion, undesirable assignment, a decision causing a significant change in benefits, compensation decisions, and work assignment. Tangible employment action does not include insignificant changes in employment status such as a change in job title without a change in salary, benefits or duties.

([~~119~~]117) Temporary employee: A career service exempt employee on schedule AI, AJ, or AL.

([~~120~~]118) Temporary Transitional Assignment: An assignment on a temporary basis to a position or duties of lesser responsibility and salary range to accommodate an injury or illness or to provide a temporary reasonable accommodation.

([~~121~~]119) Transfer: An employee initiated movement from one job or position to another job or position for which the employee qualifies [~~in response to a recruitment~~]for reasons not included in the definition of promotion.[

~~(122) Underfill: DHRM authorization to fill a position below the designated working level within the same job series.~~]

([~~123~~]120) Uniformed Services: The United States Army, Navy, Marine Corps, Air Force, Coast Guard; Reserve units of the Army, Navy, Marine Corps, Air Force, or Coast Guard; Army National Guard or Air National Guard; Commissioned Corps of Public Health Service, National Oceanic and Atmospheric Administration (NOAA), National Disaster Medical Systems (NDMS), or any other category of persons designated by the President in time of war or emergency. Service in Uniformed Services includes: voluntary or involuntary duty, including active duty; active duty for training; initial active duty for training; inactive duty training; full-time National Guard duty; absence from work for an examination to determine fitness for any of the above types of duty.

([~~124~~]121) Unlawful Harassment: Any behavior or conduct of an unlawful nature based on race, religion, national origin, color, sex, age, disability or protected activity under the anti-discrimination statutes that is unwelcome, pervasive, demeaning, derisive or coercive and results in a hostile, abusive or intimidating work environment or tangible employment action.

([~~125~~]122) USERRA: Uniformed Services Employment and Reemployment Rights Act of 1994 (P.L. 103-353), requires state governments to re-employ eligible veterans who [~~left~~]resigned or took a military leave of absence from state employment to [~~enter~~]serve in the uniformed services and who return to work within a specified time period after military discharge. Employees covered under USERRA are in a leave without pay status from their state position.

([~~126~~]123) Veteran: An individual who has served on active duty in the armed forces for more than 180 consecutive days, or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized. Individuals must have been separated or retired under honorable conditions.

([~~127~~]124) Volunteer: Any person who donates services to the state or its subdivisions without pay or other compensation except actual and reasonable expenses incurred, as approved by the supervising agency.

([~~128~~]125) Volunteer Experience Credit: Credit given in meeting job requirements to participants who gain experience through unpaid or uncompensated volunteer work with the state, its subdivisions or other public and private organizations.

KEY: personnel management, rules and procedures, definitions
Date of Enactment or Last Substantive Amendment: July 1, 200[6]7
Notice of Continuation: June 11, 2002
Authorizing, and Implemented or Interpreted Law: 67-19-6

♦ ♦

Human Resource Management, Administration
R477-2
Administration

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 29883
FILED: 04/30/2007, 09:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment exempts employees of the Attorney General's Office from these rules; removes detail from the rule that should more appropriately be placed in department policy with the consolidation of the new Department of Human Resource Management (DHRM) and makes other nonsubstantive changes to correct references to rule and Utah code.

SUMMARY OF THE RULE OR CHANGE: Subsection R477-2-1(3)(f) now exempts all employees of the Attorney General's Office from the DHRM rules in compliance with provisions of H.B. 316, 2007 Legislative Session, which creates a separate career service system for that agency. Subsections R477-2-5(8)(a) through (t) are deleted from the rules and this requires an amendment to Section R477-2-6. Prior to this year, these subsections required Human Resources (HR) employees who were not part of DHRM to provide certain employee related information to the public as required by the Government Records Access and Management Act. With the consolidation of HR into DHRM effective 07/01/2006, all HR employees report to the new department and these provisions can now be handled by department policy. All other amendments are nonsubstantive corrections to the way DHRM cites rules and references to the Utah Code. (DAR NOTE: H.B. 316 (2007) is found at Chapter 166, Laws of Utah 2007, and will be effective 07/15/2007.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 52-3-1, Subsections 63-2-204(5) and 63-2-903(4), and Sections 67-19-3 and 67-19-18

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: These amendments do not require any additional or new action on the part of agencies and therefore, do not have any fiscal impact.

❖ LOCAL GOVERNMENTS: This rule only affects the executive branch of state government and will have no impact on local governments.
❖ OTHER PERSONS: This rule only affects the executive branch of state government and will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule only affects agencies of the executive branch of state government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by DHRM have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the Utah Personnel Management Act, Title 67, Chapter 19. This act limits the provisions of career service and these rules to employees of the executive branch of state government. The only possible impact may be a very slight, indirect effect if an agency passes costs or savings on to business through fees. However, it is anticipated that the minimal costs associated with these changes will be absorbed by agency budgets and will have no effect on business. Jeff Herring, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN RESOURCE MANAGEMENT
ADMINISTRATION
Room 2120 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:
Lyle Almond at the above address, by phone at 801-538-3391, by FAX at 801538-3081, or by Internet E-mail at lalmond@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: Jeff Herring, Executive Director

R477. Human Resource Management, Administration.
R477-2. Administration.
R477-2-1. Rules Applicability.

These rules apply to all career and career service exempt state employees except those specifically exempted in Section 67-19-12.

(1) Certificated employees of the State Board of Education are covered by these rules except for rules governing classification and compensation, found in Rule R477-3 and R477-6.

(2) Nonstate agencies with employees protected by the career service provisions of these rules in Rule R477-4, R477-5, R477-9 and R477-11 are exempted by contract from any provisions deemed inappropriate in their jurisdictions by the Executive Director, DHRM.

(3) Unless employees in exempt positions have written contracts of employment for a definite period of time, they are career service exempt employees. The following employees are exempt from mandatory compliance with these rules:

(a) members of the Legislature and legislative employees;

(b) members of the judiciary and judicial employees;

(c) elected members of the executive branch and their direct staff who are career service-exempt employees;

(d) officers, faculty, and other employees of state institutions of higher education;

(e) any positions for which the salary is set by law;

(f) [~~attorneys~~]employees in the Attorney General's Office;

(g) agency heads and other persons appointed by the governor when authorized by statute;

(h) employees of the Governor's Office of Economic Development whose positions have been designated executive/professional by the executive director of the Governor's Office of Economic Development with the concurrence of the Executive Director, DHRM;

(i) employees of the Medical Education Council.

(4) All other exempt positions are covered by provisions of these rules except rules governing career service status in Rule R477-4, R477-5, R477-9 and R477-11.

(5) The above positions may or may not be exempt from federal and other state regulations.

R477-2-2. Compliance Responsibility.

Agencies shall [~~manage their own human resources in compliance~~]comply with these rules. Agencies are authorized to correct any administrative errors.

(1) The Executive Director, DHRM, may authorize exceptions to provisions of these rules when one or more of the following criteria are satisfied:

(a) Applying the rule prevents the achievement of legitimate government objectives;

(b) Applying the rule impinges on the legal rights of an employee.

(2) Agency personnel records, practices, policies and procedures, employment and actions, shall comply with these rules and are subject to compliance audits by DHRM.

(3) In cases of noncompliance with [~~the State Personnel Management Act,~~] Title 67, Chapter 19, and these rules, the Executive Director, DHRM, may find the responsible agency official to be subject to the penalties prescribed by [~~Section~~]Subsection 67-19-18(1) pertaining to misfeasance, malfeasance or nonfeasance in office.

R477-2-5. Records.

(1) DHRM shall maintain a computerized file for each employee that contains the following, as appropriate:

(a) performance ratings;

(b) records of actions affecting employee salary, current classification, title and salary range, salary history, and other personal data, status or standing.

(2) Agencies shall maintain the following records in each employee's personnel file:

(a) applications for employment, Employment Eligibility Certification record, Form I-9, and other documents required by the United States Bureau of Citizenship and Immigration Services Regulations, under the Immigration Reform and Control Act of 1986, employee signed overtime agreement, personnel action records, notices of corrective or disciplinary actions, new employee orientation form, performance evaluation records, separation and leave without pay

records, including employee benefits notification forms for PEHP and URS;

(b) references to or copies of transcripts of academic, professional, or training certification or preparation;

(c) copies of items recorded in the DHRM computerized file and other materials required by agency management to be placed in the personnel file. The agency personnel file shall be considered a supplement to the DHRM computerized file and shall be subject to the rules governing personnel files;

(d) leave and time records; and

(e) copies of any documents affecting the employee's conduct, status or salary. The agency shall inform employees of any changes in their records based on conduct, status or salary no later than when changes are entered into the file.

(3) Agencies shall maintain a separate file from the personnel file containing confidential employee medical information.

(a) Information in this file shall include all written and orally obtained information pertaining to medical issues, including Family Medical and Leave Act forms, medical and dental enrollment forms which contain health related information, health statements, applications for additional life insurance, and any other medical information.

(b) Information regarding the results from fitness for duty evaluations and drug testing shall be maintained in a file separate from the personnel file and from the file containing confidential employee medical information.

(c) Information in this file is considered private or controlled information. Communication shall adhere to [~~the Government Records Access and Management Act, Section 63-2-101~~]Title 63, Chapter 2, the Government Records Access and Management Act.

(d) An employee who violates confidentiality is subject to state disciplinary procedures.

(4) An employee has the right to review the employee's personnel file, upon request, in DHRM or the agency, as governed by law and as provided through agency policy.

(a) An employee may correct, amend, or challenge any information in the DHRM computerized or agency personnel file, through the following process:

(i) The employee shall request in writing that changes occur.

(ii) The employing agency shall be given an opportunity to respond.

(iii) Disputes over information that are not resolved between the employing agency and the employee shall be decided in writing by the Executive Director, DHRM. DHRM shall maintain a record of the employee's letter, the agency's response, and the DHRM Executive Director's decision.

(5) When a disciplinary action is rescinded or disapproved upon appeal, forms, documents and records pertaining to the case shall be removed from the personnel file.

(a) When the record in question is on microfilm, a seal will be placed on the record and a suitable notice placed on the carton or envelope. This notice shall indicate the limits of the sealed section and the authority for the action.

(6) Upon employee separation, DHRM and agencies shall retain computerized records for thirty years. Agency hard copy records shall be retained by the agency for a minimum of two years, then transferred to the State Record Center to be retained according to the record retention schedule.

(7) Information classified as private in both DHRM and agency personnel and payroll files shall be available only to the following people:

(a) the employee;

(b) users authorized by the Executive Director, DHRM, who have a legitimate need to know;

(c) individuals who have the employee's written consent.

(8) Utah is an open records state, according to [~~Chapter 2, Title 63,~~]Title 63, Chapter 2, the Government Records Access and Management Act. [~~Requests for information shall be in writing. The following information~~]Information classified as public concerning current or former state employees, volunteers, independent contractors, and members of advisory boards or commissions shall be released upon request.[~~given to the public upon written request where appropriate with the exception of employees whose records are private or protected:~~

~~(a) the employee's name;~~

~~(b) gross compensation;~~

~~(c) salary range;~~

~~(d) contract fees;~~

~~(e) the nature of employer paid benefits;~~

~~(f) the basis for and the amount of any compensation in addition to salary, including expense reimbursement;~~

~~(g) job title;~~

~~(h) performance plan;~~

~~(i) education and training background as it relates to qualifying the individual for the position;~~

~~(j) previous work experience as it relates to qualifying the individual for the position;~~

~~(k) date of first and last employment in state government;~~

~~(l) the final disposition of any appeal action by the Career Service Review Board;~~

~~(m) the final disposition of any disciplinary action;~~

~~(n) work location;~~

~~(o) a work telephone number;~~

~~(p) city and county of residence, excluding street address;~~

~~(q) honors and awards as they relate to state government employment;~~

~~(r) number of hours worked per pay period;~~

~~(s) gender;~~

~~(t) other records as approved by the State Records Committee.~~]

(9) When an employee transfers from one agency to another, the former agency shall transfer the employee's personnel and medical file to the new agency. The file shall contain a record of all actions that have affected the employee's status and standing.

(10) An employee may request a copy of any documentary evidence used for disciplinary purposes in any formal hearing, regardless of the document's source, prior to such use. This shall not apply to documentary evidence used for rebuttal.

(11) Employee medical information obtained orally or documented in separate confidential files is considered private or controlled information. Communication must adhere to [~~the Government Records Access and Management Act, Section 63-2-101~~]Title 63, Chapter 2, the Government Records Access and Management Act. Employees who violate confidentiality are subject to state disciplinary procedures and may be personally liable for slander or libel.

(12) In compliance with the Government Records Access and Management Act, only information classified as public or private which can be determined to be related to and necessary for the disposition of a long term disability or unemployment insurance determination shall be approved for release on a need to know basis. The [~~agency human resource manager or~~]authorized manager in DHRM shall make the determination.

(13) An employee may verbally request the release of information for personal use, or authorize in writing the release of personal performance records for use by an outside agent based on a need to know authorization. Private data shall only be released, except to the employee, after a written request has been evaluated and approved.

R477-2-6. Release of Information in a Reference Inquiry.

Reference checks or inquiries made regarding current or former public employees, volunteers, independent contractors, and members of advisory boards or commissions can be released if the information [~~falls under a category outlined in R477-2-5(8)~~]is classified as public, or if the subject of the record has signed and provided a reference release form for information authorized under Title 63, Chapter 2, of the Government Records Access and Management Act.

(1) The employment record is the property of Utah State Government with all rights reserved to utilize, disseminate or dispose of in accordance with the Government Records Access and Management Act.

(2) Additional information may be provided if authorized by law.

R477-2-7. Employment Eligibility Certification (Immigration Reform and Control Act - 1986).

[~~(1)~~] All career and career service exempt employees appointed on and after November 7, 1986, as a new hire, rehire, agency transfer or through reciprocity with or assimilation from another career service jurisdiction must provide verifiable documentation of their identity and eligibility for employment in the United States by completing all sections of the Employment Eligibility Certification Form I-9 as required under the Immigration Reform and Control Act of 1986.[

~~(2) Agency hiring officials are responsible for verifying the identity and employment eligibility of these employees, by completing all sections of the Employment Eligibility Certification Form I-9 in conformance with United States Bureau of Citizenship and Immigration Services (BCIS) Regulations. The I-9 form shall be maintained in the agency personnel file.~~]

R477-2-8. Disclosure by Public Officers Supervising a Relative.

It is unlawful for a public officer to appoint, directly supervise, or to make salary or performance recommendations for relatives except as prescribed in the [~~Nepotism Act,~~]Section 52-3-1.

(1) A public officer supervising a relative shall make a complete written disclosure of the relationship to the agency head in accordance with Section 52-3-1.

R477-2-9. Employee Liability.

An employee who becomes aware of any occurrence which may give rise to a law suit, who receives notice of claim, or is sued because of an incident related to his employment, shall give immediate notice to his supervisor and to the Department of Administrative Services, Division of Risk Management.

(1) In most cases, under provisions of [~~the Governmental Immunity Act (GIA),~~] Sections 63-30-36, and 63-30-37, the Governmental Immunity Act (GIA), an employee shall receive defense and indemnification unless the case involves fraud, malice or the use of alcohol or drugs by the employee.

(2) If a law suit results against an employee, the GIA stipulates that the employee must request a defense from his agency head in writing within ten calendar days.

KEY: administrative responsibility, confidentiality of information, fair employment practices, public information

Date of Enactment or Last Substantive Amendment: July 1, 200[6]7
Notice of Continuation: June 11, 2002
Authorizing, and Implemented or Interpreted Law: 52-3-1; 63-2-204(5); 63-2-903(4); 67-19-6; 67-19-18

♦ ♦

Human Resource Management, Administration
R477-3
Classification

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 29884
FILED: 04/30/2007, 09:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These amendments remove references to other departments conducting classification reviews and eliminate unnecessary details concerning classification grievances from rule. Nonsubstantive changes are also made to correct references to rule and Utah code.

SUMMARY OF THE RULE OR CHANGE: Subsections R477-3-4(1) through (3) are amended to remove references to other agency Human Resources (HR) offices conducting classification reviews. These offices no longer exist since the consolidation of all human resource management functions effective 07/01/2006. Discretion is also given to Department of Human Resource Management (DHRM) to determine the appropriate length of a settling period before classification work is conducted following an agency reorganization. Section R477-3-5 is amended to delete references to the detailed process of a classification appeal. These provisions were directed at HR professionals who worked in agency HR offices. With the consolidation of all HR professional into one department effective on 07/01/2006, these provisions can be handled by department policy. Current department policy requires the classification analyst to give a grievant these details in hard copy. They are also displayed on the DHRM web page.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 67-19-6 and 67-19-12

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: These amendments do not require new or additional action by agencies and will therefore have no fiscal impact.
- ❖ LOCAL GOVERNMENTS: This rule only affects the executive branch of state government and will have no impact on local governments.
- ❖ OTHER PERSONS: This rule only affects the executive branch of state government and will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule only affects agencies of the executive branch of state government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by DHRM have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the Utah Personnel Management Act, Title 67, Chapter 19. This act limits the provisions of career service and these rules to employees of the executive branch of state government. The only possible impact may be a very slight, indirect effect if an agency passes costs or savings on to business through fees. However, it is anticipated that the minimal costs associated with these changes will be absorbed by agency budgets and will have no effect on business. Jeff Herring, Executive Director

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

HUMAN RESOURCE MANAGEMENT
ADMINISTRATION
Room 2120 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:
Lyle Almond at the above address, by phone at 801-538-3391, by FAX at 801538-3081, or by Internet E-mail at lalmond@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: Jeff Herring, Executive Director

R477. Human Resource Management, Administration.
R477-3. Classification.
R477-3-1. Job Classification Methods.

The Executive Director, DHRM, shall prescribe the procedures and methods for classifying all positions not exempted by law from the classification plan. The Executive Director, DHRM, may authorize exceptions to provisions of the following rule, consistent with Subsection R477-2-2(1).

R477-3-4. Position Classification Review.

(1) A formal classification review may be conducted under the following circumstances:

(a) as part of a scheduled study;

(b) at the request of an agency, with the approval of the Executive Director, DHRM; or

(c) as part of a classification grievance review[~~; or~~

~~(d) by an agency authorized by DHRM to conduct classification studies.~~]

(2) DHRM [~~or an approved contract agency~~]shall determine if there are significant changes in the duties of a position to warrant a review.

(3) When an agency is reorganized or positions are redesigned, no classification reviews shall be conducted [~~during a three-month~~]until an appropriate settling period has occurred[~~unless otherwise determined necessary by DHRM or an approved contract agency~~].

(4) The Executive Director, DHRM, or designee shall make final classification decisions unless overturned by a hearing officer or court.

R477-3-5. Position Classification Grievances.

(1) An agency or a career service employee may grieve formal classification decisions regarding the classification of a position.

(a) This rule refers to grievances concerning the assignment of individual positions to appropriate jobs based on duties and responsibilities. The assignment of salary ranges is not included in this rule.

(b) An employee may only grieve a formal classification decision regarding the employee's own position.[

~~(c) A career service employee or an agency who grieves a classification decision must complete the job classification grievance form. The form must be received by DHRM within 10 working days of receiving notice of the decision from DHRM or a contract agency; otherwise the grievance will not be processed.~~

~~(2) The position classification grievance process is as follows:~~

~~(a) Grievances must be submitted to DHRM on a currently approved grievance form.~~

~~(b) The Executive Director, DHRM, shall assign the grievance to a classification panel of three or more impartial persons who are trained in the state's classification procedures.~~

~~(c) The classification panel may:~~

~~(i) Access previous fact finding reviews, classification decisions, and reports;~~

~~(ii) Request new or additional fact finding interviews;~~

~~(iii) Consider new or additional information.~~

~~(d) The classification panel shall determine whether the assigned classification was appropriate. The panel shall follow the appropriate statutes, rules, and procedures which were current at the time the decision was made. The panel shall report its findings and recommendations to the Executive Director, DHRM. The Executive Director, DHRM, shall make a decision and notify the grievant and the agency representative of the decision.~~

~~(e) The grievant may grieve the Executive Director's decision to an impartial classification hearing officer contracted by the state. The grievance must be received by DHRM within 10 working days of the employee receiving notice of the panel decision.~~

~~(g) The hearing officer shall review the classification and make the final decision.~~]

KEY: administrative procedures, grievances, job descriptions, position classifications
Date of Enactment or Last Substantive Amendment: [~~July 2, 2004~~]2007
Notice of Continuation: June 11, 2002
Authorizing, and Implemented or Interpreted Law: 67-19-6; 67-19-12

♦ ♦

Human Resource Management, Administration
R477-4
Filling Positions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29885
FILED: 04/30/2007, 09:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These amendments implement minor policy adjustments in the state recruitment and selection process and move veterans preference provisions from rule to department policy. Nonsubstantive changes are also made to correct references to rule and Utah code.

SUMMARY OF THE RULE OR CHANGE: Subsection R477-4-4(2)(b) is amended to correct awkward and confusing language. Subsection R477-4-8(3) is amended to remove technical language requiring that experience maximums be included in recruitment notices. This is better handled through department policy now that all Human Resources (HR) is consolidated. Subsections R477-4-9(4) and (5) are deleted. These provide the adjustment required for veterans preference. It is not required that these benefits be provided by rule. They had been in rule to provide consistent application across agencies. With the consolidation of HR in Department of Human Resource Management (DHRM) this is no longer necessary. Subsection R477-4-10(1)(a) is amended to apply the maximum number of working hours allowed temporary employees, not just those who work half time or more. This will give agencies more flexibility in the management of these employees. Section R477-4-16, Underfill, is deleted. The purpose of this provision was to provide consistency across all HR offices in the state. With consolidation of all HR into DHRM, this is no longer necessary.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 67-19-6

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: These amendments do not require additional action by agencies and will therefore not have any fiscal impact.
❖ LOCAL GOVERNMENTS: This rule only affects the executive branch of state government and will have no impact on local governments.
❖ OTHER PERSONS: This rule only affects the executive branch of state government and will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule only affects agencies of the executive branch of state government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by DHRM have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the Utah Personnel Management Act, Title 67, Chapter 19. This act limits the provisions of career service and these rules to employees of the executive branch of state government. The only possible impact may be a very slight, indirect effect if an agency passes costs or savings on to business through fees. However, it is anticipated that the minimal costs associated with these changes will be absorbed by agency budgets and will have no effect on business. Jeff Herring, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN RESOURCE MANAGEMENT
ADMINISTRATION
Room 2120 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:
Lyle Almond at the above address, by phone at 801-538-3391, by FAX at 801538-3081, or by Internet E-mail at lalmond@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: Jeff Herring, Executive Director

R477. Human Resource Management, Administration.
R477-4. Filling Positions.
R477-4-1. Authorization to Fill a Position.

Agencies shall have sufficient funds to fill positions that are listed in the Position Management Report. The Executive Director, DHRM, may authorize exceptions to provisions of this rule, consistent with Subsection R477-2-2(1).

The DHRM approved recruitment and selection system is the state's recruitment and selection system for career service positions. Agencies shall use the DHRM approved recruitment and selection system unless an alternate system has been pre-approved by the Department of Human Resource Management.

R477-4-3. Career Service Positions.

(1) Selection of a career service employee shall be governed by the following:
(a) DHRM standards and procedures;
(b) career service principles;
(c) equal employment opportunity principles;
(d) [~~Utah Code governing nepotism found in~~]Section 52-3-1, employment of relatives;
(e) reasonable accommodation for qualified applicants covered under the Americans With Disabilities Act.

(2) DHRM shall take affirmative action to ensure that members of legally protected classes have the opportunity to apply and be considered for available positions in state government.

R477-4-4. Order of Selection for Career Service Positions.

(1) Prior to implementing the steps for order of selection, agencies may administer the following personnel actions:

(a) reemployment of a veteran eligible under USERRA;

(b) reassignment or transfer within an agency for the purposes of reasonable accommodation under the Americans with Disabilities Act;

(c) fill a position as a result of return to work from long term disability or workers compensation at the same or lesser salary range;

(d) reassignments made in order to avoid a reduction in force, or for reorganization or bumping purposes;

(e) reassignments, management initiated career mobility, or other movement of qualified career service employees at the same or lesser salary range to better utilize skills or assist management in meeting the organization's mission;

(f) reclassification.

(2) Agencies may carry out all the following steps for recruitment and selection of vacant career service positions concurrently. Appointing authorities may make appointments according to the following order of selection which applies to all vacant career service positions:

(a) First, agencies shall make appointments from the statewide reappointment register in compliance with Subsection R477-12-3(7) with the names of individuals who meet the position qualifications.

(b) Second, agencies may make appointments within an agency through promotion [~~of a qualified career service employee,~~]or through transfer [~~or promotion~~]of a qualified career service employee[~~to another agency~~], career mobility assignments to a higher salary range, or conversions from schedule A to schedule B as authorized by Subsection R477-5-1.(3).

(c) Third, agencies may make appointments from a list of qualified applicants certified as eligible for appointment to the position, or from another competitive process pre-approved by the Executive Director, DHRM.

R477-4-5. Recruitment for Career Service Positions.

(1) Agencies shall use the DHRM approved recruitment and selection system for all career service position vacancies. This includes recruitments open within an agency, across agency lines, or to the general public. Recruitment shall comply with federal and state laws and DHRM rules and procedures.

(a) In addition to the DHRM required recruitment announcement, all other recruitment announcements shall include the following:

(i) position information about available vacancies;

(ii) information about the DHRM approved recruitment and selection system;

(iii) documented communication regarding examination methods and opening and closing dates, if applicable;

(iv) a strategy for equal employment opportunity, if applicable.

(2) Job information for career service positions shall be announced publicly for a minimum of five working days.

(3) Agencies are required to provide employees with information about the DHRM approved recruitment and selection system.

(4) Recruitment is not required for personnel actions outlined in Subsection R477-4-4(1).

(5) Appointment of an employee from the statewide reappointment register must comply with the order of selection specified in Section R477-4-4.

R477-4-6. Transfer and Reassignment.

(1) Positions may be filled by reassigning an employee without a reduction in the current actual wage except as provided in Subsection R477-6-4([~~6~~]5).

(2) The agency that receives a transfer or reassignment of an employee shall verify his career status and that the employee meets the job requirements for the position.

(a) An employee with a disability who is otherwise qualified may be eligible for transfer or reassignment to a vacant position within the agency as a reasonable accommodation measure.

(3) Agencies receiving a transfer or reassignment of an employee shall accept all of that employee's previously accrued sick, annual, and converted sick leave on the official leave records.

(4) A career service employee assimilated from another career service jurisdiction shall accrue leave at the same rate as a career service employee with the same seniority.

(5) A reassignment or transfer may be to one or more of the following:

(a) a different job or position;

(b) a different work location;

(c) a different organizational unit; or

(d) a different agency.

R477-4-8. Examinations.

(1) Examinations shall be designed to measure and predict success of individuals on the job. Appointment to career service positions shall be made through open, competitive selection.

(2) The Executive Director, DHRM, shall establish the standards for the development, approval and implementation of examinations. Examinations shall include the following:

(a) a documented job analysis;

(b) an initial, unbiased screening of the individual's qualifications;

(c) security of examinations and ratings;

(d) timely notification of individuals seeking positions;

(e) elimination from further consideration of individuals who abuse the process;

(f) unbiased evaluation and results;

(g) reasonable accommodation for qualified individuals with disabilities.

(3) When examinations utilizing ratings of training and experience are administered, agencies may establish maximum years of credit for training and experience for the purpose of rating qualified applicants. Separate maximums may be set for years of training and years of experience.[~~ These maximums shall be included in the agency's recruitment notice.~~]

R477-4-9. Hiring Lists.

(1) The hiring list shall include the names of qualified and interested applicants who are eligible to be considered for appointment or conditional appointment to a specific position.

(a) Hiring lists shall be constructed using the DHRM approved recruitment and selection system. All competitive processes shall be based on job related criteria.

(b) All applicants included on a hiring list shall be examined with the same examination or examinations.

(c) An individual shall be considered an applicant when he is determined to be both qualified for and interested in a particular position identified through a specific requisition.

(2) An applicant may be removed from further consideration when he, without valid reason, does not pursue appointment to a position.

(3) An individual who falsifies any information in the job application, examination or evaluation processes may be disqualified from further consideration prior to hire, or disciplined if already hired.
[~~(4) Five percent of the total possible score shall be added to the exam score or an appropriate adjustment shall be made when examination results are other than a numeric score for any applicant claiming veterans preference who:~~
~~(a) has served more than 180 consecutive days of active duty in and honorably discharged or released from the armed forces of the United States; or~~
~~(b) is the spouse, unremarried widow or widower of any veteran.~~
~~(5) Ten percent of the total possible score shall be added to the exam score or an appropriate adjustment shall be made when examination results are other than a numeric score for any applicant claiming veterans preference who:~~
~~(a) was honorably discharged or released from active duty with a disability incurred in the line of duty or is a recipient of a Purple Heart, whether or not that person completed 180 days of active duty;or~~
~~(b) is the spouse, unremarried widow or widower of any disabled veteran.~~
] ([~~6~~]4) When more than one RIF employee is certified by DHRM, the appointment shall be made from the most qualified.

([~~7~~]5) The appointing authority shall demonstrate and document that equal consideration was given to all applicants whose final score or rating is equal to or greater than that of the applicant hired.

([~~8~~]6) The appointing authority shall ensure that any employee hired meets the job requirements as outlined in the official job description.

R477-4-10. Time Limited Exempt Positions.

The Executive Director, DHRM, may approve the creation and filling of career service exempt positions for temporary, emergency, seasonal, intermittent or other special and justified agency needs. These appointments shall be career service exempt as defined in Section 67-19-15.

(1) Time limited, temporary or seasonal career service exempt appointments, such as schedules AJ and AL, may be made without competitive examination, provided job requirements are met.

(a) The following appointments are temporary, and may not receive benefits:

(i) AJ appointments [~~for positions which are half-time or more~~]shall last no longer than 1560 working hours in any consecutive 12 month period.
[~~(ii) AJ appointments which are less than half-time, 19 or fewer hours per week, do not have a limitation on the duration of the appointment.~~
] (b) Appointments under schedules AE, AI and AL shall be career service exempt positions. AE, AI and AL employees may receive benefits on a negotiable basis.

(i) Schedule AL appointments shall work on time limited projects for a maximum of two years or on projects with time limited funding.

(ii) Only schedule A appointments made from a hiring list as prescribed by Subsection R477-4-[~~10(1)~~]9 may be considered for conversion to career service.

(2) Appointments to fill an employee's position who is on approved leave without pay shall only be made temporarily.

(3) A time limited agreement shall be signed by the parties.

[R477-4-16. Underfill.
~~(1) Underfill shall only be used in circumstances that meet the following conditions:~~
~~(a) The position is in the same classification series, as reflected on the position management report. A position shall be underfilled only until the employee satisfactorily meets the job requirements of the next higher level position as determined by management.~~
~~(b) There must be discernible and documented differences between levels in career ladders.~~

]**KEY: employment, fair employment practices, hiring practices**
Date of Enactment or Last Substantive Amendment: [~~July 1, 2006~~]2007
Notice of Continuation: June 11, 2002
Authorizing, and Implemented or Interpreted Law: 67-19-6

♦ ♦

Human Resource Management, Administration
R477-5
Employee Status and Probation

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29886
FILED: 04/30/2007, 09:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Amendments to this rule clarify the conditions under which a probationary period may be extended. Nonsubstantive changes are also made to correct references to rule and Utah code.

SUMMARY OF THE RULE OR CHANGE: Language in Section R477-5-2, Probationary Period, is re-arranged to place in one subsection the conditions to extend a probationary period. Subsections R477-5-2(4) and (6) are deleted and replacement language with the same meaning is added to Subsection R477-5-2(2).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 67-19-3 and Subsection 67-19-16(5)(b)

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: No additional action is required from agencies with these amendments and therefore no fiscal impact is anticipated.
❖ LOCAL GOVERNMENTS: This rule only affects the executive branch of state government and will have no impact on local governments.
❖ OTHER PERSONS: This rule only affects the executive branch of state government and will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule only affects agencies of the executive branch of state government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by Department of Human Resource Management (DHRM) have

no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the Utah Personnel Management Act, Title 67, Chapter 19. This act limits the provisions of career service and these rules to employees of the executive branch of state government. The only possible impact may be a very slight, indirect effect if an agency passes costs or savings on to business through fees. However, it is anticipated that the minimal costs associated with these changes will be absorbed by agency budgets and will have no effect on business. Jeff Herring, Executive Director

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

HUMAN RESOURCE MANAGEMENT
ADMINISTRATION
Room 2120 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:
Lyle Almond at the above address, by phone at 801-538-3391, by FAX at 801538-3081, or by Internet E-mail at lalmond@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: Jeff Herring, Executive Director

R477. Human Resource Management, Administration.
R477-5. Employee Status and Probation.
R477-5-1. Career Service Status.

(1) Only an employee who is appointed through a pre-approved competitive process shall be eligible for appointment to a career service position.

(2) An employee shall complete a probationary period in a competitive career service position prior to receiving career service status.

(3) An exempt employee may only convert to career service status under the following conditions:

(a) The employee previously held career service status with no break in service between exempt status and the previous career service position.

(b) The employee was hired from a hiring list as prescribed by Subsection R477-4-[~~10(1)~~]9, and completed a probationary period.

R477-5-2. Probationary Period.

The probationary period allows agency management to evaluate an employee's ability to perform the duties, responsibilities, skills, and other related requirements of the assigned career service position. The probationary period shall be considered part of the selection process.

(1) An employee shall receive full and fair opportunity to demonstrate competence in the job in a career position. As a minimum, a performance plan shall be established and the employee shall receive feedback on performance in relation to that plan.

(a) During the probationary period, an employee may be separated from state employment in accordance with Subsection R477-11-2(1).

(b) At the end of the probationary period, an employee shall receive a performance evaluation. Evaluations shall be entered into HRE as the performance evaluation that reflects successful or unsuccessful completion of probation.

(2) Each career position shall be assigned a probationary period consistent with its job.

(a) The probationary period may not be extended except for periods of leave without pay, workers compensation leave, [~~or~~] temporary transitional assignment, military leave under USERRA, or donated leave from an approved leave bank.

(b) The probationary period may not be reduced after appointment.

(c) An employee who has completed a probationary period and obtained career service status shall not be required to serve a new probationary period unless there is a break in service.

(3) An employee in a career service position who works at least 50 percent of the time or more shall acquire career service status after working the same amount of elapsed time in hours as a full-time employee would work with the same probationary period.[

~~(4) Probationary periods may be interrupted by military service covered under USERRA.~~]

([~~5~~]4) An employee serving probation in a competitive career service position may be transferred, reassigned or promoted to another competitive career service position. Each new appointment shall include a new probationary period unless the agency determines that the required duties or knowledge, skills, and abilities of the old and new position are similar enough not to warrant a new probationary period. If an agency determines that a new probationary period is needed, it shall be the full probationary period defined in the job description.[

~~(6) A reemployed veteran shall be required to complete the remainder of the probationary period if it was not completed in his pre-service employment.~~]

R477-5-4. Policy Exceptions.

The Executive Director, DHRM, may authorize exceptions to the provisions of this rule, consistent with Subsection R477-2-2(1).

KEY: employment, personnel management, state employees
Date of Enactment or Last Substantive Amendment: [~~July 1, 2006~~]2007
Notice of Continuation: June 11, 2002
Authorizing, and Implemented or Interpreted Law: 67-19-6; 67-19-16(5)(b)

Human Resource Management, Administration
R477-6
Compensation

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29887
FILED: 04/30/2007, 09:59

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These amendments remove redundant language concerning the placement of appointments on the salary range and provides for agencies to give cash equivalent incentive awards to employees. Nonsubstantive changes are also made to correct references to rule and Utah code.

SUMMARY OF THE RULE OR CHANGE: Language deleted from Subsection R477-6-3(1) is redundant or no longer needed in rule because of the consolidation of all Human Resources (HR) in Department of Human Resource Management (DHRM). A salary range is made up of salary steps approved by DHRM and placement on the salary range necessarily means placement on a salary step. There is also no need for an agency human resource designee since all human resource staff are now consolidated under DHRM effective on 07/01/2006. New language in Subsections R477-6-5(1) and (2) provide a new option for agencies to award cash equivalent incentive awards and require that they be subject to payroll taxes and standards and procedures set by the Division of Finance in the Department of Administrative Services.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63F-1-106, 67-19-6, 67-19-12, and 67-19-12.5; and Subsection 67-19-15.1(4)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will likely be increased administrative costs associated with the granting of cash equivalent incentive awards. These will be governed by the number and amount of the awards granted by each agency. It is anticipated that these costs will be controlled by agencies by monitoring the number and amounts of awards and will thus be easily absorbed by the agency.

❖ LOCAL GOVERNMENTS: This rule only affects the executive branch of state government and will have no impact on local governments.

❖ OTHER PERSONS: This rule only affects the executive branch of state government and will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule only affects agencies of the executive branch of state government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by DHRM have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the Utah Personnel Management Act, Title 67, Chapter 19. This act limits the provisions of career service and these rules to employees of the executive branch of state government. The only possible impact may be a very slight, indirect effect if an agency passes costs or savings on to business through fees. However, it is anticipated that the minimal costs associated with these changes will be absorbed by agency budgets and will have no effect on business. Jeff Herring, Executive Director

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

HUMAN RESOURCE MANAGEMENT
ADMINISTRATION
Room 2120 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:
Lyle Almond at the above address, by phone at 801-538-3391, by FAX at 801538-3081, or by Internet E-mail at lalmond@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: Jeff Herring, Executive Director

R477. Human Resource Management, Administration.
R477-6. Compensation.
R477-6-3. Appointments.

(1) All appointments shall be placed on [~~a salary step in~~]the DHRM approved salary range for the job. Hiring officials shall receive approval from their agency head [~~or agency human resource designee~~]and DHRM before making appointment offers to individuals.

(2) Reemployed veterans under USERRA shall be placed in their previous position or a similar position at their previous salary range. Reemployment shall include the same seniority status, any cost of living allowances, reclassification of the veteran's preservice position, or market comparability adjustments that would have affected the veteran's preservice position during the time spent by the affected veteran in the uniformed services. Performance related salary increases are not included.

R477-6-4. Salary.

(1) Merit increases. The following are applicable if merit increases are authorized and funded by the legislature:

(a) Employees who are not on a longevity step and who are not at the maximum step of their salary range, who receive a successful or higher rating on their performance evaluations and who have been in a paid status by the state for at least six months shall receive a merit increase of one or more salary steps at the beginning of the new fiscal year.

(b) Employees designated as schedule AE, AI and AL who are receiving benefits are eligible for merit step increases.

(c) Employees designated as schedule AJ are not eligible for merit step increases.

(2) Promotions and Reclassifications.

(a) An employee promoted or reclassified to a job with a salary range exceeding the employee's current salary range maximum by one salary step shall receive a salary increase of a minimum of one salary

step and a maximum of four salary steps. An employee who is promoted or reclassified to a job with a salary range exceeding the employee's current salary range maximum by two or more salary steps shall receive a salary increase of a minimum of two salary steps and a maximum of four salary steps.

(i) An employee may not be placed higher than the maximum salary step or lower than the minimum salary step in the new salary range. Placement of an employee in longevity shall be consistent with S[~~s~~]ubsection R477-6-4([~~4~~]3).

(ii) An employee who remains in longevity status after a promotion or reclassification shall retain the same salary by being placed on the corresponding longevity step.

(b) To be eligible for a promotion, an employee shall:

(i) meet the job requirements and skills specified in the job description and position specific criteria as determined by the agency for the position unless the promotion is to a career service exempt position.

(c) An employee whose position is reclassified or changed by administrative adjustment to a job with a lower salary range shall retain the current salary. The employee shall be placed on the corresponding longevity step if the salary exceeds the maximum of the new salary range.

(3) Longevity.

(a) An employee shall receive a longevity increase of 2.75 percent when:

(i) the employee has been in state service for eight years or more. The employee may accrue years of service in more than one agency and such service is not required to be continuous; and

(ii) the employee has been at the maximum salary step in the current salary range for at least one year and received a performance appraisal rating of successful or higher within the 12-month period preceding the longevity increase.

(b) An employee on a longevity step shall be eligible for the same across the board pay plan adjustments authorized for all other employee pay plans.

(c) An employee on a longevity step shall only be eligible for additional step increases every three years. To be eligible, an employee must receive a performance appraisal rating of successful or higher within the 12-month period preceding the longevity increase.

(d) An employee on a longevity step who is reclassified to a lower salary range shall retain the current actual wage.

(e) An employee on a longevity step who is promoted or reclassified to a higher salary range shall only receive an increase if the current actual wage is less than the highest salary step of the new range.

(f) Agency heads or time limited exempt employees identified in Section R477-4-10 are not eligible for the longevity program.

(4) Administrative Adjustment.

(a) An employee whose position has been allocated by DHRM from one job to another job or salary range for administrative purposes, shall not receive an adjustment in the current actual wage.

(b) Implementation of new job descriptions as an administrative adjustment shall not result in an increase in the current actual wage unless the employee is below the minimum step of the new range.

(5) Reassignment.

An employee's current actual wage may only be lowered when permitted by federal or state law, including but not limited to the Americans with Disabilities Act.

(6) Transfer.

Management may increase or decrease the current actual wage of an employee who initiates a transfer to another position consistent with Section R477-6-4.

(7) Demotion.

An employee demoted consistent with Section R477-11-2 shall receive a reduction in the current actual wage of one or more salary steps as determined by the agency head or designee. The agency head or designee may move an employee to a position with a lower salary range concurrent with the reduction in the current actual wage.

(8) Productivity step adjustment.

Agency management may establish policies to reward an employee who assumes additional workloads which result from the elimination of a position for at least one year with an increase of up to four salary steps. An employee at the maximum step of the salary range or in longevity shall be given a one time lump sum bonus award of 2.75% of their annual salary.

(a) To implement this program, agencies shall apply the following criteria:

(i) either the employee or management can make the suggestion;

(ii) the employee and management agree;

(iii) the agency head approves;

(iv) a written program policy achieves increased productivity through labor and management collaboration;

(v) [~~the agency human resource representative~~]DHRM approves;

(vi) the position will be abolished from the position authorization plan for a minimum of one year;

(vii) staff receive additional duties which are substantially above a normal full workload;

(viii) the same or higher level of service or productivity is achieved without accruing additional overtime hours;

(ix) the total dollar increase, including benefits, awarded to the workgroup as a result of the additional salary steps does not exceed 50 percent of the savings generated by eliminating the position.

(9) Administrative Salary Increase.

The agency head authorizes and approves administrative salary increases under the following parameters:

(a) An employee shall receive one or more steps up to the maximum of the salary range.

(b) Administrative salary increases shall only be granted when the agency has sufficient funding within their annualized base budgets for the fiscal year in which the adjustment is given.

(c) Justifications for Administrative Salary Increases shall be:

(i) in writing;

(ii) approved by the agency head;

(iii) supported by issues such as: special agency conditions or problems or other unique situations or considerations in the agency.

(d) The agency head is the final authority for salary actions authorized within these guidelines. The agency head or designee shall answer any challenge or grievance resulting from an administrative salary increase.

(e) Administrative salary increases may be given during the probationary period. These increases alone do not constitute successful completion of probation or the granting of career service status.

(f) An employee at the maximum step of the range or on a longevity step may not be granted administrative salary increases.

(10) Administrative Salary Decrease.

The agency head authorizes and approves administrative salary decreases for nondisciplinary reasons according to the following:

(a) An employee shall receive a one or more step decrease not to exceed the minimum of the salary range.

(b) Justification for administrative salary decreases shall be:

(i) in writing;

(ii) approved by the agency head; and

(iii) supported by issues such as previous written agreements between the agency and employees to include career mobility; reasonable accommodation, special agency conditions or problems, or other unique situations or considerations in the agency.

(c) The agency head is the final authority for salary actions within these guidelines. The agency head or designee shall answer any challenge or grievance resulting from an administrative salary decrease.

R477-6-5. Incentive Awards.

(1) Only agencies with written and published incentive award and bonus policies may reward employees with incentive awards or bonuses. Incentive awards and bonuses are discretionary, not an entitlement, and are subject to the availability of funds in the agency.

(a) Policies shall be approved annually by DHRM and be consistent with standards established in these rules and the Department of Administrative Services, Division of Finance, rules and procedures.

(b) Individual awards shall not exceed $4,000 per occurrence and $8,000 in a fiscal year. In exceptional circumstances, an award may exceed these limits upon application to DHRM and approval by the Governor.

(c) All cash and cash equivalent incentive awards and bonuses shall be subject to payroll taxes.

(2) Performance Based Incentive Awards.

(a) Cash Incentive Awards

(i) An agency may grant a cash incentive award to an employee or group of employees who:

(A) demonstrate exceptional effort or accomplishment beyond what is normally expected on the job for a unique event or over a sustained period of time.

(ii) All cash awards must be approved by the agency head or designee. They must be documented and a copy shall be maintained in the agency's individual employee file.

(b) Noncash Incentive Awards

(i) An agency may recognize an employee or group of employees with noncash incentive awards.

(ii) Individual noncash incentive awards shall not exceed a value of $50 per occurrence and $200 for each fiscal year.

(iii) Noncash incentive awards may [~~not~~]include cash equivalents such as gift certificates or tickets for admission. Cash equivalent incentive awards shall be subject to payroll taxes and must follow standards and procedures established by the Department of Administrative Services, Division of Finance.

(3) Cost Savings Bonus

(a) An agency may establish a bonus policy to increase productivity, generate savings within the agency, or reward an employee who submits a cost savings proposal.

(i) The agency shall document the cost savings involved.

(4) Market Based Bonuses

An agency may award a cash bonus to an employee as an incentive to acquire or retain an employee with job skills that are critical to the state and difficult to recruit in the market.

(a) Retention Bonus

An agency may award a bonus to an employee who has unusually high or unique qualifications that are essential for the agency to retain.

(b) Recruitment or Signing Bonus

An agency may award a bonus to a qualified job candidate to convince the candidate to work for the state.

(c) Scarce Skills Bonus

An agency may award a bonus to a qualified job candidate that has the scarce skills required for the job.

(d) Relocation Bonus

An agency may award a bonus to a current employee who must relocate to accept a position in a different commuting area.

(e) Referral Bonus

An agency may award a bonus to a current employee who refers a job applicant who is subsequently selected and is successfully employed for at least six months.

KEY: salaries, employee benefit plans, insurance, personnel management
Date of Enactment or Last Substantive Amendment: [~~July 1, 2006~~]2007
Notice of Continuation: June 11, 2002
Authorizing, and Implemented or Interpreted Law: 63F-1-106; 67-19-6; 67-19-12; 67-19-12.5; 67-19-15.1(4)

♦ ♦

Human Resource Management, Administration
R477-7
Leave

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 29888
FILED: 04/30/2007, 09:59

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Amendments to this rule adjust Department of Human Resource Management (DHRM) policy on the accrual and use of state provided leave benefits, particularly sick leave, administrative leave and long term disability leave; clarify policy concerning the premium rates retirees pay for health insurance; remove language that is no longer needed; and make nonsubstantive corrections to how DHRM references administrative code and Utah code.

SUMMARY OF THE RULE OR CHANGE: Additions to Subsections R477-7-1(1)(4)(7) and Section R477-7-2 clarify that regular full time employees earn at a rate prescribed in rule and that they cannot use leave before it is accrued. This eliminates the need for similar language in Subsections R477-7-3(3) and R477-7-4(2) which is deleted. Subsection R477-7-4(2) is amended to be more specific about the grant of sick leave while Subsection R477-7-4(3) gives agency management necessary discretion to manage unique medical situations that cannot be anticipated in rule. Subsection R477-7-4(6) dealing with absence from work for illness when sick leave is exhausted is deleted because these provisions are covered in other sections of the rules. Language deleted in Section R477-7-6 refers to calendar year 2006 and is no longer pertinent. New language in this section makes it clear that a retiree using the health insurance benefit described by the section must pay a premium rate determined by Public Employees' Health Plan (PEHP) which is different than the rate paid by regular state employees. New language is added to Subsection R477-7-7(1) allowing one agency to grant administrative leave to an employee of another agency as an

incentive award if both agencies agree. New language in Section R477-7-10, Military Leave, is designed to add more precision to the interpretation of this rule by using language contained in the Uniformed Services Employment and Reemployment Act. One provision of the act, 20 CFR 1002.103 is incorporated into the rule to govern the calculating of time for this benefit. New language in Section R477-1-13, Leave of Absence Without Pay, allows an agency to grant leave without pay for medical reasons if they are not eligible for the Family Medical Leave Act (FMLA), Workers' Compensation or Long Term Disability. The amendment to Section R477-7-17, Long Term Disability Leave, now requires an employee to produce a medical release allowing a return to work within one year of the last day worked in order to retain rights to the same or similar job.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 34-43-103, 49-9-203, 63-13-2, 67-19-6, 67-19-12.9, and 67-19-14.5

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No new action or resources are required of agencies to comply with amendments to this rule therefore no fiscal impact is anticipated.

❖ LOCAL GOVERNMENTS: This rule only affects the executive branch of state government and will have no impact on local governments.

❖ OTHER PERSONS: This rule only affects the executive branch of state government and will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule only affects agencies of the executive branch of state government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by DHRM have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the Utah Personnel Management Act, Title 67, Chapter 19. This act limits the provisions of career service and these rules to employees of the executive branch of state government. The only possible impact may be a very slight, indirect effect if an agency passes costs or savings on to business through fees. However, it is anticipated that the minimal costs associated with these changes will be absorbed by agency budgets and will have no effect on business. Jeff Herring, Executive Director

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

HUMAN RESOURCE MANAGEMENT
ADMINISTRATION
Room 2120 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:

Lyle Almond at the above address, by phone at 801-538-3391, by FAX at 801538-3081, or by Internet E-mail at lalmond@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: Jeff Herring, Executive Director

R477. Human Resource Management, Administration.
R477-7. Leave.
R477-7-1. Conditions of Leave.

(1) An employee who normally works 40 hours or more per pay period, except those identified as career service exempt in Section R477-4-10, is eligible for leave benefits. An employee receives leave benefits in proportion to the time paid.

(a) An eligible employee who normally works 40 or more hours per pay period shall accrue annual and sick leave in proportion to the time paid.

(b) An employee shall use leave in no less than quarter hour increments.

(2) A seasonal, temporary, or part-time employee working less than 40 hours per pay period is not eligible for paid leave.

(3) Accrual rates for sick, holiday and annual leave are determined on the Annual, Sick and Holiday Leave Accrual table available through DHRM.

(4) An employee may not use annual, sick, converted sick, compensatory, excess or holiday leave before accrued.

(5) An employee may not use compensatory, annual, converted sick leave used as annual, or excess leave without advance approval by management.

(6) An employee transferring from one agency to another is entitled to transfer all accrued annual, sick, and converted sick leave to the new agency.

(7) An employee on paid leave shall continue to accrue annual, holiday and sick leave.

(8) An employee separating from state service shall be paid in a lump sum for all annual leave and excess hours. An FLSA nonexempt employee shall also be paid in a lump sum for all compensatory hours.

(a)(i) An employee separating from state service for reasons other than retirement shall be paid in a lump sum for all converted sick leave.

(ii) Converted sick leave for a retiring employee shall be subject to Section R477-7-5.

(b) An employee may transfer this payout, minus all nondeferred taxes, to a 401(k) or 457 account up to the amount allowed by IRS regulation.

(c) No leave on leave may accrue or be paid on the cashed out leave.

(d) Leave cannot be used or accrued after the last day worked, except for FMLA or other medical reasons, or administrative leave specifically approved by management to be used after the last day worked.

(9) Contributions to benefits may not be paid on cashed out leave, other than FICA tax, except as it applies to converted sick leave in Section R477-7-5(2) and the Retirement Benefit in Section R477-7-6.

R477-7-2. Holiday Leave.

(1) The following dates are designated legal holidays:

(a) New Years Day -- January 1

(b) Dr. Martin Luther King Jr. Day -- third Monday of January

(c) Washington and Lincoln Day -- third Monday of February
(d) Memorial Day -- last Monday of May
(e) Independence Day -- July 4
(f) Pioneer Day -- July 24
(g) Labor Day -- first Monday of September
(h) Columbus Day -- second Monday of October
(i) Veterans' Day -- November 11
(j) Thanksgiving Day -- fourth Thursday of November
(k) Christmas Day -- December 25
(l) [~~The Governor may also designate any other day a legal holiday~~]Any other day designated as a legal holiday by the Governor.

(2) If a holiday falls on a Sunday, the following Monday shall be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

(3) If an employee is required to work on an observed holiday, the employee shall receive appropriate holiday leave, or shall accrue[~~receive compensation for the~~] excess hours[~~worked~~].

(4) The following employees are eligible to receive holiday leave:

(a) A full-time employee shall accrue eight hours of paid holiday leave on holidays.

(b) A part-time career service employee and a partner in a shared position who normally works 40 hours or more per pay period shall receive holiday leave in proportion to the hours paid in the pay period in which the holiday falls.

(c) An employee working flex time, as defined in Section R477-8-2, shall receive a maximum of 88 hours of holiday leave in each calendar year. If the holiday falls on a regularly scheduled day off, a flex time employee shall receive an equivalent workday off, not to exceed eight hours, or shall [~~receive compensation for the~~]accrue excess hours[~~at the later date~~].

(5) An employee receives holiday leave in proportion to the number of hours paid during the pay period in which the holiday falls.

(a) A new hire shall be in a paid status on or before the holiday in order to receive holiday leave.

(b) A separating employee shall be in a paid status on or after the holiday in order to receive holiday leave.

(c) An employee in a leave without pay status shall receive holiday leave in proportion to the time paid in the pay period in which the holiday falls.

R477-7-3. Annual Leave.

(1) An employee eligible for annual leave shall accrue leave based on the following years of state service:

(a) less than 5 years -- four hours per pay period;
(b) at least 5 and less than 10 years -- five hours per pay period;
(c) at least 10 and less than 20 years --six hours per pay period;
(d) 20 years or more -- seven hours per pay period.

(2) The accrual rate for an employee rehired to a position which receives leave benefits shall be based on all state employment in which the employee was eligible to accrue leave.

[~~(3) An eligible employee may begin to use annual leave after completing the equivalent of two full pay periods of employment.~~

] ([~~4~~]3) The first eight hours of annual leave used by an employee in the calendar leave year shall be the employee's personal preference day.

([~~5~~]4) Agency management shall allow every employee the option to use annual leave each year for at least the amount accrued in the year.

([~~6~~]5) Unused accrued annual leave time in excess of 320 hours shall be forfeited during year end processing for each calendar year.

([~~7~~]6) The maximum annual leave accrual rate shall be granted to a certain employee under the following conditions:

(a) an employee [~~on the Executive Pay Plan, as~~]described in Section 67-22-2, an employee in schedule AB, and agency deputy directors and division directors appointed to career service exempt positions.

(b) an employee who is schedule A, FLSA exempt and who has a direct reporting relationship to an elected official, executive director, deputy director, commissioner or board.

(c) The maximum accrual rate shall be effective from the day the employee is appointed through the duration of the appointment. Employees in these positions on July 1, 2003, shall have the leave accrual rate adjusted prospectively.

(d) The employee may not be eligible for any transfer of leave from other jurisdictions.

(e) Other provisions of leave shall apply as defined in Section R477-7-1.

R477-7-4. Sick Leave.

(1) An employee shall accrue sick leave with pay in proportion to the time paid each pay period, not to exceed four hours. Sick leave shall accrue without limit.

[~~(2) An employee may begin to use accrued sick leave after completing the equivalent of at least two full pay periods of employment.~~

] ([~~3~~]2) Sick leave shall be granted for:

(a) preventive health and dental care, maternity, paternity, and adoption care, or for absence from duty because of illness, injury or temporary disability of the employee, a spouse, children or parents [~~or dependents~~]living in the employee's home; or

(b) FMLA purposes under Section R477-7-15[~~; or~~].

([~~e~~]3) Agency management may grant exceptions for other unique medical situations.

(4) An employee shall arrange for a telephone report to supervisors at the beginning of the scheduled workday the employee is absent due to illness or injury. Management may require reports for serious illnesses or injuries.

(5) Any application for a grant of sick leave to cover an absence that exceeds four successive working days shall be supported by administratively acceptable evidence. If there is reason to believe that an employee is abusing sick leave, a supervisor may require an employee to produce evidence regardless of the number of sick hours used.

[~~(6) Any absence for illness beyond the accrued sick leave credit may continue under the following provisions:~~

~~(a) an approved leave without pay status, not to exceed 12 months;~~

~~(b) an approved Family Medical Leave Status; or~~

~~(c) in an annual or other accrued leave status.~~

] ([~~7~~]6) After filing a resignation notice, an employee must support a sick leave request with a doctor's certificate.

([~~8~~]7) An employee separating from state service may not receive compensation for accrued unused sick leave unless retiring.

(a) An employee who is rehired within 12 months of separation to a position that receives sick leave benefits shall have previously accrued unused sick leave credit reinstated.

(b) An employee who retires from state service and is rehired may not reinstate unused sick leave credit.

R477-7-5. Converted Sick Leave.

An employee may convert sick leave hours to converted sick leave after the end of the last pay period of the calendar year in which the employee is eligible.

(1)(a) Converted sick leave hours accrued prior to January 1, 2006 shall be program I converted sick leave hours.

(b) Converted sick leave hours accrued after January 1, 2006 shall be program II converted sick leave hours.

(2) To be eligible, an employee must have accrued a total of 144 hours or more of sick leave in program I and program II combined at the beginning of the first pay period of the calendar year.

(a) At the end of the last pay period of a calendar year in which an employee is eligible, all unused sick leave hours accrued that year in excess of 64 shall be converted to program II converted sick leave.

(b) The maximum hours of converted sick leave an employee may accrue in program I and program II combined is 320.

(c) If the employee has the maximum accrued in converted sick leave, these hours will be added to the annual leave account balance.

(d) In order to prevent or reverse the conversion, an employee shall:

(i) notify agency management no later than the last day of the last pay period of the calendar year in order to prevent the conversion; or

(ii) notify agency management no later than the end of February in order to reverse the conversion.

(e) Upon separation, an eligible employee may convert any unused sick leave hours accrued in the current calendar leave year in excess of 64 to converted sick leave hours in program II.

(3) An employee may use converted sick leave as annual leave or as regular sick leave.

(4) Upon retirement, 25 percent of the value of the unused converted sick leave, but not to exceed Internal Revenue Service limitations, shall be placed in the employee's 401 (k) account as an employer contribution.

(a) Converted sick leave hours from program II shall be placed in the 401 (k) account before hours from program I.

(b) The remainder shall be used for:

(i) the purchase of health care insurance and life insurance as provided in Subsection R477-7-6(3)(c) if the converted sick leave was accrued in program I ; or

(ii) a contribution into the employees PEHP health reimbursement account as provided in Subsection R477-7-6(4)(b) if the converted sick leave was accrued in program II.

R477-7-6. Sick Leave Retirement Benefit.

Upon retirement from active employment, an employee shall receive an unused sick leave retirement benefit under the provisions of Section 67-19-14.2 and Section 67-19-14.4.

(1)(a) Sick leave hours accrued prior to January 1, 2006 shall be program I sick leave hours.

(b) Sick leave hours accrued after January 1, 2006 shall be program II sick leave hours.

(2) An agency may offer the Unused Sick Leave Retirement Option Program I to an employee who is eligible to receive retirement benefits. However, any decision whether or not to participate in this program shall be agency wide and shall be consistent through an entire fiscal year.

(a) If an agency decides to withdraw for the next fiscal year after initially deciding to participate, the agency must notify all employees at least 60 days before the new fiscal year begins.

(3) An employee in a participating agency shall receive the following benefit provided by the Unused Sick Leave Retirement Options Program I.

(a) Continuing health and life insurance.

(i) The employing agency shall provide the same health and life insurance benefits as provided to current employees until the employee reaches the age eligible for Medicare or up to the following number of years, whichever comes first.

[~~(A) five years if the employee retires during calendar year 2006:~~] ([~~B~~]A) four years if the employee retires during calendar year 2007:

([~~C~~]B) three years if the employee retires during calendar year 2008:

([~~D~~]C) two years if the employee retires during calendar year 2009:

([~~E~~]D) one year if the employee retires during calendar year 2010; or

([~~F~~]E) zero years if the employee retires after calendar year 2010.

(ii) Health insurance provided shall be the same coverage carried by the employee at the time of retirement; i.e., family, two-party, or single. If the employee has no health coverage in place upon retirement, none shall be offered or provided.

(iii) Life insurance provided shall be the minimum authorized coverage provided for all state employees at the time the employee retires.

(iv) The retiree shall pay the same percentage of the premium as a current employee on the same plan. The premium amount shall be determined from the approved PEHP retiree rate and not the active employee rates.

(b) Twenty five percent of the value of the unused sick leave, but not to exceed Internal Revenue Service limitations, shall be placed in the employees 401(k) account as an employer contribution.

(i) Sick leave hours from program II shall be placed in the 401(k) account before hours from program I.

(ii) After the 401(k) contribution is made, an additional amount shall be deducted from the employees remaining sick leave balance as follows.

[~~(A) 480 hours if the employee retires during calendar year 2006:~~] ([~~B~~]A) 384 hours if the employee retires during calendar year 2007;

([~~C~~]B) 288 hours if the employee retires during calendar year 2008;

([~~D~~]C) 192 hours if the employee retires during calendar year 2009;

([~~E~~]D) 96 hours if the employee retires during calendar year 2010; or

([~~F~~]E) zero hours if the employee retires after calendar year 2010.

(c) The remaining sick leave hours and converted sick leave hours from Subsection R477-7-5(4)(b)(i) shall be used to provide the following benefit.

(i) The purchase of PEHP health insurance, or a state approved program, and life insurance coverage for the employee until he reaches the age eligible for Medicare.

(A) Health insurance shall be the same coverage carried by the employee at the time of retirement; i.e., family, two-party, or single.

(B) The purchase rate shall be eight hours of sick leave or converted sick leave for the state paid portion of one month's premium.

(C) The employee shall pay the same percentage of the premium as a current employee on the same plan. The premium amount shall be determined from the approved PEHP retiree rate and not the active employee rates.

(D) Life insurance provided shall be the minimum authorized coverage provided for state employees at the time the employee retires.

(ii) When the employee reaches the age eligible for Medicare, he may purchase a Medicare supplement policy provided by PEHP for himself at the rate of eight hours of sick leave or converted sick leave for one month's premium.

(iii) After the employee reaches the age eligible for Medicare, he may purchase PEHP health insurance, or a state approved program for a spouse until the spouse reaches the age eligible for Medicare.

(A) The purchase rate shall be eight hours of sick leave or converted sick leave for one month's premium.

(B) The employee shall pay the same percentage of the premium as a current employee on the same plan. The premium amount shall be determined from the approved PEHP retiree rate and not the active employee rates.

(iv) When the spouse reaches the age eligible for Medicare, the employee may purchase a Medicare supplement policy provided by PEHP for the spouse at the rate of eight hours of sick leave or converted sick leave for one month's premium.

(v) In the event an employee is killed in the line of duty, the employee's spouse shall be eligible to use the employee's available sick leave hours for the purchase of health and dental insurance as provided in Section 67-19-14.3.

(4) An employee shall receive the following benefit provided by the Unused Sick Leave Retirement Option Program II.

(a) Twenty five percent of the value of the unused sick leave, but not to exceed Internal Revenue Service limitations, shall be placed in the employee's 401(k) account as an employer contribution.

(b) After the 401(k) contribution the remaining sick leave hours and the converted sick leave hours from Subsection R477-7-5(4)(b)(ii) shall be deposited in the employees PEHP health reimbursement account at the greater of:

(i) the employees rate of pay at retirement, or

(ii) the average rate of pay of state employees who retired in the same retirement system in the previous calendar year.

R477-7-7. Administrative Leave.

(1) Administrative leave may be granted consistent with agency policy for the following reasons:

(a) administrative;

(i) governor approved holiday leave;

(ii) during management decisions that benefit the organization;

(iii) when no work is available due to unavoidable conditions or influences; or

(iv) other reasons consistent with agency policy.

(b) protected;

(i) suspension with pay pending hearing results;

(ii) personal decision making prior to discipline;

(iii) removal from adverse or hostile work environment situations;

(iv) fitness for duty or employee assistance; or

(v) other reasons consistent with agency policy.

(c) reward in lieu of cash;

(i) the agency head or designee may grant paid administrative leave up to eight hours per occurrence;

(ii) administrative leave in excess of eight hours may be granted with written approval by the agency head.

(iii) administrative leave given as a reward in lieu of cash may not exceed 40 hours in a fiscal year.

(iv) administrative leave given as a reward in lieu of cash may be given from one agency to employees of another agency if both agency heads agree in advance.

(d) student educational assistance.

(e) An employee who satisfies the criteria in this subsection shall be granted up to two hours of administrative leave to vote in an official election.

(i) The employee must:

(A) have fewer than three total hours off the job between the time the polls open and close, and;

(B) apply for the time in the previous 24 hours.

(ii) Management may specify the hours when the employee may be absent.

(f) Administrative leave shall be given for non-performance based purposes to employees who are on Family and Medical Leave or a military leave of absence if the leave would have been given had the employee been in a working status.

(2) With the exception of administrative leave used as a reward, as described in Subsection R477-7(1)(c), the agency head or designee may grant paid administrative leave up to ten consecutive working days per occurrence. Administrative leave in excess of ten consecutive working days per occurrence may be granted by the agency head.

(3) Administrative leave taken must be documented in the employee's leave record.

R477-7-10. Military Leave.

One day of military leave is the equivalent to the employee's normal workday but not to exceed eight hours.

(1) An employee who is a member of the National Guard or Military Reserves is entitled to paid military leave not to exceed 15 days per calendar year. An employee shall be on official military orders and may not claim salary for nonworking days spent in military training or for traditional weekend training.

(2) After the first 15 days, officers and employees of the state shall be granted military leave without pay for the period of [~~active service or duty~~]official military orders, including travel time, Section 39-3-1.

(a) An employee may use accrued leave while on [~~active duty~~]official military orders.

(i) Accrued sick leave may only be used if the reason for leave meets the conditions in Section R477-7-4.

(3) An employee on military leave is eligible for any service awards or non-performance administrative leave he would otherwise be eligible to receive.

(4) An employee shall give notice of official military orders as soon as possible.

(5) Upon release from [~~active military service~~]official military orders under honorable conditions, an employee shall be placed in a position in the following order of priority.

(a) If the period of service was for less than 91 days, the employee shall be placed:

(i) in the same position the employee held on the date of the commencement of the service in the uniformed services; or

(ii) in the same position the employee would have held if the continuous employment of the employee had not been interrupted by the service.

(b) If the period of service was for more than 90 days, the employee shall be placed:

(i) in a position of like seniority, status and salary, of the position the employee held on the date of the commencement of the service in the uniformed services; or

(ii) in a position of like seniority, status, and salary the employee would have held if the continuous employment of the employee had not been interrupted by the service.

(c) When a disability is incurred or aggravated while on official military orders, the employing agency shall adhere to the Uniformed Services Employment and Reemployment Rights Act (USERRA), United States Code, Title 38, Chapter 43.

([~~e~~]d) The cumulative length of time allowed for reemployment may not exceed five years. This rule incorporates by reference 20CFR1002.103 for the purposes of calculating cumulative time.

(e) An employee is entitled to reemployment rights and benefits including increased pension and leave accrual. An employee entering military leave may elect to have payment for annual leave deferred.

(6) In order to be reemployed, an employee shall present evidence of military service, and:

(a) for service less than 31 days, return at the beginning of the next regularly scheduled work period on the first full day after release from service unless impossible or unreasonable through no fault of the employee;

(b) for service of more than 30 days but less than 181 days, submit a request for reemployment within 14 days of release from service, unless impossible or unreasonable through no fault of the employee; or

(c) for service of more than 180 days, submit a request for reemployment within 90 days of release from service.

R477-7-13. Leave of Absence Without Pay.

(1) An employee shall apply in writing to agency management for approval of a leave of absence without pay. Approval may be granted for continuous leave for up to 12 months from the last day worked.

(a) The employee shall be entitled to previously accrued annual and sick leave.

(b) If unable to return to work within the time period granted, the employee shall be separated from state employment unless prohibited by state or federal law to include but not limited to the Americans with Disabilities Act.

(2) Nonmedical Reasons

(a) Leave without pay may be granted only when there is an expectation that the employee will return to work. This section does not apply for military leave.

(b) Agency management may approve leave without pay for an employee even though annual or sick leave balances exist. An employee may take up to ten consecutive working days of leave without pay without affecting the leave accrual rate.

(c) An employee who receives no compensation for a complete pay period shall be responsible for payment of the full premium of state provided benefits.

(d) An employee who returns to work on or before the expiration of leave without pay shall be placed in a position with comparable pay and seniority to the previously held position.

(3) Medical Reasons

(a) An employee who is ineligible for FMLA, Workers Compensation, or Long Term Disability may be granted continuous, reduced or intermittent leave without pay for medical reasons.

(b) Medical leave without pay may be granted for no more than 12 months. Medical leave may be approved if a registered health practitioner certifies that an employee is temporarily disabled.

(c) An employee who is granted this leave shall provide a monthly status update to the employee's supervisor.

R477-7-15. Family and Medical Leave.

~~[These sections, R477-7-15(1) through R477-7-15(10), are effective until January 1, 2007.~~

~~(1) An employee is entitled to 12 weeks of family and medical leave in a 12 month period.~~

~~(a) The amount of FMLA leave available to an employee shall be 12 weeks minus any FMLA leave used in the immediately preceding 12 month period.~~

~~(b) Agency management shall approve FMLA leave for any of the following reasons:~~

~~(i) birth of a child;~~

~~(ii) adoption of a child;~~

~~(iii) placement of a foster child;~~

~~(iv) a serious health condition of the employee; or~~

~~(v) care of a spouse, dependent child, or parent with a serious medical condition.~~

~~(c) An employee on FMLA leave shall continue to receive the same health insurance benefits the employee was receiving prior to the commencement of FMLA leave.~~

~~(2) To be eligible for family medical leave, the employee must:~~

~~(a) be employed by the state for at least 12 months;~~

~~(b) be employed by the state for a minimum of 1250 hours worked as determined under FMLA during the 12 month period immediately preceding the commencement of leave; and~~

~~(c) apply in writing to the agency when the reason for requesting family medical leave changes in the course of a year.~~

~~(3) An employee, or an appropriate spokesperson, shall submit a leave request:~~

~~(a) thirty days in advance for foreseeable needs; or~~

~~(b) as soon as possible in emergencies.~~

~~(4) Agency Responsibility~~

~~(a) Agency management shall be responsible for:~~

~~(i) documenting employee leave requests which qualify as FMLA leave; and~~

~~(ii) designating any qualifying leave taken by an employee as FMLA leave. All leave requests which qualify as FMLA leave shall be designated as such and shall be subject to all provisions of this rule; and~~

~~(iii) notifying an employee orally or in writing of the designation within two business days, or as soon as a determination can be made that the leave request qualifies as FMLA leave if the agency does not initially have sufficient information to make a determination.~~

~~(A) An oral notice must be confirmed in writing no later than the following payday.~~

~~(B) If the payday is less than one week after the oral notice, then written notice must be issued by the subsequent payday.~~

~~(b) Written notification to an employee shall include the following information:~~

~~(i) that the leave will be counted against the employee's annual FMLA entitlement;~~

~~(ii) any requirements for the employee to furnish medical certification of a serious health condition and the consequences of failing to do so;~~

~~(iii) a statement explaining which types of leave the employee will be required to exhaust before going into a LWOP status;~~

~~(iv) the requirement for the employee to make premium payments to maintain health benefits, the arrangements for making such payments, and the possible consequences of failure to make such payments on a timely basis;~~

~~(v) the employee's potential liability for payment of health insurance premiums paid by the employer during the employee's unpaid FMLA leave if the employee fails to return to work after taking FMLA leave;~~

~~(vi) any requirement for the employee to present a fitness for duty certificate to be restored to employment; and~~

~~(vii) the employee's rights to restoration to the same or an equivalent job upon return from leave.~~

~~(c) Agencies may designate FMLA leave after the fact only:~~

~~(i) if the reason for leave was previously unknown, provided the reason for leave is made known within two business days after the employee's return to work; or~~

~~(ii) the agency has preliminarily designated the leave as FMLA leave and is awaiting medical certification.~~

~~(d) Agencies shall allow the employee at least 15 calendar days to provide medical certification if FMLA leave is not foreseeable.~~

~~(e) Agencies shall inform Group Insurance that an employee is approved for FMLA leave.~~

~~(5) An employee shall be required to exhaust accrued annual leave, sick leave, converted sick leave and excess hours prior to going into leave without pay status for the family and medical leave period. An employee who takes family and medical leave in a leave without pay status must comply with R477-7-13.~~

~~(a) An employee may choose to use compensatory time for an FMLA reason. Any period of leave paid from the employee's accrued compensatory time account may not be counted against the employee's FMLA leave entitlement.~~

~~(6) An employee shall be eligible to return to work under R477-7-13.~~

~~(a) If an employee has gone into leave without pay status and fails to return to work after FMLA leave has ended, an agency may recover, with certain exceptions, the health insurance premiums paid by the agency on the employee's behalf. An employee is considered to have returned to work if the employee returns for at least 30 calendar days.~~

~~(b) Exceptions to this provision include:~~

~~(i) an FLSA exempt and schedule AB, AD and AR employee who has been denied restoration upon expiration of their leave time;~~

~~(ii) an employee whose circumstances change unexpectedly beyond the employee's control during the leave period preventing the return to work at the end of 12 weeks.~~

~~(7) Leave taken for purposes of childbirth, adoption, placement for adoption or foster care shall not be taken intermittently or on a reduced leave schedule unless the employee and employer mutually agree.~~

~~(8) Leave required for certified medical reasons may be taken intermittently.~~

~~(9) Leave taken for a serious health condition covered under workers' compensation may be counted towards an employee's FMLA entitlement. Use of accrued paid leave shall not be required for FMLA leave at the same time the employee is collecting a workers' compensation benefit.~~

~~(10) Medical records created for purposes of FMLA and the Americans with Disabilities Act must be maintained in accordance with confidentiality requirements of R477-2-5(6).~~

~~These sections, R477-7-15(1) through R477-7-15(11), are effective on January 1, 2007.~~

] (1) An employee is entitled to 12 weeks of family and medical leave each calendar year for any of the following reasons:

(a) birth of a child;

(b) adoption of a child;

(c) placement of a foster child;

(d) a serious health condition of the employee; or

(e) care of a spouse, dependent child, or parent with a serious medical condition.

(2) An employee on FMLA leave shall continue to receive the same health insurance benefits the employee was receiving prior to the commencement of FMLA leave.

(3) An employee on FMLA leave shall receive any administrative leave given for non-performance based reasons if the leave would have been given had the employee been in a working status.

(4) To be eligible for family and medical leave, the employee must:

(a) be employed by the state for at least 12 months;

(b) be employed by the state for a minimum of 1250 hours worked, as determined under FMLA, during the 12 month period immediately preceding the commencement of leave.

(5) When an employee chooses to use FMLA leave, the employee or an appropriate spokesperson, shall apply in writing for the initial leave and when the reason for requesting family medical leave changes:

(a) thirty days in advance for foreseeable needs; or

(b) as soon as possible in emergencies.

(6) An employee may use accrued annual leave, sick leave, converted sick leave, excess hours and compensatory time prior to going into leave without pay status for the family and medical leave period.[~~An employee who takes family and medical leave in a leave without pay status must comply with R477-7-13.~~]

(a) An employee who chooses to use FMLA leave shall use FMLA leave for all absences related to that qualifying event.

(b) An employee who takes family and medical leave in a leave without pay status must comply with Section R477-7-13.

(7) Any period of leave without pay for an employee with a serious health condition who is determined by a health care provider to be incapable of applying for Family and Medical Leave and has no agent or designee shall be designated as FMLA leave.

(8) An employee with a serious health condition covered under workers' compensation may use FMLA leave concurrently with the workers' compensation benefit.

(9) An employee shall be eligible to return to work under Section R477-7-13.

(a) If an employee has gone into leave without pay status and fails to return to work after FMLA leave has ended, an agency may recover, with certain exceptions, the health insurance premiums paid by the agency on the employee's behalf. An employee is considered to have returned to work if the employee returns for at least 30 calendar days.

(b) Exceptions to this provision include:

(i) an FLSA exempt and schedule AB, AD and AR employee who has been denied restoration upon expiration of their leave time;

(ii) an employee whose circumstances change unexpectedly beyond the employee's control during the leave period preventing the return to work at the end of 12 weeks.

(10) Leave taken for purposes of childbirth, adoption, placement for adoption or foster care shall not be taken intermittently or on a reduced leave schedule unless the employee and employer mutually agree.

(11) Medical records created for purposes of FMLA and the Americans with Disabilities Act must be maintained in accordance with confidentiality requirements of Subsection R477-2-5(7).

R477-7-16. Workers Compensation Leave.

(1) An employee may use accrued leave benefits to supplement the workers compensation benefit.

(a) The combination of leave benefit and workers compensation benefit shall not exceed the employee's gross salary. Leave benefits shall only be used in increments of one hour in making up any difference.

(b) The use of accrued leave to supplement the worker compensation benefit shall be terminated if:

(i) the employee is declared medically stable by licensed medical authority;

(ii) the workers compensation fund terminates the benefit;

(iii) the employee has been absent from work for one year;

(iv) the employee refuses to accept appropriate employment offered by the state; or

(v) the employee receives Long Term Disability or Social Security Disability benefits.

(c) The employee shall refund to the state any accrued leave paid which exceeds the employee's gross salary for the period for which the benefit was received.

(2) An employee will continue to accrue state paid benefits and leave benefits while receiving a workers compensation time loss benefit for up to one year.

(3) Health insurance benefits shall continue for an employee on leave without pay while receiving workers compensation benefits. The employee is responsible for the payment of the employee share of the premium.

(4) If the employee is able to return to work within one year of the last day worked, the agency shall place the employee in the previously held position or a similar position at a comparable salary range.

(5) If the employee is unable to return to work within 12 months, the employee shall be separated from state employment unless prohibited by state or federal law to include but not limited to the Americans with Disabilities Act.

(6) An employee who files a fraudulent workers compensation claim shall be disciplined according to the provisions of Rule R477-11.

R477-7-17. Long Term Disability Leave.

(1) An employee who is determined eligible for the Long Term Disability Program (LTD) shall be granted up to one year of medical leave, if warranted by a medical condition.

(a) The medical leave begins on the last day the employee worked. LTD requires a three month waiting period before benefit payments begin. During this period, an employee may use available sick and converted sick leave. When those balances are exhausted, an employee may use other leave balances available.

(b) An employee determined eligible for Long Term Disability benefits shall be eligible for health insurance benefits the day after the last day worked. The employee is responsible for 10% of the health insurance premium during the first year of disability, 20% during the second year of disability, and 30% thereafter until the employee is no longer covered by the long term disability program.

Upon approval of the LTD claim:

(i) Biweekly salary payments that the employee may be receiving shall cease. If the employee received any salary payments after the three month waiting period, the LTD benefit shall be offset by the amount received.

(ii) The employee shall be paid for remaining balances of annual leave, compensatory hours and excess hours in a lump sum payment. This payment shall be made at the time LTD is approved unless the employee requests in writing to receive it upon separation from state employment. No reduction of the LTD payment shall be made to offset this payment. If the employee returns to work prior to one year after the last day worked, the employee has the option of buying back annual leave at the current hourly rate.

(iii) An employee with a converted sick leave balance at the time of LTD eligibility shall have the option to receive a lump sum payout of all or part of the balance or to keep the balance intact to pay for health and life insurance upon retirement. The payout shall be at the rate at the time of LTD eligibility.

(iv) An employee who retires from state government directly from LTD may be eligible for health and life insurance as provided in Subsection 67-19-14(2)(b)(ii).

(v) Unused sick leave balance shall remain intact until the employee retires. At retirement, the employee shall be eligible for the 401(k) contribution and the purchase of health and life insurance as provided in Subsection 67-19-14(2)(c)(i).

(2) An employee shall continue to accrue service credit for retirement purposes while receiving long term disability benefits.

(3) Conditions for return from leave without pay shall include:

(a) If an employee [~~is able to return~~]provides an administratively acceptable medical release allowing him to return to work within one year of the last day worked, the agency shall place the employee in the previously held position or similar position in a comparable salary range provided the employee is able to perform the essential functions of the job with or without a reasonable accommodation.

(b) If an employee is unable to return to work within one year after the last day worked, the employee shall be separated from state employment unless prohibited by state or federal law to include but not limited to the Americans with Disabilities Act.

(4) An employee who files a fraudulent long term disability claim shall be disciplined according to the provisions of Rule R477-11.

R477-7-19. Policy Exceptions.

The Executive Director, DHRM, may authorize exceptions to the provisions of this rule consistent with Subsection R477-2-3(1).

KEY: holidays, leave benefits, vacations
Date of Enactment or Last Substantive Amendment: [~~July 1, 2006~~]2007
Authorizing, and Implemented or Interpreted Law: 34-43-103; 49-9-203; 63-13-2; 67-19-6; 67-19-12.9; 67-19-14; 67-19-14.2; 67-19-14.4

♦ ♦

Human Resource Management, Administration
R477-8
Working Conditions

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29889
FILED: 04/30/2007, 10:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Amendments to this rule adjust Department of Human Resource Management (DHRM) policy on lunch and break periods; describe the accumulation and pay down of excess hours; expand the use of temporary transition assignment; and clarify policy on change in work location. Nonsubstantive changes are also made to correct references to rule and Utah code.

SUMMARY OF THE RULE OR CHANGE: Language in Section R477-8-1 is standard language contained in several DHRM rules. It is deleted from the beginning of this rule and placed in the back of the rule to be consistent with the location of this language in other DHRM rules. New language in Section R477-8-4 prohibits the adjustment of break periods to accommodate a longer lunch period. An amendment to Subsection R477-8-5(10) prohibits an employee from accumulating more than 80 excess hours and set criteria for the pay out of excess hours by agency management. Section R477-8-9 is amended to allow an employee to be placed in a temporary transitional assignment for medical reasons or in the course of an investigation. Amendments to Section R477-8-10 clarify an employee's rights when involved in an involuntary change in work location. Other changes are nonsubstantive corrections to the reference to rule and Utah code.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 20A-3-103, 67-19-6, and 67-19-6.7

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No additional resources or action are required of agencies to comply with these amendments.

❖ LOCAL GOVERNMENTS: This rule only affects the executive branch of state government and will have no impact on local governments.

❖ OTHER PERSONS: This rule only affects the executive branch of state government and will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule only affects agencies of the executive branch of state government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by DHRM have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the Utah Personnel Management Act, Title 67, Chapter 19. This act limits the provisions of career service and these rules to employees of the executive branch of state government. The only possible impact may be a very slight, indirect effect if an agency passes costs or savings on to business through fees. However, it is anticipated that the minimal costs associated with these changes will be absorbed by agency budgets and will have no effect on business. Jeff Herring, Executive Director

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

HUMAN RESOURCE MANAGEMENT
ADMINISTRATION
Room 2120 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:

Lyle Almond at the above address, by phone at 801-538-3391, by FAX at 801538-3081, or by Internet E-mail at lalmond@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: Jeff Herring, Executive Director

R477. Human Resource Management, Administration.
R477-8. Working Conditions.
[~~R477-8-1. Agency Policies and Exemptions.~~

~~(1) Each agency shall write its own policies for work schedules, overtime, leave, and other working conditions consistent with these rules.~~

~~(2) The Executive Director, DHRM, may authorize exceptions to this rule, consistent with R477-2-2(1).~~

]R477-8-[~~2~~]1. Work Period.

(1) Tasks shall be assigned and wages paid in return for work completed. During the state's standard work week, each employee is responsible for fulfilling the essential functions of his job.

(a) The state's standard work week begins Saturday and ends the following Friday.

(b) State offices are typically open Monday through Friday from 8 a.m. to 5 p.m. Agencies may adopt extended business hours to enhance service to the public, consistent with overtime provisions of Section R477-8-6.

(c) An employee may negotiate for flexible starting and quitting times with the immediate supervisor as long as scheduling is consistent with overtime provisions of the rules Section R477-8-6.

(d) Agencies may implement alternative work schedules approved by the Director.

(e) An employee is required to be at work on time. An employee who is late, regardless of the reason including inclement weather, shall make up the lost time by using accrued leave, leave without pay or, with management approval, adjust their work schedule.

(f) An employee must work in increments of 15 minutes or more to receive salary for hours worked and overtime hours worked. This rule incorporates by reference 29 CFR 785.48 for rounding practices when calculating time worked.

R477-8-[~~3~~]2. Bus Passes.

Agencies may participate in the purchase of bus passes for employees.

R477-8-[4]3. Telecommuting.

(1) Telecommuting is an agency option, not a universal employee benefit. Agencies utilizing a telecommuting program shall:

(a) establish a written policy governing telecommuting;

(b) enter into a written contract with each telecommuting employee to specify conditions, such as use of state or personal equipment, and results such as identifiable benefits to the state and how customer needs are being met; and

(c) not allow telecommuting employees to violate overtime rules.

R477-8-[~~5~~]4. Lunch and Break Periods.

(1) Each full-time work day shall include a minimum of 30 minutes noncompensated lunch period. This lunch period is normally scheduled between 11:00 a.m. and 1:00 p.m. for a regular day shift.

(2) An employee may take a 15 minute compensated break period for every four hours worked.

(3) Lunch and break periods shall not be adjusted or accumulated to accommodate a shorter work day or longer lunch period. Any exceptions must be approved in writing by the Executive Director, DHRM.

R477-8-[6]5. Overtime.

The state's policy for overtime is adopted and incorporated from the Fair Labor Standards Act, 29 CFR Parts 500 to 899(2002) and [~~Utah Code~~]Section 67-19-6.7.

(1) Management may direct an employee to work overtime. Each agency shall develop internal rules and procedures to ensure overtime usage is efficient and economical. These policies and procedures shall include:

(a) prior supervisory approval for all overtime worked;

(b) recordkeeping guidelines for all overtime worked;

(c) verification that there are sufficient funds in the budget to compensate for overtime worked.

(2) Overtime compensation standards are identified for each job title in HRE as either FLSA nonexempt, or FLSA exempt.

(a) An employee may appeal the FLSA designation to the agency human resource office and DHRM concurrently. Further appeals must be filed directly with the United States Department of Labor, Wage and Hour Division. The provisions of Sections 67-19-31[~~and~~], 67-19a-301 and Title 63, Chapter 46b shall not apply for FLSA appeals purposes.

(3) An FLSA nonexempt employee may not work more than 40 hours a week without management approval. Overtime shall accrue when the employee actually works more than 40 hours a week. Leave and holiday time taken within the work period shall not count as hours worked when calculating overtime accrual. Hours worked over two or more weeks shall not be averaged with the exception of certain types of law enforcement, fire protection, and correctional employees.

(a) An FLSA nonexempt employee shall sign a prior overtime agreement authorizing management to compensate the employee for overtime worked by actual payment or time off at time and one half.

(b) An FLSA nonexempt employee may receive compensatory time for overtime up to a maximum of 80 hours. Only with prior approval of the Executive Director, DHRM, may compensatory time accrue up to 240 hours for regular employees or up to 480 hours for peace or correctional officers, emergency or seasonal employees. Once an employee reaches the maximum, additional overtime shall be paid on the payday for the period in which it was earned.

(4) An FLSA exempt employee may not work more than 80 hours in a pay period without management approval. Compensatory time shall accrue when the employee actually works more than 80 hours in a work period. Leave and holiday time taken within the work period may not count as hours worked when calculating compensatory time. Each agency shall compensate an FLSA exempt employee who works overtime by granting time off. For each hour of overtime worked, an FLSA exempt employee shall accrue an hour of compensatory time.[~~ Except for Schedule AB, Schedule AD Deputy and Division Directors, and Schedule AQ, compensatory hours earned in excess of a base of 80 shall be paid down to 80.~~]

(a) Agencies shall establish in written policy a uniform overtime year either for the agency as a whole or by division and communicate it to employees. If an agency fails to establish a uniform overtime year, the Executive Director, DHRM, and the Director of Finance, Department of Administrative Services, will determine the date for the agency at the end of one of the following pay periods: Five, Ten, Fifteen, Twenty, or the last pay period of the calendar year. An agency may change the established overtime year only after the current overtime year has lapsed, unless justifiable reasons exist and the Executive Director, DHRM, has granted a written exception.

(b) Any compensatory time earned by an FLSA exempt employee is not an entitlement, a benefit, nor a vested right.

(c) Any compensatory time earned by an FLSA exempt employee shall lapse upon occurrence of any one of the following events:

(i) at the end of the employee's established overtime year;

(ii) when an employee transfers to another agency; or

(iii) when an employee terminates, retires, or otherwise does not return to work before the end of the overtime year.

(d) If an FLSA exempt employee's status changes to nonexempt, that employee's compensatory time earned while in exempt status shall lapse if not used by the end of the current overtime year.

(e) The agency head may approve overtime for career service exempt deputy and division directors, but overtime shall not be compensated with actual payment. Schedule AB employees shall not be compensated for compensatory time except with time off.

(5) Law enforcement, correctional and fire protection employees

(a) To be considered for overtime compensation under this rule, a law enforcement or correctional officer must meet the following criteria:

(i) be a uniformed or plainclothes sworn officer;

(ii) be empowered by statute or local ordinance to enforce laws designed to maintain public peace and order, to protect life and property from accident or willful injury, and to prevent and detect crimes;

(iii) have the power to arrest;

(iv) be POST certified or scheduled for POST training; and

(v) perform over 80 percent law enforcement duties.

(b) Agencies shall select one of the following maximum work hour thresholds to determine when overtime compensation is granted to law enforcement or correctional officers designated FLSA nonexempt and covered under this rule.

(i) 171 hours in a work period of 28 consecutive days; or

(ii) 86 hours in a work period of 14 consecutive days.

(c) Agencies shall select one of the following maximum work hour thresholds to determine when overtime compensation is granted to fire protection employees.

(i) 212 hours in a work period of 28 consecutive days; or

(ii) 106 hours in a work period of 14 consecutive days.

(d) Agencies may designate a lesser threshold in a 14 day or 28 day consecutive work period as long as it conforms to the following:

(i) the Fair Labor Standards Act, Section 207(k);

(ii) 29 CFR 553.230;

(iii) the state's payroll period;

(iv) the approval of the Executive Director, DHRM.

(6) Compensatory Time

(a) Agency management shall arrange for an employee's use of compensatory time as soon as possible without unduly disrupting agency operations or endangering public health, safety or property.

(b) Compensatory time balances for an FLSA nonexempt employee shall be paid down to zero in the same pay period that the employee is transferred from one agency to a different agency, promoted, reclassified, reassigned, or transferred to an FLSA exempt position. The pay down for unused compensatory time balances shall be based on the employee's hourly rate of pay in the old position.

(7) Time Reporting

(a) An FLSA nonexempt employee must complete and sign a state approved biweekly time record. Time records developed by the agency shall have the same elements of the state approved time record

and be approved by the Department of Administrative Services, Division of Finance.

(b) An FLSA exempt employee who works more than 80 hours in a work period must record the total hours worked and the compensatory time used on a biweekly time record. All hours must be recorded in order to claim overtime. Completion of the time record is at agency discretion when no overtime is worked during the work period.

(8) Hours Worked: An FLSA nonexempt employee shall be compensated for all hours worked. An employee who works unauthorized overtime may be subject to disciplinary action.

(a) All time that an FLSA nonexempt employee is required to wait for an assignment while on duty, before reporting to duty, or before performing activities is counted towards hours worked.

(b) Time spent waiting after being relieved from duty is not counted as hours worked if one or more of the following conditions apply:

(i) the employee arrives voluntarily before their scheduled shift and waits before starting duties;

(ii) the employee is completely relieved from duty and allowed to leave the job;

(iii) the employee is relieved until a definite specified time;

(iv) the relief period is long enough for the employee to use as the employee sees fit.

(c) On-call time: An employee required by agency management to be available for on-call work shall be compensated for on-call time at a rate of one hour for every 12 hours the employee is on-call.

(i) Time is considered on-call time when the employee has freedom of movement in personal matters as long as the employee is available for call to duty.

(ii) An employee must be directed by his supervisor, either verbally or in writing, that he is on call for a specified time period. Carrying a beeper or cell phone shall not constitute on-call time without a specific directive from a supervisor.

(iii) The employee shall record the hours spent in on-call status on his time sheet in order to be paid.

(d) Stand-by time: An employee restricted to stand-by at a specified location ready for work must be paid full-time or overtime, as appropriate. An employee must be paid for stand-by time if required to stand by the post ready for duty, even during lunch periods, equipment breakdowns, or other temporary work shutdowns.

(e) The meal periods of guards, police, and other public safety or correctional officers and firefighters who are on duty more than 24 consecutive hours must be counted as working time, unless an express agreement excludes the time.

([~~f~~]9) Commuting and Travel Time for FLSA exempt and nonexempt employees:

([~~i~~]a) Normal commuting time from home to work and back shall not count towards hours worked.

([~~ii~~]b) Time an employee spends traveling from one job site to another during the normal work schedule shall count towards hours worked.

([~~iii~~]c) Time an employee spends traveling on a special one day assignment shall count towards hours worked except meal time and ordinary home to work travel.

([~~iv~~]d) Travel that keeps an employee away from home overnight does not count towards hours worked if it is time spent outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile.

([~~v~~]e) Travel as a passenger counts toward hours worked if it is time spent during regular working hours. This applies to nonworking days, as well as regular working days. However, regular meal period time is not counted.

([~~g~~]10) Excess Hours for FLSA exempt and nonexempt employees: An employee may use excess hours the same way as annual leave.

([~~i~~]a) Agency management shall approve excess hours before the work is performed.

([~~ii~~]b) Agency management may deny the use of any leave time, other than holiday leave, that results in an employee accruing excess hours.

([~~iii~~]c) An employee [~~on schedule AB~~]may not accumulate more than 80 excess hours.

([~~iv~~]d) Agency management may pay out excess hours under one of the following:

([~~A~~]i) paid off automatically in the same pay period accrued;

(ii) paid off at any time during the year as determined appropriate by a state agency or division;

([~~B~~]iii) all hours accrued above [~~80~~]the limit set by DHRM; or

[~~(C) an employee on schedule AB shall only be paid for excess hours at separation.~~

] (iv) upon request of the employee and approval by the agency head.

R477-8-[~~7~~]6. Dual State Employment.

An employee who has more than one position within state government, regardless of schedule is considered to be in a dual employment situation. The following conditions apply to dual employment status.

(1) An employee may work in up to four different positions in state government.

(2) An employee's benefit status for any secondary position(s), regardless of schedule of any of the positions, shall be the same as the primary position.

(3) An employee's FLSA status (exempt or nonexempt) for any secondary position(s) shall be the same as the primary position.

(4) Leave accrual shall be based on all hours worked in all positions and may not exceed the maximum amount allowed in the primary position.

(5) As a condition of dual employment, an employee in dual employment status is prohibited from accruing excess hours in either the primary or secondary positions. All excess hours earned shall be paid at straight time in the pay period in which the excess hours are earned.

(6) As a condition of dual employment, the Overtime or Comp selection shall be as overtime paid regardless of FLSA status. An employee may not accrue comp hours while in dual employment status.

(7) Overtime shall be calculated at straight time or time and one half depending on the FLSA status of the primary position. Time and a half overtime rates shall be calculated based on the weighted average rate of the multiple positions. Refer to Division of Finance's payroll policies, dual employment section.

(8) The Accepting Terms of Dual Employment form shall be completed, signed by the employee and supervisor, and placed in the employee's personnel file with a copy sent to the Division of Finance.

(9) Secondary positions may not interfere with the efficient performance of the employee's primary position or create a conflict of interest. An employee in dual employment status shall comply with conditions outlined in Subsection R477-9-2(1).

R477-8-[8]7. Reasonable Accommodation.

Reasonable accommodation for qualified individuals with disabilities may be a factor in any employment action. Before notifying an employee of denial of reasonable accommodation, the agency shall consult with the Division of Risk Management.

R477-8-[9]8. Fitness For Duty Evaluations.

Fitness for duty medical evaluations may be performed under any of the following circumstances:

(1) return to work from injury or illness;

(2) when management determines that there is a direct threat to the health or safety of self or others;

(3) in conjunction with corrective action, performance or conduct issues, or discipline;

(4) when a fitness for duty evaluation is a bona fide occupational qualification for selection, retention, or promotion.

R477-8-[10]9. Temporary Transitional Assignment.

Temporary transitional assignments may be part of any of the following:

(1) [~~return to work from injury or illness~~]when an employee is unable to perform essential job functions due to temporary disability or medical restrictions;

(2) when management determines that there is a direct threat to the health or safety of self or others;

(3) in conjunction with an internal investigation, corrective action, performance or conduct issues, or discipline;

(4) where there is a bona fide occupational qualification for retention in a position;

(5) as a temporary measure while an employee is being evaluated to determine if reasonable accommodation is appropriate.

R477-8-[11]10. Change in Work Location.

(1) [~~A~~]An involuntary change in work location shall not be permitted if this requires the employee to commute or relocate 50 miles or more, one way, beyond his current one way commute, unless:

(a) the [~~policy~~]change in work location is communicated to the employee at employment; and

(b) the agency shall either pay to move the employee consistent with Section R25-6-8 and Department of Administrative Services, Division of Finance Policy 05-[~~04~~]03.03, or reimburse commuting expenses up to the cost of a move.

R477-8-11. Agency Policies and Exemptions.

(1) Each agency shall write its own policies for work schedules, overtime, leave, and other working conditions consistent with these rules.

(2) The Executive Director, DHRM, may authorize exceptions to this rule, consistent with Subsection R477-2-2(1).

KEY: breaks, telecommuting, overtime, dual employment
Date of Enactment or Last Substantive Amendment: [~~July 1, 2006~~]2007
Notice of Continuation: June 11, 2002
Authorizing, and Implemented or Interpreted Law: 67-19-6; 67-19-6.7; 20A-3-103

♦ ♦

Human Resource Management, Administration

R477-9

Employee Conduct

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29890
FILED: 04/30/2007, 10:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Amendments to this rule require an employee to provide a current mailing address and incorporate the Governor's Executive Order on Ethics into the rule. Nonsubstantive changes are also made to correct references to rule and Utah code.

SUMMARY OF THE RULE OR CHANGE: New language at Subsection R477-9-1(5) requires an employee to maintain a current address on record with the state. Any mail sent to the current address on record is deemed to have been delivered for legal purposes of the rules. The Governor's Executive Order on Ethics is incorporated at Section R477-9-3.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 67-19-6 and 67-19-19

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: No additional resources or action are required of agencies to comply with these amendments therefore no fiscal impact is anticipated.

❖ LOCAL GOVERNMENTS: This rule only affects the executive branch of state government and will have no impact on local governments.

❖ OTHER PERSONS: This rule only affects the executive branch of state government and will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule only affects agencies of the executive branch of state government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by Department of Human Resource Management (DHRM) have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the Utah Personnel Management Act, Title 67, Chapter 19. This act limits the provisions of career service and these rules to employees of the executive branch of state government. The only possible impact may be a very slight, indirect effect if an agency passes costs or savings on to business through fees. However, it is anticipated that the minimal costs associated with these changes will be absorbed by agency budgets and will have no effect on business. Jeff Herring, Executive Director

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

HUMAN RESOURCE MANAGEMENT
ADMINISTRATION
Room 2120 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:
Lyle Almond at the above address, by phone at 801-538-3391, by FAX at 801538-3081, or by Internet E-mail at lalmond@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: Jeff Herring, Executive Director

R477. Human Resource Management, Administration.
R477-9. Employee Conduct.
R477-9-1. Standards of Conduct.

An employee shall comply with the standards of conduct established in these rules and the policies and rules established by agency management.

(1) Employees shall apply themselves to and shall fulfill their assigned duties during the full-time for which they are compensated.

(a) An employee shall:

(i) comply with the standards established in the individual performance plans;

(ii) maintain an acceptable level of performance and conduct on all other verbal and written job expectations;

(iii) report conditions and circumstances, including controlled substances or alcohol impairment, that may prevent the employee from performing their job effectively and safely;

(iv) inform the supervisor of any unclear instructions or procedures.

(2) An employee shall make prudent and frugal use of state funds, equipment, buildings, and supplies.

(3) An employee who reports for duty or attempts to perform the duties of the position while under the influence of alcohol or nonprescribed controlled substances shall be subject to corrective action or discipline in accordance with Section R477-10-2, Rule R477-11 and R477-14.

(a) The agency may decline to defend and indemnify an employee found violating this rule, in accordance with [~~Section~~]Subsection 63-30-36[~~-~~](c)(ii) of the Utah Governmental Immunity Act.

(4) An employee shall not drive a state vehicle, or any other vehicle, on state time while under the influence of alcohol or controlled substances.

(a) An employee who violates this rule shall be subject to corrective action or discipline pursuant to Section R477-10-2, Rule R477-11 and R477-14.

(b) The agency may decline to defend or indemnify an employee who violates this rule, according to [~~Section~~]Subsection 63-30-36(3)(c)(i) of the Utah Governmental Immunity Act.

(5) An employee shall provide the agency with a current mailing address.

(a) The employee shall notify the agency in writing of any change in address.

(b) Mail sent to the current address on record shall be deemed to be delivered for purposes of these rules.

R477-9-3. Conflict of Interest.

(1) An employee may receive honoraria or paid expenses for activities outside of state employment under the following conditions:

(a) Outside activities must not interfere with the employee's efficient performance in his state position.

(b) Outside activities must not conflict with the interests of the agency or the State of Utah.

(c) Outside activities must not give reasons for criticism or suspicion of conflicting interests or duties.

(2) An employee shall not use his state position or any influence, power, authority or confidential information received in that position, or state time, equipment, property, or supplies for private gain.

(3) An employee shall not receive outside compensation for performing state duties, except for the following:

(a) [~~awards for meritorious public contribution;~~]Gifts or compensation defined in the Governor's Executive Order on Ethics dated February 14, 2007; or

(b) honoraria or expenses paid for papers, speeches, or appearances on an employee's own time with the approval of agency management, which are not compensated by the state or prohibited by rule[~~;~~

~~(c) usual social amenities, ceremonial gifts, or nonsubstantial advertising gifts~~].

(4) An employee shall declare a potential conflict of interest when required to do or decide something that could be interpreted as a conflict of interest. Agency management shall then excuse the employee from making decisions or taking actions that may cause a conflict of interest.

R477-9-5. Employee Indebtedness to the State.

(1) An employee indebted to the state because of an action or performance in official duties may have a portion of salary that exceeds the minimum federal wage withheld. Overtime salary shall not be withheld.

(a) The following three conditions must be met before withholding of salary may occur:

(i) The debt must be a legitimately owed amount which can be validated through physical documentation or other evidence.

(ii) The employee must know about and, in most cases, acknowledge the debt. As much as possible, the employee should provide written authorization to withhold the salary.

(iii) An employee must be notified of this rule which allows the state to withhold salary.

(b) An employee separating from state service will have salary withheld from the last paycheck.

(c) An employee going on leave without pay for more than two pay periods may have salary withheld from their last paycheck.

(d) The state may withhold an employee's salary to satisfy the following specific obligations:

(i) travel advances where travel and reimbursement for the travel has already occurred;

(ii) state credit card obligations where the state's share of the obligation has been reimbursed to the employee but not paid to the credit card company by the employee;

(iii) evidence that the employee negligently caused loss or damage of state property;

(iv) payroll advance obligations that are signed by the employee and that the Division of Finance authorizes;

(v) misappropriation of state assets for unauthorized personal use or for personal financial gain. This includes reparation for employee theft of state property or use of state property for personal financial gain or benefit;

(vi) overpayment of salary determined by evidence that an employee did not work the hours for which they received salary or was not eligible for the benefits received and paid for by the state;

(vii) excessive reimbursement of funds from flexible reimbursement accounts;

(viii) other obligations that satisfy the requirements of Subsection R477-9-[~~4~~]5(1) above.

(2) This rule does not apply to state employee obligations to other state agencies where the obligation was not caused by their actions or performance as an employee.

R477-9-6. Acceptable Use of Information Technology Resources.

Information technology resources are provided to a state employee to assist in the performance of assigned tasks and in the efficient day to day operations of state government.

(1) An employee shall use assigned information technology resources in compliance with Rule R[~~365~~]895-7, Acceptable Use of Information Technology Resources.

(2) An employee who violates the Acceptable Use of Information Technology Resources policy may be disciplined according to Rule R477-11.

R477-9-7. Policy Exceptions.

The Executive Director, DHRM, may authorize exceptions to the provisions of this rule, consistent with Subsection R477-2-2(1).

KEY: conflict of interest, government ethics, Hatch Act, personnel management
Date of Enactment or Last Substantive Amendment: [~~July 1, 2006~~]2007
Notice of Continuation: June 11, 2002
Authorizing, and Implemented or Interpreted Law: 67-19-6; 67-19-19

♦ ♦

Human Resource Management, Administration
R477-10
Employee Development

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29891
FILED: 04/30/2007, 10:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Amendments to this rule clarify without changing policy on corrective action, remove a reference to sexual harassment, and make nonsubstantive corrections to the reference to rules and Utah code.

SUMMARY OF THE RULE OR CHANGE: Language in Subsection R477-10-2(3) regarding corrective action is reorganized to clarify what is required when an agency engages in corrective action with an employee. This is at the request of Human Resources (HR) professionals in the field who advise management constantly on this issue. An amendment to Section R477-10-4 removes a reference to sexual harassment and replaces it with unlawful harassment.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 67-19-6 and 67-19-12.4

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: These are clarifying amendments and do not require any action by agencies nor any fiscal commitment to comply.
❖ LOCAL GOVERNMENTS: This rule only affects the executive branch of state government and will have no impact on local governments.
❖ OTHER PERSONS: This rule only affects the executive branch of state government and will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule only affects agencies of the executive branch of state government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by Department of Human Resource Management (DHRM) have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the Utah Personnel Management Act, Title 67, Chapter 19. This act limits the provisions of career service and these rules to employees of the executive branch of state government. The only possible impact may be a very slight, indirect effect if an agency passes costs or saving on to business through fees. However, it is anticipated that the minimal costs associated with these changes will be absorbed by agency budgets and will have no affect on business. Jeff Herring, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN RESOURCE MANAGEMENT
ADMINISTRATION
Room 2120 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:
Lyle Almond at the above address, by phone at 801-538-3391, by FAX at 801538-3081, or by Internet E-mail at lalmond@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: Jeff Herring, Executive Director

R477. Human Resource Management, Administration.
R477-10. Employee Development.
R477-10-1. Performance Evaluation.

Agency management shall develop an employee performance management system consistent with these rules and subject to approval by the Executive Director, DHRM. The Executive Director, DHRM, may authorize exceptions to provisions of this rule consistent with Section R477-2-2. For this rule, the word employee refers to a career service employee, unless otherwise indicated.

(1) An acceptable performance management system shall satisfy the following criteria:

(a) Performance standards and expectations for each employee shall be specifically written in a performance plan by August 30 of each fiscal year.

(b) Managers or supervisors provide employees with regular verbal and written feedback based on the standards of performance and conduct outlined in the performance plan.

(c) Each employee shall be informed concerning the actions to be taken, time frames, and the supervisor's role in providing assistance to improve performance and increase the value of service.

(d) Each employee shall have the right to include written comment with his performance evaluation.

(e) Agency management shall select a performance management rating system or a combination of systems by August [~~30~~]31 to be effective for the entire fiscal year. The rating system shall be one or more of the following:

TABLE

SYSTEM #	RATING	POINTS
1	Pass	2
	Fail	0
2	Exceptional	3
	Successful	2
	Unsuccessful	0
3	Exceptional	3
	Highly Successful	2.5
	Successful	2
	Unsuccessful	0
4	Exceptional	3
	Highly Successful	2.5
	Successful	2
	Marginal	1
	Unsuccessful	0

(2) Each state employee shall receive a performance evaluation effective on or before the beginning of the first pay period of each fiscal year.

(a) A probationary employee shall receive a performance evaluation at the end of the probationary period and again prior to the beginning of the first pay period of the fiscal year.

(3) The employee shall sign the evaluation. Signing the evaluation only means that the employee has reviewed the evaluation. Refusal to sign the evaluation shall constitute insubordination, subject to discipline.

(a) The evaluation form shall include a space for the employee's comments. The employee may comment in writing, either in the space provided or on a separate attachment.

R477-10-2. Corrective Action.

When an employee's performance does not meet established standards due to failure to maintain skills, incompetence, or inefficiency, and after consulting with DHRM, agency management may take appropriate, and documented corrective action in accordance with the following rules:

(1) The supervisor shall discuss the substandard performance with the employee and determine appropriate corrective action. If a [~~written~~]formal corrective action plan is developed or a written warning issued, the employee shall sign the plan or the warning to certify that it has been reviewed. Refusal to sign the corrective action plan or warning shall constitute insubordination subject to discipline.

(2) An employee shall have the right to submit written comment to accompany the corrective action plan.

(3) Corrective action[~~s~~]plans shall [~~include one or more of the following~~]identify or provide for:

[~~(a) a written plan to include the following elements;~~

] ([~~i~~]a) a designated period of time for improvement;

(b) an opportunity for remediation;

([~~ii~~]c) performance expectations;

([~~iii~~]d) closer supervision to include regular feedback of the employee's progress;

([~~iv~~]e) notice of disciplinary action for failure to improve; and,

([~~v~~]f) written performance evaluation at the conclusion of the corrective action plan.

[~~(b) closer supervision;~~

~~(c) training;~~

~~(d) reassignment;~~

~~(e) use of appropriate leave;~~

~~(f) opportunity for remediation;~~

~~(g) written warnings.~~](4) Corrective action plans may also identify or provide for the following based on the nature of the performance issue:

(a) training;

(b) reassignment;

(c) use of appropriate leave;

([~~4~~]5) Following successful completion of corrective action, the supervisor shall notify the employee of disciplinary consequences for a recurrence of the deficient work performance.

R477-10-3. Employee Development and Training.

Agency management may establish a program for training and staff development consistent with these rules.

(1) All agency sponsored training shall be agency specific or designed for highly specialized or technical jobs and tasks.

(2) Agency management shall consult with the Executive Director, DHRM, when proposed training and development activities may have statewide impact or may be offered more cost effectively on a statewide basis. The Executive Director, DHRM, shall determine whether DHRM will be responsible for the training standards.

(3) The Executive Director, DHRM, shall work with agency management to establish standards to guide the development of statewide activities and to facilitate sharing of resources statewide.

(4) When an agency directs an employee to participate in an educational program, the agency shall pay full costs[~~before the course begins~~].

(5) Agencies are required to provide refresher training and make reasonable efforts to requalify veterans reemployed under USERRA, as long as it does not cause an undue hardship to the employing agency.

R477-10-4. Liability Prevention Training.

Agencies shall provide liability prevention training to their employees. The curriculum shall be approved by DHRM[~~ and Risk Management~~]. Topics shall include but not be limited to: new employee orientation, prevention of [~~sexual~~]unlawful harassment, and supervisor training on prevention of workplace violence.

R477-10-5. Education Assistance.

State agencies may assist an employee in the pursuit of educational goals by granting administrative leave to attend classes, a subsidy of educational expenses, or both.

(1) Prior to granting education assistance, agencies shall establish policies which shall include the following conditions:

(a) The educational program will provide a benefit to the state.

(b) The employee shall successfully complete the required course work or the educational requirements of a program.

(c) The employee shall agree to repay any assistance received if the employee resigns from state employment within 12 months of completing educational work.

(d) Education assistance shall not exceed $5,250 per employee in any one calendar year unless approved in advance by the agency head.

(e) The employee shall disclose all scholarships, subsidies and grant monies provided to the employee for the educational program.

(i) Except for funding that must be repaid by the employee, the amount reimbursed by the State may not include funding received from sources in Subsection R477-10-5(1)(e).

(2) Agency management shall be responsible for determining the taxable or nontaxable status of educational assistance reimbursements.

(3) Agencies may offer educational assistance to law enforcement and correctional officers consistent with section 67-19-12.2 and with these criteria:

(a) The program shall comply with Subsections R477-10-5(1) and R477-10-5(2).

(b) The program shall be published and available to all qualified employees. To qualify:

(i) The employee's job duties shall satisfy the conditions of subsection 67-19-12.2[-](1).

(ii) The employee shall have completed probation.

(iii) The employee shall maintain a grade point average of at least 3.0 or equivalent from an accredited college or university.

(c) The program may provide additional compensation for an employee who completes a higher degree on or after April 30, 2001, in a subject area directly related to the employee's duties. If this policy is adopted, then:

(i) Two steps shall be given for an associate's degree.

(ii) Two steps shall be given for a bachelor's degree.

(iii) Two steps shall be given for a master's degree.

KEY: educational tuition, employee performance evaluations, employee productivity, training programs
Date of Enactment or Last Substantive Amendment: [~~July 1, 2006~~]2007
Notice of Continuation: June 11, 2002
Authorizing, and Implemented or Interpreted Law: 67-19-6; 67-19-12.4

♦ ♦

Human Resource Management, Administration
R477-12
Separations

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 29892
FILED: 04/30/2007, 10:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Amendments to this rule adjust Department of Human Resource Management (DHRM) policy on abandonment of position and the placement of employees in a reduction in force (RIF). Nonsubstantive amendments are made to correct reference to rule and Utah code.

SUMMARY OF THE RULE OR CHANGE: Amendment to Section R477-12-2, Abandonment of Position, is a change in policy governing the standard management must apply when determining if an employee has abandoned his position. The new standard requires the termination of an employee who is absent from work for three consecutive days without management approval. The previous standard required an employee to notify the supervisor of the reason for the absence if capable. The amendment to Subsection R477-12-3(9) allows an agency to place an employee in a vacant career service position without recruitment if the employee was to be terminated because of a RIF.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 67-19-6, 67-19-17, and 67-19-18

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: These are substantial changes in policy but they will not require additional commitment of resources or additional action by agencies. The only costs associated with either of these policies is the time of the Human Resources (HR) analyst or manager to administer the policy. Both changes can be easily accommodated within the existing administrative structure. In the case of abandonment of position, the three days of absence will still have to be tracked in order to apply the new standard. This can be accomplished with whatever system or form is currently in place in the agency. The change addresses the standard that is to be applied, not the process by which the threshold three days is documented. In the case of the RIF'd employee, the policy change gives management another option that may benefit both employee and agency. The movement of the employee to a vacant position will be a simple transfer. Long standing procedures to do this are in place and will not have to be changed to accommodate this new option. No fiscal impact is anticipated.

❖ LOCAL GOVERNMENTS: This rule only affects the executive branch of state government and will have no impact on local governments.

❖ OTHER PERSONS: This rule only affects the executive branch of state government and will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule only affects agencies of the executive branch of state government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by DHRM have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the Utah Personnel Management Act, Title 67, Chapter 19. This act limits the provisions of career service and these rules to employees of the executive branch of state government. The only possible impact may be a very slight, indirect effect if an agency passes costs or savings on to business through fees. However, it is anticipated that the minimal costs associated with these changes will be absorbed by agency budgets and will have no effect on business. Jeff Herring, Executive Director

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

HUMAN RESOURCE MANAGEMENT
ADMINISTRATION
Room 2120 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:
Lyle Almond at the above address, by phone at 801-538-3391, by FAX at 801538-3081, or by Internet E-mail at lalmond@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/2007

AUTHORIZED BY: Jeff Herring, Executive Director

R477. Human Resource Management, Administration.
R477-12. Separations.
R477-12-2. Abandonment of Position.

An employee who is absent from work for three consecutive working days [~~and is capable of providing proper notification to the supervisor, but does not,~~]without approval shall be considered to have abandoned his position and to have resigned from the employing agency.

(1) An employee who has abandoned his position may be separated from state employment. Management shall inform the employee of the action in writing.

(a) The employee shall have the right to appeal to the agency head within five working days of receipt or delivery of the notice of abandonment to the last known address.

(b) If the separation is appealed, management may not be required to prove intent to abandon the position.

R477-12-3. Reduction in Force.

Reductions in force shall be required when there are inadequate funds, a change of workload, or lack of work. Reductions in force shall be governed by DHRM business practices, standards and the following rules:

(1) When staff will be reduced in one or more categories of work, agency management shall develop a work force adjustment plan (WFAP). A career service employee shall only be given formal written notification of separation after a WFAP has been reviewed and approved by the Executive Director, DHRM, or designee. The following items shall be considered in developing the work force adjustment plan:

(a) the categories of work to be eliminated, including positions impacted through bumping, as determined by management;

(b) a decision by agency management allowing or disallowing bumping;

(c) specifications of measures taken to facilitate the placement of affected employees through normal attrition, retirement, reassignment, relocation, and movement to vacant positions for which the employee qualifies;

(d) a list of all affected employees showing the retention points for each employee.

(2) Eligibility for RIF.

(a) Only career service employees who have been identified in an approved WFAP and given an opportunity for a hearing with the agency head may be RIF'd.

(b) An employee covered by USERRA and in a leave without pay status must be identified, assigned retention points, and notified of the RIF of the previous position in the same manner as a career service employee.

(3) Retention points shall be calculated for all affected employees within a category of work as follows:

(a) Seniority shall be determined by the length of total state career service, which commenced in a competitive career service position for which the probationary period was successfully completed.

(i) For part-time work, length of service shall be determined in proportion to hours actually worked.

(ii) Exempt service time subsequent to attaining career service tenure with no break in service shall also be counted for purposes of seniority.

(iii) In the event of ties in retention points, the amount of time employed in the affected agency or department serves as the tie breaker.

(b) Length of state service shall be measured in years and additional days shown as a fraction of a year.

(c) Time spent in a leave without pay status for service in the uniformed services covered under USERRA shall be counted for purposes of seniority.

(d) Any time spent in leave without pay status, to include worker's compensation leave, may not be counted for purposes of seniority.

(e) An employee within a category of work, including employees covered under USERRA in a leave without pay status, shall be assigned a job proficiency rating. The job proficiency rating shall be an average of the last three annual performance evaluation ratings as described in Subsection R477-10-1(1)(e). If employees have had fewer than three annual performance evaluations, the proficiency ratings shall be an average of all ratings received as of that time.

(f) The numeric values of each employee's job proficiency rating and that employee's actual length of service shall be added together to produce the retention points.

(g) Retention points shall be calculated for an employee covered under USERRA and in a leave without pay status in the same manner as for current employees in the affected class. If there are no performance evaluation ratings for an employee covered under USERRA, no proficiency rating shall be included in the retention points.

(4) The order of separation shall be:

(a) temporary employees;

(b) probationary employees;

(c) career service employees with the lowest retention points are released first. In the event of ties in retention points, the amount of seniority in the affected agency serves as the tie breaker.

(5) An employee, including one covered under USERRA in a leave without pay status, who is separated due to a reduction in force shall be given formal written notification of separation, allowing for a minimum of 20 working days prior to the effective date of the RIF.

(6) Appeals.

(a) An employee notified of separation due to a reduction in force may appeal to the agency head for an administrative review by submitting a written notice of appeal within 20 working days after the receipt of written notification of separation.

(b) The employee may appeal the decision of the agency head according to the appeals procedure of the Career Service Review Board.

(7) Reappointment of RIF'd individual.

(a) A RIF'd individual is eligible for reappointment into a half time or greater career service position for which he qualifies in a salary range comparable to or less than the last career service position held, for a period of one year following the date of separation.[-] Section R477-4-4 applies for selection of individuals from the reappointment register.

(i) The Executive Director, DHRM, shall maintain a reappointment register and shall make the final determination on whether an eligible RIF'd individual meets the job requirements for position vacancies.

(ii) A RIF'd individual shall remain on the state reappointment register for 12 months from the date of separation, unless reappointed sooner.

(b) During a statewide mandated freeze on hiring wherein the Governor disallows increases in each agency's budgeted FTEs, eligibility for the reappointment register shall be extended for the entire length of time covered by a freeze.

(c) When determining comparable salary ranges in cases of RIF eligibility, a comparison of the previous career service salary range to the current career service salary range maximum step is required. A RIF'd individual shall have RIF rights to any vacant position for which he qualifies. The basis for comparison shall be:

(i) The current salary range of a vacant position if it is equal to or lesser than the individual's previous salary range, or;

(ii) If the maximum step of the position previously held by the RIF'd individual has moved upward, the new range shall be used.

(d) A RIF'd individual who is reappointed to a career service position shall not be required to serve a probationary period. The RIF'd individual shall enjoy all the rights and privileges of a regular career service employee.

(e) At agency discretion, an individual reappointed from a reappointment register may buy back part or all accumulated annual and converted sick leave that was cashed out when RIF'd.

(8) Appeal rights of RIF'd individual. An individual whose name is on the reappointment register as a result of a reduction in force may use the grievance procedure regarding their reappointment rights.

(9) A career service employee in an exempt position. Any career service employee accepting an exempt position without a break in service, who is later not retained by the appointing officer, unless discharged for cause as provided for by these rules, shall be placed on the reappointment register.

(a) The Executive Director, DHRM, shall maintain a reappointment register for this purpose. An individual on this register shall:

(i) be appointed to any half time or greater career service position for which the individual qualifies in a salary range comparable to the individual's last position in the career service, provided an opening exists; or

(ii) be appointed to any lesser career service position for which the individual qualifies, pending the opening of a position at the last career service salary range held.

(b) The Executive Director, DHRM, shall make the final determination on whether an eligible individual meets the job requirements for position vacancies.

(c) The individual shall declare a desire to remain on the reappointment register upon inquiry by DHRM.

(d) [~~In~~]Prior to termination and in lieu of placement on the reappointment register, management may place an employee in a vacant career service position consistent with Subsection R477-12-3(7)(c) for which he qualifies. A memorandum of understanding waiving all appeal rights concerning the reassignment shall be signed by the employee.

R477-12-4. Exceptions.

The Executive Director, DHRM, may authorize exceptions to provisions of this rule consistent with Subsection R477-2-2(1).

KEY: administrative procedures, employees' rights, grievances, retirement
Date of Enactment or Last Substantive Amendment: [~~July 1, 2006~~]2007
Notice of Continuation: June 11, 2002
Authorizing, and Implemented or Interpreted Law: 67-19-6; 67-19-17; 67-19-18

♦ ♦

Insurance, Administration
R590-152
Medical Discount Program Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29875
FILED: 04/27/2007, 08:50

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being changed due to a code change resulting from the passage, in 2005, of H.B. 70. (DAR NOTE: H.B. 70 (2005) is found at Chapter 58, Laws of Utah 2005, and was effective 09/01/2005.)

SUMMARY OF THE RULE OR CHANGE: The changes to this rule set filing and licensing requirements for medical health discount

programs and set prohibitions on using health insurance terms in marketing and product information. The changes also clarify to health insurers that value added benefits do not fall under this law and rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-8a-210

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The changes to this rule will have a positive impact on the state budget. Due to the new licensing requirements, health discount programs will need to pay $302 for the initial license and $252 for their annual renewal. Currently, there are 50 health discount programs in Utah. This would bring $15,100 into the general fund for new licenses and $12,600 for renewal licenses. Discount programs will also be required to file their forms with the department at the time of licensure. There will be some additional work for department licensing and rate and form specialists but it will not require the hiring of additional employees. The licensing requirements and forms to be filed are very simple.

❖ LOCAL GOVERNMENTS: The changes to this rule will not affect local governments since they only deal with the relationship between the department and their licensees.

❖ OTHER PERSONS: Discount programs will need to be licensed and pay an initial fee of $302 and an annual renewal fee of $252. Currently, there are 50 health discount programs in Utah. This would bring $15,100 into the general fund for new licenses and $12,600 for renewal licenses. All can be done electronically which should minimize time, effort, and expense. The requirement for these plans to be licensed will provide the department with regulatory control of these plans and those who sell them, providing a safeguard for consumers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Discount programs will need to be licensed and pay an initial fee of $302 and an annual renewal fee of $252. All can be done electronically which should minimize time, effort, and expense. The requirement for these plans to be licensed will provide the department with regulatory control of these plans and those who sell them, providing a safeguard for consumers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Due to the new requirement to be licensed, medical health discount programs will be required to pay a licensing fee each year. 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 06/14/2007

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 6/06/2007 at 10:00 AM, State Office Building, Room 3112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 06/21/2007

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-152. [~~Medical~~]Health Discount [~~Programs~~]Programs and Value Added Benefit Rule.
R590-152-1. Authority.

This rule is promulgated by the commissioner under31A-8a-210 which authorizes the commissioner to enforce Chapter 8a and protect the public interest[~~and adopted pursuant to Subsection 31A-1-103(3)(d) and Section 31A-2-201~~].

R590-152-2. Purpose and Scope.

(1) The purpose of this rule is to describe initial and renewal license procedures, fees, and other authorized charges, required and prohibited practices, advertising and marketing activity, disclosure requirements, provider agreements, dispute resolution, and record keeping[~~exempt providers of certain medical discount programs from regulation under Chapter 8 of Title 31A and to define those so exempted~~].

(2) This rule applies to health discount programs, health discount program operators, health discount plan marketers, and a value added benefit provided by a person licensed under Title 31A, Chapters 7 or 8.

R590-152-3. Definitions.

For the purposes of this rule, the commissioner adopts the definitions in Sections 31A-1-301 and 31A-8a-102 and the following[~~definition shall apply~~]:

(1) "Administration of the health discount plan" means the process used by the health discount program to solicit members, enroll members, maintain the membership, resolve disputes with members, disenroll members, and collect or refund fees and other authorized charges.

(2) "Authority to do business in this state" means to have other applicable licenses as required by statute and operating within the scope of such licenses.

(3) "Health discount program marketer" means a person or entity, including a private label entity, which places its name on and markets or distributes a health discount program but does not operate the marketed or distributed health discount program.

(4) "Private label entity" means an entity that purchases a health discount program from another entity and puts their own name or logo on the purchased health discount program.

(5) "Prominently" means not less than 14 point type or no smaller than the largest type on the page if larger than 12 point type. [~~Medical Discount Program. A program established or operated by a third person which arranges for participating medical professionals to provide medical goods or services at a discount to a subscriber.~~]

R590-152-4. General Information[~~Rule~~].

(1) The commissioner may examine, audit, or investigate the business and affairs of any health discount program or any person the commissioner believes may be operating or marketing a health discount program.

(2) If a health discount program or a health discount program operator or health discount plan marketer offer insurance benefits, then they must comply with statutes and rules pertaining to the solicitation, negotiation, and sale of insurance in Utah.[~~A. A medical discount program is a limited health plan as defined under 31A-8-101(6)(a) and must comply with the requirements of limited health plans unless otherwise exempted from regulation by this rule.~~

~~B. The commissioner, pursuant to 31A-1-103(3)(d), finds that medical discount programs that operate in accordance with all of the provisions of this rule, do not require regulation by the department for the protection of the interest of the residents of this state and that it would otherwise be impracticable to require compliance with the provisions of Title 31A.~~

~~C. An exempt medical discount program, pursuant to 31A-4-106 may not make any payments to providers for participation in the program or for the services performed, capitation payments, signing fees, bonuses, or other forms of compensation other than referral of the program subscribers to the provider.~~

~~D. An exempt medical discount program may provide discount or free services through its contracted providers to its subscribers in exchange for a periodic payment to the program or as a benefit in connection with membership in a particular group.~~

~~E. An exempt medical discount program must include the following disclosures in all contracts, booklets, advertising, and any presentations relating to the solicitation of the program:~~

~~(1) prominently state that the program is "Not Insurance" and that the program is a "Discount Program;"~~

~~(2) prominently state the following: "Note to Utah Residents: This contract is not protected by the Utah Life and Health Guaranty Association;" and~~

~~(3) prominently state that the program and the program administrators have no liability for providing or guaranteeing service and should state that they have no liability for the quality of service rendered.~~

~~F. A medical discount plan may not use in its title, name or description words usually associated with insurance, including "insurance," "premium," or "coverage," and may not refer to its sales representative as an "agent," "broker," "producer," or "consultant."~~]

R590-152-5. Licensing (Application, Initial, Renewal)[~~Department Opinion~~].

(1) The following must be licensed prior to offering a health discount program:

(a) a health discount program;

(b) a health discount program operator; or

(c) a health discount program marketer:

(i) if operating separately from the health discount program operator whose health discount program is being marketed by the health discount program marketer; or

(ii) if marketing health discount programs from more than one provider of health discount programs.

(2) The "Application for Health Discount Program Operator or Health Discount Program Marketer" must be completed and submitted with the appropriate fee.

(3) The commissioner may deny an application from a health discount program, a health discount program operator, or a health discount program marketer if the applicant would not be in compliance with Chapter 31A-8a because the applicant, in this or any other jurisdiction, for a matter dealing with a health discount program is:

(a) under investigation; or

(b) has been found in violation of a statute or regulation.[~~Any program may request an opinion from the department as to whether it complies with the provisions of this rule and would, therefore, be exempt from the requirements of Title 31A.~~]

R590-152-6. Fees and Other Authorized Charges.

(1) A health discount program may provide discounts or free services through contracted providers to subscribers in exchange for a periodic payment to the program or as a benefit in connection with membership in a particular group.

(2) A health discount program may charge:

(a) a non-refundable one-time enrollment charge; and

(b) a refundable periodic fee.

(3) A health discount program that charges fees for a time period in excess of one month must, in the event of cancellation of the membership by the health discount program or the health discount program operator, make a pro-rata refund of the periodic fees paid by the member.

R590-152-7. Required Practices.

(1) A health discount program must have an active toll-free telephone number for members to call.

(2) Face to face, paper, telephone, and electronic communications with clients or potential clients must state that the health discount program is a discount plan and not insurance.

(3) When a health discount program marketer or a health discount program sells a health discount program together with any other product that can be sold separately, including insured benefits, an itemized list of the fees or premiums for each individual product must be provided in writing to the client at solicitation.

(4) Information available to a health discount program member via a health discount program web page must be updated within 15 days of any change in the information.

R590-152-8. Value Added Benefit.

(1) Any value added benefit must actually exist and a copy of the contract verifying such existence must be available upon request to the commissioner.

(2) Prior to any offering of a value added benefit, a person licensed under Title 31A shall file with the commissioner a value added benefits list that includes the following:

(a) the insurer's name and address;

(b) the insurer's policy form number(s); and

(c) a description of the benefits offered.

R590-152-9. Prohibited practices.

(1) A health discount program may not make any payments to providers for:

(a) participation in the health discount program;

(b) capitation payments;
(c) signing fees;
(d) bonuses; or
(e) other forms of compensation.
(2) A health discount program may not offer any insurance benefits unless licensed as an insurance producer and contracted and appointed by the insurer providing the insurance benefits.

R590-152-10. Advertising and Marketing.
(1) The format and content of any advertisement shall be sufficiently complete and clear as to avoid deceiving or misleading the reader, viewer, or listener.
(2) An advertisement of any insured product or benefit must comply with applicable provisions of Subsections 31A-23a-102 (12) and (13) and Rule R590-130, Rules Governing Advertisements of Insurance.
(3) A health discount program must approve in writing all advertisements, marketing materials, brochures, and discount cards used by a health discount program marketer marketing the health discount program.
(4) All advertisements, marketing materials, brochures, and discount cards used by a health discount program marketer marketing the health discount program must be available to the commissioner upon his request.
(5) The health discount program must have an executed written agreement with a health discount program marketer prior to the health discount plan marketer marketing, promoting, selling, or distributing the health discount program.

R590-152-11. Disclosures.
(1) A health discount program operator must provide the disclosures required by Section 31A-8a-205.
(2) The membership card shall prominently state: "This is not health insurance."
(3) Disclosure materials provided to a purchaser or potential purchaser must include:
(a) membership materials;
(b) new enrollee information;
(c) a list of providers that have agreed by written contract with the health discount program to accept the program;
(d) a statement that "A health discount program member is responsible for the entire payment of their medical or health care bill after the discount is applied."; and
(e) the complete terms and conditions of any refund policy.
(4) A health discount program operator or marketer must:
(a) provide a purchaser a 30-day money back guarantee, which allows the purchaser to terminate the contract and receive a full refund of any periodic fee paid; and
(b) the 30-day period must commence when the purchaser receives the membership materials.

R590-152-12. Contracts.
(1) A provider agreement between a health discount program and a provider network shall require:
(a) the provider network to have a written agreement with each provider in the network authorizing the provider network to contract with a health discount program on behalf of the provider; and
(b) the health discount program operator to inform each provider within the contracted provider network with information about the health discount program.
(2) A provider agreement between a health discount program and another health discount program that has contracted with a provider network shall require the contract with the provider network to comply with Subsection (1).

R590-152-13. Dispute Resolution Procedures.
A health discount program must:
(1) file its dispute resolution procedures with the commissioner pursuant to Section 31A-8a-203; and
(2) comply with its filed dispute resolution procedures.

R590-152-14. Penalties.
A person found, after a hearing or other regulatory process, to be in violation of this rule shall be subject to penalties as provided under Section 31A-2-308.

R590-152-[~~6~~]15. Enforcement Date.
The commissioner will begin enforcing the revised provisions of this rule 45 days from the rule's effective date.

R590-152-[~~7~~]16. Severability.
If any provision of this rule or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of such provision to other persons or circumstances shall not be affected thereby.

KEY: insurance, medical discount plans
Date of Enactment or Last Substantive Amendment: [~~July 16, 2003~~]2007
Notice of Continuation: November 27, 2002
Authorizing, and Implemented or Interpreted Law: 31A-1-103; 31A-2-201

♦ ♦

Labor Commission, Occupational Safety and Health
R614-1-4
Incorporation of Federal Standards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29857
FILED: 04/23/2007, 14:21

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to promote the safety of employees working with electric equipment in Utah workplaces. The proposed change does this by incorporating by reference standards recently established by the Federal Occupational Safety and Health Administration (OSHA) for the design and installation of electric equipment in places of employment.

SUMMARY OF THE RULE OR CHANGE: OSHA has concluded that electrical hazards in the workplace pose a significant risk of injury or death to employees. To address that risk, OSHA has promulgated regulations found in Subpart S of 29 CFR 1910,

which are in turn drawn from standards established by the National Fire Protection Association (NFPA) and the National Electric Code (NEC) for the design and installation of electrical equipment. These new regulations constitute the first update to the installation requirements in the general industry electrical installation standards since 1981.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 34A, Chapter 6

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: FR Vol. 72, No. 30, Wednesday, February 14, 2007, Pages 7136 to and including 7221 "Electrical Standard; Final Rule"

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Utah has previously adopted the applicable NEC. Consequently, the design and installation standards required by the proposed rule are already applicable in Utah, and enactment of the proposed rule will result in no additional costs or savings to the state budget, either in terms of compliance costs or enforcement costs.

❖ LOCAL GOVERNMENTS: Utah has previously adopted the applicable NEC. Consequently, the design and installation standards required by the proposed rule are already applicable to local governments in Utah, and enactment of the proposed rule will result in no additional costs or savings to local government budgets.

❖ OTHER PERSONS: Utah has previously adopted the applicable NEC. Consequently, the design and installation standards required by the proposed rule are already applicable in Utah, and enactment of the proposed rule will result in no additional costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because Utah has previously adopted the applicable NEC, the Labor Commission anticipates that those persons and entities subject to the proposed rule are already in compliance with its substantive provisions and will experience no additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed amendment incorporates new OSHA standards for electrical equipment in the workplace. However, the OSHA standards are based on standards that are already applicable in Utah as part of the NEC. Because compliance with the NEC will also satisfy the requirements of this proposed rule, this rule will have no fiscal impact on businesses. Sherrie Hayashi, Commissioner

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

LABOR COMMISSION
OCCUPATIONAL SAFETY AND HEALTH
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:
William Adams at the above address, by phone at 801-530-6897, by FAX at 801-530-7606, or by Internet E-mail at wadams@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: Sherrie Hayashi, Commissioner

R614. Labor Commission, Occupational Safety and Health.
R614-1. General Provisions.
R614-1-4. Incorporation of Federal Standards.

A. General Industry Standards.

1. Sections 29 CFR 1910.21 to 1910.999 and 1910.1000 through the end of part 1910 of the July 1, 2005, edition are incorporated by reference.

2. 29 CFR 1908, July 1, 2005, is incorporated by reference.

3. 29 CFR 1904, July 1, 2005, is incorporated by reference.

4. FR Vol. 71, No. 39, Tuesday, February 28, 2006, Pages 10100 to and including 10385. "Occupational Exposure to Hexavalent Chromium; Final Rule" is incorporated by reference.

5. FR Vol. 71, No. 164, Thursday, August 24, 2006, Pages 50122 to and including 50192 "Assigned Protection Factors; Final Rule" is incorporated by reference.

6. FR Vol. 72, No. 30, Wednesday, February 14, 2007, Pages 7136 to and including 7221 "Electrical Standard; Final Rule" is incorporated by reference.

B. Construction Standards.

1. Section 29 CFR 1926.20 through the end of part 1926, of the July 1, 2005, edition is incorporated by reference.

2. FR Vol. 71, No. 11, Wednesday, January 18, 2006, Pages 2879 to and including 2885, "Steel Erection: Slip Resistance of Skeletal Structural Steel; Final Rule" is incorporated by reference.

3. FR Vol. 71, No. 39, Tuesday, February 28, 2006, Pages 10100 to and including 10385. "Occupational Exposure to Hexavalent Chromium; Final Rule" is incorporated by reference.

4. FR Vol. 71, No. 39, Thursday, December 29, 2005, Pages 76979 to and including 77025, "Roll-Over Protection Structures (Direct Final Rule" is incorporated by reference.

5. FR Vol. 71, No. 164, Thursday, August 24, 2006, Pages 50122 to and including 50192 "Assigned Protection Factors; Final Rule" is incorporated by reference.

KEY: safety
Date of Enactment or Last Substantive Amendment: [~~January 23,~~]2007
Notice of Continuation: November 25, 2002
Authorizing, and Implemented or Interpreted Law: 34A-6

♦ ♦

Money Management Council, Administration
R628-15
Certification as an Investment Adviser

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29906
FILED: 05/01/2007, 13:13

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The section in the Utah Money Management Act (Section 51-7-11.5) that allowed for the use of noncertified broker dealers by investment advisers has been changed and no longer allows for the use of "qualified" dealers by investment advisers.

SUMMARY OF THE RULE OR CHANGE: The definition of "Qualified dealer" is being deleted from Section R628-15-4 and Section R628-15-11 is being deleted. The sections following that are being re-numbered. These changes are being done as the statute no longer allows for qualification of noncertified dealers. References to "qualified" dealers have been changed to "certified dealers".

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 51-7-11.5

ANTICIPATED COST OR SAVINGS TO:
❖ THE STATE BUDGET: There are no costs or savings as there was no fee to be a "qualified" broker under this rule, and there were no qualified brokers.
❖ LOCAL GOVERNMENTS: No costs or savings as no local entities were utilizing this option.
❖ OTHER PERSONS: No costs or savings as no investment advisers had submitted brokers to be qualified.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The section is being deleted so there is no cost for compliance.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change should not have any material economic impact upon those parties affected by the amendment to the rule. Bruce Cohne, Chair

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
MONEY MANAGEMENT COUNCIL
ADMINISTRATION
Room E315 EAST OFFICE BLDG
STATE CAPITOL COMPLEX
PO BOX 142315
SALT LAKE CITY UT 84114-2315, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ann Pedroza at the above address, by phone at 801-538-1883, by FAX at 801-538-1465, or by Internet E-mail at apedroza@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 06/21/2007

AUTHORIZED BY: Bruce B. Cohne, Chair

R628. Money Management Council, Administration.
R628-15. Certification as an Investment Adviser.
R628-15-1. Authority.

This rule is issued pursuant to Sections 51-7-3(3), 51-7-18(2)(b)(vi) and (vii), and 51-7-11.5[~~(2)(b) and (c)~~].

R628-15-2. Scope.

This rule establishes the criteria applicable to all investment advisers and investment adviser representatives for certification by the Director as eligible to provide advisory services to public treasurers under the State Money Management Act (the "Act"). It further establishes the application contents and procedures, and the criteria and the procedures for denial, suspension, termination and reinstatement of certification.[~~ Additionally, the qualification of non-certified dealers and the use of these qualified dealers by certified investment advisers is provided for.~~]

R628-15-4. Definitions.

A. The following terms are defined in Section 51-7-3 of the Act, and when used in this rule, have the same meaning as in the Act:

1. "Certified investment adviser";
2. "Council";
3. "Director";
4. "Public treasurer";[~~ and~~]
5. "Investment adviser representative"[~~-~~]; and
6. "Certified dealer".

B. For purposes of this rule the following terms are defined:

1. "Investment adviser" means either a federal covered adviser as defined in Section 61-1-13 or an investment adviser as defined in Section 61-1-13.

[~~2. "Qualified dealer" means a non-certified broker/dealer that is licensed by the Division and is qualified by the Council to conduct investment transactions on behalf of a public treasurer pursuant to an investment adviser contract not inconsistent with the Act or Rules of the Council between the public treasurer and a certified investment adviser.~~

~~3~~]2. "Realized rate of return" means yield calculated by combining interest earned, discounts accreted and premiums amortized, plus any gains or losses realized during the month, less all fees, divided by the average daily balance during the reporting period. The realized return should then be annualized.

[~~4~~]3. "Soft dollar" means the value of research services and other benefits, whether tangible or intangible, provided to a certified investment adviser in exchange for the certified investment adviser's business.

R628-15-9. Post Certification Requirements.

A. Certified investment advisers shall notify the Division of any changes to any items or information contained in the original application within 30 calendar days of the change. The notification shall provide copies, where necessary, of relevant documents.

B. Certified investment advisers shall maintain a current application on Form 628-15 with the Division throughout the term of any agreement or contract with any public treasurer. Federal covered advisers shall maintain registration as an investment adviser under the Investment Advisers Act of 1940 throughout the term of any agreement or contract with any public treasurer.

C. Certified investment advisers shall provide written evidence of insurance coverage and shall maintain insurance coverage as follows:

(1) fidelity coverage based on the following schedule:

TABLE

Utah Public funds under management	Percent for Bond
$0 to $25,000,000	10% but not less than $1,000,000
$25,000,001 to $50,000,000	8% but not less than $2,500,000
$50,000,001 to $100,000,000	7% but not less than $4,000,000
$100,000,001 to $500,000,000	5% but not less than $7,000,000
$500,000,001 to $1.250 billion	4% but not less than $25,000,000
$1,250,000,001 and higher	Not less than $50,000,000

(2) errors and omissions coverage equal to five percent (5%) of Utah public funds under management, but not less than $1,000,000 nor more than $10,000,000 per occurrence.

D. Certified investment advisers shall provide to the public treasurer the SEC Form ADV Part II prior to contract execution.

E. Certified investment advisers shall file annual audited financial statements with all public treasurers with whom they are doing business and with the Division.

F. Certified investment advisers shall fully disclose all conflicts of interest and all economic interests in [~~qualified~~]certified dealers and other affiliates, consultants and experts used by the Investment adviser in providing investment advisory services.

G. Certified investment advisers shall act with the degree of care, skill, prudence, and diligence that a person having special skills or expertise acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

H. Certified investment advisers shall exercise good faith in allocating transactions to [~~qualified~~]certified dealers in the best interest of the account and in overseeing the completion of transactions and performance of [~~qualified~~]certified dealers used by the Investment adviser in connection with investment advisory services.

I. Certified investment advisers shall fully disclose to the public treasurer any self-dealing with subsidiaries, affiliates or partners of the Investment adviser and any soft dollar benefits to the Investment adviser for transactions placed on behalf of the public treasurer.

J. Certified investment advisers shall fully and completely disclose to all public treasurers with whom they do business the basis for calculation of fees, whether and how fees may be adjusted during the term of any agreement, and any other costs chargeable to the account. If performance-based fees are proposed, the disclosure shall include a clear explanation of the amount of the fee at specific levels of performance and how prior losses are handled in calculation of the performance-based fee.

K. Certified investment advisers shall not assign any contract or agreement with a public treasurer without the written consent of the public treasurer.

L. Certified investment advisers shall provide immediate written notification to any public treasurer to whom advisory services are provided and to the Division upon conviction of any crime involving breach of trust or fiduciary duty or securities law violations.

M. Not less than once each calendar quarter and as often as requested by the public treasurer, Certified investment advisers shall timely deliver to the public treasurer:

(1) copies of all trade confirmations for transactions in the account;

(2) a summary of all transactions completed during the reporting period;

(3) a listing of all securities in the portfolio at the end of each reporting period, the market value and cost of each security, and the credit rating of each security;

(4) performance reports for each reporting period showing the total return on the portfolio as well as the realized rate of return, when applicable, and the net return after calculation of all fees and charges permitted by the agreement; and

(5) a statistical analysis showing the portfolio's weighted average maturity and duration, if applicable, as of the end of each reporting period.

[~~R628-15-11. Criteria for Qualification of a Non-certified Dealer.~~

~~A. Before a Certified investment adviser uses a non-certified dealer to conduct investment transactions on behalf of a public treasurer, the investment adviser must submit an application for each non-certified dealer for qualification by the Division.~~

~~B. The application must include:~~

~~(1) Proof of licensing with the Division under its laws and rules, effective as of the date of the application, of the following:~~

~~(a) the broker-dealer;~~

~~(b) any agents of a firm doing business in the state.~~

~~(2) A Certificate of Good Standing, obtained from the state in which the applicant is incorporated or organized.~~

~~(3) With respect to applicants who are not primary reporting dealers, financial statements, prepared by an independent certified public accountant in accordance with generally accepted accounting principles, indicating that the applicant has, as of its most recent fiscal year end:~~

~~(a) Minimum net capital, as calculated under rule 15c3-1 of the Securities and Exchange Act of 1934 (17 CFR 240.15c3-1(2004)), of at least 5% of the applicant's aggregate debt balances, as defined in the rule, and;~~

~~(b) Total capital as follows:~~

~~(i) of at least $10 million or;~~

~~(ii) of at least $25 million, calculated on a consolidated basis, with respect to an applicant which is a wholly-owned subsidiary.~~

]R628-15-[~~12~~]11. Grounds for Denial, Suspension or Termination of Status as a Certified investment adviser.

Any of the following constitutes grounds for denial, suspension, or termination of status as a Certified investment adviser:

A. Denial, suspension or termination of the Certified investment adviser's license by the Division.

B. Failure to maintain a license with the Division by the firm or any of its Investment adviser representatives conducting investment transactions with a public treasurer.

C. Failure to maintain the required minimum net worth and the required bond.

D. Requiring the public treasurer to sign any documents, contracts, or agreements which require that disputes be submitted to mandatory arbitration.

E. Failure to pay the annual certification fee.

F. Making any false statement or filing any false report with the Division.

G. Failure to comply with any requirement of section R628-15-9.

H. Engaging in any material act in negligent or willful violation of the Act or Rules of the Council.

I. Failure to respond to requests for information from the Division or the Council within 15 days after receipt of a request for information.

J. Engaging in a dishonest or unethical practice. "Dishonest or unethical practice" includes but is not limited to those acts and practices enumerated in Rule R164-6-1g.

K. Being the subject of:

(1) an adjudication or determination, within the past five years by a securities or commodities agency or administrator of another state, Canadian province or territory, or a court of competent jurisdiction that the person has willfully violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act, or the securities or commodities law of any other state; or

(2) an order entered within the past five years by the securities administrator of any state or Canadian province or territory or by the Securities and Exchange Commission denying or revoking license as an investment adviser, or investment adviser representative or the substantial equivalent of those terms or is the subject of an order of the Securities and Exchange Commission suspending or expelling the person from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934, or is the subject of a United States post office fraud order.

R628-15-[~~13~~]12. Procedures for Denial, Suspension, or Termination and Reinstatement of Status.

A. Where it appears to the Division or to the Council that grounds may exist to deny, suspend, or terminate status as a Certified investment adviser, the Council shall proceed under the Utah Administrative Procedures Act, Chapter 46b, Title 63 ("UAPA").

B. All proceedings to suspend a Certified investment adviser or to terminate status as a certified investment adviser are designated as informal proceedings under ("UAPA").

C. In any hearings held, the Chair of the Council shall be the presiding officer, and that person may act as the hearing officer, or may designate another person from the Council or the Division to be the hearing officer. After the close of the hearing, other members of the Council may make recommendations to the hearing officer.

D. The Notice of Agency Action as set forth under UAPA, or any petition filed in connection with it, shall include a statement of the grounds for suspension or termination, and the remedies required to cure the violation.

E. A Certified investment adviser and its Investment adviser representative who has received a Notice of Agency Action alleging violations of the Act or these rules, may continue, in the discretion of the public treasurer, to conduct investment transactions with the public treasurer until the violations asserted by the Money Management Council in the Notice of Agency Action becomes subject to a written order of the Council or Agency against the adviser or adviser representative, or until the Council enters an emergency order indicating that public funds will be jeopardized by continuing investment transactions with the adviser or adviser representative.

F. The Council may issue an emergency order to cease and desist operations or specified actions with respect to public treasurers or public funds. Further, the Council may issue an emergency suspension of certification if the Council determines that public funds will be jeopardized by continuing investment transactions or other specified actions with the adviser or adviser representative.

G. Within ten business days after the conclusion of a hearing on an emergency order, the Council shall lift this prohibition upon a finding that the Certified investment adviser and its investment adviser representative may maintain certification.

KEY: cash management, public investments, securities regulation, investment advisers
Date of Enactment or Last Substantive Amendment: [~~May 5, 2005~~]2007
Authorizing, and Implemented or Interpreted Law: 51-7-3(3); 51-7-18(2)(b)(vi); 51-7-18(2)(b)(vii); 51-7-11.5(2)(b); 51-7-11.5(2)(c)

School and Institutional Trust Lands, Administration

R850-5

Payments, Royalties, Audits, and Reinstatements

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29904
FILED: 05/01/2007, 09:21

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: It has been determined through a review of this rule that certain portions are outdated and no longer necessary and some additions were warranted to facilitate the processing of royalty payments and to address electronic fund and data transfers. There is also an increase in certain fees to align with the cost of the added tasks in completion of the transaction.

SUMMARY OF THE RULE OR CHANGE: Changes to this rule address the additional availability for the obligee to make required payments by means of electronic fund transfer and to submit required data electronically. The timely receipt of funds and data have been more clearly defined, as well as the penalties assessed in the event of the obligee's failure to make timely payment. The penalty for late payments and returned checks has been increased to be more in alignment with the costs associated with processing late payments and returned checks. The amendment of royalty reports and interest incurred for delinquent royalties has also been revised for greater clarity and ease of implementation. A portion of the previous rule addressing payments subject to division orders has been removed because the agency no longer approves and signs division orders.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 6, 8, 10, and 12 of the Utah Enabling Act; Articles X and XX of the Utah Constitution; and Subsection 53C-1-302(1)(a)(ii)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: It is anticipated that there could be a small savings to the agency because of the increase of certain fees that were below the actual cost incurred to process late payments and royalties. There could also be a potentially small savings due to the reduction of required correspondence to the obligee concerning late payments and reports.

❖ LOCAL GOVERNMENTS: It is anticipated that this rule amendment will create neither an additional cost or savings to local government except in the case where local government is the obligee.

❖ OTHER PERSONS: There is a potential cost to other persons because of the increase in fees charged for payments not received by the agency in a timely manner. However, there is also a potential savings to other persons because of the greater clarity given in this amendment so there is less misunderstanding of what is considered timely.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are potential compliance costs for affected persons if their obligations are not received by the agency in a timely manner. However, if the affected persons makes timely payments, there should be no additional compliance costs associated with this rule amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The intention of this rule amendment is to bring payment and fee practices in line with current business practices. Other than minor cosmetic changes, the primary modifications deal with increasing late payment penalties and returned check fees to amounts common in the business market in order to cover agency overhead and collection costs. Kevin S. Carter, Director

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

SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION
Room 500
675 E 500 S
SALT LAKE CITY UT 84102-2818, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Carlson at the above address, by phone at 801-538-5131, by FAX at 801-538-5118, or by Internet E-mail at rcarlson@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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 06/21/2007

AUTHORIZED BY: Kevin S. Carter, Director

R850. School and Institutional Trust Lands, Administration.
R850-5. Payments, Royalties, Audits, and Reinstatements.
R850-5-100. Authorities.

This rule [~~implements~~]is authorized by Sections 6, 8, 10, and 12 of the Utah Enabling Act, Articles X and XX of the Utah Constitution[~~,~~] and Section 53C-1-302(1)(a)(ii) of the Utah Code entitling[~~which authorize~~] the Director of the School and Institutional Trust Lands Administration to [~~prescribe~~]establish fees, procedures and [~~requirements for payments, royalties and audits.~~]rules for management of the agency.

R850-5-200. Payments.

Payments include rentals, royalties or any other financial obligation owed under the terms of a lease, permit or any other agreement.

1. As a matter of convenience, the agency allows parties other than the obligee to remit payments on the obligee's behalf; however, this practice in no way relieves the obligee of any statutory or contractual obligations concerning the proper and timely payments or the proper and timely filing of reports. For practical reasons, the agency often makes direct requests for reports and other records from parties other than the obligees. Payors should be aware that their actions subject leases to cancellation or subject delinquent royalties to interest charges. It is, therefore, in the best interest of all parties to cooperate in responsibly discharging their obligations to each other and to the Trust Lands Administration.

2. The obligee bears final responsibility for payments. Payments must be for the full amount owed. Partial payments will only be accepted if approved in writing by the agency before submission. In order to [~~meet~~]fulfill payment obligations of a lease, permit, or other financial contract with the agency, payments must be received as defined in subsection [~~4~~]3 of this rule by the appropriate due dates and must be accompanied by the appropriate report. If the obligee submits payment by electronic fund transfer then appropriate supporting documentation must be submitted by electronic data transfer on the same day.

[~~3. When a change of payor(s) on a property is to occur, the most recent payor of record shall notify the agency by letter prior to the change. This shall not be construed, however, to relieve the obligee of the ultimate responsibility.~~

~~4~~]3. Payments will be considered received if [~~it is either~~]sent by electronic fund transfer, delivered to the agency, or if the postmark stamped on the envelope [~~or other appropriate wrapper containing it,~~]is dated on or before the due date. If the post office cancellation mark is illegible, erroneous, or omitted, the payment will be considered timely if the sender can establish by competent evidence that the payment was deposited in the United States mail on or before the date for filing or paying. If the due date or cancellation date falls upon a Saturday, Sunday, or legal holiday, the payment shall be considered timely if received as defined herein by the next business day.

[~~5. Payments will be enforced even though an agency order is incomplete or because of other irregularities.~~

~~6~~]4. A 6% penalty and [~~$15~~]$30 return check charge will be assessed on all checks returned by the bank. The check must be replaced by cash, certified funds, or immediately available funds. The Director may require future payments with certified funds when notified in writing.

[~~7~~]5. Any financial obligation not received by its contractual due date will initiate a written cancellation notice by certified mail, return receipt requested. The cancellation date for any lease/permit or other contractual agreement unless otherwise specified [~~in this rule~~]by the contract, is defined as 30 days after the postmark date stamped on [~~Post Office Form 3800,~~]the U.S. Postal Service Receipt for Certified Mail of the cancellation notice. In the event payment is not received by the agency on or before the cancellation date, the lease, permit or other contractual agreement will be subject to cancellation, forfeiture or termination without further notice.

A default in the payment of any installment of principal or interest due under the terms of any land purchase agreement not received by the agency more than 30 days after the due date shall initiate a certified billing, return receipt requested. If all sums then due and payable are not received within 30 days after the mailing of the U.S. Postal Service certified notice[~~on Post Office Form 3800~~], the agency may elect any of the remedies as outlined in R850-80-700(8). If the cancellation date falls on a weekend or holiday, payment will be accepted the next business day until 5 p.m.

[~~8~~]6. A late penalty of 6% or [~~$10~~]$30, whichever is greater, shall be charged after failure to pay any financial obligation, excluding royalties as provided in R850-5-300(2), within the time limit under which such payment is due.

[~~9~~]7. Subject to R850-4-300, rental payments received after the due date which do not include a late fee will be returned to the lessee by certified mail, return receipt requested. Payment will only be accepted for the full amount due.

R850-5-300. Royalties.

1. Royalty Reports and Reporting Periods

(a) All royalty payments shall be made payable to the School and Institutional Trust Lands Administration and shall be accompanied by a [~~certified~~]royalty report on a form specified by the agency. Check stubs or other report forms are unacceptable and do not satisfy the reporting requirement of this section.

(b) Any report not sufficiently complete and accurate to enable the agency to deposit the royalty to the correct institutional fund must be promptly corrected or amended by the payor. Failure to provide such a report may, after proper notification, subject the lease to cancellation.

(c) Any report submitted which includes entries as described below, may be returned and may be made subject to the penalty provisions of this rule.

i) Any report including adjustments to reporting periods more than 24 months prior to the current report period.

ii) Amendments to prior report periods creating a net adjustment of less than $10.

iii) Any oil and gas royalty report line of original entry submitted after the first 180 days following the month of first production with a volume entry of zero which is subsequently amended with the actual volume.

2. Interest on Delinquent Royalties

Interest shall be [~~compounded semiannually~~]based on the [~~average adjusted prime rate, rounded to the nearest full percent, for each six-month period computed from April to September and October to March,~~]prime rate of interest at the beginning of each month as approved by the Director and documented in the agency's Director's Minutes, plus 4%. [~~The interest rate will be subject to change at six month intervals every July 1st and January 1st. This interest rate will be applied to any delinquent royalties and will be in effect until payment is received.~~]However, interest will not be assessed for prior period adjustments or amendments except as provided in R850-5-300(1)(c) and for amounts of additional royalties due discovered during any audit action. Also, interest will not be accrued or billed for amounts less than [~~$10~~]$30.

KEY: administrative procedures
Date of Enactment or Last Substantive Amendment: [~~May 16, 2006~~]June 21, 2007
Notice of Continuation: June 27, 2002
Authorizing, and Implemented or Interpreted Law: 53C-1-302(1)(a)(ii)

♦ ♦

Workforce Services, Employment Development
R986-200
Family Employment Program

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29853
FILED: 04/20/2007, 16:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to increase emergency assistance levels and clarify participation requirements.

SUMMARY OF THE RULE OR CHANGE: This proposed change would increase the maximum available for emergency assistance to eligible clients. The changes are: for rent from $300 to $450; for utilities from $200 to $300; and for mortgage assistance from $500 to $700. These changes reflect the needs of the people served. The change also incorporates a federal regulation which provides that single parents with a child under 6 when there is no child care available at a reasonable cost can establish reasonable cause for failure to meet the work requirements. The amendment also codifies the need for clients to sign and agree to a Family Employment Plan agreement.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 35A-3-302(5)(b), Section 35A-1-104, and Subsection 35A-1-104(4)

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.

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. Kristen Cox, 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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: Kristen Cox, Executive Director

R986. Workforce Services, Employment Development.
R986-200. Family Employment Program.
R986-200-204. Eligibility Requirements.

(1) To be eligible for financial assistance under the FEP or FEPTP a household assistance unit must include:

(a) a pregnant woman when it has been medically verified that she is in the third calendar month prior to the expected month of delivery, or later, and who, if the child were born and living with her in the month of payment, would be eligible. The unborn child is not included in the financial assistance payment; or

(b) at least one minor dependent child who is a citizen or meets the alienage criteria. All minor children age 6 to 16 must attend school, or be exempt under 53A-11-102, to be included in the household assistance unit for a financial assistance payment for that child.

(i) A minor child is defined as being under the age of 18 years and not emancipated by marriage or by court order; or

(ii) an unemancipated child, at least 18 years old but under 19 years old, with no high school diploma or its equivalent, who is a full-time student in a secondary school, or in the equivalent level of vocational or technical training, and the school has verified a reasonable expectation the 18 year old will complete the program before reaching age 19.

(2) Households must meet other eligibility requirements of income, assets, and participation in addition to the eligibility requirements found in R986-100.

(3) Persons who are fleeing to avoid prosecution of a felony are ineligible for financial assistance.

(4) All clients who are required to complete a negotiated employment plan as provided in R986-200-206 must attend a FEP orientation meeting and sign a FEP Agreement within 30 days of submitting his or her application for assistance. Attendance at the orientation meeting can only be excused for reasonable cause as defined in R986-200-212(8). The application for assistance will not be complete until the client has attended the meeting.

R986-200-212. Reconciling Disputes and Termination of Financial Assistance for Failure to Comply.

If a client who is required to participate in an employment plan consistently fails, without reasonable cause, to show good faith in complying with the employment plan, the Department will terminate all or part of the financial assistance. This will apply if the Department is notified that the client has failed to cooperate with ORS as provided in R986-200-207. A termination for the reasons mentioned in this paragraph will occur only after the Department attempts reconciliation through the following process:

(1) The employment counselor will attempt to discuss compliance with the client and explore solutions. If compliance is not resolved the counselor will move to the second phase.

(2) In the second phase, the employment counselor will request a meeting with the client, the employment counselor, the counselor's supervisor and any other Department or allied entity representatives, if appropriate, who might assist in encouraging participation. If the client does not attend the meeting, the meeting will be held in the client's absence. A formal meeting with the client is not required for a third or subsequent occurrence. If a resolution cannot be reached, one of the following will occur:

(a) for the first occurrence, the client's financial assistance payment will be reduced by $100 for one month. The reduction will occur in the month following the month the determination was made. If the client does not participate during the $100 reduction month, financial assistance will be terminated beginning the month following the $100 reduction month.

(b) for the second occurrence, the client's financial assistance payment will be terminated and the client will be ineligible for financial assistance for one month. If the client re-applies during the one month termination period, the new application will be denied for non-participation. If the client re-applies after the one month termination period, the client must successfully complete a two week trial participation period before financial assistance will be approved.

(c) for the third and subsequent occurrences the client's financial assistance will be terminated beginning with the month following the determination by the employment counselor that the client is not participating. The client will be ineligible for financial assistance for two months and if the client re-applies during the two month period, the new application will be denied for non-participation. If the client re-applies after the two month termination period, the client must successfully complete a two week trial participation period before financial assistance will be approved.

(3) A client must demonstrate a genuine willingness to participate during the two week trial period.

(4) The occurrences are life-time occurrences and it does not matter how much time elapses between occurrences. If a client's assistance was reduced as provided in (2)(a) of this section three years ago, for example, the next occurrence will be treated as a second occurrence.

(5) The two week trial period may be waived only if the client has cured all previous participation issues prior to re-application.

(6) The provisions of this section apply to clients who are eligible for and receiving financial assistance during an extension period as provided in R986-200-218.

(7) A child age 16-18 who is not a parent and who is not participating will be removed from the financial assistance grant on the first and all subsequent occurrences. The financial assistance will continue for other household members provided they are participating. If the child successfully completes a two week trial period, the child will be added back on to the financial assistance grant.

(8) Reasonable cause under this section means the client was prevented from participating through no fault of his or her own or failed to participate for reasons that are reasonable and compelling.

(9) Reasonable cause can also be established, as provided in 45 CFR 261.56, by a client who is a single custodial parent caring for a child under age six who refuses to engage in required work because he or she is unable to obtain needed child care because appropriate and affordable child care arrangements are not available within a reasonable distance from the home or work site.

([~~9~~]10) If a client is also receiving food stamps and the client's is disqualified for non-participation under this section, the client will also be subject to the food stamp sanctions found in 7CFR 273.7(f)(2) unless the client meets an exemption under food stamp regulations.

R986-200-219. Emergency Assistance (EA) for Needy Families With Dependent Children.

(1) EA is provided in an effort to prevent homelessness. It is a payment which is limited to use for utilities and rent or mortgage.

(2) To be eligible for EA the family must meet all other FEP requirements except:

(a) the client need only meet the "gross income" test. Gross income which is available to the client must be equal to or less than 185% of the standard needs budget for the client's filing unit; and

(b) the client is not required to enter into an employment plan or cooperate with ORS in obtaining support.

(3) The client must be homeless, in danger of becoming homeless or having the utilities at the home cut off due to a crisis situation beyond the client's control. The client must show that:

(a) The family is facing eviction or foreclosure because of past due rent or mortgage payments or unpaid utility bills which result from the crisis;

(b) A one-time EA payment will enable the family to obtain or maintain housing or prevent the utility shut off while they overcome the temporary crisis;

(c) Assistance with one month's rent or mortgage payment is enough to prevent the eviction, foreclosure or termination of utilities;

(d) The client has the ability to resolve past due payments and pay future months' rent or mortgage payments and utility bills after resolution of the crisis; and

(e) The client has exhausted all other resources.

(4) Emergency assistance is available for only 30 consecutive days during a year to any client or that client's household. If, for example, a client receives an EA payment of $[~~300~~]450 for rent on April 1 and requests an additional EA payment of $[~~2~~]300 for utilities on or before April 30 of that same year, the request for an EA payment for utilities will be considered. If the request for an additional payment for utilities is made after April 30, it cannot be considered for payment. The client will not be eligible for another EA payment until April 1 of the following year. A year is defined as 365 days following the initial date of payment of EA.

(5) Payments will not exceed $[~~300~~]450 per family for one month's rent payment or $[~~5~~]700 per family for one month's mortgage payment, and $[~~2~~]300 for one month's utilities payment.

KEY: family employment program
Date of Enactment or Last Substantive Amendment: [~~March 15,~~]2007
Notice of Continuation: September 14, 2005
Authorizing, and Implemented or Interpreted Law: 35A-3-301 et seq.

♦ ♦

Workforce Services, Employment Development
R986-400
General Assistance and Working Toward Employment

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29854
FILED: 04/20/2007, 16:49

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify language and update policy.

SUMMARY OF THE RULE OR CHANGE: This amendment: provides if a client meets the alien eligibility requirements for General Assistance (GA) but does not meet SSI/SSDI requirements, the client can still be eligible for GA provided the client is working toward eliminating the SSI/SSDI eligibility problem; provides that if a client's SSI/SSDI benefits are terminated due to a change in the client's mental or physical condition, the client is not eligible for GA unless a new mental or physical condition develops; and changes the work requirements for Working Toward Employment so that the hours spent by a person over 25 who does not have a high school education can count toward the work requirement.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Subsection 35A-1-104(4)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: It is not anticipated that these changes will result in an increase in costs and they will not affect current funding levels. There will be no costs or savings to the state budget.

❖ LOCAL GOVERNMENTS: The program is state funded so there will be no costs or savings to local government.

❖ OTHER PERSONS: There are no costs or fees associated with this program and there will be no costs or savings to other persons. These changes reflect current Department practice and it is not anticipated any persons will lose assistance as a result of these changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons as these changes reflect current Department practice and it is not anticipated any persons will lose assistance as a result of these changes.

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. Kristen Cox, 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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: Kristen Cox, Executive Director

R986. Workforce Services, Employment Development.
R986-400. General Assistance and Working Toward Employment.
R986-400-404. Participation Requirements.

(1) The client and spouse must participate, to the maximum extent possible, in an assessment and an employment plan as provided in R986-200. The only education or training supported by an employment plan for GA recipients is short term skills training as described in R986-400-403.

(2) The employment plan must include obtaining appropriate medical or mental health treatment, or both, to overcome the limitations preventing the client from becoming employable. The employment plan must provide that all adults age 19 and above who do not qualify for coverage under any other category of Medicaid and who are not covered by or do not have access to private health insurance, Medicare or the Veterans Administration Health Care System must enroll in the Primary Care Network (PCN) through the Department of Health. If a client cannot enroll in PCN because the Department of Health has placed a cap on PCN enrollment, the requirement will be excused during the period enrollment is impossible. The Department may, at its discretion, develop a program whereby eligible clients will be allowed to pay the enrollment fee in installments.

(3) A client must accept any and all offers of appropriate employment as determined by the Department. "Appropriate employment" means employment that pays a wage which meets or exceeds the applicable federal or state minimum wage law and has daily and weekly hours customary to the occupation. If the minimum wage laws do not apply, the wage must equal what is normally paid for similar work and in no case less than three-fourths of the minimum wage rate. The employment is not appropriate employment if the client is unable, due to physical or mental limitations, to perform the work.

(4) A client is exempt from the requirements of paragraphs (1) and (2) of this section if the client has been approved for SSI, is waiting for the first check, and has signed an "Agreement to Repay Interim Assistance" Form.

(5) A client must cooperate in obtaining any and all other sources of income to which the client may be entitled including, but not limited to UI, SSI/SSDI, VA Benefits, and Workers' Compensation.

(6) A client who meets the eligible alien status requirements for GA but does not meet the eligible alien requirements for SSI can participate in activities that may help them to become eligible for SSI such as pursuing citizenship.

R986-400-405. Interim Aid for SSI Applicants.

(1) A client who has applied for SSI or SSDI benefits may be provided with GA financial assistance pending a determination on the application for SSI or SSDI. If the client is applying for SSI, he or she must sign an "Agreement to Repay Interim Assistance" form and agree to reimburse, or allow SSA to reimburse, the Department for any and all GA financial assistance advanced pending a determination from SSA.

(2) Financial assistance will be immediately terminated without advance notice when SSA issues a payment or if the client fails to cooperate to the maximum extent possible in pursuing the application which includes cooperating fully with SSA and providing all necessary documentation to insure receipt of SSI or SSDI benefits.

(3) A client must fully cooperate in prosecuting an appeal of an SSI or SSDI denial at least to the Social Security ALJ level. If the ALJ issues an unfavorable decision, the client is not eligible for financial assistance unless an unrelated physical or mental health condition develops and is verified.

(4) If a client's SSI or SSDI benefits have been terminated due to a physical or mental health condition, the client is ineligible unless an unrelated physical or mental health condition develops and is verified.

R986-400-453. Participation Requirements.

(1) All applicants and spouses must participate in an assessment and an employment plan as found in R986-200. In addition to the requirements of an employment plan as found in R986-200-210, a client must, as a condition of receipt of financial assistance, register for work and accept any and all offers of appropriate employment, as determined by the Department. Appropriate employment is defined in R986-400-404.

(2) The employment plan of each recipient of WTE financial assistance must contain the requirement that the client participate 40 hours per week in eligible activities. A list of approved eligible activities is available at each employment center. Married couples cannot share the performance requirements and each client must participate a minimum of 40 hours per week. The 40 hours must be spent in the following activities:

(a) [~~32 hours a week in paid employment and/or work experience and training. ~~]At least 16 hours [~~of those 32 hours~~]must be spent [~~at a community work site~~]in an approved insternship or in paid

employment. [~~If the client is under age 25 and has not completed high school or an equivalent course of education, time spent in educational activities to obtain a high school degree or its equivalent can count toward the minimum 16 hour work requirement. Training is limited to short term skills training, job search training, or adult education~~]Some basic educational activities are also available; and

(b) eight hours a week participating in job search activities. The Department may reduce the number of hours spent in job search activities if it is determined the client has explored all local employment options. A reduction in the number of hours of job search will not reduce the total requirement of 40 hours of participation.

(3) Participation may be excused only if the client can show reasonable cause as defined in R986-400-406(1).

KEY: general assistance, working toward employment
Date of Enactment or Last Substantive Amendment: [~~November 1, 2006~~]2007
Notice of Continuation: September 14, 2005
Authorizing, and Implemented or Interpreted Law: 35A-3-401; 35A-3-402

♦ ♦

Workforce Services, Employment Development
R986-700
Child Care Assistance

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29852
FILED: 04/20/2007, 15:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify language and reflect practice.

SUMMARY OF THE RULE OR CHANGE: Child care subsidy payments are made through the Horizon Card. Some child care providers require that clients provide the Horizon Card PIN (personal identification number) to obtain child care services. This practice led to repeated allegations of provider fraud which led the Department to pass a rule stating the child care provider cannot require the client provide the PIN. The provision has been ignored and is impossible to enforce so in April the Department went to a new system to curb alleged abuse. With this new rule, Section R986-700-718 which became effective 04/01/2007, the need for the prohibition against requiring the PIN is no longer necessary. The Division continues to tell our clients that it is in their best interest to refuse to give their PIN to anyone. This proposed amendment also provides that provider overpayments be repaid within six months to avoid further action to insure overpayments are paid as quickly as possible.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and Subsections 35A-1-104(4) and 35A-3-310(3)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs of savings to the state budget as these proposed changes are nonsubstantive in nature and will not affect current funding levels.

❖ LOCAL GOVERNMENTS: There are no local government funds used for this program so there will be 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 primarily federally funded.

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 primarily federally funded. These changes will not cost child care providers any sum.

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. Kristen Cox, 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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: Kristen Cox, Executive Director

R986. Workforce Services, Employment Development.
R986-700. Child Care Assistance.
R986-700-706. Provider Rights and Responsibilities.

(1) Providers assume the responsibility to collect payment for child care services rendered. Neither the Department nor the state of Utah assumes responsibility for payment to providers.

(2) A provider may not charge clients receiving a CC subsidy a higher rate than their customers who do not receive a CC subsidy.

(3) Providers must keep accurate records of subsidized child care payments, time and attendance. The Department has the right to investigate child care providers and audit their records. Time and attendance records for all subsidized clients must be kept for at least one year. If a provider fails to cooperate with a Department

investigation or audit, or fails to keep records for one year, the provider will no longer be an approved provider.

(4) If a provider accepts payment from funds provided by the Department for services which were not provided, the provider may be referred for criminal prosecution and will no longer be an approved provider.[~~ A provider cannot require that a client give the provider the client's Horizon card and/or the client's PIN or otherwise obtain the card and/or PIN.~~]

(5) If an overpayment is established and it is determined that the provider was at fault in the creation of the overpayment, the provider is responsible for repayment of the overpayment.

(6) Records will be kept by the Department for individuals who are not approved providers and against whom a referral or complaint is received.

R986-700-718. Provider Disqualification.

(1) A child care provider removing child care subsidy funds from a client's account by way of electronic benefit transfer (EBT), which includes the Horizon card and interactive voice response (IVR), can only remove those funds from a client's account that are authorized by the Department for that provider. All providers receiving payment for child care services through an EBT may learn the exact amount authorized for that provider for each client by accessing the Department's Provider Payment Authorization website. Providers who remove more funds than authorized will be required to reimburse the Department for the excess funds and will be disqualified from receipt of further CC subsidy funds as follows;

(a) if the provider has never removed unauthorized CC subsidy funds before, the Department will send a demand letter to the provider's last known address informing the provider of the unauthorized access and establishing an overpayment in the amount of the excess funds. If the provider repays the overpayment within six months, no further action will be taken on that overpayment,

(b) if the provider removes funds in excess of those authorized by the Department a second time, and the provider repaid the previous overpayment or is making a good faith effort to repay the overpayment, a second demand letter will be sent to the provider's last known address. The second letter will establish an overpayment in the amount of the excess funds removed and inform the provider that any further unauthorized access will result in disqualification. If the provider removes unauthorized funds and has not repaid the first overpayment, or is not making a good faith effort to repay the first overpayment to the Department, no second demand letter will be sent and the provider will be disqualified for a period of one year from the date the Department issues its letter, or in the case of an appeal, from the date the ALJ issues his or her determination. A good faith effort to repay the overpayment means the provider is repaying at least 10% of the overpayment due each month,

(c) if a child care provider removes unauthorized funds a third time, or a second time without repayment of the first overpayment as provided in paragraph (1)(b) of this subsection, the provider will be disqualified and is ineligible for receipt of further CC subsidy funds for a period of one year from the date the Department issues its letter, or in the case of an appeal, from the date the ALJ issues his or her determination,

(d) a CC provider previously disqualified for one year from receipt of CC subsidy funds due to unauthorized removal of funds in paragraph (1)(c) of this subsection, will be disqualified for a period of two years if the provider removes unauthorized funds again. Warning letters under paragraphs (a) and (b) of this subsection will not be sent if a provider was previously disqualified for receipt of CC subsidy funds,

(e) a CC provider previously disqualified for a two year period due to unauthorized removal of funds in paragraph (1)(d) of this subsection will be permanently disqualified if the provider removes unauthorized funds again. Warning letters under paragraphs (a) and (b) of this subsection will not be sent if a provider was previously disqualified for receipt of CC subsidy funds.

(2) CC providers disqualified under subsection (1) of this section will be ineligible for receipt of quality grants awarded by the Department during the period of disqualification.

(3) A CC provider overpayment not paid in full within six months will be referred to collection and will be collected in the same manner as all public assistance overpayments. Payment of provider overpayments must be made to the Department and not to the client.

(4) A CC provider may appeal an overpayment or disqualification as provided for public assistance appeals in rule R986-100. Any appeal must be filed in writing within 30 days of the date of letter establishing the overpayment or disqualification. A provider who has been found ineligible may continue to receive CC subsidy funds pending appeal until a decision is issued by the ALJ. The disqualification period will take effect even if the provider files an appeal of the decision issued by the ALJ.

KEY: child care
Date of Enactment or Last Substantive Amendment: [~~April 1,~~] 2007
Notice of Continuation: September 14, 2005
Authorizing, and Implemented or Interpreted Law: 35A-3-310

♦ ♦

Workforce Services, Unemployment Insurance
R994-405
Ineligibility for Benefits

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 29855
FILED: 04/20/2007, 16:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule change is part of the Department's rewrite of all the unemployment rules.

SUMMARY OF THE RULE OR CHANGE: Most of the changes to this rule are not of a substantive nature but merely update old language and make sure the rule reflects state and federal law, and current practice. A section has been added on temporary help company claimants to reflect current practice and the Court of Appeals decision. Under this new section (Section R994-405-002), an employee of a temporary help company must contact the temporary help company for a new assignment when the employee's current assignment ends. A section (Section r994-405-003) for professional employment organizations (PEO) which will require the PEO to give written

notice to an employee when the employee's assignment ends has also been added. The notice will instruct the employee to contact the PEO for a new assignment. Section R994-405-901 has also been added for professional athletes which reflects federal regulation.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 35A-1-104 and 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 of 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.

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. These changes will not impact any employer's contribution rate.

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. These changes will have no impact on any employer's contribution tax rate. Kristen Cox, 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 06/14/2007.

THIS RULE MAY BECOME EFFECTIVE ON: 06/22/2007

AUTHORIZED BY: Kristen Cox, Executive Director

R994. Workforce Services, Unemployment Insurance.
R994-405. Ineligibility for Benefits.
R994-405-1. Determining the Reason for Separation.

When a job ends and a claim is filed, the Department must determine the reason for the separation. If there is more than one separation from the same employer, eligibility for benefits will be based on the reason for the last separation occurring prior to the date the claim is filed. However, an existing prior denial of benefits which resulted in a disqualification based on a prior separation from the same employer, will continue until the claimant has earned six times the weekly benefit amount on the claim in which the disqualification took place.) Charge decisions will also be made on the last separation as provided in rule R994-307-101(1)(a)(i). A separation decision will be made and may affect eligibility even if the employer is not covered by the Act except no separation decision will be made on noncovered self employment cases.

R994-405-2. Separations From a Temporary Help Company (THC).

THC is defined in R994-202-102. Because the THC is the employer, eligibility for benefits of employees of a THC and the THC's liability for claims will be based on the reason for separation from the THC and not the reason for the separation from the client company.

(1) If the claimant reports back to the THC within a reasonable period of time after the claimant's last assignment ends and no work is offered because no work is available, the separation is a reduction of force, regardless of the reason the claimant left the last assignment except as provided in paragraph (2) of this section. A reasonable period of time is generally considered to be whatever is stipulated in the employment contract between the claimant and the THC but must be at least two business days. The claimant must contact the THC prior to filing a claim for benefits with the Department for the separation to be considered a reduction of force.

(2) If a claimant is no longer able to perform the type of work previously performed for the THC and the THC agrees to send the claimant out on work he or she is able to do, it is considered a quit and the THC may be eligible for relief of charges.

(3) If the claimant fails to contact the THC for a new assignment within a reasonable period of time after the claimant's last assignment ends, the separation is a quit and not a reduction of force.

(4) If the claimant files a new claim or reopens an existing claim prior to contacting the THC for another assignment, the job separation is a quit, even if the claimant subsequently contacts the THC within a reasonable period of time.

(5) If the claimant contacts the THC for a new assignment within a reasonable period of time after the claimant's last assignment ends and the claimant refuses a new assignment, the job separation is a quit if the new assignment is similar to the previous assignments. The separation is a reduction of force and an offer of new work if the new assignment is substantially different from the previous assignments. The job duties, wages, hours, and conditions of the new assignment should be considered in determining the similarity of the new assignment.

(6) If the THC refuses to the send the claimant out on any new assignments it is a discharge. This includes instances where the claimant previously left an ongoing assignment or the client company prevented the claimant from completing an ongoing assignment.

R994-405-3. Professional Employment Organizations (PEO).

(1) PEO is defined in R994-202-106 and must be registered pursuant to Sections 58-59-101 et seq. PEOs are also known as employee leasing companies. PEOs are treated differently from a THC because the assignments are usually not of a temporary nature.

(2) When a client company contracts with a PEO, the PEO becomes the employer of the client company's employees. Because the client company is no longer the employer, a job separation has

occurred. The job separation is a reduction of force and the client company is not eligible for relief of charges.

(3) When the contract between a PEO and a client company ends, a separation occurs. Regardless of the circumstances or which entity is the moving party, the affected employees are considered separated due to a reduction of force, and the PEO is not eligible for relief of charges. Any offers of work extended to affected employees subsequent to the termination of the contract shall be considered offers of new work and shall be adjudicated in accordance with 35A-4-405(3) and R994-405-301 et seq.

(4) If the contract between the client company and the PEO remains in effect and the claimant's assignment with the client company ends, the PEO, or the client company acting on the PEO's behalf, must provide written notice to the claimant instructing the claimant to contact the PEO within a reasonable time for a new assignment. A reasonable time to contact the PEO is generally considered to be two working days after the assignment ends. The written notice must be provided to the claimant when the assignment ends and must be provided even if the PEO has a contract with the claimant requiring the claimant to contact the PEO when an assignment ends.

(5) If the PEO or client company does not provide written notice as required in paragraph (4) of this section, unemployment benefits will be determined based on the reason the assignment with the client company ended.

(6) If the PEO provides the notice required in paragraph (4) of this section and claimant contacts the PEO as instructed and:

(a) refuses a new work assignment that is similar to the claimant's previous assignments with the PEO, the job separation is a quit. The duties, wages, hours, and conditions of the new assignment will be considered in determining if the new assignment is similar to the previous assignments.

(b) refuses a new work assignment that is substantially different from the claimant's previous assignments, the job separation is a layoff and an offer of new work.

(c) the PEO has no new assignments, the job separation is a layoff.

R994-405-102. Good Cause.

To establish good cause, a claimant must show that continuing the employment would have caused an adverse effect which the claimant could not control or prevent. The claimant must show that an immediate severance of the employment relationship was necessary. Good cause is also established if a claimant left work which is shown to have been illegal or to have been unsuitable new work.

(1) Adverse Effect on the Claimant.

(a) Hardship.

The separation must have been motivated by circumstances that made the continuance of the employment a hardship or matter of concern, sufficiently adverse to a reasonable person so as to outweigh the benefits of remaining employed. There must have been actual or potential physical, mental, economic, personal or professional harm caused or aggravated by the employment. The claimant's decision to quit must be measured against the actions of an average individual, not one who is unusually sensitive.

(b) Ability to Control or Prevent.

Even though there is evidence of an adverse effect on the claimant, good cause [~~may not be established~~]will not be found if the claimant:

(i) reasonably could have continued working while looking for other employment,[~~or~~]

(ii) had reasonable alternatives that would have made it possible to preserve the job[~~. Examples include~~] like using approved leave, transferring, or making adjustments to personal circumstances, or,

(iii) did not give the employer notice of the circumstances causing the hardship thereby depriving the employer of an opportunity to make changes that would eliminate the need to quit. An employee with grievances must have made a good faith effort to work out the differences with the employer before quitting unless those efforts would have been futile.

(2) Illegal.

Good cause is established if the [~~individual~~]claimant was required by the employer to violate state or federal law or if the [~~individual's~~]claimant's legal rights were violated, provided the employer was aware of the violation and refused to comply with the law.

(3) Unsuitable New Work.

Good cause may also be established if a claimant left new work which, after a short trial period, was unsuitable consistent with the requirements of the suitable work test in [~~Subsections 35A-4-405(3)(c) and 35A-4-405(3)(e)~~]Section R994-405-306. The fact the claimant accepted a job [~~was accepted~~]does not necessarily make the job suitable. The longer a job is held, the more it tends to negate the argument that the job was unsuitable[~~set the standard by which suitability is measured~~]. After a reasonable period of time a contention [~~that~~]the quit was motivated by unsuitability of the job is generally no longer persuasive. The Department has an affirmative duty to determine whether the employment was suitable, even if the claimant does not raise suitability as an issue.

R994-405-103. Equity and Good Conscience.

(1) If the good cause standard has not been met, the equity and good conscience standard must be [~~applied~~]considered in all cases except those involving a quit to accompany, follow, or join a spouse as [~~outlined~~]provided in [~~Section~~]R994-405-104. If there [~~were~~]are mitigating circumstances, and a denial of benefits would be unreasonably harsh or an affront to fairness, benefits may be allowed under the provisions of the equity and good conscience standard if the [~~following elements are satisfied~~]claimant:

[~~(a) the decision is made in cooperation with the employer;~~

~~(b) the claimant acted reasonably;~~

~~(c) the claimant demonstrated a continuing attachment to the labor market.~~

~~(2) The elements of equity and good conscience are defined as follows:~~

~~(a) In Cooperation with the Employer.~~

~~A decision is made in cooperation with the employer when the Department gives the employer an opportunity to provide separation information.~~

] ([~~b~~]a) [~~The Claimant A~~]acted [~~R~~]reasonably.

The claimant acted reasonably if the decision to quit was logical, sensible, or practical. There must be evidence of circumstances which, although not sufficiently compelling to establish good cause, would have motivated a reasonable person to take similar action[~~. Behaviors that may be acceptable to a particular subculture do not establish what is reasonable.~~], and,

([~~c~~]b) demonstrated a [~~C~~]continuing [~~A~~]attachment to the [~~L~~]labor [~~M~~]market.

A continuing attachment to the labor market is established if the claimant took positive actions which could have resulted in employment during the first week subsequent to the separation and each week thereafter. [~~Evidence of an attachment to the labor market~~

~~may include: making contacts with prospective employers, preparing resumes, and developing job leads.~~]An active work search, as provided in R994-403-113c, should have commenced immediately [~~subsequent to~~]after the separation whether or not the claimant received specific work search instructions from the Department. Failure to show an immediate attachment to the labor market may not be disqualifying if it was not practical for the [~~individual~~]claimant to seek work. Some [~~examples of~~]circumstances that may interfere with an immediate work search include illness, hospitalization, incarceration, or other circumstances beyond the control of the claimant provided a work search commenced as soon as practical.

R994-405-104. Quit to Accompany, Follow or Join a Spouse.

(1) If a[~~n individual~~] claimant quit work to join, accompany, or follow a spouse to a new locality, good cause is not established. Furthermore, the equity and good conscience standard is not to be applied in this circumstance. It is the intent of this provision to deny benefits even though a claimant may have faced extremely compelling circumstances including the cost of maintaining two households and the desire to keep the family intact. If the claimant's employment is contingent on the spouse's military assignment and the spouse is reassigned, the separation will be considered a discharge.

(2) For the purposes of this section, spouse is considered to include a significant other.

(3) Quitting to get married is also disqualifying as provided in R994-405-107(7)(a).

R994-405-105. [~~Evidence and~~]Burden of Proof in a Quit.

The claimant was the moving party in a voluntary separation, and is the best source of information with respect to the reasons for the quit. The claimant has the burden to establish that the elements of good cause or of equity and good conscience have been met. The failure of the claimant to provide information will not necessarily result in a ruling favorable to the employer. If the claimant quit unsuitable new work, the burden of proof as described in R994-405-308 applies.

R994-405-106. Quit or Discharge.

(1) Refusal to Follow Instructions.

If the claimant refused or failed to follow reasonable requests or instructions, and knew the loss of employment would result, the separation is a quit.

(2) Leaving Prior to Effective Date of Termination.

(a) If a[~~n individual~~] claimant leaves work prior to the date of an impending reduction [~~in~~]of force, the separation is [~~voluntary~~]a quit. Notice of an impending layoff does not establish good cause for leaving work. However, the duration of available work may be a factor in considering whether a denial of benefits would be contrary to equity and good conscience. If the claimant is not disqualified for quitting [~~under Subsection 35A-4-405(1)(a),~~]benefits [~~shall~~]will be denied for the limited period of time the claimant could have continued working, as there was a failure to accept all available work as required under Subsection 35A-4-403(1)(c).

(b) [~~An individual may not escape a discharge disqualification under Subsection 35A-4-405(2)(a) by quitting to avoid a discharge that would result in a denial of benefits. In this circumstance the separation shall be adjudicated as a discharge.~~]If the claimant quit to avoid a disqualifying discharge the separation will be adjudicated as a discharge.

(3) Leaving Work Because of a Disciplinary Action.

If the disciplinary action or suspension was reasonable, leaving work rather than submitting to the discipline, or failing to return to work at the end of the suspension period, is considered a [~~voluntary~~]quit unless the claimant was previously disqualified [~~for a discharge under the provisions of Subsection 35A-4-405(2)(a)~~]as a result of the suspension.

(4) Leave of Absence.

If a claimant takes a leave of absence for any reason and files a claim while on such leave from the employer, the claimant will be considered unemployed and the separation is adjudicated as a quit, even though there still may be an attachment to the employer. If a claimant fails to return to work at the end of the leave of absence, the separation is a [~~voluntary~~]quit.

(5) Leaving Due to a Remark or Action of the Employer or a Coworker.

If a [~~worker~~]claimant hears rumors or other information suggesting [~~that~~]he or she is to be laid off or discharged, the [~~worker~~]claimant has the responsibility to confirm, prior to leaving, that the employer intended to end the employment relationship. The claimant also has a responsibility to continue working until the date of an announced discharge. If the claimant failed to do so and if the employer did not intend to discharge or lay off the claimant, the separation is a quit.

(6) Resignation Intended.

(a) Quit.

If a [~~worker~~]claimant gives notice of [~~a future date of leaving~~]his or her intent to leave at a future date and is paid regular wages through the announced resignation date, the separation is a quit even if the [~~worker~~]claimant was relieved of work responsibilities prior to the effective date of the resignation. A separation is also a quit if a [~~worker~~]claimant announces an intent to quit but agrees to continue working for an indefinite period as determined by the employer, even though the date of separation was determined by the employer. If a [~~worker~~]claimant resigns[~~,~~] but later decides to stay and attempts to remain employed, the reasonableness of the employer's refusal to continue the employment is the primary factor in determining if the claimant quit or was discharged. For example, if the employer had already hired a replacement, or taken other action because of the claimant's impending quit, it may not be practical for the employer to allow the claimant to rescind the resignation, and the separation is a quit.

(b) Discharge.

If a [~~worker~~]claimant submitted a resignation to be effective at a definite future date, but was relieved of work responsibilities [~~prior to that date~~]and was not paid regular wages through the balance of the notice period, the separation is considered a discharge as the employer was the moving party in determining the final date of employment. [~~If the claimant was not paid regular wages through the balance of the notice period, the separation is a discharge.~~]Merely assigning vacation pay[~~, which was~~] not previously assigned to the notice period[~~,~~] does not make the separation [~~voluntary~~]a quit.

(7) If an employer tells a claimant it intends to discharge the claimant but allows the claimant to stay at work until he or she finds another job and the claimant decides to leave before finding another job, the separation is a quit. Good cause may be established if it would be unreasonable to require a claimant to remain employed after the employer has expressed its intent to discharge him or her.

R994-405-107. Examples of Reasons for [~~Voluntary Separations~~]Quitting.

(1) Prospects of Other Work.

Good cause is established if, at the time of separation, the claimant had a definite and immediate assurance of another job or self-

employment that was reasonably expected to be full-time and permanent. Occasionally, after giving notice, but prior to leaving the first job, a[~~n individual~~]claimant may learn the new job will not be available when promised, or is not permanent, full-time, or suitable. Good cause may be established in those circumstances if the claimant immediately attempted to rescind the notice, unless such an attempt would have been futile. However, if it is apparent the claimant knew, or should have known, about the unsuitability of the new work, but quit the first job and subsequently quit the new job, a disqualification [~~shall~~]will be assessed from the time the claimant quit the first job unless the claimant has purged the disqualification through earnings received while on the new job.

(a) A definite assurance of another job means the claimant has been in contact with someone with the authority to hire, has been given a definite date to begin working and has been informed of the employment conditions.

(b) An immediate assurance of work generally means the prospective job will begin within two weeks from the last day the claimant was scheduled to work on the former job. Benefits [~~may~~]will be denied for failure to accept all available work from the prior employer under the provisions of Subsection 35A-4-403(1)(c) if the claimant files during the period between the two jobs.

(2) Reduction of Hours.

The reduction of an employee's working hours generally does not establish good cause for leaving a job. However, in some cases, a reduction of hours may result in personal or financial hardship so severe [~~that~~]the circumstances justify leaving.

(3) Personal Circumstances.

There may be personal circumstances that are sufficiently compelling or create sufficient hardship to establish good cause for leaving work, provided the [~~individual~~]claimant made a reasonable attempt to make adjustments or find alternatives prior to quitting.

(4) Leaving to Attend School.

Although leaving work to attend school may be a logical decision from the standpoint of personal advancement, it is not compelling or reasonable, within the meaning of the Act.

(5) Religious Beliefs.

To support an award of benefits following a voluntary separation due to religious beliefs, [~~there must be evidence that continuing work would have conflicted with good faith religious convictions~~]the work must conflict with a sincerely held religious or moral conviction. If a[~~n individual~~] claimant was not required to violate such religious beliefs, quitting is not compelling or reasonable within the meaning of the Act. A change in the job requirements, such as requiring an employee to work on the employee's day of religious observance when such work was not agreed upon as a condition of hire, may establish good cause for leaving a job if the employer is unwilling to make adjustments.

(6) Transportation.

If a claimant quits a job due to a lack of transportation, good cause may be established if the claimant has no other reasonable transportation options available. However, an availability issue may be raised in such a circumstance. If a move resulted in an increased distance to work beyond normal commuting patterns, the reason for the move, not the distance to the work, is the primary factor to consider when adjudicating the separation.

(7) Marriage.

(a) Marriage is not considered a compelling or reasonable circumstance, within the meaning of the Act, for [~~voluntarily leaving work~~]quitting employment. Therefore, if the claimant [~~left work~~]quit to get married, benefits [~~shall~~]will be denied even if the new residence is beyond a reasonable commuting distance from the claimant's former place of employment.

(b) If the employer has a rule requiring the separation of an employee who marries a coworker, the separation is a discharge even if the employer allowed the couple to decide who would leave.

(8) Health or Physical Condition.

(a) Although it is not essential for the claimant to have been advised by a physician to quit, a contention that health problems required the separation must be supported by competent evidence. Even if the work caused or aggravated a health problem, if there were alternatives, such as treatment, medication, or altered working conditions to alleviate the problem, good cause for quitting is not established.

(b) If the risk to the health or safety of the claimant was shared by all those employed in the particular occupation, it must be shown the claimant was affected to a greater extent than other workers. Absent such evidence, quitting was not reasonable.

(9) Retirement and Pension.

Voluntarily leaving work solely to accept retirement benefits is not a compelling reason for quitting, within the meaning of the Act. Although it may have been reasonable for a[~~n individual~~] claimant to take advantage of a retirement benefit, payment of unemployment benefits in this circumstance is not consistent with the intent of the Unemployment Insurance program, and a denial of benefits is not contrary to equity and good conscience.

(10) Sexual Harassment.

(a) A claimant may have good cause for leaving if the quit was due to discriminatory and unlawful sexual harassment, provided the employer was given a chance to take necessary action to [~~alleviate~~]stop the objectionable conduct. If it would have been futile to complain, as when the owner or top manager of the employer company is causing the harassment, the requirement that the employer be given an opportunity to stop the conduct is not necessary. Sexual harassment is a form of sex discrimination [~~which is~~] prohibited by Title VII of the United States Code and the Utah Anti-Discrimination Act.

(b) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(i) submission to the conduct is either an explicit or implicit term or condition of employment, or

(ii) submission to or rejection of the conduct is used as a basis for an employment decision affecting the person, or

(iii) the conduct has a purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

(c) Inappropriate behavior which has sexual connotation but does not meet the test of sexual discrimination is insufficient to establish good cause for leaving work.

(11) Discrimination.

A claimant may have good cause for leaving if the quit was due to prohibited discrimination, provided the employer was given a chance to take necessary action to [~~alleviate~~]stop the objectionable conduct. If it would have been futile to complain, as when the owner or top manager of the employer company is the cause of the discrimination, the requirement that the employer be given an opportunity to stop the conduct is not necessary. It is a violation of federal law to discriminate against employees regarding compensation, terms, conditions, or privileges of employment, because of race, color, religion, sex, age or national origin; or to limit, segregate, or classify employees in any way which would deprive or tend to deprive them of employment opportunities or otherwise adversely affect their employment status

because of [~~the individual's~~]race, color, religion, sex, age or national origin.

(12) Voluntary Acceptance of Layoff.

[~~If an employer notifies employees that a layoff is going to take place and the employer~~]If the employer wishes to reduce its workforce and gives the employees the option to volunteer for the layoff, those who do volunteer are separated due to reduction of force regardless of incentives.

R994-405-108. Effective Date of Disqualification and Period of Disqualification.

[~~A disqualification under this section technically begins with the week the separation occurred. However, to avoid any confusion which may arise when a disqualification is made for a period of time prior to the filing of a claim, the claimant shall be notified benefits are denied beginning with the effective date of the new or reopened claim. The disqualification shall continue until the claimant returns to work in bona fide covered employment and earns six times his or her weekly benefit amount. A disqualification that begins in one benefit year shall continue into a new benefit year unless purged by subsequent earnings. Severance or vacation pay may not be used to purge a disqualification.~~]A disqualification based on a job separation begins the Sunday of the week in which the job separation took place. If the claimant did not file for benefits the week of the separation, the disqualification begins with the effective date of the new or reopened claim. The disqualification ends when the claimant earns requalifying wages equal to six times his or her WBA in bona fide covered employment as defined in R994-201-101(9). The WBA used to determine requalifying wages under this section is the WBA of the original claim. A disqualification that begins in one benefit year will continue into a new benefit year unless the claimant has earned requalifying wages. Severance or vacation pay cannot be used as requalifying wages.

R994-405-109. Proximate Cause in a Quit.

The claimant must show a relationship between the reason or reasons for quitting both as to cause and time. If the claimant did not quit immediately after becoming aware of the adverse conditions which led to the decision to quit, a presumption arises that the claimant quit for other reasons. The presumption may be overcome by showing the delay was due to the claimant's reasonable attempts to cure the problem.

R994-405-201. Discharge - General Definition.

A separation is a discharge if the employer was the moving party in determining the date the employment ended. Benefits [~~shall~~]will be denied if the claimant was discharged for just cause or for an act or omission in connection with employment, not constituting a crime, which was deliberate, willful, or wanton and adverse to the employer's rightful interest. However, not every legitimate cause for discharge justifies a denial of benefits. A just cause discharge must include some fault on the part of the [~~worker~~]claimant. A reduction of force is considered a discharge without just cause[~~ at the convenience of the employer~~].

R994-405-202. Just Cause.

To establish just cause for a discharge, each of the following three elements must be satisfied:

(1) Culpability.

The conduct causing the discharge must be so serious that continuing the employment relationship would jeopardize the employer's rightful interest. If the conduct was an isolated incident of poor judgment and there was no expectation [~~that~~]it would be continued or repeated, potential harm may not be shown. The claimant's prior work record is an important factor in determining whether the conduct was an isolated incident or a good faith error in judgment. An employer might not be able to demonstrate that a single violation, even though harmful, would be repeated by a [~~A~~] long-[ ]term employee with an established pattern of complying with the employer's rules[~~ may not demonstrate by a single violation, even though harmful, that the infraction would be repeated~~]. In this instance, depending on the seriousness of the conduct, it may not be necessary for the employer to discharge the claimant to avoid future harm.

(2) Knowledge.

The [~~worker~~]claimant must have had knowledge of the conduct the employer expected. There does not need to be evidence of a deliberate intent to harm the employer; however, it must be shown [~~that~~]the [~~worker~~]claimant should have been able to anticipate the negative effect of the conduct. Generally, knowledge may not be established unless the employer gave a clear explanation of the expected behavior or had a written policy, except in the case of a violation of a universal standard of conduct. A specific warning is one way to show the [~~worker~~]claimant had knowledge of the expected conduct. After a warning the [~~worker~~]claimant should have been given an opportunity to correct the objectionable conduct. If the employer had a progressive disciplinary procedure in place at the time of the separation, it generally must have been followed for knowledge to be established, except in the case of very severe infractions, including criminal actions.

(3) Control.

(a) The conduct causing the discharge must have been within the claimant's control. Isolated instances of carelessness or good faith errors in judgment are not sufficient to establish just cause for discharge. However, continued inefficiency, repeated carelessness or evidence of a lack of care expected of a reasonable person in a similar circumstance may satisfy the element of control if the claimant had the ability to perform satisfactorily.

(b) The Department recognizes that in order to maintain efficiency it may be necessary to discharge workers who do not meet performance standards. While such a circumstance may provide a basis for discharge, this does not mean benefits will be denied. To satisfy the element of control in cases involving a discharge due to unsatisfactory work performance, it must be shown [~~that~~]the claimant had the ability to perform the job duties in a satisfactory manner. In general, if the claimant made a good faith effort to meet the job requirements but failed to do so due to a lack of skill or ability and a discharge results, just cause is not established.

R994-405-203. Burden of Proof in a Discharge.

In a discharge, the employer initiates the separation[~~,~~] and therefore[~~,~~] has the burden to prove there was just cause for discharging the claimant. The failure of [~~one party~~]the employer to provide information [~~does~~]will not necessarily result in a ruling favorable to the [~~other party~~]claimant. Interested parties have the right to rebut information contrary to their interests.

R994-405-204. Quit or Discharge.

The circumstances of the separation as found by the Department[~~,~~] determine whether it was a quit or discharge. The conclusions on the employer's records, the separation notice, or the claimant's report are not controlling[~~ on the Department~~].

(1) Discharge Before Effective Date of Resignation.

(a) Discharge.

[~~If an individual notifies the employer of an intent to leave work on a definite date, but is separated prior to that date, the reason the separation took place on the date that it did, is the controlling factor in determining whether the separation is a quit or discharge. If the decision to separate the worker is a result of the announced resignation to be effective at a future date, the separation is a discharge. Unless there is some other evidence of disqualifying conduct, benefits shall be awarded.~~]If a claimant notifies the employer of an intent to leave work on a definite date, and the employer ends the employment relationship prior to that date, the separation is a discharge unless the claimant is paid through the resignation date. Unless there is some other evidence of disqualifying conduct, benefits will be awarded.

(b) Quit.

If [~~a worker~~]the claimant gives notice of an intent to leave work on a particular date and is paid regular wages through the announced resignation date, the separation is a quit even if the [~~worker~~]claimant was relieved of work responsibilities prior to the effective date of resignation. A separation is also a quit if a [~~worker~~]claimant announces an intent to quit but agrees to continue working for an indefinite period, even though the date of separation is determined by the employer. The claimant is not considered to have quit merely by saying he or she is looking for a new job. If a [~~worker~~]claimant resigns[~~,~~] but later decides to stay and announces an intent to remain employed, the reasonableness of the employer's refusal to continue the employment is the primary factor in determining whether the claimant quit or was discharged. If the employer had already hired a replacement, or had taken other action because of the claimant's impending quit, it may not be practical for the employer to allow the claimant to rescind the resignation, and it would be held the separation was a quit.

(2) Leaving in Anticipation of Discharge.

If [~~an individual~~]a claimant leaves work in anticipation of a possible discharge and if the reason for the discharge would not have been disqualifying, the separation is a quit. [~~However, an individual~~]A claimant may not escape a disqualification under the discharge provisions, Subsection 35A-4-405(2)(a), by quitting to avoid a discharge that would result in a denial of benefits. In this circumstance the separation [~~shall be~~]is considered a discharge.

(3) Refusal to Follow Instructions[~~(Constructive Abandonment)~~].

If the [~~worker~~]claimant refused or failed to follow reasonable requests or instructions, [~~knowing~~]and knew the loss of employment would result, the separation is a quit.

R994-405-205. Disciplinary Suspension.

When a[~~n individual~~] claimant is placed on a disciplinary suspension, the definition of being unemployed may be satisfied. If a[~~n individual~~] claimant files during the suspension period, the matter [~~shall~~]will be adjudicated as a discharge, even though the claimant may have an attachment to the employer and may expect to return to work. A suspension that is reasonable and necessary to prevent potential harm to the employer will generally result in a disqualification if the elements of knowledge and control are established. If the [~~individual~~]claimant fails to return to work at the end of the suspension period, the separation is a voluntary quit and may then be adjudicated under Subsection 35A-4-405(1), if benefits had not been previously denied.

R994-405-206. Proxima[~~l~~]te Cause - Relation of the Offense to the Discharge.

(1) The cause for discharge is the conduct that motivated the employer to make the decision to discharge the [~~worker~~]claimant. If a separation decision has been made, it is generally demonstrated by giving notice to the [~~worker~~]claimant. Although the employer may learn of other offenses following the decision to terminate the [~~worker's~~]claimant's services, the reason for the discharge is limited to the conduct the employer was aware of prior to making the separation decision. If an employer discharged a[~~n individual~~] claimant because of preliminary evidence, but did not obtain "proof" of the conduct until after the separation notice was given, it may still be concluded the discharge was caused by the conduct the employer was investigating.

(2) If the discharge did not occur immediately after the employer became aware of an offense, a presumption arises that there were other reasons for the discharge. The relationship between the offense and the discharge must be established both as to cause and time. The presumption that a particular offense was not the cause of the discharge may be overcome by showing the delay was necessary to accommodate further investigation, arbitration or hearings related to the [~~worker's~~]claimant's conduct. If a[~~n individual~~] claimant files for benefits while a grievance or arbitration process is pending, the Department shall make a decision based on the best information available. The Department's decision is not binding on the grievance process nor is the decision of an arbitrator binding upon the Department. If an employer elects to reduce its workforce and uses a [~~worker's~~]claimant's prior conduct as the criteria for determining who will be laid off, the separation is a reduction of force.

R994-405-207. In Connection with Employment.

Disqualifying conduct is not limited to offenses that take place on the employer's premises or during business hours. However, it is necessary that the offense be connected to the employment in such a manner that it is a subject of legitimate and significant concern to the employer. Employers generally have the right to expect that employees [~~shall~~]will refrain from acts detrimental to the business or that would bring dishonor to the business name or institution. Legitimate interests of employers include: goodwill, efficiency, employee morale, discipline, honesty and trust.

R994-405-208. Examples of Reasons for Discharge.

In the following examples, the basic elements of just cause must be considered in determining eligibility for benefits.

(1) Violation of Company Rules.

If a[~~n individual~~] claimant violates a reasonable employment rule and [~~the three elements of culpability, knowledge and control are satisfied~~]just cause is established, benefits [~~shall~~]will be denied.

(a) An employer has the prerogative to establish and enforce work rules that further legitimate business interests. However, rules contrary to general public policy or that infringe upon the recognized rights and privileges of individuals may not be reasonable. If a [~~worker~~]claimant believes a rule is unreasonable, the [~~worker~~]claimant generally has the responsibility to discuss these concerns with the employer before engaging in conduct contrary to the rule, thereby giving the employer an opportunity to address those concerns. When rules are changed, the employer must provide appropriate notice and afford workers a reasonable opportunity to comply.

(b) If an employment relationship is governed by a formal employment contract or collective bargaining agreement, just cause may only be established if the discharge is consistent with the provisions of the contract.

(c) Habitual offenses may not constitute disqualifying conduct if the acts were condoned by the employer or were so prevalent as to be customary. However, if a [~~worker~~]claimant was given notice the conduct would no longer be tolerated, further violations may result in a denial of benefits.

(d) Culpability may be established if the violation of the rule did not, in and of itself, cause harm to the employer, but the lack of compliance diminished the employer's ability to maintain necessary discipline.

(e) Serious violations of universal standards of conduct [~~may~~]do not require prior warning to support a disqualification.

(2) Attendance Violations.

(a) Attendance standards are usually necessary to maintain order, control, and productivity. It is the responsibility of a [~~worker~~]claimant to be punctual and remain at work within the reasonable requirements of the employer. A discharge for unjustified absence or tardiness is disqualifying if the [~~worker~~]claimant knew enforced attendance rules were being violated. A discharge for an attendance violation beyond the claimant's control [~~of the worker~~]is generally not disqualifying unless the [~~worker~~]claimant could reasonably have given notice or obtained permission consistent with the employer's rules, but failed to do so.

(b) In cases of discharge for violations of attendance standards, the [~~worker~~'s]claimant's recent attendance history must be reviewed to determine if the violation is an isolated incident, or if it demonstrates a pattern of unjustified absence within the [~~worker's~~]claimant's control. The flagrant misuse of attendance privileges may result in a denial of benefits even if the last incident is beyond the [~~worker's~~]claimant's control.

(3) Falsification of Work Record.

The duty of honesty is inherent in any employment relationship. An employee or potential employee has an obligation to truthfully answer material questions posed by the employer or potential employer. For purposes of this subsection, material questions are those that may expose the employer to possible loss, damage or litigation if answered falsely. If false statements were made as part of the application process, benefits may be denied [~~even~~]regardless of whether [~~if~~]the claimant would [~~not~~]have been hired if all questions were answered truthfully.

(4) Insubordination.

An employer generally has the right to expect lines of authority will be followed; reasonable instructions, given in a civil manner, will be obeyed; supervisors will be respected and their authority will not be undermined. In determining when insubordination becomes disqualifying conduct, a disregard of the employer's rightful and legitimate interests is of major importance. Protesting or expressing general dissatisfaction without an overt act is not a disregard of the employer's interests. However, provocative remarks to a superior or vulgar or profane language in response to a civil request may constitute insubordination if it disrupts routine, undermines authority or impairs efficiency. Mere incompatibility or emphatic insistence or discussion by a [~~worker~~]claimant, acting in good faith, is not disqualifying conduct.

(5) Loss of License.

If the discharge is due to the loss of a required license and the claimant had control over the circumstances that resulted in the loss, the conduct is generally disqualifying. Harm is established as the employer would generally be exposed to an unacceptable degree of risk by allowing an employee to continue to work without a required license. In the example of a lost driving privilege due to driving under the influence (DUI), knowledge is established as it is understood by members of the driving public that driving under the influence of alcohol is a violation of the law and may be punishable by the loss of driving privileges. Control is established as the claimant made a decision to risk the loss of his or her license by failing to make other arrangements for transportation.

(6) Incarceration.

When [~~an individual~~]a claimant engages in illegal activities, it must be recognized that the possibility of arrest and detention for some period of time[~~,~~] exists. It is foreseeable that incarceration will result in absence from work and possible loss of employment. Generally, a discharge for failure to report to work because of incarceration due to proven or admitted criminal conduct[~~,~~] is disqualifying.

(7) Abuse of Drugs and Alcohol.

(a) The Legislature, under the Utah Drug and Alcohol Testing Act, Section 34-38-1 et seq., has determined the illegal use of drugs and abuse of alcohol creates an unsafe and unproductive workplace. In balancing the interests of employees, employers and the welfare of the general public[~~welfare~~], the Legislature has determined the fair and equitable testing for drug and alcohol use is a reasonable employment policy.

(b) An employer can establish a prima facie case of ineligibility for benefits under the Employment Security Act based on testing conducted under the Drug and Alcohol Testing Act by providing the following information:

(i) A written policy on drug or alcohol testing consistent with the requirements of the Drug and Alcohol Testing Act and [~~which~~]that was in place at the time the violation occurred.

(ii) Reasonable proof and description of the method for communicating the policy to all employees, including a statement that violation of the policy may result in discharge.

(iii) Proof of testing procedures used which would include:

(A) Documentation of sample collection, storage and transportation procedures.

(B) Documentation that the results of any screening test for drugs and alcohol were verified or confirmed by reliable testing methods.

(C) A copy of the verified or confirmed positive drug or alcohol test report.

(c) The above documentation shall be admissible as competent evidence under various exceptions to the hearsay rule, including Rule 803(6) of the Utah Rules of Evidence respecting "records of regularly conducted activity," unless determined otherwise by a court of law.

(d) A positive alcohol test result shall be considered disqualifying if it shows a blood or breath alcohol concentration of 0.08 grams or greater per 100 milliliters of blood or 210 liters of breath. A blood or breath alcohol concentration of less than 0.08 grams may also be disqualifying if the claimant worked in an occupation governed by a state or federal law that allowed or required discharge at a lower standard.

(e) Proof of a verified or confirmed positive drug or alcohol test result or refusal to provide a proper test sample is a violation of a reasonable employer rule. The claimant may be disqualified from the receipt of benefits if his or her separation was consistent with the employer's written drug and alcohol policy.

(f) In addition to the drug and alcohol testing provisions above, ineligibility for benefits under the Employment Security Act may be established through the introduction of other competent evidence.

R994-405-209. Effective Date of Disqualification.

[~~The Act provides any disqualification under Subsection 35A-4-405(2) shall include "the week in which the claimant was discharged . . ." However, to avoid confusion, the denial of benefits shall begin with the Sunday of the week the claimant filed for benefits. Disqualifications assessed in a prior benefit year shall continue into the new benefit year until purged by sufficient wages earned in subsequent bona fide covered employment.~~]A disqualification based on a job separation begins the Sunday of the week in which the job separation

took place. If the claimant did not file for benefits the week of the separation, the disqualification begins with the effective date of the new or reopened claim. The disqualification ends when the claimant earns requalifying wages equal to six times his or her WBA in bona fide covered employment as defined in R994-201-101(9). The WBA used to determine requalifying wages under this section is the WBA of the original claim. A disqualification that begins in one benefit year will continue into a new benefit year unless the claimant has earned requalifying wages. Severance or vacation pay cannot be used as requalifying wages.

R994-405-210. Discharge for Crime - General Definition.

(1) A crime is a punishable act in violation of law, an offense against the State or the United States. Though in common usage "crime" is used to denote offenses of a more serious nature, the term "crime" [~~and "misdemeanor" mean the same thing~~]as used in these sections, includes "misdemeanors". An insignificant, although illegal act, or the taking or destruction of something that is of little or no value, or believed to have been abandoned may not be sufficient to establish [~~that~~]a crime was committed for the purposes of Subsection 35A-4-405(2)(b), even if the claimant was found guilty of a violation of the law. Before a claimant may be disqualified under the provisions of Subsection 35A-4-405(2)(b), it must be established [~~that~~]the claimant was discharged for a crime that[~~was~~]:

(a) was [~~I~~]in connection with work,[~~and~~]

(b) [~~Dishonest~~]involved dishonesty constituting a crime or a felony or class A misdemeanor, and

(c) was [~~A~~]admitted or established by a conviction in a court of law.

(2) Discharges that are not disqualifying under Subsection 35A-4-405(2)(b), discharge for crime, must be adjudicated under Subsection 35A-4-405(2)(a), discharge for just cause.

R994-405-211. In Connection with Work.

Connection to the work is not limited to offenses that take place on the employer's premises or during business hours nor does the employer have to be the victim of the crime. However, the crime must have affected the employer's rightful interests. The offense must be connected to the employment in such a manner that it is a subject of legitimate and significant concern to the employer. Employers generally have the right to expect that employees [~~shall~~]will refrain from acts detrimental to the business or that would bring dishonor to the business name or institution. Legitimate employer interests include goodwill, efficiency, business costs, employee morale, discipline, honesty, trust and loyalty.

R994-405-212. Dishonesty or Other Disqualifying Crimes.

(1) For the purposes of this [~~S~~]subsection, dishonesty generally means theft. Theft is defined as taking property without the owner's consent. Theft also includes swindling, embezzlement and obtaining possession of property by lawful means and thereafter converting it to the taker's own use. Theft includes:

(a) obtaining or exerting unauthorized control over property;

(b) obtaining control over property by threat or deception;

(c) obtaining control knowing the property was stolen; and,

(d) obtaining services from another by deception, threat, coercion, stealth, mechanical tampering or by use of a false token or device.

(2) Felonies and Class A misdemeanors are also disqualifying even if they are not theft-related such as[~~may include~~] assault, arson, or destruction of property. Whether the crime is a felony or misdemeanor is determined by the [~~C~~]court's verdict and not by the penalty imposed.

(3) A disqualification under this Subsection 35A-4-405(2)(b) may be assessed against Utah claimants based upon equivalent convictions in other states.

R994-405-213. Admission or Conviction in a Court.

(1) An admission offered to satisfy the requirements of R994-405-210(1)(c), must be[~~is~~] a voluntary statement, verbal or written, in which a claimant acknowledges committing an act [~~in~~]that is a violation of the law. The admission does not necessarily have to be made to a Department representative, [~~. H~~]however, [~~there must be sufficient information to establish that~~]the admission must have been[~~was~~] made freely and [~~that it was~~]not a false statement given under duress or made to obtain some concession.

([~~a~~]2) If the requirements of R994-405-210(1) have been met, [~~A~~]a disqualification [~~under Subsection 35A-4-405(2)(b)~~]may be assessed [~~if the claimant makes a valid admission to a crime involving dishonesty,~~] even if no criminal charges have been filed and even if it appears the claimant will not be prosecuted. If the claimant agrees to a diversionary program as permitted by the court or enters a plea in abeyance, there is a rebuttable presumption, for the purposes of this [~~S~~]subsection, that the claimant has admitted to the criminal act.

[~~(b) If an admission is made to any other crime, not involving dishonesty, resulting in a discharge for which it appears the claimant will not be prosecuted, the Department must review the Utah criminal code to determine whether a disqualification shall be assessed under Subsection 35A-4-405(2)(b), discharge for crime, or 35A-4-405(2)(a), just cause discharge.~~

] ([~~2~~]3) A conviction occurs when a claimant has been found guilty by a court of committing an act in violation of the criminal code. Under Subsection 35A-4-405(2)(b), a plea of "no contest" is considered a conviction.

R994-405-214. Disqualification Period.

The 52-week disqualification period for Subsection 35A-4-405(2)(b) [~~shall begin effective with~~]begins the Sunday immediately preceding the discharge even if this date precedes the effective date of the claim. A disqualification which begins in one benefit year shall continue into a new benefit year until the 52-week disqualification has ended.

R994-405-215. Deletion of Wage Credits.

The wage credits to be deleted are those from the employer who discharged the claimant under circumstances resulting in a denial under Subsection 35A-4-405(2)(b), "Discharge for Crime." All base period and lag period wages from this employer will be unavailable for current or future claims. Lag period wages are wages paid after the base period but prior to the effective date of the claim.

R994-405-302. Failure to Accept a Referral.

(1) Definition of a Referral. A referral [~~is~~]occurs when the department provides information about a job opening to the claimant and the claimant is given the opportunity to apply. The information must meet the requirements of R994-405-301(2)(b).

(2) Failure to Accept a Referral. A claimant fails to accept a referral when he or she prevents or discourages the Department from providing the necessary referral information. Failing to respond to a notice to contact the Department for the purpose of being referred to a specific job is the same as refusing a referral for possible employment.

(3) If there was a suitable job opening to which the claimant would have been referred, benefits will be denied unless good cause is

established for not responding as directed, or the elements of equity and good conscience are established.

R994-405-303. Proper Application for Work.

A proper application for work is established if the claimant does those things normally done by applicants who are seriously and actively seeking work. Generally, the claimant must:

(1) meet with the employer at the designated time and place,

(2) report to the employer dressed and groomed in a manner appropriate for the type of work being sought,[~~ and~~]

(3) present no unreasonable conditions or restrictions on acceptance of the available work[-] and

(4) report for and pass a drug test if necessary.

R994-405-306. Elements to Consider in Determining Suitability.

A claimant is not required to accept an offer of new work unless the work is suitable. Whether a job is suitable depends on the length of time the claimant has been unemployed. As the length of unemployment increases, the claimant's demands with respect to earnings, working conditions, job duties, and the use of prior training must be systematically reduced unless the claimant has immediate prospects of reemployment. The following elements must be considered in determining the suitability of employment:

(1) Prior Earnings.

Work is not suitable if the wage is less than the state or federal minimum wage, whichever is applicable, or the wage is substantially less favorable to the claimant than prevailing wages for similar work in the locality.

The claimant's prior earnings, length of unemployment and prospects of obtaining work are the primary factors in determining whether the wage is suitable. If a claimant's former wage was earned in another geographical area, the prevailing wage is determined by the new area.

(a) During the first one-third of the claim, work paying at least the highest wage earned during or subsequent to the base period, or the highest wage available in the locality for the claimant's occupation, whichever is lower is suitable, but only if there is a reasonable expectation that work can be obtained at that wage.

(b) After a claimant has received one-third of the MBA for his or her regular claim, any work paying a wage that is equal to or greater than the lowest wage earned during the base period is suitable, as long as that wage is consistent with the prevailing wage standard.

(c) After a claimant has received two-thirds of the MBA for his or her regular claim, any work paying the prevailing wage in the locality for work in any base period occupation is suitable.

(2) Prior Experience.

If an initial claim or the reopening of a claim is filed following employment at the claimant's highest skill level, work that is not expected to utilize the claimant's highest skill level is not suitable. A worker must be given a reasonable time to seek work that will preserve his or her highest skills and earning potential. However, if a claimant has no realistic expectation of obtaining employment in an occupation utilizing his or her highest skill level, work in related occupations becomes suitable.

(a) After the claimant has received one-third of the MBA for his or her regular claim, work in any of the occupations in which the claimant worked during the base period is considered suitable.

(b) After the claimant has received two-thirds of the MBA for his or her regular claim, any work that he or she can reasonably perform consistent with the claimant's past experience, training and skills is considered suitable.

(3) Working Conditions.

"Working conditions" refers to the provisions of the employment agreement whether express or implied as well as the physical conditions of the work. If the working conditions are substantially less favorable than those prevailing for similar work in the area, the work is not suitable. Working conditions include the following:

(a) Hours of Work.

Claimants are expected to make themselves available for work during the usual hours for similar work in the area. If work periods are in violation of the law or if the hours are substantially less favorable than those prevailing for similar work in the area, the employment is not suitable. However, the hours the claimant worked during his or her base period are generally considered suitable. A claimant's preference for certain hours or shifts based on mere convenience is not good cause for failure to accept otherwise suitable employment.

(b) Benefits in Addition to Wages.

Work is not suitable if "fringe benefits" such as life and group health insurance; paid sick, vacation, and annual leave; provisions for leaves of absence and holiday leave; pensions, annuities, and retirement provisions; or severance pay are substantially less favorable than benefits received by the claimant during the base period or than those prevailing for similar work in the area, whichever is lower.

(c) Labor Disputes or Law Violations.

Work is not suitable if the working conditions are in violation of any state or federal law, or the job opening is due to a strike, lockout, or labor dispute. If a claimant was laid off or furloughed prior to the labor dispute, and the former employer makes an offer of employment after the dispute begins, it is considered an offer of new work. The vacancy must be presumed to be the result of the labor dispute unless the claimant had a definite date of recall, or recall has historically occurred at a similar time.

(4) Prior Training.

The type of work performed during the claimant's base period is suitable unless there is a compelling circumstance that would prevent returning to work in that occupation. If a claimant has training that would now meet the qualifications for a new occupation, work in that occupation may also be suitable, particularly if the training was obtained, at least in part, while the claimant was receiving unemployment benefits under Department approval, or the training was subsidized by another government program.

(5) Risk to Health and Safety.

Work is not suitable if it presents a risk to a claimant's physical or mental health greater than the usual risks associated with the occupation. If a claimant would be required, as a condition of employment, to perform tasks that would cause or substantially aggravate health problems, the work is not suitable.

(6) Physical Fitness.

The claimant must be physically capable of performing the work. Employment beyond the claimant's physical capacity is not suitable.

(7) Distance of the Available Work from the Claimant's Residence.

To be considered suitable, the work must be within customary commuting patterns as they apply to the occupation and area. A claimant's failure to provide his or her own transportation within the normal or customary commuting pattern in the area, or failure to utilize alternative sources of transportation when available, does not establish good cause for failing to apply for or accept suitable work. Work is not suitable if accepting the employment would require a move from the current area of residence unless that is a usual practice in the occupation.

(8) Religious or Moral Convictions.

The work must conflict with sincerely held religious or moral convictions before a conscientious objection could support a conclusion that the work was not suitable. This does not mean all personal beliefs are entitled to protection. However, beliefs need not be acceptable, logical, consistent, or comprehensible to others, or shared with members of a religious or other organized group in order to show the conviction is held in good faith.

(9) Part-time or Temporary Work.

Part-time or temporary work may be suitable depending on the claimant's work history. If the major portion of a claimant's base period work history consists of part-time or temporary work, then any work which is otherwise suitable would be considered suitable even if the work is part-time or temporary. If the claimant has no recent history of temporary or part-time work, the work may still be considered suitable, particularly if the claimant has been unemployed for an extended period and does not have an immediate prospect of full-time work.

R994-405-308. Burden of Proof.

(1) The statute requires that the wage, hours, and other conditions of the work shall not be substantially less favorable to the individual than those prevailing for similar work in the area in order to be considered suitable work. The Department has the burden to prove that the work offered meets these minimum standards before benefits can be denied. Before benefits may be denied, the Department must show:

(a) the job was available,

(b) the claimant had an opportunity to learn about the conditions of employment,

(c) the claimant had an opportunity to apply for or accept the job, and

(d) the claimant's action or inaction resulted in the failure to obtain the job.

(2) When the Department has established all of the elements in paragraph (1) of this subsection, a disqualification must be assessed unless it can be established that the work was not suitable, that there was good cause for failing to obtain the job, or the claimant or the Department can show that a disqualification would be [~~against~~]contrary to equity and good conscience.

(3) The Department has the option, but not the obligation, to review Department records concerning the claimant's wages and work history to determine suitability in cases where the claimant has not provided a reason for refusing the job, or the claimant's stated reason for refusing the job was for a reason other than suitability. In these cases, department intervention would only be appropriate if the available information establishes that a denial would be an affront to fairness.

R994-405-309. Period of Ineligibility.

(1) The disqualification period imposed under Subsection 35A-4-405(3) begins the Sunday of the week in which the claimant's action or inaction resulted in the failure to obtain employment or the first week the work was available, whichever is later. The disqualification ends when the claimant earns requalifying wages equal to six times his or her WBA in bona fide covered employment as defined in R994-201-101(9). The WBA used to determine requalifying wages under this section is the WBA of the original claim. A disqualification that begins in one benefit year will continue into a new benefit year unless the claimant has earned requalifying wages. Severance or vacation pay cannot be used as requalifying wages.[~~shall include the week in which the claimant's action or inaction resulted in the failure to obtain employment or the first week the work was available, whichever is later. The disqualification shall continue until the claimant has performed services in bona fide covered employment and earned wages equal to at least six times his or her WBA.~~]

(2) A disqualification will be assessed as of the effective date of a new claim if the claimant refused an offer of suitable work after his or her last job ended and prior to the effective date of the claim. A disqualification will also be assessed as of the reopening date, if the claimant refused an offer of suitable work after his or her last job ended and prior to the reopening date.[

~~(3) Disqualifications assessed in a prior benefit year shall continue into the new benefit year and until the claimant has earned six times his or her WBA in subsequent bona fide covered employment.~~]

R994-405-311. Equity and Good Conscience.

A claimant will not be denied benefits for failing to apply for or accept work if it would be contrary to equity and good conscience, even though good cause has not been established. If there [~~were~~]are mitigating circumstances and a denial of benefits would be unreasonably harsh or an affront to fairness, benefits may be allowed. A mitigating circumstance is one that may not be sufficiently compelling to establish good cause, but would motivate a reasonable person to take similar action. In order to establish eligibility under the equity and good conscience standard the following elements must be shown:

(1) Reasonableness.

The claimant must have acted reasonably and the decision to refuse the offer[~~refusal~~] of work was logical, sensible, or practical.

(2) Continuing Attachment to the Labor Market.

The claimant must show evidence of a genuine and continuing attachment to the labor market by making an active and consistent effort to become reemployed. The claimant must have a realistic plan for obtaining suitable employment and show evidence of employer contacts prior to, during, and after the week the job in question was available.

R994-405-401. Strike[~~ -- General Definition~~].

[~~Strikes and lockouts, except where prohibited by law, are frequently used by labor and management in the negotiation process. The purpose of Subsection 35A-4-405(4) is to prevent workers from receiving benefits when work is not being performed due to a strike.~~]Claimants may be ineligible for unemployment benefits when the unemployment is due to a strike.

R994-405-402. Elements Necessary for a Disqualification.

All of the following elements[~~, as defined by this rule,~~] must be present before a disqualification will be assessed under Subsection 35A-4-405(4):

(1) the claimant's unemployment must be the result of an ongoing strike,

(2) the strike must involve workers at the factory or establishment of the claimant's last employment[~~,~~];

(3) the strike must have been initiated by the workers,

(4) the employer must not have conspired, planned or agreed to foment [~~a~~]the strike,

(5) there must be a stoppage of work,

(6) the strike must involve the claimant's grade, group or class of workers, and,

(7) the strike must not have been caused by the employer's failure to comply with State or Federal laws governing wages, hours or other conditions of work.

R994-405-403. Unemployment Due to a Strike.

(1) The claimant's unemployment must be the result of an ongoing strike. A strike exists when combined workers refuse to work except upon a certain contingency involving concessions either by the employer[~~,~~] or the bargaining unit. A strike consists of at least four components in addition to the suspended employer-employee relationship:

(a) a demand for some concession,

(b) a refusal to work with intent to bring about compliance with demands,

(c) an intention to return to work when an agreement is reached, and

(d) an intention on the part of the employer to re-employ the same employees or employees of a similar class when the demands are acceded to or withdrawn or otherwise adjusted.

(2) A strike may exist without such actions as a proclamation preceding a stoppage of work or pickets at the business or industry[~~,~~] announcing an intent and purpose to go out on strike. Although a strike involves a labor dispute, a labor dispute can exist without a strike and a strike can exist without a union. The party or group who first resorts to the use of economic sanctions to settle a dispute must bear the responsibility. A strike occurs when workers withhold services. A lockout occurs when the employer withholds work because of a labor dispute including: the physical closing of the place of employment, refusing to furnish available work to regular employees, or by imposing such terms on their continued employment so that the work becomes unsuitable or the employees could not reasonably be expected to continue to work.

(3) The following are examples of when unemployment is due to a strike[~~:~~];

(a) a strike is formally and properly announced by a union or bargaining group, and as a result of that announcement, the affected employer takes necessary defensive action to discontinue operations,[~~; or~~]

(b) after a strike begins the employer suspends work because of possible destruction or damage to which the employer's property would not otherwise be exposed, provided the measures taken are those that are reasonably required,[~~; or~~]

(c) if the employer is not required by contract to submit the dispute to arbitration and the workers ceased working because the employer rejects a proposal by the union or bargaining group to submit the dispute to arbitration,[~~;~~] or

(d) upon the expiration of an existing contract, whether or not negotiations have ceased, the employer is willing to furnish work to the employees upon the terms and conditions in force under the expired contract.

(4) The following are examples of when unemployment is not due to a strike[~~:~~];

(a) the claimant was separated from employment for some other reason that[~~which~~] occurred prior to the strike, for example: a quit, discharge or a layoff even if the layoff is caused by a strike at an industry upon which the employer is dependent[~~; or~~],

(b) the claimant was replaced by other permanent employees[~~; or~~],

(c) the claimant was on a temporary lay[~~-~~]off, prior to the strike, with a predetermined date of recall; however, if the claimant refuses to return to his or her regular job when called on the predetermined date his or her subsequent unemployment is due to a strike[~~; or~~],

(d) as a result of start up delays, the claimant is not recalled to work for a period after the settlement of the strike[~~; or~~],

([~~f~~]e) the employer refuses to agree to binding arbitration when the contract provides that the dispute shall be submitted to arbitration[~~,~~], or

([~~e~~]f) the claimant is unemployed due to a lockout. The immediate cause of the work stoppage determines if it is a strike or a lockout depending on who first imposes economic sanctions. A lockout occurs when[~~:~~];

(i) the employer takes the first action to suspend operations resulting from a dispute with employees over wages, hours, or working conditions,[~~ or~~]

(ii) an employer, anticipating that employees will go on strike, but prior to a positive action by the workers, curtails operations by advising employees not to report for work until further notice. [~~(~~]Positive action can include a walkout or formal announcement that the employees are on strike. In this case the immediate cause of the unemployment is the employer's actions, even if a strike is subsequently called.[~~)~~], or

(iii) upon expiration of an existing contract where the employer is seeking to obtain unreasonable wage concessions, the employees offer to work at the rate of the expired agreement and continue to bargain in good faith.

R994-405-404. Workers at Factory or Establishment of the Claimant's Last Employment.

(1) "At the factory or establishment" of last employment may include any job sites where the work is performed by any members of the grade, group or class of employees involved in the labor dispute, and is not limited to the employer's business address.

(2) "Last employment" is not limited to the last work performed prior to the filing of the claim, but means the last work prior to the strike. If the claimant becomes unemployed due to a strike, the provisions of Subsection 35A-4-405(4) apply beginning with the week in which the strike began even if the claimant did not file for benefits immediately and continues until the strike ends or until the claimant establishes subsequent eligibility as required by Subsection 35A-4-405(4)(c). For example: the claimant left work for employer A due to a disqualifying strike, and then obtained work for employer B where he or she worked for a short period of time before being laid off due to reduction of force. If he or she then files for unemployment benefits, and cannot qualify monetarily for benefits based solely on his or her employment with employer B, the [~~provisions of Subsection 35A-4-405(4) would apply if all the other elements are present.~~]claimant is not eligible for unemployment benefits.

R994-405-405. Fomented by the Employer.

A strike will not result in a denial of benefits to claimants if the employer or any of [~~his~~]its agents or representatives conspired, planned or agreed with any of [~~his~~]the workers in promoting or inciting the development of the strike.

R994-405-406. Work Stoppage.

Work stoppage means that the claimant is no longer working but[~~For a work stoppage to be disqualifying, it must be because of a strike,~~] it is not necessary for the employer to be unable to continue to conduct business[~~, however, there is generally a substantial curtailment of operations as the result of the labor dispute~~]. For the purposes of this rule, a work stoppage exists when an employee chooses to withhold his services in concert with fellow employees.

R994-405-407. Grade, Group or Class of Worker.

(1) A claimant is a member of the grade, group or class if:

(a) the dispute affects hours, wages, or working conditions of the claimant, even if the claimant [~~he~~]is not a member of the group conducting the strike or not in sympathy with its purposes,[~~ or~~]

(b) the labor dispute concerns all of the employees and [~~causes,~~]as a direct result[~~,~~] causes a stoppage[~~,~~] of their work,[~~ or~~]

(c) the claimant is covered either by the bargaining unit or is a member of the union, or

(d) [~~he~~]the claimant voluntarily refuses to cross a peaceful picket line even when the picket line is being maintained by another group of workers.

(2) [~~The burden of proof is on the claimant to show that he is not participating in any way in the strike. ~~]A claimant is not included in the grade, group or class if:

(a) [~~he~~]the claimant is not participating in, financing, or directly interested in the dispute or is not included in any way in the group that is participating in or directly interested in the dispute,[~~ or~~]

(b) [~~he~~]the claimant was an employee of a company [~~which~~]that has no work for him or her as a result of the strike, but the company is not the subject of the strike and whose employee's wages, hours or working conditions are not the subject of negotiation,[~~ or~~]

(c) [~~he~~]the claimant was an employee of a company [~~which~~]that is out of work as a result of a strike at one of [~~the~~]its work sites [~~of the same employer~~]but he or she is not participating in the strike, will not benefit from the strike, and the constitution of the union leaves the power to join a strike with the local union, provided the governing union has not concluded that a general strike is necessary, or

(d) work continues to be available after a strike begins and the claimant reported for work and performed work after the strike began and was subsequently unemployed.

(3) The burden of proof is on the claimant to show that he or she is not participating in any way in the strike.

R994-405-408. Strike Caused by Employer Non-Compliance with State or Federal Laws.

If the strike was caused by the employer's failure to comply with [~~S~~]state or [~~F~~]federal laws governing wages, hours, or working conditions, the claimant is not disqualified as a result of the strike.[~~provisions of Subsection 35A-4-405(4) will not apply.~~] However, to establish [~~that~~] the strike was caused by unlawful practices, the issue of an unfair labor practice must be one of the grievances still subject to negotiation at the time the strike occurs. The making of such an allegation after the strike begins will not enable workers to claim that such a violation was the initiating factor in the strike.

R994-405-409. Period of Disqualification.

[~~Subsection 35A-4-405(4) applies beginning with the week the strike begins, however, for administrative convenience, t~~]The period of disqualification begins on[~~will be assessed with~~] the effective date of the new or reopened claim and continues as long as all the elements are present. If the claimant has other employment subsequent to the beginning of the strike which is insufficient when solely considered to qualify for a new claim, the disqualification under Subsection 35A-4-405(4) would continue to apply. It is not necessary for the employer involved in the strike to be a base period employer for a disqualification to be assessed.

R994-405-410. Wages Used to Establish Claim as Provided by Subsection 35A-4-405(4)(c).

(1) Ineligibility following a strike. A disqualification must be assessed if the elements for disqualification are present, even if the claim is not based on employment with the employer involved in the labor dispute. Wages for an employer not involved in the strike [~~which~~]that are concurrent with employment for an employer that is involved in the strike will not be used independently to establish a claim in order to avoid a disqualification.

(2) New claim following strike. If a claimant is ineligible due to a strike, wages used in establishing a new claim must have been earned after the strike began. The job does not have to be obtained after the strike but only those wage credits obtained after the strike may be used to establish a new claim. If the claimant has sufficient wages to qualify for a new benefit year after his or her unemployment due to a strike, a new claim may be established even if the claimant has a current benefit year under which benefits have been denied due to a strike.

(3) Redetermination after strike ends. No wages from the employer involved in the strike will be used to compute the new benefit amount, until after the provisions of Subsection 35A-4-405(4) no longer apply. Any such redetermination must be requested by the claimant and will be effective the beginning of the week in which the [~~written~~]request for a redetermination is made.

R994-405-411. Availability.

If benefits are not denied under Subsection 35A-4-405(4), the claimant's availability for work will be considered including the amount of time spent walking picket lines and working for the bargaining unit. A refusal to seek work except with employers involved in a lockout or strike is a restriction on availability [~~which~~]that will be considered in accordance with Subsection 35A-4-405(3) and R994-403-115c. A refusal to accept work with an employer involved in a lockout or strike is not disqualifying.

R994-405-412. Suitability of Work Available Due to a Strike.

Subsection 35A-4-405(3)(b) provides that new work is not suitable and benefits [~~shall~~]will not be denied if the position offered is vacant due directly to a strike, lockout or other labor dispute. If the claimant was laid off or furloughed prior to the strike, and an offer of employment is made after the strike begins by the former employer, it is considered an offer of new work. The vacancy must be presumed to be the result of the strike unless the claimant had a definite date of recall, or recall has historically occurred at a similar time.

R994-405-413. Strike Benefits.

Strike benefits received by a claimant, which are paid contingent upon walking a picket line or for other services, are reportable income [~~which~~]that must be deducted from any weekly benefits to which the claimant is eligible in accordance with provisions of Subsection 35A-4-401(3). Money received for performance of services in behalf of a striking union may not be subject wages used as wage credits in establishing a claim. However, money received as a general donation from the union treasury [~~which~~]that requires no personal services is not reportable income.

R994-405-701. Payments Following Separation - General Definition.

[~~The intent of Subsection 35A-4-405(7) is to withhold payment of unemployment insurance benefits to claimants during periods when they are entitled to receive remuneration from an employer in the form or vacation or severance payments. Even if vacation or severance payments do not meet the statutory definition of wages, they are still disqualifying to the extent they exceed a claimant's weekly benefit amount.~~]Vacation and severance payments which a claimant is receiving, has received or is entitled to receive are treated as wages and

the claimant's WBA is reduced as provided in R994-401-301(1). This is true even though vacation or severance payments do not meet the statutory definition of wages.

R994-405-702. [~~Elements.~~]Definition of Disqualifying Vacation and Severance Pay.

(1) Before a disqualification is assessed, the claimant must be entitled to vacation or severance pay in addition to regular wages[~~- for work performed which is attributable to weeks following the last day worked~~].

(a) Entitled To Receive. The claimant may not receive unemployment benefits for any week if he or she is eligible to receive [~~remuneration~~]payment from the employer whether the payment has already been made or will be made. [~~However, the payments will only be deducted if the claimant is entitled to receive the payment during the benefit year. A claimant is not considered "entitled to receive" the payment if it will not be paid until a subsequent benefit year, as in the case of someone who will receive lump sum separation payments every six months for several years. ~~]The week in which the payment is actually received is not controlling in determining when the [~~remuneration~~]payment is deductible. It is not necessary for the employer to assign such [~~remuneration~~]payment to a particular week on [~~his~~]the payroll records.

(b) Severance or Vacation Pay Which Is Subject to Negotiation. If there is a question of whether the claimant is entitled to receive a payment and the matter is being negotiated by the court, [~~the Department of Workforce Services,~~] a union, or the employer, it has not been established [~~that —~~]the claimant is entitled to [~~remuneration~~]payment and therefore a disqualification cannot be assessed. However, when it is determined [~~that~~]the claimant is entitled to receive [~~remuneration~~]payment from the employer, a disqualification [~~would then~~]will be assessed beginning with the week in which the agreement is made establishing the right to [~~remuneration~~]payment, provided the other elements are present. An overpayment [~~would~~]will be established as appropriate.

(2) Vacation Pay.

Vacation pay is [~~NOT~~]not considered earned during the period of time the claimant worked to qualify for the vacation pay, even if the amount of vacation pay is dependent upon length of service.

(3) Separation Payments.

(a) Any form of separation payment may subject the claimant to disqualification under Subsection 35A-4-405(7) if the payment would not have been made except for the severance of the employment relationship. If the payment is given at the time of the separation but would have been made even if the claimant was not separated, it is not a separation payment, but is considered earnings assignable to the period of employment subject to the provisions of Subsection 35A-4-401(7). The controlling factor is not the method used by the employer to determine the amount of the payment, but the reason the payment is being made. The history of similar payments is indicative of whether the payment is a bonus or is being made as the result of the separation. Whether a payment is based on the number of years of service or some other factor does not determine if the payment is disqualifying. Payments made directly to the claimant after separation and intended for the purchase of health insurance, whether made in a lump sum or periodically, are considered separation payments. When a business changes owners and some employees are retained by the new owners, but all employees receive a similar payment from the prior owner, the payment is not made subject to the separation of the employees and therefore would be a bonus and not a separation payment. [~~However, a~~]Accrued sick leave, [~~which is -~~]paid at the time of separation not because of an illness or injury[~~,~~] is not considered a separation payment and will not result in a disqualification or a reduction in benefits under Subsection 35A-4-405(7).

(b) Payments for Remaining on the Job.

When an employer offers an additional payment for remaining on the job until a job is completed, the additional remuneration will be considered an increased wage or bonus attributable to a period of time prior to the date of separation, not a severance payment.

(4) Attributable to Weeks Following the Last Day of Work.

All vacation and severance payments are attributable to a period of time following the last day worked after a permanent separation and assigned to weeks according to the following guidelines:

(a) Designated as Covering Specified Weeks. If the employer specified that the payment is for a number of weeks which is consistent with the average weekly wage, the payment is attributable to those weeks. For example, if the claimant was entitled to two weeks of vacation or severance pay at his or her regular wage or salary, [~~and -~~]the last day worked was a Wednesday, and his or her normal working days were Monday through Friday, [~~he would be~~]the claimant is considered to have two weeks of pay beginning on the Thursday following [~~his~~]the last day of work. [~~His~~]The claimant's earnings for the first week, including his or her wages would normally exceed [~~his~~]the weekly benefit amount; [~~he~~]the claimant would have a full week of pay for the second week, and [~~he -~~]would have reportable earnings for Monday, Tuesday and Wednesday of the following week.

(b) Lump Sum Payments. A lump sum payment is assigned to a period of time by comparison to the employee's most recent rate of pay. The period of assignment following the last day of work is equivalent to the number of days during which the worker would have received a similar amount of his or her regular pay. For example, if the claimant received $500 in severance pay, and [~~he -~~]last earned $10 an hour [~~while -~~]working a 40 hour week, [~~his~~]the claimant's customary [~~weeks~~]weekly earnings were $400 a week. [~~He~~]The claimant is [~~would be -~~]denied benefits for one week and must report $100 as if it were earnings on the claim for the following week. The Department will ordinarily use a claimant's base salary for calculations in this paragraph but if the claimant provides verifiable evidence of a rate of pay higher than the base salary in the period immediately preceding separation, that can be used.

(c) Payments Less than Weekly Benefit Amount. If [~~dismissal or -~~]separation payments are paid out over a specific period of time and the claimant does not have the option to receive a lump sum payment, the claimant will be entitled to have benefits reduced as provided by Subsection 35A-4-401(3), pursuant to offset earnings if the amount attributed to the week is less than the weekly benefit amount.

(d) If the claimant is entitled to both vacation and separation pay, the payments are assigned consecutively, not concurrently.

(5) Temporary Separation.

A claimant is not entitled to benefits if it is established that the week claimed coincides with a week:

(a) Designated as a week of vacation. If the separation from the employer is not permanent and the claimant chooses to take his or her vacation pay, or [~~he -~~]is filing during the time previously agreed to as his or her vacation, the vacation pay is assigned to that week. If the employer has prepaid vacation [~~earnings -~~]pay and at the time of a temporary layoff the claimant may still take his or her vacation time after being recalled, the vacation pay is not assigned to the weeks of the layoff unless the claimant chooses to have the vacation pay assigned to those weeks, or the employer, because of contractual obligations, must pay any outstanding vacation due the claimant.

(b) Designated as a vacation shutdown. If the claimant files during a vacation shutdown, and [~~he~~]is entitled to vacation pay equivalent to the length of the vacation shutdown, the vacation pay is attributable to the weeks designated as a vacation shutdown, even if the claimant chooses to actually take his or her time off work before or after the vacation shutdown. A holiday shutdown is treated the same as a vacation shutdown.

R994-405-703. Period of Disqualification.

Only those payments [~~which are~~]equal to or greater than the claimant's weekly benefit amount require a disqualification. Payments [~~which are~~]less than the weekly benefit amount are treated the same as earnings and deductions are made as provided by Subsection 35A-4-401(3).

R994-405-704. Disqualifying Separations.

If the claimant has been disqualified as the result of his or her separation under either Subsections 35A-4-405(1) or 35A-4-405(2), the vacation or separation pay cannot be used to satisfy the requirement to earn six times the weekly benefit amount in bona fide covered employment.

R994-405-705. Base Period Wages.

Vacation pay is used as base period wages. Separation payments[~~which are~~] attributable to weeks following the separation can be used as base period wages[~~ only~~] if the employer [~~verifies that he~~]was legally required to make such payments as provided in Section 35A-4-208. [~~The s~~]Separation payments [~~which~~]that are treated as wages will be assigned to weeks in the manner explained in Subsections R994-405-702([~~3~~]4).[~~ The weeks will be attributable to the quarter in which they fall.~~]

R994-405-801. Services in Education Institutions - General Definition.

[~~The intent of~~]Subsection 35A-4-405(8) [~~is to deny~~]denies unemployment benefits during periods when the claimant's unemployment is due to school not being in session provided the claimant [~~expects to~~]has been given a reasonable assurance that he or she can return to work when school resumes and the claimant intends to return when school resumes. Schools have traditionally not been in session during the summer months, holidays and between terms. This circumstance is known to employees when they accept work for schools. [~~It is for this reason that some people choose to work for schools, although many school employees routinely obtain employment during the vacation between regular school years. ~~]In extending coverage to school employees, it was intended [~~that~~]such coverage would only be available when the claimant is no longer attached in any way to a school and [~~when~~]the reason for the unemployment is not due to normal school recesses[~~,~~] or paid sabbatical leave.

R994-405-802. Elements Required for Denial.

(1) The claimant is ineligible[~~disqualifying provisions of Subsection 35A-4-405(8) apply only~~] if all of the following elements are [~~present.~~]met:

(a) The Claimant is an Employee of an Educational Institution.

The claimant's benefits are based on employment for an educational institution or a governmental agency established and operated exclusively for the purpose of providing services to an educational institution. The service performed for the educational institution may be in any capacity including professional employees teachers, researchers and principals and all non-professional employees including secretaries, lunch workers, teacher's aides, and janitors.

(b) School is Not in Session or the Claimant is on a Paid Sabbatical Leave.

Benefits are only denied if the week for which benefits are claimed is during a period between two successive academic years or a similar period between two regular terms whether or not successive, during a period of paid sabbatical leave provided in the contract, or during holiday recesses and customary vacation periods.

(c) The claimant has a reasonable assurance of returning to work for an educational institution at the next regular year or term.

R994-405-803. Educational Institution (School).

(1) To be considered an educational institution it is not necessary [~~that~~]the school be non-profit or that it be funded or controlled by a school district. However, the instruction provider must be sponsored by an "institution" [~~which~~]that meets all of the following elements[~~,~~]:

(a) An institution in which participants, trainees, or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor or teacher.

(b) The course of study or training [~~which it offers~~]is academic, technical, trade, or preparation for gainful employment in an occupation.

(c) The instruction provider is approved or[~~,~~] licensed to operate as a school by the State Board of Education or other government agency [~~that is~~]authorized to issue such license or permit.

(2) Head start programs operated by community based organizations, Indian tribes, or governmental associations as a side activity in a sponsorship role do not meet the definition of educational institution and therefore are not subject to the disqualifying provisions of this rule.

R994-405-804. Employee for an Educational Institution.

(1) All employees of an educational institution, even though not directly involved in educational activities, are subject to the disqualifying provisions of Subsection 35A-4-405(8). Also, employees of a state or local governmental entity are not eligible for benefits provided the entity was established and operated exclusively for the purpose of providing services to or on behalf of an educational institution. For example, if a school bus driver is employed by the city rather than the school district, he or she is not subject to a disqualification under Subsection 35A-4-405(8).

(2) Ineligibility under Subsection 35A-4-405(8) shall only apply if there are base period wages[~~any of the benefits are~~] from [~~based in service for~~]an educational institution. If the claimant had sufficient non-school employment in the base period to qualify for benefits, [~~he~~]the claimant may establish a claim based only on the non-school employment and benefits would be payable during the period between successive school terms, provided he or she is otherwise eligible. If the claimant continues to be unemployed when school commences, he or she may be entitled to benefits based upon the combined school and non-school employment. In most cases this would result in higher weekly and maximum benefit amounts, less the benefits already received. A revision of the monetary determination will be made effective the beginning of the week in which the claimant submits a [~~written~~]request for a revision to include school employment.

R994-405-805. Reasonable Assurance.

(1) "Reasonable assurance" is defined as a written, oral, or implied agreement that the employee will perform service in the same

or similar capacity during the ensuing academic year, term, or remainder of a term.

(2) Reasonable Assurance Presumed.

A claimant is presumed to have implied reasonable assurance of employment during the next regular school year or term with an educational institution if he or she worked for the educational institution during the prior school term and there has been no change in the conditions of his or her employment [~~which~~]that would indicate severance of the employment relationship. Under such circumstances benefits initially [~~must~~]will be denied.

(3) Advised on Non-Recall.

If the claimant has been advised by proper school administrative authorities that he or she will [~~NOT~~]not be offered employment when the next school term begins, benefits would not be denied under Subsection 35A-4-405(8).

(4) Offer of New Work by an Educational Institution.

Reasonable assurance is not limited to the same school where the claimant was employed during the base period or the same type of work, but includes any bona fide offer of suitable work at any educational institution. Reasonable assurance exists if the terms and conditions of any new work offered in the second term are not substantially less suitable, as defined by Subsection 35A-4-405(3), than the terms and conditions of the work performed during the first term. A disqualification under Subsection 35A-4-405(8) would begin with the week the employment is offered, and a disqualification under Subsection 35A-4-405(3) may begin with the week in which the offered employment would become available. For example: if a claimant was advised that due to reduction in enrollment he or she will not be recalled by the school where he or she last worked as a teacher's aide, but [~~he~~]then obtains an offer of employment as a librarian from another school or another school district, a disqualification under Subsection 35A-4-405(8) would be assessed beginning with the week in which the offer of employment was made to the claimant, and a disqualification under Subsection 35A-4-405(3) would begin at the beginning of the school term if the work is not accepted.

(5) Separated Due to a Quit or Discharge.

If the employment relationship is severed either due to a quit or discharge, the provisions of Subsection 35A-4-405(8) do not apply, but Subsections 35A-4-405(1) or 35A-4-405(2) may apply and a disqualification, if assessed, would begin with the effective date of the separation or the claim, whichever is later[~~-even if the separation is at the end of a regular school term~~].

R994-405-806. Substitute Teachers.

A substitute teacher is treated the same as any other school employee. If the [~~individual~~]claimant worked as a substitute teacher during the prior school term, he or she is presumed to have a reasonable assurance of having work under similar conditions during the next term and benefits [~~must~~]will be denied when school is not in session. However, for any weeks [~~that he~~]the claimant is not called to work when school is in session, a disqualification under Subsection 35A-4-405(8) would not apply.

R994-405-807. Period of Disqualification.

The effective date of the unemployment insurance claim does not have to begin between regular school terms for a disqualification to apply, but benefits [~~shall~~]will be denied for a week [~~which~~]that begins during a period when school is not in session or the claimant is on a paid sabbatical leave. A disqualification under Subsection 35A-4-405(8) can only be assessed for weeks[~~-that are~~]:

(1) between two successive academic years or terms, or

(2) during a break in school activity [~~which is~~]between two regular terms even if the terms are not successive, including school vacations and holidays as well as the break between academic terms, or

(3) [~~for weeks~~]when the claimant is on a paid sabbatical leave if the claimant worked during the prior school year and has a contract or reasonable assurance of working in any capacity for an educational institution in the school term following the sabbatical leave. When the claimant is on an unpaid sabbatical leave, benefits may be allowed provided he or she is otherwise eligible including meeting the eligibility requirements of Subsection 35A-4-403(1)(c) and R994-405-106(4).

R994-405-808. Retroactive Payments.

Retroactive payments under Subsection 35A-4-406(2) may be made after a disqualification has been assessed only if the claimant:

(1) is [~~NOT~~]not a professional employee in an instructional, research or administrative capacity,[~~-and~~]

(2) was not offered an opportunity for employment for an educational institution for the second academic years or terms,[~~-and~~]

(3) filed weekly claims in a timely manner as instructed, and

(4) benefits were denied solely by reason of Subsection 35A-4-405(8).

R994-405-901. Professional Athletes.

(1) Eligibility for Professional Athletes.

A claimant who has performed services as a professional athlete for substantially all of his or her base period is not eligible for benefits between successive sports seasons or similar periods when the claimant has a reasonable assurance of performing those services in the next sports season or similar period.

(2) Substantially All Services Performed in a Base Period.

A claimant has performed services as a professional athlete for substantially all of his or her base period when the base period wages from that work equal 90 percent or more of the claimant's total base period wages.

(3) Definition of Professional Athlete.

For the purposes of determining eligibility for benefits, a claimant is a professional athlete when he or she is employed as a competitive athlete or works as a specified ancillary employee. Employment as a competitive athlete includes preparing for and participating in competitive sports events. Specified ancillary employees are managers, coaches, and trainers who are employed by professional sports organizations and referees and umpires employed by professional sports leagues or associations.

(4) Reasonable Assurance.

(a) The claimant has a reasonable assurance of performing services as a professional athlete during the next sports season or similar period when the claimant has:

(i) a multi-year contract with a professional sports organization, league or association;

(ii) a year-to-year contract and no indication of release;

(iii) no contract but the employer affirms intent to recall;

(iv) no contract but an employer representative confirms that the claimant is being considered for next season; or

(v) no contract but plans to pursue employment as a professional athlete.

(b) The claimant does not have a reasonable assurance if he or she has no contract and has withdrawn from sports as a professional athlete.

R994-405-902. Base Period Wage Credits.

(1) If the claimant has a reasonable assurance of performing services as a professional athlete during the next sports season or

similar period and 90 percent or more of the claimant's base period wage credits were earned as a professional athlete, neither those wage credits nor any other base period wage credits can be used to establish monetary eligibility for any weeks that begin during a period between the applicable sports seasons or similar periods.

(2) All of the claimant's base period wage credits can be used if the claimant did not earn 90 percent or more of his or her base period wage credits as a professional athlete.

(3) All of the claimant's base period wages credits can be used to establish monetary eligibility for any weeks that begin during the applicable sports season or similar period.

KEY: unemployment compensation, employment, employee's rights, employee termination
Date of Enactment or Last Substantive Amendment: [~~September 29, 2005~~]2007
Notice of Continuation: June 27, 2002
Authorizing, and Implemented or Interpreted Law: 35A-4-502(1)(b); 35A-1-104(4); 35A-4-405

♦ ——————————————————— ♦

End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by Section 63-46a-9.

Commerce, Administration
R151-3
Americans With Disabilities Act Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29903
FILED: 05/01/2007, 09:15

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Americans with Disabilities Act (ADA), 42 USC 12201, provides that no qualified individual with a disability may be excluded from participation in or denied the benefits of the services, programs, or activities of a public entity or subjected to discrimination. This Department of Commerce rule provides procedures for the prompt and equitable resolution of ADA complaints filed with the agency. This rule is adopted pursuant to 42 USC 12201 and Section 13-1-6 and Subsection 63-46a-3(2).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Department has not received any 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: The rule should be continued because it is still required by federal law and regulations, and it provides necessary procedures for the resolution of ADA complaints.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
ADMINISTRATION
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:
Masuda Medcalf at the above address, by phone at 801-530-7663, by FAX at 801-530-6446, or by Internet E-mail at mmedcalf@utah.gov

AUTHORIZED BY: Francine Giani, Executive Director

EFFECTIVE: 05/01/2007

Commerce, Consumer Protection
R152-20
New Motor Vehicle Warranties

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29862
FILED: 04/26/2007, 11:53

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is adopted pursuant to the rule writing authority granted to the Division pursuant to Section 13-2-5, which provides that the Division may issue rules to administer and enforce the chapters listed in Section 13-2-1, including the New Motor Vehicle Warranties 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: Since this rule was last reviewed, the Division has received no written comments with respect to the 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 provides necessary definitions and provides guidance to manufacturers when replacing or providing a refund for nonconforming motor vehicles. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
COMMERCE
CONSUMER PROTECTION
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:
Thomas Copeland at the above address, by phone at 801-530-6601, by FAX at 801-530-6001, or by Internet E-mail at tcopeland@utah.gov

AUTHORIZED BY: Kevin V Olsen, Director

EFFECTIVE: 04/26/2007

♦ ——— ♦

Commerce, Occupational and Professional Licensing
R156-16a
Optometry Practice Act Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29871
FILED: 04/26/2007, 16:11

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 16a, provides for the licensure of optometrists. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-16a-201(3) provides that the Optometrist 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 16a, with respect to optometrists.

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 this rule was last reviewed in July 2002, no written comments have been received by the Division.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 16a, with respect to optometrists. 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:
Noel Taxin at the above address, by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at ntaxin@utah.gov

AUTHORIZED BY: F. David Stanley, Director

EFFECTIVE: 04/26/2007

♦ ——— ♦

Commerce, Occupational and Professional Licensing
R156-76
Professional Geologist Licensing Act Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29905
FILED: 05/01/2007, 10:33

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 76, provides for the licensure of professional geologists. Subsection 58-1-106(1)(a) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-76-201(3) provides that the Professional Geologist 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 76, with respect to professional geologists.

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 this rule was originally enacted in September 2002, no written comments have been received by the Division.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS

IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it provides a mechanism to inform potential licensees of the requirements for licensure as allowed under statutory authority provided in Title 58, Chapter 76, with respect to professional geologists. 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:
Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dansjones@utah.gov

AUTHORIZED BY: F. David Stanley, Director

EFFECTIVE: 05/01/2007

♦ ♦

Commerce, Real Estate
R162-1
Authority and Definitions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29832
FILED: 04/18/2007, 13:24

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 61-2-5.5(1)(a) requires the Utah Real Estate Commission to make rules for the administration of the real estate licensing chapter.

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: It is necessary to have a definitions rule to define the terms that are used in other sections of the rules. Therefore, this rule should be continued.

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 801-366-0145, by FAX at 801-366-0315, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Derek Miller, Director

EFFECTIVE: 04/18/2007

♦ ♦

Commerce, Real Estate
R162-2
Exam and License Application Requirements

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29831
FILED: 04/18/2007, 13:23

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 61-2-5.5(1)(a) requires the Utah Real Estate Commission to make rules for the administration of the real estate licensing chapter, including the licensing of agents and brokers and examination procedures.

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: It is necessary to have this rule to set forth the procedures for obtaining a real estate license and the qualifications for licensure. Therefore, this rule should be continued.

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 801-366-0145, by FAX at 801-366-0315, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Derek Miller, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Commerce, Real Estate
R162-3
License Status Changes

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29833
FILED: 04/18/2007, 13:28

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 61-2-5.5(1)(a) requires the Utah Real Estate Commission to make rules for the administration of the real estate licensing chapter.

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: It is necessary to have rules specifying the mechanics for making various changes to licenses and licensure status. Therefore, this rule should be continued.

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 801-366-0145, by FAX at 801-366-0315, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Derek Miller, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Commerce, Real Estate
R162-4
Office Procedures - Real Estate Principal Brokerage

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29834
FILED: 04/18/2007, 13:29

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 61-2-5.5(1)(a)(v) and (vi) require the Utah Real Estate Commission to make rules for the administration of the real estate licensing chapter, including proper handling of funds by licensees and brokerage office procedures, and record keeping 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: During 2002, the Utah Association of Realtors approached the Utah Real Estate Commission and the Division concerning modifying the rule to allow interest earned on brokerage trust accounts to be used to benefit affordable housing programs. The rule was thereafter modified. Other than this modification, no comment has been received supporting 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: Since the Utah Real Estate Commission and the Division of Real Estate are charged with protecting the public, it is necessary to have rules specifying office procedures, including how real estate brokerages are to handle money and the types of records they are to maintain on transactions. Therefore, this rule should be continued.

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 801-366-0145, by FAX at 801-366-0315, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Derek Miller, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Commerce, Real Estate
R162-5
Property Management

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29827
FILED: 04/18/2007, 13:19

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: Subsection 61-2-5.5(1)(a)(vii) authorizes the Real Estate Commission to make rules for the administration of the real estate licensing chapter including property management rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No 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: It is helpful to have an administrative rule that sets forth with specificity which of the acts that are performed in the management of property require a real estate license and which may be done by an unlicensed person under the supervision of a licensed property management company. Therefore, this rule should be continued.

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 801-366-0145, by FAX at 801-366-0315, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Derek Miller, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Commerce, Real Estate
R162-6
Licensee Conduct

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29835
FILED: 04/18/2007, 13:30

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 61-2-5.5(1)(a)(viii) requires the Utah Real Estate Commission to enact rules specifying standards of conduct for real estate licensees.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: In 2002, Subsection R162-6-1(6.1.3) of the rule was amended to provide that a licensee was not allowed to represent the other party to a transaction if the licensee was the buyer or seller in a transaction, and to provide guidance on how to properly terminate an agency relationship before purchasing a client's property for oneself. This rule resulted in a great deal of opposition from the industry, and it was modified in June 2003 to remove the provisions that the industry found objectionable. Other than that modification, no written comments have been received supporting 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: Since the Utah Real Estate Commission and the Division of Real Estate are charged with regulating the conduct of real estate licensees, it is necessary to have a rule setting forth both the standards of good practice and the practices that are considered improper. Therefore, this rule should be continued.

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 801-366-0145, by FAX at 801-366-0315, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Derek Miller, Director

EFFECTIVE: 04/18/2007

Commerce, Real Estate
R162-7
Enforcement

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29851
FILED: 04/19/2007, 13:59

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 61-2-5.5(1)(a) requires the Utah Real Estate Commission to make rules for the administration of the licensing chapter, which includes investigations and enforcement actions involving licensees.

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: It is necessary to have rules setting forth certain investigative procedures and enforcement options. Therefore, this rule should be continued.

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 801-366-0145, by FAX at 801-366-0315, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Derek Miller, Director

EFFECTIVE: 04/19/2007

Commerce, Real Estate
R162-8
Prelicensing Education

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29836
FILED: 04/18/2007, 13:31

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: Subsections 61-2-5.5(1)(a)(i) through (iv) require the Utah Real Estate Commission to enact rules governing the licensing of individuals and offices, the prelicensing education curriculum, examination procedures, and the certification of and conduct of real estate schools, course providers, and instructors.

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: The Division is required to certify prelicensing schools, instructors, and course providers, and to regulate their conduct. It is necessary to have rules covering the procedures to follow and the substantive requirements to become certified by the Division. It is also necessary to have rules to specify the standards of conduct for those who are certified by the Division to provide prelicensing education. Therefore, this rule should be continued.

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 801-366-0145, by FAX at 801-366-0315, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Derek Miller, Director

EFFECTIVE: 04/18/2007

Commerce, Real Estate
R162-9
Continuing Education

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29837
FILED: 04/18/2007, 13:32

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: Subsections 61-2-5.5(1)(a)(ii) and (iv) require the Utah Real Estate Commission to make rules for postlicensing education of licensees and for the certification and conduct of those who provide the postlicensing education.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: In 2002/2003, the Utah Real Estate Commission and the Division of Real Estate considered requiring the delivery method of all distance education courses to be certified by the Association of Real Estate Licensing Law Officials (ARELLO). Many opposed that proposal because of the cost of ARELLO certification. The Commission and the Division thereafter adopted rules that required either ARELLO certification of course delivery method or approval of the delivery method by the Utah Real Estate Commission.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division is required to certify postlicensing education providers and courses and to regulate their conduct. It is necessary to have rules covering the procedures to follow to become certified and the standard of conduct to follow once certified. It is also necessary to have rules specifying course content and delivery method in order to ensure quality education. Therefore, this rule should be continued.

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 801-366-0145, by FAX at 801-366-0315, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Derek Miller, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Commerce, Real Estate
R162-101
Authority and Definitions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29828
FILED: 04/18/2007, 13:20

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: Subsection 61-2b-6(1)(l) requires the Division to adopt, with the concurrence of the Board, rules for the administration of the appraiser licensing chapter.

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 necessary in order to define the terms that are used in other sections of the rules. Therefore, this rule should be continued.

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 801-366-0145, by FAX at 801-366-0315, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Derek Miller, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Commerce, Real Estate
R162-103
Appraisal Education Requirements

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29829
FILED: 04/18/2007, 13:21

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 61-2b-6(1)(l) authorizes the Division of Real Estate to adopt, with the concurrence of the Appraiser Board, rules for the administration of the appraiser licensing chapter. Subsections 61-2b-8(1)(a) and (b) require the Appraiser Board to determine the education requirements for persons licensed and certified under the chapter.

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: The federal Appraisal Subcommittee requires the states to license and certify appraisers in accordance with the standards established by the Appraisal Qualifications Board. It is therefore necessary for the Utah Appraiser Licensing and Certification Board to make rules specifying the education requirements for licensing and certification. Therefore, this rule should be continued.

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 801-366-0145, by FAX at 801-366-0315, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Derek Miller, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Commerce, Real Estate
R162-109
Administrative Proceedings

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29830
FILED: 04/18/2007, 13:22

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 61-2b-6(1)(l) authorizes the Division of Real Estate, with the concurrence of the Utah Appraiser Licensing and Certification Board, to adopt rules for the administration of the appraiser licensing chapter.

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: Subsection 63-46b-5(1) of the Utah Administrative Procedures Act (UAPA) makes it necessary for an agency to enact rules designating categories of proceedings as informal proceedings if an agency wants to conduct proceedings as informal proceedings instead of formal proceedings. The same section of UAPA also requires the Division to enact procedural rules for informal adjudicative proceedings. Therefore, this rule should be continued.

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 801-366-0145, by FAX at 801-366-0315, or by Internet E-mail at swismer@utah.gov

AUTHORIZED BY: Derek Miller, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Environmental Quality, Environmental Response and Remediation
R311-200
Underground Storage Tanks: Definitions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29838
FILED: 04/18/2007, 13:42

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 19-6-403 of the Utah Underground Storage Tank (UST) Act gives the Utah Solid and Hazardous Waste Control Board authority to regulate USTs and petroleum storage tanks, and make rules for administration of the petroleum storage tank program. Subsection 19-6-105(1)(g) of the Solid and Hazardous Waste Act gives the Board the authority to establish standards governing USTs.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One comment on this rule was received during a public comment period for a proposed rule change. The proposed rule change modified the definition of UST Installation to include cathodic protection installation, service, and repair. The comment referred to the possibility that minor adjustments or repairs to the cathodic protection system would fall under the definition and would have to be performed by certified UST installers.

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 necessary for continued operation of the UST program. It contains important definitions that clarify terms used elsewhere in the UST rules. Therefore, this rule should be continued. The proposed rule change envisioned that UST installation would include service or repairs critical to the integrity of the UST system. Minor repairs generally would not fall under the definition of critical to the integrity of the system, and would not require a certified UST installer to perform them. The proposed change was adopted without modification.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
ENVIRONMENTAL RESPONSE AND REMEDIATION
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gary Astin at the above address, by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

AUTHORIZED BY: Brad T Johnson, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Environmental Quality, Environmental Response and Remediation
R311-201
Underground Storage Tanks: Certification Programs

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29839
FILED: 04/18/2007, 13:43

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 19-6-403 of the Utah Underground Storage Tank (UST) Act gives the Utah Solid and Hazardous Waste Control Board authority to regulate USTs and petroleum storage tanks, and make rules for the administration of the petroleum storage tank program and certification of UST installers, inspectors, testers, removers, and consultants. Subsection 19-6-105(1)(g) of the Solid and Hazardous Waste Act gives the Board the authority to establish standards governing USTs. Subsection 19-6-402(6)(a)(i) of the UST Act refers to education and experience standards established by Board rule for certified UST consultants.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Comments on this rule were received during a public comment period for a proposed rule change. One comment suggested that proposed training requirements for certified UST testers who perform functionality tests of automatic line leak detectors should not be placed in the same subsection as the requirements for testers who test tanks and piping. This would require an UST owner/operator who contracted with a tester for only leak detector functionality testing to pay for more than was needed, because the tester would have to be certified for all three types of testing. Other comments were received regarding a proposed rule change to require that UST-related work that qualifies as Professional Engineering, the Practice of Engineering, or the Practice of Geology Before the Public, as defined by statute, be performed by licensed professional engineers and geologists. The comments expressed concern that all work done to remediate UST release sites would have to be performed and/or certified by licensed engineers and geologists, the role of the certified UST consultant would diminish, that cleanup costs would increase, and that professional engineers and geologists may or may not have expertise in UST cleanups. One other comment, concerning consultant re-certification, was received. The comment indicated that the consultant re-certification process was cumbersome and antiquated, and should be streamlined.

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 necessary for continued operation of the Underground Storage Tank program. As directed by Subsection 19-6-403(1) of the Utah UST Act, it provides certification requirements for UST installers, removers, testers, inspectors, and consultants. Therefore, this rule should be continued. The proposed rule change regarding training requirements for line leak detector testers was included with the requirements for tank and piping testers because the training required (documentation of training in the testing equipment) is similar for all three. An individual who performs leak detector testing would not be required to be trained or certified in all three types of testing, so the owner/operator would not be burdened with an additional cost. The rule regarding work performed by professional engineers and geologists was proposed to ensure compliance with the statutory licensing requirements already in place. The changes did not add new requirements, or diminish the role of the certified UST consultant. Both rules were implemented without any change. The consultant re-certification process has been in place since 1994, and has been considered acceptable to the consultant community. It is necessary to ensure that consultants keep current with technological and regulatory changes in the industry in order to provide cost-effective service to their customers, while meeting the requirements of the UST Act. Based upon comments that have been received from certified consultants, modifications to the program have been implemented. These modifications did not require changes to the rules.

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

ENVIRONMENTAL QUALITY
ENVIRONMENTAL RESPONSE AND REMEDIATION
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gary Astin at the above address, by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

AUTHORIZED BY: Brad T Johnson, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Environmental Quality, Environmental Response and Remediation
R311-202
Underground Storage Tank Technical Standards

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29840
FILED: 04/18/2007, 13:43

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 19-6-403 of the Utah Underground Storage Tank (UST) Act gives the Utah Solid and Hazardous Waste Control Board authority to regulate USTs and petroleum storage tanks, and make rules for administration of the petroleum storage tank program and the adoption of applicable Federal UST regulations. Subsection 19-6-105(1)(g) of the Solid and Hazardous Waste Act gives the Board the authority to establish standards governing USTs.

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 on this rule have been 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: The rule is necessary for the continued operation of the Underground Storage Tank program. It provides for the incorporation by reference of the federal UST regulations (40 CFR Part 280) and is specifically mandated by Subsection 19-6-403(1)(b) of the Utah UST Act. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
ENVIRONMENTAL RESPONSE AND REMEDIATION
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gary Astin at the above address, by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

AUTHORIZED BY: Brad T Johnson, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Environmental Quality, Environmental Response and Remediation
R311-203
Underground Storage Tanks: Notification, New Installations, Registration Fees, and Testing Requirements

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29841
FILED: 04/18/2007, 13:44

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 19-6-403 of the Utah Underground Storage Tank (UST) Act gives the Utah Solid and Hazardous Waste Control Board authority to regulate USTs and petroleum storage tanks, and make rules for registration of tanks and the administration of the petroleum storage tank program. Subsection 19-6-105(1)(g) of the Solid and Hazardous Waste Act gives the Board the authority to establish standards governing USTs. Section 19-6-408 provides for the assessment of an annual underground storage tank registration fee on regulated USTs. Subsection 19-6-411(2)(b) of the Utah UST Act requires the Board to make rules specifying which portions of an underground storage tank installation shall be subject to the permitting fees when less than a full UST system is installed.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Comments were received during a public comment period for proposed rule changes to clarify the federal requirement for annual testing of automatic line leak detectors, specify the type of test that must be performed, and specify reporting requirements for cathodic protection testing. The comments questioned the advisability of requiring an annual test on electronic leak detectors, which are self-testing, and proposed that the rule change would be a disincentive for UST owner/operators to use more precise levels of testing. Another comment pointed out that some proposed requirements for cathodic protection test reporting were given twice in the rule, and were redundant.

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 necessary for continued operation of the Underground Storage Tank program. It clarifies when UST owner/operators and installers must notify on new installations, upgrades, and changes of ownership. It provides for the administration of the registration fee mandated by Section 19-6-408 of the Utah UST Act, the installer permit fees mandated by Section 19-6-411, and the installer notification requirements mandated by Section 19-6-407. It provides clarification of the tank testing requirements in Section 19-6-413 of the UST Act and subparts C (General Operating Requirements) and D (Release Detection) of 40 CFR 280, the federal UST regulations. Therefore, this rule should be continued. The proposed rule changes were intended to clarify testing requirements for line leak detectors and cathodic protection tests, and specify that the line leak detector tests must simulate a leak. Because the federal UST regulations require a yearly line leak detector functionality test, these tests must be performed, even if the electronic leak detectors are designed by the manufacturers to be self-testing. The requirement for a simulated leak test was determined to be necessary to ensure consistency in test procedures among testers, and ensure valid testing. The leak detector test requirements do not discourage the owner/operator from using more precise testing methods, because those methods are alternate piping leak detection methods the owner/operator can use to meet a different requirement, and are distinct from the leak detector annual testing requirement. The reference to cathodic protection test requirements referred to reporting test points in a table and on a site drawing, and was not determined to be redundant. The rules were implemented without change.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
ENVIRONMENTAL RESPONSE AND REMEDIATION
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gary Astin at the above address, by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

AUTHORIZED BY: Brad T Johnson, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Environmental Quality, Environmental Response and Remediation
R311-204
Underground Storage Tanks: Closure and Remediation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29842
FILED: 04/18/2007, 13:45

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 19-6-403 of the Utah Underground Storage Tank (UST) Act gives the Utah Solid and Hazardous Waste Control Board authority to regulate USTs and petroleum storage tanks, and make rules for administration of the petroleum storage tank program. Subsection 19-6-105(1)(g) of the Solid and Hazardous Waste Act gives the Board the authority to establish standards governing USTs. Section 19-6-402 of the UST Act provides definitions for terms pertinent to the underground storage tank program, including "Certified underground storage tank consultant".

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 on this rule have been 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: The rule is necessary for continued operation of the Underground Storage Tank program. It specifies the requirements for UST closure plans, specifies labeling requirements and acceptable disposal methods for USTs that have been removed, and specifies when remedial activities may take place without the supervision of a certified UST consultant. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
ENVIRONMENTAL RESPONSE AND REMEDIATION
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gary Astin at the above address, by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

AUTHORIZED BY: Brad T Johnson, Director

EFFECTIVE: 04/18/2007

♦ ♦

Environmental Quality, Environmental Response and Remediation

R311-205

Underground Storage Tanks: Site Assessment Protocol

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29843
FILED: 04/18/2007, 13:45

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 19-6-403 of the Utah Underground Storage Tank (UST) Act gives the Utah Solid and Hazardous Waste Control Board authority to regulate USTs and petroleum storage tanks, and make rules for administration of the petroleum storage tank program. Subsection 19-6-105(1)(g) of the Solid and Hazardous Waste Act gives the Board the authority to establish standards governing USTs. Section 19-6-413 of the UST Act refers to requirements set by rule for tightness tests performed as part of the application to receive a UST certificate of compliance.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: One comment was received from the Division of Administrative Rules regarding incorporation by reference of documents referenced in the rule. The comment indicated that the phrase "incorporated by reference" was not used in the rule in two places where it should be used, and recommended that the proper phrase be used to incorporate the documents by reference.

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 necessary for continued operation of the Underground Storage Tank program. It specifies the requirements for site assessments for UST closures, and specifies tank testing and site check requirements for tanks that will be covered by the Petroleum Storage Tank Trust Fund after a period of nonparticipation. Therefore, this rule should be continued. The division's legal counsel has recommended that the documents referenced in the comment be incorporated by reference, partially, or in their entirety, as appropriate, if they are still relevant to the rule. The division will determine which of the documents are relevant and incorporate them, or different documents if others are found to be more relevant.

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

ENVIRONMENTAL QUALITY
ENVIRONMENTAL RESPONSE AND REMEDIATION
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gary Astin at the above address, by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

AUTHORIZED BY: Brad T Johnson, Director

EFFECTIVE: 04/18/2007

♦ ♦

Environmental Quality, Environmental Response and Remediation

R311-206

Underground Storage Tanks: Financial Assurance Mechanisms

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29844
FILED: 04/18/2007, 13:46

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 19-6-403 of the Utah Underground Storage Tank (UST) Act gives the Utah Solid and Hazardous Waste Control Board authority to regulate USTs and petroleum storage tanks, and make rules for administration of the petroleum storage tank program, including format and required information regarding records to be kept by tank owner/operators who are participating in the Petroleum Storage Tank Trust Fund, and voluntary participation in the Fund of above-ground petroleum storage tanks and unregulated underground tanks. Subsection 19-6-105(1)(g) of the Solid and Hazardous Waste Act gives the Board the authority to establish standards governing USTs. Subsection 19-6-411(7)(b) of the UST Act specifies that the Board shall make rules providing for the identification of tanks that qualify for a certificate of compliance. Subsection 19-6-428(3)(b) of the UST Act provides that the executive secretary may determine, with reasonable cause, that soil/groundwater sampling is not required to establish that no petroleum has been released when an UST owner/operator desires to place an UST facility under Fund coverage after a period of non-participation.

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 on this rule have been 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: The rule is necessary for continued operation of the Underground Storage Tank program. It specifies requirements for UST owners and operators participating in the Petroleum Storage Tank Trust Fund, and for those who show financial responsibility by other mechanisms. It provides rules for identification of compliant tanks, as mandated by Subsection 19-6-411(7)(b) of the UST Act. It specifies the conditions under which the Executive Secretary may determine that there is reasonable cause under Subsection 19-6-428(3)(b) of the UST Act to establish that no sampling is required for sites that will participate in the Fund after a period of nonparticipation. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
ENVIRONMENTAL RESPONSE AND REMEDIATION
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gary Astin at the above address, by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

AUTHORIZED BY: Brad T Johnson, Director

EFFECTIVE: 04/18/2007

Environmental Quality, Environmental Response and Remediation

R311-207

Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29845
FILED: 04/18/2007, 13:46

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 19-6-403 of the Utah Underground Storage Tank (UST) Act gives the Utah Solid and Hazardous Waste Control Board authority to regulate USTs and petroleum storage tanks, and make rules for administration of the petroleum storage tank program. Subsection 19-6-105(1)(g) of the Solid and Hazardous Waste Act gives the Board the authority to establish standards governing USTs. Section 19-6-419 of the UST Act specifies costs to be paid by the Petroleum Storage Tank Trust Fund for investigating and cleaning up releases at UST sites, and specifies that the Board shall make rules governing the apportionment of costs among third-party claimants for releases that are covered by the fund.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Comments were received during a public comment period for proposed rule changes regarding the cleanup and reimbursement process for UST releases that are covered by the Petroleum Storage Tank Trust Fund. Other comments were received during the period since the last five-year review. The comments generally refer to the process of reimbursement from the fund to consultants for work done by them and subcontractors to clean up UST release sites that are covered by the fund. The comments dealt with: provisions in the rule that ensure that contracts between consultants and subcontractors who are related to the consultant are appropriate; sole-source justification; pay-for-performance contracting; the use of standard reimbursement rates and uniform work rate schedules; and other issues regarding the claims submittal and reimbursement process.

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 an integral part of the Petroleum Storage Tank Trust Fund, and provides the necessary protocol allowing access to fund monies for

investigating and cleaning up petroleum releases covered by the fund. It helps maintain the financial viability of the fund to provide a means for UST owner/operators to meet the federally-mandated financial responsibility requirements, and provide reimbursement for expenses associated with covered petroleum releases. Therefore, this rule should be continued. At the time of public comment, the suggestions regarding pay-for-performance, sole-source justification and standard rental rates were incorporated into the rules. The other comments generally dealt with procedural matters not addressed in rule. Reimbursement procedures have been modified where needed, based on the comments.

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

ENVIRONMENTAL QUALITY
ENVIRONMENTAL RESPONSE AND REMEDIATION
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gary Astin at the above address, by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

AUTHORIZED BY: Brad T Johnson, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Environmental Quality, Environmental Response and Remediation
R311-208
Underground Storage Tank Penalty Guidance

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29846
FILED: 04/18/2007, 13:48

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: Section 19-6-403 of the Utah Underground Storage Tank (UST) Act gives the Utah Solid and Hazardous Waste Control Board authority to regulate USTs and petroleum storage tanks, and make rules for administration of the petroleum storage tank program. Subsection 19-6-105(1)(g) of the Solid and Hazardous Waste Act gives the Board the authority to establish standards governing USTs. Section 19-6-425 of the UST Act provides for civil penalties of up to $10,000 a day for violations of the 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: No comments on this rule have been 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: The rule provides guidance to the Executive Secretary of the Solid and Hazardous Waste Control Board in imposing and negotiating appropriate penalties against the various degrees of violations. The guidance provides that penalty amounts shall be in accordance with the severity of the violation, risk of harm, and the willingness of individuals to cooperate. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
ENVIRONMENTAL RESPONSE AND REMEDIATION
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gary Astin at the above address, by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

AUTHORIZED BY: Brad T Johnson, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Environmental Quality, Environmental Response and Remediation
R311-209
Petroleum Storage Tank Cleanup Fund and State Cleanup Appropriation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29847
FILED: 04/18/2007, 13:49

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: Section 19-6-403 of the Utah Underground Storage Tank (UST) Act gives the Utah Solid and Hazardous Waste Control Board authority to regulate USTs and petroleum storage tanks, and make rules for administration of the petroleum storage tank program. Subsection 19-6-105(1)(g) of the Solid and Hazardous Waste Act gives the Board the authority to establish standards governing USTs. Section 19-6-405.7 of the UST Act gives the

Executive Secretary of the Board the authority use the Petroleum Storage Tank Cleanup Fund to investigate, abate, or take corrective action regarding releases from USTs that are not covered by the Petroleum Storage Tank Trust Fund.

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 on this rule have been 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: The rule is integral to the goals of the UST Act to protect human health and the environment. It provides criteria for use of the Petroleum Storage Tank Cleanup Fund created by Section 19-6-405.7 of the UST Act and the cleanup appropriations made by the Legislature. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
ENVIRONMENTAL RESPONSE AND REMEDIATION
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gary Astin at the above address, by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

AUTHORIZED BY: Brad T Johnson, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Environmental Quality, Environmental Response and Remediation

R311-210

Administrative Procedures for Underground Storage Tank Adjudicative Proceedings

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29848
FILED: 04/18/2007, 13:49

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: Section 19-6-403 of the Utah Underground Storage Tank (UST) Act gives the Utah Solid and Hazardous Waste Control Board authority to regulate USTs and petroleum storage tanks, and make rules for administration of the petroleum storage tank program. Subsection 19-6-105(1)(g) of the Solid and Hazardous Waste Act gives the Board the authority to establish standards governing USTs. Subsection 63-46b-1(6) of the Utah Administrative Procedures Act (UAPA) authorizes agencies to make rules to supplement UAPA to address adjudicative needs of the agency. The UST Act has provisions under which adjudicative proceedings take place, such as identification of responsible parties, apportioning liability, revoking certificates of compliance, and agency review of appeals or orders.

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 on this rule have been 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: The UAPA exempts UST Act initial orders and notices of violation from UAPA requirements, but the UAPA becomes applicable if a UAPA-exempt order is contested or appealed. This rule provides necessary procedures for the transition of UAPA-exempt orders into UAPA proceedings when an order is contested. The rule is necessary to address agency adjudicative needs not addressed in the UAPA, such as delineating the role of a presiding officer, providing a standard of agency review, designating proceedings as formal or informal, and providing specific procedures for involved formal adjudications. Without the rule, it would be difficult or impossible to conduct UST Act adjudications adequately. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
ENVIRONMENTAL RESPONSE AND REMEDIATION
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gary Astin at the above address, by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

AUTHORIZED BY: Brad T Johnson, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Environmental Quality, Environmental Response and Remediation

R311-211

Corrective Action Cleanup Standards Policy - UST and CERCLA Sites

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29849
FILED: 04/18/2007, 13:50

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: Section 19-6-403 of the Utah Underground Storage Tank (UST) Act gives the Utah Solid and Hazardous Waste Control Board authority to regulate USTs and petroleum storage tanks, and make rules for administration of the petroleum storage tank program. Subsection 19-6-105(1)(g) of the Solid and Hazardous Waste Act gives the Board the authority to establish standards governing USTs. Section 19-6-303 of the Hazardous Substance Mitigation Act authorizes the Executive Director to make rules consistent with the state's responsibilities and involvement with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Section 19-6-106 of the Solid and Hazardous Waste Act authorizes the Solid and Hazardous Waste Control Board to make rules under CERCLA, to the extent the Board has jurisdiction.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Initial comments on this rule were received from the Division of Administrative Rules (DAR) and the Administrative Rules Review Committee (ARRC). These comments recommended that the process and screening levels for cleaning up releases from UST sites be put into rule. Comments were also received during the public comment period for the proposed rule changes to implement the initial comments. These comments addressed use of the term "concentrations" instead of "levels" in screening level tables to be incorporated by reference, requested that the rule specify whether the screening levels are reported on a dry-weight or wet-weight basis, requested that the term "buried utility lines" be used instead of "utility lines", requested using "any" instead of "the highest" concentration of contaminant regarding distance from the contamination to receptors, and requested that the rule be modified to allow the owner/operator to submit an amended Corrective Action Plan or site-specific cleanup standards for approval after the initial plan had been approved.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides essential standards to be used in directing corrective action at contaminated UST and CERCLA sites, and determining when cleanup is complete. This oversight of cleanup is an essential part of the agency's statutory responsibility. Therefore, this rule should be continued. The initial comments by DAR and ARRC were accepted, and the rule changes were proposed to implement them. Regarding the comments received during the public comment period, use of the term "levels" was considered to be consistent with the use of the tables as a screening tool, and with current EPA terminology. The dry-weight versus wet-weight issue was considered not to be relevant to this rule, but is addressed in the sampling methods and protocols elsewhere in the rules (Rule R311-205). Adding "buried" to the reference to "utility lines" was considered to be unnecessary because the program by nature deals with tanks, contamination, and receptor pathways that are underground. The reference to the "highest" concentration was considered to be adequate, because "any" concentration of contaminant could occur at any place in the contaminated area, leaving no distance to the receptor, and doing away with the reason for specifying distance from contamination to receptor. The owner/operator always has the option of submitting an amended cleanup plan, so specifically stating so in rule was considered to be unnecessary. The proposed rules were adopted without change.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
ENVIRONMENTAL QUALITY
ENVIRONMENTAL RESPONSE AND REMEDIATION
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gary Astin at the above address, by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

AUTHORIZED BY: Brad T Johnson, Director

EFFECTIVE: 04/18/2007

♦ ——— ♦

Environmental Quality, Environmental Response and Remediation
R311-212
Administration of the Petroleum Storage Tank Loan Fund

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29850
FILED: 04/18/2007, 13:50

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: Section 19-6-403 of the Utah Underground Storage Tank (UST) Act gives the Utah Solid and Hazardous Waste Control Board authority to regulate USTs and petroleum storage tanks and make rules for administration of the petroleum storage tank program. Subsection 19-6-105(1)(g) of the Solid and Hazardous Waste Act gives the Board the authority to establish standards governing USTs. Subsection 19-6-405.3(7) of the UST Act

authorizes the Board to make rules for the administration of the Petroleum Storage Tank Loan Fund.

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 on this rule have been 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: The rule is necessary for continued operation of the Petroleum Storage Tank Loan program, and is required by statute. The UST Act contains the basic framework of the loan program, and mandates that the Board make rules for the program's administration. Therefore, this rule should be continued.

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

ENVIRONMENTAL QUALITY
ENVIRONMENTAL RESPONSE AND REMEDIATION
168 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gary Astin at the above address, by phone at 801-536-4103, by FAX at 801-359-8853, or by Internet E-mail at gastin@utah.gov

AUTHORIZED BY: Brad T Johnson, Director

EFFECTIVE: 04/18/2007

♦ ♦

Health, Administration
R380-20
Government Records Access and Management

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29867
FILED: 04/26/2007, 13:17

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 is authorized by Sections 26-1-5 and 26-1-17, and Subsections 63-2-204(2) and 63-2-904(2). Section 26-1-5 is the general grant of rulemaking authority given to the Department of Health to implement its responsibilities. Section 26-1-17 is specific rulemaking authority for the administration of the Department, which includes the processing of requests made under the Government Records Access and Management Act (GRAMA). Section 63-2-204 grants government entities authority to specify where and to whom requests for access shall be directed. Subsection 63-2-904(2) grants state administrative departments authority to specify at which level the requirements in GRAMA shall be undertaken.

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 necessary to allow the Department of Health to continue to efficiently administer its public access to records responsibilities under GRAMA. Therefore, this rule should be continued.

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

HEALTH
ADMINISTRATION
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:
Lyle Odendahl at the above address, by phone at 801-538-6878, by FAX at 801-538-6306, or by Internet E-mail at lyleodendahl@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 04/26/2007

♦ ♦

Health, Epidemiology and Laboratory Services, Environmental Services
R392-300
Recreational Camp Sanitation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29860
FILED: 04/24/2007, 16:30

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 26-15-2(6) which requires the Department to adopt rules and enforce minimum standards of sanitation to protect public health in regards to recreational camps.

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 of Health 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: The Utah Department of Health is required by statute to establish minimum sanitation standards for recreational camps. Additionally, the Environmental Health Directors at all 12 local health departments have indicated to the Department that there is need for this rule to remain in effect. This rule is currently being enforced by the local health departments statewide. Proper sanitation regulation of recreational camps remains important to protect the public who use these types of facilities. Therefore, this rule should be continued.

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

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 04/24/2007

Health, Epidemiology and Laboratory Services, Environmental Services

R392-301

Recreational Vehicle Park Sanitation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29899
FILED: 04/30/2007, 16:09

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 26-15-2(6) which requires the Department to adopt rules and enforce minimum standards of sanitation to protect public health in regards to recreational vehicle parks.

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 of Health 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: The Utah Department of Health is required by statute to establish minimum sanitation standards for recreational vehicle parks. Additionally, the Environmental Health Directors at all 12 local health departments have indicated to the Department that there is need for this rule to remain in effect. This rule is currently being enforced by the local health departments statewide. Proper sanitation regulation of recreational vehicle parks remains important to protect the public who live in these types of facilities. Therefore, this rule should be continued.

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

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 04/30/2007

Health, Epidemiology and Laboratory Services, Environmental Services

R392-401

Roadway Rest Stop Sanitation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29901
FILED: 04/30/2007, 16:33

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 26-15-2(8) which requires the Department to adopt rules and enforce minimum standards of sanitation to protect public health for roadway rest stops.

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 of Health 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: The Utah Department of Health is required by statute to establish minimum sanitation standards for roadway rest stops. Additionally, the Environmental Health Directors at all 12 local health departments have indicated to the Department that there is need for this rule to remain in effect. This rule is currently being enforced by the local health departments statewide. Proper sanitation regulation of roadway rest stops remains important to protect the traveling public in Utah. Therefore, this rule should be continued.

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

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 04/30/2007

♦ ♦

Health, Epidemiology and Laboratory Services, Environmental Services

R392-402

Mobile Home Park Sanitation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29900
FILED: 04/30/2007, 16:23

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 26-15-2(8) which requires the Department to adopt rules and enforce minimum standards of sanitation to protect public health in regards to mobile home parks.

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 of Health 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: The Utah Department of Health is required by statute to establish minimum sanitation standards for mobile home parks. Additionally, the Environmental Health Directors at all 12 local health departments have indicated to the Department that there is need for this rule to remain in effect. This rule is currently being enforced by the local health departments statewide. Proper sanitation regulation of mobile home parks remains important to protect the public who live in mobile home parks. Therefore, this rule should be continued.

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

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 04/30/2007

♦ ♦

Health, Epidemiology and Laboratory Services, Environmental Services

R392-501

Labor Camp Sanitation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29870
FILED: 04/26/2007, 16:08

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 26-15-2(9) which authorizes the Department to adopt rules and enforce minimum standards of sanitation to protect public health in regards to labor camps.

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 of Health 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: The Utah Department of Health is required by statute to establish minimum sanitation standards for labor camps. Additionally, the Environmental Health Directors at all 12 local health departments have indicated to the Department that there is need for this rule to remain in effect. This rule is currently being enforced by the local health departments statewide. Proper sanitation regulation of labor camps remain important to protect the public who use these types of facilities. Therefore, this rule should be continued.

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

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 04/26/2007

♦ ——— ♦

Health, Epidemiology and Laboratory Services, Environmental Services

R392-510

Utah Indoor Clean Air Act

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29856
FILED: 04/23/2007, 12:31

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: The rule is authorized by Subsection 26-1-30(2) and Sections 26-15-12 and 26-38-1. Subsection 26-1-30(2) authorizes the Department to take various actions to promote the health of the public. Title 26, Chapter 15, requires the Department to establish sanitation rules necessary to protect the public health in various places of public access and Section 26-15-12 specifically requires the Department to adopt rules for the enforcement of the Utah Indoor Clean Air 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: The Bureau of Epidemiology, Environmental Sanitation Program has not received any written comments in support or in opposition of this rule from the general public.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes requirements and standards for the implementation of the Utah Indoor Clean Air Act. Secondhand smoke has been implicated in causing premature death and disease in children and adults who do not smoke. This rule is important because it protects the public from being exposed to the health effects of secondhand smoke in places of public access. Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome, acute respiratory infections, ear problems, and more severe cases of asthma. Adults exposed to secondhand smoke experience immediate adverse effects on their cardiovascular systems. Secondhand smoke has also been linked to cause coronary heart disease and lung cancer. Scientific evidence indicates that there is no risk-free level of exposure to second hand smoke. Continuation of this rule is important to protect public health in Utah.

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

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 04/23/2007

♦ ——— ♦

Health, Community and Family Health Services, WIC Services

R406-100

Special Supplemental Nutrition Program for Women, Infants and Children

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29878
FILED: 04/27/2007, 13:26

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Section 26-1-15, which allows the Department of Health to accept federal funds to implement certain programs of the federal government. The Women, Infants, Children (WIC) Program is a federally-funded program that the Department of Health administers within the state by meeting the gubernatorial and legislative approval required under this section.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: 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: The rule is necessary because it incorporates the federal WIC program regulations that Utah must follow in administering the WIC program in Utah. It also establishes Utah-specific variations as allowed within the federal regulations. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
COMMUNITY AND FAMILY HEALTH SERVICES,
WIC 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:
Linda Abel at the above address, by phone at 801-538-9450, by FAX at 801-538-9440, or by Internet E-mail at label@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 04/27/2007

Health, Community and Family Health Services, WIC Services

R406-200

Program Overview

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29879
FILED: 04/27/2007, 13:41

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: This rule is authorized by Section 26-1-15, which allows the Department of Health to accept federal funds to implement certain programs of the federal government. The Women, Infants, Children (WIC) Program is a federally-funded program that the Department of Health administers within the state by meeting the gubernatorial and legislative approval required under this section.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: 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 describes the Utah WIC Program, along with state policy adaptations to the federal regulations as authorized by United States Department of Agriculture (USDA), governing eligibility for services, what services WIC participants in general receive, and an overall description of the WIC Program. It is derived from federal regulations governing the program. It is necessary because it establishes certain rights and responsibilities for program participants. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HEALTH
COMMUNITY AND FAMILY HEALTH SERVICES,
WIC 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:
Linda Abel at the above address, by phone at 801-538-9450, by FAX at 801-538-9440, or by Internet E-mail at label@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 04/27/2007

Health, Community and Family Health Services, WIC Services

R406-201

Outreach Program

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29880
FILED: 04/27/2007, 13:50

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: This rule is authorized by Section 26-1-15, which allows the Department of Health to accept federal funds to implement certain programs of the federal government. The Women, Infants, Children (WIC) Program is a federally-funded program that the Department of Health administers within the state by meeting the gubernatorial and legislative approval required under this section.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: 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 describes federal law requirements for the Utah WIC Program related to outreach to offices and organizations that deal with significant numbers of potentially eligible persons, and a requirement for the Utah WIC Program to coordinate with the Food Stamp Program, and other programs. Continuation of the rule is needed to meet federal regulations governing the program.

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

HEALTH
COMMUNITY AND FAMILY HEALTH SERVICES,
WIC 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:
Linda Abel at the above address, by phone at 801-538-9450, by FAX at 801-538-9440, or by Internet E-mail at label@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 04/27/2007

♦ ♦

Health, Community and Family Health Services, WIC Services

R406-202

Eligibility

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29876
FILED: 04/27/2007, 13:00

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Section 26-1-15, which allows the Department of Health to accept federal funds to implement certain programs of the federal government. The Women, Infants, Children (WIC) Program is a federally-funded program that the Department of Health administers within the state by meeting the gubernatorial and legislative approval required under this section.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: 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: Continuation of the rule is needed to establish WIC eligibility regulations governing the program, with state exceptions as approved by United States Department of Agriculture (USDA), as required by state and federal law.

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

HEALTH
COMMUNITY AND FAMILY HEALTH SERVICES,
WIC 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:
Linda Abel at the above address, by phone at 801-538-9450, by FAX at 801-538-9440, or by Internet E-mail at label@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 04/27/2007

♦ ♦

Health, Community and Family Health Services, WIC Services

R406-301

Clinic Guidelines

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29877

FILED: 04/27/2007, 13:15

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Section 26-1-15, which allows the Department of Health to accept federal funds to implement certain programs of the federal government. The Women, Infants, Children (WIC) Program is a federally-funded program that the Department of Health administers within the state by meeting the gubernatorial and legislative approval required under this section.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: 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 necessary because it authorizes local WIC offices to establish their clinic operations to meet their local needs. Therefore, this rule should be continued.

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

HEALTH
COMMUNITY AND FAMILY HEALTH SERVICES,
WIC 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:
Linda Abel at the above address, by phone at 801-538-9450, by FAX at 801-538-9440, or by Internet E-mail at label@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 04/27/2007

♦ ♦

Health, Epidemiology and Laboratory Services, Laboratory Improvement

R444-11

Rules for Approval to Perform Blood Alcohol Examinations

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29861

FILED: 04/25/2007, 09:53

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 26-1-30(2)(m) charges the Department of Health to set and enforce standards for laboratory services.

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 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: This rule provides standards for the approval of laboratories that conduct examinations to determine blood alcohol levels. It is necessary for law enforcement to conduct blood alcohol testing. Therefore, this rule should be continued.

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

HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES,
LABORATORY IMPROVEMENT
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:
David Mendenhall at the above address, by phone at 801-584-8470, by FAX at 801-584-8501, or by Internet E-mail at davidmendenhall@utah.gov

AUTHORIZED BY: David N. Sundwall, Executive Director

EFFECTIVE: 04/25/2007

♦ ♦

Human Services, Juvenile Justice Services

R547-14

Possession of Prohibited Items in Juvenile Detention Facilities

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29897
FILED: 04/30/2007, 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: In Section 53-5-710, persons carrying weapons are restricted from established secure areas within detention facilities as outlined in Sections 76-8-311.1, 76-8-311.3, and 76-10-523.5.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: 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: The agency continues to need to restrict weapons in secure areas of juvenile detention facilities. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
HUMAN SERVICES
JUVENILE JUSTICE SERVICES
Room 419
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Judy Hammer at the above address, by phone at 801-538-4098, by FAX at 801-538-4334, or by Internet E-mail at judyhammer@utah.gov

AUTHORIZED BY: Dan Maldonado, Director

EFFECTIVE: 04/30/2007

♦ ——————————— ♦

Insurance, Administration

R590-203

Health Grievance Review Process and Disability Claims

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 29826
FILED: 04/17/2007, 10:14

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-2-201 authorizes the commissioner to write rules to implement Title 31A. Section 31A-2-203 gives the commissioner the authority to examine insurer records files and documentations. Section 31A-4-116 and Subsection 31A-22-629(4) require the commissioner to establish minimum standards for grievance review procedures. The rule is to ensure that insurer grievance review procedures for individual and group health insurance and income replacement plans comply with the Department of Labor, Pension and Welfare Benefits Administration Rules and Regulations for Administration, and Enforcement: Claims Procedures.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: In November 2005, changes were made to this rule resulting in one comment requesting that insurers providing individual and group disability income insurance policies implement claims review procedures consistent with the Department of Labor's regulations. During the comment period in November of 2004, the department received comments requesting clarification that the rule is not retroactive; requested that its claims review process more closely follow that set by the Pension and Welfare Benefit Association Rules; and clarify language in Section R590-203-10 regarding exemptions and who is exempted and under what conditions.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule clarifies statute and explains the difference from the federal law and the state statutes. Removing this rule will confuse insurance companies and what is required in our state regarding consumer protections. 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: 04/17/2007

♦ ——— ♦

School and Institutional Trust Lands, Administration
R850-11
Procurement

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 29859
FILED: 04/24/2007, 15:31

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 53C-1-201(3)(e) permits the agency to be exempted from the Utah Procurement Code upon board approval and adoption of alternative procurement procedures. This rule provides the alternative procedures for the agency to follow when procuring goods and services related to the administration of the agency or management, development, leasing, or sale of trust 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 by the agency for 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 is necessary for the agency to be exempt from provisions under Title 63, Chapter 56, Utah Procurement Code. The rule streamlines the procurement process, enabling the agency to respond to market opportunities in a more timely manner. Therefore, this rule should be continued.

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

SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION
Room 500
675 E 500 S
SALT LAKE CITY UT 84102-2818, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
John W. Andrews at the above address, by phone at 801-538-5180, by FAX at 801-355-0922, or by Internet E-mail at jandrews@utah.gov

AUTHORIZED BY: Kevin S. Carter, Director

EFFECTIVE: 04/24/2007

♦ ——— ♦

End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF EXPIRED RULES

Statute provides that "every [administrative] rule that is in effect on February 28 of any calendar year expires on May 1 of that year unless it has been reauthorized by the Legislature during its annual general session." In addition,"[p]rior to January 1 of each year, the [Legislature's] Administrative Rules Review Committee shall have omnibus legislation prepared for consideration by the Legislature during its annual general session." The form of the legislation is a statement that all administrative rules are reauthorized and may be followed by an exception list of rules or portions of rules that are not.

The section listed below was not reauthorized by the “Reauthorization of Administrative Rules” bill considered by the legislature during its last General Session.

The expiration of administrative rules that are not reauthorized by the Legislature is governed by Section 63-46a-11.5. The Administrative Rules Review Committee is created by Section 63-46a-11.

Education

Administration

No. 29902: R277-437-1. Definitions.
Chapter 227, Laws of Utah 2007 (S.B. 122)
EXPIRED: 05/01/2007

End of the Notices of Expired Rules 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*. Statute permits an agency to make a rule effective "on any date specified by the agency that is no fewer than seven calendar days after the close of the public comment period . . . , nor more than 120 days after the publication date." Subsection 63-46a-4(9).

Abbreviations
AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Administrative Services
Administrative Rules
No. 29554 (AMD): R15-3-5. Statutory Provisions that Require Rulemaking Pursuant to Subsection 63-46a-4(11).
Published: March 15, 2007
Effective: April 30, 2007

Commerce
Real Estate
No. 29546 (AMD): R162-106-5. Failure to Respond to Investigation.
Published: March 15, 2007
Effective: April 25, 2007

No. 29545 (AMD): R162-202-5. Determining Fitness for Licensure.
Published: March 15, 2007
Effective: May 1, 2007

No. 29544 (AMD): R162-207-6. Determining Fitness for Renewal.
Published: March 15, 2007
Effective: May 1, 2007

Corrections
Administration
No. 29531 (AMD): R251-106-3. Standards and Procedures.
Published: March 15, 2007
Effective: May 1, 2007

No. 29533 (AMD): R251-107. Executions.
Published: March 15, 2007
Effective: May 1, 2007

Health
Administration
No. 29538 (AMD): R380-200. Patient Safety Sentinel Event Reporting.
Published: March 15, 2007
Effective: April 26, 2007

Health Care Financing, Coverage and Reimbursement Policy
No. 29543 (AMD): R414-303-17. Personal Assistance Waiver for Adults with Physical Disabilities.
Published: March 15, 2007
Effective: May 1, 2007

Labor Commission
Safety
No. 29581 (AMD): R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.
Published: March 15, 2007
Effective: April 24, 2007

No. 29527 (AMD): R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.
Published: March 15, 2007
Effective: April 24, 2007

Natural Resources
Wildlife Resources
No. 29530 (REP): R657-51. Youth Permits.
Published: March 15, 2007
Effective: April 23, 2007

Public Safety
Driver License
No. 29582 (AMD): R708-7-10. Use of the Functional Ability Profile.
Published: March 15, 2007
Effective: April 23, 2007

Workforce Services
Employment Development
No. 29587 (AMD): R986-200. Family Employment Program.
Published: March 15, 2007
Effective: May 1, 2007

No. 29588 (AMD): R986-900-902. Options and Waivers.
Published: March 15, 2007
Effective: May 1, 2007

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, 2007, including notices of effective date received through May 1, 2007, the effective dates of which are no later than May 15, 2007. 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. These difficulties with the index are related to a new software package used by the Division to create the Bulletin and related publications; we hope to have them resolved as soon as possible. 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					
Administration					
R13-2	Access to Records	29771	5YR	04/02/2007	2007-8/119
Administrative Rules					
R15-3-5	Statutory Provisions that Require Rulemaking Pursuant to Subsection 63-46a-4(11)	29554	AMD	04/30/2007	2007-6/5
Facilities Construction and Management					
R23-25	Administrative Rules Adjudicative Proceedings	29474	AMD	04/11/2007	2007-4/2
Finance					
R25-14	Payment of Attorneys Fees in Death Penalty Cases	29424	5YR	01/17/2007	2007-4/54
Fleet Operations					
R27-5	Fleet Tracking	29457	5YR	01/29/2007	2007-4/54

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R27-6	Fuel Dispensing Program	29515	5YR	02/14/2007	2007-5/19
R27-8	State Vehicle Maintenance Program	29534	5YR	02/21/2007	2007-6/36
Fleet Operations, Surplus Property					
R28-1	State Surplus Property Disposal	29550	5YR	02/26/2007	2007-6/36
Records Committee					
R35-2-2	Declining Requests for Hearings	29081	AMD	01/05/2007	2006-20/2
Agriculture and Food					
Administration					
R51-2	Administration Procedures for Informal Proceedings Before the Utah Department of Agriculture and Food	29405	5YR	01/11/2007	2007-3/56
Animal Industry					
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	29506	5YR	02/08/2007	2007-5/19
R58-6	Poultry	29504	5YR	02/08/2007	2007-5/20
R58-18	Elk Farming	29505	5YR	02/08/2007	2007-5/20
R58-22	Equine Infectious Anemia (EIA)	29503	5YR	02/08/2007	2007-5/21
R58-23	Equine Viral Arteritis (EVA)	29342	NEW	02/28/2007	2007-1/5
Plant Industry					
R68-19	Compliance Procedures	29453	5YR	01/29/2007	2007-4/55
R68-20	Utah Organic Standards	29347	AMD	02/28/2007	2007-1/6
Regulatory Services					
R70-201	Compliance Procedures	29492	5YR	02/02/2007	2007-5/21
R70-320	Minimum Standards for Milk for Manufacturing Purposes, its Production and Processing	29507	5YR	02/08/2007	2007-5/22
R70-350	Ice Cream and Frozen Dairy Foods Standards	29499	5YR	02/05/2007	2007-5/22
R70-360	Procedure for Obtaining a License to Test Milk for Payment	29500	5YR	02/05/2007	2007-5/23
R70-530	Food Protection	29632	5YR	03/12/2007	2007-7/149
Alcoholic Beverage Control					
Administration					
R81-1-6	Violation Schedule	29439	AMD	03/30/2007	2007-4/4
R81-1-26	Criminal History Background Checks	29440	AMD	03/30/2007	2007-4/6
Commerce					
Administration					
R151-2	Government Records Access and Management Act Rules	29524	5YR	02/15/2007	2007-5/23
R151-3	Americans With Disabilities Act Rules	29903	5YR	05/01/2007	2007-10/105
R151-33	Pete Suazo Utah Athletic Commission Act Rule	29927	5YR	05/10/2007	Not Printed
Consumer Protection					
R152-11	Utah Consumer Sales Practices Act	29470	5YR	02/01/2007	2007-4/55
R152-20	New Motor Vehicle Warranties	29862	5YR	04/26/2007	2007-10/105
R152-20-2	Definitions	29412	AMD	03/20/2007	2007-3/4
R152-22	Charitable Solicitations Act	29427	AMD	04/02/2007	2007-4/8
R152-23	Utah Health Spa Services	29238	AMD	01/23/2007	2006-24/3
R152-26	Telephone Fraud Prevention Act	29379	AMD	02/23/2007	2007-2/3
R152-26	Telephone Fraud Prevention Act	29594	5YR	03/05/2007	2007-7/149

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Occupational and Professional Licensing					
R156-1	General Rules of the Division of Occupational and Professional Licensing	29586	5YR	03/01/2007	2007-6/37
R156-1-102	Definitions	29555	NSC	03/09/2007	Not Printed
R156-9-302a	Qualifications for Licensure - Examination Requirements	29391	AMD	03/13/2007	2007-3/6
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rules	29013	AMD	01/11/2007	2006-19/5
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act Rules	29013	CPR	01/11/2007	2006-23/87
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act Rules	29432	AMD	03/27/2007	2007-4/9
R156-11a	Cosmetologist/Barber, Esthetician, Electrologist and Nail Technician Licensing Act Rule	29810	5YR	04/12/2007	2007-9/33
R156-16a	Optometry Practice Act Rules	29871	5YR	04/26/2007	2007-10/106
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rules	29355	AMD	02/22/2007	2007-2/3
R156-24a	Physical Therapist Practice Act Rules	29459	5YR	01/30/2007	2007-4/56
R156-26a	Certified Public Accountant Licensing Act Rules	29473	5YR	02/01/2007	2007-4/56
R156-28	Veterinary Practice Act Rules	29472	5YR	02/01/2007	2007-4/57
R156-37	Utah Controlled Substance Act Rules	29696	5YR	03/15/2007	2007-7/150
R156-40-302c	Qualifications for Licensure - Examination Requirements	29825	NSC	04/26/2007	Not Printed
R156-40a	Athletic Trainer Licensing Act Rule	29353	NEW	02/22/2007	2007-2/9
R156-41	Speech-Language Pathology and Audiology Licensing Act Rules	29471	5YR	02/01/2007	2007-4/57
R156-42a	Occupational Therapy Practice Act Rules	29356	AMD	02/22/2007	2007-2/11
R156-54	Radiology Technologist and Radiology Practical Technician Licensing Act Rules	29396	5YR	01/09/2007	2007-3/56
R156-56	Utah Uniform Building Standard Act Rules	29122	AMD	01/01/2007	2006-21/33
R156-56	Utah Uniform Building Standard Act Rules	29357	NSC	01/01/2007	Not Printed
R156-56	Utah Uniform Building Standard Act Rules	29120	AMD	01/01/2007	2006-21/5
R156-56	Utah Uniform Building Standard Act Rules	29393	AMD	03/13/2007	2007-3/7
R156-56	Utah Uniform Building Standard Act Rules	29745	5YR	03/29/2007	2007-8/119
R156-56-704	Statewide Amendments to the IBC	29078	AMD	03/27/2007	2006-20/10
R156-56-704	Statewide Amendments to the IBC	29078	CPR	03/27/2007	2007-4/48
R156-56-711	Statewide Amendments to the IRC	29075	AMD	01/01/2007	2006-20/13
R156-57	Respiratory Care Practices Act Rules	29354	AMD	02/22/2007	2007-2/12
R156-64	Deception Detection Examiners Licensing Act Rules	29803	5YR	04/09/2007	2007-9/33
R156-70a	Physician Assistant Practice Act Rules	29564	5YR	02/27/2007	2007-6/38
R156-71	Naturopathic Physician Practice Act Rules	29394	5YR	01/08/2007	2007-3/57
R156-72	Acupuncture Licensing Act Rules	29395	5YR	01/09/2007	2007-3/57
R156-72-302c	Informed Consent	29735	NSC	04/12/2007	Not Printed
R156-75	Genetic Counselor Licensing Act Rules	29397	5YR	01/09/2007	2007-3/58
R156-76	Professional Geologist Licensing Act Rules	29905	5YR	05/01/2007	2007-10/106
R156-78A	Prelitigation Panel Review Rules	29804	5YR	04/09/2007	2007-9/34
Real Estate					
R162-1	Authority and Definitions	29832	5YR	04/18/2007	2007-10/107

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R162-2	Exam and License Application Requirements	29831	5YR	04/18/2007	2007-10/107
R162-3	License Status Changes	29833	5YR	04/18/2007	2007-10/108
R162-4	Office Procedures - Real Estate Principal Brokerage	29834	5YR	04/18/2007	2007-10/108
R162-5	Property Management	29827	5YR	04/18/2007	2007-10/109
R162-6	Licensee Conduct	29835	5YR	04/18/2007	2007-10/109
R162-7	Enforcement	29851	5YR	04/19/2007	2007-10/110
R162-8	Prelicensing Education	29836	5YR	04/18/2007	2007-10/110
R162-9	Continuing Education	29224	AMD	01/17/2007	2006-23/3
R162-9	Continuing Education	29837	5YR	04/18/2007	2007-10/111
R162-101	Authority and Definitions	29828	5YR	04/18/2007	2007-10/111
R162-102	Application Procedures	29523	5YR	02/15/2007	2007-5/24
R162-103	Appraisal Education Requirements	29829	5YR	04/18/2007	2007-10/112
R162-104	Experience Requirement	29522	5YR	02/15/2007	2007-5/24
R162-106	Professional Conduct	29521	5YR	02/15/2007	2007-5/25
R162-106-5	Failure to Respond to Investigation	29546	AMD	04/25/2007	2007-6/6
R162-109	Administrative Proceedings	29830	5YR	04/18/2007	2007-10/112
R162-202	Initial Application	29237	AMD	01/24/2007	2006-24/4
R162-202-1	Licensing Examination	29517	AMD	04/10/2007	2007-5/4
R162-202-5	Determining Fitness for Licensure	29545	AMD	05/01/2007	2007-6/7
R162-203	Change to Residential Mortgage Licensure Statement	29516	AMD	04/10/2007	2007-5/4
R162-206	Licensing Examination	29518	REP	04/10/2007	2007-5/6
R162-207	License Renewal	29519	AMD	04/10/2007	2007-5/7
R162-207-6	Determining Fitness for Renewal	29544	AMD	05/01/2007	2007-6/8
R162-208	Continuing Education	29520	AMD	04/10/2007	2007-5/10
R162-210-6	Instructor Certification and Renewal	29429	NSC	02/12/2007	Not Printed
Community and Culture					
Fine Arts					
R207-1	Utah Arts Council General Program Rules	29528	NSC	03/08/2007	Not Printed
R207-2	Policy for Commissions, Purchases, and Donations to, and Loans from, the Utah State Art Collections	29529	NSC	03/08/2007	Not Printed
Corrections					
Administration					
R251-106-3	Standards and Procedures	29531	AMD	05/01/2007	2007-6/9
R251-107	Executions	29533	AMD	05/01/2007	2007-6/11
R251-305	Visiting at Community Correctional Centers	29462	5YR	01/31/2007	2007-4/58
R251-306	Sponsors in Community Correctional Centers	29463	5YR	01/31/2007	2007-4/58
R251-707	Legal Access	29464	5YR	01/31/2007	2007-4/59
R251-710	Search	29465	5YR	01/31/2007	2007-4/59
Crime Victim Reparations					
Administration					
R270-1-26	Victim Services	29220	AMD	01/10/2007	2006-23/6

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Education					
Administration					
R277-416	Experimental and Developmental Programs	29746	5YR	03/29/2007	2007-8/121
R277-419	Pupil Accounting	29690	AMD	05/09/2007	2007-7/10
R277-437-1	Definitions (EXPIRED - Section R277-437-1, Legislative Nonreauthorization)	29902	NSC	05/01/2007	Not Printed
R277-459	Classroom Supplies Appropriation	29691	AMD	05/09/2007	2007-7/12
R277-473-9	Standardized Testing Rules and Professional Development Requirement	29478	AMD	03/27/2007	2007-4/12
R277-503	Licensing Routes	29749	5YR	03/29/2007	2007-8/121
R277-503	Licensing Routes	29692	AMD	05/09/2007	2007-7/14
R277-505	Administrative/Supervisory Certificates and Programs	29477	AMD	03/27/2007	2007-4/13
R277-505-5	District-Specific and Charter School-Specific Administrator Standards	29737	NSC	04/12/2007	Not Printed
R277-507	Driver Education Endorsement	29747	5YR	03/29/2007	2007-8/122
R277-511	Highly Qualified Teacher Grants	29305	NEW	01/23/2007	2006-24/7
R277-512	Online Licensure	29306	NEW	01/23/2007	2006-24/9
R277-517	Athletic Coaching Certification	29479	AMD	03/27/2007	2007-4/16
R277-519	Educator Inservice Procedures and Credit	29748	5YR	03/29/2007	2007-8/122
R277-612	Foreign Exchange Students	29693	NEW	05/09/2007	2007-7/17
R277-617	Authorization of Student Clubs and Organizations	29494	5YR	02/02/2007	2007-5/25
R277-705	Secondary School Completion and Diplomas	29495	5YR	02/02/2007	2007-5/26
R277-746-3	Standards and Procedures	29694	AMD	05/09/2007	2007-7/19
R277-915	Work-based Learning Programs for Interns	29496	5YR	02/02/2007	2007-5/26
Environmental Quality					
Administration					
R305-1	Records Access and Management	29809	5YR	04/12/2007	2007-9/34
Air Quality					
R307-101	General Requirements	29661	5YR	03/15/2007	2007-7/150
R307-101-2	Definitions	29000	CPR	03/09/2007	2007-3/39
R307-101-2	Definitions	29000	AMD	03/09/2007	2006-19/27
R307-110	General Requirements: State Implementation Plan	29662	5YR	03/15/2007	2007-7/151
R307-110-13	Section IX, Control Measures for Area and Point Sources, Part D, Ozone	29001	CPR	03/09/2007	2007-3/40
R307-110-13	Section IX, Control Measures for Area and Point Sources, Part D, Ozone	29001	AMD	03/09/2007	2006-19/30
R307-110-20	Section XII, Involvement	29514	AMD	05/02/2007	2007-5/13
R307-110-20	Section XII, Transportation Conformity Consultation	29801	NSC	05/02/2007	Not Printed
R307-110-36	Section XXII, Interstate Transport	29227	AMD	02/09/2007	2006-23/7
R307-110-36	Section XXII, Interstate Transport	29293	NSC	02/09/2007	Not Printed
R307-120	General Requirements: Tax Exemption for Air and Water Pollution Control Equipment	29327	AMD	03/09/2007	2007-1/7
R307-120	General Requirements: Tax Exemption for Air and Water Pollution Control Equipment	29653	5YR	03/15/2007	2007-7/155
R307-130	General Penalty Policy	29654	5YR	03/15/2007	2007-7/155
R307-135	Enforcement Response Policy for Asbestos Hazard Emergency Response Act	29659	5YR	03/15/2007	2007-7/156
R307-210	Stationary Sources	29228	AMD	03/15/2007	2006-23/8

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R307-214-2	Part 63 Sources	29194	AMD	02/09/2007	2006-23/10
R307-220	Emission Standards: Plan for Designated Facilities	29655	5YR	03/15/2007	2007-7/156
R307-220	Emission Standards: Plan for Designated Facilities	29229	CPR	05/09/2007	2007-7/136
R307-220	Emission Standards: Plan for Designated Facilities	29229	AMD	05/09/2007	2006-23/12
R307-221	Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills	29656	5YR	03/15/2007	2007-7/157
R307-222	Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste	29657	5YR	03/15/2007	2007-7/157
R307-223	Emission Standards: Existing Small Municipal Waste Combustion Units	29658	5YR	03/15/2007	2007-7/158
R307-224	Mercury Emission Standards: Coal-Fired Electric Generating Units	29230	NEW	03/15/2007	2006-23/14
R307-301	Utah and Weber Counties: Oxygenated Gasoline Program As a Contingency Measure	29660	5YR	03/15/2007	2007-7/158
R307-320	Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program	29002	CPR	03/09/2007	2007-3/40
R307-320	Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program	29002	AMD	03/09/2007	2006-19/32
R307-320	Ozone Maintenance Areas and Ogden City: Employer-Based Trip Reduction Program	29663	5YR	03/15/2007	2007-7/160
R307-325	Ozone Nonattainment and Maintenance Areas: General Requirements	29003	CPR	03/09/2007	2007-3/42
R307-325	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Ozone Provisions	29003	AMD	03/09/2007	2006-19/35
R307-325	Ozone Nonattainment and Maintenance Areas: General Requirements	29664	5YR	03/15/2007	2007-7/160
R307-326	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Control of Hydrocarbon Emissions in Refineries	29006	AMD	03/09/2007	2006-19/37
R307-326	Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Refineries	29006	CPR	03/09/2007	2007-3/43
R307-326	Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries	29665	5YR	03/15/2007	2007-7/161
R307-326-1	Purpose	29526	NSC	03/09/2007	Not Printed
R307-327	Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage	29004	CPR	03/09/2007	2007-3/45
R307-327	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Petroleum Liquid Storage	29004	AMD	03/09/2007	2006-19/40
R307-327	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Petroleum Liquid Storage	29666	5YR	03/15/2007	2007-7/163
R307-328	Davis, Salt Lake, Utah, and Weber Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage	29005	AMD	01/16/2007	2006-19/43
R307-328	Ozone Nonattainment and Maintenance Areas and Utah and Weber Counties: Gasoline Transfer and Storage	29667	5YR	03/15/2007	2007-7/164
R307-328-1	Purpose	29150	NSC	01/16/2007	Not Printed
R307-332	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Stage II Vapor Recovery Systems	29007	REP	01/16/2007	2006-19/46
R307-335	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Degreasing and Solvent Cleaning Operations	29008	AMD	01/16/2007	2006-19/49
R307-335	Ozone Nonattainment and Maintenance Areas: Degreasing and Solvent Cleaning Operations	29668	5YR	03/15/2007	2007-7/165
R307-340	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Surface Coating Processes	29009	AMD	03/09/2007	2006-19/52

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R307-340	Ozone Nonattainment and Maintenance Areas: Surface Coating Processes	29009	CPR	03/09/2007	2007-3/46
R307-340	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Surface Coating Processes	29669	5YR	03/15/2007	2007-7/165
R307-340-1	Purpose	29151	NSC	03/09/2007	Not Printed
R307-341	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Cutback Asphalt	29010	AMD	01/16/2007	2006-19/59
R307-341	Ozone Nonattainment and Maintenance Areas: Cutback Asphalt	29670	5YR	03/15/2007	2007-7/166
R307-342	Davis, Salt Lake, Utah, and Weber Counties and Ozone Nonattainment Areas: Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks	29011	AMD	01/16/2007	2006-19/60
R307-342	Ozone Nonattainment and Maintenance Areas: Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks	29671	5YR	03/15/2007	2007-7/167
R307-343	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emissions Standards for Wood Furniture Manufacturing Operations	29012	AMD	03/09/2007	2006-19/63
R307-343	Ozone Nonattainment and Maintenance Areas: Emissions Standards for Wood Furniture Manufacturing Operations	29012	CPR	03/09/2007	2007-3/51
R307-343	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emissions Standards for Wood Furniture Manufacturing Operations	29672	5YR	03/15/2007	2007-7/167
R307-343-6	Compliance Procedures and Monitoring Requirements	29508	NSC	03/09/2007	Not Printed
R307-424	Permits: Mercury Requirements for Electric Generating Units	29231	CPR	05/09/2007	2007-7/137
R307-424	Permits: Mercury Requirements for Electric Generating Units	29231	NEW	05/09/2007	2006-23/15
Drinking Water					
R309-105	Administration: General Responsibilities of Public Water Systems	29369	AMD	03/06/2007	2007-2/15
R309-105-9	Minimum Water Pressure	29036	AMD	01/01/2007	2006-19/68
R309-110	Administration: Definitions	29364	AMD	03/06/2007	2007-2/20
R309-115-2	Initial Proceedings	29361	NSC	03/06/2007	Not Printed
R309-150	Water System Rating Criteria	29363	AMD	03/06/2007	2007-2/31
R309-200	Monitoring and Water Quality: Drinking Water Standards	29371	AMD	03/06/2007	2007-2/43
R309-210	Monitoring and Water Quality: Distribution System Monitoring Requirements	29365	AMD	03/06/2007	2007-2/46
R309-215	Monitoring and Water Quality: Treatment Plant Monitoring Requirements	29366	AMD	03/06/2007	2007-2/63
R309-220	Monitoring and Water Quality: Public Notification Requirements	29367	AMD	03/06/2007	2007-2/86
R309-225	Monitoring and Water Quality: Consumer Confidence Reports	29368	AMD	03/06/2007	2007-2/89
R309-225	Monitoring and Water Quality: Consumer Confidence Reports	29650	NSC	03/29/2007	Not Printed
R309-300-13	Grandparent Certification Criteria	29362	NSC	03/06/2007	Not Printed
R309-405-4	Assessment of a Penalty and Calculation of Settlement Amounts	29360	NSC	03/06/2007	Not Printed
R309-500	Facility Design and Operation: Plan Review, Operation and Maintenance Requirements	29774	5YR	04/02/2007	2007-8/122
R309-505	Facility Design and Operation: Minimum Treatment Requirements	29775	5YR	04/02/2007	2007-8/123
R309-510	Facility Design and Operation: Minimum Sizing Requirements	29776	5YR	04/02/2007	2007-8/123
R309-515	Facility Design and Operation: Source Development	29777	5YR	04/02/2007	2007-8/124

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R309-520	Facility Design and Operation: Disinfection	29642	5YR	03/13/2007	2007-7/169
R309-525	Facility Design and Operation: Conventional Surface Water Treatment	29778	5YR	04/02/2007	2007-8/124
R309-530	Facility Design and Operation: Alternative Surface Water Treatment Methods	29779	5YR	04/02/2007	2007-8/125
R309-535	Facility Design and Operation: Miscellaneous Treatment Methods	29780	5YR	04/02/2007	2007-8/125
R309-540	Facility Design and Operation: Pump Stations	29781	5YR	04/02/2007	2007-8/126
R309-545	Facility Design and Operation: Drinking Water Storage Tanks	29782	5YR	04/02/2007	2007-8/126
R309-550	Facility Design and Operation: Transmission and Distribution Pipelines	29783	5YR	04/02/2007	2007-8/126
R309-700	Financial Assistance: State Drinking Water Project Revolving Loan Program	29784	5YR	04/02/2007	2007-8/127
R309-705	Financial Assistance: Federal Drinking Water Project Revolving Loan Program	29785	5YR	04/02/2007	2007-8/127
Environmental Response and Remediation					
R311-200	Underground Storage Tanks: Definitions (5YR EXTENSION)	29567	NSC	04/18/2007	Not Printed
R311-200	Underground Storage Tanks: Definitions	29838	5YR	04/18/2007	2007-10/113
R311-201	Underground Storage Tanks: Certification Programs (5YR EXTENSION)	29568	NSC	04/18/2007	Not Printed
R311-201	Underground Storage Tanks: Certification Programs	29839	5YR	04/18/2007	2007-10/113
R311-202	Underground Storage Tank Technical Standards (5YR EXTENSION)	29569	NSC	04/18/2007	Not Printed
R311-202	Underground Storage Tank Technical Standards	29840	5YR	04/18/2007	2007-10/114
R311-203	Underground Storage Tanks: Notification, New Installations, Registration Fees, and Testing Requirements (5YR EXTENSION)	29570	NSC	04/18/2007	Not Printed
R311-203	Underground Storage Tanks: Notification, New Installations, Registration Fees, and Testing Requirements	29841	5YR	04/18/2007	2007-10/115
R311-204	Underground Storage Tanks: Closure and Remediation (5YR EXTENSION)	29571	NSC	04/18/2007	Not Printed
R311-204	Underground Storage Tanks: Closure and Remediation	29842	5YR	04/18/2007	2007-10/116
R311-205	Underground Storage Tanks: Site Assessment Protocol (5YR EXTENSION)	29572	NSC	04/18/2007	Not Printed
R311-205	Underground Storage Tanks: Site Assessment Protocol	29843	5YR	04/18/2007	2007-10/116
R311-206	Underground Storage Tanks: Financial Assurance Mechanisms (5YR EXTENSION)	29573	NSC	04/18/2007	Not Printed
R311-206	Underground Storage Tanks: Financial Assurance Mechanisms	29844	5YR	04/18/2007	2007-10/117
R311-207	Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks (5YR EXTENSION)	29574	NSC	04/18/2007	Not Printed
R311-207	Accessing the Petroleum Storage Tank Trust Fund for Leaking Petroleum Storage Tanks	29845	5YR	04/18/2007	2007-10/118
R311-208	Underground Storage Tank Penalty Guidance (5YR EXTENSION)	29575	NSC	04/18/2007	Not Printed
R311-208	Underground Storage Tank Penalty Guidance	29846	5YR	04/18/2007	2007-10/118
R311-209	Petroleum Storage Tank Cleanup Fund and State Cleanup Appropriation (5YR EXTENSION)	29576	NSC	04/18/2007	Not Printed
R311-209	Petroleum Storage Tank Cleanup Fund and State Cleanup Appropriation	29847	5YR	04/18/2007	2007-10/119
R311-210	Administrative Procedures for Underground Storage Tank Act Adjudicative Proceedings (5YR EXTENSION)	29577	NSC	04/18/2007	Not Printed
R311-210	Administrative Procedures for Underground Storage Tank Adjudicative Proceedings	29848	5YR	04/18/2007	2007-10/120

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R311-211	Corrective Action Cleanup Standards Policy - UST and CERCLA Sites (5YR EXTENSION)	29578	NSC	04/18/2007	Not Printed
R311-211	Corrective Action Cleanup Standards Policy - UST and CERCLA Sites	29849	5YR	04/18/2007	2007-10/120
R311-212	Administration of the Petroleum Storage Tank Loan Fund (5YR EXTENSION)	29579	NSC	04/18/2007	Not Printed
R311-212	Administration of the Petroleum Storage Tank Loan Fund	29850	5YR	04/18/2007	2007-10/121
R311-600	Hazardous Substances Mitigation Act: Enforceable Written Assurances	29585	NSC	03/26/2007	Not Printed
R311-600	Hazardous Substances Mitigation Act: Enforceable Written Assurances	29460	NEW	03/26/2007	2007-4/18
Radiation Control					
R313-25	License Requirements for Land Disposal of Radioactive Waste - General Provisions	29333	AMD	03/16/2007	2007-1/9
R313-26	Generator Site Access Permit Requirements for Accessing Utah Radioactive Waste Disposal Facilities	29332	AMD	03/16/2007	2007-1/10
R313-28	Use of X-Rays in the Healing Arts	29334	AMD	03/16/2007	2007-1/12
R313-35	Requirements for X-Ray Equipment Used for Non-Medical Applications (5YR EXTENSION)	29310	NSC	03/05/2007	Not Printed
R313-35	Requirements for X-Ray Equipment Used for Non-Medical Applications	29595	5YR	03/05/2007	2007-7/169
R313-36	Special Requirements for Industrial Radiographic Operations	29336	AMD	03/16/2007	2007-1/15
R313-70	Payments, Categories and Types of Fees	29335	AMD	03/16/2007	2007-1/17
Solid and Hazardous Waste					
R315-301	Solid Waste Authority, Definitions, and General Requirements	29202	AMD	02/01/2007	2006-23/17
R315-301-5	Permit Required	29509	NSC	02/28/2007	Not Printed
R315-302	Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements	29203	AMD	02/01/2007	2006-23/22
R315-303	Landfilling Standards	29204	AMD	02/01/2007	2006-23/28
R315-304	Industrial Solid Waste Landfill Requirements	29205	AMD	02/01/2007	2006-23/33
R315-304	Industrial Solid Waste Facility Requirements	29754	5YR	03/30/2007	2007-8/128
R315-305-4	General Requirements	29206	AMD	02/01/2007	2006-23/35
R315-305-4	General Requirements	29566	NSC	03/09/2007	Not Printed
R315-306-2	Requirements for Large Incinerators	29207	AMD	02/01/2007	2006-23/37
R315-308	Ground Water Monitoring Requirements	29208	AMD	02/01/2007	2006-23/38
R315-308-2	Ground Water Monitoring Requirements	29716	NSC	04/12/2007	Not Printed
R315-309	Financial Assurance	29209	AMD	02/01/2007	2006-23/43
R315-310	Permit Requirements for Solid Waste Facilities	29210	AMD	02/01/2007	2006-23/46
R315-311	Permit Approval For Solid Waste Disposal, Waste Tire Storage, Energy Recovery, And Incinerator Facilities	29211	AMD	02/01/2007	2006-23/50
R315-311-1	General Requirements	29511	NSC	02/28/2007	Not Printed
R315-312	Recycling and Composting Facility Standards	29212	AMD	02/01/2007	2006-23/52
R315-312-3	Composting Requirements	29768	NSC	04/12/2007	Not Printed
R315-313-2	Transfer Station Standards	29213	AMD	02/01/2007	2006-23/54
R315-314-3	Facility Standards for Piles Used for Storage and Treatment	29214	AMD	02/01/2007	2006-23/56
R315-315-2	Asbestos Waste	29425	NSC	02/13/2007	Not Printed
R315-316	Infectious Waste Requirements	29215	AMD	02/01/2007	2006-23/58
R315-317	Other Processes, Variances, and Violations	29216	AMD	02/01/2007	2006-23/60
R315-318-1	General Requirements	29217	AMD	02/01/2007	2006-23/61

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R315-320	Waste Tire Transporter and Recycler Requirements	29218	AMD	02/01/2007	2006-23/62
R315-320-4	Waste Tire Transporter Requirements	29510	NSC	02/28/2007	Not Printed
Water Quality					
R317-1-2	General Requirements	29186	AMD	01/19/2007	2006-22/21
R317-1-7	TMDLs	29098	AMD	01/19/2007	2006-20/54
R317-6	Ground Water Quality Protection	29294	AMD	01/23/2007	2006-24/23
R317-6-6	Implementation	29185	AMD	01/19/2007	2006-22/23
R317-11	Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Percolation and Soil Tests for Underground Wastewater Disposal Systems	29296	AMD	01/26/2007	2006-24/26
R317-12	Tax Exemption for Water Pollution Control Equipment	29326	NEW	03/09/2007	2007-1/21
Financial Institutions					
Administration					
R331-22	Rule Governing Reimbursement of Costs of Financial Institutions for Production of Records	29818	5YR	04/16/2007	2007-9/35
Credit Unions					
R337-10	Rule Designating Applicable Federal Law for Credit Unions Subject to the Jurisdiction of the Department of Financial Institutions	29352	NSC	01/22/2007	Not Printed
R337-10	Rule Designating Applicable Federal Law for Credit Unions Subject to the Jurisdiction of the Department of Financial Institutions	29173	NEW	01/22/2007	2006-22/25
Nondepository Lenders					
R343-1	Rule Governing Form of Disclosures For Title Lenders, Who Are Under the Jurisdiction of the Department of Financial Institutions	29225	NEW	01/09/2007	2006-23/65
Health					
Administration					
R380-20	Government Records Access and Management	29867	5YR	04/26/2007	2007-10/122
R380-200	Patient Safety Sentinel Event Reporting	29538	AMD	04/26/2007	2007-6/14
Epidemiology and Laboratory Services, Epidemiology					
R386-702	Communicable Disease Rule	29721	5YR	03/22/2007	2007-8/128
Epidemiology and Laboratory Services, Environmental Services					
R392-100	Food Service Sanitation	29722	5YR	03/22/2007	2007-8/129
R392-200	Design, Construction, Operation, Sanitation, and Safety of Schools	29799	5YR	04/05/2007	2007-9/36
R392-300	Recreational Camp Sanitation	29860	5YR	04/24/2007	2007-10/122
R392-301	Recreational Vehicle Park Sanitation	29899	5YR	04/30/2007	2007-10/123
R392-302	Design, Construction and Operation of Public Pools	29720	5YR	03/22/2007	2007-8/130
R392-400	Temporary Mass Gatherings Sanitation	29925	5YR	05/08/2007	Not Printed
R392-401	Roadway Rest Stop Sanitation	29901	5YR	04/30/2007	2007-10/123
R392-402	Mobile Home Park Sanitation	29900	5YR	04/30/2007	2007-10/124
R392-501	Labor Camp Sanitation	29870	5YR	04/26/2007	2007-10/124
R392-510	Utah Indoor Clean Air Act	29856	5YR	04/23/2007	2007-10/125
Community and Family Health Services, Immunization					
R396-100	Immunization Rule for Students	29547	AMD	05/07/2007	2007-6/19

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Community and Family Health Services, WIC Services					
R406-100	Special Supplemental Nutrition Program for Women, Infants and Children	29878	5YR	04/27/2007	2007-10/126
R406-200	Program Overview	29879	5YR	04/27/2007	2007-10/126
R406-201	Outreach Program	29880	5YR	04/27/2007	2007-10/127
R406-202	Eligibility	29876	5YR	04/27/2007	2007-10/127
R406-301	Clinic Guidelines	29877	5YR	04/27/2007	2007-10/128
Health Care Financing, Coverage and Reimbursement Policy					
R414-1	Utah Medicaid Program	29819	5YR	04/16/2007	2007-9/36
R414-4A	Outpatient Hospital Services: Payment of Triage Fee	29441	5YR	01/26/2007	2007-4/60
R414-7C	Alternative Remedies for Nursing Facilities	29442	5YR	01/26/2007	2007-4/60
R414-10	Physician Services	29435	5YR	01/26/2007	2007-4/61
R414-10A	Transplant Services Standards	29493	5YR	02/02/2007	2007-5/27
R414-21	Physical and Occupational Therapy	29816	5YR	04/16/2007	2007-9/37
R414-38	Personal Care Service	29817	5YR	04/16/2007	2007-9/37
R414-45	Personal Supervision by a Physician	29466	5YR	01/31/2007	2007-4/61
R414-303-17	Personal Assistance Waiver for Adults with Physical Disabilities	29543	AMD	05/01/2007	2007-6/23
R414-308	Application, Eligibility Determinations and Improper Medical Assistance	29469	AMD	04/01/2007	2007-4/22
R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	29380	AMD	03/09/2007	2007-2/91
R414-510	Intermediate Care Facility for Individuals with Mental Retardation Transition Program	29197	NEW	01/17/2007	2006-23/66
Health Systems Improvement, Emergency Medical Services					
R426-16	Emergency Medical Services Maximum Ambulance Transportation Rates and Charges	29392	AMD	04/01/2007	2007-3/9
Center for Health Data, Health Care Statistics					
R428-1	Adoption of Health Data Plan	29788	5YR	04/03/2007	2007-9/38
R428-2	Health Data Authority Standards for Health Data	29789	5YR	04/03/2007	2007-9/38
R428-5	Appeal and Adjudicative Proceedings	29790	5YR	04/03/2007	2007-9/39
R428-10	Health Data Authority Hospital Inpatient Reporting Rule	29791	5YR	04/03/2007	2007-9/39
R428-12	Health Data Authority Survey of Enrollees in Health Maintenance Organizations	29792	5YR	04/03/2007	2007-9/40
R428-20	Health Data Authority Request for Health Data Information	29793	5YR	04/03/2007	2007-9/40
Health Systems Improvement, Licensing					
R432-100-33	General Hospital Standards	29525	AMD	04/11/2007	2007-5/14
Epidemiology and Laboratory Services, Laboratory Services					
R438-12	Rules for the Authorization of Individuals Other Than Physicians, Registered Nurses, or Practical Nurses to Withdraw Blood for Alcoholic or Drug Determinations When Requested by a Peace Officer, and for Issuance of Permits to Such Individuals	29926	5YR	05/08/2007	Not Printed
Epidemiology and Laboratory Services, Laboratory Improvement					
R444-11	Rules for Approval to Perform Blood Alcohol Examinations	29861	5YR	04/25/2007	2007-10/128
R444-14	Rule for the Certification of Environmental Laboratories	29549	5YR	02/26/2007	2007-6/39

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Human Services					
Administration					
R495-810	Government Records Access and Management Act	29497	5YR	02/05/2007	2007-5/27
R495-878	Department of Human Services Civil Rights Complaint Procedure	29498	5YR	02/05/2007	2007-5/28
Child and Family Services					
R512-10	Youth Advocate Program	29387	5YR	01/03/2007	2007-3/58
R512-43	Adoption Assistance	29388	5YR	01/03/2007	2007-3/59
R512-60	Children's Trust Account	29390	5YR	01/03/2007	2007-3/59
Substance Abuse and Mental Health					
R523-1-2	State and Local Relationships	29381	AMD	02/26/2007	2007-2/97
R523-1-5	Fee for Service	29245	AMD	01/30/2007	2006-24/29
R523-1-11	Policies and Procedures Relating to Referrals, Admissions, and Transfers of Mental Health Consumers to the Utah State Hospital and Between Mental Health Center Catchment Areas	29382	AMD	02/26/2007	2007-2/99
R523-20-2	Providers' Application for Funding - Fee Collection Policy	29246	AMD	01/30/2007	2006-24/31
R523-23	Alcohol Training and Education Seminar Rules of Administration	28928	AMD	01/30/2007	2006-17/43
R523-23	On-Premise Alcohol Training and Education Seminar Rules of Administration	28928	CPR	01/30/2007	2006-24/43
Substance Abuse and Mental Health, State Hospital					
R525-1	Medical Records	29434	REP	04/02/2007	2007-4/27
Recovery Services					
R527-5	Release of Information	29415	5YR	01/16/2007	2007-3/60
R527-34	Non-IV-A Services	29416	5YR	01/16/2007	2007-3/61
R527-35	Non-IV-A Fee Schedule	29417	5YR	01/16/2007	2007-3/61
R527-201	Medical Support Services	29418	5YR	01/16/2007	2007-3/62
Juvenile Justice Services					
R547-14	Possession of Prohibited Items in Juvenile Detention Facilities	29897	5YR	04/30/2007	2007-10/129
Insurance					
Administration					
R590-68	Insider Trading of Equity Securities of Domestic Stock Insurance Companies	29815	5YR	04/13/2007	2007-9/41
R590-70	Insurance Holding Companies	29451	5YR	01/29/2007	2007-4/62
R590-85	Individual Accident and Health Insurance and Individual and Group Medicare Supplement Rates	29821	5YR	04/16/2007	2007-9/41
R590-95	Rule to Permit the Same Minimum Nonforfeiture Standards for Men and Women Insureds Under the 1980 CSO and 1980 CET Mortality Tables	29447	5YR	01/27/2007	2007-4/62
R590-99	Delay or Failure to Record Documents and the Insuring of Properties with the False Appearance of Unmarketability as Unfair Title Insurance Practices	29446	5YR	01/27/2007	2007-4/63
R590-101	Appointment and Termination of Individuals Licensed as Agents, and Organizations Licensed as Agents by Insurers	29820	5YR	04/16/2007	2007-9/42
R590-102	Insurance Department Fee Payment Rule	29443	5YR	01/26/2007	2007-4/63

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R590-103	Security Deposits	29406	5YR	01/11/2007	2007-3/62
R590-108	Interest Rate During Grace Period or Upon Reinstatement of Policy	29814	5YR	04/13/2007	2007-9/43
R590-114	Letters of Credit	29452	5YR	01/29/2007	2007-4/64
R590-116	Valuation of Assets	29583	5YR	02/28/2007	2007-6/39
R590-117	Valuation of Liabilities	29584	5YR	02/28/2007	2007-6/40
R590-118	Licensing Examination Rule	29813	5YR	04/13/2007	2007-9/43
R590-120	Surety Bond Forms	29823	5YR	04/16/2007	2007-9/44
R590-121	Rate Modification Plan Rule	29403	5YR	01/11/2007	2007-3/63
R590-121-2	Authority	29726	NSC	04/12/2007	Not Printed
R590-123	Additions and Deletions of Designees by Organizations	29445	5YR	01/27/2007	2007-4/64
R590-123-1	Authority	29448	NSC	02/13/2007	Not Printed
R590-126	Accident and Health Insurance Standards	29404	5YR	01/11/2007	2007-3/63
R590-126-4	Prohibited Policy Provisions	29431	AMD	04/09/2007	2007-4/28
R590-133	Variable Contracts	29411	5YR	01/12/2007	2007-3/64
R590-142	Continuing Education Rule	29444	5YR	01/26/2007	2007-4/65
R590-143	Life and Health Reinsurance Agreements	29450	5YR	01/29/2007	2007-4/65
R590-146	Medicare Supplement Insurance Standards	29822	5YR	04/16/2007	2007-9/44
R590-147	Annual and Quarterly Statement Filing Instructions	29449	5YR	01/29/2007	2007-4/66
R590-150	Commissioner's Acceptance of Examination Reports	29454	5YR	01/29/2007	2007-4/66
R590-176	Health Benefit Plan Enrollment	29400	5YR	01/11/2007	2007-3/65
R590-181	Yankee Bond Rule	29407	5YR	01/11/2007	2007-3/65
R590-182	Risk Based Capital Instructions	29410	5YR	01/12/2007	2007-3/66
R590-203	Health Grievance Review Process and Disability Claims	29826	5YR	04/17/2007	2007-10/129
R590-211-1	Authority	29724	NSC	04/12/2007	Not Printed
R590-220	Submission of Accident and Health Insurance Filings	28767	CPR	01/22/2007	2006-24/44
R590-220	Submission of Accident and Health Insurance Filings	28767	CPR	01/22/2007	2006-16/30
R590-220	Submission of Accident and Health Insurance Filings	28767	AMD	01/22/2007	2006-12/27
R590-225-6	Filing Submission Requirements	29290	AMD	01/22/2007	2006-24/32
R590-236	HIPAA Eligibility Following Receipt of a Certificate of Insurability or Denial by an Individual Carrier	29430	AMD	04/09/2007	2007-4/30
R590-239	Exemption of Student Health Centers From Insurance Code	29419	NEW	04/09/2007	2007-3/13
Title and Escrow Commission					
R592-4-5	Charges	29725	NSC	04/12/2007	Not Printed
Labor Commission					
Industrial Accidents					
R612-4-2	Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund	29124	AMD	01/01/2007	2006-21/49
Occupational Safety and Health					
R614-1-4	Incorporation of Federal Standards	29282	AMD	01/23/2007	2006-24/33
Safety					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	29313	AMD	02/08/2007	2007-1/24

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	29527	AMD	04/24/2007	2007-6/26
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	29581	AMD	04/24/2007	2007-6/25
Money Management Council					
Administration					
R628-17	Limitations on Commercial Paper and Corporate Notes	29222	NEW	01/09/2007	2006-23/68
Natural Resources					
Oil, Gas and Mining; Administration					
R642-100	Records of the Division and Board of Oil, Gas and Mining	29596	5YR	03/07/2007	2007-7/170
Oil, Gas and Mining; Abandoned Mine Reclamation					
R643-870	Abandoned Mine Reclamation Regulation Definitions	29597	5YR	03/07/2007	2007-7/170
R643-872	Abandoned Mine Reclamation Fund	29598	5YR	03/07/2007	2007-7/171
R643-874	General Reclamation Requirements	29599	5YR	03/07/2007	2007-7/171
R643-875	Noncoal Reclamation	29600	5YR	03/07/2007	2007-7/172
R643-877	Rights of Entry	29601	5YR	03/07/2007	2007-7/172
R643-879	Acquisition, Management, and Disposition of Lands and Water	29602	5YR	03/07/2007	2007-7/173
R643-882	Reclamation on Private Land	29603	5YR	03/07/2007	2007-7/173
R643-884	State Reclamation Plan	29604	5YR	03/07/2007	2007-7/174
R643-886	State Reclamation Grants	29605	5YR	03/07/2007	2007-7/174
Oil, Gas and Mining; Coal					
R645-100	Administrative: Introduction	29606	5YR	03/07/2007	2007-7/175
R645-103	Areas Unsuitable for Coal Mining and Reclamation Operations	29607	5YR	03/07/2007	2007-7/175
R645-200	Coal Exploration: Introduction	29608	5YR	03/07/2007	2007-7/176
R645-201	Coal Exploration: Requirements for Exploration Approval	29609	5YR	03/07/2007	2007-7/176
R645-202	Coal Exploration: Compliance Duties	29610	5YR	03/07/2007	2007-7/177
R645-203	Coal Exploration: Public Availability of Information	29611	5YR	03/07/2007	2007-7/177
R645-300	Coal Mine Permitting: Administrative Procedures	29612	5YR	03/07/2007	2007-7/178
R645-301	Coal Mine Permitting: Permit Application Requirements	29613	5YR	03/07/2007	2007-7/178
R645-302	Coal Mine Permitting: Special Categories and Areas of Mining	29614	5YR	03/07/2007	2007-7/179
R645-303	Coal Mine Permitting: Change, Renewal, and Transfer, Assignment, or Sale of Permit Rights	29615	5YR	03/07/2007	2007-7/179
R645-402	Inspection and Enforcement: Individual Civil Penalties	29616	5YR	03/07/2007	2007-7/180
Oil, Gas and Mining; Oil and Gas					
R649-1	Oil and Gas General Rules	29617	5YR	03/07/2007	2007-7/180
R649-2	General Rules	29618	5YR	03/07/2007	2007-7/181
R649-3	Drilling and Operating Practices	29619	5YR	03/07/2007	2007-7/181
R649-5	Underground Injection Control of Recovery Operations and Class II Injection Wells	29620	5YR	03/07/2007	2007-7/182
R649-8	Reporting and Report Forms	29621	5YR	03/07/2007	2007-7/182
R649-9	Waste Management and Disposal	29622	5YR	03/07/2007	2007-7/183
Parks and Recreation					
R651-634-1	User Permits and Fees	29163	AMD	01/02/2007	2006-22/39

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Forestry, Fire and State Lands					
R652-1	Definition of Terms	29756	5YR	04/02/2007	2007-8/130
R652-3	Applicant Qualifications and Application Forms	29758	5YR	04/02/2007	2007-8/131
R652-4	Application Fees and Assessments	29761	5YR	04/02/2007	2007-8/131
R652-5	Payments, Royalties, Audits, and Reinstatements	29757	5YR	04/02/2007	2007-8/132
R652-6	Government Records Access and Management	29766	5YR	04/02/2007	2007-8/132
R652-20	Mineral Resources	29760	5YR	04/02/2007	2007-8/133
R652-20-1600	Posting Dates/Simultaneous Filing	29468	AMD	03/26/2007	2007-4/36
R652-30	Special Use Leases	29759	5YR	04/02/2007	2007-8/133
R652-40	Easements	29767	5YR	04/02/2007	2007-8/134
R652-50	Range Management	29764	5YR	04/02/2007	2007-8/134
R652-60	Cultural Resources	29755	5YR	04/02/2007	2007-8/135
R652-70	Sovereign Lands	29765	5YR	04/02/2007	2007-8/135
R652-90	Sovereign Land Management Planning	29763	5YR	04/02/2007	2007-8/136
R652-100	Materials Permits	29762	5YR	04/02/2007	2007-8/136
R652-122-300	Minimum Standards for Wildland Fire Training	29170	AMD	01/03/2007	2006-22/40
R652-122-300	Minimum Standards for Wildland Fire Training	29467	NSC	02/13/2007	Not Printed
R652-130	Leaf-it-to-us, Children's Crusade for Trees Administration (EXPIRED RULE)	29800	NSC	04/03/2007	Not Printed
R652-140	Utah Forest Practices Act (EXPIRED RULE)	29433	NSC	01/23/2007	Not Printed
R652-140	Utah Forest Practices Act	29461	NEW	03/26/2007	2007-4/37
Wildlife Resources					
R657-2	Adjudicative Proceedings.	29922	5YR	05/07/2007	Not Printed
R657-5	Taking Big Game	29351	AMD	02/07/2007	2007-1/25
R657-5-43	General Archery Elk Hunt	29502	AMD	04/09/2007	2007-5/17
R657-12	Hunting and Fishing Accommodations for Disabled People	29637	AMD	05/08/2007	2007-7/73
R657-17-3	Lifetime License Entitlement	29328	AMD	02/07/2007	2007-1/34
R657-20	Falconry	29398	5YR	01/10/2007	2007-3/66
R657-20	Falconry	29401	AMD	03/12/2007	2007-3/19
R657-22	Commercial Hunting Areas.	29921	5YR	05/07/2007	Not Printed
R657-22-3	Application for a Certificate of Registration	29635	AMD	05/08/2007	2007-7/75
R657-27	License Agent Procedures	29794	5YR	04/04/2007	2007-9/45
R657-27	License Agent Procedures	29636	AMD	05/08/2007	2007-7/76
R657-29	Government Records Access Management Act.	29916	5YR	05/03/2007	Not Printed
R657-30	Terminally Ill Fishing License.	29920	5YR	05/07/2007	Not Printed
R657-33	Taking Bear	29402	AMD	03/12/2007	2007-3/24
R657-38	Dedicated Hunter Program	29329	AMD	02/07/2007	2007-1/35
R657-41-2	Definitions	29201	AMD	01/09/2007	2006-23/69
R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	29330	AMD	02/07/2007	2007-1/37
R657-43	Landowner Permits	29639	5YR	03/13/2007	2007-7/183
R657-43	Landowner Permits (5YR EXTENSION)	29580	NSC	03/13/2007	Not Printed
R657-43	Landowner Permits	29704	NSC	04/12/2007	Not Printed
R657-44-6	Damage to Livestock Forage on Private Land	29638	AMD	05/08/2007	2007-7/79
R657-49	Big Game Conservation Easements on Former School Trust Lands (5YR EXTENSION)	29165	NSC	02/07/2007	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R657-49	Big Game Conservation Easements on Former School Trust Lands	29349	REP	02/07/2007	2007-1/39
R657-50	Error Remedy	29795	5YR	04/04/2007	2007-9/45
R657-50	Error Remedy	29703	NSC	04/12/2007	Not Printed
R657-51	Youth Permits (5YR EXTENSION)	29536	NSC	04/23/2007	Not Printed
R657-51	Youth Permits	29530	REP	04/23/2007	2007-6/27
Public Safety					
Administration					
R698-1	Public Petitions for Declaratory Orders	29384	5YR	01/02/2007	2007-2/118
R698-2	Government Records Access and Management Act Rule	29385	5YR	01/02/2007	2007-2/118
R698-3	Americans With Disabilities Act (ADA) Complaint Procedure	29386	5YR	01/02/2007	2007-2/119
R698-100	Possession of Firearms, Ammunition, Dangerous Weapons, Explosives, Chemical and Incendiary Devices in Olympic Venue Secure Areas (5YR EXTENSION)	29331	NSC	04/02/2007	Not Printed
R698-100	Possession of Firearms, Ammunition, Dangerous Weapons, Explosives, Chemical and Incendiary Devices in Olympic Venue Secure Areas	29787	5YR	04/02/2007	2007-8/136
Driver License					
R708-2	Commercial Driver Training Schools	29593	5YR	03/02/2007	2007-7/184
R708-3	Driver License Point System Administration	29590	5YR	03/02/2007	2007-7/184
R708-7	Functional Ability in Driving: Guidelines for Physicians	29633	5YR	03/13/2007	2007-7/184
R708-7-10	Use of the Functional Ability Profile	29582	AMD	04/23/2007	2007-6/29
R708-8	Review Process: Driver License Medical Section	29723	5YR	03/23/2007	2007-8/137
R708-14	Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	29591	5YR	03/02/2007	2007-7/185
R708-21	Third-Party Testing	29727	5YR	03/23/2007	2007-8/137
R708-25	Commercial Driver License Applicant Fitness Certification	29734	5YR	03/26/2007	2007-8/138
R708-25	Commercial Driver License Applicant Fitness Certification	29741	NSC	04/12/2007	Not Printed
R708-27	Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests	29729	5YR	03/23/2007	2007-8/139
R708-34	Medical Waivers for Intrastate Commercial Driving Privileges	29589	5YR	03/02/2007	2007-7/185
R708-35	Adjudicative Proceedings For Driver License Offenses Not Involving Alcohol or Drug Actions	29592	5YR	03/02/2007	2007-7/186
Fire Marshal					
R710-1	Concerns Servicing Portable Fire Extinguishers	29677	AMD	05/08/2007	2007-7/80
R710-2	Rules Pursuant to the Utah Fireworks Act	29422	AMD	03/12/2007	2007-3/27
R710-2-7	Importer, Wholesaler, Display or Special Effects Operator Licenses	29679	NSC	03/29/2007	Not Printed
R710-3	Assisted Living Facilities	29235	AMD	01/09/2007	2006-23/70
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	29233	AMD	01/09/2007	2006-23/72
R710-4-3	Amendments and Additions	29683	AMD	05/08/2007	2007-7/82
R710-6	Liquefied Petroleum Gas Rules	29423	AMD	03/12/2007	2007-3/29
R710-8	Day Care Rules	29234	AMD	01/09/2007	2006-23/76
R710-8	Day Care Rules	29706	5YR	03/16/2007	2007-8/139
R710-9	Rules Pursuant to the Utah Fire Prevention Law	29232	AMD	01/09/2007	2006-23/78

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R710-9	Rules Pursuant to the Utah Fire Prevention Law	29421	AMD	03/12/2007	2007-3/32
R710-9	Rules Pursuant to the Utah Fire Prevention Law	29702	AMD	05/08/2007	2007-7/83
R710-11	Fire Alarm System Inspecting and Testing	29701	AMD	05/08/2007	2007-7/88
Peace Officer Standards and Training					
R728-101	Public Petitions For Declaratory Rulings	29551	5YR	02/26/2007	2007-6/40
R728-205-1	Authority	29196	AMD	01/20/2007	2006-23/83
R728-205-1	Authority	29374	NSC	01/20/2007	Not Printed
R728-401	Requirements For Approval and Certification of Peace Officer Basic Training Programs and Applicants	29548	5YR	02/26/2007	2007-6/67
R728-401	Requirements For Approval and Certification of Peace Officer Basic Training Programs and Applicants	29552	5YR	02/26/2007	2007-6/41
R728-401-3	Procedures for Course Validation	29147	AMD	01/20/2007	2006-22/45
R728-402	Application Procedures to Attend a Basic Peace Officer Training Program	29176	AMD	01/20/2007	2006-22/47
R728-402	Application Procedures to Attend a Basic Peace Officer Training Program	29553	5YR	02/26/2007	2007-6/41
R728-403	Qualifications For Admission To Certified Peace Officer Training Academies	29557	5YR	02/26/2007	2007-6/42
R728-404	Basic Training Basic Academy Rules	29558	5YR	02/26/2007	2007-6/42
R728-405	Drug Testing Requirement	29559	5YR	02/26/2007	2007-6/43
R728-406	Requirements For Approval and Certification of Basic Correctional, Reserve and Special Function Training Programs and Applicants	29560	5YR	02/26/2007	2007-6/43
R728-407	Waiver/Reactivation Process	29561	5YR	02/26/2007	2007-6/44
R728-409	Refusal, Suspension, or Revocation of Peace Officer Certification	29562	5YR	02/27/2007	2007-6/44
R728-410	Guidelines Regarding Failure To Obtain Annual Statutory Training	29563	5YR	02/27/2007	2007-6/45
R728-500	Utah Peace Officer Standards and Training In-Service Training Certification Procedures	29565	5YR	02/27/2007	2007-6/45
Public Service Commission					
Administration					
R746-348	Interconnection	29428	5YR	01/22/2007	2007-4/67
R746-349	Competitive Entry and Reporting Requirements	29626	5YR	03/08/2007	2007-7/186
R746-351	Pricing Flexibility	29627	5YR	03/09/2007	2007-7/187
R746-409	Pipeline Safety	29438	AMD	03/27/2007	2007-4/38
R746-440	Significant Energy Resource Solicitation	29378	NEW	03/19/2007	2007-2/111
Regents (Board Of)					
University of Utah, Parking and Transportation Services					
R810-2	Parking Meters	29532	5YR	02/21/2007	2007-6/46
R810-5	Permit Types, Eligibility, and Designated Parking Areas	29539	5YR	02/22/2007	2007-6/46
R810-6	Permit Prices and Refunds	29537	5YR	02/21/2007	2007-6/47
R810-9	Contractors and Their Employees	29540	5YR	02/22/2007	2007-6/47
R810-10	Enforcement System	29541	5YR	02/22/2007	2007-6/47
R810-11	Appeals System	29542	5YR	02/22/2007	2007-6/48
School and Institutional Trust Lands					
Administration					
R850-11	Procurement	29859	5YR	04/24/2007	2007-10/130

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R850-90	Land Exchanges	29408	5YR	01/12/2007	2007-3/66
R850-120	Beneficiary Use of Institutional Trust Lands.	29409	5YR	01/12/2007	2007-3/67
Science Technology and Research Governing Auth.					
Administration					
R856-1	Formation and Funding of Utah Science Technology and Research Innovation Teams	29298	NEW	04/04/2007	2006-24/35
R856-1-6	Ongoing Funding for Utah Science Technology and Research Innovation Team	29375	AMD	04/04/2007	2007-2/113
R856-2	Distribution of Utah Science Technology and Research Commercialization Revenues	29299	NEW	04/04/2007	2006-24/37
Tax Commission					
Administration					
R861-1A	Administrative Procedures	29713	5YR	03/20/2007	2007-8/139
R861-1A-19	Definition of Bond Pursuant to Utah Code Ann. Section 59-1-505	29324	AMD	02/12/2007	2007-1/41
Auditing					
R865-3C	Corporation Income Tax	29714	5YR	03/21/2007	2007-8/142
R865-4D	Special Fuel Tax	29556	5YR	02/26/2007	2007-6/48
R865-6F	Franchise Tax	29624	5YR	03/08/2007	2007-7/187
R865-6F-30	Higher Education Savings Incentive Program Tax Deduction Pursuant to Utah Code Ann. Sections 53B-8a-112, 59-7-105, and 59-7-106	29323	AMD	02/12/2007	2007-1/41
R865-6F-37	Disclosure of Reportable Transactions and Material adviser List Pursuant to Utah Code Ann. Sections 59-1-1301 through 59-1-1309	29437	AMD	04/16/2007	2007-4/40
R865-9I	Income Tax	29712	5YR	03/20/2007	2007-8/142
R865-9I-32	Confidentiality of Return Information, Penalties, and Exchange of Information With the Internal Revenue Service or Governmental Units Pursuant to Utah Code Ann. Section 59-10-545	29320	AMD	02/12/2007	2007-1/42
R865-9I-42	Order of Credits Applied Against Utah Individual Income Tax Due Pursuant to Utah Code Ann. Sections 9-2-413, 59-6-102, 59-13-202, and Title 59, Chapter 10	29786	NSC	04/12/2007	Not Printed
R865-9I-49	Higher Education Savings Incentive Program Tax Deduction Pursuant to Utah Code Ann. Sections 53B-8a-112 and 59-10-114	29315	AMD	02/12/2007	2007-1/43
R865-9I-52	Subtractions For Health Care Insurance and For Premiums for Long-term Care Insurance Pursuant to Utah Code Ann. Section 59-10-114	29314	AMD	02/12/2007	2007-1/44
R865-9I-53	Disclosure of Reportable Transactions and Material adviser List Pursuant to Utah Code Ann. Sections 59-1-1301 through 59-1-1309	29436	AMD	04/16/2007	2007-4/41
R865-11Q	Sales and Use Tax	29644	5YR	03/14/2007	2007-7/189
R865-12L	Local Sales and Use Tax	29705	5YR	03/16/2007	2007-8/144
R865-13G	Motor Fuel Tax	29628	5YR	03/09/2007	2007-7/190
R865-14W	Mineral Producers' Withholding Tax	29707	5YR	03/19/2007	2007-8/146
R865-15O	Oil and Gas Tax	29708	5YR	03/19/2007	2007-8/146
R865-19S	Sales and Use Tax	29641	5YR	03/13/2007	2007-7/191
R865-20T	Tobacco Tax	29709	5YR	03/19/2007	2007-8/147
R865-20T-12	Definition of Counterfeit Tax Stamp Pursuant to Utah Code Ann. Section 59-14-102	29325	AMD	02/12/2007	2007-1/45
R865-20T-12	Definition of Counterfeit Tax Stamp Pursuant to Utah Code Ann. Section 59-14-102	29643	NSC	03/29/2007	Not Printed
R865-25X	Brine Shrimp Royalty	29715	5YR	03/21/2007	2007-8/148

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Motor Vehicle					
R873-22M	Motor Vehicle	29631	5YR	03/12/2007	2007-7/194
Motor Vehicle Enforcement					
R877-23V	Motor Vehicle Enforcement	29651	5YR	03/14/2007	2007-7/196
Property Tax					
R884-24P	Property Tax	29630	5YR	03/12/2007	2007-7/197
R884-24P-19	Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702	29223	AMD	01/12/2007	2006-23/83
Transportation					
Administration					
R907-66	Administration, Architecture/Engineering Services Procurement, Consultant Services -- Eligibility of Costs for Reimbursement -- Bonuses or Incentive Compensation	29182	AMD	01/03/2007	2006-22/50
Motor Carrier					
R909-1-1	Adoption of Federal Regulations	29338	AMD	02/08/2007	2007-1/45
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation, and Certification	29341	AMD	02/08/2007	2007-1/46
R909-75	Adoption of Federal Regulations	29339	AMD	02/08/2007	2007-1/49
Motor Carrier, Ports of Entry					
R912-76	Single Tire Configuration	29426	5YR	01/19/2007	2007-4/68
Operations, Construction					
R916-1	Advertising and Awarding Construction Contracts	29183	AMD	01/03/2007	2006-22/52
R916-2-3	Prequalification Policy	29184	AMD	01/03/2007	2006-22/53
Operations, Traffic and Safety					
R920-50-1	Utah Ropeway Rules for Passenger Ropeways	29340	AMD	02/13/2007	2007-1/50
Program Development					
R926-4	Establishing and Defining a Functional Classification of Highways in the State of Utah	29455	NEW	03/26/2007	2007-4/43
R926-6	Transportation Corridor Preservation Revolving Loan Fund	29358	AMD	02/22/2007	2007-2/114
Workforce Services					
Employment Development					
R986-200	Family Employment Program	29587	AMD	05/01/2007	2007-6/30
R986-200-215	Family Employment Program Two Parent Household (FEPTP)	29414	AMD	03/15/2007	2007-3/36
R986-200-246	Transitional Cash Assistance	29300	AMD	02/01/2007	2006-24/38
R986-700	Child Care Assistance	29301	AMD	02/01/2007	2006-24/39
R986-700	Child Care Assistance	29491	AMD	04/01/2007	2007-4/44
R986-900-902	Options and Waivers	29588	AMD	05/01/2007	2007-6/34
Unemployment Insurance					
R994-306-202	Relief of Charges Decisions	29743	NSC	04/12/2007	Not Printed

RULES INDEX - BY KEYWORD (SUBJECT)

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

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
access					
Environmental Quality, Drinking Water	29782	R309-545	5YR	04/02/2007	2007-8/126
access to information					
Administrative Services, Administration	29771	R13-2	5YR	04/02/2007	2007-8/119
accountants					
Commerce, Occupational and Professional Licensing	29473	R156-26a	5YR	02/01/2007	2007-4/56
accreditation					
Education, Administration	29477	R277-505	AMD	03/27/2007	2007-4/13
	29737	R277-505-5	NSC	04/12/2007	Not Printed
acupuncture					
Commerce, Occupational and Professional Licensing	29395	R156-72	5YR	01/09/2007	2007-3/57
	29735	R156-72-302c	NSC	04/12/2007	Not Printed
adjudicative proceedings					
Administrative Services, Facilities Construction and Management	29474	R23-25	AMD	04/11/2007	2007-4/2
Public Safety, Driver License	29591	R708-14	5YR	03/02/2007	2007-7/185
	29592	R708-35	5YR	03/02/2007	2007-7/186
administration procedures					
Environmental Quality, Drinking Water	29362	R309-300-13	NSC	03/06/2007	Not Printed
administrative law					
Administrative Services, Administrative Rules	29554	R15-3-5	AMD	04/30/2007	2007-6/5
Administrative Services, Facilities Construction and Management	29474	R23-25	AMD	04/11/2007	2007-4/2
administrative procedure					
Natural Resources, Wildlife Resources	29922	R657-2	5YR	05/07/2007	Not Printed
administrative procedures					
Environmental Quality, Drinking Water	29361	R309-115-2	NSC	03/06/2007	Not Printed
	29363	R309-150	AMD	03/06/2007	2007-2/31
	29360	R309-405-4	NSC	03/06/2007	Not Printed
Natural Resources, Forestry, Fire and State Lands	29756	R652-1	5YR	04/02/2007	2007-8/130
	29758	R652-3	5YR	04/02/2007	2007-8/131
	29761	R652-4	5YR	04/02/2007	2007-8/131

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29757	R652-5	5YR	04/02/2007	2007-8/132
	29760	R652-20	5YR	04/02/2007	2007-8/133
	29468	R652-20-1600	AMD	03/26/2007	2007-4/36
	29759	R652-30	5YR	04/02/2007	2007-8/133
	29767	R652-40	5YR	04/02/2007	2007-8/134
	29764	R652-50	5YR	04/02/2007	2007-8/134
	29765	R652-70	5YR	04/02/2007	2007-8/135
	29762	R652-100	5YR	04/02/2007	2007-8/136
	29800	R652-130	NSC	04/03/2007	Not Printed
Public Safety, Administration	29384	R698-1	5YR	01/02/2007	2007-2/118
Public Safety, Driver License	29633	R708-7	5YR	03/13/2007	2007-7/184
	29582	R708-7-10	AMD	04/23/2007	2007-6/29
	29723	R708-8	5YR	03/23/2007	2007-8/137
School and Institutional Trust Lands, Administration	29408	R850-90	5YR	01/12/2007	2007-3/66
	29409	R850-120	5YR	01/12/2007	2007-3/67
adoption					
Human Services, Child and Family Services	29388	R512-43	5YR	01/03/2007	2007-3/59
advertising					
Commerce, Consumer Protection	29470	R152-11	5YR	02/01/2007	2007-4/55
Transportation, Operations, Construction	29183	R916-1	AMD	01/03/2007	2006-22/52
agricultural law					
Agriculture and Food, Plant Industry	29453	R68-19	5YR	01/29/2007	2007-4/55
Agriculture and Food, Regulatory Services	29492	R70-201	5YR	02/02/2007	2007-5/21
air pollution					
Environmental Quality, Air Quality	29661	R307-101	5YR	03/15/2007	2007-7/150
	29000	R307-101-2	CPR	03/09/2007	2007-3/39
	29000	R307-101-2	AMD	03/09/2007	2006-19/27
	29662	R307-110	5YR	03/15/2007	2007-7/151
	29001	R307-110-13	CPR	03/09/2007	2007-3/40
	29801	R307-110-20	NSC	05/02/2007	Not Printed
	29514	R307-110-20	AMD	05/02/2007	2007-5/13
	29227	R307-110-36	AMD	02/09/2007	2006-23/7
	29293	R307-110-36	NSC	02/09/2007	Not Printed
	29327	R307-120	AMD	03/09/2007	2007-1/7
	29653	R307-120	5YR	03/15/2007	2007-7/155
	29654	R307-130	5YR	03/15/2007	2007-7/155
	29659	R307-135	5YR	03/15/2007	2007-7/156
	29228	R307-210	AMD	03/15/2007	2006-23/8
	29194	R307-214-2	AMD	02/09/2007	2006-23/10
	29229	R307-220	AMD	05/09/2007	2006-23/12
	29229	R307-220	CPR	05/09/2007	2007-7/136
	29655	R307-220	5YR	03/15/2007	2007-7/156
	29656	R307-221	5YR	03/15/2007	2007-7/157

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29657	R307-222	5YR	03/15/2007	2007-7/157
	29658	R307-223	5YR	03/15/2007	2007-7/158
	29230	R307-224	NEW	03/15/2007	2006-23/14
	29002	R307-320	CPR	03/09/2007	2007-3/40
	29002	R307-320	AMD	03/09/2007	2006-19/32
	29663	R307-320	5YR	03/15/2007	2007-7/160
	29664	R307-325	5YR	03/15/2007	2007-7/160
	29003	R307-325	CPR	03/09/2007	2007-3/42
	29003	R307-325	AMD	03/09/2007	2006-19/35
	29006	R307-326	AMD	03/09/2007	2006-19/37
	29006	R307-326	CPR	03/09/2007	2007-3/43
	29665	R307-326	5YR	03/15/2007	2007-7/161
	29526	R307-326-1	NSC	03/09/2007	Not Printed
	29004	R307-327	CPR	03/09/2007	2007-3/45
	29004	R307-327	AMD	03/09/2007	2006-19/40
	29666	R307-327	5YR	03/15/2007	2007-7/163
	29667	R307-328	5YR	03/15/2007	2007-7/164
	29005	R307-328	AMD	01/16/2007	2006-19/43
	29150	R307-328-1	NSC	01/16/2007	Not Printed
	29007	R307-332	REP	01/16/2007	2006-19/46
	29008	R307-335	AMD	01/16/2007	2006-19/49
	29668	R307-335	5YR	03/15/2007	2007-7/165
	29669	R307-340	5YR	03/15/2007	2007-7/165
	29009	R307-340	AMD	03/09/2007	2006-19/52
	29009	R307-340	CPR	03/09/2007	2007-3/46
	29151	R307-340-1	NSC	03/09/2007	Not Printed
	29670	R307-341	5YR	03/15/2007	2007-7/166
	29010	R307-341	AMD	01/16/2007	2006-19/59
	29011	R307-342	AMD	01/16/2007	2006-19/60
	29671	R307-342	5YR	03/15/2007	2007-7/167
	29672	R307-343	5YR	03/15/2007	2007-7/167
	29012	R307-343	AMD	03/09/2007	2006-19/63
	29012	R307-343	CPR	03/09/2007	2007-3/51
	29508	R307-343-6	NSC	03/09/2007	Not Printed
	29231	R307-424	NEW	05/09/2007	2006-23/15
	29231	R307-424	CPR	05/09/2007	2007-7/137
air pollution control Environmental Quality, Air Quality	29660	R307-301	5YR	03/15/2007	2007-7/158
aircraft Tax Commission, Motor Vehicle	29631	R873-22M	5YR	03/12/2007	2007-7/194
alcoholic beverages Alcoholic Beverage Control, Administration	29439	R81-1-6	AMD	03/30/2007	2007-4/4
	29440	R81-1-26	AMD	03/30/2007	2007-4/6

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
allocation of commercialization revenues Science Technology and Research Governing Auth., Administration	29299	R856-2	NEW	04/04/2007	2006-24/37
alternative licensing Education, Administration	29749	R277-503	5YR	03/29/2007	2007-8/121
	29692	R277-503	AMD	05/09/2007	2007-7/14
Americans with Disabilities Act 1992 Human Services, Administration	29498	R495-878	5YR	02/05/2007	2007-5/28
annual training Public Safety, Peace Officer Standards and Training	29563	R728-410	5YR	02/27/2007	2007-6/45
appellate procedures Agriculture and Food, Administration	29405	R51-2	5YR	01/11/2007	2007-3/56
appraisals Tax Commission, Property Tax	29630	R884-24P	5YR	03/12/2007	2007-7/197
	29223	R884-24P-19	AMD	01/12/2007	2006-23/83
approval Public Safety, Peace Officer Standards and Training	29548	R728-401	5YR	02/26/2007	2007-6/67
	29552	R728-401	5YR	02/26/2007	2007-6/41
	29147	R728-401-3	AMD	01/20/2007	2006-22/45
approval for correctional basic course Public Safety, Peace Officer Standards and Training	29560	R728-406	5YR	02/26/2007	2007-6/43
approval for reserve basic course Public Safety, Peace Officer Standards and Training	29560	R728-406	5YR	02/26/2007	2007-6/43
approval for special function course Public Safety, Peace Officer Standards and Training	29560	R728-406	5YR	02/26/2007	2007-6/43
art donations Community and Culture, Fine Arts	29529	R207-2	NSC	03/08/2007	Not Printed
art financing Community and Culture, Fine Arts	29528	R207-1	NSC	03/08/2007	Not Printed
art in public places Community and Culture, Fine Arts	29528	R207-1	NSC	03/08/2007	Not Printed
	29529	R207-2	NSC	03/08/2007	Not Printed
art loans Community and Culture, Fine Arts	29529	R207-2	NSC	03/08/2007	Not Printed
art preservation Community and Culture, Fine Arts	29528	R207-1	NSC	03/08/2007	Not Printed
art work Community and Culture, Fine Arts	29529	R207-2	NSC	03/08/2007	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
asbestos					
Environmental Quality, Air Quality	29659	R307-135	5YR	03/15/2007	2007-7/156
asphalt					
Environmental Quality, Air Quality	29670	R307-341	5YR	03/15/2007	2007-7/166
	29010	R307-341	AMD	01/16/2007	2006-19/59
assisted living facilities					
Public Safety, Fire Marshal	29235	R710-3	AMD	01/09/2007	2006-23/70
athletic trainer					
Commerce, Occupational and Professional Licensing	29353	R156-40a	NEW	02/22/2007	2007-2/9
athletics					
Education, Administration	29479	R277-517	AMD	03/27/2007	2007-4/16
attorneys					
Administrative Services, Finance	29424	R25-14	5YR	01/17/2007	2007-4/54
audiology					
Commerce, Occupational and Professional Licensing	29471	R156-41	5YR	02/01/2007	2007-4/57
automobile repair					
Commerce, Consumer Protection	29862	R152-20	5YR	04/26/2007	2007-10/105
	29412	R152-20-2	AMD	03/20/2007	2007-3/4
automobiles					
Commerce, Consumer Protection	29862	R152-20	5YR	04/26/2007	2007-10/105
	29412	R152-20-2	AMD	03/20/2007	2007-3/4
bait and switch					
Commerce, Consumer Protection	29470	R152-11	5YR	02/01/2007	2007-4/55
basic academy rules					
Public Safety, Peace Officer Standards and Training	29558	R728-404	5YR	02/26/2007	2007-6/42
basic application procedures					
Public Safety, Peace Officer Standards and Training	29176	R728-402	AMD	01/20/2007	2006-22/47
	29553	R728-402	5YR	02/26/2007	2007-6/41
beam limitation					
Environmental Quality, Radiation Control	29334	R313-28	AMD	03/16/2007	2007-1/12
bear					
Natural Resources, Wildlife Resources	29402	R657-33	AMD	03/12/2007	2007-3/24
bed allocations					
Human Services, Substance Abuse and Mental Health	29381	R523-1-2	AMD	02/26/2007	2007-2/97
	29245	R523-1-5	AMD	01/30/2007	2006-24/29
	29382	R523-1-11	AMD	02/26/2007	2007-2/99
beneficiaries					
School and Institutional Trust Lands, Administration	29409	R850-120	5YR	01/12/2007	2007-3/67

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
bids					
Transportation, Operations, Construction	29183	R916-1	AMD	01/03/2007	2006-22/52
	29184	R916-2-3	AMD	01/03/2007	2006-22/53
big game					
Natural Resources, Wildlife Resources	29638	R657-44-6	AMD	05/08/2007	2007-7/79
big game conservation easements					
Natural Resources, Wildlife Resources	29165	R657-49	NSC	02/07/2007	Not Printed
	29349	R657-49	REP	02/07/2007	2007-1/39
big game seasons					
Natural Resources, Wildlife Resources	29351	R657-5	AMD	02/07/2007	2007-1/25
	29502	R657-5-43	AMD	04/09/2007	2007-5/17
	29580	R657-43	NSC	03/13/2007	Not Printed
	29639	R657-43	5YR	03/13/2007	2007-7/183
	29704	R657-43	NSC	04/12/2007	Not Printed
birds					
Natural Resources, Wildlife Resources	29401	R657-20	AMD	03/12/2007	2007-3/19
	29398	R657-20	5YR	01/10/2007	2007-3/66
boilers					
Labor Commission, Safety	29527	R616-2-3	AMD	04/24/2007	2007-6/26
	29581	R616-2-3	AMD	04/24/2007	2007-6/25
	29313	R616-2-3	AMD	02/08/2007	2007-1/24
bona fide prospective purchaser					
Environmental Quality, Environmental Response and Remediation	29585	R311-600	NSC	03/26/2007	Not Printed
	29460	R311-600	NEW	03/26/2007	2007-4/18
bonding requirements					
Transportation, Operations, Construction	29183	R916-1	AMD	01/03/2007	2006-22/52
bonuses					
Transportation, Administration	29182	R907-66	AMD	01/03/2007	2006-22/50
boxing					
Commerce, Administration	29927	R151-33	5YR	05/10/2007	Not Printed
brine shrimp royalty					
Tax Commission, Auditing	29715	R865-25X	5YR	03/21/2007	2007-8/148
building codes					
Commerce, Occupational and Professional Licensing	29120	R156-56	AMD	01/01/2007	2006-21/5
	29357	R156-56	NSC	01/01/2007	Not Printed
	29122	R156-56	AMD	01/01/2007	2006-21/33
	29745	R156-56	5YR	03/29/2007	2007-8/119
	29393	R156-56	AMD	03/13/2007	2007-3/7
	29078	R156-56-704	AMD	03/27/2007	2006-20/10
	29078	R156-56-704	CPR	03/27/2007	2007-4/48

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29075	R156-56-711	AMD	01/01/2007	2006-20/13
building inspection					
Commerce, Occupational and Professional Licensing	29120	R156-56	AMD	01/01/2007	2006-21/5
	29745	R156-56	5YR	03/29/2007	2007-8/119
	29357	R156-56	NSC	01/01/2007	Not Printed
	29122	R156-56	AMD	01/01/2007	2006-21/33
	29393	R156-56	AMD	03/13/2007	2007-3/7
	29078	R156-56-704	AMD	03/27/2007	2006-20/10
	29078	R156-56-704	CPR	03/27/2007	2007-4/48
	29075	R156-56-711	AMD	01/01/2007	2006-20/13
capital punishment					
Administrative Services, Finance	29424	R25-14	5YR	01/17/2007	2007-4/54
census					
Transportation, Program Development	29455	R926-4	NEW	03/26/2007	2007-4/43
certification					
Labor Commission, Safety	29581	R616-2-3	AMD	04/24/2007	2007-6/25
	29527	R616-2-3	AMD	04/24/2007	2007-6/26
certifications					
Labor Commission, Safety	29313	R616-2-3	AMD	02/08/2007	2007-1/24
Public Safety, Peace Officer Standards and Training	29562	R728-409	5YR	02/27/2007	2007-6/44
Transportation, Motor Carrier	29341	R909-19	AMD	02/08/2007	2007-1/46
charities					
Tax Commission, Auditing	29641	R865-19S	5YR	03/13/2007	2007-7/191
charity					
Commerce, Consumer Protection	29427	R152-22	AMD	04/02/2007	2007-4/8
child abuse					
Human Services, Child and Family Services	29390	R512-60	5YR	01/03/2007	2007-3/59
child care					
Workforce Services, Employment Development	29301	R986-700	AMD	02/01/2007	2006-24/39
	29491	R986-700	AMD	04/01/2007	2007-4/44
child support					
Human Services, Recovery Services	29415	R527-5	5YR	01/16/2007	2007-3/60
	29416	R527-34	5YR	01/16/2007	2007-3/61
	29417	R527-35	5YR	01/16/2007	2007-3/61
	29418	R527-201	5YR	01/16/2007	2007-3/62
child welfare					
Human Services, Child and Family Services	29387	R512-10	5YR	01/03/2007	2007-3/58
	29388	R512-43	5YR	01/03/2007	2007-3/59
	29390	R512-60	5YR	01/03/2007	2007-3/59

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
children					
Health, Community and Family Health Services, WIC Services	29878	R406-100	5YR	04/27/2007	2007-10/126
	29879	R406-200	5YR	04/27/2007	2007-10/126
	29880	R406-201	5YR	04/27/2007	2007-10/127
	29876	R406-202	5YR	04/27/2007	2007-10/127
	29877	R406-301	5YR	04/27/2007	2007-10/128
children's trust account					
Human Services, Child and Family Services	29390	R512-60	5YR	01/03/2007	2007-3/59
CHIP					
Health, Health Care Financing, Coverage and Reimbursement Policy	29380	R414-320	AMD	03/09/2007	2007-2/91
Civil Rights Act 1964					
Human Services, Administration	29498	R495-878	5YR	02/05/2007	2007-5/28
cleanup standards					
Environmental Quality, Water Quality	29294	R317-6	AMD	01/23/2007	2006-24/23
coaching certification					
Education, Administration	29479	R277-517	AMD	03/27/2007	2007-4/16
coal mines					
Natural Resources, Oil, Gas and Mining; Coal	29606	R645-100	5YR	03/07/2007	2007-7/175
	29607	R645-103	5YR	03/07/2007	2007-7/175
	29608	R645-200	5YR	03/07/2007	2007-7/176
	29609	R645-201	5YR	03/07/2007	2007-7/176
	29610	R645-202	5YR	03/07/2007	2007-7/177
	29611	R645-203	5YR	03/07/2007	2007-7/177
	29612	R645-300	5YR	03/07/2007	2007-7/178
	29613	R645-301	5YR	03/07/2007	2007-7/178
	29614	R645-302	5YR	03/07/2007	2007-7/179
	29615	R645-303	5YR	03/07/2007	2007-7/179
	29616	R645-402	5YR	03/07/2007	2007-7/180
coatings					
Environmental Quality, Air Quality	29012	R307-343	AMD	03/09/2007	2006-19/63
	29012	R307-343	CPR	03/09/2007	2007-3/51
	29672	R307-343	5YR	03/15/2007	2007-7/167
	29508	R307-343-6	NSC	03/09/2007	Not Printed
collections					
Tax Commission, Auditing	29705	R865-12L	5YR	03/16/2007	2007-8/144
communicable diseases					
Health, Epidemiology and Laboratory Services, Epidemiology	29721	R386-702	5YR	03/22/2007	2007-8/128
community-based corrections					
Corrections, Administration	29463	R251-306	5YR	01/31/2007	2007-4/58

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
compliance determinations					
Environmental Quality, Drinking Water	29365	R309-210	AMD	03/06/2007	2007-2/46
	29366	R309-215	AMD	03/06/2007	2007-2/63
confidentiality					
Human Services, Recovery Services	29415	R527-5	5YR	01/16/2007	2007-3/60
confidentiality of information					
Administrative Services, Administration	29771	R13-2	5YR	04/02/2007	2007-8/119
connections					
Environmental Quality, Drinking Water	29783	R309-550	5YR	04/02/2007	2007-8/126
consumer					
Commerce, Consumer Protection	29594	R152-26	5YR	03/05/2007	2007-7/149
	29379	R152-26	AMD	02/23/2007	2007-2/3
consumer confidence report					
Environmental Quality, Drinking Water	29368	R309-225	AMD	03/06/2007	2007-2/89
	29650	R309-225	NSC	03/29/2007	Not Printed
consumer protection					
Commerce, Consumer Protection	29470	R152-11	5YR	02/01/2007	2007-4/55
	29862	R152-20	5YR	04/26/2007	2007-10/105
	29412	R152-20-2	AMD	03/20/2007	2007-3/4
	29427	R152-22	AMD	04/02/2007	2007-4/8
	29238	R152-23	AMD	01/23/2007	2006-24/3
contests					
Commerce, Administration	29927	R151-33	5YR	05/10/2007	Not Printed
continuing education					
Commerce, Real Estate	29837	R162-9	5YR	04/18/2007	2007-10/111
continuing professional education					
Commerce, Occupational and Professional Licensing	29473	R156-26a	5YR	02/01/2007	2007-4/56
contractors					
Commerce, Occupational and Professional Licensing	29393	R156-56	AMD	03/13/2007	2007-3/7
	29120	R156-56	AMD	01/01/2007	2006-21/5
	29122	R156-56	AMD	01/01/2007	2006-21/33
	29745	R156-56	5YR	03/29/2007	2007-8/119
	29357	R156-56	NSC	01/01/2007	Not Printed
	29078	R156-56-704	AMD	03/27/2007	2006-20/10
	29078	R156-56-704	CPR	03/27/2007	2007-4/48
	29075	R156-56-711	AMD	01/01/2007	2006-20/13
contracts					
Transportation, Administration	29182	R907-66	AMD	01/03/2007	2006-22/50
Transportation, Operations, Construction	29183	R916-1	AMD	01/03/2007	2006-22/52
	29184	R916-2-3	AMD	01/03/2007	2006-22/53

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
controlled substances					
Commerce, Occupational and Professional Licensing	29696	R156-37	5YR	03/15/2007	2007-7/150
cooperative agreement					
Natural Resources, Forestry, Fire and State Lands	29467	R652-122-300	NSC	02/13/2007	Not Printed
	29170	R652-122-300	AMD	01/03/2007	2006-22/40
corporation tax					
Tax Commission, Auditing	29714	R865-3C	5YR	03/21/2007	2007-8/142
corrections					
Corrections, Administration	29531	R251-106-3	AMD	05/01/2007	2007-6/9
	29533	R251-107	AMD	05/01/2007	2007-6/11
	29462	R251-305	5YR	01/31/2007	2007-4/58
	29464	R251-707	5YR	01/31/2007	2007-4/59
	29465	R251-710	5YR	01/31/2007	2007-4/59
cosmetologists/barbers					
Commerce, Occupational and Professional Licensing	29432	R156-11a	AMD	03/27/2007	2007-4/9
	29013	R156-11a	CPR	01/11/2007	2006-23/87
	29810	R156-11a	5YR	04/12/2007	2007-9/33
	29013	R156-11a	AMD	01/11/2007	2006-19/5
costs					
Financial Institutions, Administration	29818	R331-22	5YR	04/16/2007	2007-9/35
coverage groups					
Health, Health Care Financing, Coverage and Reimbursement Policy	29543	R414-303-17	AMD	05/01/2007	2007-6/23
credit enhancements					
Environmental Quality, Drinking Water	29784	R309-700	5YR	04/02/2007	2007-8/127
cultural resources					
Natural Resources, Forestry, Fire and State Lands	29755	R652-60	5YR	04/02/2007	2007-8/135
curricula					
Education, Administration	29495	R277-705	5YR	02/02/2007	2007-5/26
day care					
Public Safety, Fire Marshal	29234	R710-8	AMD	01/09/2007	2006-23/76
	29706	R710-8	5YR	03/16/2007	2007-8/139
deception detection examiner					
Commerce, Occupational and Professional Licensing	29803	R156-64	5YR	04/09/2007	2007-9/33
definitions					
Commerce, Real Estate	29828	R162-101	5YR	04/18/2007	2007-10/111
Environmental Quality, Air Quality	29661	R307-101	5YR	03/15/2007	2007-7/150
	29000	R307-101-2	CPR	03/09/2007	2007-3/39
	29000	R307-101-2	AMD	03/09/2007	2006-19/27
Environmental Quality, Drinking Water	29364	R309-110	AMD	03/06/2007	2007-2/20

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Natural Resources, Forestry, Fire and State Lands	29756	R652-1	5YR	04/02/2007	2007-8/130
degreasing					
Environmental Quality, Air Quality	29008	R307-335	AMD	01/16/2007	2006-19/49
	29668	R307-335	5YR	03/15/2007	2007-7/165
dental					
Environmental Quality, Radiation Control	29334	R313-28	AMD	03/16/2007	2007-1/12
depredation					
Natural Resources, Wildlife Resources	29638	R657-44-6	AMD	05/08/2007	2007-7/79
developmentally disabled					
Commerce, Administration	29903	R151-3	5YR	05/01/2007	2007-10/105
	29498	R495-878	5YR	02/05/2007	2007-5/28
	29386	R698-3	5YR	01/02/2007	2007-2/119
	29713	R861-1A	5YR	03/20/2007	2007-8/139
	29324	R861-1A-19	AMD	02/12/2007	2007-1/41
direct filtration					
Environmental Quality, Drinking Water	29779	R309-530	5YR	04/02/2007	2007-8/125
disabilities act					
Public Safety, Administration	29386	R698-3	5YR	01/02/2007	2007-2/119
disabled persons					
Natural Resources, Wildlife Resources	29637	R657-12	AMD	05/08/2007	2007-7/73
disclosure requirements					
Tax Commission, Administration	29713	R861-1A	5YR	03/20/2007	2007-8/139
	29324	R861-1A-19	AMD	02/12/2007	2007-1/41
disease control					
Agriculture and Food, Animal Industry	29506	R58-1	5YR	02/08/2007	2007-5/19
	29504	R58-6	5YR	02/08/2007	2007-5/20
disinfection monitoring					
Environmental Quality, Drinking Water	29366	R309-215	AMD	03/06/2007	2007-2/63
distribution of commercialization revenues					
Science Technology and Research Governing Auth., Administration	29299	R856-2	NEW	04/04/2007	2006-24/37
distribution system monitoring					
Environmental Quality, Drinking Water	29365	R309-210	AMD	03/06/2007	2007-2/46
diversion programs					
Commerce, Occupational and Professional Licensing	29586	R156-1	5YR	03/01/2007	2007-6/37
	29555	R156-1-102	NSC	03/09/2007	Not Printed
drinking water					
Environmental Quality, Drinking Water	29369	R309-105	AMD	03/06/2007	2007-2/15
	29036	R309-105-9	AMD	01/01/2007	2006-19/68
	29364	R309-110	AMD	03/06/2007	2007-2/20

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29361	R309-115-2	NSC	03/06/2007	Not Printed
	29363	R309-150	AMD	03/06/2007	2007-2/31
	29371	R309-200	AMD	03/06/2007	2007-2/43
	29365	R309-210	AMD	03/06/2007	2007-2/46
	29366	R309-215	AMD	03/06/2007	2007-2/63
	29367	R309-220	AMD	03/06/2007	2007-2/86
	29368	R309-225	AMD	03/06/2007	2007-2/89
	29650	R309-225	NSC	03/29/2007	Not Printed
	29362	R309-300-13	NSC	03/06/2007	Not Printed
	29360	R309-405-4	NSC	03/06/2007	Not Printed
	29774	R309-500	5YR	04/02/2007	2007-8/122
	29775	R309-505	5YR	04/02/2007	2007-8/123
	29776	R309-510	5YR	04/02/2007	2007-8/123
	29777	R309-515	5YR	04/02/2007	2007-8/124
	29642	R309-520	5YR	03/13/2007	2007-7/169
	29778	R309-525	5YR	04/02/2007	2007-8/124
	29779	R309-530	5YR	04/02/2007	2007-8/125
	29780	R309-535	5YR	04/02/2007	2007-8/125
	29781	R309-540	5YR	04/02/2007	2007-8/126
	29782	R309-545	5YR	04/02/2007	2007-8/126
	29783	R309-550	5YR	04/02/2007	2007-8/126
driver education					
Education, Administration	29747	R277-507	5YR	03/29/2007	2007-8/122
	29694	R277-746-3	AMD	05/09/2007	2007-7/19
Public Safety, Driver License	29593	R708-2	5YR	03/02/2007	2007-7/184
	29727	R708-21	5YR	03/23/2007	2007-8/137
	29729	R708-27	5YR	03/23/2007	2007-8/139
drug testing					
Public Safety, Peace Officer Standards and Training	29559	R728-405	5YR	02/26/2007	2007-6/43
drug testing programs					
Public Safety, Peace Officer Standards and Training	29559	R728-405	5YR	02/26/2007	2007-6/43
due process					
Human Services, Substance Abuse and Mental Health	29381	R523-1-2	AMD	02/26/2007	2007-2/97
	29245	R523-1-5	AMD	01/30/2007	2006-24/29
	29382	R523-1-11	AMD	02/26/2007	2007-2/99
education					
Commerce, Real Estate	29829	R162-103	5YR	04/18/2007	2007-10/112
education finance					
Education, Administration	29690	R277-419	AMD	05/09/2007	2007-7/10
educational planning					
Education, Administration	29746	R277-416	5YR	03/29/2007	2007-8/121

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
educational reform					
Education, Administration	29746	R277-416	5YR	03/29/2007	2007-8/121
educational research					
Education, Administration	29746	R277-416	5YR	03/29/2007	2007-8/121
educational testing					
Education, Administration	29478	R277-473-9	AMD	03/27/2007	2007-4/12
educator licensure					
Education, Administration	29747	R277-507	5YR	03/29/2007	2007-8/122
effluent standards					
Environmental Quality, Water Quality	29186	R317-1-2	AMD	01/19/2007	2006-22/21
	29098	R317-1-7	AMD	01/19/2007	2006-20/54
electric generating unit					
Environmental Quality, Air Quality	29230	R307-224	NEW	03/15/2007	2006-23/14
	29231	R307-424	NEW	05/09/2007	2006-23/15
	29231	R307-424	CPR	05/09/2007	2007-7/137
electric generating units					
Environmental Quality, Air Quality	29229	R307-220	CPR	05/09/2007	2007-7/136
	29229	R307-220	AMD	05/09/2007	2006-23/12
electrologists					
Commerce, Occupational and Professional Licensing	29013	R156-11a	AMD	01/11/2007	2006-19/5
	29432	R156-11a	AMD	03/27/2007	2007-4/9
	29013	R156-11a	CPR	01/11/2007	2006-23/87
	29810	R156-11a	5YR	04/12/2007	2007-9/33
eligibility					
Health, Health Care Financing, Coverage and Reimbursement Policy	29469	R414-308	AMD	04/01/2007	2007-4/22
emergency medical services					
Health, Health Systems Improvement, Emergency Medical Services	29392	R426-16	AMD	04/01/2007	2007-3/9
emission controls					
Environmental Quality, Air Quality	29003	R307-325	CPR	03/09/2007	2007-3/42
	29003	R307-325	AMD	03/09/2007	2006-19/35
	29664	R307-325	5YR	03/15/2007	2007-7/160
	29669	R307-340	5YR	03/15/2007	2007-7/165
	29009	R307-340	AMD	03/09/2007	2006-19/52
	29009	R307-340	CPR	03/09/2007	2007-3/46
	29151	R307-340-1	NSC	03/09/2007	Not Printed
	29670	R307-341	5YR	03/15/2007	2007-7/166
	29010	R307-341	AMD	01/16/2007	2006-19/59
energy utility					
Public Service Commission, Administration	29378	R746-440	NEW	03/19/2007	2007-2/111

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
enforceable written assurance					
Environmental Quality, Environmental Response and Remediation	29585	R311-600	NSC	03/26/2007	Not Printed
enforcement (administrative)					
Public Safety, Administration	29384	R698-1	5YR	01/02/2007	2007-2/118
engineers					
Commerce, Occupational and Professional Licensing	29355	R156-22	AMD	02/22/2007	2007-2/3
enrollment					
Education, Administration	29693	R277-612	NEW	05/09/2007	2007-7/17
enrollment options					
Education, Administration	29902	R277-437-1	NSC	05/01/2007	Not Printed
enterprise zones					
Tax Commission, Auditing	29712	R865-9I	5YR	03/20/2007	2007-8/142
	29320	R865-9I-32	AMD	02/12/2007	2007-1/42
	29786	R865-9I-42	NSC	04/12/2007	Not Printed
	29315	R865-9I-49	AMD	02/12/2007	2007-1/43
	29314	R865-9I-52	AMD	02/12/2007	2007-1/44
	29436	R865-9I-53	AMD	04/16/2007	2007-4/41
environment					
Tax Commission, Auditing	29628	R865-13G	5YR	03/09/2007	2007-7/190
environmental assessment					
Natural Resources, Forestry, Fire and State Lands	29763	R652-90	5YR	04/02/2007	2007-8/136
environmental protection					
Environmental Quality, Air Quality	29001	R307-110-13	AMD	03/09/2007	2006-19/30
	29655	R307-220	5YR	03/15/2007	2007-7/156
Environmental Quality, Drinking Water	29363	R309-150	AMD	03/06/2007	2007-2/31
	29362	R309-300-13	NSC	03/06/2007	Not Printed
	29360	R309-405-4	NSC	03/06/2007	Not Printed
Equine Viral Arteritis (EVA)					
Agriculture and Food, Animal Industry	29342	R58-23	NEW	02/28/2007	2007-1/5
equipment					
Environmental Quality, Air Quality	29327	R307-120	AMD	03/09/2007	2007-1/7
	29653	R307-120	5YR	03/15/2007	2007-7/155
essential facilities					
Public Service Commission, Administration	29626	R746-349	5YR	03/08/2007	2007-7/186
estheticians					
Commerce, Occupational and Professional Licensing	29013	R156-11a	AMD	01/11/2007	2006-19/5
	29432	R156-11a	AMD	03/27/2007	2007-4/9
	29810	R156-11a	5YR	04/12/2007	2007-9/33
	29013	R156-11a	CPR	01/11/2007	2006-23/87

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
executions					
Corrections, Administration	29533	R251-107	AMD	05/01/2007	2007-6/11
experience					
Commerce, Real Estate	29522	R162-104	5YR	02/15/2007	2007-5/24
extinguishers					
Public Safety, Fire Marshal	29677	R710-1	AMD	05/08/2007	2007-7/80
extracurricular activities					
Education, Administration	29494	R277-617	5YR	02/02/2007	2007-5/25
falconry					
Natural Resources, Wildlife Resources	29401	R657-20	AMD	03/12/2007	2007-3/19
	29398	R657-20	5YR	01/10/2007	2007-3/66
family employment program					
Workforce Services, Employment Development	29587	R986-200	AMD	05/01/2007	2007-6/30
	29414	R986-200-215	AMD	03/15/2007	2007-3/36
	29300	R986-200-246	AMD	02/01/2007	2006-24/38
federal law					
Financial Institutions, Credit Unions	29352	R337-10	NSC	01/22/2007	Not Printed
	29173	R337-10	NEW	01/22/2007	2006-22/25
fees					
Administrative Services, Finance	29424	R25-14	5YR	01/17/2007	2007-4/54
Environmental Quality, Environmental Response and Remediation	29841	R311-203	5YR	04/18/2007	2007-10/115
	29570	R311-203	NSC	04/18/2007	Not Printed
Environmental Quality, Radiation Control	29335	R313-70	AMD	03/16/2007	2007-1/17
Human Services, Substance Abuse and Mental Health	29381	R523-1-2	AMD	02/26/2007	2007-2/97
	29245	R523-1-5	AMD	01/30/2007	2006-24/29
	29382	R523-1-11	AMD	02/26/2007	2007-2/99
filing fees					
Natural Resources, Forestry, Fire and State Lands	29761	R652-4	5YR	04/02/2007	2007-8/131
filing requirements					
Public Service Commission, Administration	29378	R746-440	NEW	03/19/2007	2007-2/111
filtration					
Environmental Quality, Drinking Water	29778	R309-525	5YR	04/02/2007	2007-8/124
financial assistance					
Environmental Quality, Drinking Water	29785	R309-705	5YR	04/02/2007	2007-8/127
financial institutions					
Financial Institutions, Administration	29818	R331-22	5YR	04/16/2007	2007-9/35
Financial Institutions, Credit Unions	29352	R337-10	NSC	01/22/2007	Not Printed
	29173	R337-10	NEW	01/22/2007	2006-22/25
Financial Institutions, Nondepository Lenders	29225	R343-1	NEW	01/09/2007	2006-23/65

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
financial responsibility					
Environmental Quality, Environmental Response and Remediation	29845	R311-207	5YR	04/18/2007	2007-10/118
	29574	R311-207	NSC	04/18/2007	Not Printed
financing of programs					
Human Services, Substance Abuse and Mental Health	29246	R523-20-2	AMD	01/30/2007	2006-24/31
fire alarm systems					
Public Safety, Fire Marshal	29701	R710-11	AMD	05/08/2007	2007-7/88
fire prevention					
Public Safety, Fire Marshal	29677	R710-1	AMD	05/08/2007	2007-7/80
	29233	R710-4	AMD	01/09/2007	2006-23/72
	29683	R710-4-3	AMD	05/08/2007	2007-7/82
	29234	R710-8	AMD	01/09/2007	2006-23/76
	29706	R710-8	5YR	03/16/2007	2007-8/139
	29232	R710-9	AMD	01/09/2007	2006-23/78
	29702	R710-9	AMD	05/08/2007	2007-7/83
	29421	R710-9	AMD	03/12/2007	2007-3/32
firearms					
Human Services, Juvenile Justice Services	29897	R547-14	5YR	04/30/2007	2007-10/129
Public Safety, Administration	29331	R698-100	NSC	04/02/2007	Not Printed
	29787	R698-100	5YR	04/02/2007	2007-8/136
fireworks					
Public Safety, Fire Marshal	29422	R710-2	AMD	03/12/2007	2007-3/27
	29679	R710-2-7	NSC	03/29/2007	Not Printed
fishing					
Natural Resources, Wildlife Resources	29920	R657-30	5YR	05/07/2007	Not Printed
flocculation					
Environmental Quality, Drinking Water	29778	R309-525	5YR	04/02/2007	2007-8/124
food inspection					
Agriculture and Food, Regulatory Services	29507	R70-320	5YR	02/08/2007	2007-5/22
	29499	R70-350	5YR	02/05/2007	2007-5/22
	29500	R70-360	5YR	02/05/2007	2007-5/23
food services					
Health, Epidemiology and Laboratory Services, Environmental Services	29722	R392-100	5YR	03/22/2007	2007-8/129
food stamps					
Workforce Services, Employment Development	29588	R986-900-902	AMD	05/01/2007	2007-6/34
foreign exchange students					
Education, Administration	29693	R277-612	NEW	05/09/2007	2007-7/17
forest practices					
Natural Resources, Forestry, Fire and State Lands	29433	R652-140	NSC	01/23/2007	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29461	R652-140	NEW	03/26/2007	2007-4/37
foster care					
Human Services, Child and Family Services	29388	R512-43	5YR	01/03/2007	2007-3/59
franchises					
Tax Commission, Auditing	29624	R865-6F	5YR	03/08/2007	2007-7/187
	29323	R865-6F-30	AMD	02/12/2007	2007-1/41
	29437	R865-6F-37	AMD	04/16/2007	2007-4/40
fraud					
Commerce, Consumer Protection	29594	R152-26	5YR	03/05/2007	2007-7/149
	29379	R152-26	AMD	02/23/2007	2007-2/3
freedom of information					
Administrative Services, Administration	29771	R13-2	5YR	04/02/2007	2007-8/119
	29524	R151-2	5YR	02/15/2007	2007-5/23
Natural Resources, Wildlife Resources	29916	R657-29	5YR	05/03/2007	Not Printed
Public Safety, Administration	29385	R698-2	5YR	01/02/2007	2007-2/118
fuel					
Tax Commission, Auditing	29556	R865-4D	5YR	02/26/2007	2007-6/48
fuel dispensing					
Administrative Services, Fleet Operations	29515	R27-6	5YR	02/14/2007	2007-5/19
functional classification					
Transportation, Program Development	29455	R926-4	NEW	03/26/2007	2007-4/43
funeral industries					
Commerce, Occupational and Professional Licensing	29391	R156-9-302a	AMD	03/13/2007	2007-3/6
funeral services					
Commerce, Occupational and Professional Licensing	29391	R156-9-302a	AMD	03/13/2007	2007-3/6
game birds					
Natural Resources, Wildlife Resources	29921	R657-22	5YR	05/07/2007	Not Printed
	29635	R657-22-3	AMD	05/08/2007	2007-7/75
game laws					
Natural Resources, Wildlife Resources	29351	R657-5	AMD	02/07/2007	2007-1/25
	29502	R657-5-43	AMD	04/09/2007	2007-5/17
	29328	R657-17-3	AMD	02/07/2007	2007-1/34
	29402	R657-33	AMD	03/12/2007	2007-3/24
gasoline					
Environmental Quality, Air Quality	29660	R307-301	5YR	03/15/2007	2007-7/158
	29665	R307-326	5YR	03/15/2007	2007-7/161
	29006	R307-326	AMD	03/09/2007	2006-19/37
	29006	R307-326	CPR	03/09/2007	2007-3/43
	29526	R307-326-1	NSC	03/09/2007	Not Printed
	29004	R307-327	CPR	03/09/2007	2007-3/45

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29004	R307-327	AMD	03/09/2007	2006-19/40
	29666	R307-327	5YR	03/15/2007	2007-7/163
	29007	R307-332	REP	01/16/2007	2006-19/46
Tax Commission, Auditing	29628	R865-13G	5YR	03/09/2007	2007-7/190
gasoline transport					
Environmental Quality, Air Quality	29005	R307-328	AMD	01/16/2007	2006-19/43
	29667	R307-328	5YR	03/15/2007	2007-7/164
	29150	R307-328-1	NSC	01/16/2007	Not Printed
	29011	R307-342	AMD	01/16/2007	2006-19/60
	29671	R307-342	5YR	03/15/2007	2007-7/167
genetic counselors					
Commerce, Occupational and Professional Licensing	29397	R156-75	5YR	01/09/2007	2007-3/58
geology					
Commerce, Occupational and Professional Licensing	29905	R156-76	5YR	05/01/2007	2007-10/106
goverment documents					
Natural Resources, Wildlife Resources	29916	R657-29	5YR	05/03/2007	Not Printed
government documents					
Administrative Services, Records Committee	29081	R35-2-2	AMD	01/05/2007	2006-20/2
Commerce, Administration	29524	R151-2	5YR	02/15/2007	2007-5/23
	29809	R305-1	5YR	04/12/2007	2007-9/34
	29867	R380-20	5YR	04/26/2007	2007-10/122
	29497	R495-810	5YR	02/05/2007	2007-5/27
Natural Resources, Forestry, Fire and State Lands	29766	R652-6	5YR	04/02/2007	2007-8/132
Public Safety, Administration	29385	R698-2	5YR	01/02/2007	2007-2/118
government hearings					
Agriculture and Food, Administration	29405	R51-2	5YR	01/11/2007	2007-3/56
government purchasing					
School and Institutional Trust Lands, Administration	29859	R850-11	5YR	04/24/2007	2007-10/130
GRAMA					
Environmental Quality, Administration	29809	R305-1	5YR	04/12/2007	2007-9/34
	29867	R380-20	5YR	04/26/2007	2007-10/122
Natural Resources, Forestry, Fire and State Lands	29766	R652-6	5YR	04/02/2007	2007-8/132
grants					
Education, Administration	29305	R277-511	NEW	01/23/2007	2006-24/7
Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	29605	R643-886	5YR	03/07/2007	2007-7/174
grievance procedures					
Tax Commission, Administration	29713	R861-1A	5YR	03/20/2007	2007-8/139
	29324	R861-1A-19	AMD	02/12/2007	2007-1/41

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ground water					
Environmental Quality, Water Quality	29294	R317-6	AMD	01/23/2007	2006-24/23
	29185	R317-6-6	AMD	01/19/2007	2006-22/23
halfway houses					
Corrections, Administration	29463	R251-306	5YR	01/31/2007	2007-4/58
hardship grants					
Environmental Quality, Drinking Water	29784	R309-700	5YR	04/02/2007	2007-8/127
hazardous air pollutant					
Environmental Quality, Air Quality	29194	R307-214-2	AMD	02/09/2007	2006-23/10
hazardous materials transportation					
Transportation, Motor Carrier	29339	R909-75	AMD	02/08/2007	2007-1/49
hazardous pollutant					
Environmental Quality, Air Quality	29659	R307-135	5YR	03/15/2007	2007-7/156
hazardous substances					
Environmental Quality, Environmental Response and Remediation	29568	R311-201	NSC	04/18/2007	Not Printed
	29839	R311-201	5YR	04/18/2007	2007-10/113
	29840	R311-202	5YR	04/18/2007	2007-10/114
	29569	R311-202	NSC	04/18/2007	Not Printed
	29570	R311-203	NSC	04/18/2007	Not Printed
	29841	R311-203	5YR	04/18/2007	2007-10/115
	29571	R311-204	NSC	04/18/2007	Not Printed
	29842	R311-204	5YR	04/18/2007	2007-10/116
	29844	R311-206	5YR	04/18/2007	2007-10/117
	29573	R311-206	NSC	04/18/2007	Not Printed
	29579	R311-212	NSC	04/18/2007	Not Printed
	29850	R311-212	5YR	04/18/2007	2007-10/121
Transportation, Motor Carrier	29339	R909-75	AMD	02/08/2007	2007-1/49
Hazardous Substances Mitigation Act					
Environmental Quality, Environmental Response and Remediation	29585	R311-600	NSC	03/26/2007	Not Printed
hazardous waste					
Transportation, Motor Carrier	29339	R909-75	AMD	02/08/2007	2007-1/49
health					
Health, Center for Health Data, Health Care Statistics	29788	R428-1	5YR	04/03/2007	2007-9/38
	29789	R428-2	5YR	04/03/2007	2007-9/38
	29790	R428-5	5YR	04/03/2007	2007-9/39
	29791	R428-10	5YR	04/03/2007	2007-9/39
	29793	R428-20	5YR	04/03/2007	2007-9/40
health care professionals					
Public Safety, Driver License	29633	R708-7	5YR	03/13/2007	2007-7/184
	29582	R708-7-10	AMD	04/23/2007	2007-6/29

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
health care quality Health, Center for Health Data, Health Care Statistics	29792	R428-12	5YR	04/03/2007	2007-9/40
health effects Environmental Quality, Drinking Water	29367	R309-220	AMD	03/06/2007	2007-2/86
health facilities Health, Health Systems Improvement, Licensing	29525	R432-100-33	AMD	04/11/2007	2007-5/14
health insurance Insurance, Administration	29404	R590-126	5YR	01/11/2007	2007-3/63
	29431	R590-126-4	AMD	04/09/2007	2007-4/28
	29400	R590-176	5YR	01/11/2007	2007-3/65
health insurance exemption Insurance, Administration	29419	R590-239	NEW	04/09/2007	2007-3/13
health insurance filings Insurance, Administration	28767	R590-220	CPR	01/22/2007	2006-16/30
	28767	R590-220	AMD	01/22/2007	2006-12/27
	28767	R590-220	CPR	01/22/2007	2006-24/44
health maintenance organization Health, Center for Health Data, Health Care Statistics	29792	R428-12	5YR	04/03/2007	2007-9/40
health planning Health, Center for Health Data, Health Care Statistics	29788	R428-1	5YR	04/03/2007	2007-9/38
	29789	R428-2	5YR	04/03/2007	2007-9/38
	29790	R428-5	5YR	04/03/2007	2007-9/39
	29791	R428-10	5YR	04/03/2007	2007-9/39
	29793	R428-20	5YR	04/03/2007	2007-9/40
health policy Health, Center for Health Data, Health Care Statistics	29788	R428-1	5YR	04/03/2007	2007-9/38
	29789	R428-2	5YR	04/03/2007	2007-9/38
	29790	R428-5	5YR	04/03/2007	2007-9/39
	29793	R428-20	5YR	04/03/2007	2007-9/40
health spas Commerce, Consumer Protection	29238	R152-23	AMD	01/23/2007	2006-24/3
hearings Environmental Quality, Drinking Water	29361	R309-115-2	NSC	03/06/2007	Not Printed
high quality ground water Environmental Quality, Drinking Water	29775	R309-505	5YR	04/02/2007	2007-8/123
highly qualified Education, Administration	29305	R277-511	NEW	01/23/2007	2006-24/7
HIPPA eligibility Insurance, Administration	29430	R590-236	AMD	04/09/2007	2007-4/30

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
historic preservation					
Tax Commission, Auditing	29624	R865-6F	5YR	03/08/2007	2007-7/187
	29323	R865-6F-30	AMD	02/12/2007	2007-1/41
	29437	R865-6F-37	AMD	04/16/2007	2007-4/40
	29712	R865-9I	5YR	03/20/2007	2007-8/142
	29320	R865-9I-32	AMD	02/12/2007	2007-1/42
	29786	R865-9I-42	NSC	04/12/2007	Not Printed
	29315	R865-9I-49	AMD	02/12/2007	2007-1/43
	29314	R865-9I-52	AMD	02/12/2007	2007-1/44
	29436	R865-9I-53	AMD	04/16/2007	2007-4/41
hospital					
Health, Administration	29538	R380-200	AMD	04/26/2007	2007-6/14
hospital policy					
Health, Center for Health Data, Health Care Statistics	29791	R428-10	5YR	04/03/2007	2007-9/39
hospitals					
Environmental Quality, Air Quality	29657	R307-222	5YR	03/15/2007	2007-7/157
hunting					
Natural Resources, Wildlife Resources	29329	R657-38	AMD	02/07/2007	2007-1/35
hunting and fishing licenses					
Natural Resources, Wildlife Resources	29328	R657-17-3	AMD	02/07/2007	2007-1/34
hydropneumatic systems					
Environmental Quality, Drinking Water	29781	R309-540	5YR	04/02/2007	2007-8/126
immunization					
Health, Community and Family Health Services, Immunization	29547	R396-100	AMD	05/07/2007	2007-6/19
implements of husbandry					
Transportation, Motor Carrier	29338	R909-1-1	AMD	02/08/2007	2007-1/45
imputation					
Public Service Commission, Administration	29626	R746-349	5YR	03/08/2007	2007-7/186
in-service training					
Public Safety, Peace Officer Standards and Training	29565	R728-500	5YR	02/27/2007	2007-6/45
incinerators					
Environmental Quality, Air Quality	29229	R307-220	CPR	05/09/2007	2007-7/136
	29655	R307-220	5YR	03/15/2007	2007-7/156
	29229	R307-220	AMD	05/09/2007	2006-23/12
income					
Health, Health Care Financing, Coverage and Reimbursement Policy	29543	R414-303-17	AMD	05/01/2007	2007-6/23
income tax					
Tax Commission, Auditing	29712	R865-9I	5YR	03/20/2007	2007-8/142
	29320	R865-9I-32	AMD	02/12/2007	2007-1/42

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29786	R865-9I-42	NSC	04/12/2007	Not Printed
	29315	R865-9I-49	AMD	02/12/2007	2007-1/43
	29314	R865-9I-52	AMD	02/12/2007	2007-1/44
	29436	R865-9I-53	AMD	04/16/2007	2007-4/41
independent foster care adolescent					
Health, Health Care Financing, Coverage and Reimbursement Policy	29543	R414-303-17	AMD	05/01/2007	2007-6/23
individual home booster pumps					
Environmental Quality, Drinking Water	29781	R309-540	5YR	04/02/2007	2007-8/126
indoor air pollution					
Health, Epidemiology and Laboratory Services, Environmental Services	29856	R392-510	5YR	04/23/2007	2007-10/125
industrial waste					
Environmental Quality, Water Quality	29186	R317-1-2	AMD	01/19/2007	2006-22/21
	29098	R317-1-7	AMD	01/19/2007	2006-20/54
industry					
Environmental Quality, Radiation Control	29310	R313-35	NSC	03/05/2007	Not Printed
	29595	R313-35	5YR	03/05/2007	2007-7/169
	29336	R313-36	AMD	03/16/2007	2007-1/15
infants					
Health, Community and Family Health Services, WIC Services	29878	R406-100	5YR	04/27/2007	2007-10/126
	29879	R406-200	5YR	04/27/2007	2007-10/126
	29880	R406-201	5YR	04/27/2007	2007-10/127
	29876	R406-202	5YR	04/27/2007	2007-10/127
	29877	R406-301	5YR	04/27/2007	2007-10/128
infectious waste					
Environmental Quality, Air Quality	29657	R307-222	5YR	03/15/2007	2007-7/157
inspections					
Agriculture and Food, Animal Industry	29505	R58-18	5YR	02/08/2007	2007-5/20
	29503	R58-22	5YR	02/08/2007	2007-5/21
	29342	R58-23	NEW	02/28/2007	2007-1/5
Agriculture and Food, Plant Industry	29347	R68-20	AMD	02/28/2007	2007-1/6
Agriculture and Food, Regulatory Services	29632	R70-530	5YR	03/12/2007	2007-7/149
insurance					
Insurance, Administration	29443	R590-102	5YR	01/26/2007	2007-4/63
	29406	R590-103	5YR	01/11/2007	2007-3/62
	29452	R590-114	5YR	01/29/2007	2007-4/64
	29813	R590-118	5YR	04/13/2007	2007-9/43
	29822	R590-146	5YR	04/16/2007	2007-9/44
	29449	R590-147	5YR	01/29/2007	2007-4/66
	29407	R590-181	5YR	01/11/2007	2007-3/65
	29410	R590-182	5YR	01/12/2007	2007-3/66
	29826	R590-203	5YR	04/17/2007	2007-10/129

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29724	R590-211-1	NSC	04/12/2007	Not Printed
insurance companies Insurance, Administration	29820	R590-101	5YR	04/16/2007	2007-9/42
	29814	R590-108	5YR	04/13/2007	2007-9/43
	29583	R590-116	5YR	02/28/2007	2007-6/39
	29584	R590-117	5YR	02/28/2007	2007-6/40
	29454	R590-150	5YR	01/29/2007	2007-4/66
insurance law Insurance, Administration	29815	R590-68	5YR	04/13/2007	2007-9/41
	29451	R590-70	5YR	01/29/2007	2007-4/62
	29821	R590-85	5YR	04/16/2007	2007-9/41
	29447	R590-95	5YR	01/27/2007	2007-4/62
	29446	R590-99	5YR	01/27/2007	2007-4/63
	29403	R590-121	5YR	01/11/2007	2007-3/63
	29726	R590-121-2	NSC	04/12/2007	Not Printed
	29445	R590-123	5YR	01/27/2007	2007-4/64
	29448	R590-123-1	NSC	02/13/2007	Not Printed
	29411	R590-133	5YR	01/12/2007	2007-3/64
	29444	R590-142	5YR	01/26/2007	2007-4/65
	29450	R590-143	5YR	01/29/2007	2007-4/65
insurance rule Insurance, Administration	29823	R590-120	5YR	04/16/2007	2007-9/44
interconnection Public Service Commission, Administration	29428	R746-348	5YR	01/22/2007	2007-4/67
interest buy-downs Environmental Quality, Drinking Water	29784	R309-700	5YR	04/02/2007	2007-8/127
intern program Education, Administration	29496	R277-915	5YR	02/02/2007	2007-5/26
intrastate driver license waivers Public Safety, Driver License	29589	R708-34	5YR	03/02/2007	2007-7/185
investigations Public Safety, Peace Officer Standards and Training	29562	R728-409	5YR	02/27/2007	2007-6/44
iron and manganese control Environmental Quality, Drinking Water	29780	R309-535	5YR	04/02/2007	2007-8/125
laboratories Health, Epidemiology and Laboratory Services, Laboratory Improvement	29549	R444-14	5YR	02/26/2007	2007-6/39
land exchange School and Institutional Trust Lands, Administration	29408	R850-90	5YR	01/12/2007	2007-3/66
land use Natural Resources, Forestry, Fire and State Lands	29763	R652-90	5YR	04/02/2007	2007-8/136

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
School and Institutional Trust Lands, Administration	29409	R850-120	5YR	01/12/2007	2007-3/67
landfills					
Environmental Quality, Air Quality	29229	R307-220	CPR	05/09/2007	2007-7/136
	29655	R307-220	5YR	03/15/2007	2007-7/156
	29229	R307-220	AMD	05/09/2007	2006-23/12
landowner permits					
Natural Resources, Wildlife Resources	29704	R657-43	NSC	04/12/2007	Not Printed
	29580	R657-43	NSC	03/13/2007	Not Printed
	29639	R657-43	5YR	03/13/2007	2007-7/183
law					
Public Safety, Fire Marshal	29232	R710-9	AMD	01/09/2007	2006-23/78
	29421	R710-9	AMD	03/12/2007	2007-3/32
	29702	R710-9	AMD	05/08/2007	2007-7/83
law enforcement officers					
Public Safety, Peace Officer Standards and Training	29551	R728-101	5YR	02/26/2007	2007-6/40
	29548	R728-401	5YR	02/26/2007	2007-6/67
	29552	R728-401	5YR	02/26/2007	2007-6/41
	29147	R728-401-3	AMD	01/20/2007	2006-22/45
	29176	R728-402	AMD	01/20/2007	2006-22/47
	29553	R728-402	5YR	02/26/2007	2007-6/41
	29557	R728-403	5YR	02/26/2007	2007-6/42
	29558	R728-404	5YR	02/26/2007	2007-6/42
	29559	R728-405	5YR	02/26/2007	2007-6/43
	29560	R728-406	5YR	02/26/2007	2007-6/43
	29561	R728-407	5YR	02/26/2007	2007-6/44
	29562	R728-409	5YR	02/27/2007	2007-6/44
	29563	R728-410	5YR	02/27/2007	2007-6/45
	29565	R728-500	5YR	02/27/2007	2007-6/45
leases					
Natural Resources, Forestry, Fire and State Lands	29759	R652-30	5YR	04/02/2007	2007-8/133
legal aid					
Corrections, Administration	29464	R251-707	5YR	01/31/2007	2007-4/59
legislative procedures					
Public Safety, Driver License	29723	R708-8	5YR	03/23/2007	2007-8/137
license plates					
Tax Commission, Motor Vehicle	29631	R873-22M	5YR	03/12/2007	2007-7/194
licensing					
Commerce, Administration	29927	R151-33	5YR	05/10/2007	Not Printed
Commerce, Occupational and Professional Licensing	29586	R156-1	5YR	03/01/2007	2007-6/37
	29555	R156-1-102	NSC	03/09/2007	Not Printed
	29391	R156-9-302a	AMD	03/13/2007	2007-3/6

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29871	R156-16a	5YR	04/26/2007	2007-10/106
	29459	R156-24a	5YR	01/30/2007	2007-4/56
	29473	R156-26a	5YR	02/01/2007	2007-4/56
	29472	R156-28	5YR	02/01/2007	2007-4/57
	29696	R156-37	5YR	03/15/2007	2007-7/150
	29825	R156-40-302c	NSC	04/26/2007	Not Printed
	29353	R156-40a	NEW	02/22/2007	2007-2/9
	29471	R156-41	5YR	02/01/2007	2007-4/57
	29356	R156-42a	AMD	02/22/2007	2007-2/11
	29396	R156-54	5YR	01/09/2007	2007-3/56
	29393	R156-56	AMD	03/13/2007	2007-3/7
	29120	R156-56	AMD	01/01/2007	2006-21/5
	29122	R156-56	AMD	01/01/2007	2006-21/33
	29357	R156-56	NSC	01/01/2007	Not Printed
	29745	R156-56	5YR	03/29/2007	2007-8/119
	29078	R156-56-704	AMD	03/27/2007	2006-20/10
	29078	R156-56-704	CPR	03/27/2007	2007-4/48
	29075	R156-56-711	AMD	01/01/2007	2006-20/13
	29354	R156-57	AMD	02/22/2007	2007-2/12
	29803	R156-64	5YR	04/09/2007	2007-9/33
	29564	R156-70a	5YR	02/27/2007	2007-6/38
	29394	R156-71	5YR	01/08/2007	2007-3/57
	29395	R156-72	5YR	01/09/2007	2007-3/57
	29735	R156-72-302c	NSC	04/12/2007	Not Printed
	29397	R156-75	5YR	01/09/2007	2007-3/58
	29905	R156-76	5YR	05/01/2007	2007-10/106
Commerce, Real Estate	29832	R162-1	5YR	04/18/2007	2007-10/107
	29523	R162-102	5YR	02/15/2007	2007-5/24
Environmental Quality, Radiation Control	29336	R313-36	AMD	03/16/2007	2007-1/15
Natural Resources, Wildlife Resources	29636	R657-27	AMD	05/08/2007	2007-7/76
	29794	R657-27	5YR	04/04/2007	2007-9/45
	29920	R657-30	5YR	05/07/2007	Not Printed
Public Safety, Driver License	29734	R708-25	5YR	03/26/2007	2007-8/138
	29741	R708-25	NSC	04/12/2007	Not Printed
licensure					
Education, Administration	29306	R277-512	NEW	01/23/2007	2006-24/9
liquefied petroleum gas					
Public Safety, Fire Marshal	29423	R710-6	AMD	03/12/2007	2007-3/29
loans					
Environmental Quality, Drinking Water	29784	R309-700	5YR	04/02/2007	2007-8/127
	29785	R309-705	5YR	04/02/2007	2007-8/127
low quality ground water					
Environmental Quality, Drinking Water	29775	R309-505	5YR	04/02/2007	2007-8/123

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
MACT					
Environmental Quality, Air Quality	29194	R307-214-2	AMD	02/09/2007	2006-23/10
mammography					
Environmental Quality, Radiation Control	29334	R313-28	AMD	03/16/2007	2007-1/12
management					
Natural Resources, Forestry, Fire and State Lands	29767	R652-40	5YR	04/02/2007	2007-8/134
	29763	R652-90	5YR	04/02/2007	2007-8/136
materials handling					
Natural Resources, Forestry, Fire and State Lands	29762	R652-100	5YR	04/02/2007	2007-8/136
Medicaid					
Health, Health Care Financing, Coverage and Reimbursement Policy	29819	R414-1	5YR	04/16/2007	2007-9/36
	29441	R414-4A	5YR	01/26/2007	2007-4/60
	29442	R414-7C	5YR	01/26/2007	2007-4/60
	29435	R414-10	5YR	01/26/2007	2007-4/61
	29493	R414-10A	5YR	02/02/2007	2007-5/27
	29816	R414-21	5YR	04/16/2007	2007-9/37
	29817	R414-38	5YR	04/16/2007	2007-9/37
	29466	R414-45	5YR	01/31/2007	2007-4/61
	29469	R414-308	AMD	04/01/2007	2007-4/22
	29380	R414-320	AMD	03/09/2007	2007-2/91
	29197	R414-510	NEW	01/17/2007	2006-23/66
Human Services, Recovery Services	29418	R527-201	5YR	01/16/2007	2007-3/62
medical incinerator					
Environmental Quality, Air Quality	29657	R307-222	5YR	03/15/2007	2007-7/157
medical laboratories					
Health, Epidemiology and Laboratory Services, Laboratory Improvement	29861	R444-11	5YR	04/25/2007	2007-10/128
medical malpractice					
Commerce, Occupational and Professional Licensing	29804	R156-78A	5YR	04/09/2007	2007-9/34
medical records					
Human Services, Substance Abuse and Mental Health, State Hospital	29434	R525-1	REP	04/02/2007	2007-4/27
membrane technology					
Environmental Quality, Drinking Water	29779	R309-530	5YR	04/02/2007	2007-8/125
mercury					
Environmental Quality, Air Quality	29230	R307-224	NEW	03/15/2007	2006-23/14
	29231	R307-424	NEW	05/09/2007	2006-23/15
	29231	R307-424	CPR	05/09/2007	2007-7/137
migrant labor					
Health, Epidemiology and Laboratory Services, Environmental Services	29870	R392-501	5YR	04/26/2007	2007-10/124

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
mineral resources					
Tax Commission, Auditing	29707	R865-14W	5YR	03/19/2007	2007-8/146
mines					
Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	29597	R643-870	5YR	03/07/2007	2007-7/170
	29598	R643-872	5YR	03/07/2007	2007-7/171
	29599	R643-874	5YR	03/07/2007	2007-7/171
	29600	R643-875	5YR	03/07/2007	2007-7/172
	29601	R643-877	5YR	03/07/2007	2007-7/172
	29602	R643-879	5YR	03/07/2007	2007-7/173
	29603	R643-882	5YR	03/07/2007	2007-7/173
	29604	R643-884	5YR	03/07/2007	2007-7/174
	29605	R643-886	5YR	03/07/2007	2007-7/174
minimum sizing					
Environmental Quality, Drinking Water	29776	R309-510	5YR	04/02/2007	2007-8/123
minimum standards					
Natural Resources, Forestry, Fire and State Lands	29467	R652-122-300	NSC	02/13/2007	Not Printed
	29170	R652-122-300	AMD	01/03/2007	2006-22/40
mining law					
Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	29601	R643-877	5YR	03/07/2007	2007-7/172
	29602	R643-879	5YR	03/07/2007	2007-7/173
miscellaneous treatment					
Environmental Quality, Drinking Water	29780	R309-535	5YR	04/02/2007	2007-8/125
mobile homes					
Health, Epidemiology and Laboratory Services, Environmental Services	29900	R392-402	5YR	04/30/2007	2007-10/124
motor fuel					
Tax Commission, Auditing	29628	R865-13G	5YR	03/09/2007	2007-7/190
motor vehicles					
Commerce, Consumer Protection	29862	R152-20	5YR	04/26/2007	2007-10/105
	29412	R152-20-2	AMD	03/20/2007	2007-3/4
Environmental Quality, Air Quality	29660	R307-301	5YR	03/15/2007	2007-7/158
	29663	R307-320	5YR	03/15/2007	2007-7/160
	29002	R307-320	CPR	03/09/2007	2007-3/40
	29002	R307-320	AMD	03/09/2007	2006-19/32
	29007	R307-332	REP	01/16/2007	2006-19/46
Tax Commission, Motor Vehicle	29631	R873-22M	5YR	03/12/2007	2007-7/194
Tax Commission, Motor Vehicle Enforcement	29651	R877-23V	5YR	03/14/2007	2007-7/196
municipal landfills					
Environmental Quality, Air Quality	29656	R307-221	5YR	03/15/2007	2007-7/157
municipal waste incinerator					
Environmental Quality, Air Quality	29658	R307-223	5YR	03/15/2007	2007-7/158

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
nail technicians					
Commerce, Occupational and Professional Licensing	29432	R156-11a	AMD	03/27/2007	2007-4/9
	29013	R156-11a	CPR	01/11/2007	2006-23/87
	29810	R156-11a	5YR	04/12/2007	2007-9/33
	29013	R156-11a	AMD	01/11/2007	2006-19/5
natural resources					
Natural Resources, Forestry, Fire and State Lands	29767	R652-40	5YR	04/02/2007	2007-8/134
naturopathic physician					
Commerce, Occupational and Professional Licensing	29394	R156-71	5YR	01/08/2007	2007-3/57
naturopaths					
Commerce, Occupational and Professional Licensing	29394	R156-71	5YR	01/08/2007	2007-3/57
network interconnection					
Public Service Commission, Administration	29428	R746-348	5YR	01/22/2007	2007-4/67
new source review					
Environmental Quality, Air Quality	29228	R307-210	AMD	03/15/2007	2006-23/8
notification					
Natural Resources, Forestry, Fire and State Lands	29433	R652-140	NSC	01/23/2007	Not Printed
	29461	R652-140	NEW	03/26/2007	2007-4/37
nutrition					
Health, Community and Family Health Services, WIC Services	29878	R406-100	5YR	04/27/2007	2007-10/126
	29879	R406-200	5YR	04/27/2007	2007-10/126
	29880	R406-201	5YR	04/27/2007	2007-10/127
	29876	R406-202	5YR	04/27/2007	2007-10/127
	29877	R406-301	5YR	04/27/2007	2007-10/128
occupational licensing					
Commerce, Occupational and Professional Licensing	29586	R156-1	5YR	03/01/2007	2007-6/37
	29555	R156-1-102	NSC	03/09/2007	Not Printed
	29353	R156-40a	NEW	02/22/2007	2007-2/9
	29397	R156-75	5YR	01/09/2007	2007-3/58
Environmental Quality, Water Quality	29296	R317-11	AMD	01/26/2007	2006-24/26
Insurance, Administration	29813	R590-118	5YR	04/13/2007	2007-9/43
occupational therapy					
Commerce, Occupational and Professional Licensing	29356	R156-42a	AMD	02/22/2007	2007-2/11
oil and gas conservation					
Natural Resources, Oil, Gas and Mining; Oil and Gas	29621	R649-8	5YR	03/07/2007	2007-7/182
oil and gas law					
Natural Resources, Oil, Gas and Mining; Oil and Gas	29617	R649-1	5YR	03/07/2007	2007-7/180
	29618	R649-2	5YR	03/07/2007	2007-7/181

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29619	R649-3	5YR	03/07/2007	2007-7/181
	29620	R649-5	5YR	03/07/2007	2007-7/182
	29622	R649-9	5YR	03/07/2007	2007-7/183
Olympics Public Safety, Administration	29331	R698-100	NSC	04/02/2007	Not Printed
	29787	R698-100	5YR	04/02/2007	2007-8/136
online Education, Administration	29306	R277-512	NEW	01/23/2007	2006-24/9
operation and maintenance Environmental Quality, Drinking Water	29642	R309-520	5YR	03/13/2007	2007-7/169
operation and maintenance requirements Environmental Quality, Drinking Water	29774	R309-500	5YR	04/02/2007	2007-8/122
optometrists Commerce, Occupational and Professional Licensing	29871	R156-16a	5YR	04/26/2007	2007-10/106
overflow and drains Environmental Quality, Drinking Water	29782	R309-545	5YR	04/02/2007	2007-8/126
ozone Environmental Quality, Air Quality	29662	R307-110	5YR	03/15/2007	2007-7/151
	29001	R307-110-13	CPR	03/09/2007	2007-3/40
	29001	R307-110-13	AMD	03/09/2007	2006-19/30
	29801	R307-110-20	NSC	05/02/2007	Not Printed
	29514	R307-110-20	AMD	05/02/2007	2007-5/13
	29227	R307-110-36	AMD	02/09/2007	2006-23/7
	29293	R307-110-36	NSC	02/09/2007	Not Printed
	29003	R307-325	CPR	03/09/2007	2007-3/42
	29003	R307-325	AMD	03/09/2007	2006-19/35
	29664	R307-325	5YR	03/15/2007	2007-7/160
	29665	R307-326	5YR	03/15/2007	2007-7/161
	29006	R307-326	AMD	03/09/2007	2006-19/37
	29006	R307-326	CPR	03/09/2007	2007-3/43
	29526	R307-326-1	NSC	03/09/2007	Not Printed
	29004	R307-327	CPR	03/09/2007	2007-3/45
	29004	R307-327	AMD	03/09/2007	2006-19/40
	29666	R307-327	5YR	03/15/2007	2007-7/163
	29667	R307-328	5YR	03/15/2007	2007-7/164
	29005	R307-328	AMD	01/16/2007	2006-19/43
	29150	R307-328-1	NSC	01/16/2007	Not Printed
	29007	R307-332	REP	01/16/2007	2006-19/46
	29008	R307-335	AMD	01/16/2007	2006-19/49
	29668	R307-335	5YR	03/15/2007	2007-7/165
	29669	R307-340	5YR	03/15/2007	2007-7/165
	29009	R307-340	AMD	03/09/2007	2006-19/52
	29009	R307-340	CPR	03/09/2007	2007-3/46

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29151	R307-340-1	NSC	03/09/2007	Not Printed
	29671	R307-342	5YR	03/15/2007	2007-7/167
	29011	R307-342	AMD	01/16/2007	2006-19/60
	29012	R307-343	AMD	03/09/2007	2006-19/63
	29012	R307-343	CPR	03/09/2007	2007-3/51
	29672	R307-343	5YR	03/15/2007	2007-7/167
	29508	R307-343-6	NSC	03/09/2007	Not Printed
parking facilities					
Regents (Board Of), University of Utah, Parking and Transportation Services	29532	R810-2	5YR	02/21/2007	2007-6/46
	29539	R810-5	5YR	02/22/2007	2007-6/46
	29537	R810-6	5YR	02/21/2007	2007-6/47
	29540	R810-9	5YR	02/22/2007	2007-6/47
	29541	R810-10	5YR	02/22/2007	2007-6/47
	29542	R810-11	5YR	02/22/2007	2007-6/48
parks					
Natural Resources, Parks and Recreation	29163	R651-634-1	AMD	01/02/2007	2006-22/39
patient safety					
Health, Administration	29538	R380-200	AMD	04/26/2007	2007-6/14
PCN					
Health, Health Care Financing, Coverage and Reimbursement Policy	29380	R414-320	AMD	03/09/2007	2007-2/91
peace officer basic course					
Public Safety, Peace Officer Standards and Training	29548	R728-401	5YR	02/26/2007	2007-6/67
	29552	R728-401	5YR	02/26/2007	2007-6/41
	29147	R728-401-3	AMD	01/20/2007	2006-22/45
peace officers					
Public Safety, Peace Officer Standards and Training	29196	R728-205-1	AMD	01/20/2007	2006-23/83
	29374	R728-205-1	NSC	01/20/2007	Not Printed
peer review					
Commerce, Occupational and Professional Licensing	29473	R156-26a	5YR	02/01/2007	2007-4/56
penalties					
Environmental Quality, Drinking Water	29360	R309-405-4	NSC	03/06/2007	Not Printed
Environmental Quality, Environmental Response and Remediation	29846	R311-208	5YR	04/18/2007	2007-10/118
	29575	R311-208	NSC	04/18/2007	Not Printed
penalty					
Environmental Quality, Air Quality	29654	R307-130	5YR	03/15/2007	2007-7/155
performance measurement					
Health, Center for Health Data, Health Care Statistics	29792	R428-12	5YR	04/03/2007	2007-9/40
performing arts					
Community and Culture, Fine Arts	29528	R207-1	NSC	03/08/2007	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
permits					
Environmental Quality, Drinking Water	29774	R309-500	5YR	04/02/2007	2007-8/122
Natural Resources, Forestry, Fire and State Lands	29765	R652-70	5YR	04/02/2007	2007-8/135
	29762	R652-100	5YR	04/02/2007	2007-8/136
Natural Resources, Wildlife Resources	29330	R657-42	AMD	02/07/2007	2007-1/37
	29703	R657-50	NSC	04/12/2007	Not Printed
	29795	R657-50	5YR	04/04/2007	2007-9/45
personal property					
Tax Commission, Property Tax	29630	R884-24P	5YR	03/12/2007	2007-7/197
	29223	R884-24P-19	AMD	01/12/2007	2006-23/83
petroleum					
Environmental Quality, Air Quality	29660	R307-301	5YR	03/15/2007	2007-7/158
	29666	R307-327	5YR	03/15/2007	2007-7/163
	29004	R307-327	CPR	03/09/2007	2007-3/45
	29004	R307-327	AMD	03/09/2007	2006-19/40
Environmental Quality, Environmental Response and Remediation	29838	R311-200	5YR	04/18/2007	2007-10/113
	29567	R311-200	NSC	04/18/2007	Not Printed
	29568	R311-201	NSC	04/18/2007	Not Printed
	29839	R311-201	5YR	04/18/2007	2007-10/113
	29840	R311-202	5YR	04/18/2007	2007-10/114
	29569	R311-202	NSC	04/18/2007	Not Printed
	29570	R311-203	NSC	04/18/2007	Not Printed
	29841	R311-203	5YR	04/18/2007	2007-10/115
	29571	R311-204	NSC	04/18/2007	Not Printed
	29842	R311-204	5YR	04/18/2007	2007-10/116
	29843	R311-205	5YR	04/18/2007	2007-10/116
	29572	R311-205	NSC	04/18/2007	Not Printed
	29573	R311-206	NSC	04/18/2007	Not Printed
	29844	R311-206	5YR	04/18/2007	2007-10/117
	29845	R311-207	5YR	04/18/2007	2007-10/118
	29574	R311-207	NSC	04/18/2007	Not Printed
	29846	R311-208	5YR	04/18/2007	2007-10/118
	29575	R311-208	NSC	04/18/2007	Not Printed
	29576	R311-209	NSC	04/18/2007	Not Printed
	29847	R311-209	5YR	04/18/2007	2007-10/119
	29848	R311-210	5YR	04/18/2007	2007-10/120
	29577	R311-210	NSC	04/18/2007	Not Printed
	29849	R311-211	5YR	04/18/2007	2007-10/120
	29578	R311-211	NSC	04/18/2007	Not Printed
	29579	R311-212	NSC	04/18/2007	Not Printed
	29850	R311-212	5YR	04/18/2007	2007-10/121
Tax Commission, Auditing	29708	R865-15O	5YR	03/19/2007	2007-8/146

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
petroleum hydrocarbons					
Environmental Quality, Water Quality	29294	R317-6	AMD	01/23/2007	2006-24/23
petroleum industries					
Tax Commission, Auditing	29708	R865-15O	5YR	03/19/2007	2007-8/146
physical examinations					
Public Safety, Driver License	29734	R708-25	5YR	03/26/2007	2007-8/138
	29741	R708-25	NSC	04/12/2007	Not Printed
physical therapy					
Commerce, Occupational and Professional Licensing	29459	R156-24a	5YR	01/30/2007	2007-4/56
physically handicapped persons					
Commerce, Administration	29903	R151-3	5YR	05/01/2007	2007-10/105
physician assistants					
Commerce, Occupational and Professional Licensing	29564	R156-70a	5YR	02/27/2007	2007-6/38
physicians					
Public Safety, Driver License	29633	R708-7	5YR	03/13/2007	2007-7/184
	29582	R708-7-10	AMD	04/23/2007	2007-6/29
pipelines					
Public Service Commission, Administration	29438	R746-409	AMD	03/27/2007	2007-4/38
plan review					
Environmental Quality, Drinking Water	29774	R309-500	5YR	04/02/2007	2007-8/122
PM10					
Environmental Quality, Air Quality	29662	R307-110	5YR	03/15/2007	2007-7/151
	29001	R307-110-13	CPR	03/09/2007	2007-3/40
	29001	R307-110-13	AMD	03/09/2007	2006-19/30
	29801	R307-110-20	NSC	05/02/2007	Not Printed
	29514	R307-110-20	AMD	05/02/2007	2007-5/13
	29227	R307-110-36	AMD	02/09/2007	2006-23/7
	29293	R307-110-36	NSC	02/09/2007	Not Printed
PM2.5					
Environmental Quality, Air Quality	29662	R307-110	5YR	03/15/2007	2007-7/151
	29001	R307-110-13	CPR	03/09/2007	2007-3/40
	29001	R307-110-13	AMD	03/09/2007	2006-19/30
	29801	R307-110-20	NSC	05/02/2007	Not Printed
	29514	R307-110-20	AMD	05/02/2007	2007-5/13
	29227	R307-110-36	AMD	02/09/2007	2006-23/7
	29293	R307-110-36	NSC	02/09/2007	Not Printed
point-system					
Public Safety, Driver License	29590	R708-3	5YR	03/02/2007	2007-7/184
police training					
Public Safety, Peace Officer Standards and Training	29176	R728-402	AMD	01/20/2007	2006-22/47

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29553	R728-402	5YR	02/26/2007	2007-6/41
pools Health, Epidemiology and Laboratory Services, Environmental Services	29720	R392-302	5YR	03/22/2007	2007-8/130
post-conviction Administrative Services, Finance	29424	R25-14	5YR	01/17/2007	2007-4/54
prelitigation Commerce, Occupational and Professional Licensing	29804	R156-78A	5YR	04/09/2007	2007-9/34
preneed Commerce, Occupational and Professional Licensing	29391	R156-9-302a	AMD	03/13/2007	2007-3/6
prequalification Transportation, Operations, Construction	29184	R916-2-3	AMD	01/03/2007	2006-22/53
press Corrections, Administration	29531	R251-106-3	AMD	05/01/2007	2007-6/9
pricing flexibility Public Service Commission, Administration	29627	R746-351	5YR	03/09/2007	2007-7/187
primary disinfectants Environmental Quality, Drinking Water	29642	R309-520	5YR	03/13/2007	2007-7/169
primary term Natural Resources, Forestry, Fire and State Lands	29760	R652-20	5YR	04/02/2007	2007-8/133
	29468	R652-20-1600	AMD	03/26/2007	2007-4/36
prisons Corrections, Administration	29531	R251-106-3	AMD	05/01/2007	2007-6/9
	29533	R251-107	AMD	05/01/2007	2007-6/11
	29464	R251-707	5YR	01/31/2007	2007-4/59
	29465	R251-710	5YR	01/31/2007	2007-4/59
privacy law Human Services, Recovery Services	29415	R527-5	5YR	01/16/2007	2007-3/60
professional competency Education, Administration	29477	R277-505	AMD	03/27/2007	2007-4/13
	29737	R277-505-5	NSC	04/12/2007	Not Printed
	29748	R277-519	5YR	03/29/2007	2007-8/122
professional education Education, Administration	29747	R277-507	5YR	03/29/2007	2007-8/122
professional engineers Commerce, Occupational and Professional Licensing	29355	R156-22	AMD	02/22/2007	2007-2/3
professional geologists Commerce, Occupational and Professional Licensing	29905	R156-76	5YR	05/01/2007	2007-10/106

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
professional land surveyors					
Commerce, Occupational and Professional Licensing	29355	R156-22	AMD	02/22/2007	2007-2/3
prohibited devices					
Human Services, Juvenile Justice Services	29897	R547-14	5YR	04/30/2007	2007-10/129
prohibited items					
Human Services, Juvenile Justice Services	29897	R547-14	5YR	04/30/2007	2007-10/129
prohibited items and devices					
Human Services, Substance Abuse and Mental Health	29381	R523-1-2	AMD	02/26/2007	2007-2/97
	29245	R523-1-5	AMD	01/30/2007	2006-24/29
	29382	R523-1-11	AMD	02/26/2007	2007-2/99
property casualty insurance filing					
Insurance, Administration	29290	R590-225-6	AMD	01/22/2007	2006-24/32
property tax					
Tax Commission, Property Tax	29630	R884-24P	5YR	03/12/2007	2007-7/197
	29223	R884-24P-19	AMD	01/12/2007	2006-23/83
public assistance					
Workforce Services, Employment Development	29588	R986-900-902	AMD	05/01/2007	2007-6/34
public assistance programs					
Health, Health Care Financing, Coverage and Reimbursement Policy	29469	R414-308	AMD	04/01/2007	2007-4/22
public buildings					
Public Safety, Fire Marshal	29233	R710-4	AMD	01/09/2007	2006-23/72
	29683	R710-4-3	AMD	05/08/2007	2007-7/82
public education					
Education, Administration	29902	R277-437-1	NSC	05/01/2007	Not Printed
public health					
Health, Epidemiology and Laboratory Services, Environmental Services	29722	R392-100	5YR	03/22/2007	2007-8/129
	29799	R392-200	5YR	04/05/2007	2007-9/36
	29860	R392-300	5YR	04/24/2007	2007-10/122
	29899	R392-301	5YR	04/30/2007	2007-10/123
	29925	R392-400	5YR	05/08/2007	Not Printed
	29901	R392-401	5YR	04/30/2007	2007-10/123
	29900	R392-402	5YR	04/30/2007	2007-10/124
	29870	R392-501	5YR	04/26/2007	2007-10/124
	29856	R392-510	5YR	04/23/2007	2007-10/125
public information					
Administrative Services, Administration	29771	R13-2	5YR	04/02/2007	2007-8/119
public investments					
Money Management Council, Administration	29222	R628-17	NEW	01/09/2007	2006-23/68

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
public meetings					
Natural Resources, Forestry, Fire and State Lands	29763	R652-90	5YR	04/02/2007	2007-8/136
public notification					
Environmental Quality, Drinking Water	29367	R309-220	AMD	03/06/2007	2007-2/86
public petitions declaratory rulings					
Public Safety, Peace Officer Standards and Training	29551	R728-101	5YR	02/26/2007	2007-6/40
public records					
Commerce, Administration	29524	R151-2	5YR	02/15/2007	2007-5/23
	29809	R305-1	5YR	04/12/2007	2007-9/34
	29867	R380-20	5YR	04/26/2007	2007-10/122
Natural Resources, Oil, Gas and Mining; Administration	29596	R642-100	5YR	03/07/2007	2007-7/170
Natural Resources, Forestry, Fire and State Lands	29766	R652-6	5YR	04/02/2007	2007-8/132
Natural Resources, Wildlife Resources	29916	R657-29	5YR	05/03/2007	Not Printed
Public Safety, Administration	29385	R698-2	5YR	01/02/2007	2007-2/118
public schools					
Education, Administration	29496	R277-915	5YR	02/02/2007	2007-5/26
public utilities					
Public Service Commission, Administration	29626	R746-349	5YR	03/08/2007	2007-7/186
	29627	R746-351	5YR	03/09/2007	2007-7/187
pumps					
Environmental Quality, Drinking Water	29781	R309-540	5YR	04/02/2007	2007-8/126
qualifications for training					
Public Safety, Peace Officer Standards and Training	29557	R728-403	5YR	02/26/2007	2007-6/42
quality improvement					
Health, Administration	29538	R380-200	AMD	04/26/2007	2007-6/14
quality standards					
Environmental Quality, Drinking Water	29371	R309-200	AMD	03/06/2007	2007-2/43
RACT					
Environmental Quality, Air Quality	29003	R307-325	CPR	03/09/2007	2007-3/42
	29003	R307-325	AMD	03/09/2007	2006-19/35
	29664	R307-325	5YR	03/15/2007	2007-7/160
radiation					
Environmental Quality, Radiation Control	29333	R313-25	AMD	03/16/2007	2007-1/9
radioactive materials					
Environmental Quality, Radiation Control	29336	R313-36	AMD	03/16/2007	2007-1/15
	29335	R313-70	AMD	03/16/2007	2007-1/17
radioactive waste disposal					
Environmental Quality, Radiation Control	29333	R313-25	AMD	03/16/2007	2007-1/9

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
radioactive waste generator permit					
Environmental Quality, Radiation Control	29332	R313-26	AMD	03/16/2007	2007-1/10
radiology practical technicians					
Commerce, Occupational and Professional Licensing	29396	R156-54	5YR	01/09/2007	2007-3/56
radiology technologists					
Commerce, Occupational and Professional Licensing	29396	R156-54	5YR	01/09/2007	2007-3/56
range management					
Natural Resources, Forestry, Fire and State Lands	29764	R652-50	5YR	04/02/2007	2007-8/134
rates					
Labor Commission, Industrial Accidents	29124	R612-4-2	AMD	01/01/2007	2006-21/49
Natural Resources, Forestry, Fire and State Lands	29761	R652-4	5YR	04/02/2007	2007-8/131
Workforce Services, Unemployment Insurance	29743	R994-306-202	NSC	04/12/2007	Not Printed
reactivation process					
Public Safety, Peace Officer Standards and Training	29561	R728-407	5YR	02/26/2007	2007-6/44
real estate appraisals					
Commerce, Real Estate	29828	R162-101	5YR	04/18/2007	2007-10/111
	29523	R162-102	5YR	02/15/2007	2007-5/24
	29829	R162-103	5YR	04/18/2007	2007-10/112
	29522	R162-104	5YR	02/15/2007	2007-5/24
	29521	R162-106	5YR	02/15/2007	2007-5/25
	29546	R162-106-5	AMD	04/25/2007	2007-6/6
	29830	R162-109	5YR	04/18/2007	2007-10/112
real estate business					
Commerce, Real Estate	29832	R162-1	5YR	04/18/2007	2007-10/107
	29831	R162-2	5YR	04/18/2007	2007-10/107
	29833	R162-3	5YR	04/18/2007	2007-10/108
	29834	R162-4	5YR	04/18/2007	2007-10/108
	29827	R162-5	5YR	04/18/2007	2007-10/109
	29835	R162-6	5YR	04/18/2007	2007-10/109
	29851	R162-7	5YR	04/19/2007	2007-10/110
	29836	R162-8	5YR	04/18/2007	2007-10/110
	29224	R162-9	AMD	01/17/2007	2006-23/3
reclamation					
Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	29597	R643-870	5YR	03/07/2007	2007-7/170
	29598	R643-872	5YR	03/07/2007	2007-7/171
	29599	R643-874	5YR	03/07/2007	2007-7/171
	29600	R643-875	5YR	03/07/2007	2007-7/172
	29601	R643-877	5YR	03/07/2007	2007-7/172
	29602	R643-879	5YR	03/07/2007	2007-7/173
	29603	R643-882	5YR	03/07/2007	2007-7/173

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29604	R643-884	5YR	03/07/2007	2007-7/174
	29605	R643-886	5YR	03/07/2007	2007-7/174
Natural Resources, Oil, Gas and Mining; Coal	29606	R645-100	5YR	03/07/2007	2007-7/175
	29607	R645-103	5YR	03/07/2007	2007-7/175
	29608	R645-200	5YR	03/07/2007	2007-7/176
	29609	R645-201	5YR	03/07/2007	2007-7/176
	29610	R645-202	5YR	03/07/2007	2007-7/177
	29611	R645-203	5YR	03/07/2007	2007-7/177
	29612	R645-300	5YR	03/07/2007	2007-7/178
	29613	R645-301	5YR	03/07/2007	2007-7/178
	29614	R645-302	5YR	03/07/2007	2007-7/179
	29615	R645-303	5YR	03/07/2007	2007-7/179
	29616	R645-402	5YR	03/07/2007	2007-7/180
records Health, Health Care Financing, Coverage and Reimbursement Policy	29469	R414-308	AMD	04/01/2007	2007-4/22
records appeal hearings Administrative Services, Records Committee	29081	R35-2-2	AMD	01/05/2007	2006-20/2
recreation Natural Resources, Wildlife Resources	29329	R657-38	AMD	02/07/2007	2007-1/35
recreation areas Health, Epidemiology and Laboratory Services, Environmental Services	29860	R392-300	5YR	04/24/2007	2007-10/122
	29899	R392-301	5YR	04/30/2007	2007-10/123
	29901	R392-401	5YR	04/30/2007	2007-10/123
recreation therapy Commerce, Occupational and Professional Licensing	29825	R156-40-302c	NSC	04/26/2007	Not Printed
recreational therapy Commerce, Occupational and Professional Licensing	29825	R156-40-302c	NSC	04/26/2007	Not Printed
refinery Environmental Quality, Air Quality	29006	R307-326	AMD	03/09/2007	2006-19/37
	29006	R307-326	CPR	03/09/2007	2007-3/43
	29665	R307-326	5YR	03/15/2007	2007-7/161
	29526	R307-326-1	NSC	03/09/2007	Not Printed
registration Environmental Quality, Radiation Control	29335	R313-70	AMD	03/16/2007	2007-1/17
Natural Resources, Forestry, Fire and State Lands	29433	R652-140	NSC	01/23/2007	Not Printed
	29461	R652-140	NEW	03/26/2007	2007-4/37
regulated contaminants Environmental Quality, Drinking Water	29371	R309-200	AMD	03/06/2007	2007-2/43

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Rehabilitation Act 1973					
Human Services, Administration	29498	R495-878	5YR	02/05/2007	2007-5/28
reimbursement					
Transportation, Administration	29182	R907-66	AMD	01/03/2007	2006-22/50
religious activities					
Tax Commission, Auditing	29641	R865-19S	5YR	03/13/2007	2007-7/191
repair					
Administrative Services, Fleet Operations	29534	R27-8	5YR	02/21/2007	2007-6/36
reporting					
Natural Resources, Oil, Gas and Mining; Oil and Gas	29621	R649-8	5YR	03/07/2007	2007-7/182
research funding					
Science Technology and Research Governing Auth., Administration	29298	R856-1	NEW	04/04/2007	2006-24/35
	29375	R856-1-6	AMD	04/04/2007	2007-2/113
residency requirements					
Natural Resources, Forestry, Fire and State Lands	29758	R652-3	5YR	04/02/2007	2007-8/131
residential mortgage loan origination					
Commerce, Real Estate	29237	R162-202	AMD	01/24/2007	2006-24/4
	29517	R162-202-1	AMD	04/10/2007	2007-5/4
	29545	R162-202-5	AMD	05/01/2007	2007-6/7
	29516	R162-203	AMD	04/10/2007	2007-5/4
	29518	R162-206	REP	04/10/2007	2007-5/6
	29519	R162-207	AMD	04/10/2007	2007-5/7
	29544	R162-207-6	AMD	05/01/2007	2007-6/8
	29520	R162-208	AMD	04/10/2007	2007-5/10
	29429	R162-210-6	NSC	02/12/2007	Not Printed
resource decision					
Public Service Commission, Administration	29378	R746-440	NEW	03/19/2007	2007-2/111
respiratory care					
Commerce, Occupational and Professional Licensing	29354	R156-57	AMD	02/22/2007	2007-2/12
restaurants					
Tax Commission, Auditing	29705	R865-12L	5YR	03/16/2007	2007-8/144
retirement					
Public Safety, Peace Officer Standards and Training	29196	R728-205-1	AMD	01/20/2007	2006-23/83
	29374	R728-205-1	NSC	01/20/2007	Not Printed
right-of-way					
Transportation, Program Development	29358	R926-6	AMD	02/22/2007	2007-2/114
roads					
Transportation, Program Development	29455	R926-4	NEW	03/26/2007	2007-4/43

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ropeways					
Transportation, Operations, Traffic and Safety	29340	R920-50-1	AMD	02/13/2007	2007-1/50
royalties					
Natural Resources, Forestry, Fire and State Lands	29760	R652-20	5YR	04/02/2007	2007-8/133
	29468	R652-20-1600	AMD	03/26/2007	2007-4/36
rules and procedures					
Health, Epidemiology and Laboratory Services, Epidemiology	29721	R386-702	5YR	03/22/2007	2007-8/128
Health, Community and Family Health Services, Immunization	29547	R396-100	AMD	05/07/2007	2007-6/19
Insurance, Administration	29583	R590-116	5YR	02/28/2007	2007-6/39
	29584	R590-117	5YR	02/28/2007	2007-6/40
Natural Resources, Wildlife Resources	29636	R657-27	AMD	05/08/2007	2007-7/76
	29794	R657-27	5YR	04/04/2007	2007-9/45
Public Safety, Driver License	29593	R708-2	5YR	03/02/2007	2007-7/184
Public Safety, Peace Officer Standards and Training	29562	R728-409	5YR	02/27/2007	2007-6/44
Public Service Commission, Administration	29438	R746-409	AMD	03/27/2007	2007-4/38
safety					
Labor Commission, Occupational Safety and Health	29282	R614-1-4	AMD	01/23/2007	2006-24/33
Labor Commission, Safety	29313	R616-2-3	AMD	02/08/2007	2007-1/24
	29527	R616-2-3	AMD	04/24/2007	2007-6/26
	29581	R616-2-3	AMD	04/24/2007	2007-6/25
Public Service Commission, Administration	29438	R746-409	AMD	03/27/2007	2007-4/38
Transportation, Motor Carrier	29338	R909-1-1	AMD	02/08/2007	2007-1/45
safety regulations					
Transportation, Motor Carrier	29341	R909-19	AMD	02/08/2007	2007-1/46
	29339	R909-75	AMD	02/08/2007	2007-1/49
sales tax					
Tax Commission, Auditing	29644	R865-11Q	5YR	03/14/2007	2007-7/189
	29705	R865-12L	5YR	03/16/2007	2007-8/144
	29641	R865-19S	5YR	03/13/2007	2007-7/191
salt					
Natural Resources, Forestry, Fire and State Lands	29760	R652-20	5YR	04/02/2007	2007-8/133
	29468	R652-20-1600	AMD	03/26/2007	2007-4/36
school enrollment					
Education, Administration	29690	R277-419	AMD	05/09/2007	2007-7/10
schools					
Environmental Quality, Air Quality	29659	R307-135	5YR	03/15/2007	2007-7/156
Health, Epidemiology and Laboratory Services, Environmental Services	29799	R392-200	5YR	04/05/2007	2007-9/36
Public Safety, Driver License	29593	R708-2	5YR	03/02/2007	2007-7/184

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
SDWA					
Environmental Quality, Drinking Water	29785	R309-705	5YR	04/02/2007	2007-8/127
search and seizure					
Corrections, Administration	29465	R251-710	5YR	01/31/2007	2007-4/59
secondary disinfectants					
Environmental Quality, Drinking Water	29642	R309-520	5YR	03/13/2007	2007-7/169
securities					
Money Management Council, Administration	29222	R628-17	NEW	01/09/2007	2006-23/68
securities regulation					
Money Management Council, Administration	29222	R628-17	NEW	01/09/2007	2006-23/68
security					
Public Safety, Administration	29331	R698-100	NSC	04/02/2007	Not Printed
	29787	R698-100	5YR	04/02/2007	2007-8/136
security measures					
Corrections, Administration	29465	R251-710	5YR	01/31/2007	2007-4/59
sedimentation					
Environmental Quality, Drinking Water	29778	R309-525	5YR	04/02/2007	2007-8/124
sentinel event					
Health, Administration	29538	R380-200	AMD	04/26/2007	2007-6/14
server training					
Human Services, Substance Abuse and Mental Health	28928	R523-23	AMD	01/30/2007	2006-17/43
	28928	R523-23	CPR	01/30/2007	2006-24/43
slow sand filtration					
Environmental Quality, Drinking Water	29779	R309-530	5YR	04/02/2007	2007-8/125
smoking					
Health, Epidemiology and Laboratory Services, Environmental Services	29856	R392-510	5YR	04/23/2007	2007-10/125
sobriety					
Health, Epidemiology and Laboratory Services, Laboratory Services	29926	R438-12	5YR	05/08/2007	Not Printed
solicitations					
Commerce, Consumer Protection	29427	R152-22	AMD	04/02/2007	2007-4/8
solid waste management					
Environmental Quality, Solid and Hazardous Waste	29202	R315-301	AMD	02/01/2007	2006-23/17
	29509	R315-301-5	NSC	02/28/2007	Not Printed
	29203	R315-302	AMD	02/01/2007	2006-23/22
	29204	R315-303	AMD	02/01/2007	2006-23/28
	29205	R315-304	AMD	02/01/2007	2006-23/33
	29754	R315-304	5YR	03/30/2007	2007-8/128
	29206	R315-305-4	AMD	02/01/2007	2006-23/35

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29566	R315-305-4	NSC	03/09/2007	Not Printed
	29207	R315-306-2	AMD	02/01/2007	2006-23/37
	29208	R315-308	AMD	02/01/2007	2006-23/38
	29716	R315-308-2	NSC	04/12/2007	Not Printed
	29209	R315-309	AMD	02/01/2007	2006-23/43
	29210	R315-310	AMD	02/01/2007	2006-23/46
	29211	R315-311	AMD	02/01/2007	2006-23/50
	29511	R315-311-1	NSC	02/28/2007	Not Printed
	29212	R315-312	AMD	02/01/2007	2006-23/52
	29213	R315-313-2	AMD	02/01/2007	2006-23/54
	29214	R315-314-3	AMD	02/01/2007	2006-23/56
	29425	R315-315-2	NSC	02/13/2007	Not Printed
	29215	R315-316	AMD	02/01/2007	2006-23/58
	29216	R315-317	AMD	02/01/2007	2006-23/60
	29217	R315-318-1	AMD	02/01/2007	2006-23/61
	29218	R315-320	AMD	02/01/2007	2006-23/62
	29510	R315-320-4	NSC	02/28/2007	Not Printed
solid waste managment Environmental Quality, Solid and Hazardous Waste	29768	R315-312-3	NSC	04/12/2007	Not Printed
solvent Environmental Quality, Air Quality	29010	R307-341	AMD	01/16/2007	2006-19/59
	29670	R307-341	5YR	03/15/2007	2007-7/166
solvent cleaning Environmental Quality, Air Quality	29668	R307-335	5YR	03/15/2007	2007-7/165
	29008	R307-335	AMD	01/16/2007	2006-19/49
source development Environmental Quality, Drinking Water	29777	R309-515	5YR	04/02/2007	2007-8/124
source maintenance Environmental Quality, Drinking Water	29777	R309-515	5YR	04/02/2007	2007-8/124
sovereign lands Natural Resources, Forestry, Fire and State Lands	29765	R652-70	5YR	04/02/2007	2007-8/135
spas Health, Epidemiology and Laboratory Services, Environmental Services	29720	R392-302	5YR	03/22/2007	2007-8/130
special events Health, Epidemiology and Laboratory Services, Environmental Services	29925	R392-400	5YR	05/08/2007	Not Printed
special fuel Tax Commission, Auditing	29556	R865-4D	5YR	02/26/2007	2007-6/48
speech-language pathology Commerce, Occupational and Professional Licensing	29471	R156-41	5YR	02/01/2007	2007-4/57

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
sponsors					
Corrections, Administration	29463	R251-306	5YR	01/31/2007	2007-4/58
stabilization					
Environmental Quality, Drinking Water	29780	R309-535	5YR	04/02/2007	2007-8/125
STAR					
Science Technology and Research Governing Auth., Administration	29298	R856-1	NEW	04/04/2007	2006-24/35
	29375	R856-1-6	AMD	04/04/2007	2007-2/113
	29299	R856-2	NEW	04/04/2007	2006-24/37
state fleet information system					
Administrative Services, Fleet Operations	29457	R27-5	5YR	01/29/2007	2007-4/54
state property					
Administrative Services, Fleet Operations, Surplus Property	29550	R28-1	5YR	02/26/2007	2007-6/36
state records committee					
Administrative Services, Records Committee	29081	R35-2-2	AMD	01/05/2007	2006-20/2
stationary sources					
Environmental Quality, Air Quality	29228	R307-210	AMD	03/15/2007	2006-23/8
storage tanks					
Environmental Quality, Drinking Water	29782	R309-545	5YR	04/02/2007	2007-8/126
substance abuse					
Human Services, Substance Abuse and Mental Health	29246	R523-20-2	AMD	01/30/2007	2006-24/31
	28928	R523-23	AMD	01/30/2007	2006-17/43
	28928	R523-23	CPR	01/30/2007	2006-24/43
supplies					
Education, Administration	29691	R277-459	AMD	05/09/2007	2007-7/12
surface coating					
Environmental Quality, Air Quality	29009	R307-340	AMD	03/09/2007	2006-19/52
	29009	R307-340	CPR	03/09/2007	2007-3/46
	29669	R307-340	5YR	03/15/2007	2007-7/165
	29151	R307-340-1	NSC	03/09/2007	Not Printed
surface water treatment					
Environmental Quality, Drinking Water	29775	R309-505	5YR	04/02/2007	2007-8/123
surface water treatment plant monitoring					
Environmental Quality, Drinking Water	29366	R309-215	AMD	03/06/2007	2007-2/63
surveyors					
Commerce, Occupational and Professional Licensing	29355	R156-22	AMD	02/22/2007	2007-2/3
surveys					
Environmental Quality, Radiation Control	29310	R313-35	NSC	03/05/2007	Not Printed
	29595	R313-35	5YR	03/05/2007	2007-7/169

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29336	R313-36	AMD	03/16/2007	2007-1/15
Natural Resources, Forestry, Fire and State Lands	29767	R652-40	5YR	04/02/2007	2007-8/134
tax exemptions					
Environmental Quality, Air Quality	29327	R307-120	AMD	03/09/2007	2007-1/7
	29653	R307-120	5YR	03/15/2007	2007-7/155
Environmental Quality, Water Quality	29326	R317-12	NEW	03/09/2007	2007-1/21
Tax Commission, Auditing	29641	R865-19S	5YR	03/13/2007	2007-7/191
tax returns					
Tax Commission, Auditing	29712	R865-9I	5YR	03/20/2007	2007-8/142
	29320	R865-9I-32	AMD	02/12/2007	2007-1/42
	29786	R865-9I-42	NSC	04/12/2007	Not Printed
	29315	R865-9I-49	AMD	02/12/2007	2007-1/43
	29314	R865-9I-52	AMD	02/12/2007	2007-1/44
	29436	R865-9I-53	AMD	04/16/2007	2007-4/41
taxation					
Tax Commission, Administration	29713	R861-1A	5YR	03/20/2007	2007-8/139
	29324	R861-1A-19	AMD	02/12/2007	2007-1/41
Tax Commission, Auditing	29714	R865-3C	5YR	03/21/2007	2007-8/142
	29556	R865-4D	5YR	02/26/2007	2007-6/48
	29624	R865-6F	5YR	03/08/2007	2007-7/187
	29323	R865-6F-30	AMD	02/12/2007	2007-1/41
	29437	R865-6F-37	AMD	04/16/2007	2007-4/40
	29705	R865-12L	5YR	03/16/2007	2007-8/144
	29628	R865-13G	5YR	03/09/2007	2007-7/190
	29707	R865-14W	5YR	03/19/2007	2007-8/146
	29708	R865-15O	5YR	03/19/2007	2007-8/146
	29709	R865-20T	5YR	03/19/2007	2007-8/147
	29325	R865-20T-12	AMD	02/12/2007	2007-1/45
	29643	R865-20T-12	NSC	03/29/2007	Not Printed
Tax Commission, Motor Vehicle	29631	R873-22M	5YR	03/12/2007	2007-7/194
Tax Commission, Motor Vehicle Enforcement	29651	R877-23V	5YR	03/14/2007	2007-7/196
Tax Commission, Property Tax	29630	R884-24P	5YR	03/12/2007	2007-7/197
	29223	R884-24P-19	AMD	01/12/2007	2006-23/83
teacher					
Education, Administration	29305	R277-511	NEW	01/23/2007	2006-24/7
teacher certification					
Education, Administration	29477	R277-505	AMD	03/27/2007	2007-4/13
	29737	R277-505-5	NSC	04/12/2007	Not Printed
	29748	R277-519	5YR	03/29/2007	2007-8/122
Public Safety, Driver License	29729	R708-27	5YR	03/23/2007	2007-8/139
teachers					
Education, Administration	29691	R277-459	AMD	05/09/2007	2007-7/12
	29749	R277-503	5YR	03/29/2007	2007-8/121

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29692	R277-503	AMD	05/09/2007	2007-7/14
technology funding					
Science Technology and Research Governing Auth., Administration	29298	R856-1	NEW	04/04/2007	2006-24/35
	29375	R856-1-6	AMD	04/04/2007	2007-2/113
telecommunications					
Public Service Commission, Administration	29428	R746-348	5YR	01/22/2007	2007-4/67
	29626	R746-349	5YR	03/08/2007	2007-7/186
	29627	R746-351	5YR	03/09/2007	2007-7/187
telephone					
Commerce, Consumer Protection	29594	R152-26	5YR	03/05/2007	2007-7/149
	29379	R152-26	AMD	02/23/2007	2007-2/3
telephone utility regulation					
Public Service Commission, Administration	29428	R746-348	5YR	01/22/2007	2007-4/67
temporary mass gatherings					
Health, Epidemiology and Laboratory Services, Environmental Services	29925	R392-400	5YR	05/08/2007	Not Printed
terminally ill					
Natural Resources, Wildlife Resources	29920	R657-30	5YR	05/07/2007	Not Printed
tires					
Transportation, Motor Carrier, Ports of Entry	29426	R912-76	5YR	01/19/2007	2007-4/68
title escrow charges					
Insurance, Title and Escrow Commission	29725	R592-4-5	NSC	04/12/2007	Not Printed
tobacco products					
Tax Commission, Auditing	29709	R865-20T	5YR	03/19/2007	2007-8/147
	29643	R865-20T-12	NSC	03/29/2007	Not Printed
	29325	R865-20T-12	AMD	02/12/2007	2007-1/45
towing					
Transportation, Motor Carrier	29341	R909-19	AMD	02/08/2007	2007-1/46
traffic violations					
Public Safety, Driver License	29590	R708-3	5YR	03/02/2007	2007-7/184
training programs					
Public Safety, Driver License	29727	R708-21	5YR	03/23/2007	2007-8/137
tramsways					
Transportation, Operations, Traffic and Safety	29340	R920-50-1	AMD	02/13/2007	2007-1/50
tramway permits					
Transportation, Operations, Traffic and Safety	29340	R920-50-1	AMD	02/13/2007	2007-1/50
transmission and distribution pipelines					
Environmental Quality, Drinking Water	29783	R309-550	5YR	04/02/2007	2007-8/126

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
transportation					
Transportation, Administration	29182	R907-66	AMD	01/03/2007	2006-22/50
Transportation, Motor Carrier	29338	R909-1-1	AMD	02/08/2007	2007-1/45
Transportation, Program Development	29455	R926-4	NEW	03/26/2007	2007-4/43
	29358	R926-6	AMD	02/22/2007	2007-2/114
transportation corridor preservation revolving loan fund					
Transportation, Program Development	29358	R926-6	AMD	02/22/2007	2007-2/114
transportation planning					
Transportation, Program Development	29358	R926-6	AMD	02/22/2007	2007-2/114
transportation safety					
Transportation, Operations, Traffic and Safety	29340	R920-50-1	AMD	02/13/2007	2007-1/50
trees					
Natural Resources, Forestry, Fire and State Lands	29800	R652-130	NSC	04/03/2007	Not Printed
trip reduction					
Environmental Quality, Air Quality	29002	R307-320	CPR	03/09/2007	2007-3/40
	29002	R307-320	AMD	03/09/2007	2006-19/32
	29663	R307-320	5YR	03/15/2007	2007-7/160
trucking industries					
Tax Commission, Auditing	29624	R865-6F	5YR	03/08/2007	2007-7/187
	29323	R865-6F-30	AMD	02/12/2007	2007-1/41
	29437	R865-6F-37	AMD	04/16/2007	2007-4/40
trucks					
Transportation, Motor Carrier	29338	R909-1-1	AMD	02/08/2007	2007-1/45
	29341	R909-19	AMD	02/08/2007	2007-1/46
underground storage tanks					
Environmental Quality, Environmental Response and Remediation	29838	R311-200	5YR	04/18/2007	2007-10/113
	29567	R311-200	NSC	04/18/2007	Not Printed
	29568	R311-201	NSC	04/18/2007	Not Printed
	29839	R311-201	5YR	04/18/2007	2007-10/113
	29840	R311-202	5YR	04/18/2007	2007-10/114
	29569	R311-202	NSC	04/18/2007	Not Printed
	29570	R311-203	NSC	04/18/2007	Not Printed
	29841	R311-203	5YR	04/18/2007	2007-10/115
	29571	R311-204	NSC	04/18/2007	Not Printed
	29842	R311-204	5YR	04/18/2007	2007-10/116
	29843	R311-205	5YR	04/18/2007	2007-10/116
	29572	R311-205	NSC	04/18/2007	Not Printed
	29573	R311-206	NSC	04/18/2007	Not Printed
	29844	R311-206	5YR	04/18/2007	2007-10/117
	29845	R311-207	5YR	04/18/2007	2007-10/118
	29574	R311-207	NSC	04/18/2007	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29846	R311-208	5YR	04/18/2007	2007-10/118
	29575	R311-208	NSC	04/18/2007	Not Printed
	29576	R311-209	NSC	04/18/2007	Not Printed
	29847	R311-209	5YR	04/18/2007	2007-10/119
	29848	R311-210	5YR	04/18/2007	2007-10/120
	29577	R311-210	NSC	04/18/2007	Not Printed
	29849	R311-211	5YR	04/18/2007	2007-10/120
	29578	R311-211	NSC	04/18/2007	Not Printed
	29579	R311-212	NSC	04/18/2007	Not Printed
	29850	R311-212	5YR	04/18/2007	2007-10/121
unemployment compensation Workforce Services, Unemployment Insurance	29743	R994-306-202	NSC	04/12/2007	Not Printed
vehicle maintenance Administrative Services, Fleet Operations	29534	R27-8	5YR	02/21/2007	2007-6/36
vendor approval Administrative Services, Fleet Operations	29534	R27-8	5YR	02/21/2007	2007-6/36
ventilation Health, Epidemiology and Laboratory Services, Environmental Services	29856	R392-510	5YR	04/23/2007	2007-10/125
veterinarians Environmental Quality, Radiation Control	29310	R313-35	NSC	03/05/2007	Not Printed
	29595	R313-35	5YR	03/05/2007	2007-7/169
veterinary medicine Commerce, Occupational and Professional Licensing	29472	R156-28	5YR	02/01/2007	2007-4/57
victim compensation Crime Victim Reparations, Administration	29220	R270-1-26	AMD	01/10/2007	2006-23/6
victims of crimes Crime Victim Reparations, Administration	29220	R270-1-26	AMD	01/10/2007	2006-23/6
visitation Corrections, Administration	29462	R251-305	5YR	01/31/2007	2007-4/58
waiver of basic training Public Safety, Peace Officer Standards and Training	29561	R728-407	5YR	02/26/2007	2007-6/44
waste disposal Environmental Quality, Solid and Hazardous Waste	29202	R315-301	AMD	02/01/2007	2006-23/17
	29509	R315-301-5	NSC	02/28/2007	Not Printed
	29203	R315-302	AMD	02/01/2007	2006-23/22
	29204	R315-303	AMD	02/01/2007	2006-23/28
	29205	R315-304	AMD	02/01/2007	2006-23/33
	29754	R315-304	5YR	03/30/2007	2007-8/128
	29206	R315-305-4	AMD	02/01/2007	2006-23/35
	29566	R315-305-4	NSC	03/09/2007	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29207	R315-306-2	AMD	02/01/2007	2006-23/37
	29208	R315-308	AMD	02/01/2007	2006-23/38
	29716	R315-308-2	NSC	04/12/2007	Not Printed
	29209	R315-309	AMD	02/01/2007	2006-23/43
	29210	R315-310	AMD	02/01/2007	2006-23/46
	29211	R315-311	AMD	02/01/2007	2006-23/50
	29511	R315-311-1	NSC	02/28/2007	Not Printed
	29212	R315-312	AMD	02/01/2007	2006-23/52
	29768	R315-312-3	NSC	04/12/2007	Not Printed
	29213	R315-313-2	AMD	02/01/2007	2006-23/54
	29214	R315-314-3	AMD	02/01/2007	2006-23/56
	29425	R315-315-2	NSC	02/13/2007	Not Printed
	29215	R315-316	AMD	02/01/2007	2006-23/58
	29216	R315-317	AMD	02/01/2007	2006-23/60
	29217	R315-318-1	AMD	02/01/2007	2006-23/61
	29218	R315-320	AMD	02/01/2007	2006-23/62
	29510	R315-320-4	NSC	02/28/2007	Not Printed
Environmental Quality, Water Quality	29186	R317-1-2	AMD	01/19/2007	2006-22/21
	29098	R317-1-7	AMD	01/19/2007	2006-20/54
waste to energy plant Environmental Quality, Air Quality	29658	R307-223	5YR	03/15/2007	2007-7/158
waste water Environmental Quality, Water Quality	29296	R317-11	AMD	01/26/2007	2006-24/26
water conservation Environmental Quality, Drinking Water	29776	R309-510	5YR	04/02/2007	2007-8/123
water hauling Environmental Quality, Drinking Water	29783	R309-550	5YR	04/02/2007	2007-8/126
water policy Natural Resources, Oil, Gas and Mining; Abandoned Mine Reclamation	29602	R643-879	5YR	03/07/2007	2007-7/173
water pollution Environmental Quality, Water Quality	29186	R317-1-2	AMD	01/19/2007	2006-22/21
	29098	R317-1-7	AMD	01/19/2007	2006-20/54
water pollution equipment Environmental Quality, Water Quality	29326	R317-12	NEW	03/09/2007	2007-1/21
water quality Environmental Quality, Drinking Water	29368	R309-225	AMD	03/06/2007	2007-2/89
	29650	R309-225	NSC	03/29/2007	Not Printed
Environmental Quality, Water Quality	29294	R317-6	AMD	01/23/2007	2006-24/23
	29185	R317-6-6	AMD	01/19/2007	2006-22/23
water slides Health, Epidemiology and Laboratory Services, Environmental Services	29720	R392-302	5YR	03/22/2007	2007-8/130

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
water system rating					
Environmental Quality, Drinking Water	29363	R309-150	AMD	03/06/2007	2007-2/31
watershed management					
Environmental Quality, Drinking Water	29369	R309-105	AMD	03/06/2007	2007-2/15
	29036	R309-105-9	AMD	01/01/2007	2006-19/68
weapons					
Human Services, Juvenile Justice Services	29897	R547-14	5YR	04/30/2007	2007-10/129
wildland urban interface					
Natural Resources, Forestry, Fire and State Lands	29467	R652-122-300	NSC	02/13/2007	Not Printed
	29170	R652-122-300	AMD	01/03/2007	2006-22/40
wildlife					
Natural Resources, Wildlife Resources	29922	R657-2	5YR	05/07/2007	Not Printed
	29351	R657-5	AMD	02/07/2007	2007-1/25
	29502	R657-5-43	AMD	04/09/2007	2007-5/17
	29637	R657-12	AMD	05/08/2007	2007-7/73
	29328	R657-17-3	AMD	02/07/2007	2007-1/34
	29398	R657-20	5YR	01/10/2007	2007-3/66
	29401	R657-20	AMD	03/12/2007	2007-3/19
	29921	R657-22	5YR	05/07/2007	Not Printed
	29635	R657-22-3	AMD	05/08/2007	2007-7/75
	29636	R657-27	AMD	05/08/2007	2007-7/76
	29794	R657-27	5YR	04/04/2007	2007-9/45
	29920	R657-30	5YR	05/07/2007	Not Printed
	29402	R657-33	AMD	03/12/2007	2007-3/24
	29329	R657-38	AMD	02/07/2007	2007-1/35
	29201	R657-41-2	AMD	01/09/2007	2006-23/69
	29330	R657-42	AMD	02/07/2007	2007-1/37
	29704	R657-43	NSC	04/12/2007	Not Printed
	29580	R657-43	NSC	03/13/2007	Not Printed
	29639	R657-43	5YR	03/13/2007	2007-7/183
	29638	R657-44-6	AMD	05/08/2007	2007-7/79
	29165	R657-49	NSC	02/07/2007	Not Printed
	29349	R657-49	REP	02/07/2007	2007-1/39
	29703	R657-50	NSC	04/12/2007	Not Printed
	29795	R657-50	5YR	04/04/2007	2007-9/45
	29536	R657-51	NSC	04/23/2007	Not Printed
	29530	R657-51	REP	04/23/2007	2007-6/27
wildlife conservation					
Natural Resources, Wildlife Resources	29329	R657-38	AMD	02/07/2007	2007-1/35
wildlife law					
Natural Resources, Wildlife Resources	29637	R657-12	AMD	05/08/2007	2007-7/73
	29921	R657-22	5YR	05/07/2007	Not Printed
	29635	R657-22-3	AMD	05/08/2007	2007-7/75

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	29636	R657-27	AMD	05/08/2007	2007-7/76
	29794	R657-27	5YR	04/04/2007	2007-9/45
wildlife permits					
Natural Resources, Wildlife Resources	29201	R657-41-2	AMD	01/09/2007	2006-23/69
	29536	R657-51	NSC	04/23/2007	Not Printed
	29530	R657-51	REP	04/23/2007	2007-6/27
withholding tax					
Tax Commission, Auditing	29707	R865-14W	5YR	03/19/2007	2007-8/146
women					
Health, Community and Family Health Services, WIC Services	29878	R406-100	5YR	04/27/2007	2007-10/126
	29879	R406-200	5YR	04/27/2007	2007-10/126
	29880	R406-201	5YR	04/27/2007	2007-10/127
	29876	R406-202	5YR	04/27/2007	2007-10/127
	29877	R406-301	5YR	04/27/2007	2007-10/128
wood furniture					
Environmental Quality, Air Quality	29672	R307-343	5YR	03/15/2007	2007-7/167
	29012	R307-343	AMD	03/09/2007	2006-19/63
	29012	R307-343	CPR	03/09/2007	2007-3/51
	29508	R307-343-6	NSC	03/09/2007	Not Printed
workers' compensation					
Labor Commission, Industrial Accidents	29124	R612-4-2	AMD	01/01/2007	2006-21/49
x-rays					
Environmental Quality, Radiation Control	29334	R313-28	AMD	03/16/2007	2007-1/12
	29310	R313-35	NSC	03/05/2007	Not Printed
	29595	R313-35	5YR	03/05/2007	2007-7/169
	29335	R313-70	AMD	03/16/2007	2007-1/17
youth advocate					
Human Services, Child and Family Services	29387	R512-10	5YR	01/03/2007	2007-3/58