

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.utah.gov/>

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

Division of Administrative Rules, Salt Lake City 84114

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TABLE OF CONTENTS

1. NOTICES OF PROPOSED RULES

Education

Administration

No. 32139 (Amendment): R277-109-1. Definitions	2
No. 32140 (Amendment): R277-110-1. Definitions	2
No. 32141 (New Rule): R277-495. Required Policies for Electronic Devices in Public Schools	3
No. 32142 (Amendment): R277-502. Educator Licensing and Data Retention.....	5
No. 32143 (Amendment): R277-518. Applied Technology Education Licenses	7
No. 32144 (Amendment): R277-520-1. Definitions	9
No. 32145 (New Rule): R277-527. International Guest Teachers	11
No. 32146 (Amendment): R277-911. Secondary Career and Technical Education.....	12

Environmental Quality

Solid and Hazardous Waste

No. 32137 (Amendment): R315-1-1. Definitions	17
No. 32138 (Amendment): R315-2. General Requirements - Identification and Listing of Hazardous Waste	19

Health

Center for Health Data, Health Care Statistics

No. 32118 (Amendment): R428-12. Health Data Authority Survey of Enrollees in Health Maintenance Organizations and Preferred Provider Organizations.....	21
--	----

Natural Resources

Wildlife Resources

No. 32129 (Amendment): R657-13. Taking Fish and Crayfish	23
--	----

Public Safety

Peace Officer Standards and Training

No. 32132 (Amendment): R728-402. Application Procedures to Attend a Basic Peace Officer Training Program	25
---	----

2. NOTICES OF CHANGES IN PROPOSED RULES

Environmental Quality

Water Quality

No. 31650: R317-2. Standards of Quality for Waters of the State	28
---	----

3. NOTICES OF 120-DAY (EMERGENCY) RULES

Health

Health Care Financing, Coverage and Reimbursement Policy

No. 32119: R414-54. Speech-Language Pathology Services39

No. 32120: R414-59-4. Services for Individuals Eligible for Optional Services.....40

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

Commerce

Real Estate

No. 32127: R162-105. Scope of Authority42

No. 32128: R162-207. License Renewal42

No. 32130: R162-208. Continuing Education43

5. NOTICES OF RULE EFFECTIVE DATES.....44

6. RULES INDEX.....46

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 November 1, 2008, 12:00 a.m., and November 14, 2008, 11:59 p.m. are included in this, the December 1, 2008, 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 December 31, 2008. 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 63G-3-302 requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through March 31, 2009, 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 63G-3-301; 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.

Education, Administration
R277-109-1
 Definitions

NOTICE OF PROPOSED RULE
 (Amendment)

DAR FILE No.: 32139
 FILED: 11/14/2008, 15:45

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide a new definition. The acronym CACTUS (Comprehensive Administration of Credentials for Teachers in Utah Schools) is referenced within the rule but there is no definition.

SUMMARY OF THE RULE OR CHANGE: The amendment adds the definition of CACTUS to the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53A-1-401(3) and 53A-17a-153(6)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. The amendment merely adds a new definition which involves no funding.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. The amendment merely adds a new definition which involves no funding.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses AND persons other than businesses. This rule relates to the public schools and does not involve businesses. Individuals are not affected financially in any way because of this new definition.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendment merely adds a new definition which does not create any financial compliance concerns for affected persons.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2009

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

R277. Education, Administration.

R277-109. One-time Signing Bonuses.

R277-109-1. Definitions.

A. "90 days" means 90 calendar days beginning with the first educator work day.

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

C. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file maintained on all licensed Utah educators. The file includes information such as:

(1) personal directory information;

(2) educational background;

(3) endorsements;

(4) employment history;

(5) professional development information; and

(6) a record of disciplinary action taken against the educator.

[C]D. "Did not work as an educator" means did not work under contract in a position requiring an educator license during the 2007-08 school year.

[D]E. "Qualifying educator" means a person employed:

(1) in one of the following positions:

- (a) classroom teacher;
- (b) speech pathologist;
- (c) librarian or media specialist;
- (d) preschool teacher;
- (e) mentor teacher;
- (f) teacher specialist or teacher leader;
- (g) guidance counselor;
- (h) audiologist;
- (i) psychologist; or
- (j) social worker.

(2) who holds a current and valid Level 1, 2, or 3 Utah Educator License or is a participant in the Utah Alternative Routes to Licensure Program consistent with R277-503.

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

KEY: one-time signing bonuses

Date of Enactment or Last Substantive Amendment: ~~July 8, 2008~~2009

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-17a-153(6)

Education, Administration
R277-110-1
 Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32140

FILED: 11/14/2008, 15:45

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide a new definition. The acronym CACTUS (Comprehensive Administration of Credentials for Teachers in Utah Schools) is referenced within the rule but there is no definition.

SUMMARY OF THE RULE OR CHANGE: The amendment adds the definition of CACTUS to the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53A-1-401(3) and 53A-17a-153(6)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. The amendment merely adds a new definition which involves no funding.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. The amendment merely adds a new definition which involves no funding.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses AND persons other than businesses. This rule relates to the public schools and does not involve businesses. Individuals are not affected financially in any way because of this new definition.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendment merely adds a new definition which does not create any financial compliance concerns for affected persons.

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

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THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2009

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

R277. Education, Administration.**R277-110. Legislative Supplemental Salary Adjustment.****R277-110-1. Definitions.**

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

B. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file maintained on all licensed Utah educators. The file includes information such as:

(1) personal directory information;

(2) educational background;

(3) endorsements;

(4) employment history;

(5) professional development information; and

(6) a record of disciplinary action taken against the educator.

~~[B]~~C. "District or charter school" means a public school funded by the Utah State Legislature through the Minimum School Program.

~~[C]~~D. "Educator" means a teacher or other individual as defined by the Utah State Legislature in 53A-17a-153.

~~[D]~~E. "Educator Salary Adjustments" means salary increases paid annually in equal amounts to educators as defined in 53A-17a-153(1). The adjustment amount for 2007-08 was \$2500. The adjustment amount for 2008-09 is \$1700.

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

~~[F]~~G. "USDB" means Utah Schools for the Deaf and the Blind.

KEY: educators, salary adjustments

Date of Enactment or Last Substantive Amendment: [~~August 7, 2008~~]**2009**

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-17a-153(6)

**Education, Administration****R277-495****Required Policies for Electronic Devices
in Public Schools****NOTICE OF PROPOSED RULE**

(New Rule)

DAR FILE No.: 32141

FILED: 11/14/2008, 15:45

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide criteria and procedures for school districts and charter schools to develop policies regarding student use of electronic devices in the public schools.

SUMMARY OF THE RULE OR CHANGE: The rule provides definitions, local board and charter school responsibilities, policy requirements, and Utah State Office of Education responsibilities.

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. This rule provides guidance to school districts and charter schools when developing policies on student use of electronic devices in public schools, which does not require additional or specific funding.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. This rule provides guidance to school districts and charter schools when developing policies on student use of electronic devices in public schools; policies do not require specific funding.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses AND persons other than businesses. This rule relates to assisting public schools when developing policies on student use of electronic devices and not to businesses. Individuals are not affected financially by the requirement for school districts and charter schools to develop policies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. This rule provides guidance to school districts and charter schools when developing policies on student use of electronic devices in public schools which does not create any financial compliance concerns for affected persons.

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

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THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2009

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

R277. Education, Administration.

R277-495. Required Policies for Electronic Devices in Public Schools.

R277-495-1. Definitions.

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

B. "Electronic device" means a privately owned device that is used for audio, video, or text communication or any other type of computer or computer-like instrument.

C. "Public school" means all schools and public school programs, grades kindergarten through 12, that are part of the Utah Public School system, including charter schools, distance learning programs, and alternative programs.

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

R277-495-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, by 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and Section 53A-11-901(2)(c)(i) directs the State Superintendent of Public Instruction to develop a conduct and discipline policy model for elementary and secondary public schools.

B. The purpose of this rule is to direct all public school districts or public schools, including charter schools, to adopt policies, individually or collectively as school districts or consortia of charter schools, governing the possession and use of electronic devices while on public school premises.

R277-495-3. Local Board and Charter School Responsibilities.

A. Local boards of education and local charter governing boards shall establish a timeline that requires all schools under their supervision have a policy governing the use of electronic devices in schools approved by local boards, effective and posted for students, employees, parents and community member access no later than April 1, 2009.

B. Local boards and charter governing boards shall encourage schools to involve teachers, parents, students, school employees and community members in developing local policies; school community councils could provide helpful information and guidance within various school communities and neighborhoods.

C. Local boards and charter governing boards shall provide copies of their policies or clear electronic links to policies.

D. School districts and schools within school districts shall work together to ensure that all policies within a school or school district are consistent and understandable for parents.

R277-495-4. Policy Requirements.

A. Local policies shall include the following:

(1) scope of coverage of the policy, including clear rules for school premises, school hours, school activities, after school activities, school sponsored activities at remote sites, vehicles transporting students to and from school activities.

(2) definitions of devices covered by policy;

(3) prohibitions against use of electronic devices during Utah Performance Assessment System for Students (U-PASS) assessments unless specifically allowed by statute, regulation, student IEP, or assessment directions;

(4) clear information about restrictions, if any, on when or where possession of electronic devices, active or deactivated, are strictly prohibited or allowed, such as the use of an electronic calculator by a student consistent with a current and valid IEP, as determined by the school district/school;

(5) prohibitions on the use of electronic devices in a way that threatens, humiliates, harasses, or intimidates school-related individuals, including students, employees, and invitees, or violates local, state, or federal laws; and

(6) procedures, if any, and due process, for the confiscation and recovery of electronic devices used in violation of local policies.

B. Local policies may also include the following:

(1) prohibitions or restrictions on unauthorized audio recordings, capture of images, transmissions of recordings or images, or invasions of reasonable expectations of student and employee privacy;

(2) procedures to report the misuse of electronic devices;

(3) potential disciplinary actions toward students or employees or both for violation of local policies regarding the use of electronic devices;

(4) exceptions to the policy for special circumstances, health-related reasons and emergencies, if any;

(5) strategies for use of technology that enhance instruction; and

(6) directives, protections, and requirements, if any, for school employees or invitees, or both.

C. The USOE shall receive an annual assurance from the school district or charter school governing board as required under R277-108 that the local board has presented and implemented an electronic device policy consistent with the timelines and provisions of this rule.

D. School districts or traditional school and charter schools shall post their duly enacted electronic device policies on their district or school websites.

R277-495-5. USOE Responsibilities.

A. The USOE shall provide resources, upon request, for school districts and schools as they develop electronic device policies, including sources for successful policies, assistance with reviewing draft policies, and information about bullying, harassing, and discrimination via electronic devices.

B. The USOE shall develop a model policy or a policy framework to assist school districts and individual schools in developing and implementing their policies.

C. The USOE shall promote the use of effective strategies to enhance instruction and professional development through technology.

D. The USOE shall ensure that parents and school employees are involved in the development and implementation of policies.

E. The USOE shall work and cooperate with other education entities, such as the PTA, the Utah School Boards Association, the Utah Education Association, the State Charter School Board and the Utah High School Activities Association to provide consistent information to parents and community members about electronic device policies and to provide for appropriate and consistent penalties for violation of policies, including violations that take place at public school extracurricular and athletic events.

KEY: electronic devices, policy

Date of Enactment or Last Substantive Amendment: 2009

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-11-901(2)(c)(i)

◆ ————— ◆

Education, Administration R277-502 Educator Licensing and Data Retention

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32142

FILED: 11/14/2008, 15:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide a new definition. The acronym CACTUS (Comprehensive Administration of Credentials for Teachers in Utah Schools) is referenced within the rule but there is no definition.

SUMMARY OF THE RULE OR CHANGE: The amendment adds the definition of CACTUS to the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-6-104 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. The amendment merely adds a new definition which involves no funding.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. The amendment merely adds a new definition which involves no funding.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There are no anticipated costs or savings to small businesses AND persons other than businesses. This rule relates to the public schools and does not involve businesses. Individuals are not affected financially in any way because of this new definition.

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THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2009

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

R277. Education, Administration.**R277-502. Educator Licensing and Data Retention.****R277-502-1. Definitions.**

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

B. "Accredited school" for purposes of this rule, means public or private school that meets standards essential for the operation of a quality school program and has received formal approval through a regional accrediting association.

C. "Authorized staff" for purposes of this rule means an individual designated by the USOE or an LEA and approved by the USOE and who has completed CACTUS training.

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

E. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file maintained on all licensed Utah educators. The file includes information such as:

- (1) personal directory information;
- (2) educational background;
- (3) endorsements;
- (4) employment history;
- (5) professional development information; and
- (6) a record of disciplinary action taken against the educator.

[E]F. "LEA" means a local education agency, including local school boards/public school districts and charter schools.

[F]G. "Letter of Authorization" means a designation given to an individual for one year, such as an out-of-state candidate or individual pursuing an alternative license, who has not completed the requirements for a Level 1, 2, or 3 license or who has not completed necessary endorsement requirements and who is employed by an LEA.

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

[H]I. "Level 2 license" means a Utah professional educator license issued after satisfaction of all requirements for a Level 1 license as well as any additional requirements established by law or rule relating to professional preparation or experience.

[I]J. "Level 3 license" means a Utah professional educator license issued to an educator who holds a current Utah Level 2 license and has also received, in the educator's field of practice, National Board certification or a doctorate from an accredited institution.

[J]K. "License areas of concentration" means designations to licenses obtained by completing an approved preparation program or an alternative preparation program in a specific area of educational studies to include the following: Early Childhood (K-3), Elementary (K-6), Elementary (1-8), Middle (still valid, but not issued after 1988, 5-9), Secondary (6-12), Administrative, Career and Technical Education, School Counselor, School Psychologist, School Social Worker, Special Education (K-12), Preschool Special Education (Birth-Age 5), Communication Disorders, Speech-Language Pathologist, Speech-Language Technician. License areas of concentration may also bear endorsements relating to subjects or specific assignments.

[K]L. "License endorsement (endorsement)" means a specialty field or area earned through course work equivalent to at least an academic minor (with pedagogy) or through demonstrated competency; the endorsement shall be listed on the Professional Educator License indicating the specific qualification(s) of the holder.

[L]M. "Professional development plan" means a plan developed by an educator and approved by the educator's supervisor that includes locally or Board-approved education-related training or activities that enhance an educator's background. Professional development points are required for periodic educator license renewal.

[M]N. "Renewal" means reissuing or extending the length of a license consistent with R277-501.

[N]O. "State Approved Endorsement Program (SAEP)" means a professional development plan on which an educator is working to obtain an endorsement.

R277-502-8. [~~Computer Aided Credentials of Teachers in Utah Schools~~Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)].

A. CACTUS maintains public, protected and private information on licensed Utah educators. Private or protected information includes such items as home address, date of birth, social security number, and any disciplinary action taken against an individual's license.

B. A CACTUS file shall be opened on a licensed Utah educator when:

- (1) the individual initiates a USOE background check, or
- (2) the USOE receives an application for a license from an individual seeking licensing in Utah.

C. The data in CACTUS may only be changed as follows:

- (1) Authorized USOE staff or authorized LEA staff may change demographic data.
- (2) Authorized USOE staff may change licensing data such as endorsements, degrees, license areas of concentration and licensed work experience.
- (3) Authorized employing LEA staff may update data on educator assignments for the current school year only.

D. A licensed individual may view his own personal data. An individual may not change or add data except under the following circumstances:

(1) A licensed individual may change his demographic data when renewing his license.

(2) A licensed individual may contact his employing LEA for the purpose of correcting demographic or current educator assignment data.

(3) A licensed individual may petition the USOE for the purpose of correcting any errors in his personal file.

E. Individuals currently employed by public or private schools under letters of authorization or as interns are included in CACTUS.

F. Individuals working in LEAs as student teachers are included in CACTUS.

G. Designated individuals have access to CACTUS data:

(1) Training shall be provided to designated individuals prior to granting access.

(2) Authorized USOE staff may view or change CACTUS files on a limited basis with specific authorization.

(3) For employment or assignment purposes only, authorized LEA staff members may access data on individuals employed by their own LEA or data on licensed individuals who do not have a current assignment in CACTUS.

(4) Authorized LEA staff may also view specific limited information on job applicants if the applicant has provided the LEA with a CACTUS identification number.

(5) CACTUS information belongs solely to the USOE. The USOE shall make the final determination of information included in or deleted from CACTUS.

(6) CACTUS data consistent with Section 63G-2-301(1) under the Government Records Access and Management Act are public information and shall be released by the USOE.

KEY: professional competency, educator licensing

Date of Enactment or Last Substantive Amendment:
~~November 10, 2008~~ 2009

Notice of Continuation: September 6, 2007

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



Education, Administration
R277-518
 Applied Technology Education
 Licenses

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32143

FILED: 11/14/2008, 15:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to update terminology to make the rule consistent with other Utah State Board of Education rules and language that is currently accurate for these specific types of programs and courses.

SUMMARY OF THE RULE OR CHANGE: The amendments change Applied Technology Education (ATE) to Career and Technical Education (CTE) throughout the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-6-104 and Subsection 53A-1-401(3)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. The amendment merely provides terminology changes to make the rule consistent with other State Board of Education rules.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. The amendment merely provides terminology changes to make the rule consistent with other State Board of Education rules.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses AND persons other than businesses. The amendment merely provides terminology changes to make the rule consistent with other State Board of Education rules and current language for these specific types of programs; changes do not involve small businesses. Individuals are not affected financially in any way because of the terminology changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendment merely provides terminology changes to make the rule consistent with other State Board of Education rules and to reflect current language for these specific types of programs which does not result in any financial compliance concerns for affected persons.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2009

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

R277. Education, Administration.

R277-518. ~~[Applied Technology]~~Career and Technical Education Licenses.

R277-518-1. Definitions.

A. "~~[Applied technology]~~Career and technical education ([A]CTE)" means organized educational programs or competencies which directly or indirectly prepare students for employment, or for additional preparation leading to employment, in occupations where entry requirements generally do not require a baccalaureate or advanced degree. The programs provide all students a continuous education system, driven by a student education occupation plan (SEOP), through competency-based instruction, culminating in essential life skills, certified occupational skills, and meaningful employment. Occupational categories include agriculture; business; family and consumer sciences; health science and technology; information technology; marketing; trade and technical education; technology and engineering education; and work-based learning, consistent with R277-916.

B. "[A]CTE Alternative Preparation Program (APP) license area of concentration (license area)" means the provisional license area of concentration issued by the Board for a three year period which enables the holder to teach only in a specific [A]CTE or technical field in the public school system and may require educational coursework.

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

D. "Level 1 license" means the initial provisional license issued by the Board to an individual who is recommended by a Board-approved educator preparation program or approved alternative preparation program. A complete Utah educator license requires both a level and a specified license area.

E. "Level 2 license" means a license issued by the Board to a Level 1 license holder upon completion of the Entry Years Enhancement (EYE) Program consistent with R277-522. A complete Utah educator license requires both a level and a specified license area.

F. "Level 3 license" means a license issued by the Board to a Level 2 license holder who has achieved National Board Professional Teaching Standards Certification or who holds a doctorate in the educator's field of practice. A complete Utah educator license requires both a level and a specified license area.

G. "A license area of concentration (license area)" is obtained by completing an approved preparation program or an alternative preparation program in a specific area of educational studies such as Early Childhood (K-3), Elementary 1-8, Middle (5-9), Secondary (6-12), Administrative/Supervisory, ~~[Applied Technology Education]~~CTE, School Counselor, School Psychologist, School Social Worker, Special Education (K-12), Preschool Special Education (Birth-Age 5), Communication Disorders.

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

R277-518-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution, Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-6-104 which permits the Board to issue licenses for educators, and Section 53A-1-401(3) which

allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to specify standards for a[~~A~~] [A]CTE license area and endorsements. An appropriate [A]CTE or secondary license area and appropriate endorsement(s) are required for all persons teaching [A]CTE programs at the secondary and adult level where high school credit is earned.

R277-518-3. ~~[Applied Technology Education]~~CTE License Required.

An [A]CTE or secondary license area with appropriate endorsements is required for all persons teaching [A]CTE programs at the secondary and adult level where high school credit is earned.

R277-518-4. Level 1 [A]CTE (APP) License.

A. A Level 1 [A]CTE (APP) license area may be issued to an applicant who:

(1) has six years of related occupational experience or documented evidence of a bachelor's degree in a related area and two years of full-time related work experience or documented evidence of an associate's degree in a related area and four years of full-time related work experience with an appropriate endorsement in any of the following program areas:

- (a) agriculture;
- (b) business;
- (c) marketing;
- (d) trade and technical;
- (e) technology and engineering;
- (f) family and consumer sciences;
- (g) health science and technology;
- (h) information technology; and
- (i) work-based learning.

(2) has been offered a teaching assignment directly related to the applicant's occupational experience and which is in an approved area of endorsement.

B. A Level 1 [A]CTE (APP) license area for the Disabled, which is restricted to teaching in workshop centers for the handicapped, may be issued to an applicant who has 18 months of related occupational experience in business or industry related to the teaching assignment offered the applicant.

C. Verification of related occupational experience shall accompany an application for a Level 1 [A]CTE (APP) license area.

(1) Periods of employment lasting less than one month and periods of employment prior to 18 years of age are not accepted for purposes of calculating the occupational experience requirement.

(2) All work experience shall be within 10 years of application.

D. State-approved testing:

The occupational experience requirement may be waived by the appropriate USOE [A]CTE Program Specialist if the applicant has passed a state-approved competency examination in the respective field at or above the USOE established cut-off scores. Individual applicant scores may be used for licensing purposes up to five years after completion of the respective examination(s).

E. Besides meeting the requirements of Subsection 4(A)(1), an applicant for a Level 1 [A]CTE (APP) license area to instruct in:

(1) barbering, cosmetology, or building trades shall also hold a valid license in the respective area issued by the Utah State Department of Commerce, Division of Occupational and Professional Licensing;

(2) a nurse assistant course shall also be a licensed practical nurse or a registered nurse;

(3) a licensed practical nurse course shall also be a registered nurse;

(4) a health science medical anatomy and physiology course shall also have a minimum of an associate's degree in a health care related area.

F. A [A] [A]CTE (APP) license area applicant shall complete pedagogical coursework or satisfy pedagogical standards consistent with R277-503-4. A Level 1 [A]CTE (APP) license area applicant shall provide evidence of mastery of the following areas:

- (1) concepts, principles, and methods of teaching;
- (2) human relations or educational psychology;
- (3) curriculum development related to the program area;
- (4) development and use of instructional materials and aids;
- (5) facility management and safety;
- (6) measurement and evaluation;

(7) ~~Applied Technology Education Leadership~~ Career and Technical Student Organizations ([ATELO]CTSO), equity education, work-based learning, and comprehensive guidance.

G. In addition to satisfaction of the pedagogical areas of R277-518-4F, a [A] [A]CTE (APP) license area applicant is strongly encouraged to and may be required by an employing school district to complete a USOE-approved program or assessment that demonstrates mastery of beginning teaching skills and competency.

H. A person shall be employed under a [A] [A]CTE (APP) license area for one three year period. It is expected that a [A] [A]CTE (APP) license area holder shall complete requirements for a Level 1 [A]CTE license area within three years or satisfy the employing district's/charter school's requirement for a district-specific license under Section 53A-6-104.5 in subsequent years.

I. A person teaching a [A] [A]CTE program up to one-half day in relation to the respective school schedule, whose regular employment is or has been in any [A]CTE program area, may, in lieu of the requirements of R277-518-4(F), have the Level 1 [A]CTE (APP) license area renewed for subsequent three-year periods upon the recommendation of the employing agency and with the approval of the appropriate USOE [A]CTE Program Specialist.

J. Secondary License: A Level 1 [A]CTE (APP) license area holder with a bachelor's degree may obtain a Level 2 [A]CTE license area and secondary license area by successfully completing the following requirements within a three-year period:

(1) if the applicant's bachelor's degree is not related to the subject area he would like to teach, he shall document at least six years of work experience in the desired teaching area;

(2) has satisfied the requirements of R277-518-4F;

(3) is strongly encouraged to and may be required by an employing school district to complete a USOE-approved program or assessment that demonstrates mastery of beginning teaching skills and competency

(4) provide documentation of any additional content area coursework as advised by the appropriate USOE [A]CTE Program Specialist; and

(5) have completed the Entry Years Enhancement (EYE) Program consistent with R277-522.

R277-518-5. Level 1 [A]CTE License.

An applicant for a Level 1 [A]CTE license area with endorsement(s) shall have:

A. a baccalaureate degree in an approved teacher educational program, including 16 semester hours of course work in the

endorsement area in which the applicant desires to teach, and at least two years of successful related occupational experience; or,

B. a baccalaureate degree with a major in the related occupational field in which the applicant desires to teach, including satisfaction of 15 semester hours or competency in USOE-approved education course work and two years of related occupational experience.

C. An applicant without public school teaching experience is strongly encouraged to and may be required by an employing school district to complete a USOE-approved program or assessment that enhances or demonstrates mastery of beginning teaching skills and competencies.

R277-518-6. Level 2 [A]CTE License.

An applicant for the Level 2 [A]CTE license area with endorsements shall have:

A. completed at least three years of successful teaching experience under a Level 1 [A]CTE (APP) license area or Level 1 [A]CTE license area; and

B. completed the Entry Years Enhancement (EYE) Program consistent with R277-522.

R277-518-7. Level 3 [A]CTE License.

A. An applicant for the Level 3 [A]CTE license area with endorsements shall have a Level 2 [A]CTE license area and have achieved National Board Professional Teaching Standards Certification or hold a doctorate in the educator's field of practice.

B. The Level 3 [A]CTE license area shall be renewed for successive seven year periods consistent with R277-501, Educator Licensing Renewal.

KEY: educator licensing, professional education, [applied technology]career and technical education

Date of Enactment or Last Substantive Amendment: [May 5, 2004]2009

Notice of Continuation: January 8, 2008

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



Education, Administration

R277-520-1

Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32144

FILED: 11/14/2008, 15:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide a new definition. The acronym CACTUS (Comprehensive Administration of Credentials for Teachers in Utah Schools) is referenced within the rule but there is no definition.

SUMMARY OF THE RULE OR CHANGE: The amendment adds the definition of CACTUS to the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53A-1-401(3) and 53A-6-104(2)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. The amendment merely adds a new definition which involves no funding.

❖ LOCAL GOVERNMENTS: There are no anticipated costs or savings to local government. The amendment merely adds a new definition which involves no funding.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses AND persons other than businesses. This rule relates to the public schools and does not involve businesses. Individuals are not affected financially in any way because of this new definition.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. The amendment merely adds a new definition which does not create any financial compliance concerns for affected persons.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2009

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

R277. Education, Administration.

R277-520. Appropriate Licensing and Assignment of Teachers.

R277-520-1. Definitions.

A. "At will employment" means employment that may be terminated for any reason or no reason with minimum notice to the employee consistent with the employer's designated payroll cycle.

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

C. "Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)" means the electronic file maintained

on all licensed Utah educators. The file includes information such as:

(1) personal directory information;

(2) educational background;

(3) endorsements;

(4) employment history;

(5) professional development information; and

(6) a record of disciplinary action taken against the educator.

[C]D. "Composite major" means credits earned in two or more related subjects, as determined by an accredited higher education institution.

[D]E. "Core academic subjects or areas" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography under the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act (NCLB), Title IX, Part A, 20 U.S.C. 7801, Section 9101(11).

[E]F. "Demonstrated competency" means that a teacher shall demonstrate current expertise to teach a specific class or course through the use of lines of evidence which may include completed USOE-approved course work, content test(s), or years of successful experience including evidence of student performance.

[F]G. "Eminence" means distinguished ability in rank, in attainment of superior knowledge and skill in comparison with the generally accepted standards and achievements in the area in which the authorization is sought as provided in R277-520-5.

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

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

[I]J. J-1 Visa means a visa issued by the U.S. Department of State to an international exchange visitor who has qualified by training and experience to work in U.S. schools for a period not to exceed three years. Such international exchange visitors may qualify for "highly qualified" status under NCLB only if assigned within their subject matter competency.

[J]K. "LEA" means a school district or charter school.

[K]L. "Letter of authorization" means a designation given to an individual for one year, such as an out-of-state candidate or individual pursuing an alternative license, who has not completed the requirements for a Level 1, 2, or 3 license or who has not completed necessary endorsement requirements and who is employed by a school district. A teacher working under a letter of authorization who is not an alternative routes to licensing (ARL) candidate, cannot be designated highly qualified under R277-520-1G.

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

[M]N. "Level 2 license" means a Utah professional educator license issued after satisfaction of all requirements for a Level 1 license as well as completion of Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers, as provided in R277-522, a minimum of three years of successful teaching in a public or accredited private school, and completion of all NCLB requirements at the time the applicant is licensed.

[N]O. "Level 3 license" means a Utah professional educator license issued to an educator who holds a current Utah Level 2 license and has also received, in the educator's field of practice, National Board certification or a doctorate in education or in a field related to a content area under R277-501-1M from an accredited institution.

[O]P. "License areas of concentration" are obtained by completing an approved preparation program or an alternative preparation program in a specific area of educational studies such as Early Childhood (K-3), Elementary 1-8, Middle (5-9), Secondary (6-12), Administrative/Supervisory, Applied Technology Education, School Counselor, School Psychologist, School Social Worker, Special Education (K-12), Preschool Special Education (Birth-Age 5), Communication Disorders.

[P]Q. "License endorsement (endorsement)" means a specialty field or area earned through course work equivalent to at least an academic minor (with pedagogy) or through demonstrated competency; the endorsement shall be listed on the Professional Educator License indicating the specific qualification(s) of the holder.

[Q]R. "Major equivalency" means 30 semester hours of USOE and local board-approved postsecondary education credit or CACTUS-recorded professional development in NCLB core academic subjects as appropriate to satisfy NCLB highly qualified status.

[R]S. "No Child Left Behind Act (NCLB)" means the federal Elementary and Secondary Education Act, P.L. 107-110, Title IX, Part A, Section 9101(11).

[S]T. "Professional staff cost program funds" means funding provided to school districts based on the percentage of a district's professional staff that is appropriately licensed in the areas in which staff members teach.

[T]U. "State qualified" means that an individual has met the Board-approved requirements to teach core or non-core courses in Utah public schools.

[U]V. "SAEP" means State Approved Endorsement Program. This identifies an educator working on a professional development plan to obtain an endorsement.

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

KEY: educators, licenses, assignments

Date of Enactment or Last Substantive Amendment: [July 16, 2004]2009

Notice of Continuation: July 6, 2005

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-6-104(2)(a)



Education, Administration
R277-527
 International Guest Teachers

NOTICE OF PROPOSED RULE
 (New Rule)

DAR FILE No.: 32145
 FILED: 11/14/2008, 15:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Because of an increasing number of visiting guest teachers from around the world being hired by Utah school districts and charter schools, it has become necessary that more specific regulation is necessary. This new rule provides procedures and criteria for visiting guest teachers.

SUMMARY OF THE RULE OR CHANGE: The new rule provides definitions, Utah State Board of Education/Utah State Office of Education responsibilities, international guest teacher requirements, and other provisions as necessary.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53A-1-401(3) and 53A-1-402(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget. Utah State Office of Education staff will continue to work with guest teachers on licensing as before this rule.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government. International guest teachers received mentoring and support from school districts and charter schools prior to this rule and will continue to do so.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There are no anticipated costs or savings to small businesses AND persons other than business. This rule and program are public education specific.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because of this rule. International guest teachers have paid costs associated with educator licensing in Utah and the rule does not create any additional costs.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2009

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

R277. Education, Administration.

R277-527. International Guest Teachers.

R277-527-1. Definitions.

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

B. "International guest teacher (guest teacher)" means a foreign educator who has earned a public teaching credential or license in a foreign country and who is currently legally residing in the United States and the state of Utah with the specific purpose to teach in Utah public schools. For this definition to apply, the international guest teacher shall be a resident of a foreign country that has a Memorandum of Understanding with the Board.

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

R277-527-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities, and Section 53A-1-402(1)(a) which directs the Board to establish rules and minimum standards for the qualification and licensing of educators and ancillary personnel who provide direct student services.

B. The purpose of this rule is to establish procedures for qualified international guest teachers who meet the definition of R277-527-1B to be effectively hired and placed by Utah school districts/charter schools with assistance and direction from the USOE to encourage cultural exchange and foreign language development among Utah public school students.

R277-527-3. Utah State Board of Education/USOE Responsibilities.

A. The Board shall develop and State Superintendent shall sign a Memorandum of Understanding between the Board and the appropriate government agency of the country of origin of guest teachers, as identified by the Board.

B. The USOE shall work with guest teachers and their resident countries and the United States Department of State, if necessary, to secure appropriate visas or travel and work documents for guest teachers to legally teach in the public schools in Utah.

C. The USOE shall verify that guest teachers have appropriate licenses or credentials from the guest teachers' resident countries that satisfy the requirements of Utah law and any applicable federal requirements.

D. The USOE shall work with interested school districts and charter schools to make schools aware of guest teachers with specific credentials and language skills and to inform guest teachers about openings in specific grade levels and curriculum areas in various geographic locations in Utah.

E. The USOE shall require and review a guest teacher's criminal background checks required under Section 53A-4-410 and a criminal background clearance from the guest teacher's resident country or both prior to authorizing the guest teacher to work in Utah.

F. The Board may determine that it will seek guest teachers only from foreign countries that provide transportation or per diem

expenses or both for USOE representatives to screen and interview potential guest teachers.

G. Following review and approval of a guest teacher's credentials and background, a guest teacher may receive an International Guest Teacher license equivalent to a Level 1 license.

R277-527-4. International Guest Teacher Requirements.

A. Guest teachers shall have a United States issued social security number prior to a school district/charter school processing any payment to the guest teacher.

B. Guest teachers shall cooperate with the USOE in required submission of information including criminal background check information, copies of credentials, copies of transcripts in the language and format designated by the USOE.

C. Guest teachers shall assume all responsibility for living and transportation expenses while participating in the International Guest Teachers Program.

D. Guest teachers shall be responsible for compliance with all state of Utah/Board and employing school district professional and ethical public school educator requirements.

E. Guest teachers who violate district employment or state or district professional practices may have their employment contract terminated consistent with at will employment provisions; the conduct of individual guest teachers may influence continued participation in the International Guest Teacher Program between the Board and a guest teacher's resident country.

R277-527-5. Other Provisions.

A. The opportunity for teachers from outside the United States to be licensed to teach in Utah schools with assistance provided by the USOE under this rule shall be available only to individuals from countries with which the Board has signed a Memorandum of Understanding.

B. A business or third party may not facilitate a Memorandum of Understanding between a foreign country and the Board, but may facilitate the hiring process at the request of the school district/charter school.

C. Internationally credentialed educators may seek appropriate licensing to teach in Utah schools. Those educators from countries that do not have Memoranda of Understanding with the Board shall be licensed under R277-502.

D. It is the responsibility of the prospective guest teacher or the guest teacher's home country to ensure that the guest teacher has the appropriate visa or authorization or both to live and teach in the United States for the agreed upon time period and teaching assignment.

KEY: international guest teachers

Date of Enactment or Last Substantive Amendment: 2009
Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); 53A-1-402(1)(a)



Education, Administration
R277-911
Secondary Career and Technical
Education

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 32146

FILED: 11/14/2008, 15:47

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide emphasis on articulated Career and Technical Education (CTE) career pathways from public education to higher education and disbursement of state funds to include that emphasis.

SUMMARY OF THE RULE OR CHANGE: The amendments include changes to terminology, changes to definitions, and specific new language regarding disbursement of funds.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-15-202

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are no anticipated costs or savings to the state budget. Although the funding formula has changed, there is no financial impact to administer the program and distribute funds at the state level.

❖ LOCAL GOVERNMENTS: Because the funding formula has changed with a greater emphasis on CTE career pathways, school districts and charter schools must offer specific programs to receive funding. Some school districts and charter schools may receive more funding where others may receive less funding depending upon the programs offered. The changes in funding are too speculative to determine at this time.

❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no anticipated costs or savings to small businesses AND persons other than businesses. Career and Technical Education is a public school program and does not affect small businesses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons. School districts and charter schools offering programs consistent with the requirements of the rule will receive funding.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 12/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2009

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

R277. Education, Administration.**R277-911. Secondary Career and Technical Education.****R277-911-1. Definitions.**

A. "Aggregate membership" means the sum of all days in membership during a school year for the student, program, school, LEA, or state.

B. "Approved program" means a program approved by the Board that meets or exceeds the state program standards or outcomes for career and technical education programs.

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

D. "Bureau of Apprenticeship and Training" means a branch office for apprenticeship administered by the United States Department of Labor and located in Salt Lake City.

E. "Career and technical education (CTE)" means organized educational programs which directly or indirectly prepare individuals for employment, or for additional preparation leading to employment, in occupations where entry requirements generally do not require a baccalaureate or advanced degree. These programs provide all students an undisrupted education system, driven by a student education occupation plan (SEOP), through competency-based instruction, culminating in essential life skills, certified occupational skills, and meaningful employment. [~~Occupational categories~~] Areas of study include agriculture; business; family and consumer sciences; health science and technology; information technology; marketing; [~~trade and technical education~~] skilled and technical sciences; and technology and engineering education.

F. "CTE pathway" means a planned CTE/academic continuum of courses within a CTE field beginning in the ninth grade and continuing with post secondary training which culminates in an associate degree, apprenticeship, certificate of completion, or baccalaureate degree.

[~~F~~]G. "CIP code" means the Classification of Instructional Programs, a federal curriculum listing.

[~~G~~]H. "Comprehensive counseling and guidance program" means the organization of resources to meet the priority needs of students through four delivery system components as outlined in R277-462.

[~~H~~]I. "Course" means an individual [~~career and technical education~~] CTE class structured by state-approved standards and CIP code. An approved course may require one or two periods for up to one year. Courses may be completed by demonstrated competencies or by course completion.

[~~I~~]J. "Entry-level" means a set of tasks identified and validated by workers and employers in an occupation as those of a beginner in the field. Entry-level skills are a limited subset of the total set of tasks performed by an experienced worker in the occupation. Competent performance of entry-level tasks enhances employability and initial productivity.

[~~J~~]K. "Extended year program" means [~~career and technical education~~] CTE programs no longer than 12 weeks in duration,

offered during the summer recess, and supported by extended-year or other ~~career and technical education~~ CTE funds.

~~[K]L.~~ "Program" means a combination of ~~career and technical education~~ CTE courses that provides the competencies for specific job placement or continued related training and is outlined in the SEOP using all available and appropriate high school courses.

~~[L]M.~~ "Program completion" means the student completion of a sequence of approved courses, work-based learning experiences, and/or other prescribed learning experiences as determined by the student education occupation plan (SEOP).

~~[M]N.~~ "Regional consortium" means the school districts, applied technology colleges, colleges and universities within the regions that approve ~~career and technical education~~ CTE programs.

~~[N]O.~~ "Registered apprenticeship" means a training program that includes on-the-job training in a specific occupation combined with related classroom training and has approval of the Bureau of Apprenticeship and Training.

~~[O]P.~~ "Related training" means a course or program directly related to an occupation that is compatible with apprenticeship training and is taught in a classroom and approved by the Bureau of Apprenticeship and Training.

~~[P]Q.~~ "Scope and sequence" means the organization of all ~~career and technical education~~ CTE courses and related academic courses into programs within the high school curriculum that lead to specific skill certification, job placement, continued education or training.

~~[Q]R.~~ "SEOP" means student education occupation plan. An SEOP shall include:

- (1) a student's education occupation plans (grades 7-12) including job placement when appropriate;
- (2) all Board, local board and local charter board graduation requirements;
- (3) evidence of parent, student, and school representative involvement annually;
- (4) attainment of approved workplace skill competencies; and
- (5) identification of post secondary goals and approved sequence of courses.

~~[R]S.~~ "Skill certification" means a verification of competent task performance. Verification of the skills standard is provided by an approved state or national program certification process.

~~[S.]~~ "Tech prep" means a ~~planned career and technical education/academic continuum of courses within a career and technical education field beginning in the 9th grade and continuing with post secondary training which culminates in an associate degree, apprenticeship, certificate of completion, or baccalaureate degree.~~

~~[T.]~~ "USOE" means the Utah State Office of Education.

U. "WPU" means weighted pupil unit. The basic unit used to calculate the amount of state funds for which a school district is eligible.

V. "Work-based learning" means a program in which a student is trained by employment or other activity at a work site, either at place of business, a home, or a farm, supplemented by needed classroom instruction or teacher assistance.

R277-911-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public education system in the Board, by Section 53A-15-202 which allows the Board to establish minimum standards for ~~career and technical education~~ CTE programs in the public education system, and

Sections 53A-17a-113 and 114 which direct the Board to distribute specific amounts and percentages for specific ~~career and technical education~~ CTE programs and facilitate administration of various programs.

B. This rule establishes standards and procedures for school districts seeking to qualify for funds administered by the Board for ~~career and technical education~~ CTE programs in the public education system.

R277-911-3. ~~Career and Technical Education~~ CTE Program Approval.

A. Program Planning: ~~career and technical education~~ CTE programs are based on verified training needs of the area and provide students with the competencies necessary for occupational opportunities. Programs are supported by a data base, including:

- (1) local, regional, state, and federal manpower projections;
- (2) student occupational/interest surveys;
- (3) regional job profile;
- (4) advisory committee information; and
- (5) follow-up evaluation and reports.

B. Program Administration: School district ~~career and technical education~~ CTE directors shall meet the requirements specified in Subsections 9(A), (B) and (C).

C. Learning Resources: Within available resources, instructional materials, including textbooks, reference materials, and media, shall reflect current technology, processes, and information for the ~~career and technical education~~ CTE programs.

D. Student Services provided by school districts or consortia of school districts:

(1) ~~Career and technical education~~ CTE guidance, counseling, and Board approved testing shall be provided for students enrolled in ~~career and technical education~~ CTE programs.

(2) A written plan for placement services shall be developed with the assistance of local advisory committees, business and industry and the Department of Workforce Services.

(3) An SEOP shall be developed for all students. The plan shall include:

- (a) a student's education occupation plans (grades 7-12), including job placement when appropriate;
- (b) all Board, local board and local charter board graduation requirements;

(c) evidence of parent, student, and school representative involvement annually;

(d) attainment of approved workplace skill competencies;

(e) identification of a ~~career and technical education~~ CTE post-secondary goal and an approved sequence of academic and ~~career and technical education~~ CTE courses.

E. Instruction: Curricula and instruction shall be directly related to business and industry validated competencies. Successful completion of competencies shall be verified by a valid skill certification process. Instruction in proper and safe use of any equipment required for skill certification shall be provided within the approved program.

F. Equipment and Facilities: Equipment and facilities, consistent with the validated competencies identified in the instruction standard, shall be provided and maintained safely, consistent with applicable state and federal laws.

G. Instructional Staff: Counselors and instructional staff shall hold valid Utah teaching licenses with endorsements appropriate for the programs they teach. These may be obtained through an institutional recommendation or through occupational and

educational experience verified by the USOE licensure process. ~~[Career and technical education]~~CTE program instructors shall keep technical and professional skills current through business/industry involvements in order to ensure that students are provided accurate state-of-the-art information.

H. Equal Educational Opportunity: ~~[Career and technical education]~~CTE programs shall be conducted consistent with the Board policies and state and federal laws and regulations on access that prohibit discrimination on the basis of race, creed, color, national origin, religion, age, sex, and disability.

I.(1) ~~[Career and technical education]~~CTE advisory council: An active advisory council shall be established to review all ~~[career and technical education]~~CTE programs annually. The council may serve several school districts or a region. The council reviews the program offerings, quality of programs, and equipment needs.

(2) Program advisory committee: Each state-funded approved ~~[occupational career and technical education]~~CTE program shall be supported at the school district/regional level by a program advisory committee made up of individuals who are working in the occupational area. Basic exploratory programs shall have an advisory committee.

J. ~~[Career and technical education]~~CTE student leadership organizations: School districts are encouraged to make this training available through nationally-chartered ~~[career and technical education]~~CTE student leadership organizations in each ~~[program]~~area of study.

K. Program and instruction evaluation: Each school district, with oversight by local program advisory committee members, shall make an annual evaluation of its ~~[career and technical education]~~CTE programs.

R277-911-4. Disbursement and Expenditure of ~~[Career and Technical Education]~~CTE Funds--General Standards.

A. To be eligible for state ~~[career and technical education]~~CTE program funds, a school district shall first expend for ~~[career and technical education]~~CTE programs an amount equivalent to the regular WPU for students in approved ~~[career and technical education]~~CTE programs, grades nine through twelve, based on prior year aggregate membership, times the current year WPU value, less an amount for indirect costs as computed by the USOE.

B. State ~~[career and technical education]~~CTE program funds may thereafter be expended only for approved ~~[career and technical education]~~CTE programs.

R277-911-5. Disbursement of Funds--Added Cost Funds.

A. Weighted pupil units shall be allocated for the added instructional costs of approved ~~[career and technical education]~~CTE programs operated or contracted by school districts. Programs and courses provided through applied technology colleges, and higher education institutions do not qualify for added cost funds except for specific contractual arrangements approved by the Board.

B. Computerized or manually produced records for ~~[career and technical education]~~CTE programs shall be kept by teacher, class, and Classification of Instructional Program (CIP) code. These records shall show clearly and accurately the entry and exit date of each student and whether a student has been absent from a ~~[career and technical education]~~CTE class ten consecutive days.

C. Added cost funds shall not be generated:

(1) during bus travel;

(2) until the student starts attending the approved ~~[career and technical education]~~CTE course;

(3) when the student has been absent, without excuse, for the previous 10 days.

D. All approved ~~[career and technical education]~~CTE programs shall receive funds determined by prior year hours of membership for approved programs.

E. Allocations are computed using grades nine through twelve aggregate membership in approved programs for the previous year with a growth factor applied to school districts experiencing growth of one percent or greater in grades nine through twelve except as provided by R277-462 and R277-916.

F. Added cost funds shall be used to cover the added ~~[career and technical education]~~CTE program instructional costs of school district programs.

R277-911-6. Disbursement of Funds--Equipment Set Aside Funds.

A. Equipment set aside funds shall pay for ~~[career and technical education]~~CTE program equipment needs.

B. Each school district is eligible for a minimum amount of equipment set aside funds.

C. Applicants for funds may submit proposals as individual school districts or as regional groups. All proposals shall show evidence of coordination within a service delivery area. A regional group shall include recommended priorities for funding in its proposal.

R277-911-7. Disbursement of Funds--Skill Certification.

A. School districts that demonstrate approved student skill certification may receive additional compensation.

B. To be eligible for skill certification compensation, a school district shall show its student completer has demonstrated mastery of standards, as established by the Board. An authorized test administrator shall verify student mastery of the skill standards.

C. Skill certification compensation shall be available only if an approved skill certification assessment is developed for the program.

R277-911-8. Disbursement of Funds--~~[Career and Technical Education]~~CTE Leadership Organization Funds.

A. Participating school districts sponsoring ~~[career and technical education]~~CTE leadership organizations shall be eligible for a portion of the funds set aside for this purpose.

B. Qualifying ~~[career and technical education]~~CTE leadership organizations shall be nationally chartered and include: SkillsUSA (an association of Skilled and Technical Sciences Education students)/~~[VICA (Vocational Industrial Clubs of America)]~~, DECA (Distributive Education Clubs of America), FFA (Future Farmers of America), HOSA (Health Occupations Students of America), FBCLA (Future Business Leaders of America), FCCLA (Family, Career and Community Leaders of America), and ~~[FTEA/]~~TSA (~~[International Technology Education Association/]~~Technology Students Association).

C. Up to one percent of the state ~~[career and technical education]~~CTE appropriation for school districts shall be allocated to eligible school districts based on documented prior year student membership in approved ~~[career and technical education]~~CTE leadership organizations.

D. A portion of funds allocated to a school district for ~~[career and technical education]~~CTE leadership organizations shall be used to pay the school district's portion of statewide administrative and national competition costs. The remaining amount shall be available

for school district ~~[career and technical education]~~CTE leadership organization expenses.

R277-911-9. Disbursement of Funds--School District/Charter School WPUs.

A. WPUs for costs of administration of CTE programs shall be allocated as follows:

(1) Twenty (20) WPUs shall be allocated to each school district~~[or charter school]~~ for costs associated with the administration of ~~[career and technical education]~~CTE. To qualify, school districts shall employ a minimum one-half time CTE director.

(2) To encourage multidistrict ~~[career and technical education]~~CTE administrative services, 25 WPUs ~~[may]~~shall be allocated to each school district~~[or charter school]~~ that consolidates ~~[career and technical education]~~CTE administrative services with one or more other school district~~[or charter school]~~. To qualify, the participating school districts must employ a full-time CTE director.

(3) Twenty-five (25) WPUs shall be allocated to a single charter school acting as fiscal agent, to provide CTE administrative services to all charter schools offering CTE pathways, grades 9-12. If more than ten (10) charter schools offer CTE pathways an additional five (5) WPUs shall be allocated for each additional charter school over ten (10). To qualify, the charter school acting as fiscal agent must employ a full-time CTE director.

(4) Ten (10) WPUs shall be allocated to a small school district consisting of only necessarily existent small high school(s), and where multi-district CTE administration is not feasible. To qualify, a small school district shall assign a CTE director to a minimum of part-time CTE administration.

B. To qualify for 10, 20 or 25 CTE administrative WPUs ~~[per school district, the school district career and technical education]~~as provided under R277-911-9A, a CTE director shall:

(1) hold or be in the process of completing requirements for a current Utah Administrative/Supervisory License specified in R277-505; and

(2)(a) have an endorsement in at least one career and technical area listed in R277-518, ~~[Vocational Technical Certificates]~~Career and Technical Education Licenses, and have four years of experience as a full-time career and technical educator; or

(b) complete a prescribed ~~[in-service]~~professional development program provided by the USOE within a period of two years following ~~[local-]~~board appointment as a school district~~[or charter school]~~ ~~[career and technical education]~~CTE director.

~~[B. To qualify for 25 WPUs for consolidated, multi-district administration, the participating school districts shall employ a full-time multi-district or charter school career and technical education director.~~

~~—~~C. In addition to WPUs appropriated ~~[to school districts qualifying according to the above criteria]~~under R277-911-9A, each approved high school ~~[may qualify]~~qualifies for funding according to the following criteria:

(1) Ten (10) WPUs are allocated to each high school that:

(a) conducts approved programs in a minimum of two ~~[career and technical education]~~CTE areas e.g. agriculture; business; family and consumer sciences; health science and technology; information technology; marketing; ~~[trade and technical education]~~skilled and technical sciences; and technology and engineering education~~[;]~~;

(b) conducts a minimum of six different state-approved CIP coded courses including at least one CTE pathway. Consolidated courses in small schools may count as more than one course as

approved by the appropriate state ~~[career and technical education]~~CTE specialist(s);

(c) has at least one approved career and technical student leadership organization.

(2) Fifteen (15) WPUs shall be allocated to each high school that:

(a) conducts approved programs in a minimum of three ~~[career and technical education]~~CTE areas;

(b) conducts a minimum of nine different state-approved CIP coded courses including at least one CTE pathway. Consolidated courses in small schools may count as more than one course as approved by the appropriate state ~~[career and technical education]~~CTE specialist(s);

(c) has at least one approved ~~[career and technical education]~~CTE student leadership organization~~[;]~~;

(3) Twenty (20) WPUs shall be allocated to each high school that:

(a) conducts approved programs in a minimum of four ~~[career and technical education]~~CTE areas~~[;]~~;

(b) conducts a minimum of twelve different state-approved CIP coded courses including at least two CTE pathways. Consolidated courses in small schools may count more than one course as approved by the appropriate state ~~[career and technical education]~~CTE specialist(s)~~[;]~~;

(c) has at least two approved ~~[career and technical education]~~CTE student leadership organizations~~[;]~~;

(4) Twenty-five (25) WPUs shall be allocated to each high school that:

(a) conducts approved programs in a minimum of five ~~[career and technical education]~~CTE areas~~[;]~~;

(b) conducts a minimum of fifteen different state-approved CIP coded courses including at least two CTE pathways. Consolidated courses in small schools may count more than one course as approved by the appropriate state ~~[career and technical education]~~CTE specialist(s)~~[;]~~;

(c) has at least three approved ~~[career and technical education]~~CTE student leadership organizations.

D. Also, a maximum of one approved alternative high school, as outlined in R277-730, per school district may qualify. School districts sharing an alternative school ~~[share]~~shall receive a prorated share.

E. Programs and courses provided through school district technical centers shall not receive funding under this section.

R277-911-10. Disbursement of Funds--School District Technical Centers.

A. A maximum of forty WPUs may be computed for each school district operating an approved school district center. To qualify under the approved school district technical center provision, the school district shall:

(1) provide at least one facility other than an existing high school as a designated school district technical center;

(2) employ a full-time ~~[career and technical education]~~CTE administrator for the center;

(3) enroll a minimum of 400 students in the school district technical center;

(4) prevent unwarranted duplication by the school district technical center of courses offered in existing high schools, applied technology colleges and higher education institutions;

(5) centralize high-cost programs in the school district technical center;

(6) conduct approved programs in a minimum of five ~~[career and technical education]~~ CTE areas;

(7) conduct a minimum of fifteen different state-approved CIP coded courses.

R277-911-11. Disbursement of Funds--Summer ~~[Career and Technical Education]~~ CTE Agriculture Programs.

A. To receive state summer ~~[career and technical education]~~ CTE agriculture program funds, a school district shall submit to the USOE, an application for approval of the school district's program. Applications shall be received prior to the annual due date specified each year. Notification of approval of the school district's program shall be made within ten calendar days of receiving the application.

B. A teacher of a summer ~~[career and technical education]~~ CTE agriculture program shall:

(1) hold a valid Utah teaching license, with an endorsement in agriculture, as outlined in R277-911-3G;

(2) develop a calendar of activities which shall be approved by school district administration and reviewed by the state specialist for ~~[career and technical education]~~ CTE agricultural education;

(3) work a minimum of eight hours a day in the summer ~~[career and technical education]~~ CTE agriculture program. Exceptions shall be reflected in the calendar of activities and be approved by the school district administration;

(4) not engage in other employment, including self-employment, which conflicts with the teacher's performance in the summer ~~[career and technical education]~~ CTE agriculture program;

(5) develop and file a weekly schedule and a monthly report outlining accomplishments related to the calendar of activities with the school principal, school district ~~[career and technical education]~~ CTE director, and the state specialist for agricultural education; and

(6) visit the participating students a minimum of two times during the summer program with a minimum average of four on-site visits to students.

C. College interns may be approved to conduct summer ~~[career and technical education]~~ CTE agriculture programs upon approval by the state specialist for ~~[career and technical education]~~ CTE agricultural education.

D. Students enrolled in the summer ~~[career and technical education]~~ CTE agriculture program shall:

(1) have on file in the teacher's and school district office a student education occupation plan (SEOP) goal related to agriculture;

(2) in conjunction with the student's parent or employer and the teacher, develop an individual plan of activities, including a supervised occupational experience program;

(3) have completed the eighth grade; and

(4) have not have graduated from high school.

E. The USOE ~~[career and technical education]~~ CTE agricultural education specialist shall collect data from the program and staff of each school district to ensure compliance with approved standards. A final program report, on forms provided by the USOE, shall be submitted to the USOE on the annual due date specified.

F. Summer ~~[career and technical education]~~ CTE agricultural funding shall be allocated to each school district conducting an approved program for a minimum of 35 students lasting nine weeks.

A school district may receive funding for no more than nine weeks or 35 students.

G. School districts operating programs with fewer than 35 students per teacher or for fewer than nine weeks shall receive a prorated share of the summer ~~[career and technical education]~~ CTE agricultural allocation.

R277-911-12. Disbursement of Funds - Comprehensive Counseling and Guidance; ~~[Technology, Life, and Careers]~~ CTE Introduction, and Work-Based Learning Programs.

A. The board shall distribute funds to school districts consistent with Section 53A-17a-113(2)(3)(4) and (6).

B. School districts shall spend funds distributed for comprehensive guidance consistent with Section 53A-1a-106(2)(b) and R277-462 which explain the purpose and criteria for student education plans (SEP) and student education occupation plans (SEOP).

C. School districts may spend funds allocated under this section to fund work-based learning programs consistent with Section 53A-17a-113(1)(c), other criteria of the Section, R277-915 and R277-916.

D. School districts may spend funds allocated under this section to fund ~~[technology, life, and careers]~~ CTE Introduction programs consistent with Section 53A-17a-113 and R277-916.

**KEY: ~~[technical education,]~~career and technical education
Date of Enactment or Last Substantive Amendment: ~~[December 11, 2006]~~2009**

Notice of Continuation: September 6, 2007

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-15-202; 53A-17a-113 through 115



**Environmental Quality, Solid and
Hazardous Waste**

R315-1-1

Definitions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32137

FILED: 11/13/2008, 14:39

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed rule change adopts definitions that correspond to the cathode ray tube rules (CRTs).

SUMMARY OF THE RULE OR CHANGE: This proposed rule change adopts definitions that correspond to the cathode ray tubes (CRTs) which are destined for recycling.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105 and 19-6-106

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 260.10, 2007 ed.

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There are no costs or savings impact to the state budget because the change is a change in a definition.
- ❖ LOCAL GOVERNMENTS: There are no costs or savings impact to local government because the change is a change in a definition.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: There are no costs or savings impact to businesses or persons other than businesses because the change is a change in a definition.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no costs to affected persons because the change is a change in a definition.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs or savings impact to businesses because the change is a change in a definition. Richard Sprott, Executive Director

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

ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Susan Toronto at the above address, by phone at 801-538-6776, by FAX at 801-538-6715, or by Internet E-mail at storonto@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 12/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2009

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.**R315-1. Utah Hazardous Waste Definitions and References.****R315-1-1. Definitions.**

(a) Terms used in R315-1 through R315-101 are defined in Sections 19-1-103 and 19-6-102.

(b) For R315-1 through R315-101, the terms defined in 40 CFR 260.10, 264.18(a)(2), and 279.1, [2005]2007 ed., are adopted and incorporated by reference with the following revisions:

(1) Substitute "Executive Secretary" for "Regional Administrator" or "Administrator," except in the following cases:

(i) In the actual definitions of "Administrator" and "Regional Administrator;" and

(ii) In the definitions of "hazardous waste constituent" and "industrial furnace" where "Board" shall be substituted.

(2) Insert in the definition of "existing tank system" or "existing component" the following additional phrase after "July 14, 1986," "or December 16, 1988 for purposes of implementing the non-HSWA

requirements of the tank regulations as promulgated by EPA on July 14, 1986, 51 FR 25470, as they have been incorporated into the corresponding rules of R315. A non-HSWA existing tank system or non-HSWA tank component is one which does not implement any of the requirements of the federal Hazardous and Solid Waste Amendments of 1984 (HSWA) as identified in Table 1 of 40 CFR 271.1."

(3) Insert in the definition of "new tank system" or "new tank component" the following additional phrase after "July 14, 1986," "or December 16, 1988 for purposes of implementing the non-HSWA requirements of the tank regulations as promulgated by EPA on July 14, 1986, 51 FR 25470, as they have been incorporated into the corresponding rules of R315; except, however, for purposes of 40 CFR 265.193(g)(2) and 40 CFR 264.193(g)(2), a new tank system is one which construction commences after July 14, 1986. A non-HSWA new tank system or non-HSWA new tank component is one which does not implement any of the requirements of the federal Hazardous and Solid Waste Amendments of 1984 (HSWA) as identified in Table 1 of 40 CFR 271.1."

(c) The terms defined in 40 CFR 261.1(c), 1997 ed., are adopted and incorporated by reference.

(d) For purposes of R315-3 regarding application and permit procedures for hazardous waste facilities, the terms defined in 40 CFR 270.2, 1999 ed., are adopted and incorporated by reference with the following revisions:

(1) "Permit" means the plan approval as required by subsection 19-6-108(3)(a), or equivalent control document issued by the Executive Secretary to implement the requirements of the Utah Solid and Hazardous Waste Act;

(2) "Director" or "State Director" means "Executive Secretary;" and

(3) Replace existing definition of "corrective action management unit" with the definition as found in 40 CFR 260.10, 2000 ed.

(e) The definitions of "Polychlorinated biphenyl, PCB," and "Polychlorinated item" as found in 761.3, 40 CFR, 1990 ed., are adopted and incorporated by reference.

(f) In addition, the following terms are defined as follows:

(1) "Approved hazardous waste management facility" or "approved facility" means a hazardous waste treatment, storage, or disposal facility which has received an EPA permit in accordance with federal requirements, has been approved under 19-6-108 and R315-3, or has been permitted or approved under any other EPA authorized hazardous waste state program.

(2) "Division" means the Division of Solid and Hazardous Waste.

(3) "Hazard class" means:

(i) The DOT hazard class identified in 49 CFR 172; and

(ii) If the DOT hazard class is "OTHER REGULATED MATERIAL," ORM, the EPA hazardous waste characteristic exhibited by the waste and identified in R315-2-9.

(4) "Monitoring" means all procedures used to systematically inspect and collect data on operational parameters of the facility or on the quality of the air, ground water, surface water, or soils.

(5) "POHC's" means principle organic hazardous constituents.

(6) "Permittee" means any person who has received an approval of a hazardous waste operation plan under 19-6-108 and R315-3 or a Federal RCRA permit for a treatment, storage, or disposal facility.

(7) "Precipitation run-off" means water generated from naturally occurring storm events. If the precipitation run-off has been in contact with a waste defined in R315-2-9, it qualifies as "precipitation run-off" if the water does not exhibit any of the characteristics identified in R315-2-9. If the precipitation run-off has been in contact with a waste

listed in R315-2-10 or R315-2-11, then it qualifies as "precipitation run-off" when the water has been excluded under R315-2-16. Water containing any leachate does not qualify as "precipitation run-off".

(8) "Spill" means the accidental discharging, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous wastes or materials which, when spilled, become hazardous wastes, into or on any land or water.

(9) "Waste management area" means the limit projected in the horizontal plane of the area on which waste will be placed during the active life of a regulated unit. The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit. If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

(g) Terms used in R315-15 are defined in sections 19-6-703 and 19-6-706(2)(b)(ii).

(h) For purposes of R315-101 regarding cleanup action and risk-based closure standards, the following terms are defined as follows:

(1) "The concentration term, C" is calculated as the 95% upper confidence limit, UCL, on the arithmetic average for normally distributed data, or as the 95% upper confidence limit on the arithmetic average for lognormally distributed data. For normally distributed data, $C = \text{Mean} + t \times \text{Standard Deviation}/n^{1/2}$, where n is the number of observations, and t is Student's t distribution (at the 95% one-sided confidence level and n-1 degrees of freedom), tables of which are printed in most introductory statistics textbooks. For lognormally distributed data, $C = \exp(\text{Mean of lognormal-transformed data} + 0.5 \times \text{Variance of lognormal-transformed data} + \text{Standard Deviation of lognormal-transformed data} \times H/(n - 1)^{1/2})$, where n is the number of observations, and H is Land's H statistic (at the 95% one-sided confidence level), tables of which are printed in advanced statistics books. For data which are not normally nor lognormally distributed, appropriate statistics, such as nonparametric confidence limits, shall be applied.

(2) "Area of contamination" means a hazardous waste management unit or an area where a release has occurred. The boundary is defined as the furthest extent where contamination from a defined source has migrated in any medium at the time the release is first identified.

(3) "Contaminate" means to render a medium polluted through the introduction of hazardous waste or hazardous constituents as identified in R315-50-10, which incorporates by reference 40 CFR 261, Appendix VIII.

(4) "Hazard index" means the sum of more than one hazard quotient for multiple substances, multiple exposure pathways, or both. The Hazard Index is calculated separately for chronic, subchronic, and shorter duration exposures.

(5) "Hazard quotient" means the ratio of a single substance exposure level over a specified time period, e.g. subchronic, to a reference dose for that substance derived from a similar exposure period.

(6) "Risk-based closure" means closure of a site where hazardous waste was managed or any medium has been contaminated by a release of hazardous waste or hazardous constituents, and where hazardous waste or hazardous constituents remain at the site in any medium at concentrations determined, under this rule, to cause minimal levels of risk to human health and the environment so as to require no further action or monitoring on the part of the responsible party nor any notice of hazardous waste management on the deed to the property.

(7) "Reasonable maximum exposure (RME)" means the highest exposure that is reasonably expected to occur at a site. The goal of

RME is to combine upper-bound and mid-range exposure factors so that the result represents an exposure scenario that is both protective and reasonable; not the worst possible case.

(8) "Release" means spill or discharge of hazardous waste, hazardous constituents, or material that becomes hazardous waste when released to the environment.

(9) "Responsible party" means the owner or operator of a facility, or any other person responsible for the release of hazardous waste or hazardous constituents.

(10) "Site" means the area of contamination and any other area that could be impacted by the released contaminants, or could influence the migration of those contaminants, regardless of whether the site is owned by the responsible party.

KEY: hazardous waste

Date of Enactment or Last Substantive Amendment: December 1, 2006

Notice of Continuation: August 24, 2006

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106



Environmental Quality, Solid and Hazardous Waste **R315-2** General Requirements - Identification and Listing of Hazardous Waste

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE No.: 32138
FILED: 11/13/2008, 14:40

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed rule change adds regulations that correspond to the recycling of cathode ray tubes (CRTs).

SUMMARY OF THE RULE OR CHANGE: This proposed rule change adds regulations concerning the recycling of CRTs.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105 and 19-6-106

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR subpart E, sections 261.39 through 261.41, 2007 ed.

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** Existing staff and resources will be used to implement the rule.
- ❖ **LOCAL GOVERNMENTS:** The statute and proposed rule do not require local government resources.
- ❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** There should be no costs incurred by small business other than minimal costs (less than \$5) required to notify EPA of exports of CRTs outside the United States.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no costs incurred by affected persons other than very minimal costs (less than \$5) required to notify EPA of exports of CRTs outside the United States.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no costs that should be incurred by businesses with the adoption of these rules other than very minimal costs (less than \$5) involved in the notification to EPA of exports of CRTs outside of the United States. Richard Sprott, Executive Director

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

ENVIRONMENTAL QUALITY
SOLID AND HAZARDOUS WASTE
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Susan Toronto at the above address, by phone at 801-538-6776, by FAX at 801-538-6715, or by Internet E-mail at storonto@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 12/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2009

AUTHORIZED BY: Dennis Downs, Director

R315. Environmental Quality, Solid and Hazardous Waste.
R315-2. General Requirements - Identification and Listing of Hazardous Waste.

R315-2-4. Exclusions.

(a) MATERIALS WHICH ARE NOT SOLID WASTES.

The following materials are not solid wastes for the purpose of this rule:

(1) Domestic sewage or any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

(2) Industrial wastewater discharges that are point source discharges subject to regulation under Section 402 of the Clean Water Act, as amended. This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

(3) Irrigation return flows.

(4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. Section 2011 et seq.

(5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.

(6) Pulping liquors, black liquor that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively as defined in ~~subsection R315-1-1(c), which incorporates by reference 40 CFR 261.1(c)~~, ~~40 CFR~~.

(7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in subsection R315-1-1(c), which incorporates by reference 40 CFR 261.1(c) ~~40 CFR~~.

(8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

.....

(22) Used cathode ray tubes (CRTs)

(i) Used, intact CRTs as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, are not solid wastes within the United States unless they are disposed, or unless they are speculatively accumulated as defined in R315-1-1(c), which incorporates by reference 40 CFR 261.1(c)(8), by CRT collectors or glass processors.

(ii) Used, intact CRTs as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, are not solid wastes when exported for recycling provided that they meet the requirements of R315-2-27, which incorporates by reference 40 CFR 261.40.

(iii) Used, broken CRTs as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, are not solid wastes provided that they meet the requirements of R315-2-27, which incorporates by reference 40 CFR 261.39.

(iv) Glass removed from CRTs is not a solid waste provided that it meets the requirements of R315-2-27, which incorporates by reference 40 CFR 261.39(c).

.....

R315-2-27. Exclusions/Exemptions.

The requirements as found in 40 CFR subpart E, sections 261.39 through 261.41, 2007 ed., are adopted and incorporated by reference.

KEY: hazardous wastes

Date of Enactment or Last Substantive Amendment: December 1, 2006

Notice of Continuation: August 24, 2006

Authorizing, and Implemented or Interpreted Law: 19-6-105; 19-6-106



Health, Center for Health Data, Health
Care Statistics
R428-12
Health Data Authority Survey of
Enrollees in Health Maintenance
Organizations and Preferred Provider
Organizations

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32118

FILED: 11/04/2008, 15:40

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to broaden the criteria for health plans to be included in the enrollee's Consumer Assessment of Health Care Providers and Systems survey (CAHPS "Consumer Assessment of Health Plans").

SUMMARY OF THE RULE OR CHANGE: In addition to the current health plans being surveyed, HMOs (Health Maintenance Organizations), PPOs (Preferred Provider Organizations), governmental, and non-electing church plans were added as well.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 33a

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: The cost of the survey is billed to the state, but then the health plans are billed for their portion, leaving the state with no additional expense.
- ❖ LOCAL GOVERNMENTS: The cost to local governments is \$0.00 because they are not involved with the data collection process.
- ❖ SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES: The cost to small businesses is \$0.00 because the health plans that are required to submit data all have more than 50 employees.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It costs anywhere from \$1,000 to \$10,000 to administer the survey depending upon how many covered lives the insurance company has in Utah. This cost is the responsibility of the health plan, and not the state or other business entities.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact. David Sundwall, MD, Executive Director

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

HEALTH
CENTER FOR HEALTH DATA,
HEALTH CARE STATISTICS
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:
Sam Vanous at the above address, by phone at 801-538-7074, by FAX at 801-538-9916, or by Internet E-mail at svanous@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 12/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2009

AUTHORIZED BY: David N. Sundwall, Executive Director

**R428. Health, Center for Health Data, Health Care Statistics.
R428-12. Health Data Authority Survey of Enrollees in Health
Maintenance Organizations.**

R428-12-2. Purpose.

This rule establishes the process for the collection of ~~[HMO]Health Insurance Carrier~~ enrollee satisfaction data from Utah licensed ~~health insurance carriers~~~~[health maintenance organizations]~~.

The data are needed to promote consumer choice in health plan selection and measure the quality of care provided by Utah licensed health maintenance organizations.

R428-12-3. Definitions.

These definitions apply to rule R428-12:

(1) "Office" as defined in R428-2-3A.

(2) "Carrier" means:

(a) "Health Maintenance Organization"(HMO) means any person licensed under Title 31A, Chapter 8.

(b) a governmental plan as defined in Section 414 (d), Internal Revenue Code.

(c) a non-electing church plan as described in Section 410 (d), Internal Revenue Code.

(d) "Preferred Provider Organization (PPO)" means all commercial insurance companies engaged in the business of health care insurance in the state of Utah (as defined in 31A-1-301(75)(a) and (b)), and offers a insurance product where an insured member has the choice of using either an in network provider at a discounted rate, also called preferred providers, or any out of network provider at a higher rate, also called non-preferred provider. Payments to preferred and non-preferred providers are paid according the preferred provider contract provisions as described in 31A-22-617(2)(a)(b).

(3) "Enrollee" means any individual who has entered into a contract with a health maintenance organization for health care or on whose behalf such an arrangement has been made.

(4) "Eligible Enrollee" means an enrollee who meets the following criteria:

(a) enrolled with ~~in~~ the carrier ~~[HMO]~~ as of ~~[January]~~ ~~May 1,~~ ~~[of the year when the survey is conducted]~~ 2008;

(b) continuously enrolled with ~~in~~ the carrier ~~[HMO]~~ for at least twelve months ~~[for commercial HMOs and six months for Medicaid HMOs]~~ prior to ~~[January]~~ ~~May 1~~ of the ~~[survey]~~ ~~current~~ year, allowing one break in coverage for up to 45 days;

(c) not employed by the carrier [HMO, except that HMOs can choose to survey their employees, in which case a flag needs to be included in the sample frame so that they can be identified];

(d) [has Utah zip code, except that HMOs can choose to survey their enrollees residing outside of Utah, in which case a flag needs to be included in the sample frame so that they can be identified; and] age 18 or older;

(e) [Medicare is] not [the enrollee's primary payer.] enrolled in Medicaid or Medicare; and

(f) has Utah zip code.

[(5) "Employee" means any person employed by a health plan or HMO.

(6) "NCQA" means the National Committee for Quality Assurance, a not for profit organization committed to evaluating and reporting on the quality of managed care plans.

(7) "Sampling Frame" means the carrier [HMO] enrollment file as described in [HEDIS 2002, Volume 3, Specifications for Survey Measures published by NCQA, which is incorporated by reference.] Table 1 for all eligible enrollees of the carrier [HMO]. The sampling frame includes only records that meet the eligibility criteria in R428-12-3(4).

(8) "Sample file" means the data file containing records of selected eligible enrollees drawn by the survey agency from the carrier's [HMO's] sampling frame.

(9) "Aggregate statistics" means the total number of enrollees with [in] the particular carrier [HMO] by age and sex.

(10) "Survey agency" means an independent contractor on contract with the Office of Health [Care Statistics] Data Analysis.

R428-12-4. Creating the Sampling Frame.

(1) The sources for enrollment data are health plan carriers [HMOs] licensed in Utah. Each carrier [HMO] shall include in the sampling frame all eligible enrollees. The carrier [HMO] may not exclude any record except those that do not meet eligibility criteria as specified in R428-12-3(4).

(2) Each carrier [HMO] shall create the sampling frame according to the format [specified by HEDIS 2002, Volume 3, Specifications for Survey Measures published by NCQA] in the Table 1 or 2.

(3) The layout described in Table 1 and 2 shall be followed exactly. Column starts or widths of fields shall not be changed. The sample file must be in ASCII format, one member record per line, all records the same length. Records shall not contain quotes, hyphens in phone numbers, dashes, or any other punctuation.

TABLE 1
SAMPLING FRAME LAYOUT (Adult Survey)

Required Data Element	Field Positions			Value Labels
	Length	Start	End	
Health care				
organization name	60	1	60	
Product line	1	61	61	1 = Commercial 2 = Medicaid
Product	1	62	62	1 = HMO 2 = POS
Subscriber or family				
ID number	16	63	78	
Member-unique ID	16	79	94	This ID differentiates between individuals when family members share the subscriber ID
Member first name	25	95	119	
Member middle initial	1	120	120	
Member last name	25	121	145	

Member gender	1	146	146	1 = Male 2 = Female
Member date of birth	8	147	154	MMDDYYYY
Member mailing address 1	50	155	204	Street address or post office box
Member mailing address 2	50	205	254	Mailing address 2nd line (if needed)
Member city	30	255	284	
Member state	2	285	286	2-character state abbreviation
Member Zip code	5	287	291	5-digit number
Member telephone number	10	292	301	3-digit area code plus 7-digit phone number; no separators or delimiters
Flu Shots for Adults Ages 50-64				
Eligibility Flag	1	302	302	1 = Eligible 2 = Ineligible 9 = Member is in a product or product line for which the measure is not being reported

TABLE 2
SAMPLING FRAME LAYOUT (Child Survey)

Required Data Elements	Field Positions			Value Labels
	Length	Start	End	
Health care				
organization name	60	1	60	
Product line	1	61	61	1 = Commercial 2 = Medicaid
Product	1	62	62	1 = HMO 2 = POS
Subscriber or family				
ID number	16	63	78	
Member-unique ID	16	79	94	This ID differentiates between individuals when family members share the subscriber ID
Member first name	25	95	119	
Member middle initial	1	120	120	
Member last name	25	121	145	
Member gender	1	146	146	1 = Male 2 = Female
Member date of birth	8	147	154	MMDDYYYY
Mailing address 1	50	155	204	Street address or post office box
Mailing address 2	50	205	254	Mailing address 2nd line (if needed)
City	30	255	284	
State	2	285	286	2-character state abbreviation
Zip code	5	287	291	5-digit number
Telephone number	10	292	301	3-digit area code plus 7-digit phone number; no separators or delimiters
Parent/caretaker				
first name	25	302	326	Required only if mailing materials are to be addressed to the parent or caretaker
Parent/caretaker middle				
initial	1	327	327	Required only if mailing materials are to be addressed to the parent or caretaker

Parent/caretaker last name	25	328	352	Required only if mailing materials are to be addressed to the parent or caretaker
Prescreen status code	1	353	353	1 = No claims or encounters that meet criteria
				2 = Claims or encounters that meet criteria
				9 = Member is in a product or product line for which the CCC measure is not being reported

first violation and up to \$5,000 for a subsequent similar violation within two years. A person may also be subject to penalties imposed by a civil or criminal court, which may not exceed \$5,000 or a class B misdemeanor for the first violation and a class A misdemeanor for any subsequent similar violation within two years.

KEY: health maintenance organization, performance measurement, health care quality, preferred provider organization
Date of Enactment or Last Substantive Amendment: ~~August 14, 2002~~ 2009
Notice of Continuation: April 3, 2007
Authorizing, and Implemented or Interpreted Law: 26-33a-104; 26-33a-108

(4) The sampling frame and procedures used by the reporting carrier[HMO] are subject to audit by the Office of Health Care Statistics and by an NCQA certified auditor>Data Analysis against aggregate statistics for the [reporting]submitting carrier[HMO].

R428-12-5. Sampling Frame Submission.

(1) The carrier[HMO] shall create the sampling frame according to the eligibility criteria in R428-12-3(4). The carrier shall copy the sampling frame (formatted as described in "Sampling Frame Layout" in Table 1) onto an [electronic medium acceptable to the survey agency and]IBM PC 3.5 inch high density diskette and send [it]to the survey agency.[If the HMO submits the sampling frame electronically, the HMO must encrypt and password protect the file.]

(2) The carrier[HMO] shall fill out the "Sample Description" sheet to be provided by the survey agency and send it with the diskette[or other electronic file]. Each carrier[HMO] shall submit to the survey agency the sampling frame for each of its carrier[HMO] products no later than four weeks after the [due date assigned by]receipt of the sampling memo from the survey agency.

[R428-12-6. Submission of Aggregate Statistics.

The HMO shall submit to the Office of Health Care Statistics aggregate statistics from its total enrollment population, before screening to identify eligible enrollees, in the following format:

TABLE 2

For adult surveys+		
Age	Male	Female
18-24	xxxxx	xxxxx
25-36	xxxxx	xxxxx
37-44	xxxxx	xxxxx
45-54	xxxxx	xxxxx
55-64	xxxxx	xxxxx
65 up	xxxxx	xxxxx
For child surveys+		
<1	xxxxx	xxxxx
1-3	xxxxx	xxxxx
4-7	xxxxx	xxxxx
8-12	xxxxx	xxxxx
13-17	xxxxx	xxxxx

R428-12-[8]6. Penalties.

Pursuant to Section 26-23-6, any person that violates any provision of this rule may be assessed an administrative civil money penalty not to exceed \$3,000 upon an administrative finding of a

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

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 32129
 FILED: 11/10/2008, 08:54

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council and Wildlife Board meetings conducted annually for taking public input and reviewing the Division of Wildlife Resources' (DWR) fish and crayfish management program.

SUMMARY OF THE RULE OR CHANGE: The proposed revisions to the above listed rule: 1) allows up to six lines without a second pole permit when fishing at Flaming Gorge Reservoir through the ice; 2) allows for the taking of burbot by means of underwater spearfishing from January 1 through December 21, 24 hours a day; 3) allows for the use of artificial light while engaged in underwater spearfishing for burbot at Flaming Gorge; and 4) adds Scofield Reservoir to the list of prohibited waters for filleting fish in the field or in transit.

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

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** This amendment only expounds on angling and spearfishing opportunities already available for fishermen. DWR determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget, since the changes will not increase workload and can be carried out with existing budget.
- ❖ **LOCAL GOVERNMENTS:** Since this amendment only expounds regulations already in place, this should have little to no effect on the local government. This filing does not create any direct cost or savings impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does

not create a situation requiring services from local governments.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** This amendment adds additional opportunity to harvest burbot at Flaming Gorge Reservoir and adds Scofield Reservoir to a list of prohibited waters for filleting game fish. Therefore, this rule does not impose any additional financial requirements on persons, nor generate a cost or saving impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: DWR determines that these amendments do not create a cost or savings impact to individuals who participate in fishing.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Staci Coons at the above address, by phone at 801-538-4718, by FAX at 801-538-4709, or by Internet E-mail at stacicoons@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 12/31/2008.

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2009

AUTHORIZED BY: James F Karpowitz, Director

R657. Natural Resources, Wildlife Resources.

R657-13. Taking Fish and Crayfish.

R657-13-6. Angling.

(1) While angling, the angler shall be within sight (not to exceed 100 feet) of the equipment being used at all times, except setlines.

(2) Angling with more than one line is unlawful, except:

(a) when using a valid second pole permit in conjunction with an unexpired Utah one day, seven day or annual fishing or combination license~~[-or-]~~;

(b) while fishing for crayfish without the use of fish hooks;

(c) while fishing through the ice at Flaming Gorge Reservoir. A second pole permit is not required when fishing through the ice at Flaming Gorge Reservoir, or when fishing for crayfish with lines without hooks.

(3) No artificial lure may have more than three hooks.

(4) No line may have attached to it more than two baited hooks, two artificial flies, or two artificial lures, except for a setline or while fishing at Flaming Gorge Reservoir or Lake Powell.

(5) When angling through the ice, the hole may not exceed 12 inches across at the widest point, except at Bear Lake, Flaming Gorge Reservoir, and Fish Lake where specific limitations apply.

R657-13-7. Fishing With [a-]More than One Pole (Second Pole Permits).

(1) A person may use a second pole to take fish on all waters open to fishing provided they have an unexpired fishing or combination license and a valid second pole permit, except as provided in Subsection (5) below.

(2)(a) A second pole permit may be obtained through the division's web site, from license agents and division offices.

(b)(i) A second pole permit is a 365 day permit valid only when used in conjunction with an unexpired Utah one day, seven day or annual fishing or combination license.

(ii) A second pole permit does not allow an angler to take more than one daily bag or possession limit.

(3) Anglers under 12 years of age must purchase a valid fishing or combination license and second pole permit in order to use a second pole.

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

(5) A person may use up to six lines without a second pole permit when fishing at Flaming Gorge Reservoir through the ice. When using more than two lines at Flaming Gorge Reservoir, the angler's name shall be attached to each line, pole, or tip-up, and the angler shall check only their lines.

R657-13-9. Underwater Spearfishing.

(1) Underwater spearfishing is permitted from official sunrise to official sunset only, except as provided in Subsection (6).

(2) Use of artificial light is unlawful while engaged in underwater spearfishing, except as provided in Subsection (6).

(3) Free shafting is prohibited while engaged in underwater spearfishing.

(4) Causey Reservoir, Deer Creek Reservoir, Fish Lake, Flaming Gorge Reservoir, Jordanelle Reservoir, Ken's Lake, Lake Powell, Lost Creek Reservoir, Pineview Reservoir (with the exception of tiger muskie), Red Fleet Reservoir, Steinaker Reservoir, Starvation Reservoir, Willard Bay Reservoir and Yuba Reservoir are open to taking game and nongame fish by means of underwater spearfishing from June 1 through November 30. These are the only waters open to underwater spearfishing for game and nongame fish, except as provided in Subsection ((8)9) below.

(5) Lake Powell is open to taking carp and striped bass by means of underwater spearfishing from January 1 through December 31.

(6) Flaming Gorge is open to taking burbot by means of underwater spearfishing from January 1 through December 31, 24 hours each day. Artificial light is permitted while engaged in underwater spearfishing for burbot at Flaming gorge. Artificial light may not be used at other waters nor may it be used when pursuing other fish species in Flaming Gorge. No other species of fish may be taken with underwater spearfishing techniques at Flaming Gorge between official sunset and official sunrise.

~~(6)7~~ The bag and possession limit for underwater spearfishing is the same as the bag and possession limit applied to anglers using other techniques in the waters listed in Subsection (4) above and as identified in the annual Utah Fishing Proclamation issued by the Utah Wildlife Board.

([7]8) Nongame fish may be taken by underwater spearfishing only in the waters listed in Subsection (4) above and as provided in Section R657-13-14.

([8]9) Carp may be taken by means of underwater spearfishing from any water open to angling during the open angling season set for a given body of water.

R657-13-11. Restrictions on Taking Fish and Crayfish.

(1) Artificial light is permitted while angling, except when underwater spearfishing. However artificial light is permitted while underwater spearfishing for burbot in Flaming Gorge.

(2) A person may not obstruct a waterway, use a chemical, explosive, electricity, poison, crossbow, firearm, pellet gun, or archery equipment to take fish or crayfish, except as provided in Subsection R657-13-14(1)(c) and Section R657-13-20.

(3) A person may not take protected aquatic wildlife by snagging or gaffing, except at Lake Powell where a gaff may be used to land striped bass. It is unlawful to possess a gaff at waters, except at Lake Powell.

(4) Chumming is prohibited on all waters, except as provided in Section R657-13-20.

(5) The use of a float tube or a boat, with or without a motor, for fishing is unlawful on some waters. Boaters should be aware that other agencies may have additional restrictions on the use of float tubes, boats, or boats with motors on some waters.

(6) Nongame fish and crayfish may be taken only as provided in Sections R657-13-14 and R657-13-15.

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

(1)(a) At all waters except Strawberry Reservoir, Scotfield Reservoir, Panguitch Lake and Jordanelle Reservoir, game fish may be dressed, filleted, have heads and/or tails removed, or otherwise be physically altered after completing the act of fishing or reaching a fish cleaning station, camp, or principal means of land transportation. It is unlawful to possess fish while engaged in the act of fishing that have been dressed or filleted. This shall not apply to fish that are processed for immediate consumption or to fish held from a previous day's catch.

(b) Trout and/or salmon taken at Strawberry Reservoir, Scotfield Reservoir and Panguitch Lake, and smallmouth bass taken at Jordanelle may not be filleted and the heads or tails may not be removed in the field or in transit.

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

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

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

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

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

KEY: fish, fishing, wildlife, wildlife law

Date of Enactment or Last Substantive Amendment: [~~May 8, 2008~~]2009

Notice of Continuation: October 11, 2007

Authorizing, and Implemented or Interpreted Law: 23-14-18; 23-14-19; 23-19-1; 23-22-3



Public Safety, Peace Officer Standards and Training **R728-402**

Application Procedures to Attend a Basic Peace Officer Training Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 32132

FILED: 11/12/2008, 14:31

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule amendment is to clarify that full time employees with police departments will be allowed to attend Peace Officer Standards and Training (POST). It also clarifies that Self-Sponsored individuals may attend under special circumstances.

SUMMARY OF THE RULE OR CHANGE: The rule amendment clarifies language to define the employment status of an individual to attend the police academy. The rule adds language that part-time and reserve officers will not be eligible. It allows for self-sponsored students under special circumstances.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 53-6-203 and 53-6-204

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The rule amendment puts into rule what POST has in policy already, so it will not affect the state budget.

❖ **LOCAL GOVERNMENTS:** The rule amendment puts into rule what POST has in policy already, so it will not affect local government.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The rule amendment puts into rule what POST has in policy already, so it will not affect small business or other business.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no fiscal impact because of this rule amendment, therefore there will be no compliance cost for affected individuals.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment will have no fiscal impact on any agency, state government, or businesses. Scott Duncan, Commissioner

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

PUBLIC SAFETY
PEACE OFFICER STANDARDS AND TRAINING
410 W 9800 S
SANDY UT 84070, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steve Winward at the above address, by phone at 801-256-2326, by FAX at 801-256-0600, or by Internet E-mail at swinward@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 01/10/2009.

THIS RULE MAY BECOME EFFECTIVE ON: 01/20/2009

AUTHORIZED BY: Scott T Duncan, Commissioner

R728. Public Safety, Peace Officer Standards and Training.
R728-402. Application Procedures to Attend a Basic Peace Officer Training Program.
R728-402-1. Policy.

A. Pursuant to Sections 53-6-203 and 53-6-204 it shall be the responsibility of each law enforcement agency, upon its hiring of an employee, to submit a complete application to POST before admission is approved to a basic peace officer training program.

1. An agency sponsored applicant is defined as a full time paid employee of a state, municipal or county police or sheriff's agency.

2. Part time or reserve applicants will not be admitted as agency sponsored employees into a basic peace officer training program.

B. Self-Sponsored Applicants will not be accepted at POST unless special circumstances exist and approval has been granted by the director of the division.

1. Self-Sponsored applicants must submit a complete application to POST before they will be admitted to a basic peace officer training program.

R728-402-2. Procedure.

A. Application will be made by completing the POST approved application packet. Application packets can be obtained from the POST website.

B. Application must be submitted four weeks prior to the start of the academy via website or mail in order to allow POST adequate time to process applications and schedule applicants.

C. Applications must be complete when submitted to POST. POST will not accept any application that is not complete. The agency administrator must sign the completed application verifying the applicant is a full time employee of their department.

D. Peace Officer Standards and Training will pay the cost of board, room and supplies for sponsored students attending the Police Academy.

E. Self-Sponsored students must pay the current approved rate.

F. Attendance at the Academy will be denied for failure to meet the requirements set forth in Section 53-6-203 and Rule R728-403.

KEY: law enforcement officers, basic application procedures, police training

Date of Enactment or Last Substantive Amendment: [~~January 20, 2007~~2009]

Notice of Continuation: February 26, 2007

Authorizing, and Implemented or Interpreted Law: 53-6-203

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End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [~~example~~]). A row of dots in the text between paragraphs (.) indicates that unaffected text, either whole sections or subsections, was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends December 31, 2008. At its option, the agency may hold public hearings.

From the end of the waiting period through March 31, 2009, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by Section 63G-3-303; and Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Environmental Quality, Water Quality R317-2 Standards of Quality for Waters of the State

NOTICE OF CHANGE IN PROPOSED RULE

DAR File No.: 31650
Filed: 11/12/2008, 17:14

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed changes are being made in response to issues brought before the Water Quality Board during the public comment period for amendments to the Utah Water Quality Standards.

SUMMARY OF THE RULE OR CHANGE: The summary of changes to the proposed rule are as follows: clarification of the application of water quality standards; removal of several previously proposed site-specific standards; returning previous standards to wildlife management areas and removal of the "three ecosystem" standards previously proposed for those areas; removal of the Class 5 (Great Salt Lake) beneficial use classification from the rule; clarification of a site-specific standard for the South Fork of Spring Creek (Cache County); clarification of egg concentration triggers and Division of Water Quality (DWQ) responses to those triggers for selenium in the Great Salt Lake; and requiring a level 2 antidegradation review for all discharges to 1C drinking water classified waters. (DAR NOTE: This change in proposed rule has been filed to make additional changes to a proposed amendment that was published in the July 15, 2008, issue of the Utah State Bulletin, on page 30. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-105

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The proposed changes are made in responses to comments received during the public comment period and in discussions with the Water Quality Board. The changes are of a technical and/or editorial nature and are not anticipated to result in costs or savings to the state budget beyond those identified in the original rulemaking.

❖ **LOCAL GOVERNMENTS:** The proposed changes are made in responses to comments received during the public comment period and in discussions with the Water Quality Board. The changes are of a technical and/or editorial nature and are not anticipated to result in costs or savings to local government beyond those identified in the original rulemaking.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** The proposed changes are made in responses to comments received during the public comment period and in discussions

with the Water Quality Board. The changes are of a technical and/or editorial nature and are not anticipated to result in costs or savings to small businesses beyond those identified in the original rulemaking.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed changes are made in responses to comments received during the public comment period and in discussions with the Water Quality Board. The changes are of a technical and/or editorial nature and are not anticipated affect compliance costs for affected persons beyond those identified in the original rulemaking.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes are made in responses to comments received during the public comment period and in discussions with the Water Quality Board. The changes are of a technical and/or editorial nature and are not anticipated to result in fiscal impacts to businesses beyond those identified in the original rulemaking.
Richard Sprott, Executive Director

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

ENVIRONMENTAL QUALITY
WATER QUALITY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at dwham@utah.gov

THIS RULE MAY BECOME EFFECTIVE ON: 01/07/2009

AUTHORIZED BY: Walter Baker, Director

R317. Environmental Quality, Water Quality. R317-2. Standards of Quality for Waters of the State.

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R317-2-3. Antidegradation Policy.

3.1 Maintenance of Water Quality

Waters whose existing quality is better than the established standards for the designated uses will be maintained at high quality unless it is determined by the Board, after appropriate intergovernmental coordination and public participation in concert with the Utah continuing planning process, allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. However, existing instream water uses shall be maintained and protected. No water quality degradation is allowable which would interfere with or become injurious to existing instream water uses.

In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and

implementing method shall be consistent with Section 316 of the Federal Clean Water Act.

3.2 Category 1 Waters

Waters ~~[of high quality]~~ which have been determined by the Board to be of exceptional recreational or ecological significance or have been determined to be a State or National resource requiring protection, shall be maintained at existing high quality through designation, by the Board after public hearing, as Category 1 Waters. New point source discharges of wastewater, treated or otherwise, are prohibited in such segments after the effective date of designation. Protection of such segments from pathogens in diffuse, underground sources is covered in R317-5 and R317-7 and the Regulations for Individual Wastewater Disposal Systems (R317-501 through R317-515). Other diffuse sources (nonpoint sources) of wastes shall be controlled to the extent feasible through implementation of best management practices or regulatory programs.

Projects such as, but not limited to, construction of dams or roads will be considered where pollution will result only during the actual construction activity, and where best management practices will be employed to minimize pollution effects.

Waters of the state designated as Category 1 Waters are listed in R317-2-12.1.

3.3 Category 2 Waters

Category 2 Waters are designated surface water segments which are treated as Category 1 Waters except that a point source discharge may be permitted provided that the discharge does not degrade existing water quality. Waters of the state designated as Category 2 Waters are listed in R317-2-12.2.

3.4 Category 3 Waters

For all other waters of the state, point source discharges are allowed and degradation may occur, pursuant to the conditions and review procedures outlined in Section 3.5.

3.5 Antidegradation Review (ADR)

An antidegradation review will determine whether the proposed activity complies with the applicable antidegradation requirements for receiving waters that may be affected.

An antidegradation review (ADR) may consist of two parts or levels. A Level I review is conducted to insure that existing uses will be maintained and protected. In addition, a Level I review evaluates the criteria in Section 3.5b to determine if any degradation is de minimis in nature and therefore does not require a Level II review. A Level II review as described in Section 3.5c is needed when the impacts are not de minimis.

Both Level I and Level II reviews will be conducted on a parameter-by-parameter basis. A decision to move to a Level II review for one parameter does not require a Level II review for other parameters. Discussion of parameters of concern ~~[are]~~^{is} those expected to be affected by the proposed activity.

Antidegradation reviews shall include opportunities for public participation, as described in Section 3.5e.

a. Activities Subject to Antidegradation Review (ADR)

1. For all State waters, antidegradation reviews will be conducted for proposed federally regulated activities, such as those under Clean Water Act Sections 401 (FERC and other Federal actions), 402 (UPDES permits), and 404 (Army Corps of Engineers permits). The Executive Secretary may conduct an ADR on other projects with the potential for major impact on the quality of waters of the state. The review will determine whether the proposed activity complies with the applicable antidegradation requirements for the particular receiving waters that may be affected.

2. For Category 1 Waters and Category 2 Waters, reviews shall be consistent with the requirement established in Sections 3.2 and 3.3, respectively.

3. For Category 3 Waters, reviews shall be consistent with the requirements established in this section

b. An Anti-degradation Level II review is not required where any of the following conditions apply:

1. Water quality will not be lowered by the proposed activity (e.g., a UPDES permit is being renewed and the proposed effluent concentration value and pollutant loading is equal to or less than the existing effluent concentrations value and pollutant loading).

2. Assimilative capacity (based upon concentration) is not available or has previously been allocated, as indicated by water quality monitoring or modeling information. This includes situations where:

(a) the water body is included on the current 303(d) list for the parameter of concern; or

(b) existing water quality for the parameter of concern does not satisfy applicable numeric or narrative water quality criteria; or

(c) discharge limits are established in an approved TMDL that is consistent with the current water quality standards for the receiving water (i.e., where TMDLs are established, and changes in effluent limits that are consistent with the existing load allocation would not trigger an antidegradation review).

Under conditions (a) or (b) the effluent limit in an UPDES permit may be equal to the water quality numeric criterion for the parameter of concern.

3. Water quality impacts will be temporary and related only to sediment or turbidity and fish spawning will not be impaired.~~[or]~~

4. The water quality effects of the proposed activity are expected to be temporary and limited. As general guidance, CWA Section 402 general permits, CWA Section 404 nationwide and general permits, or activities of short duration, will be deemed to have a temporary and limited effect on water quality where there is a reasonable factual basis to support such a conclusion. The 404 nationwide permits decision will be made at the time of permit issuance, as part of the Division's water quality certification under CWA Section 401. Where it is determined that the category of activities will result in temporary and limited effects, subsequent individual activities authorized under such permits will not be subject to further antidegradation review. Factors to be considered in determining whether water quality effects will be temporary and limited may include the following:

(a) Length of time during which water quality will be lowered.

(b) Percent change in ambient concentrations of pollutants of concern

(c) Pollutants affected

(d) Likelihood for long-term water quality benefits to the segment (e.g., dredging of contaminated sediments)

(e) Potential for any residual long-term influences on existing uses.

(f) Impairment of the fish spawning, survival and development of aquatic fauna excluding fish removal efforts.

5. The proposed concentration downstream of the mixing zone:

(a) would be equal to or less than 50% of the applicable criterion, and the project would consume less than 20% of remaining assimilative capacity; or

(b) is greater than 50% and less than 75% of the criterion, and the project would consume less than 10% of the remaining assimilative capacity.

Exception: Level II reviews are required if the proposed concentration below the mixing zone is equal to or greater than 75% of the criterion.

c. Anti-degradation Review Process

For all activities requiring a Level II review, the Division will notify affected agencies and the public with regards to the requested proposed activity and discussions with stakeholders may be held. In the case of Section 402 discharge permits, if it is determined that a discharge will be allowed, the Division of Water Quality will develop any needed UPDES permits for public notice following the normal permit issuance process.

The ADR will cover the following requirements or determinations:

1. Will all Statutory and regulatory requirements be met?

The Executive Secretary will review to determine that there will be achieved all statutory and regulatory requirements for all new and existing point sources and all required cost-effective and reasonable best management practices for nonpoint source control in the area of the discharge. If point sources exist in the area that have not achieved all statutory and regulatory requirements, the Executive Secretary will consider whether schedules of compliance or other plans have been established when evaluating whether compliance has been assured. Generally, the "area of the discharge" will be determined based on the parameters of concern associated with the proposed activity and the portion of the receiving water that would be affected.

2. Are there any reasonable less-degrading alternatives?

There will be an evaluation of whether there are any reasonable non-degrading or less degrading alternatives for the proposed activity. This question will be addressed by the Division based on information provided by the project proponent. Control alternatives for a proposed activity will be evaluated in an effort to avoid or minimize degradation of the receiving water. Alternatives to be considered, evaluated, and implemented to the extent feasible, could include pollutant trading, water conservation, water recycling and reuse, land application, total containment, etc.

For proposed UPDES permitted discharges, the following list of alternatives should be considered, evaluated and implemented to the extent feasible:

- (a) innovative or alternative treatment options
- (b) more effective treatment options or higher treatment levels
- (c) connection to other wastewater treatment facilities
- (d) process changes or product or raw material substitution
- (e) seasonal or controlled discharge options to minimize discharging during critical water quality periods
- (f) pollutant trading
- (g) water conservation
- (h) water recycle and reuse
- (i) alternative discharge locations or alternative receiving waters
- (j) land application
- (k) total containment
- (l) improved operation and maintenance of existing treatment systems
- (~~e~~)m) other appropriate alternatives

An option more costly than the cheapest alternative may have to be implemented if a substantial benefit to the stream can be realized. Alternatives would generally be considered feasible where costs are no more than 20% higher than the cost of the discharging alternative, and (for POTWs) where the projected per connection service fees are not greater than 1.4% of MAGHI (median adjusted gross household income), the current affordability criterion now being used by the Water Quality Board in the wastewater revolving loan program.

Alternatives within these cost ranges should be carefully considered by the discharger. Where State financing is appropriate, a financial assistance package may be influenced by this evaluation, i.e., a less polluting alternative may receive a more favorable funding arrangement in order to make it a more financially attractive alternative.

It must also be recognized in relationship to evaluating options that would avoid or reduce discharges to the stream, that in some situations it may be more beneficial to leave the water in the stream for instream flow purposes than to remove the discharge to the stream.

3. Special Procedures for 404 Permits.

For 404 permitted activities, all appropriate alternatives to avoid and minimize degradation should be evaluated. Activities involving a discharge of dredged or fill materials that are considered to have more than minor adverse effects on the aquatic environment are regulated by individual CWA Section 404 permits. The decision-making process relative to the 404 permitting program is contained in the 404(b)(1) guidelines (40 CFR Part 230). Prior to issuing a permit under the 404(b)(1) guidelines, the Corps of Engineers:

(a) makes a determination that the proposed activity discharges are unavoidable (i.e., necessary):

(b) examines alternatives to the proposed activity and authorize only the least damaging practicable alternative; and

(c) requires mitigation for all impacts associated with the activity.

A 404(b)(1) finding document is produced as a result of this procedure and is the basis for the permit decision. Public participation is provided for in the process. Because the 404(b)(1) guidelines contains an alternatives analysis, the executive secretary will not require development of a separate alternatives analysis for the anti-degradation review. The division will use the analysis in the 404(b)(1) finding document in completing its anti-degradation review and 401 certification.

4. Does the proposed activity have economic and social importance?

Although it is recognized that any activity resulting in a discharge to surface waters will have positive and negative aspects, information must be submitted by the applicant that any discharge or increased discharge will be of economic or social importance in the area.

The factors addressed in such a demonstration may include, but are not limited to, the following:

(a) employment (i.e., increasing, maintaining, or avoiding a reduction in employment);

(b) increased production;

(c) improved community tax base;

(d) housing;

(e) correction of an environmental or public health problem; and

(f) other information that may be necessary to determine the social and economic importance of the proposed surface water discharge.

5. The applicant may submit a proposal to mitigate any adverse environmental effects of the proposed activity (e.g., instream habitat improvement, bank stabilization). Such mitigation plans should describe the proposed mitigation measures and the costs of such mitigation. Mitigation plans will not have any effect on effluent limits or conditions included in a permit (except possibly where a previously completed mitigation project has resulted in an improvement in background water quality that affects a water quality-based limit). Such mitigation plans will be developed and implemented by the applicant as a means to further minimize the environmental effects of the proposed activity and to increase its socio-economic importance. An effective mitigation plan may, in some cases, allow the Executive

Secretary to authorize proposed activities that would otherwise not be authorized.

6. Will water quality standards be violated by the discharge?

Proposed activities that will affect the quality of waters of the state will be allowed only where the proposed activity will not violate water quality standards.

7. Will existing uses be maintained and protected?

Proposed activities can only be allowed if "existing uses" will be maintained and protected. No UPDES permit will be allowed which will permit numeric water quality standards to be exceeded in a receiving water outside the mixing zone. In the case of nonpoint pollution sources, the non-regulatory Section 319 program now in place will address these sources through application of best management practices to ensure that numeric water quality standards are not exceeded.

8. If a situation is found where there is an existing use which is a higher use (i.e., more stringent protection requirements) than that current designated use, the Division will apply the water quality standards and anti-degradation policy to protect the existing use. Narrative criteria may be used as a basis to protect existing uses for parameters where numeric criteria have not been adopted. Procedures to change the stream use designation to recognize the existing use as the designated use would be initiated.

d. Special Procedures for Drinking Water Sources

An Antidegradation Level II Review ~~[may] will~~ be required by the Executive Secretary for discharges to waters with a Class 1C drinking water use assigned~~[-, irrespective of whether any of the conditions in Section 3.4 b. applies. Factors to be considered may include the volume of the discharge compared to the flow of the receiving stream, or where the pollutants discharged may have potentially adverse impact on the drinking water supply].~~

Depending upon the locations of the discharge and its proximity to downstream drinking water diversions, additional treatment or more stringent effluent limits or additional monitoring, beyond that which may otherwise be required to meet minimum technology standards or in stream water quality standards, may be required by the Executive Secretary in order to adequately protect public health and the environment. Such additional treatment may include additional disinfection, suspended solids removal to make the disinfection process more effective, removal of any specific contaminants for which drinking water maximum contaminant levels (MCLs) exists, and/or nutrient removal to reduce the organic content of raw water used as a source for domestic water systems.

Additional monitoring may include analyses for viruses, Giardia, Cryptosporidium, other pathogenic organisms, and/or any contaminant for which drinking water MCLs exist. Depending on the results of such monitoring, more stringent treatment may then be required.

The additional treatment/effluent limits/monitoring which may be required will be determined by the Executive Secretary after consultation with the Division of Drinking Water and the downstream drinking water users.

e. Public Notice

The public will be provided notice and an opportunity to comment on the conclusions of all completed antidegradation reviews. Where possible, public notice on the antidegradation review conclusions will be combined with the public notice on the proposed permitting action. In the case of UPDES permits, public notice will be provided through the normal permitting process, as all draft permits are public noticed for 30 days, and public comment solicited, before being issued as a final permit. The Statement of Basis for the draft UPDES permit will contain information on how the ADR was addressed including results

of the Level I and Level II reviews. In the case of Section 404 permits from the Corps of Engineers, the Division of Water Quality will develop any needed 401 Certifications and the public notice will be published in conjunction with the US Corps of Engineers public notice procedures. Other permits requiring a Level II review will receive a separate public notice according to the normal State public notice procedures.

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R317-2-6. Use Designations.

The Board as required by Section 19-5-110, shall group the waters of the state into classes so as to protect against controllable pollution the beneficial uses designated within each class as set forth below. Surface waters of the state are hereby classified as shown in R317-2-13.

6.1 Class 1 -- Protected for use as a raw water source for domestic water systems.

a. Class 1A -- Reserved.

b. Class 1B -- Reserved.

c. Class 1C -- Protected for domestic purposes with prior treatment by treatment processes as required by the Utah Division of Drinking Water

6.2 Class 2 -- Protected for recreational use and aesthetics.

a. Class 2A -- Protected for frequent primary contact recreation where there is a high ~~[likelihood]~~ likelihood of ingestion of water or a high degree of bodily contact with the water. Examples include, but are not limited to, swimming, rafting, kayaking, diving, and water skiing.

b. Class 2B -- Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is a low likelihood of ingestion of water or a low degree of bodily contact with the water. Examples include, but are not limited to, wading, hunting, and fishing.

6.3 Class 3 -- Protected for use by aquatic wildlife.

a. Class 3A -- Protected for cold water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain.

b. Class 3B -- Protected for warm water species of game fish and other warm water aquatic life, including the necessary aquatic organisms in their food chain.

c. Class 3C -- Protected for nongame fish and other aquatic life, including the necessary aquatic organisms in their food chain.

d. Class 3D -- Protected for waterfowl, shore birds and other water-oriented wildlife not included in Classes 3A, 3B, or 3C, including the necessary aquatic organisms in their food chain.

e. Class 3E -- Severely habitat-limited waters. Narrative standards will be applied to protect these waters for aquatic wildlife.

6.4 Class 4 -- Protected for agricultural uses including irrigation of crops and stock watering.

6.5 Class 5 -- The Great Salt Lake.

a. Class 5A Gilbert Bay

Geographical Boundary -- All open waters at or below approximately 4,208-foot elevation south of the Union Pacific Causeway, excluding all of the Farmington Bay south of the Antelope Island Causeway and salt evaporation ponds.

Beneficial Uses -- Protected for frequent primary and secondary contact recreation, waterfowl, shore birds and other water-oriented wildlife including their necessary food chain.

b. Class 5B Gunnison Bay

Geographical Boundary -- All open waters at or below approximately 4,208-foot elevation north of the Union Pacific

Causeway and west of the Promontory Mountains, excluding salt evaporation ponds.

Beneficial Uses -- Protected for infrequent primary and secondary contact recreation, waterfowl, shore birds and other water-oriented wildlife including their necessary food chain.

c. Class 5C Bear River Bay

Geographical Boundary -- All open waters at or below approximately 4,208-foot elevation north of the Union Pacific Causeway and east of the Promontory Mountains, excluding salt evaporation ponds.

Beneficial Uses -- Protected for infrequent primary and secondary contact recreation, waterfowl, shore birds and other water-oriented wildlife including their necessary food chain.

d. Class 5D Farmington Bay

Geographical Boundary -- All open waters at or below approximately 4,208-foot elevation east of Antelope Island and south of the Union Pacific Causeway, excluding salt evaporation ponds.

Beneficial Uses -- Protected for infrequent primary and secondary contact recreation, waterfowl, shore birds and other water-oriented wildlife including their necessary food chain.

e. Class 5E Transitional [~~Wetlands~~]Waters along the Shoreline of the Great Salt Lake Geographical Boundary -- All [~~wetlands~~]waters below approximately 4,208-foot elevation to the current lake elevation of the open water of the Great Salt Lake receiving their source water from naturally occurring springs[-] and streams, impounded wetlands, or facilities requiring a UPDES permit. The geographical areas of these transitional [~~wetlands~~]waters change corresponding to the fluctuation of open water elevation.

Beneficial Uses -- Protected for infrequent primary and secondary contact recreation, waterfowl, shore birds and other water-oriented wildlife including their necessary food chain.

R317-2-7. Water Quality Standards.

7.1 Application of Standards

The numeric criteria listed in R317-2-14 shall apply to each of the classes assigned to waters of the State as specified in R317-2-6. It shall be unlawful and a violation of these regulations for any person to discharge or place any wastes or other substances in such manner as may interfere with designated uses protected by assigned classes or to cause any of the applicable standards to be violated, except as provided in R317-1-3.1. At a minimum, assessment of the beneficial use support for waters of the state will be conducted bi[~~a~~]ennially and available for a 30-day period of public comment and review. Monitoring locations and target indicators of water quality standards shall be prioritized and published yearly.~~[For water quality assessment purposes (with the exception of TABLE 2.14.5 LIST OF HUMAN HEALTH CRITERIA (CONSUMPTION)), up to 10% of representative samples may exceed the standard.]~~ For water quality assessment purposes, up to 10 percent of the representative samples may exceed the minimum or maximum criteria for dissolved oxygen, pH, E. coli, total dissolved solids, and temperature, including situations where such criteria have been adopted on a site-specific basis. The Board may allow site specific modifications based upon bioassay or other tests performed in accordance with standard procedures determined by the Board.

7.2 Narrative Standards

It shall be unlawful, and a violation of these regulations, for any person to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste; or

cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures.

R317-2-12. Category 1 and Category 2 Waters.

12.1 Category 1 Waters.

In addition to assigned use classes, the following surface waters of the State are hereby designated as Category 1 Waters:

a. All surface waters geographically located within the outer boundaries of U.S. National Forests whether on public or private lands with the following exceptions:

~~[All High Quality Waters -]~~Category 2 Waters as listed in R317-2-12.2.

Weber River, a tributary to the Great Salt Lake, in the Weber River Drainage from Uintah to Mountain Green.

b. All surface waters, which may include segments within U.S. National Forests as follows:

1. Colorado River Drainage

Calf Creek and tributaries, from confluence with Escalante River to headwaters.

Sand Creek and tributaries, from confluence with Escalante River to headwaters.

Mamie Creek and tributaries, from confluence with Escalante River to headwaters.

Deer Creek and tributaries, from confluence with Boulder Creek to headwaters (Garfield County).

Indian Creek and tributaries, through Newspaper Rock State Park to headwaters.

2. Green River Drainage

Price River (Lower Fish Creek from confluence with White River to Scofield Dam.

Range Creek and tributaries, from confluence with Green River to headwaters.

Strawberry River and tributaries, from confluence with Red Creek to headwaters.

Ashley Creek and tributaries, from Steinaker diversion to headwaters.

Jones Hole Creek and tributaries, from confluence with Green River to headwaters.

Green River, from state line to Flaming Gorge Dam.

Tollivers Creek, from confluence with Green River to headwaters.

Allen Creek, from confluence with Green River to headwaters.

3. Virgin River Drainage

North Fork Virgin River and tributaries, from confluence with East Fork Virgin River to headwaters.

East Fork Virgin River and tributaries from confluence with North Fork Virgin River to headwaters.

4. Kanab Creek Drainage

Kanab Creek and tributaries, from irrigation diversion at confluence with Reservoir Canyon to headwaters.

5. Bear River Drainage

Swan Creek and tributaries, from Bear Lake to headwaters.

North Eden Creek, from Upper North Eden Reservoir to headwaters.

Big Creek and tributaries, from Big Ditch diversion to headwaters.

Woodruff Creek and tributaries, from Woodruff diversion to headwaters.

- 6. Weber River Drainage
 - Burch Creek and tributaries, from Harrison Boulevard in Ogden to headwaters.
 - Hardscrabble Creek and tributaries, from confluence with East Canyon Creek to headwaters.
 - Chalk Creek and tributaries, from U.S. Highway 189 to headwaters.
 - Weber River and tributaries, from U.S. Highway 189 near Oakley to headwaters.
- 7. Jordan River Drainage
 - City Creek and tributaries, from City Creek Water Treatment Plant to headwaters (Salt Lake County).
 - Emigration Creek and tributaries, from Hogle Zoo to headwaters (Salt Lake County).
 - Red Butte Creek and tributaries, from Foothill Boulevard in Salt Lake City to headwaters.
 - Parley's Creek and tributaries, from 13th East in Salt Lake City to headwaters.
 - Mill Creek and tributaries, from Wasatch Boulevard in Salt Lake City to headwaters.
 - Big Cottonwood Creek and tributaries, from Wasatch Boulevard in Salt Lake City to headwaters.
 - Little Willow Creek and tributaries, from diversion to headwaters (Salt Lake County.)
 - Bell Canyon Creek and tributaries, from Lower Bells Canyon Reservoir to headwaters (Salt Lake County).
 - South Fork of Dry Creek and tributaries, from Draper Irrigation Company diversion to headwaters (Salt Lake County).
- 8. Provo River Drainage
 - Upper Falls drainage above Provo City diversion (Utah County).
 - Bridal Veil Falls drainage above Provo City diversion (Utah County).
 - Lost Creek and tributaries, above Provo City diversion (Utah County).
- 9. Sevier River Drainage
 - Chicken Creek and tributaries, from diversion at canyon mouth to headwaters.
 - Pigeon Creek and tributaries, from diversion to headwaters.
 - East Fork of Sevier River and tributaries, from Kingston diversion to headwaters.
 - Parowan Creek and tributaries, from Parowan City to headwaters.
 - Summit Creek and tributaries, from Summit City to headwaters.
 - Braffits Creek and tributaries, from canyon mouth to headwaters.
 - Right Hand Creek and tributaries, from confluence with Coal Creek to headwaters.
- 10. Raft River Drainage
 - Clear Creek and tributaries, from state line to headwaters (Box Elder County).
 - Birch Creek (Box Elder County), from state line to headwaters.
 - Cotton Thomas Creek from confluence with South Junction Creek to headwaters.
- 11. Western Great Salt Lake Drainage
 - All streams on the south slope of the Raft River Mountains above 7000' mean sea level.
 - Donner Creek (Box Elder County), from irrigation diversion to Utah-Nevada state line.
 - Bettridge Creek (Box Elder County), from irrigation diversion to Utah-Nevada state line.
 - Clover Creek, from diversion to headwaters.
 - All surface waters on public land on the Deep Creek Mountains.
- 12. Farmington Bay Drainage

- Holmes Creek and tributaries, from Highway US-89 to headwaters (Davis County).
 - Shepard Creek and tributaries, from Height Bench diversion to headwaters (Davis County).
 - Farmington Creek and tributaries, from Height Bench Canal diversion to headwaters (Davis County).
 - Steed Creek and tributaries, from Highway US-89 to headwaters (Davis County).
- 12.2 Category 2 Waters.
- In addition to assigned use classes, the following surface waters of the State are hereby designated as Category 2 Waters:
- a. Green River Drainage
 - Deer Creek, a tributary of Huntington Creek, from the forest boundary to 4800 feet upstream.
 - Electric Lake.

R317-2-13. Classification of Waters of the State (see R317-2-6).

- 13.1 Upper Colorado River Basin
 - a. Colorado River Drainage

TABLE

Paria River and tributaries, from state line to headwaters	2B	3C	4
All tributaries to Lake Powell, except as listed below	2B	3B	4
Tributaries to Escalante River [and tributaries,] from [Lake Powell to headwaters except as listed below	2B	3B	4]
confluence with Boulder Creek to headwaters, including Boulder Creek	2B	3A	4
[Boulder Creek and tributaries from confluence with Escalante River to headwaters	2B	3A	4
Calf Creek and tributaries from confluence with Escalante River to headwaters	2B	3A	4
Sand Creek and tributaries from confluence with Escalante River to headwaters	2B	3A	4
Death Hollow Creek and tributaries from confluence with Escalante River to headwaters	2B	3A	4
Pine Creek and tributaries from confluence with Escalante River to headwaters	2B	3A	4
North Creek and tributaries from confluence with Escalante River to headwaters	2B	3A	4
Birch Creek and tributaries from confluence with Escalante River to headwaters]	2B	3A	4
Dirty Devil River and tributaries, from Lake Powell to Fremont River	2B	3C	4
Deer Creek and tributaries, from confluence with Boulder Creek to headwaters	2B	3A	4

Fremont River and tributaries, from confluence with Muddy Creek to Capitol Reef National Park, except as listed below	1C	2B	3C	4	Indian Creek and tributaries, through Newspaper Rock State Park to headwaters	1C	2B	3A	4
Pleasant Creek and tributaries, from confluence with Fremont River to East boundary of Capitol Reef National Park		2B	3C	4	Mill Creek and tributaries, from confluence with Colorado River to headwaters	1C	2B	3A	4
Pleasant Creek and tributaries, from East boundary of Capitol Reef National Park to headwaters	1C	2B	3A		Dolores River and tributaries, from confluence with Colorado River to state line		2B	3C	4
Fremont River and tributaries, through Capitol Reef National Park to headwaters	1C	2B	3A	4	Roc Creek and tributaries, from confluence with Dolores River to headwaters		2B	3A	4
Muddy Creek and tributaries, from confluence with Fremont River to Highway U-10 crossing, except as listed below		2B	3C	4	LaSal Creek and tributaries, from state line to headwaters		2B	3A	4
Quitcupah Creek and Tributaries, from Highway U-10 crossing to headwaters		2B	3A	4	Lion Canyon Creek and tributaries, from state line to headwaters		2B	3A	4
Ivie Creek and tributaries, from Highway U-10 to headwaters		2B	3A	4	Little Dolores River and tributaries, from confluence with Colorado River to state line		2B	3C	4
Muddy Creek and tributaries, from Highway U-10 crossing to headwaters	1C	2B	3A	4	Bitter Creek and tributaries, from confluence with Colorado River to headwaters		2B	3C	4
San Juan River and Tributaries, from Lake Powell to state line except As listed below:	1C	2A	3B	4					
Johnson Creek and tributaries, from confluence with Recapture Creek to headwaters	1C	2B	3A	4					
Verdure Creek and tributaries, from Highway US-191 crossing to headwaters		2B	3A	4					
North Creek and tributaries, from confluence with Montezuma Creek to headwaters	1C	2B	3A	4					
South Creek and tributaries, from confluence with Montezuma Creek to headwaters	1C	2B	3A	4					
Spring Creek and tributaries, from confluence with Vega Creek to headwaters		2B	3A	4					
Montezuma Creek and tributaries, from U.S. Highway 191 to headwaters	1C	2B	3A	4					
Colorado River and tributaries, from Lake Powell to state line except as listed below	1C	2A	3B	4					

b. Green River Drainage

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13.2 Lower Colorado River Basin

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13.3 Bear River Basin

a. Bear River Drainage

TABLE

Bear River and tributaries, from Great Salt Lake to Utah-Idaho border, except as listed below:	2B	3B	3D	4
Perry Canyon Creek from U.S. Forest boundary to headwaters	2B	3A		4
Box Elder Creek from confluence with Black Slough to Brigham City Reservoir (the Mayor's Pond)	2B		3C	4
Box Elder Creek, from Brigham City Reservoir (the Mayor's Pond) to headwaters	2B	3A		4
Salt Creek, from confluence with Bear River to Crystal Hot Springs	2B	<u>3B</u>	3C <u>3D</u>	
Malad River and tributaries, from confluence with Bear River to state line	2B		3C	
Little Bear River and tributaries, from Cutler Reservoir to headwaters	2B	3A	3D	4

Logan River and tributaries, from Cutler Reservoir to headwaters	2B 3A	3D	4
Blacksmith Fork and tributaries, from confluence with Logan River to headwaters	2B 3A		4
Newton Creek and tributaries, from Cutler Reservoir to Newton Reservoir	2B 3A		4
Clarkston Creek and tributaries, from Newton Reservoir to headwaters	2B 3A		4
Birch Creek and tributaries, from confluence with Clarkston Creek to headwaters	2B 3A		4
Summit Creek and tributaries, from confluence with Bear River to headwaters	2B 3A		4
Cub River and tributaries, from confluence with Bear River to state line, except as listed below:	2B	3B	4
High Creek and tributaries, from confluence with Cub River to headwaters	2B 3A		4
All tributaries to Bear Lake from Bear Lake to headwaters, except as listed below	2B 3A		4
Swan Springs tributary to Swan Creek	1C	2B 3A	
Bear River and tributaries in Rich County [except as listed below]	2B 3A		4
Saleratus Creek, from confluence with Bear River to Deseret Ranch High Ditch Diversion	2B	3C 3D	4
Saleratus Creek from Deseret Ranch High Ditch Diversion to Headwaters	2B 3A		4
Bear River and tributaries, from Utah-Wyoming state line to headwaters (Summit County)	2B 3A		4
Mill Creek and tributaries, from state line to headwaters (Summit County)	2B 3A		4

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13.11 National Wildlife Refuges and State Waterfowl Management Areas, and other Areas Associated with the Great Salt Lake

TABLE

Bear River National Wildlife Refuge, Box Elder County	2B	3B	3D
Open Water below 4,208			5C
Transitional Wetlands 4,208 ft. to Open Water			5E
Open Water above 4,208 ft.	2B	3B	3D

Bear River Bay Open Water below <u>approximately</u> 4,208 ft.				5C
Transitional [Wetlands] <u>Waters</u> approximately 4,208 ft. to Open Water				5E
Open Water above <u>approximately</u> 4,208 ft.		2B	3B	3D
Brown's Park Waterfowl Management Area, Daggett County		2B 3A		3D
Clear Lake Waterfowl Management Area, Millard County		2B		3C 3D
Desert Lake Waterfowl Management Area, Emery County		2B		3C 3D
Farmington Bay Waterfowl Management Area, Davis and Salt Lake Counties		2B		3C 3D
Open Water below 4,208				5D
Transitional Wetlands 4,208 ft. to Open Water				5E
Open Water above 4,208 ft.		2B	3B	3D
Farmington Bay Open Water below <u>approximately</u> 4,208 ft.				5[E]D
Transitional [Wetlands] <u>Waters</u> approximately 4,208 ft. to Open Water				5E
Open Water above <u>approximately</u> 4,208 ft.		2B	3B	3D
Fish Springs National Wildlife Refuge, Juab County		2B		3C 3D
Harold Crane Waterfowl Management Area, Box Elder County		2B		3C 3D
Gilbert Bay Open Water below <u>approximately</u> 4,208 ft.				5A
Transitional [Wetlands] <u>Waters</u> approximately 4,208 ft. to Open Water				5E
Open Water above <u>approximately</u> 4,208 ft.		2B	3B	3D
Gunnison Bay Open Water below <u>approximately</u> 4,208 ft.				5B
Transitional [Wetlands] <u>Waters</u> approximately 4,208 ft. to Open Water				5E
Open Water above <u>approximately</u> 4,208 ft.		2B	3B	3D
Howard Slough Waterfowl Management Area, Weber County		2B		3C 3D
Open Water below 4,208				5C
Transitional Wetlands 4,208 ft. to Open Water				5E
Open Water above 4,208 ft.		2B	3B	3D
Locomotive Springs Waterfowl Management Area, Box Elder County		2B	3B	3D
Open Water below 4,208				5B
Transitional Wetlands 4,208 ft. to Open Water				5E
Open Water above 4,208 ft.		2B	3B	3D
Ogden Bay Waterfowl Management Area, Weber County		2B		3C 3D
Open Water below 4,208				5C
Transitional Wetlands 4,208 ft. to Open Water				5E
Open Water above 4,208 ft.		2B	3B	3D
Ourray National Wildlife Refuge, Uintah County		2B	3B	3D

Powell Slough Waterfowl Management Area, Utah County	2B	3C	3D
Public Shooting Grounds Waterfowl Management Area, Box Elder County	2B	3C	3D
[Open Water below 4,208 ft. to Open Water above 4,208 ft.]	2B	3B	3D
Transitional Wetlands 4,208 ft. to Open Water	2B	3B	3D
Open Water above 4,208 ft.	2B	3B	3D
Salt Creek Waterfowl Management Area, Box Elder County	2B	3C	3D
[Open Water below 4,208 ft. to Open Water above 4,208 ft.]	2B	3B	3D
Transitional Wetlands 4,208 ft. to Open Water	2B	3B	3D
Open Water above 4,208 ft.	2B	3B	3D
Stewart Lake Waterfowl Management Area, Uintah County	2B	3B	3D
Timpie Springs Waterfowl Management Area, Tooele County	2B	3B	3D
[Open Water below 4,208 ft. to Open Water above 4,208 ft.]	2B	3B	3D
Transitional Wetlands 4,208 ft. to Open Water	2B	3B	3D
Open Water above 4,208 ft.	2B	3B	3D

13.12 Lakes and Reservoirs. All lakes and any reservoirs greater than 10 acres not listed in 13.12 are assigned by default to the classification of the stream with which they are associated.

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~~13.13 Great Salt Lake~~
~~** For site specific temperature criteria See Table 2.14.2 Footnote 3.~~

TABLE

Box Elder, Davis, Salt Lake, Tooele, and Weber County	5
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13.[44]13 Unclassified Waters

All waters not specifically classified are presumptively classified as 2B, 3D.

R317-2-14. Numeric Criteria.

TABLE 2.14.1
 NUMERIC CRITERIA FOR DOMESTIC, RECREATION, AND AGRICULTURAL USES

Parameter	Domestic Source	Recreation and Aesthetics		Agri-culture
	1C	2A	2B	4
BACTERIOLOGICAL (30-DAY GEOMETRIC MEAN) (NO.)/100 ML (7)				
E. coli	206	126	206	
MAXIMUM (NO.)/100 ML (7)				
E. coli	668	409	668	
PHYSICAL				
pH (RANGE)	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0
Turbidity Increase (NTU)		10	10	
METALS (DISSOLVED, MAXIMUM MG/L) (2)				
Arsenic	0.01			0.1
Barium	1.0			
Beryllium	<0.004			
Cadmium	0.01			0.01

Chromium	0.05	0.10
Copper		0.2
Lead	0.015	0.1
Mercury	0.002	
Selenium	0.05	0.05
Silver	0.05	

INORGANICS (MAXIMUM MG/L)

Bromate	0.01	
Boron		0.75
Chlorite	<1.0	
Fluoride (3)	1.4-2.4	
Nitrates as N	10	
Total Dissolved Solids (4)		1200

(MAXIMUM pCi/L)

Gross Alpha	15	15
Gross Beta	4 mrem/yr	
Radium 226, 228 (Combined)	5	
Strontium 90	8	
Tritium	20000	
Uranium	30	

ORGANICS (MAXIMUM UG/L)

Chlorophenoxy Herbicides		
2,4-D	70	
2,4,5-TP	10	
Methoxychlor	40	

POLLUTION INDICATORS (5)

BOD (MG/L)	5	5	5
Nitrate as N (MG/L)	4	4	
Total Phosphorus as P (MG/L) (6)	0.05	0.05	

FOOTNOTES:
 (1) Reserved
 (2) The dissolved metals method involves filtration of the sample in the field, acidification of the sample in the field, no digestion process in the laboratory, and analysis by approved laboratory methods for the required detection levels.
 (3) Maximum concentration varies according to the daily maximum mean air temperature.

TEMP (C)	MG/L
12.0	2.4
12.1-14.6	2.2
14.7-17.6	2.0
17.7-21.4	1.8
21.5-26.2	1.6
26.3-32.5	1.4

(4) Site-specific criteria for total dissolved solids may be adopted by rulemaking where it is demonstrated that: (a) a less stringent criterion is appropriate because of natural or un-alterable conditions; or (b) a less stringent, site-specific criterion and/or date-specified criterion is protective of existing and attainable agricultural uses; or (c) a more stringent criterion is attainable and necessary for the protection of sensitive crops. For water quality assessment purposes, up to 10% of representative samples may exceed the standard.

SITE SPECIFIC STANDARDS FOR TOTAL DISSOLVED SOLIDS (TDS)
~~[Antelope Creek and tributaries from confluence with Duchesne River to headwaters: 2,655 mg/l;]~~
 Castle Creek from confluence with the Colorado River to Seventh Day Adventist Diversion: 1,800 mg/l;

Cottonwood Creek from the confluence with Huntington Creek to I-57: 3,500 mg/l;

Ferron Creek from the confluence with San Rafael River to Highway 10: 3,500 mg/l;

Huntington Creek and tributaries from the confluence with Cottonwood Creek to U-10: 4,800 mg/l;

~~[Indian Canyon Creek and tributaries from confluence with Duchesne River to headwaters: 2,180 mg/l;]~~

Ivie Creek and its tributaries from the confluence with Muddy Creek to U-10: 2,600 mg/l;

Lost Creek from the confluence with Sevier River to U.S. Forest Service Boundary: 4,600 mg/l;

Muddy Creek and tributaries from the confluence with Ivie Creek to U-10: 2,600 mg/l;

Muddy Creek from confluence with Fremont River to confluence with Quitchupah Creek: 5,800 mg/l;

North Creek from the confluence with Virgin River to headwaters: 2,035 mg/l;

Onion Creek from the confluence with Colorado River to road crossing above Stinking Springs: 3000 mg/l;

Brine Creek-Petersen Creek, from the confluence with the Sevier River to U-119 Crossing: 9,700 mg/l;

~~[Paria River from the Utah/Arizona border to confluence of Cottonwood Wash: 1,500 mg/l;~~

~~Paria River from confluence of Rock Springs Creek to headwaters: 2,500 mg/l;]~~

Price River and tributaries ~~[up to 7,500 feet in elevation]~~ from confluence with Green River to confluence with Soldier Creek: 3,000 mg/l;

Price River and tributaries ~~[up to 7,500 feet in elevation]~~ from the confluence with ~~[Soldier]Coal~~ Creek to Carbon Canal Diversion: 1,700 mg/l ~~[with the following exceptions:~~

~~Soldier Creek and tributaries to 7,200 feet in elevation from confluence with Price River: 1,700 mg/l;~~

~~Coal Creek and tributaries to 7,200 feet in elevation from confluence with Price River: 1,700 mg/l;~~

~~Pinnacle Creek and tributaries to 7,500 feet in elevation from confluence with Price River: 3,800 mg/l;~~

~~Gordon Creek and tributaries to 7,500 feet in elevation from confluence with Price River: 3,800 mg/l;]~~

Price River and tributaries from the confluence with Green River to confluence with Soldier Creek: 3,000 mg/l;

Quitchupah Creek from the confluence with Ivie Creek to U-10: 1,700 mg/l;

Rock Canyon Creek from the confluence with Cottonwood Creek to headwaters: 3,500 mg/l;

San Pitch River from below Gunnison Reservoir to the Sevier River: 2,400 mg/l;

San Rafael River from the confluence with the Green River to Buckhorn Crossing: 4,100 mg/l;

San Rafael River from the Buckhorn Crossing to the confluence with Huntington Creek and Cottonwood Creek: 3,500 mg/l;

Sevier River between Gunnison Bend Reservoir and DMAD Reservoir: 1,725 mg/l;

Sevier River from Gunnison Bend Reservoir to Clear Lake: 3,370 mg/l;

~~[South Fork Spring Creek and Spring Creek from the confluence with Cutler Reservoir to US 89: 1,600 mg/l (March-Sept.) 2,400 mg/l (Oct.-Feb.)]~~

South Fork Spring Creek from confluence with Pelican Pond Slough Stream to US 89
1,450 mg/l (Apr.-Sept.)
1,950 mg/l (Oct.-March)

Virgin River from the Utah/Arizona border to Pah Tempe Springs: 2,360 mg/l

(5) Investigations should be conducted to develop more information where these pollution indicator levels are exceeded.

(6) Total Phosphorus as P (mg/l) indicator for lakes and reservoirs shall be 0.025.

(7) Where the criteria are exceeded and there is a reasonable basis for concluding that the indicator bacteria E. coli are primarily from natural sources (wildlife), e.g., in National Wildlife Refuges and State Waterfowl Management Areas, the criteria may be considered attained provided the density attributable to non-wildlife sources is less than the criteria. Exceedences of E. coli from nonhuman nonpoint sources will generally be addressed through appropriate Federal, State, and local nonpoint source programs. Measurement of E. coli using the "Quanti-Tray 2000" procedure is approved as a field analysis. Other EPA approved methods may also be used.

For water quality assessment purposes, up to 10% of representative samples may exceed the 668 per 100 ml criterion (for 1C and 2B waters) and 409 per 100 ml (for 2A waters). For small datasets, where exceedences of these criteria are observed, follow-up ambient monitoring should be conducted to better characterize water quality.

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(14) The selenium water quality standard of 12.5 (mg/kg dry weight) for Gilbert Bay is a tissue based standard using the complete egg/embryo of aquatic dependent birds using Gilbert Bay based upon a minimum of five samples over the nesting season. Assessment procedures are incorporated as a part of this standard[s] as follows:

TABLE

Sampling	Egg Concentration (% of Standard)	Response
Water column, Brine Shrimp, and Brine Shrimp Eggs	Eggs mg/kg	
4 Locations prior to nesting season	1 Location for 1 Species	Up to 40% None
4 Locations With Quarterly Frequency	2 Locations for 1 Species	40% Level II Antidegradation Review required for all new permits and renewals

~~8 Locations With Quarterly Frequency~~ ~~2 Locations for 2 Species on 2 species~~ ~~60%~~ ~~Implementation of annual selenium loading caps of GSL permits~~
~~8 Locations With Quarterly Frequency~~ ~~3 Locations for 2 Species; Hatchability on 2 species~~ ~~80%~~ ~~Preliminary studies of load reductions~~
~~100%~~ ~~Impairment: TMDL required]~~

Egg Concentration Triggers: DWQ Responses

Below 5.0 mg/kg: Routine monitoring with sufficient intensity to determine if selenium concentrations within the Great Salt Lake ecosystem are increasing.

5.0 mg/kg: Increased monitoring to address data gaps, loadings, and areas of uncertainty identified from initial Great Salt Lake selenium studies.

6.4 mg/kg: Initiation of a Level II Antidegradation review by the State for all discharge permit renewals or new discharge permits

to Great Salt Lake. The Level II Antidegradation review may include an analysis of loading reductions.

9.8 mg/kg: Initiation of preliminary TMDL studies to evaluate selenium loading sources.

12.5 mg/kg and above: Declare impairment. Formalize and implement TMDL.

~~[Additional assessment procedures associated with this standard are referenced at R317-2-7.1 Application of Standards.]~~Antidegradation Level II Review procedures associated with this standard are referenced at R317-2-3.5.C.

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KEY: water pollution, water quality standards
Date of Enactment or Last Substantive Amendment: [2008]2009
Notice of Continuation: October 2, 2007
Authorizing, and Implemented or Interpreted Law: 19-5



End of the Notices of Changes in Proposed Rules Section

NOTICES OF 120-DAY (EMERGENCY) RULES

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

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (Subsection 63G-3-304(1)).

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

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

Because 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the proposed rule. Emergency or 120-DAY RULES are governed by Section 63G-3-304; and Section R15-4-8.

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-54** Speech-Language Pathology Services

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 32119
FILED: 11/04/2008, 16:06

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

SUMMARY OF THE RULE OR CHANGE: This change allows only pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) to receive speech-language pathology services. It also incorporates by reference the Speech-Language Pathology Services Provider Manual, effective 11/01/2008.

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Speech-Language Pathology Services Provider Manual, effective November 1, 2008

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Department estimates an annual savings of \$46,045 to the General Fund and \$111,159 in federal dollars as a result of this change.

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not fund or provide speech-language pathology services to Medicaid clients.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Providers of speech-language pathology services will lose approximately \$157,204 in annual revenue as a result of this change. However, the total out-of-pocket expense to Medicaid clients who elect to pay out-of-pocket to receive these services is difficult to estimate because it is impossible to know how many clients would choose to obtain these services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The annual loss in revenue to a single provider of speech-language pathology services is approximately \$2,620 based on the total number of providers and approximate client visits per year. However, the annual out-of-pocket expense to a single Medicaid client who elects to pay for speech-language pathology services is difficult to estimate because the fees will vary depending on the provider's fee schedule. According to current Medicaid rates, the out-of-pocket costs would exceed \$164 based on an average of three speech therapy visits per year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change reflects the reductions passed in S.B. 2001 (2008 2nd Spec Sess) and is necessary to file under emergency authority to immediately implement the budget reductions. David N. Sundwall, MD, Executive Director (DAR NOTE: S.B. 2001 (2008 2nd Spec Sess) is found at Chapter 9, Laws of Utah 2008, and was effective 10/15/2008.)

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements.

This change is necessary to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature. This filing supersedes DAR No. 32109 in the November 1, 2008, issue of the Bulletin.

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

THIS RULE IS EFFECTIVE ON: 11/04/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-54. Speech-Language Pathology Services.

R414-54-3. Services.

(1) Speech-language pathology services are optional.

(2) Speech-language pathology services are limited to services described in the Speech-Language Pathology Services Provider Manual, effective November 1, 2008, which is incorporated by reference.

(3) The Speech-Language Pathology Services Provider Manual specifies the reasonable and appropriate amount, duration, and scope of the service sufficient to reasonably achieve its purpose.

(4) Speech-language pathology services may be provided by licensed speech-language pathologists, or speech-language pathology aides under the supervision of speech-language pathologists.

R414-54-4. ~~[Services for Individuals Eligible for Optional Services]~~ Client Eligibility Requirements.

(1) Speech-language pathology services are only available to pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT).

____(1)2 An individual receiving speech-language pathology services may receive speech-language pathology services as described in the Speech-Language Pathology Provider Manual.

(2)3 An individual receiving speech-language pathology services must meet the criteria established in the Speech-Language Pathology Provider Manual and obtain prior approval if required.

KEY: Medicaid, speech-language pathology services

Date of Enactment or Last Substantive Amendment: November 4, 2008

Notice of Continuation: March 23, 2004

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3

◆ ————— ◆

**Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-59-4
Services for Individuals Eligible for
Optional Services**

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE No.: 32120

FILED: 11/04/2008, 16:11

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this change is to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature.

SUMMARY OF THE RULE OR CHANGE: This change allows only pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) to receive audiology-hearing services. It also incorporates by reference the Audiology Provider Manual, effective 11/01/2008.

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Audiology Provider Manual, effective November 1, 2008

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Department estimates an annual savings of \$69,082 to the General Fund and \$166,774 in federal dollars as a result of this change.

❖ **LOCAL GOVERNMENTS:** This change does not impact local governments because they do not fund or provide audiology-hearing services to Medicaid clients.

❖ **SMALL BUSINESSES AND PERSONS OTHER THAN BUSINESSES:** Providers of audiology-hearing services will lose approximately \$235,856 in annual revenue as a result of this change. However, the total out-of-pocket expense to Medicaid clients who elect to pay out-of-pocket to receive these services is difficult to estimate because it is impossible to know how many clients would choose to obtain these services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The annual loss in revenue to a single provider of audiology-hearing services is approximately \$2,650 based on the total number of providers

and client visits per year. However, the annual out-of-pocket expense to a single Medicaid client who elects to pay for audiology-hearing services is difficult to estimate because the fees will vary depending on the provider's fee schedule. According to current Medicaid rates, the out-of-pocket costs would exceed \$165 based on an average of two audiology-hearing visits per year.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change reflects the reductions passed in S.B. 2001 (2008 2nd Spec Sess) and is necessary to file under emergency authority to immediately implement the budget reductions. David N. Sundwall, MD, Executive Director (DAR NOTE: S.B. 2001 (2008 2nd Spec Sess) is found at Chapter 9, Laws of Utah 2008, and was effective 10/15/2008.)

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements.

This change is necessary to comply with budget reduction mandates set forth in the 2008 Second Special Session of the Utah Legislature. This filing supersedes DAR No. 32110 in the November 1, 2008, issue of the Bulletin.

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

THIS RULE IS EFFECTIVE ON: 11/04/2008

AUTHORIZED BY: David N. Sundwall, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-59. Audiology-Hearing Services.

R414-59-4. ~~[Services for Individuals Eligible for Optional Services]~~Client Eligibility Requirements.

(1) Audiology-hearing services are available only to clients who are pregnant women and individuals eligible under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT).

(1) An individual receiving audiology-hearing services may receive audiology services as described in the Audiology Provider Manual, effective November 1, 2008, which is incorporated by reference.

(2) An individual receiving audiology-hearing services must meet the criteria established in the Audiology Provider Manual and obtain prior approval if required.

KEY: Medicaid, audiology

Date of Enactment or Last Substantive Amendment: November 4, 2008

Notice of Continuation: November 22, 2005

Authorizing, and Implemented or Interpreted Law: 26-1-5; 26-18-3

◆ ————— ◆

End of the Notices of 120-Day (Emergency) Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by Section 63G-3-305.

Commerce, Real Estate **R162-105** Scope of Authority

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 32127
FILED: 11/10/2008, 08:23

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 61-2b-8(2) requires the Real Estate Appraiser Licensing and Certification Board to: 1) determine the appraisal related acts that may be performed by trainees and other individuals; 2) determine the procedures for a trainee to register with the division; and 3) develop one or more programs to upgrade and improve the experience, education, and examinations required under statute. This rule meets those statutory requirements.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received opposing the rule. The Real Estate Appraiser Licensing and Certification Board has received supporting comments to increase the standards for trainees under statute and 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 industry and public are asking for increased standards regarding trainees and appraisers. This rule sets out standards of authority for trainees and others performing appraisal-related activities. The rule should continue and be improved to better protect the public.

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:

Mark Steinagel at the above address, by phone at 801-530-6744, by FAX at 801-530-6749, or by Internet E-mail at msteinagel@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 11/10/2008

Commerce, Real Estate **R162-207** License Renewal

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 32128
FILED: 11/10/2008, 08:32

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 61-2c-103(3) requires the Division of Real Estate to make rules governing licensure procedures for mortgage licensees. This rule outlines license renewal processes for mortgage 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: The Division has received no comments in support or opposition to this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Division is required by statute to set out procedures for license renewal. The continuation of this rule allows the Division to meet its statutory mandate.

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:

Mark Steinagel at the above address, by phone at 801-530-6744, by FAX at 801-530-6749, or by Internet E-mail at msteinagel@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 11/10/2008



Commerce, Real Estate
R162-208
Continuing Education

**FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 32130
FILED: 11/10/2008, 16:04

**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 61-2c-104(7) requires the Utah Residential Mortgage Regulatory Commission to establish continuing education requirement for

Utah mortgage licensees. This rule establishes the state requirements for continuing education for Utah mortgage 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: The Division has received no comments supporting or opposing this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Commission is required to establish continuing education requirements for Utah mortgage licensees. This rule complies with the statutory mandate. In addition, continuing education improves the quality of mortgage loan originations in Utah.

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:

Mark Steinagel at the above address, by phone at 801-530-6744, by FAX at 801-530-6749, or by Internet E-mail at msteinagel@utah.gov

AUTHORIZED BY: Mark Steinagel, Director

EFFECTIVE: 11/10/2008



End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. 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 63G-3-301(9).

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Administrative Services

Facilities Construction and Management

No. 31942 (NEW): R23-30. State Facility Energy Efficiency Fund.
Published: October 1, 2008
Effective: November 10, 2008

Fleet Operations

No. 31793 (AMD): R27-7. Safety and Loss Prevention of State Vehicles.
Published: September 1, 2008
Effective: November 11, 2008

Commerce

Consumer Protection

No. 31918 (NEW): R152-32a. Exempt Businesses.
Published: September 15, 2008
Effective: November 4, 2008

Occupational and Professional Licensing

No. 31941 (AMD): R156-55c. Construction Trades Licensing Act Plumber Licensing Rules.
Published: October 1, 2008
Effective: November 10, 2008

No. 31699 (REP): R156-63. Security Personnel Licensing Act Rule.
Published: August 1, 2008
Effective: November 13, 2008

No. 31700 (NEW): R156-63a. Security Personnel Licensing Act Contract Security Rule.
Published: August 1, 2008
Effective: November 13, 2008

No. 31700 (CPR): R156-63a. Security Personnel Licensing Act Contract Security Rule.
Published: October 1, 2008
Effective: November 13, 2008

No. 31701 (NEW): R156-63b. Security Personnel Licensing Act Armored Car Rule.
Published: August 1, 2008
Effective: November 13, 2008

No. 31701 (CPR): R156-63b. Security Personnel Licensing Act Armored Car Rule.
Published: October 1, 2008
Effective: November 13, 2008

Education

Administration

No. 31952 (AMD): R277-438. Dual Enrollment.
Published: October 1, 2008
Effective: November 10, 2008

No. 31953 (AMD): R277-459. Classroom Supplies Appropriation.
Published: October 1, 2008
Effective: November 10, 2008

No. 31954 (NEW): R277-491. School Community Councils.
Published: October 1, 2008
Effective: November 10, 2008

No. 31955 (AMD): R277-502-4. License Levels, Procedures, and Periods of Validity.
Published: October 1, 2008
Effective: November 10, 2008

No. 31956 (AMD): R277-609. Standards for School District, School and Charter School Discipline Plans.
Published: October 1, 2008
Effective: November 10, 2008

No. 31957 (NEW): R277-704. Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports.
Published: October 1, 2008
Effective: November 10, 2008

Environmental Quality

Air Quality

No. 31557 (AMD): R307-110-28. Regional Haze.
Published: July 1, 2008
Effective: November 10, 2008

No. 31557 (CPR): R307-110-28. Regional Haze.
Published: October 1, 2008
Effective: November 10, 2008

No. 31559 (AMD): R307-250. Western Backstop Sulfur Dioxide Trading Program.
Published: July 1, 2008
Effective: November 10, 2008

No. 31559 (CPR): R307-250. Western Backstop Sulfur Dioxide Trading Program.
Published: October 1, 2008
Effective: November 10, 2008

No. 31392 (AMD): R307-328. Ozone Nonattainment and Maintenance Areas and Utah and Weber Counties: Gasoline Transfer and Storage.
Published: June 1, 2008
Effective: November 10, 2008

No. 31392 (CPR): R307-328. Ozone Nonattainment and Maintenance Areas and Utah and Weber Counties: Gasoline Transfer and Storage.
Published: October 1, 2008
Effective: November 10, 2008

Human Services

Juvenile Justice Services

No. 31935 (AMD): R547-3. Juvenile Jail Standards.
Published: October 1, 2008
Effective: November 12, 2008

No. 31917 (AMD): R547-6. Youth Parole Authority Policies and Procedures.
Published: September 15, 2008
Effective: November 12, 2008

No. 31932 (AMD): R547-7. Juvenile Holding Room Standards.
Published: October 1, 2008
Effective: November 12, 2008

No. 31913 (AMD): R547-10. Ex-Offender Policy.
Published: September 15, 2008
Effective: November 12, 2008

No. 31914 (AMD): R547-12. Division of Juvenile Justice Services Classification of Records.
Published: September 15, 2008
Effective: November 12, 2008

No. 31912 (AMD): R547-13. Guidelines for Admission to Secure Youth Detention Facilities.
Published: September 15, 2008
Effective: November 12, 2008

Insurance

Administration

No. 31715 (AMD): R590-153. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.
Published: August 1, 2008
Effective: November 10, 2008

No. 31715 (CPR): R590-153. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.
Published: October 1, 2008
Effective: November 10, 2008

No. 31081 (NEW): R590-245. Self-Service Storage Insurance.
Published: April 15, 2008
Effective: November 12, 2008

No. 31081 (CPR): R590-245. Self-Service Storage Insurance.
Published: July 15, 2008
Effective: November 12, 2008

Natural Resources

Parks and Recreation

No. 31866 (AMD): R651-206-3. Utah Captain's/Guides License and Utah Boat Crew Permit.
Published: September 15, 2008
Effective: November 3, 2008

No. 31865 (AMD): R651-215-9. Required Wearing of PFDs.
Published: September 15, 2008
Effective: November 3, 2008

Wildlife Resources

No. 31948 (AMD): R657-9. Taking Waterfowl, Common Snipe and Coot.
Published: October 1, 2008
Effective: November 10, 2008

No. 31946 (AMD): R657-39. Wildlife Board and Regional Advisory Councils.
Published: October 1, 2008
Effective: November 10, 2008

No. 31945 (AMD): R657-54. Taking Wild Turkey.
Published: October 1, 2008
Effective: November 10, 2008

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, 2008, including notices of effective date received through November 14, 2008, the effective dates of which are no later than December 1, 2008. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

DAR NOTE: The index may contain inaccurate page number references. Also the index is incomplete in the sense that index entries for Changes in Proposed Rules (CPRs) are not preceded by entries for their parent Proposed Rules. Bulletin issue information and effective date information presented in the index are, to the best of our knowledge, complete and accurate. If you have any questions regarding the index and the information it contains, please contact Nancy Lancaster (801-538-3218), Mike Broschinsky (801-538-3003), or Kenneth A. Hansen (801-538-3777).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
<u>Administration</u>					
R13-1	Public Petitions for Declaratory Orders	31342	NSC	05/05/2008	Not Printed
R13-1	Public Petitions for Declaratory Orders	31936	5YR	09/10/2008	2008-19/78
R13-2	Access to Records	31343	NSC	05/05/2008	Not Printed
<u>Administrative Rules</u>					
R15-1	Administrative Rule Hearings	31143	NSC	05/05/2008	Not Printed
R15-2	Public Petitioning for Rulemaking	31144	NSC	05/05/2008	Not Printed
R15-3	Definitional Clarification of Administrative Rule	31145	NSC	05/05/2008	Not Printed
R15-4	Administrative Rulemaking Procedures	31146	NSC	05/05/2008	Not Printed
R15-5	Administrative Rules Adjudicative Proceedings	31147	NSC	05/05/2008	Not Printed
<u>Archives</u>					
R17-5	Definitions for Rules in Title R17	31702	NSC	08/20/2008	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R17-5	Definitions for Rules in Title R17	31553	NEW	08/20/2008	2008-13/2
R17-6	Records Storage and Disposal at the State Records Center	31554	NEW	08/20/2008	2008-13/2
R17-7	Archival Records Care and Access at the State Archives	31555	NEW	08/20/2008	2008-13/3
R17-8	Application of Microfilm Standards	31556	NEW	08/20/2008	2008-13/5
R17-8-2	Micrographic Standards	31703	NSC	08/20/2008	Not Printed
<u>Facilities Construction and Management</u>					
R23-2	Procurement of Architect-Engineer Services	31098	AMD	07/14/2008	2008-8/2
R23-13	State of Utah Parking Rules for Facilities Managed by the Division of Facilities Construction and Management	31063	5YR	03/17/2008	2008-8/50
R23-14	Management of Roofs on State Buildings	31064	5YR	03/17/2008	2008-8/50
R23-22	General Procedures For Acquisition and Selling of Real Property	31607	EMR	06/25/2008	2008-14/120
R23-22	General Procedures For Acquisition and Selling of Real Property	31606	NEW	09/11/2008	2008-14/3
R23-22	General Procedures For Acquisition and Selling of Real Property	31799	NSC	10/01/2008	Not Printed
R23-30	State Facility Energy Efficiency Fund	31942	NEW	11/10/2008	2008-19/5
<u>Finance</u>					
R25-2	Finance Adjudicative Proceedings	31318	NSC	05/05/2008	Not Printed
R25-5	Payment of Per Diem to Boards	31317	5YR	04/29/2008	2008-10/143
R25-6	Relocation Reimbursement	31316	5YR	04/29/2008	2008-10/143
R25-7	Travel-Related Reimbursements for State Employees	31319	5YR	04/29/2008	2008-10/144
R25-7	Travel-Related Reimbursements for State Employees	31320	AMD	07/01/2008	2008-10/4
R25-8	Meal Allowance	31321	AMD	07/01/2008	2008-10/7
R25-8	Overtime Meal Allowance	31982	5YR	10/01/2008	2008-20/51
R25-14	Payment of Attorneys' Fees in Death Penalty Cases	31363	EMR	05/05/2008	2008-10/140
R25-14	Payment of Attorneys' Fees in Death Penalty Cases	31527	AMD	08/19/2008	2008-13/5
R25-14	Payment of Attorneys' Fees in Death Penalty Cases	31775	NSC	10/01/2008	Not Printed
<u>Fleet Operations</u>					
R27-2-1	Informal Proceedings	31408	NSC	08/18/2008	Not Printed
R27-3	Vehicle Use Standards	31137	AMD	06/17/2008	2008-9/3
R27-4	Vehicle Replacement and Expansion of State Fleet	30618	AMD	03/06/2008	2007-22/9
R27-4	Vehicle Replacement and Expansion of State Fleet	31411	NSC	08/18/2008	Not Printed
R27-5-2	Items Tracked in the Fleet Information System	31419	NSC	08/18/2008	Not Printed
R27-6	Fuel Dispensing Program	31420	NSC	08/18/2008	Not Printed
R27-7	Safety and Loss Prevention of State Vehicles	31793	AMD	11/11/2008	2008-17/4
R27-7-1	Authority	31421	NSC	08/18/2008	Not Printed
R27-8-1	Authority	31422	NSC	08/18/2008	Not Printed
<u>Fleet Operations, Surplus Property</u>					
R28-3	Utah State Agency for Surplus Property Adjudicative Proceedings	31117	5YR	04/04/2008	2008-9/52
<u>Purchasing and General Services</u>					
R33-1	Utah State Procurement Rules Definitions	31477	NSC	06/18/2008	Not Printed
R33-2-101	Delegation of Authority of the Chief Procurement Officer	31478	NSC	06/18/2008	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R33-3	Source Selection and Contract Formation	31479	NSC	06/18/2008	Not Printed
R33-3-4	Sole Source Procurement	31475	AMD	08/01/2008	2008-12/3
R33-4	Specifications	31480	NSC	06/18/2008	Not Printed
R33-5	Construction and Architect-Engineer Selection	31481	NSC	06/18/2008	Not Printed
R33-5-250	Design-Build or Turnkey: Use	31476	AMD	08/01/2008	2008-12/4
R33-7	Cost Principles	31482	NSC	06/18/2008	Not Printed
R33-8-101	Quality Assurance, Inspection, and Testing	31483	NSC	06/18/2008	Not Printed
<u>Records Committee</u>					
R35-1	State Records Committee Appeal Hearing Procedures	31560	NSC	08/19/2008	Not Printed
R35-1a	State Records Committee Definitions	31561	NSC	08/19/2008	Not Printed
R35-2	Declining Appeal Hearings	31567	NSC	08/19/2008	Not Printed
R35-2-2	Declining Requests for Hearings	31938	NSC	10/01/2008	Not Printed
R35-3	Prehearing Conferences	31568	NSC	08/19/2008	Not Printed
R35-4	Compliance with State Records Committee Decisions and Orders	31569	NSC	08/19/2008	Not Printed
R35-5-1	Authority and Purpose	31570	NSC	08/19/2008	Not Printed
R35-6-1	Authority and Purpose	31571	NSC	08/19/2008	Not Printed
<u>Risk Management</u>					
R37-2	Risk Management State Workers' Compensation Insurance Administration	31347	AMD	06/23/2008	2008-10/8
R37-4	Adjusted Utah Governmental Immunity Act Limitations on Judgments	31150	R&R	07/01/2008	2008-9/5
Agriculture and Food					
<u>Administration</u>					
R51-5	Grazing Advisory Boards	31471	REP	07/22/2008	2008-12/5
<u>Conservation and Resource Management</u>					
R64-2	Utah Conservation Commission Electronic Meetings	31079	NEW	06/03/2008	2008-8/4
<u>Marketing and Development</u>					
R65-2	Utah Cherry Marketing Order	31007	5YR	02/15/2008	2008-5/38
R65-5	Utah Red Tart and Sour Cherry Marketing Order	31008	5YR	02/15/2008	2008-5/38
<u>Plant Industry</u>					
R68-3-2	Registration of Products	31491	AMD	07/25/2008	2008-12/6
R68-5	Grain Inspection	31006	5YR	02/15/2008	2008-5/39
R68-7	Utah Pesticide Control Act	30611	AMD	01/07/2008	2007-22/11
R68-7-8	Certification Procedures	31800	AMD	10/09/2008	2008-17/7
R68-8-2	Noxious Weed Seeds and Weed Seed Restrictions	31127	AMD	07/02/2008	2008-9/7
R68-9	Utah Noxious Weed Act	31544	5YR	06/09/2008	2008-13/147
R68-9	Utah Noxious Weed Act	31128	AMD	07/02/2008	2008-9/8
R68-14	Quarantine Pertaining to Gypsy Moth - Lymantria Dispar	31125	5YR	04/04/2008	2008-9/52
R68-16	Utah Quarantine Pertaining to Pine Shoot Beetle, Tomicus Piniperda	31543	5YR	06/09/2008	2008-13/147
R68-16	Quarantine Pertaining to Pine Shoot Beetle, Tomicus piniperda	31126	AMD	07/02/2008	2008-9/11
R68-17	Quarantine Pertaining to Necrotic Strain of the Potato Virus Y	31009	REP	04/11/2008	2008-5/4

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Regulatory Services</u>					
R70-530	Food Protection	31380	R&R	09/25/2008	2008-11/2
R70-560	Cottage Food Production Operations	31430	AMD	07/25/2008	2008-11/47
Alcoholic Beverage Control					
<u>Administration</u>					
R81-1-2	Definitions	31254	AMD	06/27/2008	2008-10/10
R81-1-9	Liquor Dispensing Systems	31273	AMD	06/27/2008	2008-10/11
R81-1-10	Wine Dispensing	31275	AMD	06/27/2008	2008-10/13
R81-1-11	Multiple-Licensed Facility Storage and Service	31279	AMD	06/27/2008	2008-10/14
R81-1-11	Multiple-Licensed Facility Storage and Service	31630	NSC	08/25/2008	Not Printed
R81-1-26	Criminal History Background Checks	31289	AMD	06/27/2008	2008-10/16
R81-1-26	Criminal History Background Checks	31915	AMD	10/23/2008	2008-18/5
R81-1-27	Label Approvals	31640	AMD	09/01/2008	2008-14/5
R81-3-1	Definitions	31291	AMD	06/27/2008	2008-10/18
R81-3-9	Promotion and Listing of Products	31328	AMD	06/27/2008	2008-10/19
R81-3-13	Operational Restrictions	31329	AMD	06/27/2008	2008-10/20
R81-3-14	Type 5 Package Agencies	31330	AMD	06/27/2008	2008-10/21
R81-4C	Limited Restaurant Licenses	31154	NSC	05/01/2008	Not Printed
R81-4C	Limited Restaurant Licenses	31780	5YR	07/31/2008	2008-16/66
R81-4D	On-Premise Banquet License	31155	NSC	05/01/2008	Not Printed
R81-4D	On-Premise Banquet License	31785	5YR	07/31/2008	2008-16/66
R81-4D-1	Licensing	31336	AMD	07/30/2008	2008-10/22
R81-4D-2	Application	31338	AMD	07/30/2008	2008-10/24
R81-5-11	Price Lists	31287	AMD	06/27/2008	2008-10/25
R81-7-1	Application Guidelines	31332	AMD	06/27/2008	2008-10/26
R81-10	Off-Premise Beer Retailers	31334	NEW	06/27/2008	2008-10/27
R81-10B	Temporary Special Event Beer Permits	31786	5YR	07/31/2008	2008-16/67
Auditor					
<u>Administration</u>					
R123-3-1	Definitions	31257	NSC	05/05/2008	Not Printed
R123-3-2	Designation	31260	NSC	05/05/2008	Not Printed
R123-3-3	Adjudicative Proceedings	31261	NSC	05/05/2008	Not Printed
R123-4-1	Authority	31262	NSC	05/05/2008	Not Printed
R123-4-2	Definitions	31263	NSC	05/05/2008	Not Printed
R123-4-5	Intervention	31265	NSC	05/05/2008	Not Printed
R123-4-6	Petition Review and Disposition	31266	NSC	05/05/2008	Not Printed
R123-4-7	Administrative Review	31267	NSC	05/05/2008	Not Printed
Capitol Preservation Board (State)					
<u>Administration</u>					
R131-1	Procurement of Architectural and Engineering Services	30591	AMD	02/29/2008	2007-21/11
R131-4	Procurement of Construction	30590	R&R	02/29/2008	2007-21/13

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Career Service Review Board					
<u>Administration</u>					
R137-1-2	Definitions	31934	EMR	10/02/2008	2008-19/75
R137-2	Government Records Access and Management Act	31473	5YR	05/21/2008	2008-12/50
Commerce					
<u>Administration</u>					
R151-2	Government Records Access and Management Act Rule	31345	NSC	05/05/2008	Not Printed
R151-2-4	Forms	31385	AMD	07/08/2008	2008-11/49
R151-3-1	Authority and Purpose	31346	NSC	05/05/2008	Not Printed
R151-14-3	Adjudicative Proceedings	31354	NSC	05/05/2008	Not Printed
R151-35-3	Adjudicative Proceedings	31355	NSC	05/05/2008	Not Printed
R151-46b	Department of Commerce Administrative Procedures Act Rules	31138	CPR	09/22/2008	2008-16/53
R151-46b	Department of Commerce Administrative Procedures Act Rules	31138	AMD	09/22/2008	2008-9/12
R151-46b	Department of Commerce Administrative Procedures Act Rules	31964	NSC	10/14/2008	Not Printed
<u>Consumer Protection</u>					
R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	31184	NSC	05/05/2008	Not Printed
R152-11	Utah Consumer Sales Practices Act Rules	31213	NSC	05/05/2008	Not Printed
R152-15-2	Filing Requirements. Filing Fees	31214	NSC	05/05/2008	Not Printed
R152-20	New Motor Vehicle Warranties Rules	31215	NSC	05/05/2008	Not Printed
R152-22-9	Grounds for Denial, Suspension or Revocation Procedure	31216	NSC	05/05/2008	Not Printed
R152-23-1	Authority	31217	NSC	05/05/2008	Not Printed
R152-32a	Exempt Businesses	31918	NEW	11/04/2008	2008-18/7
R152-34-10	Rules Relating to Suspension, Termination or Refusal to Register under Section 13-34-111	31218	NSC	05/05/2008	Not Printed
<u>Corporations and Commercial Code</u>					
R154-10	Utah Digital Signatures Act Rules	30642	REP	03/03/2008	2007-22/16
R154-100	Utah Administrative Procedures Act Rules	31993	5YR	10/02/2008	2008-21/104
<u>Occupational and Professional Licensing</u>					
R156-1	General Rules of the Division of Occupational and Professional Licensing	31288	AMD	06/23/2008	2008-10/30
R156-1-102a	Global Definitions of Levels of Supervision	30655	AMD	01/08/2008	2007-23/3
R156-1-109	Presiding Officers	31803	AMD	10/09/2008	2008-17/10
R156-3a-303	Qualifications for Licensure - Examination Requirements	30935	AMD	03/27/2008	2008-4/5
R156-5a	Podiatric Physician Licensing Act Rules	32002	5YR	10/07/2008	2008-21/104
R156-5a	Podiatric Physician Licensing Act Rules	32003	NSC	11/17/2008	Not Printed
R156-11a	Barber, Cosmetologist/Barber, Esthetician, Electrology, and Nail Technician Licensing Act Rule	30953	AMD	04/10/2008	2008-5/5
R156-11a-601	Standards for Accreditation	31174	NSC	05/05/2008	Not Printed
R156-17b	Pharmacy Practice Act Rule	31425	AMD	11/24/2008	2008-11/49
R156-17b	Pharmacy Practice Act Rule	31425	CPR	11/24/2008	2008-20/35
R156-22	Professional Engineers and Professional Land Surveyors Licensing Act Rule	31841	AMD	10/23/2008	2008-18/7
R156-22-305	Inactive Status	31175	NSC	05/05/2008	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-26a	Certified Public Accountant Licensing Act Rules	30715	AMD	03/31/2008	2007-23/4
R156-26a	Certified Public Accountant Licensing Act Rules	30715	CPR	03/31/2008	2008-4/35
R156-26a	Certified Public Accountant Licensing Act Rule	31763	AMD	09/23/2008	2008-16/5
R156-28	Veterinary Practice Act Rules	31396	AMD	07/10/2008	2008-11/56
R156-31b	Nurse Practice Act Rules	31094	5YR	04/01/2008	2008-8/51
R156-31b	Nurse Practice Act Rules	31156	AMD	06/23/2008	2008-10/34
R156-31b	Nurse Practice Act Rule	31615	AMD	08/25/2008	2008-14/15
R156-31b-102	Definitions	31603	NSC	08/25/2008	Not Printed
R156-31b-701	Delegation of Nursing Tasks	31889	NSC	10/21/2008	Not Printed
R156-37	Utah Controlled Substances Act Rules	31423	AMD	09/09/2008	2008-11/62
R156-37	Utah Controlled Substances Act Rules	31423	CPR	09/09/2008	2008-15/84
R156-37c	Utah Controlled Substance Precursor Act Rules	32019	5YR	10/09/2008	2008-21/105
R156-37c	Utah Controlled Substance Precursor Act Rules	32020	NSC	11/17/2008	Not Printed
R156-38a	Residence Lien Restriction and Lien Recovery Fund Rules	30654	AMD	01/07/2008	2007-23/14
R156-38a-105a	Adjudicative Proceedings	31176	NSC	05/05/2008	Not Printed
R156-38b-703	SCR Record Classification	31177	NSC	05/05/2008	Not Printed
R156-39a	Alternative Dispute Resolution Providers Certification Act Rules	32027	5YR	10/13/2008	2008-21/105
R156-40-302e	Qualifications for Temporary License as a TRS - Supervision Required	31178	NSC	05/05/2008	Not Printed
R156-41	Speech-Language Pathology and Audiology Licensing Act Rules	31397	AMD	07/14/2008	2008-11/65
R156-46b	Division Utah Administrative Procedures Act Rules	31179	NSC	05/05/2008	Not Printed
R156-46b	Division Utah Administrative Procedures Act Rules	31804	AMD	10/09/2008	2008-17/13
R156-46b	Division Utah Administrative Procedures Act Rules	31840	AMD	10/23/2008	2008-18/13
R156-46b-103	Authority - Purpose	31595	NSC	10/01/2008	Not Printed
R156-47b	Massage Therapy Practice Act Rules	30853	AMD	02/21/2008	2008-2/4
R156-49	Dietitian Certification Act Rules	31073	5YR	03/24/2008	2008-8/52
R156-49	Dietitian Certification Act Rules	31180	NSC	05/05/2008	Not Printed
R156-53	Landscape Architect Licensing Act Rules	31074	5YR	03/24/2008	2008-8/52
R156-55a	Utah Construction Trades Licensing Act Rule	30892	AMD	03/11/2008	2008-3/3
R156-55a	Utah Construction Trades Licensing Act Rule	31292	AMD	06/24/2008	2008-10/42
R156-55a	Utah Construction Trades Licensing Act Rule	31802	AMD	10/09/2008	2008-17/15
R156-55a-102	Definitions	31616	NSC	08/25/2008	Not Printed
R156-55a-301	License Classifications - Scope of Practice	32009	NSC	11/17/2008	Not Printed
R156-55b	Electricians Licensing Rules	31801	AMD	10/09/2008	2008-17/24
R156-55c	Construction Trades Licensing Act Plumber Licensing Rules	31941	AMD	11/10/2008	2008-19/9
R156-55d	Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules	31181	NSC	05/05/2008	Not Printed
R156-55d	Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules	31588	NSC	08/25/2008	Not Printed
R156-55d	Utah Construction Trades Licensing Act Burglar Alarm Licensing Rule	31966	AMD	11/24/2008	2008-20/4
R156-56	Utah Uniform Building Standard Act Rules	30574	AMD	01/01/2008	2007-21/38
R156-56	Utah Uniform Building Standard Act Rules	31139	AMD	07/01/2008	2008-9/23
R156-56-420	Administration of Building Code Training Fund	30573	AMD	01/01/2008	2007-21/57

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-56-701	Specific Editions of Uniform Building Standards	31142	AMD	07/01/2008	2008-9/30
R156-56-801	Statewide Amendments to the IBC	31626	NSC	07/01/2008	Not Printed
R156-61	Psychologist Licensing Act Rules	30915	CPR	05/08/2008	2008-7/55
R156-61	Psychologist Licensing Act Rules	30915	AMD	05/08/2008	2008-3/6
R156-63	Security Personnel Licensing Act Rule	31182	NSC	05/05/2008	Not Printed
R156-63	Security Personnel Licensing Act Rule	31699	REP	11/13/2008	2008-15/5
R156-63a	Security Personnel Licensing Act Contract Security Rule	31700	CPR	11/13/2008	2008-19/53
R156-63a	Security Personnel Licensing Act Contract Security Rule	31700	NEW	11/13/2008	2008-15/12
R156-63b	Security Personnel Licensing Act Armored Car Rule	31701	NEW	11/13/2008	2008-15/19
R156-63b	Security Personnel Licensing Act Armored Car Rule	31701	CPR	11/13/2008	2008-19/54
R156-64	Deception Detection Examiners Licensing Act Rule	31975	AMD	11/24/2008	2008-20/6
R156-67	Utah Medical Practice Act Rules	31183	NSC	05/05/2008	Not Printed
R156-68	Utah Osteopathic Medical Practice Act Rules	31083	5YR	03/27/2008	2008-8/53
R156-68	Utah Osteopathic Medical Practice Act Rules	31185	NSC	05/05/2008	Not Printed
R156-69	Dentist and Dental Hygienist Practice Act Rules	31136	AMD	06/09/2008	2008-9/35
R156-71	Naturopathic Physician Practice Act Rules	30854	AMD	07/08/2008	2008-2/6
R156-71	Naturopathic Physician Practice Act Rules	30854	CPR	07/08/2008	2008-11/121
R156-71-202	Naturopathic Physician Formulary	31967	AMD	11/24/2008	2008-20/8
R156-74	Certified Court Reporters Licensing Act Rules	31516	AMD	07/22/2008	2008-12/7
R156-74	Certified Court Reporters Licensing Act Rule	32021	5YR	10/09/2008	2008-21/106
R156-76	Professional Geologist Licensing Act Rules	30694	AMD	01/08/2008	2007-23/17
R156-78A	Prelitigation Panel Review Rules	31055	NSC	03/26/2008	Not Printed
<u>Real Estate</u>					
R162-2-2	Licensing Procedure	31003	AMD	04/07/2008	2008-5/7
R162-3	License Status Change	31456	AMD	07/30/2008	2008-12/8
R162-8-4	School Conduct and Standards of Practice	31001	AMD	04/07/2008	2008-5/10
R162-9	Continuing Education	31277	AMD	06/23/2008	2008-10/48
R162-10	Administrative Procedures	31429	NSC	08/18/2008	Not Printed
R162-12	Utah Housing Opportunity Restricted Account	31000	NEW	04/07/2008	2008-5/11
R162-105	Scope of Authority	32127	5YR	11/10/2008	2008-23/44
R162-109	Administrative Proceedings	31427	NSC	08/18/2008	Not Printed
R162-207	License Renewal	31457	AMD	07/30/2008	2008-12/10
R162-207	License Renewal	32128	5YR	11/10/2008	2008-23/44
R162-207-6	Determining Fitness for Renewal	31002	AMD	04/07/2008	2008-5/12
R162-208	Continuing Education	31278	AMD	06/23/2008	2008-10/50
R162-208	Continuing Education	32130	5YR	11/10/2008	2008-23/45
R162-209	Administrative Proceedings	31428	NSC	08/18/2008	Not Printed
R162-210-4	Rules of Conduct for Certified Schools	31004	AMD	04/07/2008	2008-5/13
R162-211	Adjusted License Terms	31968	EMR	10/01/2008	2008-20/41
<u>Securities</u>					
R164-31	Administrative Fines	31541	NEW	08/26/2008	2008-13/8

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Community and Culture					
<u>Home Energy Assistance Target (HEAT)</u>					
R195-1	Energy Assistance: General Provisions	31331	NSC	05/05/2008	Not Printed
<u>Housing and Community Development</u>					
R199-8	Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance	30451	AMD	01/01/2008	2007-19/6
R199-8-3	Application Requirements	31921	AMD	11/06/2008	2008-18/15
<u>History</u>					
R212-4	Archaeological Permits	31290	R&R	06/25/2008	2008-10/52
<u>Indian Affairs</u>					
R230-1	Native American Grave Protection and Repatriation	30912	AMD	07/16/2008	2008-3/12
R230-1	Native American Grave Protection and Repatriation	30912	CPR	07/16/2008	2008-11/122
Corrections					
<u>Administration</u>					
R251-103	Undercover Roles of Offenders	31995	5YR	10/02/2008	2008-21/106
R251-103	Undercover Roles of Offenders	31994	NSC	11/17/2008	Not Printed
R251-105	Applicant Qualifications for Employment with Department of Corrections	31996	5YR	10/02/2008	2008-21/107
R251-112	Americans With Disabilities Act Implementation and Complaint Process	30713	AMD	03/11/2008	2007-23/19
R251-114	Offender Long-Term Health Care - Notice	30803	NEW	03/11/2008	2008-1/6
R251-304	Contract Procedures	30952	5YR	02/05/2008	2008-5/39
R251-304	Contract Procedures	30980	AMD	05/20/2008	2008-5/15
Crime Victim Reparations					
<u>Administration</u>					
R270-1	Award and Reparation Standards	31322	NSC	05/05/2008	Not Printed
R270-1-11	Collateral Source	30593	AMD	01/02/2008	2007-22/33
R270-1-22	Sexual Assault Forensic Examinations	31013	AMD	05/19/2008	2008-6/3
R270-1-23	Loss of Support Awards	31504	AMD	07/28/2008	2008-12/12
R270-1-24	Rent Awards	31529	AMD	08/11/2008	2008-13/8
R270-2	Crime Victim Reparations Adjudicative Proceedings	31323	NSC	05/05/2008	Not Printed
R270-4	Government Records Access and Management Act	31324	NSC	05/05/2008	Not Printed
Education					
<u>Administration</u>					
R277-100	Rulemaking Policy	31870	NSC	10/21/2008	Not Printed
R277-102	Adjudicative Proceedings	31871	NSC	10/21/2008	Not Printed
R277-103	USOE Government Records and Management Act	31872	NSC	10/21/2008	Not Printed
R277-104	USOE ADA Compliant Procedure	31517	5YR	06/02/2008	2008-12/50
R277-104	USOE ADA Complaint Procedure	31873	NSC	10/21/2008	Not Printed
R277-106	Utah Professional Practices Advisory Commission Appointment Process	31951	5YR	09/15/2008	2008-19/78
R277-109	One-time Signing Bonuses	31439	NEW	07/08/2008	2008-11/67
R277-110	Legislative Supplemental Salary Adjustment	31572	AMD	08/07/2008	2008-13/9

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-113	One-time Performance-based Compensation Program	31440	NEW	07/08/2008	2008-11/69
R277-116-1	USOE Internal Audit Procedure	31573	AMD	08/07/2008	2008-13/11
R277-401-1	Definitions	31874	NSC	10/21/2008	Not Printed
R277-418	School Professional Development Days Pilot Program	31828	REP	10/08/2008	2008-17/29
R277-419	Pupil Accounting	31574	AMD	08/07/2008	2008-13/12
R277-423	Delivery of Flow Through Money	30845	AMD	02/07/2008	2008-1/8
R277-436	Gang Prevention and Intervention Programs in the Schools	31518	5YR	06/02/2008	2008-12/51
R277-436	Gang Prevention and Intervention Programs in the Schools	31829	AMD	10/08/2008	2008-17/30
R277-437	Student Enrollment Options	31575	R&R	08/07/2008	2008-13/16
R277-438	Dual Enrollment	31952	AMD	11/10/2008	2008-19/14
R277-451	The State School Building Program	31576	REP	08/07/2008	2008-13/19
R277-459	Classroom Supplies Appropriation	31953	AMD	11/10/2008	2008-19/16
R277-460	Distribution of Substance Abuse Prevention Account	31519	5YR	06/02/2008	2008-12/51
R277-460	Distribution of Substance Abuse Prevention Account	31875	NSC	10/21/2008	Not Printed
R277-464	Highly Impacted Schools	31830	AMD	10/08/2008	2008-17/31
R277-469	Instructional Materials Commission Operating Procedures	30781	AMD	01/22/2008	2007-24/4
R277-469	Instructional Materials Commission Operating Procedures	31035	5YR	03/03/2008	2008-7/62
R277-469	Instructional Materials Commission Operating Procedures	31577	AMD	08/07/2008	2008-13/21
R277-470	Charter Schools	31831	AMD	10/08/2008	2008-17/33
R277-470	Charter Schools	32022	5YR	10/10/2008	2008-21/107
R277-470-7	Timelines - Charter School Starting Date	30846	AMD	02/07/2008	2008-1/9
R277-471	Oversight of School Inspections	31441	AMD	07/08/2008	2008-11/70
R277-473-4	Security of Testing Materials	31876	NSC	10/21/2008	Not Printed
R277-477	Distribution of Funds from the School Trust Lands Account and Implementation of the School LAND Trust Program	31832	AMD	10/08/2008	2008-17/38
R277-483	Persistently Dangerous Schools	31036	5YR	03/03/2008	2008-7/62
R277-484	Data Standards	31005	AMD	04/11/2008	2008-5/17
R277-484	Data Standards	31520	5YR	06/02/2008	2008-12/52
R277-485	Loss of Enrollment	31037	5YR	03/03/2008	2008-7/63
R277-486-1	Definitions	31848	NSC	10/21/2008	Not Printed
R277-488	Critical Languages Pilot Program	31442	AMD	07/08/2008	2008-11/72
R277-490	Beverly Taylor Sorenson Elementary Arts Learning Program	31443	NEW	07/08/2008	2008-11/74
R277-491	School Community Councils	31954	NEW	11/10/2008	2008-19/18
R277-492	Utah Science Technology and Research Initiative (USTAR) Centers Program	31578	NEW	08/07/2008	2008-13/25
R277-494	Charter School and Online Student Participation in Extracurricular or Co-curricular School Activities	31834	NEW	10/08/2008	2008-17/40
R277-502	Educator Licensing and Data Retention	30944	AMD	03/24/2008	2008-4/6
R277-502-4	License Levels, Procedures, and Periods of Validity	31955	AMD	11/10/2008	2008-19/21
R277-502-6	Educator Licensing and Data Retention	31579	AMD	08/07/2008	2008-13/27
R277-502-8	Comprehensive Administration of Credentials for Teachers in Utah Schools (CACTUS)	31878	NSC	10/21/2008	Not Printed
R277-503-4	Licensing Routes	32005	NSC	11/17/2008	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, Speech-Language Pathologist and Speech-Language Technician, and Special Education (Birth-Age 5) Certification	31444	AMD	07/08/2008	2008-11/77
R277-506	School Psychologists and School Social Workers Licenses and Program	31833	AMD	10/08/2008	2008-17/42
R277-508	Employment of Substitute Teachers	31038	5YR	03/03/2008	2008-7/63
R277-508-1	Definitions	31850	NSC	10/21/2008	Not Printed
R277-512-1	Definitions	31851	NSC	10/21/2008	Not Printed
R277-512-1	Definitions	31879	NSC	10/21/2008	Not Printed
R277-515-1	Definitions	31877	NSC	10/21/2008	Not Printed
R277-515-3	Educator as a Role Model of Civic and Societal Responsibility	30976	NSC	02/27/2008	Not Printed
R277-515-4	Educator Responsibility for Maintaining a Safe Learning Environment and Educational Standards	31580	AMD	08/07/2008	2008-13/28
R277-517-1	Definitions	31852	NSC	10/21/2008	Not Printed
R277-517-1	Definitions	31880	NSC	10/21/2008	Not Printed
R277-518	Applied Technology Education Licenses	30878	5YR	01/08/2008	2008-3/72
R277-522-1	Definitions	31854	NSC	10/21/2008	Not Printed
R277-525	Special Educator Stipends	31445	NEW	07/08/2008	2008-11/82
R277-526	Paraeducator to Teacher Scholarship Program	31581	NEW	08/07/2008	2008-13/29
R277-600	Student Transportation Standards and Procedures	30879	5YR	01/08/2008	2008-3/72
R277-605	Coaching Standards and Athletic Clinics	30880	5YR	01/08/2008	2008-3/73
R277-606	Grants to Purchase or Retrofit Clean School Buses	31582	NEW	08/07/2008	2008-13/31
R277-609	Standards for School District Discipline Plans	30847	AMD	02/07/2008	2008-1/10
R277-609	Standards for School District, School and Charter School Discipline Plans	31956	AMD	11/10/2008	2008-19/22
R277-609-5	Parent/Guardian Notification and Court Referral	30958	NSC	02/29/2008	Not Printed
R277-610	Released-Time Classes for Religious Instruction	30881	5YR	01/08/2008	2008-3/73
R277-616-1	Definitions	31881	NSC	10/21/2008	Not Printed
R277-700	The Elementary and Secondary School Core Curriculum	30882	5YR	01/08/2008	2008-3/74
R277-702	Procedures for the Utah General Educational Development Certificate	30883	5YR	01/08/2008	2008-3/74
R277-703-6	Funding Provisions	30977	NSC	02/27/2008	Not Printed
R277-704	Financial and Economic Literacy: Integration into Core Curriculum and Financial and Economic Literacy Student Passports	31957	NEW	11/10/2008	2008-19/24
R277-709	Education Programs Serving Youth in Custody	30884	5YR	01/08/2008	2008-3/75
R277-710	International Baccalaureate Programs	31583	NEW	08/07/2008	2008-13/32
R277-714-1	Definitions	31882	NSC	10/21/2008	Not Printed
R277-715	English Language Learner Family Literacy Centers	31835	NEW	10/08/2008	2008-17/43
R277-715	English Language Learner Family Literacy Centers Program	32006	NSC	11/17/2008	Not Printed
R277-718	Utah Career Teaching Scholarship Program	30885	5YR	01/08/2008	2008-3/75
R277-719	Standards for Selling Foods Outside of the Reimbursable Meal in Schools	30848	NEW	02/07/2008	2008-1/12
R277-721	Deadline for CACFP Sponsor Participation in Food Distribution Program	30886	5YR	01/08/2008	2008-3/76
R277-721	Deadline for CACFP Sponsor Participation in Food Distribution Program	31014	REP	04/21/2008	2008-6/5

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-722	Withholding Payments and Commodities in the CACFP	30887	5YR	01/08/2008	2008-3/76
R277-722	Withholding Payments and Commodities in the CACFP	31015	REP	04/21/2008	2008-6/6
R277-730	Alternative High School Curriculum	30888	5YR	01/08/2008	2008-3/77
R277-733	Adult Education Programs	31836	AMD	10/08/2008	2008-17/44
R277-735	Standards and Procedures for Corrections Education Programs Serving Inmates of the Utah Department of Corrections	31837	AMD	10/08/2008	2008-17/49
R277-746	Driver Education Programs for Utah Schools	31039	5YR	03/03/2008	2008-7/64
R277-747	Private School Student Driver Education	31040	5YR	03/03/2008	2008-7/64
R277-751	Special Education Extended School Year	31041	5YR	03/03/2008	2008-7/65
R277-760-2	Authority and Purpose	31883	NSC	10/21/2008	Not Printed
<u>Rehabilitation</u>					
R280-150	Adjudicative Proceedings Under the Vocational Rehabilitation Act	31838	R&R	10/08/2008	2008-17/51
R280-200	Rehabilitation	31042	5YR	03/03/2008	2008-7/65
R280-201-7	Classification of Records	31884	NSC	10/21/2008	Not Printed
R280-204-7	Miscellaneous Provisions	31885	NSC	10/21/2008	Not Printed
Environmental Quality					
<u>Administration</u>					
R305-3	Emergency Meetings	30766	REP	02/15/2008	2007-24/6
R305-3	Emergency Meeting (5YR EXTENSION)	30506	NSC	02/15/2008	Not Printed
R305-4	Clean Fuels and Vehicle Technology Fund Grant and Loan Program	31391	NEW	10/08/2008	2008-11/84
R305-4	Clean Fuels and Vehicle Technology Fund Grant and Loan Program	31391	CPR	10/08/2008	2008-17/70
<u>Air Quality</u>					
R307-101	General Requirements	30697	AMD	02/08/2008	2007-23/21
R307-101	General Requirements	30959	5YR	02/08/2008	2008-5/40
R307-102	General Requirements: Broadly Applicable Requirements	30960	5YR	02/08/2008	2008-5/40
R307-102	General Requirements: Broadly Applicable Requirements	31462	NSC	06/18/2008	Not Printed
R307-103	Administrative Procedures	31461	NSC	06/18/2008	Not Printed
R307-103-2	Initial Proceedings	31809	NSC	10/01/2008	Not Printed
R307-107	General Requirements: Unavoidable Breakdown	31927	5YR	09/04/2008	2008-19/79
R307-107	General Requirements: Unavoidable Breakdown (5YR EXTENSION)	31426	NSC	09/04/2008	Not Printed
R307-110-28	Regional Haze	31557	AMD	11/10/2008	2008-13/34
R307-110-28	Regional Haze	31557	CPR	11/10/2008	2008-19/57
R307-115	General Conformity	30698	AMD	02/08/2008	2007-23/28
R307-115	General Conformity	30961	5YR	02/08/2008	2008-5/41
R307-121	General Requirements: Clean Fuel Vehicle Tax Credits	31389	AMD	08/07/2008	2008-11/87
R307-121-3	Procedures for OEM Vehicles	30889	NSC	01/30/2008	Not Printed
R307-123	General Requirements: Clean Fuels and Vehicle Technology Grant and Loan Program	31390	NEW	10/08/2008	2008-11/89
R307-123	General Requirements: Clean Fuels and Vehicle Technology Grant and Loan Program	31390	CPR	10/08/2008	2008-17/71
R307-150-4	Sulfur Dioxide Milestone Inventory Requirements	31558	AMD	09/04/2008	2008-13/35
R307-170	Continuous Emission Monitoring Program	30962	5YR	02/08/2008	2008-5/41

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R307-170-7	Performance Specification Audits	30699	AMD	02/08/2008	2007-23/29
R307-202	Emission Standards: General Burning	30963	5YR	02/08/2008	2008-5/42
R307-203	Emission Standards: Sulfur Content of Fuels	30964	5YR	02/08/2008	2008-5/43
R307-214	National Emission Standards for Hazardous Air Pollutants	30895	5YR	01/11/2008	2008-3/77
R307-214	National Emission Standards for Hazardous Air Pollutants	30430	AMD	01/11/2008	2007-19/12
R307-215	Acid Rain Requirements	30700	REP	02/08/2008	2007-23/31
R307-220	Emission Standards: Plan for Designated Facilities	30965	5YR	02/08/2008	2008-5/43
R307-221	Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills	30701	AMD	02/08/2008	2007-23/32
R307-221	Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills	30966	5YR	02/08/2008	2008-5/44
R307-221-2	Definitions and References	30832	NSC	02/08/2008	Not Printed
R307-222	Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste	30967	5YR	02/08/2008	2008-5/44
R307-222	Emission Standards: Existing Incinerators for Hospital, Medical, Infectious Waste	30702	AMD	02/08/2008	2007-23/36
R307-222-1	Purpose and Applicability	30833	NSC	02/08/2008	Not Printed
R307-223	Existing Incinerators for Hospital, Medical, Infectious Waste	30703	AMD	02/08/2008	2007-23/38
R307-223	Emission Standards: Existing Small Municipal Waste Combustion Units	30968	5YR	02/08/2008	2008-5/45
R307-224	Mercury Emission Standards: Coal-Fired Electric Generating Units	30969	5YR	02/08/2008	2008-5/45
R307-224-2	Emission Guidelines and Compliance Times for Coal-Fired Electric Generating Units	30704	AMD	02/08/2008	2007-23/39
R307-250	Western Backstop Sulfur Dioxide Trading Program	30970	5YR	02/08/2008	2008-5/46
R307-250	Western Backstop Sulfur Dioxide Trading Program	31559	CPR	11/10/2008	2008-19/58
R307-250	Western Backstop Sulfur Dioxide Trading Program	31559	AMD	11/10/2008	2008-13/37
R307-302-3	No-Burn Periods for Fine Particulate	31388	AMD	08/07/2008	2008-11/91
R307-310	Salt Lake County: Trading of Emission Budgets for Transportation Conformity	30971	5YR	02/08/2008	2008-5/46
R307-310-2	Definitions	30705	AMD	02/08/2008	2007-23/40
R307-328	Ozone Nonattainment and Maintenance Areas and Utah and Weber Counties: Gasoline Transfer and Storage	31392	AMD	11/10/2008	2008-11/93
R307-328	Ozone Nonattainment and Maintenance Areas and Utah and Weber Counties: Gasoline Transfer and Storage	31392	CPR	11/10/2008	2008-19/70
R307-342	Ozone Nonattainment and Maintenance Areas: Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks	31474	NSC	11/10/2008	Not Printed
R307-401-14	Used Oil Fuel Burned for Energy Recovery	30709	AMD	02/08/2008	2007-23/42
R307-405	Permits: Major Sources in Attainment or Unclassified Areas (PSD)	30431	AMD	01/11/2008	2007-19/15
R307-417	Acid Rain Sources	30706	AMD	02/08/2008	2007-23/43
R307-801	Asbestos	30707	AMD	02/08/2008	2007-23/45
R307-801	Asbestos	30972	5YR	02/08/2008	2008-5/47
R307-840	Lead-Based Paint Accreditation, Certification and Work Practice Standards	30708	AMD	02/08/2008	2007-23/48
R307-840	Lead-Based Paint Accreditation, Certification and Work Practice Standards	30973	5YR	02/08/2008	2008-5/47
<u>Drinking Water</u>					
R309-352	Capacity Development Program	31157	5YR	04/18/2008	2008-10/144

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R309-515-6	Ground Water - Wells	31710	AMD	09/10/2008	2008-15/28
R309-515-6	Ground Water - Wells	31709	AMD	09/10/2008	2008-15/26
<u>Environmental Response and Remediation</u>					
R311-200	Underground Storage Tanks: Definitions	31486	NSC	06/18/2008	Not Printed
R311-200	Underground Storage Tanks: Definitions	31495	AMD	08/18/2008	2008-12/13
R311-201	Underground Storage Tanks: Certification Programs	31487	NSC	06/18/2008	Not Printed
R311-203	Underground Storage Tanks: Notification, New Installations, Registration Fees, and Testing Requirements	31496	AMD	08/18/2008	2008-12/16
R311-206-3	Requirements for Issuance of Certificates of Compliance	31497	AMD	08/18/2008	2008-12/19
R311-210	Administrative Procedures for Underground Storage Tank Act Adjudicative Proceedings	31488	NSC	06/18/2008	Not Printed
R311-401-2	Utah Hazardous Substances Priority List	30567	AMD	01/02/2008	2007-21/59
<u>Radiation Control</u>					
R313-12-1	Authority	31170	NSC	05/05/2008	Not Printed
R313-12-111	Submission of Electronic Copies	30774	AMD	04/11/2008	2007-24/8
R313-12-111	Submission of Electronic Copies	30774	CPR	04/11/2008	2008-5/34
R313-15	Standards for Protection Against Radiation	30865	AMD	03/17/2008	2008-2/10
R313-17	Administrative Procedures	31171	NSC	05/05/2008	Not Printed
R313-21	General Licenses	32046	5YR	10/14/2008	2008-21/108
R313-30	Therapeutic Radiation Machines	32048	5YR	10/14/2008	2008-21/108
R313-38	Licenses and Radiation Safety Requirements for Well Logging	32047	5YR	10/14/2008	2008-21/109
<u>Solid and Hazardous Waste</u>					
R315-2	General Requirements - Identification and Listing of Hazardous Waste	31377	NSC	05/05/2008	Not Printed
R315-2-17	Petition to Amend Rules	31839	NSC	10/21/2008	Not Printed
R315-3	Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	31065	NSC	04/11/2008	Not Printed
R315-12	Administrative Procedures	31376	NSC	05/05/2008	Not Printed
R315-15-1	Applicability, Prohibitions, and Definitions	30907	AMD	03/13/2008	2008-3/16
R315-15-10	Liability/Financial Requirements	30908	AMD	03/13/2008	2008-3/19
R315-15-11	Closure	30909	AMD	03/13/2008	2008-3/21
R315-15-12	Reclamation Surety	30910	AMD	03/13/2008	2008-3/23
R315-15-17	Wording of Financial Assurance Mechanisms	30911	AMD	03/13/2008	2008-3/29
R315-301	Solid Waste Authority, Definitions, and General Requirements	30990	5YR	02/14/2008	2008-5/48
R315-302	Solid Waste Facility Location Standards, General Facility Requirements, and Closure Requirements	30986	5YR	02/14/2008	2008-5/49
R315-303	Landfilling Standards	30992	5YR	02/14/2008	2008-5/49
R315-305	Class IV and VI Landfill Requirements	30991	5YR	02/14/2008	2008-5/50
R315-306	Incinerator Standards	30985	5YR	02/14/2008	2008-5/51
R315-307	Landtreatment Disposal Standards	30993	5YR	02/14/2008	2008-5/51
R315-308	Ground Water Monitoring Requirements	30995	5YR	02/14/2008	2008-5/52
R315-309	Financial Assurance	30994	5YR	02/14/2008	2008-5/52
R315-310	Permit Requirements for Solid Waste Facilities	30996	5YR	02/14/2008	2008-5/53
R315-311	Permit Approval For Solid Waste Disposal, Waste Tire Storage, Energy Recovery, And Incinerator Facilities	30983	5YR	02/14/2008	2008-5/53

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R315-311-2	Permit Modification, Renewal, or Termination	31381	NSC	08/18/2008	Not Printed
R315-312	Recycling and Composting Facility Standards	30997	5YR	02/14/2008	2008-5/54
R315-313	Transfer Stations and Drop Box Facilities	30998	5YR	02/14/2008	2008-5/54
R315-314	Facility Standards for Piles Used for Storage and Treatment	30999	5YR	02/14/2008	2008-5/55
R315-315	Special Waste Requirements	30989	5YR	02/14/2008	2008-5/55
R315-316	Infectious Waste Requirements	30988	5YR	02/14/2008	2008-5/56
R315-317	Other Processes, Variances, Violations, and Petition for Rule Change	30984	5YR	02/14/2008	2008-5/57
R315-317-3	Violations, Orders, and Hearings	31382	NSC	08/18/2008	Not Printed
R315-318	Permit by Rule	30987	5YR	02/14/2008	2008-5/57
Water Quality					
R317-1-4	Utilization and Isolation of Domestic Wastewater Treatment Works Effluent	30639	AMD	02/04/2008	2007-22/52
R317-3-11	Land Application of Wastewater Effluents	30638	AMD	02/04/2008	2007-22/57
R317-8	Utah Pollutant Discharge Elimination System (UPDES)	31584	AMD	09/10/2008	2008-13/47
R317-9	Administrative Procedures	30948	5YR	02/01/2008	2008-4/42
R317-13	Approvals and Permits for a Water Reuse Project	30637	NEW	02/04/2008	2007-22/61
R317-14	Approval in Change in Point of Discharge of POTW	30636	NEW	02/04/2008	2007-22/62
R317-101	Utah Wastewater Project Assistance Program	31103	5YR	04/02/2008	2008-9/53
Financial Institutions					
<u>Administration</u>					
R331-20	Designation of Adjudicative Proceedings as Informal	31256	NSC	05/05/2008	Not Printed
R331-20	Designation of Adjudicative Proceedings as Informal	31891	5YR	08/25/2008	2008-18/69
R331-21	Rule Governing Establishment of and Participation in Collective Investment Funds by Trust Companies	31892	5YR	08/25/2008	2008-18/69
R331-22-1	Authority, Scope, and Purpose	31315	NSC	05/05/2008	Not Printed
R331-24	Accounting for Accrued Uncollected Income by Banks and Industrial Loan Corporations	31893	5YR	08/25/2008	2008-18/70
R331-25	Rule Governing Debt Cancellation and Debt Suspension Agreements Issued by Depository Institutions, Who Are Under the Jurisdiction of the Department of Financial Institutions	32026	5YR	10/13/2008	2008-21/109
Governor					
<u>Economic Development</u>					
R357-2	Rural Broadband Service Fund	30788	NEW	01/30/2008	2007-24/9
R357-2-7	Ranking and Approval of Applications	30859	NSC	01/30/2008	Not Printed
R357-3	Refundable Economic Development Tax Credit	31153	NEW	06/18/2008	2008-9/37
R357-4	Government Procurement Private Proposal Program	31981	NEW	11/21/2008	2008-20/10
R357-4	Government Procurement Private Proposal Program	32116	NSC	11/21/2008	Not Printed
Health					
<u>Administration</u>					
R380-1	Petitions for Department Declaratory Orders	31281	NSC	05/05/2008	Not Printed
R380-5	Petitions for Declaratory Orders on Orders Issued by Committees	31282	NSC	05/05/2008	Not Printed
R380-10	Informal Adjudicative Proceedings	31283	NSC	05/05/2008	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R380-20	Government Records Access and Management	31284	NSC	05/05/2008	Not Printed
R380-50	Local Health Department Funding Allocation Formula	31911	AMD	10/30/2008	2008-18/17
R380-100	Americans with Disabilities Act Grievance Procedures	31285	NSC	05/05/2008	Not Printed
R380-200	Patient Safety Sentinel Event Reporting	31286	NSC	05/05/2008	Not Printed
R380-210-6	Penalties	31280	NSC	05/05/2008	Not Printed
R380-250	HIPAA Privacy Rule Implementation	31455	5YR	05/19/2008	2008-12/52
<u>Children's Health Insurance Program</u>					
R382-1	Benefits and Administration	31503	5YR	05/30/2008	2008-12/53
R382-10	Eligibility	31454	5YR	05/19/2008	2008-12/53
R382-10	Eligibility	31357	AMD	07/01/2008	2008-10/55
R382-10	Eligibility	31977	EMR	10/01/2008	2008-20/42
<u>Epidemiology and Laboratory Services, Epidemiology</u>					
R386-702-12	Official References	31099	AMD	06/11/2008	2008-8/5
<u>Epidemiology and Laboratory Services, Environmental Services</u>					
R392-100-2	Incorporation by Reference	31446	AMD	07/17/2008	2008-11/95
R392-302	Design, Construction, and Operation of Public Pools	31097	AMD	05/22/2008	2008-8/6
R392-502	Hotel, Motel and Resort Sanitation	31494	AMD	07/22/2008	2008-12/20
R392-510	Utah Indoor Clean Air Act	31908	NSC	10/21/2008	Not Printed
R392-700	Indoor Tanning Bed Sanitation	30612	NEW	05/16/2008	2007-22/65
R392-700	Indoor Tanning Bed Sanitation	30612	CPR	05/16/2008	2008-7/58
<u>Community and Family Health Services, Immunization</u>					
R396-100	Immunization Rule for Students (5YR EXTENSION)	31173	NSC	07/25/2008	Not Printed
R396-100	Immunization Rule for Students	31753	5YR	07/25/2008	2008-16/67
R396-100-3	Required Immunizations	31100	AMD	07/29/2008	2008-8/14
<u>Community and Family Health Services, Children with Special Health Care Needs</u>					
R398-1	Newborn Screening	31350	AMD	06/25/2008	2008-10/60
R398-1	Newborn Screening	31627	NSC	08/25/2008	Not Printed
R398-2	Newborn Hearing Screening	31651	5YR	07/02/2008	2008-15/86
R398-5	Birth Defects Reporting	31070	AMD	07/03/2008	2008-8/16
R398-20	Early Intervention	31783	5YR	07/31/2008	2008-16/68
<u>Health Care Financing</u>					
R410-14	Administrative Hearing Procedures	31550	NSC	08/19/2008	Not Printed
R410-14-17	Agency Review	30981	EMR	02/15/2008	2008-5/36
R410-14-17	Agency Review	31129	AMD	06/09/2008	2008-9/38
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1-5	State Plan	31359	AMD	07/01/2008	2008-10/64
R414-1-5	State Plan	31506	AMD	08/04/2008	2008-12/22
R414-1-5	Incorporations by Reference	31789	AMD	10/01/2008	2008-16/9
R414-1-5	Incorporations by Reference	32113	EMR	11/01/2008	2008-22/43
R414-1-16	Confidentiality	31771	NSC	10/01/2008	Not Printed
R414-5	Reduction in Hospital Payments	31424	5YR	05/13/2008	2008-11/125
R414-6	Reduction in Certain Targeted Case Management Services	31169	5YR	04/21/2008	2008-10/145

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R414-6	Reduction in Certain Targeted Case Management Services	31493	AMD	07/22/2008	2008-12/23
R414-14-5	Service Coverage	32104	EMR	11/01/2008	2008-22/44
R414-21	Physical and Occupational Therapy	30653	R&R	01/10/2008	2007-23/50
R414-21-2	Eligibility Requirements	32105	EMR	11/01/2008	2008-22/46
R414-27	Medicare Nursing Home Certification	30920	5YR	01/17/2008	2008-4/42
R414-27	Medicare Nursing Home Certification	31046	NSC	03/25/2008	Not Printed
R414-27	Medicare Nursing Home Certification	31360	AMD	07/01/2008	2008-10/65
R414-40	Nursing Service	31135	R&R	06/23/2008	2008-9/39
R414-51	Dental, Orthodontia	31452	5YR	05/19/2008	2008-12/53
R414-52	Optometry Services	30775	AMD	02/01/2008	2007-24/12
R414-52	Optometry Services	31453	5YR	05/19/2008	2008-12/54
R414-52	Optometry Services	32106	EMR	11/01/2008	2008-22/47
R414-53	Eyeglasses Services	30776	AMD	02/01/2008	2007-24/13
R414-53	Eyeglasses Services	31528	5YR	06/05/2008	2008-13/148
R414-53	Eyeglasses Services	32107	EMR	11/01/2008	2008-22/48
R414-54	Speech-Language Pathology Services	31644	R&R	10/02/2008	2008-14/46
R414-54	Speech-Language Pathology Services	32109	EMR	11/01/2008	2008-22/49
R414-54	Speech-Language Pathology Services	32119	EMR	11/04/2008	2008-23/41
R414-55	Medicaid Policy for Hospital Emergency Department Copayment Procedures	31737	5YR	07/18/2008	2008-16/69
R414-58-1	Authority and Purpose	31772	NSC	10/01/2008	Not Printed
R414-59	Audiology-Hearing Services	31645	R&R	10/02/2008	2008-14/47
R414-59-4	Services for Individuals Eligible for Optional Services	32110	EMR	11/01/2008	2008-22/50
R414-59-4	Services for Individuals Eligible for Optional Services	32120	EMR	11/04/2008	2008-23/42
R414-70	Medical Supplies, Durable Medical Equipment, and Prosthetic Devices	31505	R&R	08/04/2008	2008-12/24
R414-71	Medical Supplies -- Parenteral, Enteral, and IV Therapy	30378	AMD	03/31/2008	2007-18/40
R414-71	Medical Supplies - Parenteral, Enteral, and IV Therapy	30378	CPR	03/31/2008	2008-3/66
R414-71	Medical Supplies - Parenteral, Enteral, and IV Therapy	31507	REP	08/04/2008	2008-12/28
R414-99-2	Client Eligibility Requirements	32111	EMR	11/01/2008	2008-22/51
R414-200	Non-Traditional Medicaid Health Plan Services	32112	EMR	11/01/2008	2008-22/52
R414-301	Medicaid General Provisions	30936	5YR	01/31/2008	2008-4/43
R414-301-6	Hearings	31773	NSC	10/01/2008	Not Printed
R414-302	Eligibility Requirements	30921	5YR	01/25/2008	2008-4/43
R414-303	Coverage Groups	30925	5YR	01/25/2008	2008-4/44
R414-304	Income and Budgeting	30924	5YR	01/25/2008	2008-4/44
R414-304	Income and Budgeting	30652	AMD	01/28/2008	2007-23/54
R414-304	Income and Budgeting	31622	AMD	09/01/2008	2008-14/49
R414-305	Resources	30937	5YR	01/31/2008	2008-4/45
R414-305	Resources	30945	AMD	04/01/2008	2008-4/9
R414-306	Program Benefits	30922	5YR	01/25/2008	2008-4/45
R414-308	Application, Eligibility Determinations and Improper Medical Assistance	30938	5YR	01/31/2008	2008-4/46
R414-308	Application, Eligibility Determinations and Improper Medical Assistance	31976	EMR	10/01/2008	2008-20/44
R414-308-7	Change Reporting and Benefit Changes	30927	AMD	04/01/2008	2008-4/16

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R414-310	Medicaid Primary Care Network Demonstration Waiver	31356	AMD	07/01/2008	2008-10/66
R414-310-13	Application Procedure	31978	EMR	10/01/2008	2008-20/47
R414-320	Medicaid Health Insurance Flexibility and Accountability Demonstration Waiver	31358	AMD	07/01/2008	2008-10/68
R414-320-15	Effective Date of Enrollment and Enrollment Period	31979	EMR	10/01/2008	2008-20/49
R414-501-5	General Provisions	31774	NSC	10/01/2008	Not Printed
R414-504	Nursing Facility Payments	31362	AMD	07/01/2008	2008-10/71
R414-504	Nursing Facility Payments	31906	AMD	10/22/2008	2008-18/24
R414-508	Requirements for Transfer of Bed Licenses	31361	NEW	07/01/2008	2008-10/78
R414-510	Intermediate Care Facility for Individuals with Mental Retardation Transition Program	30917	AMD	03/10/2008	2008-3/30
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-5-3	Trauma Center Categorization Guidelines	31068	AMD	06/04/2008	2008-8/17
R426-6	Emergency Medical Services Competitive Grants Program Rules	30758	AMD	02/07/2008	2007-24/14
R426-7-3	Prehospital Data Set	31069	AMD	07/31/2008	2008-8/18
R426-8-4	Application and Award Formula	31096	AMD	06/05/2008	2008-8/22
R426-15-203	Vehicle Supply Requirements	30954	AMD	06/24/2008	2008-5/19
<u>Center for Health Data, Health Care Statistics</u>					
R428-11	Health Data Authority Ambulatory Surgical Data Reporting Rule	31167	5YR	04/21/2008	2008-10/146
R428-11	Health Data Authority Ambulatory Surgical Data Reporting Rule (5YR EXTENSION)	31021	NSC	04/21/2008	Not Printed
R428-13	Health Data Authority, Audit and Reporting of HMO Performance Measures	31168	5YR	04/21/2008	2008-10/146
R428-13	Health Data Authority, Audit and Reporting of HMO Performance Measures (5YR EXTENSION)	31022	NSC	04/21/2008	Not Printed
R428-13-4	Submission of Performance Measures	30956	AMD	05/16/2008	2008-5/25
<u>Health Systems Improvement, Child Care Licensing</u>					
R430-4	General Certificate Provisions	31537	5YR	06/06/2008	2008-13/148
R430-8	Exemptions From Child Care Licensing	31819	R&R	11/01/2008	2008-17/60
R430-50	Residential Certificate Child Care Standards	31538	5YR	06/06/2008	2008-13/149
R430-50	Residential Certificate Child Care	31056	CPR	09/01/2008	2008-13/119
R430-50	Residential Certificate Child Care Standards	31056	R&R	09/01/2008	2008-7/4
R430-50-9	Records	31868	NSC	10/21/2008	Not Printed
R430-60	Hourly Child Care Center	31539	5YR	06/06/2008	2008-13/149
R430-90	Licensed Family Child Care	31540	5YR	06/06/2008	2008-13/150
R430-90	Licensed Family Child Care	31057	CPR	09/01/2008	2008-13/129
R430-90	Licensed Family Child Care	31057	R&R	09/01/2008	2008-7/16
<u>Health Systems Improvement, Licensing</u>					
R432-16	Hospice Inpatient Facility Construction	30975	5YR	02/11/2008	2008-5/58
R432-35	Background Screening	31489	5YR	05/27/2008	2008-12/54
R432-270	Assisted Living Facilities	31768	AMD	10/15/2008	2008-16/10
<u>Health Systems Improvement, Primary Care and Rural Health</u>					
R434-100	Physician Visa Waivers	31779	AMD	09/30/2008	2008-16/13
<u>Epidemiology and Laboratory Services, Laboratory Services</u>					
R438-13	Rules for the Certification of Institutions to Obtain Impounded Animals in the State of Utah	31717	5YR	07/16/2008	2008-16/69

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Human Resource Management					
<u>Administration</u>					
R477-1	Definitions	31186	AMD	07/01/2008	2008-10/79
R477-2	Administration	31187	AMD	07/01/2008	2008-10/84
R477-3	Classification	31188	AMD	07/01/2008	2008-10/87
R477-4	Filling Positions	31189	AMD	07/01/2008	2008-10/88
R477-5	Employee Status and Probation	31190	AMD	07/01/2008	2008-10/90
R477-6	Compensation	31191	AMD	07/01/2008	2008-10/91
R477-6-4	Salary	31782	AMD	09/22/2008	2008-16/14
R477-7	Leave	31192	AMD	07/01/2008	2008-10/95
R477-7	Leave	31788	AMD	09/22/2008	2008-16/16
R477-8	Working Conditions	31193	AMD	07/01/2008	2008-10/101
R477-8	Working Conditions	31784	AMD	09/22/2008	2008-16/19
R477-8-5	Overtime	30778	AMD	01/22/2008	2007-24/16
R477-9	Employee Conduct	31194	AMD	07/01/2008	2008-10/104
R477-10	Employee Development	31195	AMD	07/01/2008	2008-10/106
R477-11	Discipline	31209	AMD	07/01/2008	2008-10/108
R477-12	Separations	31210	AMD	07/01/2008	2008-10/110
R477-13	Volunteer Programs	31211	NSC	06/19/2008	Not Printed
R477-14	Substance Abuse and Drug-Free Workplace	31621	AMD	08/21/2008	2008-14/51
R477-15	Unlawful Harassment Policy and Procedure	31208	AMD	07/01/2008	2008-10/112
Human Services					
<u>Administration</u>					
R495-810	Government Records Access and Management Act	31368	NSC	05/05/2008	Not Printed
R495-861	Requirements for Local Discretionary Social Services Block Grant Funds	30773	AMD	01/30/2008	2007-24/18
R495-876	Provider Code of Conduct	31629	AMD	08/26/2008	2008-14/53
R495-878	Department of Human Services Civil Rights Complaint Procedure	31367	NSC	05/05/2008	Not Printed
R495-878	Department of Human Services Civil Rights Complaint Procedure	31067	AMD	06/13/2008	2008-8/23
R495-879	Parental Support for Children in Care	31465	NSC	06/18/2008	Not Printed
R495-879	Parental Support for Children in Care	32079	5YR	10/23/2008	2008-22/55
R495-881	Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Implementation	31484	5YR	05/27/2008	2008-12/55
R495-881	Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule Implementation	31485	AMD	07/23/2008	2008-12/30
R495-882	Termination of Parental Rights	31811	AMD	10/08/2008	2008-17/62
<u>Administration, Administrative Services, Licensing</u>					
R501-14	Background Screening	31958	NSC	10/14/2008	Not Printed
R501-16	Intermediate Secure Treatment Programs for Minors	31017	5YR	02/22/2008	2008-6/25
R501-17	Adult Foster Care	31026	5YR	02/27/2008	2008-6/25
R501-21	Outpatient Treatment Programs	31923	NSC	10/21/2008	Not Printed
<u>Aging and Adult Services</u>					
R510-105	"Out and About" Homebound Transportation Assistance Fund Rules	31027	5YR	02/27/2008	2008-6/26
R510-110-5	Monitoring by the State Division of Aging and Adult Services	31378	NSC	05/05/2008	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R510-200-3	Local LTCO Program Administrative Standards	31379	NSC	05/05/2008	Not Printed
R510-200-3	Local LTCO Program Administrative Standards	31916	NSC	10/21/2008	Not Printed
<u>Child and Family Services</u>					
R512-1-5	Out-of-Home Care Services	31721	NSC	10/01/2008	Not Printed
R512-20	Protective Payee for Recipients of Cash Assistance from the Department of Workforce Services (5YR EXTENSION)	30720	NSC	01/07/2008	Not Printed
R512-20	Protective Payee for Recipients of Cash Assistance from the Department of Workforce Services	30716	REP	01/07/2008	2007-23/58
R512-31-3	Notice to Foster Parents	31722	NSC	10/01/2008	Not Printed
R512-32-1	Definitions	31723	NSC	10/01/2008	Not Printed
R512-41	Qualifying Adoptive Families and Adoption Placement	31741	AMD	09/23/2008	2008-16/21
R512-41	Qualifying Adoptive Families and Adoption Placement	31724	NSC	10/01/2008	Not Printed
R512-42	Adoption by Relatives	31725	NSC	10/01/2008	Not Printed
R512-43	Adoption Assistance	31742	AMD	09/23/2008	2008-16/24
R512-50	Fee Collection for Clients Served by Pre-School Day Treatment Contract (5YR EXTENSION)	30721	NSC	01/07/2008	Not Printed
R512-50	Fee Collection for Clients Served by Pre-School Day Treatment Contract	30718	REP	01/07/2008	2007-23/60
R512-51-1	Purpose and Authority	31726	NSC	10/01/2008	Not Printed
R512-75-1	Introductory Provisions	31727	NSC	10/01/2008	Not Printed
R512-100	Home Based Services	31856	5YR	08/20/2008	2008-18/70
R512-200	Child Protective Services, Intake Services	31857	5YR	08/20/2008	2008-18/71
R512-201	Child Protective Services, Investigation Services	31858	5YR	08/20/2008	2008-18/71
R512-202	Child Protective Services, General Allegation Categories	31859	5YR	08/20/2008	2008-18/72
R512-202-2	Categories	31728	NSC	10/01/2008	Not Printed
R512-204	Child Protective Services, New Caseworker Training	31043	NEW	05/08/2008	2008-7/31
R512-300	Out-of-Home Services	31860	5YR	08/20/2008	2008-18/72
R512-300	Out-of-Home Services	31729	NSC	10/01/2008	Not Printed
R512-301	Out of Home Services, Responsibilities Pertaining to a Parent or Guardian	31861	5YR	08/20/2008	2008-18/73
R512-301	Out of Home Services, Responsibilities Pertaining to a Parent or Guardian	31730	NSC	10/01/2008	Not Printed
R512-302	Out of Home Services, Responsibilities Pertaining to an Out of Home Caregiver	31862	5YR	08/20/2008	2008-18/73
R512-302	Out of Home Services, Responsibilities Pertaining to an Out of Home Caregiver	31731	NSC	10/01/2008	Not Printed
R512-305	Out of Home Services, Transition to Adult Living Services	31863	5YR	08/20/2008	2008-18/74
R512-308	Out of Home Services, Guardianship Services and Placements	31733	NSC	10/01/2008	Not Printed
R512-500	Kinship Services	31589	EMR	06/18/2008	2008-14/123
R512-500	Kinship Services	31864	5YR	08/20/2008	2008-18/74
R512-500	Kinship Services	31590	R&R	08/21/2008	2008-14/57
<u>Substance Abuse and Mental Health</u>					
R523-1	Procedures (5YR EXTENSION)	30767	NSC	03/31/2008	Not Printed
R523-1	Procedures	31089	5YR	03/31/2008	2008-8/53
R523-22-9	Redress Procedures for Programs or Instructors	31352	NSC	05/05/2008	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R523-23-9	Alcohol Training and Education Seminar Provider Standards	31166	AMD	07/14/2008	2008-10/114
R523-23-13	Procedure for Denial, Suspension, or Revocation	31351	NSC	05/05/2008	Not Printed
R523-24-7	Approved Curriculum	31164	AMD	07/14/2008	2008-10/116
R523-24-9	Alcohol Training and Education Seminar Provider Standards	31165	AMD	07/14/2008	2008-10/117
R523-24-13	Procedure for Denial, Suspension, or Revocation	31353	NSC	05/05/2008	Not Printed
<u>Substance Abuse and Mental Health, State Hospital</u>					
R525-2	Patient Rights	31450	5YR	05/19/2008	2008-12/55
R525-3	Medication Treatment of Patients	31449	5YR	05/19/2008	2008-12/56
R525-4	Visitors	31447	5YR	05/19/2008	2008-12/56
R525-5	Background Checks	31448	5YR	05/19/2008	2008-12/57
R525-6	Prohibited Items and Devices	31031	NEW	05/01/2008	2008-6/7
R525-6	Prohibited Items and Devices (EXPIRED - Legislative Nonreauthorization)	31348	NSC	05/01/2008	Not Printed
R525-7	Complaints/Suggestions/Concerns	31451	5YR	05/19/2008	2008-12/57
<u>Recovery Services</u>					
R527-3	Definitions	31432	NSC	08/18/2008	Not Printed
R527-34	Non-IV-A Services	31151	AMD	06/09/2008	2008-9/43
R527-39	Applicant/Recipient Cooperation	30891	5YR	01/10/2008	2008-3/78
R527-39-2	Request for Review	31498	NSC	06/18/2008	Not Printed
R527-56	In-Kind support	30939	5YR	01/31/2008	2008-4/46
R527-56	In-Kind Support	31134	AMD	06/09/2008	2008-9/44
R527-200	Administrative Procedures	31409	NSC	08/18/2008	Not Printed
R527-201	Medical Support Services	31542	NSC	08/19/2008	Not Printed
R527-231	Review and Adjustment of Child Support Order	31061	AMD	05/15/2008	2008-7/32
R527-255	Substantial Change in Circumstances	31562	AMD	08/13/2008	2008-13/82
R527-257	Enforcing Child Support When the Obligor is Incarcerated	31133	REP	06/09/2008	2008-9/45
R527-258	Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program	31054	AMD	05/14/2008	2008-7/33
R527-260	Driver License Suspension for Failure to Pay Support	31152	NEW	07/01/2008	2008-9/46
R527-300	Income Withholding	31158	AMD	09/04/2008	2008-10/118
R527-301	Non-IV-D Income Withholding	31867	5YR	08/21/2008	2008-18/75
R527-302	Income Withholding Fees	31160	5YR	04/21/2008	2008-10/147
R527-302	Income Withholding Fees	31163	AMD	06/25/2008	2008-10/120
R527-302	Income Withholding Fees	31792	NSC	10/01/2008	Not Printed
R527-305	High-Volume, Automated Administrative Enforcement in Interstate Child Support Cases	30978	5YR	02/12/2008	2008-5/58
R527-305	High-Volume, Automated Administrative Enforcement in Interstate Child Support Cases	31025	AMD	04/21/2008	2008-6/8
R527-430	Administrative Notice of Lien-Levy Procedures	30905	5YR	01/14/2008	2008-3/78
R527-475	State Tax Refund Intercept	31161	5YR	04/21/2008	2008-10/147
R527-475	State Tax Refund Intercept	31162	AMD	06/25/2008	2008-10/121
R527-475-1	Purpose and Authority	31808	NSC	10/01/2008	Not Printed
R527-550	Assessment	31563	NSC	08/19/2008	Not Printed
R527-601-1	Documentation of Income	31384	NSC	08/18/2008	Not Printed
R527-920	Mandatory Disbursement to Oblige through Electronic Funds Transfer	31159	NEW	06/27/2008	2008-10/122

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R527-928	Lost Checks	30982	AMD	04/07/2008	2008-5/26
<u>Services for People with Disabilities</u>					
R539-1-8	Non-Waiver Services for People with Brain Injury	30926	EMR	01/28/2008	2008-4/38
R539-1-8	Non-Waiver Services for People with Brain Injury	30877	AMD	04/01/2008	2008-3/32
R539-9	Supported Employment Pilot Program	31084	AMD	05/22/2008	2008-8/26
R539-15	Time-Limited Respite Care Program	31594	EMR	07/01/2008	2008-14/126
R539-15	Time-Limited Respite Care Program	31593	NEW	08/21/2008	2008-14/60
<u>Juvenile Justice Services</u>					
R547-3	Juvenile Jail Standards	31935	AMD	11/12/2008	2008-19/27
R547-6	Youth Parole Authority Policies and Procedures	31917	AMD	11/12/2008	2008-18/43
R547-7	Juvenile Holding Room Standards	31932	AMD	11/12/2008	2008-19/32
R547-10	Ex-Offender Policy	31913	AMD	11/12/2008	2008-18/45
R547-12	Division of Juvenile Justice Services Classification of Records	31914	AMD	11/12/2008	2008-18/46
R547-13	Guidelines for Admission to Secure Youth Detention Facilities	31912	AMD	11/12/2008	2008-18/47
Insurance					
<u>Administration</u>					
R590-91	Credit Life Insurance and Credit Accident and Health Insurance	31059	AMD	05/29/2008	2008-7/35
R590-94	Rule Permitting Smoker/Nonsmoker Mortality Tables for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits	31132	5YR	04/09/2008	2008-9/53
R590-102	Insurance Department Fee Payment Rule	31652	AMD	09/11/2008	2008-15/31
R590-121-5	Rule	31765	NSC	10/01/2008	Not Printed
R590-131	Accident and Health Coordination of Benefits Rule	31062	AMD	10/02/2008	2008-7/37
R590-131	Accident and Health Coordination of Benefits Rule	31062	CPR	10/02/2008	2008-13/141
R590-148-12	Applications, Enrollment and Replacement of Coverage	31698	NSC	10/16/2008	Not Printed
R590-149	ADA Complaint Procedure Rule	31696	NSC	10/16/2008	Not Printed
R590-151	Records Access Rule	31766	NSC	10/01/2008	Not Printed
R590-153	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	31715	AMD	11/10/2008	2008-15/36
R590-153	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	31715	CPR	11/10/2008	2008-19/72
R590-154	Unfair Marketing Practices Rule	31131	5YR	04/09/2008	2008-9/54
R590-157	Surplus Lines Insurance Premium Tax and Stamping Fee	30890	5YR	01/10/2008	2008-3/79
R590-157	Surplus Lines Insurance Premium Tax and Stamping Fee	31939	AMD	11/18/2008	2008-19/34
R590-160	Administrative Proceedings	32098	5YR	10/30/2008	2008-22/55
R590-161	Disability Income Policy Disclosure	32096	5YR	10/30/2008	2008-22/56
R590-162	Actuarial Opinion and Memorandum Rule	32097	5YR	10/30/2008	2008-22/57
R590-164	Uniform Health Billing Rule	31030	AMD	05/08/2008	2008-6/10
R590-164	Uniform Health Billing Rule	31551	AMD	08/26/2008	2008-13/83
R590-167-11	Individual, Small Employer, and Group Health Benefit Plan Rule	30462	CPR	05/20/2008	2008-3/68
R590-167-11	Actuarial Certification and Additional Filing Requirements	30462	AMD	05/20/2008	2007-20/23
R590-167-12	Records	31697	NSC	10/01/2008	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R590-175	Basic Health Care Plan Rule	30508	AMD	02/08/2008	2007-20/24
R590-176	Health Benefit Plan Enrollment	31716	AMD	09/09/2008	2008-15/40
R590-176	Health Benefit Plan Enrollment	31937	AMD	11/18/2008	2008-19/35
R590-186	Bail Bond Surety Business	31767	5YR	07/29/2008	2008-16/70
R590-187	Assessment of Title Insurance Agencies and Title Insurers for Costs Related to Regulation of Title Insurance	31769	5YR	07/29/2008	2008-16/70
R590-191	Unfair Life Insurance Claims Settlement Practices Rule	31077	AMD	05/29/2008	2008-8/27
R590-218	Permitted Language for Reservation of Discretion Clauses	30897	5YR	01/11/2008	2008-3/80
R590-219	Credit Scoring	31525	5YR	06/04/2008	2008-13/150
R590-222	Viatical Settlements	31523	5YR	06/02/2008	2008-12/58
R590-222	Viatical Settlements	31500	AMD	08/04/2008	2008-12/36
R590-223	Rule to Recognize the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits	31552	5YR	06/12/2008	2008-13/151
R590-238	Captive Insurance Companies	31649	AMD	08/25/2008	2008-14/61
R590-243	Commercial Motor Vehicle Insurance Coverage	30490	NEW	01/11/2008	2007-20/28
R590-245	Self-Service Storage Insurance	31081	NEW	11/12/2008	2008-8/28
R590-245	Self-Service Storage Insurance	31081	CPR	11/12/2008	2008-14/118
R590-246	Professional Employer Organization (PEO) License Application Rule	31653	NEW	09/11/2008	2008-15/42
R590-247	Universal Individual Health Insurance Application Rule	31335	NEW	06/30/2008	2008-10/124
R590-250	PEO Assurance Organization Designation	31647	NEW	08/25/2008	2008-14/63
R590-251	Preneed Life Insurance Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values Rule.	31641	NEW	08/25/2008	2008-14/64
<u>Title and Escrow Commission</u>					
R592-7	Title Insurance Continuing Education Program	31337	NEW	07/14/2008	2008-10/125
R592-8	Application Process for an Attorney Exemption for Title Agency Licensing	31339	NEW	07/14/2008	2008-10/126
R592-9	Title Insurance Recovery, Education, and Research Fund Assessment Rule	31341	NEW	07/14/2008	2008-10/128
Judicial Conduct Commission					
<u>Administration</u>					
R595-1-1	Definitions	31869	NSC	10/21/2008	Not Printed
R595-1-1	Definitions	31604	NSC	10/21/2008	Not Printed
R595-3-5	Subpoena Power	31605	NSC	08/25/2008	Not Printed
Labor Commission					
<u>Administration</u>					
R600-1	Declaratory Orders	31232	5YR	04/28/2008	2008-10/148
R600-1	Declaratory Orders	31237	NSC	05/05/2008	Not Printed
R600-2-1	Business Hours	31778	EMR	08/04/2008	2008-16/64
R600-2-1	Business Hours	31705	AMD	09/09/2008	2008-15/43
<u>Adjudication</u>					
R602-1	General Provisions	31250	NSC	05/05/2008	Not Printed
R602-2-1	Pleadings and Discovery	31236	NSC	05/05/2008	Not Printed
R602-2-4	Attorney Fees	30811	AMD	02/07/2008	2008-1/14
R602-3	Procedure and Standards for Approval of Assignment of Benefits	31238	NSC	05/05/2008	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R602-3-3	Procedure for Requesting Approval	30810	AMD	02/07/2008	2008-1/16
R602-4	Procedures for Termination of Temporary Total Disability Compensation Pursuant to Reemployment under Section 34A-2-410.5	31643	EMR	07/01/2008	2008-14/127
<u>Antidiscrimination and Labor, Antidiscrimination</u>					
R606-1	Antidiscrimination	31241	NSC	05/05/2008	Not Printed
R606-2	Pre-Employment Inquiry Guide	31242	NSC	05/05/2008	Not Printed
<u>Antidiscrimination and Labor, Fair Housing</u>					
R608-1	Utah Fair Housing Rules	31240	NSC	05/05/2008	Not Printed
<u>Antidiscrimination and Labor, Labor</u>					
R610-1	Minimum Wage, Clarify Tip Credit, and Enforcement	31247	NSC	05/05/2008	Not Printed
R610-1-4	Tips, Gratuities, and Commissions	31149	AMD	06/13/2008	2008-9/48
R610-2	Employment of Minors	31245	NSC	05/05/2008	Not Printed
R610-2-6	Filing Procedure and Commencement of Agency Action	30942	AMD	03/24/2008	2008-4/19
R610-3	Filing, Investigation, and Resolution of Wage Claims	31243	NSC	05/05/2008	Not Printed
R610-3-4	Filing Procedure and Commencement of Agency Action	30876	EMR	01/03/2008	2008-3/70
R610-3-4	Filing Procedure and Commencement of Agency Action	30941	AMD	03/24/2008	2008-4/20
R610-3-10	Attorney Fees	31148	AMD	06/13/2008	2008-9/50
R610-4	Employment Agency Licensing	31239	NSC	05/05/2008	Not Printed
R610-4	Employment Agency Licensing	31438	REP	07/08/2008	2008-11/101
<u>Industrial Accidents</u>					
R612-1	Workers' Compensation Rules - Procedures	31235	NSC	05/05/2008	Not Printed
R612-2	Workers' Compensation Rules-Health Care Providers	31234	5YR	04/28/2008	2008-10/148
R612-2-5	Regulation of Medical Practitioner Fees	31333	AMD	07/01/2008	2008-10/130
R612-3	Workers' Compensation Rules - Self Insurance	31230	5YR	04/28/2008	2008-10/149
R612-4-2	Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund	30594	AMD	01/01/2008	2007-22/76
R612-5	Employee Leasing Company Workers' Compensation Insurance Policy Endorsements	31229	5YR	04/28/2008	2008-10/149
R612-7	Impairment Ratings for Industrial Injuries and Diseases	31231	5YR	04/28/2008	2008-10/150
R612-9-1	Authority	31251	NSC	05/05/2008	Not Printed
R612-10	HIV, Hepatitis B and C Testing and Reporting for Emergency Medical Services Providers	31252	NSC	05/05/2008	Not Printed
R612-11	Prohibition of Direct Payments by Insured Employer	31565	NEW	08/11/2008	2008-13/85
R612-11	Prohibition of Direct Payments by Insured Employer	31734	NSC	08/11/2008	Not Printed
R612-12	Reporting Requirements for Workers' Compensation Coverage Waivers	31564	NEW	08/11/2008	2008-13/86
R612-12-2	Designation as Informal Proceedings	31735	NSC	08/11/2008	Not Printed
<u>Occupational Safety and Health</u>					
R614-1	General Provisions	31244	NSC	05/05/2008	Not Printed
R614-1-4	Incorporation of Federal Standards	31102	AMD	05/22/2008	2008-8/30
R614-3-1	Authority, Method of Adoption, and Effective Date	31248	NSC	05/05/2008	Not Printed
<u>Safety</u>					
R616-1	Coal, Gilsonite, or other Hydrocarbon Mining Certification	31233	5YR	04/28/2008	2008-10/150

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R616-1	Coal, Gilsonite, or other Hydrocarbon Mining Certification	31249	NSC	05/05/2008	Not Printed
R616-2	Boiler and Pressure Vessel Rules	31246	NSC	05/05/2008	Not Printed
R616-3	Elevator Rules	31253	NSC	05/05/2008	Not Printed
R616-3-3	Safety Codes for Elevators	30943	AMD	03/24/2008	2008-4/21
Lieutenant Governor					
<u>Administration</u>					
R622-1	Adjudicative Proceedings	31844	5YR	08/19/2008	2008-18/75
R622-1	Adjudicative Proceedings	31845	NSC	10/21/2008	Not Printed
Money Management Council					
<u>Administration</u>					
R628-18	Conditions and Procedures for Use of Interest Rate Contracts	31587	NSC	08/25/2008	Not Printed
Natural Resources					
<u>Administration</u>					
R634-1	Americans With Disabilities Complaint Procedure	30923	5YR	01/25/2008	2008-4/47
R634-1	Americans with Disabilities Complaint Procedure (5YR EXTENSION)	30875	NSC	01/25/2008	Not Printed
<u>Geological Survey</u>					
R638-2-6	Investment Tax Credit, Eligible Costs for Commercial and Residential Systems, Active Solar Thermal	30902	AMD	03/10/2008	2008-3/35
<u>Oil, Gas and Mining Board</u>					
R641-100	General Provisions	31196	NSC	05/05/2008	Not Printed
R641-104-100	Pleadings Enumerated	31197	NSC	05/05/2008	Not Printed
R641-112	Rulemaking	31198	NSC	05/05/2008	Not Printed
R641-114	Exhaustion of Administrative Remedies	31199	NSC	05/05/2008	Not Printed
R641-115	Deadline for Judicial Review	31200	NSC	05/05/2008	Not Printed
R641-116	Judicial Review of Formal Adjudicative Proceedings	31201	NSC	05/05/2008	Not Printed
<u>Oil, Gas and Mining: Administration</u>					
R642-100	Records of the Division and Board of Oil, Gas and Mining	31202	NSC	05/05/2008	Not Printed
R642-200	Applicability	31203	NSC	05/05/2008	Not Printed
R642-200	Applicability	31755	5YR	07/28/2008	2008-16/71
<u>Oil, Gas and Mining: Coal</u>					
R645-100-200	Definitions	30932	AMD	03/26/2008	2008-4/23
R645-100-500	Petition to Initiate Rulemaking	31204	NSC	05/05/2008	Not Printed
R645-101	Restrictions on State Employees	31756	5YR	07/28/2008	2008-16/71
R645-102	Exemption for Coal Extraction Incidental to Government-Financed Highway or Other Construction	31509	5YR	06/02/2008	2008-12/58
R645-104	Protection of Employees	31757	5YR	07/28/2008	2008-16/72
R645-300-100	Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions	30934	AMD	03/26/2008	2008-4/24
R645-301	Coal Mine Permitting: Permit Application Requirements	30933	AMD	03/26/2008	2008-4/25
R645-401	Inspection and Enforcement: Civil Penalties	31758	5YR	07/28/2008	2008-16/72

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Oil, Gas and Mining: Non-Coal</u>					
R647-1	Minerals Regulatory Program	31510	5YR	06/02/2008	2008-12/59
R647-1-106	Definitions	31205	NSC	05/05/2008	Not Printed
R647-2	Exploration	31511	5YR	06/02/2008	2008-12/59
R647-3	Small Mining Operations	31512	5YR	06/02/2008	2008-12/60
R647-4	Large Mining Operations	31513	5YR	06/02/2008	2008-12/60
R647-5	Administrative Procedures	31206	NSC	05/05/2008	Not Printed
R647-5	Administrative Procedures	31514	5YR	06/02/2008	2008-12/61
R647-6	Inspection and Enforcement: Division Authority and Procedures	31759	5YR	07/28/2008	2008-16/73
R647-7	Inspection and Enforcement: Civil Penalties	31760	5YR	07/28/2008	2008-16/73
R647-8	Inspection and Enforcement: Individual Civil Penalties	31761	5YR	07/28/2008	2008-16/74
<u>Oil, Gas and Mining: Oil and Gas</u>					
R649-6	Gas Processing and Waste Crude Oil Treatment	31762	5YR	07/28/2008	2008-16/74
R649-10-3	Commencement of Informal Adjudicative Proceedings	31207	NSC	05/05/2008	Not Printed
<u>Parks and Recreation</u>					
R651-205-17	Cutler Reservoir	30900	AMD	03/10/2008	2008-3/36
R651-206-3	Utah Captain's/Guides License and Utah Boat Crew Permit	31866	AMD	11/03/2008	2008-18/50
R651-215-9	Required Wearing of PFDs	31865	AMD	11/03/2008	2008-18/54
R651-219-3	Spare Propulsion	31598	NSC	10/01/2008	Not Printed
R651-301	State Recreation Fiscal Assistance Programs	30899	AMD	03/10/2008	2008-3/37
R651-407	Off-Highway Vehicle Advisory Council	31690	5YR	07/07/2008	2008-15/87
R651-408	Off-Highway Vehicle Education Curriculum Standards	31691	5YR	07/07/2008	2008-15/87
R651-601	Definitions as Used in These Rules	31661	5YR	07/07/2008	2008-15/88
R651-602	Aircraft and Powerless Flight	31662	5YR	07/07/2008	2008-15/88
R651-603	Animals	31663	5YR	07/07/2008	2008-15/89
R651-604	Audio Devices	31664	5YR	07/07/2008	2008-15/89
R651-605	Begging and Soliciting	31665	5YR	07/07/2008	2008-15/90
R651-606	Camping	31666	5YR	07/07/2008	2008-15/90
R651-607	Disorderly Conduct	31667	5YR	07/07/2008	2008-15/91
R651-608	Events of Special Uses	31668	5YR	07/07/2008	2008-15/91
R651-609	Explosives and Fireworks	31669	5YR	07/07/2008	2008-15/92
R651-610	Expulsion	31670	5YR	07/07/2008	2008-15/92
R651-611	Fee Schedule	30621	AMD	01/01/2008	2007-22/80
R651-611	Fee Schedule	30898	AMD	03/10/2008	2008-3/39
R651-611	Fee Schedule	31599	AMD	08/21/2008	2008-14/66
R651-612	Firearms, Traps and Other Weapons	31012	NSC	03/10/2008	Not Printed
R651-612	Firearms, Traps and Other Weapons	30901	AMD	03/10/2008	2008-3/42
R651-612	Firearms, Traps and Other Weapons	31671	5YR	07/07/2008	2008-15/93
R651-613	Fires	31672	5YR	07/07/2008	2008-15/93
R651-614	Fishing, Hunting and Trapping	31673	5YR	07/07/2008	2008-15/94
R651-615	Motor Vehicle Use	31674	5YR	07/07/2008	2008-15/94
R651-616	Organized Sports	31675	5YR	07/07/2008	2008-15/95
R651-617	Permit Violation	31676	5YR	07/07/2008	2008-15/95

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R651-617	Permit Violation	31602	AMD	08/21/2008	2008-14/68
R651-618	Picnicking	31677	5YR	07/07/2008	2008-15/96
R651-619	Possession of Alcoholic Beverages or Controlled Substances	31678	5YR	07/07/2008	2008-15/96
R651-620	Protection of Resources Park System Property	31679	5YR	07/07/2008	2008-15/97
R651-621	Reports of Injury or Damage	31680	5YR	07/07/2008	2008-15/97
R651-622	Rock Climbing	31681	5YR	07/07/2008	2008-15/98
R651-623	Sale or Distribution of Printed Material	31682	5YR	07/07/2008	2008-15/98
R651-624	Sanitation	31683	5YR	07/07/2008	2008-15/99
R651-625	Shirts and Shoes	31684	5YR	07/07/2008	2008-15/99
R651-626	Skating, Skateboards and Motorized Transportation Devices	31660	5YR	07/07/2008	2008-15/100
R651-627	Swimming	31685	5YR	07/07/2008	2008-15/100
R651-628	Trails and Walks	31686	5YR	07/07/2008	2008-15/101
R651-629	Unattended Property	31687	5YR	07/07/2008	2008-15/101
R651-630	Unsupervised Children	31601	5YR	06/20/2008	2008-14/142
R651-631	Winter Sports	31688	5YR	07/07/2008	2008-15/102
R651-632	Enforcement	31689	5YR	07/07/2008	2008-15/102
R651-633	Special Closures or Restrictions	32092	5YR	10/30/2008	2008-22/57
<u>Forestry, Fire and State Lands</u>					
R652-6	Government Records Access and Management	31259	NSC	05/05/2008	Not Printed
R652-6-200	Definitions	32059	NSC	11/17/2008	Not Printed
R652-7	Public Petitions for Declaratory Orders	31268	NSC	05/05/2008	Not Printed
R652-7	Public Petitions for Declaratory Orders	31895	5YR	08/26/2008	2008-18/76
R652-8	Adjudicative Proceedings	31269	NSC	05/05/2008	Not Printed
R652-9-100	Authority	31110	NSC	05/01/2008	Not Printed
R652-30-500	Application Procedures	31270	NSC	05/05/2008	Not Printed
R652-60-1000	Records	31271	NSC	05/05/2008	Not Printed
R652-90-300	Initiation of Planning Process	31706	AMD	09/10/2008	2008-15/44
R652-110	Off-Highway Vehicle Designations	31896	5YR	08/26/2008	2008-18/76
R652-120	Wildland Fire	31112	NSC	05/01/2008	Not Printed
R652-121	Wildland Fire Suppression Fund	31108	NSC	05/01/2008	Not Printed
R652-122-100	Authority	31109	NSC	05/01/2008	Not Printed
R652-123	Exemptions to Wildland Fire Suppression Fund	31111	NSC	05/01/2008	Not Printed
R652-140-300	Procedures for Registration of Operators	32061	NSC	11/17/2008	Not Printed
<u>Water Resources</u>					
R653-2	Financial Assistance from the Board of Water Resources	30855	NEW	02/25/2008	2008-2/20
R653-2	Financial Assistance from the Board of Water Resources	30940	NSC	02/25/2008	Not Printed
<u>Water Rights</u>					
R655-4	Water Well Drillers	31694	AMD	09/10/2008	2008-15/45
R655-4-5	Well Driller Disciplinary Procedures	31812	NSC	10/01/2008	Not Printed
R655-5	Maps Submitted to the Division of Water Rights	31130	5YR	04/08/2008	2008-9/54
R655-7	Administrative Procedures for Notifying the State Engineer of Sewage Effluent Use or Change in the Point of Discharge for Sewage Effluent	30947	5YR	02/01/2008	2008-4/47

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R655-14	Administrative Procedures for Enforcement Proceedings Before the Division of Water Rights	31431	AMD	07/08/2008	2008-11/104
R655-14	Administrative Procedures for Enforcement Proceedings Before the Division of Water Rights	31888	NSC	10/21/2008	Not Printed
<u>Wildlife Resources</u>					
R657-2	Adjudicative Proceedings	31219	NSC	05/05/2008	Not Printed
R657-3	Collection, Importation, Transportation, and Possession of Zoological Animals	31047	5YR	03/11/2008	2008-7/65
R657-3	Collection, Importation, Transportation, and Possession of Zoological Animals	31220	NSC	05/05/2008	Not Printed
R657-3	Collection, Importation, Transportation, and Possession of Zoological Animals	31053	AMD	05/08/2008	2008-7/45
R657-5	Taking Big Game	30829	AMD	02/07/2008	2008-1/18
R657-6	Taking Upland Game	31609	AMD	08/21/2008	2008-14/69
R657-9	Taking Waterfowl, Common Snipe and Coot	31948	AMD	11/10/2008	2008-19/37
R657-10	Taking Cougar	31842	AMD	10/22/2008	2008-18/54
R657-11-4	Bobcat Permits	31843	AMD	10/22/2008	2008-18/56
R657-12	Hunting and Fishing Accommodations for Disabled People	30777	AMD	01/22/2008	2007-24/19
R657-12-1	Purpose and Authority	31221	NSC	05/05/2008	Not Printed
R657-13	Taking Fish and Crayfish	30676	AMD	01/07/2008	2007-23/61
R657-13-3	Fishing License Requirements and Free Fishing Day	31048	AMD	05/08/2008	2008-7/47
R657-13-4	Fishing Contests	30904	AMD	03/10/2008	2008-3/43
R657-16	Aquaculture and Fish Stocking	31611	AMD	08/21/2008	2008-14/70
R657-19	Taking Nongame Mammals	31807	5YR	08/12/2008	2008-17/77
R657-22-1	Purpose and Authority	31222	NSC	05/05/2008	Not Printed
R657-23	Utah Hunter Education Program	30828	AMD	02/07/2008	2008-1/25
R657-23	Utah Hunter Education Program	31613	AMD	08/21/2008	2008-14/73
R657-23-5	Hunter Education Instructor Training	30955	AMD	04/07/2008	2008-5/31
R657-26	Adjudicative Proceedings for a License, Permit or Certificate of Registration	31223	NSC	05/05/2008	Not Printed
R657-27-11	Revocation of License Agent Authorization	31224	NSC	05/05/2008	Not Printed
R657-29	Government Records Access Management Act	31225	NSC	05/05/2008	Not Printed
R657-33	Taking Bear	30906	AMD	03/10/2008	2008-3/44
R657-34	Procedures for Confirmation of Ordinances on Hunting Closures	31398	5YR	05/08/2008	2008-11/125
R657-37	Cooperative Wildlife Management Units for Big Game or Turkey	31401	5YR	05/08/2008	2008-11/126
R657-39	Wildlife Board and Regional Advisory Councils	31946	AMD	11/10/2008	2008-19/39
R657-42	Fees, Exchanges, Surrenders, Refunds and Reallocation of Wildlife Documents	31400	5YR	05/08/2008	2008-11/126
R657-42-8	Accepted Payment of Fees	31049	AMD	05/08/2008	2008-7/48
R657-45	Wildlife License, Permit, and Certificate of Registration Forms	31399	5YR	05/08/2008	2008-11/127
R657-45-2	Information Listed on the License, Permit, and Certificate of Registration Forms	31050	AMD	05/08/2008	2008-7/49
R657-48-7	Wildlife Species of Concern Designation Process	31226	NSC	05/05/2008	Not Printed
R657-52-6	Certificate of Registration Renewal	31227	NSC	05/05/2008	Not Printed
R657-53	Amphibian and Reptile Collection, Importation, Transportation and Possession	31228	NSC	05/05/2008	Not Printed
R657-53	Amphibian and Reptile Collection, Importation, Transportation, and Possession	31051	AMD	05/08/2008	2008-7/50

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R657-53	Amphibian and Reptile Collection, Importation, Transportation, and Possession	31508	5YR	06/02/2008	2008-12/61
R657-54	Taking Wild Turkey	31945	AMD	11/10/2008	2008-19/42
R657-55	Wildlife Convention Permits	31608	AMD	08/21/2008	2008-14/75
R657-57	Division Variance Rule	31610	NEW	08/21/2008	2008-14/77
R657-58	Fishing Contests and Clinics	30903	NEW	03/10/2008	2008-3/47
R657-58	Fishing Contests and Clinics	31052	NSC	03/26/2008	Not Printed
R657-59	Private Fish Ponds	31625	EMR	06/27/2008	2008-14/129
R657-59	Private Fish Ponds	31612	NEW	08/21/2008	2008-14/80
R657-59	Private Fish Ponds	31806	NSC	10/01/2008	Not Printed
R657-60	Aquatic Invasive Species Interdiction	31624	EMR	06/27/2008	2008-14/137
R657-60	Aquatic Invasive Species Interdiction	31805	EMR	08/13/2008	2008-17/73
R657-60	Aquatic Invasive Species Interdiction	31623	NEW	08/21/2008	2008-14/88
R657-60	Aquatic Invasive Species Interdiction	31897	AMD	10/22/2008	2008-18/57
R657-60-2	Definitions	32004	EMR	10/10/2008	2008-21/102
R657-61	Valuation of Real Property Interests for Purposes of Acquisition or Disposal	31960	NEW	11/24/2008	2008-20/17

Pardons (Board Of)

Administration

R671-312	Commutation Hearings for Death Penalty Cases	31827	5YR	08/14/2008	2008-17/77
R671-403	Restitution	30949	5YR	02/04/2008	2008-5/59
R671-509	Progress Violation Reports	31656	5YR	07/03/2008	2008-15/103
R671-509	Progress Violation Reports	31816	AMD	10/13/2008	2008-17/63
R671-510	Evidence for Issuance of Warrants	31658	5YR	07/03/2008	2008-15/103
R671-510	Evidence for Issuance of Warrants	31814	AMD	10/13/2008	2008-17/64
R671-512	Execution of the Warrant	31657	5YR	07/03/2008	2008-15/103
R671-512	Execution of the Warrant	31815	AMD	10/13/2008	2008-17/65
R671-513	Expedited Determination on Parolee Challenge to Probable Cause	31821	5YR	08/14/2008	2008-17/78
R671-514	Waiver and Pleas of Guilt	31654	5YR	07/03/2008	2008-15/104
R671-514	Waiver and Pleas of Guilt	31813	AMD	10/13/2008	2008-17/65
R671-515	Timeliness of Parole Revocation Hearings	31659	5YR	07/03/2008	2008-15/104
R671-515	Timeliness of Parole Revocation Hearings	31817	AMD	10/13/2008	2008-17/66
R671-516	Parole Revocation Hearings	31655	5YR	07/03/2008	2008-15/105
R671-516	Parole Revocation Hearings	31818	AMD	10/13/2008	2008-17/67
R671-517	Evidentiary Hearings and Proceedings	31823	5YR	08/14/2008	2008-17/78
R671-518	Conduct of Proceedings When a Criminal Charge Results in Conviction	31822	5YR	08/14/2008	2008-17/79
R671-519	Proceedings When Criminal Charges Result in Acquittal	31826	5YR	08/14/2008	2008-17/79
R671-520	Treatment of Confidential Testimony	31825	5YR	08/14/2008	2008-17/79
R671-522	Continuances Due to Pending Criminal Charges	31824	5YR	08/14/2008	2008-17/80

Professional Practices Advisory Commission

Administration

R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	30951	5YR	02/04/2008	2008-5/59
R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	31886	NSC	10/21/2008	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R686-100-1	Definitions	31855	NSC	10/21/2008	Not Printed
R686-101	Alcohol Related Offenses	31521	5YR	06/02/2008	2008-12/62
R686-102	Drug Related Offenses	31522	5YR	06/02/2008	2008-12/62
R686-103	Professional Practices and Conduct for Utah Educators	31016	REP	04/21/2008	2008-6/12
R686-104-2	Authority and Purpose	31887	NSC	10/21/2008	Not Printed
Public Safety					
<u>Driver License</u>					
R708-2	Commercial Driver Training Schools	31545	R&R	08/08/2008	2008-13/87
R708-2-25	Grounds for Revocation, Probation or Refusal to Issue or Renew Instructor License, Operator License, or School License	31105	NSC	05/05/2008	Not Printed
R708-3-2	Authority	31106	NSC	05/05/2008	Not Printed
R708-10	Classified License System	31436	AMD	07/08/2008	2008-11/116
R708-14	Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	31107	NSC	05/05/2008	Not Printed
R708-16	Pedestrian Vehicle Rule	31437	AMD	07/08/2008	2008-11/117
R708-16-3	Application and Requirements for Authorization to Operate a Pedestrian Vehicle	31592	NSC	08/25/2008	Not Printed
R708-18-1	Authority	31113	NSC	05/05/2008	Not Printed
R708-22	Commercial Driver License Administrative Proceedings	31114	NSC	05/05/2008	Not Printed
R708-30	Motorcycle Rider Training Schools	31790	5YR	08/01/2008	2008-16/75
R708-30-10	Certificate of Course Completion	31435	AMD	07/11/2008	2008-11/118
R708-30-14	Revocation	31115	NSC	05/05/2008	Not Printed
R708-34	Medical Waivers for Intrastate Commercial Driving Privileges	31116	NSC	05/05/2008	Not Printed
R708-35	Adjudicative Proceedings For Driver License Offenses Not Involving Alcohol or Drug Actions	31118	NSC	05/05/2008	Not Printed
R708-36-1	Purpose	31119	NSC	05/05/2008	Not Printed
R708-37-11	Refusal to Certify, Grounds for Cancellation, Suspension, or Probation of a Tester's Certification	31120	NSC	05/05/2008	Not Printed
R708-38	Anatomical Gift	31124	NSC	05/01/2008	Not Printed
R708-41-3	Definitions	31738	AMD	09/23/2008	2008-16/29
R708-42-4	Procedures	31121	NSC	05/05/2008	Not Printed
R708-43	YES or NO Notification	31122	NSC	05/05/2008	Not Printed
R708-44-4	Procedures	31123	NSC	05/05/2008	Not Printed
<u>Fire Marshal</u>					
R710-1-4	Certificates of Registration	31076	AMD	05/23/2008	2008-8/31
R710-1-9	Adjudicative Proceedings	31743	NSC	10/01/2008	Not Printed
R710-2-4	Indoor Sales	30918	AMD	03/10/2008	2008-3/50
R710-2-7	Importer, Wholesaler, Display or Special Effects Operator Licenses	31078	AMD	05/23/2008	2008-8/34
R710-2-8	Adjudicative Proceedings	31744	NSC	10/01/2008	Not Printed
R710-3-7	Adjudicative Proceedings	31745	NSC	10/01/2008	Not Printed
R710-4-7	Adjudicative Proceedings	31746	NSC	10/01/2008	Not Printed
R710-5	Automatic Fire Sprinkler System Inspecting and Testing	31088	5YR	03/28/2008	2008-8/54
R710-5-1	Adoption, Title, Purpose, and Prohibitions	30896	AMD	03/10/2008	2008-3/51
R710-5-3	Certificates of Registration	31080	AMD	05/23/2008	2008-8/35
R710-5-7	Adjudicative Proceedings	31747	NSC	10/01/2008	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R710-6	Liquefied Petroleum Gas Rules	30862	AMD	02/21/2008	2008-2/22
R710-6-4	LP Gas Certificates	31082	AMD	05/23/2008	2008-8/37
R710-6-5	Adjudicative Proceedings	31748	NSC	10/01/2008	Not Printed
R710-7	Concerns Servicing Automatic Fire Suppression Systems	31085	AMD	05/23/2008	2008-8/40
R710-7-7	Adjudicative Proceedings	31749	NSC	10/01/2008	Not Printed
R710-8-7	Adjudicative Proceedings	31750	NSC	10/01/2008	Not Printed
R710-9	Rules Pursuant to the Utah Fire Prevention Law	31787	AMD	09/23/2008	2008-16/30
R710-9-6	Amendments and Additions	30919	AMD	03/10/2008	2008-3/52
R710-10	Rules Pursuant to Fire Service Training, Education, and Certification	30894	AMD	03/10/2008	2008-3/56
R710-10	Rules Pursuant to Fire Service Training, Education, and Certification	31472	AMD	07/23/2008	2008-12/42
R710-10-11	Adjudicative Proceedings	31751	NSC	10/01/2008	Not Printed
R710-11-3	Certificates of Registration	31086	AMD	05/23/2008	2008-8/42
R710-11-7	Adjudicative Proceedings	31752	NSC	10/01/2008	Not Printed
R710-12	Hazardous Materials Training and Certification	30893	NEW	03/10/2008	2008-3/58
R710-12-4	Training	31087	AMD	05/23/2008	2008-8/44
R710-13	Reduced Cigarette Ignition Propensity and Firefighter Protection Act	31713	NEW	11/24/2008	2008-15/70
<u>Highway Patrol</u>					
R714-300-2	Authority	32038	NSC	11/17/2008	Not Printed
R714-500	Chemical Analysis Standards and Training	31754	AMD	10/15/2008	2008-16/31
R714-500	Chemical Analysis Standards and Training	31900	NSC	10/21/2008	Not Printed
<u>Criminal Investigations and Technical Services, Criminal Identification</u>					
R722-300	Concealed Firearm Permit Rule (5YR EXTENSION)	30928	NSC	05/01/2008	Not Printed
R722-300	Concealed Firearm Permit Rule (EXPIRED - Legislative Nonreauthorization)	31349	NSC	05/01/2008	Not Printed
R722-320	Undercover Identification (5YR EXTENSION)	30929	NSC	05/14/2008	Not Printed
R722-320	Undercover Identification	31434	5YR	05/14/2008	2008-11/127
R722-340	Emergency Vehicles (5YR EXTENSION)	30930	NSC	05/14/2008	Not Printed
R722-340	Emergency Vehicles	31433	5YR	05/14/2008	2008-11/128
R722-900	Review and Challenge of Criminal Record	32148	5YR	11/17/2008	Not Printed
<u>Peace Officer Standards and Training</u>					
R728-101	Public Petitions For Declaratory Rulings	31719	NSC	10/01/2008	Not Printed
R728-205-4	Procedures	31720	NSC	10/01/2008	Not Printed
R728-403-2	United States Citizenship Requirement	31930	AMD	11/25/2008	2008-19/44
R728-409	Refusal, Suspension, or Revocation of Peace Officer Certification	31739	AMD	10/01/2008	2008-16/36
R728-409-23	Judicial Review - Adjudicative Proceedings	31901	NSC	10/21/2008	Not Printed
R728-501	Career Development Courses	31648	5YR	07/01/2008	2008-14/142
R728-503	Utah Minimum Standards for All Emergency Pursuit Policies to be Adopted by Public Agencies that Operate Authorized Emergency Pursuit Vehicles	31990	NEW	11/25/2008	2008-20/23
Public Service Commission					
<u>Administration</u>					
R746-100	Practice and Procedure Governing Formal Hearings	31373	NSC	05/05/2008	Not Printed
R746-101-4	Petition Review and Disposition	31372	NSC	05/05/2008	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R746-110	Uncontested Matters to be Adjudicated Informally	31369	NSC	05/05/2008	Not Printed
R746-110	Uncontested Matters to be Adjudicated Informally	31620	5YR	06/24/2008	2008-14/143
R746-210	Utility Service Rules Applicable Only to Electric Utilities	31617	5YR	06/24/2008	2008-14/143
R746-240	Telecommunication Service Rules	31619	5YR	06/24/2008	2008-14/144
R746-330	Rules for Water and Sewer Utilities Operating in Utah	31044	5YR	03/07/2008	2008-7/66
R746-331	Determination of Exemption of Mutual Water Corporations	31095	5YR	04/01/2008	2008-8/55
R746-332	Depreciation Rates for Water Utilities	31091	5YR	04/01/2008	2008-8/55
R746-340	Service Quality for Telecommunications Corporations	31618	5YR	06/24/2008	2008-14/144
R746-342	Rule on One-Way Paging	31092	5YR	04/01/2008	2008-8/56
R746-344	Filing Requirements for Telephone Corporations with Less than 5,000 Access Line Subscribers	31797	5YR	08/07/2008	2008-17/80
R746-345	Pole Attachments	31798	5YR	08/07/2008	2008-17/81
R746-347	Extended Area Service (EAS)	31045	5YR	03/07/2008	2008-7/66
R746-349	Competitive Entry and Reporting Requirements	31628	AMD	08/25/2008	2008-14/91
R746-349-3	Filing Requirements	31374	NSC	05/05/2008	Not Printed
R746-349-7	Informal adjudication of certain CLEC merger and acquisition transactions	31781	NSC	10/01/2008	Not Printed
R746-360	Universal Public Telecommunications Service Support Fund	27302	AMD	11/24/2008	2004-15/59
R746-360	Universal Public Telecommunications Service Support Fund	31704	AMD	11/24/2008	2008-15/71
R746-400-7	Confidentiality	31371	NSC	05/05/2008	Not Printed
R746-402	Rules Governing Reports of Accidents by Electric, Gas, Telephone, and Water Utilities	31093	5YR	04/01/2008	2008-8/56
R746-404	Regulation of Promotional Programs of Electric and Gas Public Utilities	31795	5YR	08/07/2008	2008-17/81
R746-405	Filing of Tariffs for Gas, Electric, Telephone, and Water Utilities	31101	5YR	04/01/2008	2008-8/57
R746-406	Advertising by Electric and Gas Utilities	31796	5YR	08/07/2008	2008-17/82
R746-440	Significant Energy Resource Solicitation	31072	NSC	04/11/2008	Not Printed
R746-500	Americans With Disabilities Act Complaint Procedure	31370	NSC	05/05/2008	Not Printed
R746-500	Americans With Disabilities Act Complaint Procedure	31791	5YR	08/04/2008	2008-17/82
R746-510	Funding for Speech and Hearing Impaired Certified Interpreter Training	31375	NSC	05/05/2008	Not Printed
R746-600	Postretirement Benefits other than Pensions	31949	5YR	09/15/2008	2008-19/81
R746-800	Working 4 Utah Operations	31642	NEW	08/25/2008	2008-14/95

Regents (Board Of)

Administration

R765-134	Informal Adjudicative Procedures Under the Utah Administrative Procedures Act	31325	NSC	05/05/2008	Not Printed
R765-134-5	Procedures for Informal Adjudicative Proceedings	31631	NSC	08/25/2008	Not Printed
R765-136	Language Proficiency in the Utah System of Higher Education	31326	NSC	05/05/2008	Not Printed
R765-136	Language Proficiency in the Utah System of Higher Education	31490	5YR	05/27/2008	2008-12/63
R765-254	Secure Area Hearing Rooms	31492	5YR	05/27/2008	2008-12/63
R765-555	Policy on Colleges and Universities Providing Facilities, Goods and Services in Competition with Private Enterprise (5YR EXTENSION)	31104	NSC	06/02/2008	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R765-555	Policy on Colleges and Universities Providing Facilities, Goods and Services in Competition with Private Enterprise	31515	5YR	06/02/2008	2008-12/64
R765-603	Regents' Scholarship	31524	NEW	10/07/2008	2008-13/103
R765-605	Utah Centennial Opportunity Program for Education	31402	5YR	05/09/2008	2008-11/128
R765-606	Utah Leveraging Educational Assistance Partnership Program	31405	5YR	05/09/2008	2008-11/129
R765-607	Utah Higher Education Tuition Assistance Program	30957	5YR	02/08/2008	2008-5/60
R765-993	Records Access and Management	31327	NSC	05/05/2008	Not Printed
<u>College of Eastern Utah</u>					
R767-1	Government Records Access and Management Act	31410	NSC	08/18/2008	Not Printed
<u>Salt Lake Community College</u>					
R784-1	Government Records Access and Management Act Rules	31344	NSC	05/05/2008	Not Printed
<u>University of Utah, Administration</u>					
R805-1	Operating Regulations for Bicycles, Skateboards and Scooters	31695	5YR	07/11/2008	2008-15/105
R805-2	Government Records Access and Management Act Procedures	31340	NSC	05/05/2008	Not Printed
R805-2	Government Records Access and Management Act Procedures	31718	5YR	07/17/2008	2008-16/75
<u>University of Utah, Parking and Transportation Services</u>					
R810-1	University of Utah Parking Regulations	30712	AMD	03/06/2008	2007-23/65
R810-2	Parking Meters	30722	AMD	03/06/2008	2007-23/67
R810-3	Visitor Parking	30727	REP	03/06/2008	2007-24/21
R810-4	Registration Policies	30728	REP	03/06/2008	2007-24/22
R810-5	Permit Types, Eligibility and Designated Parking Areas	30779	AMD	03/06/2008	2007-24/23
R810-6	Permit Prices and Refunds	30809	AMD	03/06/2008	2008-1/26
R810-7	Nonresidents and Out-of-State Plates	30831	REP	03/06/2008	2008-1/27
R810-8	Vendor Regulations	30834	AMD	03/06/2008	2008-1/28
R810-9	Contractors and Their Employees	30836	AMD	03/06/2008	2008-1/29
R810-10	Enforcement System	30839	AMD	03/06/2008	2008-1/30
R810-11	Appeals System	30840	AMD	03/06/2008	2008-1/31
R810-12	Bicycles, Skateboards and Other Toy Vehicles	30843	NEW	03/06/2008	2008-1/32
School and Institutional Trust Lands					
<u>Administration</u>					
R850-3	Applicant Qualifications, Application Forms, and Application Processing	31526	NSC	08/19/2008	Not Printed
R850-61	Native American Grave Protection and Repatriation	32147	5YR	11/17/2008	Not Printed
Sports Authority (Utah)					
<u>Pete Suazo Utah Athletic Commission</u>					
R859-1	Pete Suazo Utah Athletic Commission Act Rule	31028	AMD	05/01/2008	2008-6/15
R859-1-102	Definitions	31172	NSC	06/18/2008	Not Printed
R859-1-302	Renewal Cycle - Procedure	31029	AMD	05/01/2008	2008-6/16
R859-1-501	Promoter's Responsibility in Arranging Contests - Permit Fee, Bond, Restrictions	31566	AMD	09/01/2008	2008-13/106
R859-1-506	Drug Tests	31585	AMD	09/01/2008	2008-13/108
R859-1-506	Drug Tests	31898	NSC	10/21/2008	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R859-1-509	Weighing-In	31586	AMD	09/01/2008	2008-13/109
Tax Commission					
<u>Administration</u>					
R861-1A-1	Administrative Procedures Pursuant to Utah Code Ann. Section 59-1-210	31535	AMD	08/18/2008	2008-13/110
R861-1A-3	Division and Prehearing Conferences Pursuant to Utah Code Ann. Section 59-1-210	31536	AMD	08/18/2008	2008-13/111
R861-1A-13	Requests for Accommodation and Grievance Procedures Pursuant to Utah Code Ann. Section 63-46a 3(2), 28 CFR 35.107 1992 edition, and 42 USC 12201	31386	NSC	08/18/2008	Not Printed
R861-1A-16	Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207	31633	AMD	09/09/2008	2008-14/96
R861-1A-20	Time of Appeal Pursuant to Utah Code Ann. Sections 59-1-301, 59-1-501, 59-2-1007, 59-7-517, 59-10-532, 9-10-533, 59-10-535, 59-12-114, 59-13-210, 63-46b-3, 63-46b-14	30688	AMD	01/11/2008	2007-23/68
R861-1A-22	Petitions for Commencement of Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501, and 63-46b-3	31394	NSC	08/18/2008	Not Printed
R861-1A-23	Designation of Adjudicative Proceedings Pursuant to Utah Code Ann. Section 63-46b-4	31634	AMD	09/09/2008	2008-14/98
R861-1A-24	Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-502.5, 63-46b-8, and 63-46b-10	30589	AMD	01/11/2008	2007-21/69
R861-1A-24	Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-502.5, 63-46b-8 and 63-46b-10	31395	NSC	08/18/2008	Not Printed
R861-1A-26	Procedures for Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501 and 63-46b-6 and 63-46b-11	30717	AMD	01/11/2008	2007-23/69
R861-1A-26	Procedures for Formal Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-501 and 63-46b 6 through 63-46b-11	31635	AMD	09/09/2008	2008-14/99
R861-1A-27	Discovery Pursuant to Utah Code Ann. Section 63-46b-7	31638	AMD	09/09/2008	2008-14/101
R861-1A-28	Evidence in Adjudicative Proceedings Pursuant to Utah Code Ann. Sections 59-1-210, 76-8-502, 76-8-503, 63-46b-8	31403	NSC	08/18/2008	Not Printed
R861-1A-29	Decisions, Orders and Reconsideration Pursuant to Utah Code Ann. Section 63-46b-13	31404	NSC	08/18/2008	Not Printed
R861-1A-30	Ex Parte Communications Pursuant to Utah Code Ann. Sections 63-46b-5 and 63-46b-8	31406	NSC	08/18/2008	Not Printed
R861-1A-31	Declaratory Orders Pursuant to Utah Code Ann. Section 63-46b-21	31407	NSC	08/18/2008	Not Printed
R861-1A-32	Mediation Process Pursuant to Utah Code Section 63-46b-1	31412	NSC	08/18/2008	Not Printed
R861-1A-40	Waiver of Requirement to Post Security Prior to Judicial Review Pursuant to Utah Code Ann. Section 59-1-611	30838	AMD	02/25/2008	2008-1/32
R861-1A-42	Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401	30835	AMD	02/25/2008	2008-1/33
R861-1A-43	Electronic Meetings Pursuant to Utah Code Ann. Section 52-4-207	30780	AMD	01/25/2008	2007-24/24
<u>Auditing</u>					
R865-6F-8	Allocation and Apportionment of Net Income (Uniform Division of Income for Tax Purposes Act) Pursuant to Utah Code Ann. Sections 59-7-302 through 59-7-321	31632	AMD	09/09/2008	2008-14/102

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R865-6F-28	Enterprise Zone Corporate Franchise Tax Credits Pursuant to Utah Code Ann. Sections 9-2-401 through 9-2-415	30913	AMD	03/14/2008	2008-3/61
R865-6F-35	S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703	31534	AMD	08/18/2008	2008-13/112
R865-6F-37	Disclosure of Reportable Transactions and Material Advisor List Pursuant to Utah Code Ann. Sections 59-1-1301 through 59-1-1309	30842	AMD	02/25/2008	2008-1/35
R865-9I-4	Equitable Adjustments Pursuant to Utah Code Ann. Section 59-10-115	31458	AMD	08/14/2008	2008-12/43
R865-9I-6	Returns by Husband and Wife when one is a Resident and the other is a Nonresident Pursuant to Utah Code Ann. Section 59-10-119	31530	AMD	08/18/2008	2008-13/113
R865-9I-11	Share of a Nonresident Estate or Trust, or Its Beneficiaries In State Taxable Income Pursuant to Utah Code Ann. Section 59-10-207	31459	AMD	08/14/2008	2008-12/44
R865-9I-12	Fiduciary Adjustment Pursuant to Utah Code Ann. Section 59-10-210	31460	AMD	08/14/2008	2008-12/45
R865-9I-13	Nonresident's Share of Partnership or Limited Liability Company Income Pursuant to Utah Code Ann. Sections 59-10-116, 59-10-117, 59-10-118, and 59-10-303	31463	AMD	08/14/2008	2008-12/45
R865-9I-37	Enterprise Zone Individual Income Tax Credits Pursuant to Utah Code Ann. Sections 63-38f-401 through 63-38f-414	30916	AMD	03/14/2008	2008-3/63
R865-9I-37	Enterprise Zone Individual Income Tax Credits Pursuant to Utah Code Ann. Sections 63-38f-401 through 63-38f-414	31413	NSC	08/18/2008	Not Printed
R865-9I-39	Subtraction from Federal Taxable Income for a Dependent Child With a Disability or an Adult With a Disability Pursuant to Utah Code Ann. Sections 59-10-114 and 59-10-501	31464	AMD	08/14/2008	2008-12/46
R865-9I-41	Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-10-108.5	31639	NSC	08/25/2008	Not Printed
R865-9I-42	Order of Credits Applied Against Utah Individual Income Tax Due Pursuant to Utah Code Ann. Sections 59-6-102, 59-13-202, Title 59, Chapter 10, and 63-38f-413	31414	NSC	08/18/2008	Not Printed
R865-9I-46	Medical Savings Account Tax Deduction Pursuant to Utah Code Ann. Sections 31A-32a-106 and 59-10-114	31415	NSC	08/18/2008	Not Printed
R865-9I-48	Adoption Expenses Deduction Pursuant to Utah Code Ann. Section 59-10-114	31466	AMD	08/14/2008	2008-12/47
R865-9I-49	Higher Education Savings Incentive Program Tax Deduction Pursuant to Utah Code Ann. Sections 53B-8a-112 and 59-10-114	31416	NSC	08/18/2008	Not Printed
R865-9I-50	Addition to Adjusted Gross Income for Interest Earned on Bonds, Notes, and Other Evidences of Indebtedness Pursuant to Utah Code Ann. Section 59-10-114	31532	AMD	08/18/2008	2008-13/114
R865-9I-52	Subtractions for Health Care Insurance and For Premiums For Long-Term Care Insurance Pursuant to Utah Code Ann. Section 59-100-114	31470	AMD	08/14/2008	2008-12/48
R865-9I-53	Disclosure of Reportable Transactions and Material Advisor List Pursuant to Utah Code Ann. Sections 59-1-1301 through 59-1-1309	30849	AMD	02/25/2008	2008-1/36
R865-19S-94	Tips, Gratuities, and Cover Charges Pursuant to Utah Code Ann. Section 59-12-103	31531	AMD	08/18/2008	2008-13/115
R865-19S-99	Sales and Use Taxes on Vehicles Purchased in Another State Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104(26), (28)	31272	NSC	06/23/2008	Not Printed
R865-19S-105	Procedures for Refund of Sales and Use Taxes Paid on Food Donated to a Qualified Emergency Food Agency Pursuant to Utah Code Ann. Section 59-12-902	31258	AMD	07/01/2008	2008-10/132

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R865-19S-121	Sales and Use Tax Exemptions for Certain Purchases by a Mining Facility Pursuant to Utah Code Ann. Section 59-12-104	30841	AMD	02/25/2008	2008-1/37
R865-20T-13	Calculation of Tax on Moist Snuff Pursuant to Utah Code Ann. Section 59-14-302	31533	AMD	08/18/2008	2008-13/116
<u>Motor Vehicle</u>					
R873-22M-34	Rule for Denial of Personalized License Plate Requests Pursuant to Utah Code Ann. Sections 41-1a-104 and 41-1a-411	30844	AMD	02/25/2008	2008-1/38
R873-22M-41	Issuance of Salvage Certificate in Certain Circumstances Pursuant to Utah Code Ann. Section 41-1a-1005	31264	AMD	06/27/2008	2008-10/133
<u>Motor Vehicle Enforcement</u>					
R877-23V-19	Disclosure of Vehicles Initially Delivered for Sale in a Country Other than the United States Pursuant to Utah Code Ann. Section 41-1a-712	31255	AMD	06/27/2008	2008-10/135
<u>Property Tax</u>					
R884-24P-38	Nonoperating Railroad Properties Pursuant to Utah Code Ann. Section 59-2-201(4)	31418	NSC	08/18/2008	Not Printed
R884-24P-62	Valuation of State Assessed Unitary Properties Pursuant to Utah Code Ann. Section 59-2-201	30931	AMD	03/28/2008	2008-4/30
R884-24P-62	Valuation of State Assessed Unitary Properties Pursuant to Utah Code Ann. Section 59-2-201	31274	NSC	06/23/2008	Not Printed
Transportation					
<u>Administration</u>					
R907-40	External Relations	31591	REP	10/16/2008	2008-14/113
R907-64	Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	31962	5YR	09/18/2008	2008-20/51
R907-65	Compensation Schedule for Longitudinal Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	31965	5YR	09/22/2008	2008-20/52
R907-67	Debarment of Contractors from Work on Department Projects -- Reasons	31963	5YR	09/18/2008	2008-20/52
<u>Motor Carrier</u>					
R909-1-1	Adoption of Federal Regulations	30783	AMD	02/15/2008	2007-24/25
R909-19	Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operations and Certification	30785	AMD	02/12/2008	2007-24/26
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Wastes	31090	AMD	05/27/2008	2008-8/45
<u>Motor Carrier, Ports of Entry</u>					
R912-14	Changes in Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet Length	31794	5YR	08/07/2008	2008-17/83
<u>Operations, Maintenance</u>					
R918-4	Using Volunteer Groups for the Adopt-a-Highway Program (5YR EXTENSION)	31693	NSC	08/25/2008	Not Printed
R918-4	Using Volunteer Groups for the Adopt-A-Highway Program	31890	5YR	08/25/2008	2008-18/77
<u>Program Development</u>					
R926-9	Establishment Designation and Operation of Hot Lanes or Toll Lanes on State Highways	31636	AMD	10/16/2008	2008-14/113
R926-10	Tollway Development Agreements	31707	NEW	10/16/2008	2008-15/72
<u>Preconstruction</u>					
R930-5	Establishment and Regulation of At-Grade Railroad Crossings	31066	AMD	06/10/2008	2008-8/46

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Transportation Commission					
<u>Administration</u>					
R940-1	Establishment of Toll Rates	31810	NSC	10/01/2008	Not Printed
R940-1	Establishment of HOT Lane Toll Rates	31637	AMD	10/16/2008	2008-14/115
R940-2	Approval of Tollway Development Agreements	31708	NEW	10/16/2008	2008-15/77
R940-2	Approval of Tollway Development Agreements	31902	NSC	10/21/2008	Not Printed
R940-4	Airports of Regional Significance	31924	NEW	10/22/2008	2008-18/63
Treasurer					
<u>Unclaimed Property</u>					
R966-1-2	Proof Requirements and Bonds	30596	AMD	01/07/2008	2007-22/87
Workforce Services					
<u>Employment Development</u>					
R986-200	Family Employment Program	31032	AMD	05/01/2008	2008-6/18
R986-200-214	Assistance for Specified Relatives	30864	AMD	02/26/2008	2008-2/25
R986-200-240	Additional Payments Available Under Certain Circumstances	31365	AMD	07/02/2008	2008-10/135
R986-200-240	Additional Payments Available Under Certain Circumstances	31714	AMD	09/29/2008	2008-15/78
R986-300-303	Eligibility, Income Standards, and Amount of Assistance	31060	AMD	05/20/2008	2008-7/52
R986-400-406	Failure to Comply with the Requirements of an Employment Plan	31034	AMD	05/01/2008	2008-6/20
R986-500-505	Time Limits for AA	31776	AMD	09/29/2008	2008-16/50
R986-700	Child Care Assistance	31033	AMD	05/01/2008	2008-6/21
R986-700	Child Care Assistance	31364	AMD	07/02/2008	2008-10/136
R986-700-752	Definitions	31499	NSC	07/02/2008	Not Printed
R986-900-902	Options and Waivers	31907	AMD	10/23/2008	2008-18/64
<u>Unemployment Insurance</u>					
R994-106-106	Non-Monetary Eligibility Determination	31075	AMD	05/30/2008	2008-8/48
R994-201	Definition of Terms in Employment Security Act	31467	5YR	05/20/2008	2008-12/64
R994-202	Employing Units	31468	5YR	05/20/2008	2008-12/65
R994-208	Wages	31469	5YR	05/20/2008	2008-12/65
R994-306	Charging Benefit Costs to Employers	31547	5YR	06/10/2008	2008-13/151
R994-307	Social Costs -- Relief of Charges	31548	5YR	06/10/2008	2008-13/152
R994-315	Centralized New Hire Registry Reporting	31549	5YR	06/10/2008	2008-13/152
R994-401-203	Retirement or Disability Retirement Income	31712	AMD	09/29/2008	2008-15/79
R994-403-102a	Cancellation of Claim	31905	AMD	10/23/2008	2008-18/66
R994-403-110c	Able and Available - General Definition	31777	NSC	10/01/2008	Not Printed
R994-404-101	Claimants Who Qualify for an Adjustment to the Base Period	31711	AMD	09/29/2008	2008-15/81
R994-406-302	Repayment and Collection of Fault Overpayments	31972	NSC	10/14/2008	Not Printed
R994-508	Appeal Procedures	30771	AMD	02/15/2008	2007-24/30
R994-508	Appeal Procedures	31546	5YR	06/10/2008	2008-13/153
R994-508-117	Failure to Participate in the Hearing and Reopening the Hearing After the Hearing Has Been Concluded	31020	NSC	03/11/2008	Not Printed
R994-508-118	What Constitutes Grounds to Reopen a Hearing	31071	NSC	04/14/2008	Not Printed

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>acceptable documentation</u>					
Public Safety, Driver License	31738	R708-41-3	AMD	09/23/2008	2008-16/29
<u>access</u>					
Crime Victim Reparations, Administration	31324	R270-4	NSC	05/05/2008	Not Printed
<u>access to information</u>					
Administrative Services, Administration	31343	R13-2	NSC	05/05/2008	Not Printed
Administrative Services, Archives	31553	R17-5	NEW	08/20/2008	2008-13/2
	31702	R17-5	NSC	08/20/2008	Not Printed
	31554	R17-6	NEW	08/20/2008	2008-13/2
	31555	R17-7	NEW	08/20/2008	2008-13/3
	31556	R17-8	NEW	08/20/2008	2008-13/5
	31703	R17-8-2	NSC	08/20/2008	Not Printed
<u>accidents</u>					
Administrative Services, Fleet Operations	31793	R27-7	AMD	11/11/2008	2008-17/4
	31421	R27-7-1	NSC	08/18/2008	Not Printed
<u>accountants</u>					
Commerce, Occupational and Professional Licensing	30715	R156-26a	AMD	03/31/2008	2007-23/4
	30715	R156-26a	CPR	03/31/2008	2008-4/35
	31763	R156-26a	AMD	09/23/2008	2008-16/5
<u>accreditation</u>					
Education, Administration	31444	R277-504	AMD	07/08/2008	2008-11/77
<u>acid rain</u>					
Environmental Quality, Air Quality	30700	R307-215	REP	02/08/2008	2007-23/31
	30706	R307-417	AMD	02/08/2008	2007-23/43
<u>acquit</u>					
Pardons (Board Of), Administration	31826	R671-519	5YR	08/14/2008	2008-17/79
<u>activities</u>					
Education, Administration	31834	R277-494	NEW	10/08/2008	2008-17/40

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>adjudicative procedures</u>					
Regents (Board Of), Administration	31325	R765-134	NSC	05/05/2008	Not Printed
	31631	R765-134-5	NSC	08/25/2008	Not Printed
<u>adjudicative proceedings</u>					
Commerce, Administration	31138	R151-46b	CPR	09/22/2008	2008-16/53
	31964	R151-46b	NSC	10/14/2008	Not Printed
	31138	R151-46b	AMD	09/22/2008	2008-9/12
Natural Resources, Forestry, Fire and State Lands	31269	R652-8	NSC	05/05/2008	Not Printed
Public Safety, Driver License	31107	R708-14	NSC	05/05/2008	Not Printed
	31118	R708-35	NSC	05/05/2008	Not Printed
<u>administrative fines</u>					
Commerce, Securities	31541	R164-31	NEW	08/26/2008	2008-13/8
<u>administrative law</u>					
Administrative Services, Administrative Rules	31143	R15-1	NSC	05/05/2008	Not Printed
	31144	R15-2	NSC	05/05/2008	Not Printed
	31145	R15-3	NSC	05/05/2008	Not Printed
	31146	R15-4	NSC	05/05/2008	Not Printed
	31147	R15-5	NSC	05/05/2008	Not Printed
Human Services, Recovery Services	31409	R527-200	NSC	08/18/2008	Not Printed
	31133	R527-257	REP	06/09/2008	2008-9/45
	31054	R527-258	AMD	05/14/2008	2008-7/33
<u>administrative penalties</u>					
Natural Resources, Water Rights	31431	R655-14	AMD	07/08/2008	2008-11/104
	31888	R655-14	NSC	10/21/2008	Not Printed
<u>administrative procedures</u>					
Administrative Services, Administration	31342	R13-1	NSC	05/05/2008	Not Printed
	31936	R13-1	5YR	09/10/2008	2008-19/78
Administrative Services, Administrative Rules	31147	R15-5	NSC	05/05/2008	Not Printed
Administrative Services, Fleet Operations	31408	R27-2-1	NSC	08/18/2008	Not Printed
Auditor, Administration	31257	R123-3-1	NSC	05/05/2008	Not Printed
	31260	R123-3-2	NSC	05/05/2008	Not Printed
	31261	R123-3-3	NSC	05/05/2008	Not Printed
	31138	R151-46b	CPR	09/22/2008	2008-16/53
	31964	R151-46b	NSC	10/14/2008	Not Printed
	31138	R151-46b	AMD	09/22/2008	2008-9/12
Commerce, Corporations and Commercial Code	31993	R154-100	5YR	10/02/2008	2008-21/104
Commerce, Occupational and Professional Licensing	31179	R156-46b	NSC	05/05/2008	Not Printed
	31840	R156-46b	AMD	10/23/2008	2008-18/13
	31804	R156-46b	AMD	10/09/2008	2008-17/13
	31595	R156-46b-103	NSC	10/01/2008	Not Printed
Crime Victim Reparations, Administration	31323	R270-2	NSC	05/05/2008	Not Printed
	31870	R277-100	NSC	10/21/2008	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	31871	R277-102	NSC	10/21/2008	Not Printed
Education, Rehabilitation	31838	R280-150	R&R	10/08/2008	2008-17/51
Environmental Quality, Air Quality	31461	R307-103	NSC	06/18/2008	Not Printed
	31809	R307-103-2	NSC	10/01/2008	Not Printed
Environmental Quality, Radiation Control	31171	R313-17	NSC	05/05/2008	Not Printed
Environmental Quality, Water Quality	30948	R317-9	5YR	02/01/2008	2008-4/42
Health, Administration	31281	R380-1	NSC	05/05/2008	Not Printed
	31282	R380-5	NSC	05/05/2008	Not Printed
	31283	R380-10	NSC	05/05/2008	Not Printed
	31188	R477-3	AMD	07/01/2008	2008-10/87
	31210	R477-12	AMD	07/01/2008	2008-10/110
	31208	R477-15	AMD	07/01/2008	2008-10/112
Labor Commission, Adjudication	31250	R602-1	NSC	05/05/2008	Not Printed
	31236	R602-2-1	NSC	05/05/2008	Not Printed
	30811	R602-2-4	AMD	02/07/2008	2008-1/14
	31238	R602-3	NSC	05/05/2008	Not Printed
	30810	R602-3-3	AMD	02/07/2008	2008-1/16
	31643	R602-4	EMR	07/01/2008	2008-14/127
Labor Commission, Industrial Accidents	31235	R612-1	NSC	05/05/2008	Not Printed
	31252	R612-10	NSC	05/05/2008	Not Printed
	31565	R612-11	NEW	08/11/2008	2008-13/85
	31734	R612-11	NSC	08/11/2008	Not Printed
	31564	R612-12	NEW	08/11/2008	2008-13/86
	31735	R612-12-2	NSC	08/11/2008	Not Printed
Lieutenant Governor, Administration	31844	R622-1	5YR	08/19/2008	2008-18/75
	31845	R622-1	NSC	10/21/2008	Not Printed
Natural Resources, Oil, Gas and Mining Board	31196	R641-100	NSC	05/05/2008	Not Printed
	31197	R641-104-100	NSC	05/05/2008	Not Printed
	31198	R641-112	NSC	05/05/2008	Not Printed
	31199	R641-114	NSC	05/05/2008	Not Printed
	31200	R641-115	NSC	05/05/2008	Not Printed
	31201	R641-116	NSC	05/05/2008	Not Printed
Natural Resources, Forestry, Fire and State Lands	31268	R652-7	NSC	05/05/2008	Not Printed
	31895	R652-7	5YR	08/26/2008	2008-18/76
	31269	R652-8	NSC	05/05/2008	Not Printed
	31110	R652-9-100	NSC	05/01/2008	Not Printed
	31270	R652-30-500	NSC	05/05/2008	Not Printed
	31112	R652-120	NSC	05/01/2008	Not Printed
	31108	R652-121	NSC	05/01/2008	Not Printed
	31111	R652-123	NSC	05/01/2008	Not Printed
Natural Resources, Wildlife Resources	31219	R657-2	NSC	05/05/2008	Not Printed
School and Institutional Trust Lands, Administration	31526	R850-3	NSC	08/19/2008	Not Printed
<u>administrative proceedings</u>					
Public Safety, Driver License	31114	R708-22	NSC	05/05/2008	Not Printed

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>administrative responsibility</u> Human Resource Management, Administration	31187	R477-2	AMD	07/01/2008	2008-10/84
<u>administrative rules</u> Human Resource Management, Administration	31211	R477-13	NSC	06/19/2008	Not Printed
<u>adopt-a-highway</u> Transportation, Operations, Maintenance	31693 31890	R918-4 R918-4	NSC 5YR	08/25/2008 08/25/2008	Not Printed 2008-18/77
<u>adoption</u> Human Services, Child and Family Services	31724 31741 31725 31742 31726	R512-41 R512-41 R512-42 R512-43 R512-51-1	NSC AMD NSC AMD NSC	10/01/2008 09/23/2008 10/01/2008 09/23/2008 10/01/2008	Not Printed 2008-16/21 Not Printed 2008-16/24 Not Printed
<u>adoption assistance</u> Workforce Services, Employment Development	31776	R986-500-505	AMD	09/29/2008	2008-16/50
<u>adult education</u> Education, Administration	30883 31836	R277-702 R277-733	5YR AMD	01/08/2008 10/08/2008	2008-3/74 2008-17/44
<u>advertising</u> Commerce, Consumer Protection Public Service Commission, Administration	31213 31796	R152-11 R746-406	NSC 5YR	05/05/2008 08/07/2008	Not Printed 2008-17/82
<u>agencies</u> Administrative Services, Facilities Construction and Management	31942	R23-30	NEW	11/10/2008	2008-19/5
<u>agreements</u> Transportation Commission, Administration	31708 31902	R940-2 R940-2	NEW NSC	10/16/2008 10/21/2008	2008-15/77 Not Printed
<u>agriculture association</u> Agriculture and Food, Administration	31471	R51-5	REP	07/22/2008	2008-12/5
<u>air pollution</u> Environmental Quality, Administration Environmental Quality, Air Quality	31391 31391 30697 30959 30960 31462 31461 31809 31927 31426 31557	R305-4 R305-4 R307-101 R307-101 R307-102 R307-102 R307-103 R307-103-2 R307-107 R307-107 R307-110-28	NEW CPR AMD 5YR 5YR NSC NSC NSC 5YR NSC AMD	10/08/2008 10/08/2008 02/08/2008 02/08/2008 02/08/2008 06/18/2008 06/18/2008 10/01/2008 09/04/2008 09/04/2008 11/10/2008	2008-11/84 2008-17/70 2007-23/21 2008-5/40 2008-5/40 Not Printed Not Printed Not Printed 2008-19/79 Not Printed 2008-13/34

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	31557	R307-110-28	CPR	11/10/2008	2008-19/57
	30698	R307-115	AMD	02/08/2008	2007-23/28
	30961	R307-115	5YR	02/08/2008	2008-5/41
	31389	R307-121	AMD	08/07/2008	2008-11/87
	30889	R307-121-3	NSC	01/30/2008	Not Printed
	31390	R307-123	CPR	10/08/2008	2008-17/71
	31390	R307-123	NEW	10/08/2008	2008-11/89
	31558	R307-150-4	AMD	09/04/2008	2008-13/35
	30962	R307-170	5YR	02/08/2008	2008-5/41
	30699	R307-170-7	AMD	02/08/2008	2007-23/29
	30963	R307-202	5YR	02/08/2008	2008-5/42
	30964	R307-203	5YR	02/08/2008	2008-5/43
	30430	R307-214	AMD	01/11/2008	2007-19/12
	30895	R307-214	5YR	01/11/2008	2008-3/77
	30965	R307-220	5YR	02/08/2008	2008-5/43
	30701	R307-221	AMD	02/08/2008	2007-23/32
	30966	R307-221	5YR	02/08/2008	2008-5/44
	30832	R307-221-2	NSC	02/08/2008	Not Printed
	30702	R307-222	AMD	02/08/2008	2007-23/36
	30967	R307-222	5YR	02/08/2008	2008-5/44
	30833	R307-222-1	NSC	02/08/2008	Not Printed
	30703	R307-223	AMD	02/08/2008	2007-23/38
	30968	R307-223	5YR	02/08/2008	2008-5/45
	30969	R307-224	5YR	02/08/2008	2008-5/45
	30704	R307-224-2	AMD	02/08/2008	2007-23/39
	30970	R307-250	5YR	02/08/2008	2008-5/46
	31559	R307-250	CPR	11/10/2008	2008-19/58
	31559	R307-250	AMD	11/10/2008	2008-13/37
	31388	R307-302-3	AMD	08/07/2008	2008-11/91
	30971	R307-310	5YR	02/08/2008	2008-5/46
	30705	R307-310-2	AMD	02/08/2008	2007-23/40
	31392	R307-328	AMD	11/10/2008	2008-11/93
	31392	R307-328	CPR	11/10/2008	2008-19/70
	31474	R307-342	NSC	11/10/2008	Not Printed
	30709	R307-401-14	AMD	02/08/2008	2007-23/42
	30431	R307-405	AMD	01/11/2008	2007-19/15
	30972	R307-801	5YR	02/08/2008	2008-5/47
	30707	R307-801	AMD	02/08/2008	2007-23/45
	30973	R307-840	5YR	02/08/2008	2008-5/47
	30708	R307-840	AMD	02/08/2008	2007-23/48
air quality					
Environmental Quality, Air Quality	30700	R307-215	REP	02/08/2008	2007-23/31
	30706	R307-417	AMD	02/08/2008	2007-23/43
air travel					
Administrative Services, Finance	31319	R25-7	5YR	04/29/2008	2008-10/144

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	31320	R25-7	AMD	07/01/2008	2008-10/4
<u>aircraft</u>					
Tax Commission, Motor Vehicle	30844	R873-22M-34	AMD	02/25/2008	2008-1/38
	31264	R873-22M-41	AMD	06/27/2008	2008-10/133
<u>airports of regional significance</u>					
Transportation Commission, Administration	31924	R940-4	NEW	10/22/2008	2008-18/63
<u>alarm company</u>					
Commerce, Occupational and Professional Licensing	31181	R156-55d	NSC	05/05/2008	Not Printed
	31966	R156-55d	AMD	11/24/2008	2008-20/4
	31588	R156-55d	NSC	08/25/2008	Not Printed
<u>alcohol</u>					
Public Safety, Highway Patrol	31900	R714-500	NSC	10/21/2008	Not Printed
	31754	R714-500	AMD	10/15/2008	2008-16/31
<u>alcoholic beverages</u>					
Alcoholic Beverage Control, Administration	31254	R81-1-2	AMD	06/27/2008	2008-10/10
	31273	R81-1-9	AMD	06/27/2008	2008-10/11
	31275	R81-1-10	AMD	06/27/2008	2008-10/13
	31279	R81-1-11	AMD	06/27/2008	2008-10/14
	31630	R81-1-11	NSC	08/25/2008	Not Printed
	31289	R81-1-26	AMD	06/27/2008	2008-10/16
	31915	R81-1-26	AMD	10/23/2008	2008-18/5
	31640	R81-1-27	AMD	09/01/2008	2008-14/5
	31291	R81-3-1	AMD	06/27/2008	2008-10/18
	31328	R81-3-9	AMD	06/27/2008	2008-10/19
	31329	R81-3-13	AMD	06/27/2008	2008-10/20
	31330	R81-3-14	AMD	06/27/2008	2008-10/21
	31154	R81-4C	NSC	05/01/2008	Not Printed
	31780	R81-4C	5YR	07/31/2008	2008-16/66
	31155	R81-4D	NSC	05/01/2008	Not Printed
	31785	R81-4D	5YR	07/31/2008	2008-16/66
	31336	R81-4D-1	AMD	07/30/2008	2008-10/22
	31338	R81-4D-2	AMD	07/30/2008	2008-10/24
	31287	R81-5-11	AMD	06/27/2008	2008-10/25
	31332	R81-7-1	AMD	06/27/2008	2008-10/26
	31334	R81-10	NEW	06/27/2008	2008-10/27
	31786	R81-10B	5YR	07/31/2008	2008-16/67
<u>allegation</u>					
Pardons (Board Of), Administration	31654	R671-514	5YR	07/03/2008	2008-15/104
<u>allegations</u>					
Pardons (Board Of), Administration	31813	R671-514	AMD	10/13/2008	2008-17/65
<u>allowance</u>					
Administrative Services, Finance	31321	R25-8	AMD	07/01/2008	2008-10/7

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31982	R25-8	5YR	10/01/2008	2008-20/51
<u>alternative dispute resolution</u>					
Commerce, Occupational and Professional Licensing	32027	R156-39a	5YR	10/13/2008	2008-21/105
<u>alternative fuels</u>					
Environmental Quality, Administration	31391	R305-4	NEW	10/08/2008	2008-11/84
	31391	R305-4	CPR	10/08/2008	2008-17/70
Environmental Quality, Air Quality	31389	R307-121	AMD	08/07/2008	2008-11/87
	30889	R307-121-3	NSC	01/30/2008	Not Printed
	31390	R307-123	CPR	10/08/2008	2008-17/71
	31390	R307-123	NEW	10/08/2008	2008-11/89
<u>alternative licensing</u>					
Education, Administration	32005	R277-503-4	NSC	11/17/2008	Not Printed
<u>alternative school</u>					
Education, Administration	30888	R277-730	5YR	01/08/2008	2008-3/77
<u>Americans with Disabilities Act 1992</u>					
Human Services, Administration	31367	R495-878	NSC	05/05/2008	Not Printed
	31067	R495-878	AMD	06/13/2008	2008-8/23
<u>amphibians</u>					
Natural Resources, Wildlife Resources	31051	R657-53	AMD	05/08/2008	2008-7/50
	31228	R657-53	NSC	05/05/2008	Not Printed
	31508	R657-53	5YR	06/02/2008	2008-12/61
<u>anatomical gift</u>					
Public Safety, Driver License	31124	R708-38	NSC	05/01/2008	Not Printed
<u>ancient human remains</u>					
Community and Culture, History	31290	R212-4	R&R	06/25/2008	2008-10/52
<u>animal protection</u>					
Natural Resources, Wildlife Resources	31047	R657-3	5YR	03/11/2008	2008-7/65
	31053	R657-3	AMD	05/08/2008	2008-7/45
<u>animal protections</u>					
Natural Resources, Wildlife Resources	31220	R657-3	NSC	05/05/2008	Not Printed
<u>animals</u>					
Health, Epidemiology and Laboratory Services, Laboratory Services	31717	R438-13	5YR	07/16/2008	2008-16/69
<u>appeals</u>					
Professional Practices Advisory Commission, Administration	31887	R686-104-2	NSC	10/21/2008	Not Printed
<u>appellate procedures</u>					
Administrative Services, Administration	31342	R13-1	NSC	05/05/2008	Not Printed
	31936	R13-1	5YR	09/10/2008	2008-19/78
Administrative Services, Fleet Operations	31408	R27-2-1	NSC	08/18/2008	Not Printed
Administrative Services, Fleet Operations, Surplus Property	31117	R28-3	5YR	04/04/2008	2008-9/52

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
Auditor, Administration	31257	R123-3-1	NSC	05/05/2008	Not Printed
	31260	R123-3-2	NSC	05/05/2008	Not Printed
	31261	R123-3-3	NSC	05/05/2008	Not Printed
	31323	R270-2	NSC	05/05/2008	Not Printed
Workforce Services, Unemployment Insurance	30771	R994-508	AMD	02/15/2008	2007-24/30
	31546	R994-508	5YR	06/10/2008	2008-13/153
	31020	R994-508-117	NSC	03/11/2008	Not Printed
	31071	R994-508-118	NSC	04/14/2008	Not Printed
<u>application</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	30938	R414-308	5YR	01/31/2008	2008-4/46
	31976	R414-308	EMR	10/01/2008	2008-20/44
	30927	R414-308-7	AMD	04/01/2008	2008-4/16
<u>applications</u>					
Natural Resources, Water Rights	31130	R655-5	5YR	04/08/2008	2008-9/54
<u>applied technology education</u>					
Education, Administration	30878	R277-518	5YR	01/08/2008	2008-3/72
<u>appraisals</u>					
Tax Commission, Property Tax	31418	R884-24P-38	NSC	08/18/2008	Not Printed
	31274	R884-24P-62	NSC	06/23/2008	Not Printed
	30931	R884-24P-62	AMD	03/28/2008	2008-4/30
<u>approval orders</u>					
Environmental Quality, Air Quality	30709	R307-401-14	AMD	02/08/2008	2007-23/42
<u>aquaculture</u>					
Natural Resources, Wildlife Resources	31611	R657-16	AMD	08/21/2008	2008-14/70
	31806	R657-59	NSC	10/01/2008	Not Printed
	31625	R657-59	EMR	06/27/2008	2008-14/129
<u>arbitration</u>					
Commerce, Occupational and Professional Licensing	32027	R156-39a	5YR	10/13/2008	2008-21/105
<u>ARC</u>					
Administrative Services, Fleet Operations	31793	R27-7	AMD	11/11/2008	2008-17/4
	31421	R27-7-1	NSC	08/18/2008	Not Printed
<u>archaeology</u>					
Community and Culture, History	31290	R212-4	R&R	06/25/2008	2008-10/52
<u>architects</u>					
Administrative Services, Facilities Construction and Management	31098	R23-2	AMD	07/14/2008	2008-8/2
Capitol Preservation Board (State), Administration	30591	R131-1	AMD	02/29/2008	2007-21/11
Commerce, Occupational and Professional Licensing	30935	R156-3a-303	AMD	03/27/2008	2008-4/5
<u>armored car company</u>					
Commerce, Occupational and Professional Licensing	31701	R156-63b	NEW	11/13/2008	2008-15/19

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31701	R156-63b	CPR	11/13/2008	2008-19/54
<u>armored car security officers</u>					
Commerce, Occupational and Professional Licensing	31701	R156-63b	NEW	11/13/2008	2008-15/19
	31701	R156-63b	CPR	11/13/2008	2008-19/54
<u>arts program</u>					
Education, Administration	31443	R277-490	NEW	07/08/2008	2008-11/74
<u>asbestos</u>					
Environmental Quality, Air Quality	30972	R307-801	5YR	02/08/2008	2008-5/47
	30707	R307-801	AMD	02/08/2008	2007-23/45
<u>asbestos hazard emergency response</u>					
Environmental Quality, Air Quality	30972	R307-801	5YR	02/08/2008	2008-5/47
	30707	R307-801	AMD	02/08/2008	2007-23/45
<u>assistance</u>					
Natural Resources, Parks and Recreation	30899	R651-301	AMD	03/10/2008	2008-3/37
<u>assisted living facilities</u>					
Public Safety, Fire Marshal	31745	R710-3-7	NSC	10/01/2008	Not Printed
<u>assurance organization designation</u>					
Insurance, Administration	31647	R590-250	NEW	08/25/2008	2008-14/63
<u>athletics</u>					
Education, Administration	31852	R277-517-1	NSC	10/21/2008	Not Printed
	31880	R277-517-1	NSC	10/21/2008	Not Printed
<u>attorney exemption application process</u>					
Insurance, Title and Escrow Commission	31339	R592-8	NEW	07/14/2008	2008-10/126
<u>attorneys</u>					
Administrative Services, Finance	31527	R25-14	AMD	08/19/2008	2008-13/5
	31363	R25-14	EMR	05/05/2008	2008-10/140
	31775	R25-14	NSC	10/01/2008	Not Printed
<u>audiology</u>					
Commerce, Occupational and Professional Licensing	31397	R156-41	AMD	07/14/2008	2008-11/65
Health, Health Care Financing, Coverage and Reimbursement Policy	31645	R414-59	R&R	10/02/2008	2008-14/47
	32120	R414-59-4	EMR	11/04/2008	2008-23/42
	32110	R414-59-4	EMR	11/01/2008	2008-22/50
<u>auditing</u>					
Auditor, Administration	31257	R123-3-1	NSC	05/05/2008	Not Printed
	31260	R123-3-2	NSC	05/05/2008	Not Printed
	31261	R123-3-3	NSC	05/05/2008	Not Printed
<u>automatic fire sprinklers</u>					
Public Safety, Fire Marshal	31088	R710-5	5YR	03/28/2008	2008-8/54
	30896	R710-5-1	AMD	03/10/2008	2008-3/51
	31080	R710-5-3	AMD	05/23/2008	2008-8/35

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	31747	R710-5-7	NSC	10/01/2008	Not Printed
<u>automobile repair</u>					
Commerce, Consumer Protection	31215	R152-20	NSC	05/05/2008	Not Printed
<u>automobiles</u>					
Commerce, Administration	31354	R151-14-3	NSC	05/05/2008	Not Printed
Commerce, Consumer Protection	31215	R152-20	NSC	05/05/2008	Not Printed
<u>background checks</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	31448	R525-5	5YR	05/19/2008	2008-12/57
<u>background screening</u>					
Human Services, Administration, Administrative Services, Licensing	31958	R501-14	NSC	10/14/2008	Not Printed
<u>bait and switch</u>					
Commerce, Consumer Protection	31213	R152-11	NSC	05/05/2008	Not Printed
<u>banks and banking</u>					
Human Services, Recovery Services	30982	R527-928	AMD	04/07/2008	2008-5/26
<u>bear</u>					
Natural Resources, Wildlife Resources	30906	R657-33	AMD	03/10/2008	2008-3/44
<u>bed allocations</u>					
Human Services, Substance Abuse and Mental Health	31089	R523-1	5YR	03/31/2008	2008-8/53
	30767	R523-1	NSC	03/31/2008	Not Printed
<u>benefits</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	30921	R414-302	5YR	01/25/2008	2008-4/43
Labor Commission, Industrial Accidents	31230	R612-3	5YR	04/28/2008	2008-10/149
Workforce Services, Unemployment Insurance	31712	R994-401-203	AMD	09/29/2008	2008-15/79
<u>bicycles</u>					
Regents (Board Of), University of Utah, Administration	31695	R805-1	5YR	07/11/2008	2008-15/105
<u>big game seasons</u>					
Natural Resources, Wildlife Resources	30829	R657-5	AMD	02/07/2008	2008-1/18
<u>birds</u>					
Natural Resources, Wildlife Resources	31609	R657-6	AMD	08/21/2008	2008-14/69
	31948	R657-9	AMD	11/10/2008	2008-19/37
<u>birth defect reporting</u>					
Health, Community and Family Health Services, Children with Special Health Care Needs	31070	R398-5	AMD	07/03/2008	2008-8/16
<u>birth defects</u>					
Health, Community and Family Health Services, Children with Special Health Care Needs	31070	R398-5	AMD	07/03/2008	2008-8/16
<u>board meetings</u>					
Environmental Quality, Administration	30506	R305-3	NSC	02/15/2008	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	30766	R305-3	REP	02/15/2008	2007-24/6
<u>boards</u>					
Administrative Services, Finance	31317	R25-5	5YR	04/29/2008	2008-10/143
<u>boating</u>					
Natural Resources, Parks and Recreation	30900	R651-205-17	AMD	03/10/2008	2008-3/36
	31866	R651-206-3	AMD	11/03/2008	2008-18/50
	31865	R651-215-9	AMD	11/03/2008	2008-18/54
	31598	R651-219-3	NSC	10/01/2008	Not Printed
<u>boilers</u>					
Labor Commission, Safety	31246	R616-2	NSC	05/05/2008	Not Printed
<u>bonds</u>					
Money Management Council, Administration	31587	R628-18	NSC	08/25/2008	Not Printed
Treasurer, Unclaimed Property	30596	R966-1-2	AMD	01/07/2008	2007-22/87
<u>boxing</u>					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	31028	R859-1	AMD	05/01/2008	2008-6/15
	31172	R859-1-102	NSC	06/18/2008	Not Printed
	31029	R859-1-302	AMD	05/01/2008	2008-6/16
	31566	R859-1-501	AMD	09/01/2008	2008-13/106
	31585	R859-1-506	AMD	09/01/2008	2008-13/108
	31898	R859-1-506	NSC	10/21/2008	Not Printed
	31586	R859-1-509	AMD	09/01/2008	2008-13/109
<u>brakes</u>					
Public Safety, Highway Patrol	32038	R714-300-2	NSC	11/17/2008	Not Printed
<u>breakdown</u>					
Environmental Quality, Air Quality	31426	R307-107	NSC	09/04/2008	Not Printed
<u>breakdowns</u>					
Environmental Quality, Air Quality	31927	R307-107	5YR	09/04/2008	2008-19/79
<u>breaks</u>					
Human Resource Management, Administration	31193	R477-8	AMD	07/01/2008	2008-10/101
	31784	R477-8	AMD	09/22/2008	2008-16/19
	30778	R477-8-5	AMD	01/22/2008	2007-24/16
<u>breath testing</u>					
Public Safety, Highway Patrol	31900	R714-500	NSC	10/21/2008	Not Printed
	31754	R714-500	AMD	10/15/2008	2008-16/31
<u>brine shrimp</u>					
Natural Resources, Wildlife Resources	31227	R657-52-6	NSC	05/05/2008	Not Printed
<u>broadband</u>					
Governor, Economic Development	30788	R357-2	NEW	01/30/2008	2007-24/9
	30859	R357-2-7	NSC	01/30/2008	Not Printed

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>budgeting</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	30652	R414-304	AMD	01/28/2008	2007-23/54
	30924	R414-304	5YR	01/25/2008	2008-4/44
	31622	R414-304	AMD	09/01/2008	2008-14/49
<u>building codes</u>					
Commerce, Occupational and Professional Licensing	30574	R156-56	AMD	01/01/2008	2007-21/38
	31139	R156-56	AMD	07/01/2008	2008-9/23
	30573	R156-56-420	AMD	01/01/2008	2007-21/57
	31142	R156-56-701	AMD	07/01/2008	2008-9/30
	31626	R156-56-801	NSC	07/01/2008	Not Printed
<u>building inspection</u>					
Commerce, Occupational and Professional Licensing	30574	R156-56	AMD	01/01/2008	2007-21/38
	31139	R156-56	AMD	07/01/2008	2008-9/23
	30573	R156-56-420	AMD	01/01/2008	2007-21/57
	31142	R156-56-701	AMD	07/01/2008	2008-9/30
	31626	R156-56-801	NSC	07/01/2008	Not Printed
<u>burglar alarms</u>					
Commerce, Occupational and Professional Licensing	31181	R156-55d	NSC	05/05/2008	Not Printed
	31966	R156-55d	AMD	11/24/2008	2008-20/4
	31588	R156-55d	NSC	08/25/2008	Not Printed
<u>burns</u>					
Natural Resources, Forestry, Fire and State Lands	31112	R652-120	NSC	05/01/2008	Not Printed
<u>capacity development</u>					
Environmental Quality, Drinking Water	31157	R309-352	5YR	04/18/2008	2008-10/144
<u>capital punishment</u>					
Administrative Services, Finance	31527	R25-14	AMD	08/19/2008	2008-13/5
	31775	R25-14	NSC	10/01/2008	Not Printed
	31363	R25-14	EMR	05/05/2008	2008-10/140
Pardons (Board Of), Administration	31827	R671-312	5YR	08/14/2008	2008-17/77
<u>capitol preservation</u>					
Capitol Preservation Board (State), Administration	30591	R131-1	AMD	02/29/2008	2007-21/11
<u>captive insurance</u>					
Insurance, Administration	31649	R590-238	AMD	08/25/2008	2008-14/61
<u>career development courses</u>					
Public Safety, Peace Officer Standards and Training	31648	R728-501	5YR	07/01/2008	2008-14/142
<u>career education</u>					
Education, Administration	30885	R277-718	5YR	01/08/2008	2008-3/75

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>case management</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	31169	R414-6	5YR	04/21/2008	2008-10/145
	31493	R414-6	AMD	07/22/2008	2008-12/23
<u>caseworker training</u>					
Human Services, Child and Family Services	31043	R512-204	NEW	05/08/2008	2008-7/31
<u>CERCLA</u>					
Environmental Quality, Environmental Response and Remediation	30567	R311-401-2	AMD	01/02/2008	2007-21/59
<u>certification</u>					
Labor Commission, Safety	31253	R616-3	NSC	05/05/2008	Not Printed
<u>certificate of registration</u>					
Natural Resources, Wildlife Resources	31399	R657-45	5YR	05/08/2008	2008-11/127
	31050	R657-45-2	AMD	05/08/2008	2008-7/49
<u>certification</u>					
Labor Commission, Safety	31233	R616-1	5YR	04/28/2008	2008-10/150
	31249	R616-1	NSC	05/05/2008	Not Printed
	31246	R616-2	NSC	05/05/2008	Not Printed
	30943	R616-3-3	AMD	03/24/2008	2008-4/21
Public Safety, Peace Officer Standards and Training	31739	R728-409	AMD	10/01/2008	2008-16/36
	31901	R728-409-23	NSC	10/21/2008	Not Printed
<u>certification of instructors</u>					
Human Services, Substance Abuse and Mental Health	31352	R523-22-9	NSC	05/05/2008	Not Printed
<u>certifications</u>					
Transportation, Motor Carrier	30785	R909-19	AMD	02/12/2008	2007-24/26
<u>certified court reporter</u>					
Commerce, Occupational and Professional Licensing	32021	R156-74	5YR	10/09/2008	2008-21/106
<u>charities</u>					
Commerce, Consumer Protection	31216	R152-22-9	NSC	05/05/2008	Not Printed
Tax Commission, Auditing	31531	R865-19S-94	AMD	08/18/2008	2008-13/115
	31272	R865-19S-99	NSC	06/23/2008	Not Printed
	31258	R865-19S-105	AMD	07/01/2008	2008-10/132
	30841	R865-19S-121	AMD	02/25/2008	2008-1/37
<u>charter schools</u>					
Education, Administration	31831	R277-470	AMD	10/08/2008	2008-17/33
	32022	R277-470	5YR	10/10/2008	2008-21/107
	30846	R277-470-7	AMD	02/07/2008	2008-1/9
<u>child abuse</u>					
Education, Administration	31874	R277-401-1	NSC	10/21/2008	Not Printed
Human Services, Child and Family Services	30720	R512-20	NSC	01/07/2008	Not Printed
	30716	R512-20	REP	01/07/2008	2007-23/58

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31857	R512-200	5YR	08/20/2008	2008-18/71
	31858	R512-201	5YR	08/20/2008	2008-18/71
	31859	R512-202	5YR	08/20/2008	2008-18/72
	31728	R512-202-2	NSC	10/01/2008	Not Printed
	31043	R512-204	NEW	05/08/2008	2008-7/31
	31860	R512-300	5YR	08/20/2008	2008-18/72
	31729	R512-300	NSC	10/01/2008	Not Printed
	31861	R512-301	5YR	08/20/2008	2008-18/73
	31730	R512-301	NSC	10/01/2008	Not Printed
<u>child care</u>					
Health, Health Systems Improvement, Child Care Licensing	31057	R430-90	R&R	09/01/2008	2008-7/16
Workforce Services, Employment Development	31364	R986-700	AMD	07/02/2008	2008-10/136
	31033	R986-700	AMD	05/01/2008	2008-6/21
	31499	R986-700-752	NSC	07/02/2008	Not Printed
<u>child care facilities</u>					
Health, Health Systems Improvement, Child Care Licensing	31537	R430-4	5YR	06/06/2008	2008-13/148
	31819	R430-8	R&R	11/01/2008	2008-17/60
	31538	R430-50	5YR	06/06/2008	2008-13/149
	31056	R430-50	CPR	09/01/2008	2008-13/119
	31056	R430-50	R&R	09/01/2008	2008-7/4
	31868	R430-50-9	NSC	10/21/2008	Not Printed
	31539	R430-60	5YR	06/06/2008	2008-13/149
	31540	R430-90	5YR	06/06/2008	2008-13/150
	31057	R430-90	CPR	09/01/2008	2008-13/129
	31057	R430-90	R&R	09/01/2008	2008-7/16
<u>child support</u>					
Human Services, Administration	31465	R495-879	NSC	06/18/2008	Not Printed
	32079	R495-879	5YR	10/23/2008	2008-22/55
Human Services, Recovery Services	31432	R527-3	NSC	08/18/2008	Not Printed
	31151	R527-34	AMD	06/09/2008	2008-9/43
	30891	R527-39	5YR	01/10/2008	2008-3/78
	31498	R527-39-2	NSC	06/18/2008	Not Printed
	30939	R527-56	5YR	01/31/2008	2008-4/46
	31134	R527-56	AMD	06/09/2008	2008-9/44
	31409	R527-200	NSC	08/18/2008	Not Printed
	31542	R527-201	NSC	08/19/2008	Not Printed
	31061	R527-231	AMD	05/15/2008	2008-7/32
	31562	R527-255	AMD	08/13/2008	2008-13/82
	31133	R527-257	REP	06/09/2008	2008-9/45
	31054	R527-258	AMD	05/14/2008	2008-7/33
	31152	R527-260	NEW	07/01/2008	2008-9/46
	31158	R527-300	AMD	09/04/2008	2008-10/118
	31867	R527-301	5YR	08/21/2008	2008-18/75

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	31163	R527-302	AMD	06/25/2008	2008-10/120
	31792	R527-302	NSC	10/01/2008	Not Printed
	30978	R527-305	5YR	02/12/2008	2008-5/58
	31025	R527-305	AMD	04/21/2008	2008-6/8
	30905	R527-430	5YR	01/14/2008	2008-3/78
	31161	R527-475	5YR	04/21/2008	2008-10/147
	31162	R527-475	AMD	06/25/2008	2008-10/121
	31808	R527-475-1	NSC	10/01/2008	Not Printed
	31563	R527-550	NSC	08/19/2008	Not Printed
	31384	R527-601-1	NSC	08/18/2008	Not Printed
	31159	R527-920	NEW	06/27/2008	2008-10/122
<u>child welfare</u>					
Human Services, Child and Family Services	31721	R512-1-5	NSC	10/01/2008	Not Printed
	30720	R512-20	NSC	01/07/2008	Not Printed
	30716	R512-20	REP	01/07/2008	2007-23/58
	31722	R512-31-3	NSC	10/01/2008	Not Printed
	31723	R512-32-1	NSC	10/01/2008	Not Printed
	31724	R512-41	NSC	10/01/2008	Not Printed
	31741	R512-41	AMD	09/23/2008	2008-16/21
	31742	R512-43	AMD	09/23/2008	2008-16/24
	31856	R512-100	5YR	08/20/2008	2008-18/70
	31857	R512-200	5YR	08/20/2008	2008-18/71
	31858	R512-201	5YR	08/20/2008	2008-18/71
	31859	R512-202	5YR	08/20/2008	2008-18/72
	31728	R512-202-2	NSC	10/01/2008	Not Printed
	31043	R512-204	NEW	05/08/2008	2008-7/31
	31860	R512-300	5YR	08/20/2008	2008-18/72
	31729	R512-300	NSC	10/01/2008	Not Printed
	31861	R512-301	5YR	08/20/2008	2008-18/73
	31730	R512-301	NSC	10/01/2008	Not Printed
	31862	R512-302	5YR	08/20/2008	2008-18/73
	31731	R512-302	NSC	10/01/2008	Not Printed
	31863	R512-305	5YR	08/20/2008	2008-18/74
	31864	R512-500	5YR	08/20/2008	2008-18/74
	31590	R512-500	R&R	08/21/2008	2008-14/57
	31589	R512-500	EMR	06/18/2008	2008-14/123
<u>children's health benefits</u>					
Health, Children's Health Insurance Program	31503	R382-1	5YR	05/30/2008	2008-12/53
	31357	R382-10	AMD	07/01/2008	2008-10/55
	31977	R382-10	EMR	10/01/2008	2008-20/42
	31454	R382-10	5YR	05/19/2008	2008-12/53
<u>childs support</u>					
Human Services, Recovery Services	31160	R527-302	5YR	04/21/2008	2008-10/147

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>CHIP</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	31358	R414-320	AMD	07/01/2008	2008-10/68
	31979	R414-320-15	EMR	10/01/2008	2008-20/49
<u>chiropractic services</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32111	R414-99-2	EMR	11/01/2008	2008-22/51
<u>chronically ill</u>					
Corrections, Administration	30803	R251-114	NEW	03/11/2008	2008-1/6
<u>citation monitoring service</u>					
Public Safety, Driver License	31123	R708-44-4	NSC	05/05/2008	Not Printed
<u>civil rights</u>					
Natural Resources, Administration	30875	R634-1	NSC	01/25/2008	Not Printed
	30923	R634-1	5YR	01/25/2008	2008-4/47
<u>Civil Rights Act 1964</u>					
Human Services, Administration	31367	R495-878	NSC	05/05/2008	Not Printed
	31067	R495-878	AMD	06/13/2008	2008-8/23
<u>Class I area</u>					
Environmental Quality, Air Quality	30431	R307-405	AMD	01/11/2008	2007-19/15
<u>classified license</u>					
Public Safety, Driver License	31436	R708-10	AMD	07/08/2008	2008-11/116
<u>client rights</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	31331	R195-1	NSC	05/05/2008	Not Printed
Health, Health Care Financing, Coverage and Reimbursement Policy	30936	R414-301	5YR	01/31/2008	2008-4/43
<u>client's rights</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	31773	R414-301-6	NSC	10/01/2008	Not Printed
<u>co-curricular</u>					
Education, Administration	31834	R277-494	NEW	10/08/2008	2008-17/40
<u>coaching certification</u>					
Education, Administration	31852	R277-517-1	NSC	10/21/2008	Not Printed
	31880	R277-517-1	NSC	10/21/2008	Not Printed
<u>coal mines</u>					
Natural Resources, Oil, Gas and Mining; Coal	30932	R645-100-200	AMD	03/26/2008	2008-4/23
	31204	R645-100-500	NSC	05/05/2008	Not Printed
	31756	R645-101	5YR	07/28/2008	2008-16/71
	31509	R645-102	5YR	06/02/2008	2008-12/58
	31757	R645-104	5YR	07/28/2008	2008-16/72
	30934	R645-300-100	AMD	03/26/2008	2008-4/24
	30933	R645-301	AMD	03/26/2008	2008-4/25
	31758	R645-401	5YR	07/28/2008	2008-16/72

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>colleges</u>					
Regents (Board Of), Administration	31325	R765-134	NSC	05/05/2008	Not Printed
	31631	R765-134-5	NSC	08/25/2008	Not Printed
	31515	R765-555	5YR	06/02/2008	2008-12/64
	31104	R765-555	NSC	06/02/2008	Not Printed
	31327	R765-993	NSC	05/05/2008	Not Printed
<u>commerce</u>					
Commerce, Corporations and Commercial Code	30642	R154-10	REP	03/03/2008	2007-22/16
<u>commercial motor vehicle insurance</u>					
Insurance, Administration	30490	R590-243	NEW	01/11/2008	2007-20/28
<u>commercialization</u>					
Natural Resources, Wildlife Resources	31227	R657-52-6	NSC	05/05/2008	Not Printed
<u>communicable diseases</u>					
Health, Epidemiology and Laboratory Services, Epidemiology	31099	R386-702-12	AMD	06/11/2008	2008-8/5
<u>complaint procedures</u>					
Corrections, Administration	30713	R251-112	AMD	03/11/2008	2007-23/19
<u>complaints</u>					
Education, Administration	31873	R277-104	NSC	10/21/2008	Not Printed
	31517	R277-104	5YR	06/02/2008	2008-12/50
Education, Rehabilitation	31884	R280-201-7	NSC	10/21/2008	Not Printed
Human Services, Substance Abuse and Mental Health, State Hospital	31451	R525-7	5YR	05/19/2008	2008-12/57
Public Service Commission, Administration	31370	R746-500	NSC	05/05/2008	Not Printed
	31791	R746-500	5YR	08/04/2008	2008-17/82
<u>compulsory education</u>					
Education, Administration	31881	R277-616-1	NSC	10/21/2008	Not Printed
<u>concealed firearm permit</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	31349	R722-300	NSC	05/01/2008	Not Printed
	30928	R722-300	NSC	05/01/2008	Not Printed
<u>concerns</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	31451	R525-7	5YR	05/19/2008	2008-12/57
<u>conduct</u>					
Professional Practices Advisory Commission, Administration	30951	R686-100	5YR	02/04/2008	2008-5/59
	31886	R686-100	NSC	10/21/2008	Not Printed
	31855	R686-100-1	NSC	10/21/2008	Not Printed
<u>confidential testimony</u>					
Pardons (Board Of), Administration	31825	R671-520	5YR	08/14/2008	2008-17/79
<u>confidentiality of information</u>					
Administrative Services, Administration	31343	R13-2	NSC	05/05/2008	Not Printed

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
Community and Culture, Home Energy Assistance Target (HEAT)	31331	R195-1	NSC	05/05/2008	Not Printed
Environmental Quality, Air Quality	30960	R307-102	5YR	02/08/2008	2008-5/40
	31462	R307-102	NSC	06/18/2008	Not Printed
Human Resource Management, Administration	31187	R477-2	AMD	07/01/2008	2008-10/84
Regents (Board Of), College of Eastern Utah	31410	R767-1	NSC	08/18/2008	Not Printed
<u>conflict of interest</u>					
Human Resource Management, Administration	31194	R477-9	AMD	07/01/2008	2008-10/104
<u>consumer hearing panel</u>					
Human Services, Child and Family Services	31727	R512-75-1	NSC	10/01/2008	Not Printed
<u>consumer protection</u>					
Commerce, Consumer Protection	31184	R152-1	NSC	05/05/2008	Not Printed
	31213	R152-11	NSC	05/05/2008	Not Printed
	31214	R152-15-2	NSC	05/05/2008	Not Printed
	31215	R152-20	NSC	05/05/2008	Not Printed
	31216	R152-22-9	NSC	05/05/2008	Not Printed
	31217	R152-23-1	NSC	05/05/2008	Not Printed
	31918	R152-32a	NEW	11/04/2008	2008-18/7
<u>contamination</u>					
Environmental Quality, Radiation Control	30865	R313-15	AMD	03/17/2008	2008-2/10
<u>contests</u>					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	31172	R859-1-102	NSC	06/18/2008	Not Printed
	31566	R859-1-501	AMD	09/01/2008	2008-13/106
<u>continuing</u>					
Pardons (Board Of), Administration	31824	R671-522	5YR	08/14/2008	2008-17/80
<u>continuing education</u>					
Commerce, Real Estate	31277	R162-9	AMD	06/23/2008	2008-10/48
<u>continuing professional education</u>					
Commerce, Occupational and Professional Licensing	30715	R156-26a	AMD	03/31/2008	2007-23/4
	30715	R156-26a	CPR	03/31/2008	2008-4/35
	31763	R156-26a	AMD	09/23/2008	2008-16/5
<u>continuous monitoring</u>					
Environmental Quality, Air Quality	30962	R307-170	5YR	02/08/2008	2008-5/41
	30699	R307-170-7	AMD	02/08/2008	2007-23/29
<u>contractors</u>					
Commerce, Occupational and Professional Licensing	30654	R156-38a	AMD	01/07/2008	2007-23/14
	31176	R156-38a-105a	NSC	05/05/2008	Not Printed
	31292	R156-55a	AMD	06/24/2008	2008-10/42
	30892	R156-55a	AMD	03/11/2008	2008-3/3
	31802	R156-55a	AMD	10/09/2008	2008-17/15

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31616	R156-55a-102	NSC	08/25/2008	Not Printed
	32009	R156-55a-301	NSC	11/17/2008	Not Printed
	31801	R156-55b	AMD	10/09/2008	2008-17/24
	30574	R156-56	AMD	01/01/2008	2007-21/38
	31139	R156-56	AMD	07/01/2008	2008-9/23
	30573	R156-56-420	AMD	01/01/2008	2007-21/57
	31142	R156-56-701	AMD	07/01/2008	2008-9/30
	31626	R156-56-801	NSC	07/01/2008	Not Printed
Transportation, Administration	31963	R907-67	5YR	09/18/2008	2008-20/52
<u>contracts</u>					
Capitol Preservation Board (State), Administration	30590	R131-4	R&R	02/29/2008	2007-21/13
	30952	R251-304	5YR	02/05/2008	2008-5/39
	30980	R251-304	AMD	05/20/2008	2008-5/15
	31587	R628-18	NSC	08/25/2008	Not Printed
<u>controlled substances</u>					
Commerce, Occupational and Professional Licensing	31423	R156-37	AMD	09/09/2008	2008-11/62
	31423	R156-37	CPR	09/09/2008	2008-15/84
	32019	R156-37c	5YR	10/09/2008	2008-21/105
	32020	R156-37c	NSC	11/17/2008	Not Printed
<u>convictions</u>					
Pardons (Board Of), Administration	31822	R671-518	5YR	08/14/2008	2008-17/79
<u>cooperative agreement</u>					
Natural Resources, Forestry, Fire and State Lands	31109	R652-122-100	NSC	05/01/2008	Not Printed
<u>cooperative wildlife management unit</u>					
Natural Resources, Wildlife Resources	31401	R657-37	5YR	05/08/2008	2008-11/126
<u>corrections</u>					
Corrections, Administration	31994	R251-103	NSC	11/17/2008	Not Printed
	31995	R251-103	5YR	10/02/2008	2008-21/106
	31996	R251-105	5YR	10/02/2008	2008-21/107
	30952	R251-304	5YR	02/05/2008	2008-5/39
	30980	R251-304	AMD	05/20/2008	2008-5/15
<u>cosmetologists/barbers</u>					
Commerce, Occupational and Professional Licensing	30953	R156-11a	AMD	04/10/2008	2008-5/5
	31174	R156-11a-601	NSC	05/05/2008	Not Printed
<u>cost sharing</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32112	R414-200	EMR	11/01/2008	2008-22/52
<u>costs</u>					
Administrative Services, Finance	31316	R25-6	5YR	04/29/2008	2008-10/143
Financial Institutions, Administration	31315	R331-22-1	NSC	05/05/2008	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>cottage foods</u> Agriculture and Food, Regulatory Services	31430	R70-560	AMD	07/25/2008	2008-11/47
<u>cougar</u> Natural Resources, Wildlife Resources	31842	R657-10	AMD	10/22/2008	2008-18/54
<u>court reporting</u> Commerce, Occupational and Professional Licensing	32021	R156-74	5YR	10/09/2008	2008-21/106
	31516	R156-74	AMD	07/22/2008	2008-12/7
<u>coverage groups</u> Health, Health Care Financing, Coverage and Reimbursement Policy	30925	R414-303	5YR	01/25/2008	2008-4/44
<u>covered-at-work</u> Health, Health Care Financing, Coverage and Reimbursement Policy	31356	R414-310	AMD	07/01/2008	2008-10/66
	31978	R414-310-13	EMR	10/01/2008	2008-20/47
<u>credit scoring</u> Insurance, Administration	31525	R590-219	5YR	06/04/2008	2008-13/150
<u>criminal background checks</u> Education, Rehabilitation	31885	R280-204-7	NSC	10/21/2008	Not Printed
<u>criminal background screening</u> Human Services, Child and Family Services	31726	R512-51-1	NSC	10/01/2008	Not Printed
<u>criminal charges</u> Pardons (Board Of), Administration	31822	R671-518	5YR	08/14/2008	2008-17/79
<u>criminal investigation</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	31434	R722-320	5YR	05/14/2008	2008-11/127
	30929	R722-320	NSC	05/14/2008	Not Printed
<u>criminal records</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	32148	R722-900	5YR	11/17/2008	Not Printed
<u>critical languages</u> Education, Administration	31442	R277-488	AMD	07/08/2008	2008-11/72
<u>cultural resources</u> Natural Resources, Forestry, Fire and State Lands	31271	R652-60-1000	NSC	05/05/2008	Not Printed
School and Institutional Trust Lands, Administration	32147	R850-61	5YR	11/17/2008	Not Printed
<u>curricula</u> Education, Administration	30882	R277-700	5YR	01/08/2008	2008-3/74
	30977	R277-703-6	NSC	02/27/2008	Not Printed
<u>custody</u> Education, Administration	31837	R277-735	AMD	10/08/2008	2008-17/49
<u>custody of children</u> Human Services, Administration	31465	R495-879	NSC	06/18/2008	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	32079	R495-879	5YR	10/23/2008	2008-22/55
<u>data standards</u>					
Education, Administration	31520	R277-484	5YR	06/02/2008	2008-12/52
	31005	R277-484	AMD	04/11/2008	2008-5/17
<u>day care</u>					
Public Safety, Fire Marshal	31750	R710-8-7	NSC	10/01/2008	Not Printed
<u>deadlines</u>					
Education, Administration	31520	R277-484	5YR	06/02/2008	2008-12/52
	31005	R277-484	AMD	04/11/2008	2008-5/17
<u>debt cancellation</u>					
Financial Institutions, Administration	32026	R331-25	5YR	10/13/2008	2008-21/109
<u>debt suspension</u>					
Financial Institutions, Administration	32026	R331-25	5YR	10/13/2008	2008-21/109
<u>deception detection examiner</u>					
Commerce, Occupational and Professional Licensing	31975	R156-64	AMD	11/24/2008	2008-20/6
<u>deception detection intern</u>					
Commerce, Occupational and Professional Licensing	31975	R156-64	AMD	11/24/2008	2008-20/6
<u>declaratory orders</u>					
Auditor, Administration	31262	R123-4-1	NSC	05/05/2008	Not Printed
	31263	R123-4-2	NSC	05/05/2008	Not Printed
	31265	R123-4-5	NSC	05/05/2008	Not Printed
	31266	R123-4-6	NSC	05/05/2008	Not Printed
	31267	R123-4-7	NSC	05/05/2008	Not Printed
	31281	R380-1	NSC	05/05/2008	Not Printed
	31282	R380-5	NSC	05/05/2008	Not Printed
	31232	R600-1	5YR	04/28/2008	2008-10/148
	31237	R600-1	NSC	05/05/2008	Not Printed
<u>definitions</u>					
Environmental Quality, Air Quality	30697	R307-101	AMD	02/08/2008	2007-23/21
	30959	R307-101	5YR	02/08/2008	2008-5/40
Environmental Quality, Radiation Control	31170	R313-12-1	NSC	05/05/2008	Not Printed
	30774	R313-12-111	AMD	04/11/2008	2007-24/8
	30774	R313-12-111	CPR	04/11/2008	2008-5/34
Human Resource Management, Administration	31186	R477-1	AMD	07/01/2008	2008-10/79
	31211	R477-13	NSC	06/19/2008	Not Printed
Workforce Services, Unemployment Insurance	31467	R994-201	5YR	05/20/2008	2008-12/64
<u>demonstration</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	31356	R414-310	AMD	07/01/2008	2008-10/66
	31978	R414-310-13	EMR	10/01/2008	2008-20/47

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>dental</u> Health, Health Care Financing, Coverage and Reimbursement Policy	31452	R414-51	5YR	05/19/2008	2008-12/53
<u>dental hygienists</u> Commerce, Occupational and Professional Licensing	31136	R156-69	AMD	06/09/2008	2008-9/35
<u>dentists</u> Commerce, Occupational and Professional Licensing	31136	R156-69	AMD	06/09/2008	2008-9/35
<u>development</u> Transportation Commission, Administration	31708	R940-2	NEW	10/16/2008	2008-15/77
	31902	R940-2	NSC	10/21/2008	Not Printed
<u>developmentally disabled</u> Commerce, Administration	31346	R151-3-1	NSC	05/05/2008	Not Printed
	31367	R495-878	NSC	05/05/2008	Not Printed
	31067	R495-878	AMD	06/13/2008	2008-8/23
	31535	R861-1A-1	AMD	08/18/2008	2008-13/110
	31536	R861-1A-3	AMD	08/18/2008	2008-13/111
	31386	R861-1A-13	NSC	08/18/2008	Not Printed
	31633	R861-1A-16	AMD	09/09/2008	2008-14/96
	30688	R861-1A-20	AMD	01/11/2008	2007-23/68
	31394	R861-1A-22	NSC	08/18/2008	Not Printed
	31634	R861-1A-23	AMD	09/09/2008	2008-14/98
	30589	R861-1A-24	AMD	01/11/2008	2007-21/69
	31395	R861-1A-24	NSC	08/18/2008	Not Printed
	30717	R861-1A-26	AMD	01/11/2008	2007-23/69
	31635	R861-1A-26	AMD	09/09/2008	2008-14/99
	31638	R861-1A-27	AMD	09/09/2008	2008-14/101
	31403	R861-1A-28	NSC	08/18/2008	Not Printed
	31404	R861-1A-29	NSC	08/18/2008	Not Printed
	31406	R861-1A-30	NSC	08/18/2008	Not Printed
	31407	R861-1A-31	NSC	08/18/2008	Not Printed
	31412	R861-1A-32	NSC	08/18/2008	Not Printed
	30838	R861-1A-40	AMD	02/25/2008	2008-1/32
	30835	R861-1A-42	AMD	02/25/2008	2008-1/33
	30780	R861-1A-43	AMD	01/25/2008	2007-24/24
<u>dietitians</u> Commerce, Occupational and Professional Licensing	31180	R156-49	NSC	05/05/2008	Not Printed
	31073	R156-49	5YR	03/24/2008	2008-8/52
<u>digital signature</u> Commerce, Corporations and Commercial Code	30642	R154-10	REP	03/03/2008	2007-22/16
<u>disabilities</u> Human Services, Services for People with Disabilities	30877	R539-1-8	AMD	04/01/2008	2008-3/32

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	30926	R539-1-8	EMR	01/28/2008	2008-4/38
	31084	R539-9	AMD	05/22/2008	2008-8/26
	31593	R539-15	NEW	08/21/2008	2008-14/60
	31594	R539-15	EMR	07/01/2008	2008-14/126
<u>disability</u>					
Health, Community and Family Health Services, Children with Special Health Care Needs	31783	R398-20	5YR	07/31/2008	2008-16/68
<u>disabled persons</u>					
Corrections, Administration	30713	R251-112	AMD	03/11/2008	2007-23/19
	31873	R277-104	NSC	10/21/2008	Not Printed
	31517	R277-104	5YR	06/02/2008	2008-12/50
Education, Rehabilitation	31884	R280-201-7	NSC	10/21/2008	Not Printed
Health, Administration	31285	R380-100	NSC	05/05/2008	Not Printed
Natural Resources, Wildlife Resources	30777	R657-12	AMD	01/22/2008	2007-24/19
	31221	R657-12-1	NSC	05/05/2008	Not Printed
Public Service Commission, Administration	31370	R746-500	NSC	05/05/2008	Not Printed
	31791	R746-500	5YR	08/04/2008	2008-17/82
<u>disables</u>					
Human Services, Aging and Adult Services	31027	R510-105	5YR	02/27/2008	2008-6/26
<u>discharge</u>					
Environmental Quality, Water Quality	30636	R317-14	NEW	02/04/2008	2007-22/62
<u>discharge permits</u>					
Environmental Quality, Water Quality	31584	R317-8	AMD	09/10/2008	2008-13/47
<u>disciplinary actions</u>					
Education, Administration	30847	R277-609	AMD	02/07/2008	2008-1/10
	31956	R277-609	AMD	11/10/2008	2008-19/22
	30958	R277-609-5	NSC	02/29/2008	Not Printed
	31521	R686-101	5YR	06/02/2008	2008-12/62
	31522	R686-102	5YR	06/02/2008	2008-12/62
	31016	R686-103	REP	04/21/2008	2008-6/12
<u>disciplinary problems</u>					
Education, Administration	31518	R277-436	5YR	06/02/2008	2008-12/51
	31829	R277-436	AMD	10/08/2008	2008-17/30
<u>discipline of employees</u>					
Human Resource Management, Administration	31209	R477-11	AMD	07/01/2008	2008-10/108
	31621	R477-14	AMD	08/21/2008	2008-14/51
<u>disclosure requirements</u>					
Tax Commission, Administration	31535	R861-1A-1	AMD	08/18/2008	2008-13/110
	31536	R861-1A-3	AMD	08/18/2008	2008-13/111
	31386	R861-1A-13	NSC	08/18/2008	Not Printed
	31633	R861-1A-16	AMD	09/09/2008	2008-14/96
	30688	R861-1A-20	AMD	01/11/2008	2007-23/68

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
	31394	R861-1A-22	NSC	08/18/2008	Not Printed
	31634	R861-1A-23	AMD	09/09/2008	2008-14/98
	30589	R861-1A-24	AMD	01/11/2008	2007-21/69
	31395	R861-1A-24	NSC	08/18/2008	Not Printed
	30717	R861-1A-26	AMD	01/11/2008	2007-23/69
	31635	R861-1A-26	AMD	09/09/2008	2008-14/99
	31638	R861-1A-27	AMD	09/09/2008	2008-14/101
	31403	R861-1A-28	NSC	08/18/2008	Not Printed
	31404	R861-1A-29	NSC	08/18/2008	Not Printed
	31406	R861-1A-30	NSC	08/18/2008	Not Printed
	31407	R861-1A-31	NSC	08/18/2008	Not Printed
	31412	R861-1A-32	NSC	08/18/2008	Not Printed
	30838	R861-1A-40	AMD	02/25/2008	2008-1/32
	30835	R861-1A-42	AMD	02/25/2008	2008-1/33
	30780	R861-1A-43	AMD	01/25/2008	2007-24/24
<u>discretion clauses</u>					
Insurance, Administration	30897	R590-218	5YR	01/11/2008	2008-3/80
<u>discrimination</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	31241	R606-1	NSC	05/05/2008	Not Printed
	31242	R606-2	NSC	05/05/2008	Not Printed
Labor Commission, Antidiscrimination and Labor, Fair Housing	31240	R608-1	NSC	05/05/2008	Not Printed
<u>dismissal of employees</u>					
Human Resource Management, Administration	31209	R477-11	AMD	07/01/2008	2008-10/108
<u>disruptive students</u>					
Education, Administration	31956	R277-609	AMD	11/10/2008	2008-19/22
	30958	R277-609-5	NSC	02/29/2008	Not Printed
<u>dissemination of information</u>					
Education, Administration	31882	R277-714-1	NSC	10/21/2008	Not Printed
<u>diversion programs</u>					
Commerce, Occupational and Professional Licensing	31288	R156-1	AMD	06/23/2008	2008-10/30
	30655	R156-1-102a	AMD	01/08/2008	2007-23/3
	31803	R156-1-109	AMD	10/09/2008	2008-17/10
<u>domestic violence</u>					
Human Services, Child and Family Services	31721	R512-1-5	NSC	10/01/2008	Not Printed
	31857	R512-200	5YR	08/20/2008	2008-18/71
	31858	R512-201	5YR	08/20/2008	2008-18/71
	31859	R512-202	5YR	08/20/2008	2008-18/72
	31728	R512-202-2	NSC	10/01/2008	Not Printed
	31860	R512-300	5YR	08/20/2008	2008-18/72
	31729	R512-300	NSC	10/01/2008	Not Printed
	31861	R512-301	5YR	08/20/2008	2008-18/73

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31730	R512-301	NSC	10/01/2008	Not Printed
<u>drinking water</u>					
Environmental Quality, Drinking Water	31157	R309-352	5YR	04/18/2008	2008-10/144
	31709	R309-515-6	AMD	09/10/2008	2008-15/26
	31710	R309-515-6	AMD	09/10/2008	2008-15/28
<u>driver address record</u>					
Public Safety, Driver License	31121	R708-42-4	NSC	05/05/2008	Not Printed
<u>driver education</u>					
Education, Administration	31039	R277-746	5YR	03/03/2008	2008-7/64
	31040	R277-747	5YR	03/03/2008	2008-7/64
Public Safety, Driver License	31545	R708-2	R&R	08/08/2008	2008-13/87
	31105	R708-2-25	NSC	05/05/2008	Not Printed
	31113	R708-18-1	NSC	05/05/2008	Not Printed
<u>driver license</u>					
Human Services, Recovery Services	31152	R527-260	NEW	07/01/2008	2008-9/46
Public Safety, Driver License	31119	R708-36-1	NSC	05/05/2008	Not Printed
	31123	R708-44-4	NSC	05/05/2008	Not Printed
<u>driver license verification</u>					
Public Safety, Driver License	31122	R708-43	NSC	05/05/2008	Not Printed
<u>driver training</u>					
Public Safety, Driver License	31120	R708-37-11	NSC	05/05/2008	Not Printed
<u>dropouts</u>					
Education, Administration	31883	R277-760-2	NSC	10/21/2008	Not Printed
<u>drug abuse</u>					
Human Resource Management, Administration	31621	R477-14	AMD	08/21/2008	2008-14/51
<u>drug/alcohol education</u>					
Human Resource Management, Administration	31621	R477-14	AMD	08/21/2008	2008-14/51
<u>dual employment</u>					
Human Resource Management, Administration	31193	R477-8	AMD	07/01/2008	2008-10/101
	31784	R477-8	AMD	09/22/2008	2008-16/19
	30778	R477-8-5	AMD	01/22/2008	2007-24/16
<u>dual enrollment</u>					
Education, Administration	31952	R277-438	AMD	11/10/2008	2008-19/14
<u>due process</u>					
Human Services, Child and Family Services	31722	R512-31-3	NSC	10/01/2008	Not Printed
Human Services, Substance Abuse and Mental Health	31089	R523-1	5YR	03/31/2008	2008-8/53
	30767	R523-1	NSC	03/31/2008	Not Printed
<u>DUI programs</u>					
Human Services, Substance Abuse and Mental Health	31352	R523-22-9	NSC	05/05/2008	Not Printed

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>durable medical equipment</u> Health, Health Care Financing, Coverage and Reimbursement Policy	31505	R414-70	R&R	08/04/2008	2008-12/24
<u>early intervention</u> Health, Community and Family Health Services, Children with Special Health Care Needs	31783	R398-20	5YR	07/31/2008	2008-16/68
<u>economic</u> Education, Administration	31957	R277-704	NEW	11/10/2008	2008-19/24
<u>economic development</u> Governor, Economic Development	31153	R357-3	NEW	06/18/2008	2008-9/37
<u>education</u> Commerce, Consumer Protection	31218	R152-34-10	NSC	05/05/2008	Not Printed
Education, Administration	31831	R277-470	AMD	10/08/2008	2008-17/33
	32022	R277-470	5YR	10/10/2008	2008-21/107
	30846	R277-470-7	AMD	02/07/2008	2008-1/9
	30884	R277-709	5YR	01/08/2008	2008-3/75
	30885	R277-718	5YR	01/08/2008	2008-3/75
	30888	R277-730	5YR	01/08/2008	2008-3/77
Health, Community and Family Health Services, Children with Special Health Care Needs	31783	R398-20	5YR	07/31/2008	2008-16/68
<u>education finance</u> Education, Administration	31574	R277-419	AMD	08/07/2008	2008-13/12
	30845	R277-423	AMD	02/07/2008	2008-1/8
	31576	R277-451	REP	08/07/2008	2008-13/19
<u>educational administration</u> Education, Administration	31573	R277-116-1	AMD	08/07/2008	2008-13/11
<u>educational facilities</u> Education, Administration	31576	R277-451	REP	08/07/2008	2008-13/19
	31441	R277-471	AMD	07/08/2008	2008-11/70
<u>educational policy</u> Regents (Board Of), Administration	31515	R765-555	5YR	06/02/2008	2008-12/64
	31104	R765-555	NSC	06/02/2008	Not Printed
<u>educational program evaluations</u> Education, Administration	31833	R277-506	AMD	10/08/2008	2008-17/42
<u>educational testing</u> Education, Administration	31876	R277-473-4	NSC	10/21/2008	Not Printed
	30883	R277-702	5YR	01/08/2008	2008-3/74
<u>educational tuition</u> Human Resource Management, Administration	31195	R477-10	AMD	07/01/2008	2008-10/106
<u>educator</u> Education, Administration	31572	R277-110	AMD	08/07/2008	2008-13/9

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31877	R277-515-1	NSC	10/21/2008	Not Printed
	30976	R277-515-3	NSC	02/27/2008	Not Printed
	31580	R277-515-4	AMD	08/07/2008	2008-13/28
<u>educator license</u> Professional Practices Advisory Commission, Administration	31887	R686-104-2	NSC	10/21/2008	Not Printed
<u>educator licensing</u> Education, Administration	30944	R277-502	AMD	03/24/2008	2008-4/6
	31955	R277-502-4	AMD	11/10/2008	2008-19/21
	31579	R277-502-6	AMD	08/07/2008	2008-13/27
	31878	R277-502-8	NSC	10/21/2008	Not Printed
	31833	R277-506	AMD	10/08/2008	2008-17/42
	30878	R277-518	5YR	01/08/2008	2008-3/72
<u>educators</u> Professional Practices Advisory Commission, Administration	31016	R686-103	REP	04/21/2008	2008-6/12
<u>efficiency</u> Administrative Services, Facilities Construction and Management	31942	R23-30	NEW	11/10/2008	2008-19/5
<u>effluent standards</u> Environmental Quality, Water Quality	30639	R317-1-4	AMD	02/04/2008	2007-22/52
	30637	R317-13	NEW	02/04/2008	2007-22/61
<u>eldercare</u> Human Services, Aging and Adult Services	31378	R510-110-5	NSC	05/05/2008	Not Printed
<u>elderly</u> Human Services, Aging and Adult Services	31379	R510-200-3	NSC	05/05/2008	Not Printed
	31916	R510-200-3	NSC	10/21/2008	Not Printed
<u>electric generating unit</u> Environmental Quality, Air Quality	30965	R307-220	5YR	02/08/2008	2008-5/43
	30969	R307-224	5YR	02/08/2008	2008-5/45
	30704	R307-224-2	AMD	02/08/2008	2007-23/39
<u>electric utility industries</u> Public Service Commission, Administration	31617	R746-210	5YR	06/24/2008	2008-14/143
<u>electricians</u> Commerce, Occupational and Professional Licensing	31801	R156-55b	AMD	10/09/2008	2008-17/24
<u>electrologists</u> Commerce, Occupational and Professional Licensing	30953	R156-11a	AMD	04/10/2008	2008-5/5
	31174	R156-11a-601	NSC	05/05/2008	Not Printed
<u>electronic commerce</u> Commerce, Corporations and Commercial Code	30642	R154-10	REP	03/03/2008	2007-22/16

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>electronic communication</u> Commerce, Corporations and Commercial Code	30642	R154-10	REP	03/03/2008	2007-22/16
<u>electronic funds transfer</u> Human Services, Recovery Services	31159	R527-920	NEW	06/27/2008	2008-10/122
<u>electronic meetings</u> Agriculture and Food, Conservation and Resource Management	31079	R64-2	NEW	06/03/2008	2008-8/4
<u>electronic preliminary lien filing</u> Commerce, Occupational and Professional Licensing	31177	R156-38b-703	NSC	05/05/2008	Not Printed
<u>elevators</u> Labor Commission, Safety	31253 30943	R616-3 R616-3-3	NSC AMD	05/05/2008 03/24/2008	Not Printed 2008-4/21
<u>eligibility</u> Health, Health Care Financing, Coverage and Reimbursement Policy	30938 31976 30927	R414-308 R414-308 R414-308-7	5YR EMR AMD	01/31/2008 10/01/2008 04/01/2008	2008-4/46 2008-20/44 2008-4/16
Human Services, Child and Family Services	31721 30721 30718	R512-1-5 R512-50 R512-50	NSC NSC REP	10/01/2008 01/07/2008 01/07/2008	Not Printed Not Printed 2007-23/60
<u>emergency medical services</u> Health, Health Systems Improvement, Emergency Medical Services	31068 30758 31069 31096 30954	R426-5-3 R426-6 R426-7-3 R426-8-4 R426-15-203	AMD AMD AMD AMD AMD	06/04/2008 02/07/2008 07/31/2008 06/05/2008 06/24/2008	2008-8/17 2007-24/14 2008-8/18 2008-8/22 2008-5/19
<u>emergency meetings</u> Environmental Quality, Administration	30506 30766	R305-3 R305-3	NSC REP	02/15/2008 02/15/2008	Not Printed 2007-24/6
<u>emergency vehicles</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	30930 31433	R722-340 R722-340	NSC 5YR	05/14/2008 05/14/2008	Not Printed 2008-11/128
Public Safety, Peace Officer Standards and Training	31990	R728-503	NEW	11/25/2008	2008-20/23
<u>employee benefit plans</u> Human Resource Management, Administration	31191 31782	R477-6 R477-6-4	AMD AMD	07/01/2008 09/22/2008	2008-10/91 2008-16/14
<u>employee performance evaluations</u> Human Resource Management, Administration	31195	R477-10	AMD	07/01/2008	2008-10/106

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>employee productivity</u> Human Resource Management, Administration	31195	R477-10	AMD	07/01/2008	2008-10/106
<u>employees' rights</u> Human Resource Management, Administration	31210	R477-12	AMD	07/01/2008	2008-10/110
<u>employer</u> Labor Commission, Industrial Accidents	31229	R612-5	5YR	04/28/2008	2008-10/149
<u>employment</u> Corrections, Administration	31996	R251-105	5YR	10/02/2008	2008-21/107
	31189	R477-4	AMD	07/01/2008	2008-10/88
	31190	R477-5	AMD	07/01/2008	2008-10/90
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	31241	R606-1	NSC	05/05/2008	Not Printed
	31242	R606-2	NSC	05/05/2008	Not Printed
Workforce Services, Unemployment Insurance	31468	R994-202	5YR	05/20/2008	2008-12/65
<u>employment agencies</u> Labor Commission, Antidiscrimination and Labor, Labor	31438	R610-4	REP	07/08/2008	2008-11/101
	31239	R610-4	NSC	05/05/2008	Not Printed
<u>endangered species</u> Natural Resources, Forestry, Fire and State Lands	31112	R652-120	NSC	05/01/2008	Not Printed
<u>energy</u> Administrative Services, Facilities Construction and Management	31942	R23-30	NEW	11/10/2008	2008-19/5
Natural Resources, Geological Survey	30902	R638-2-6	AMD	03/10/2008	2008-3/35
<u>energy utility</u> Public Service Commission, Administration	31072	R746-440	NSC	04/11/2008	Not Printed
<u>enforcement</u> Natural Resources, Water Rights	31431	R655-14	AMD	07/08/2008	2008-11/104
	31888	R655-14	NSC	10/21/2008	Not Printed
<u>enforcement (administrative)</u> Lieutenant Governor, Administration	31845	R622-1	NSC	10/21/2008	Not Printed
	31844	R622-1	5YR	08/19/2008	2008-18/75
<u>engineers</u> Administrative Services, Facilities Construction and Management	31098	R23-2	AMD	07/14/2008	2008-8/2
Capitol Preservation Board (State), Administration	30591	R131-1	AMD	02/29/2008	2007-21/11
Commerce, Occupational and Professional Licensing	31841	R156-22	AMD	10/23/2008	2008-18/7
	31175	R156-22-305	NSC	05/05/2008	Not Printed
<u>English Language Learners</u> Education, Administration	32006	R277-715	NSC	11/17/2008	Not Printed
	31835	R277-715	NEW	10/08/2008	2008-17/43

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>English proficiency</u>					
Regents (Board Of), Administration	31490	R765-136	5YR	05/27/2008	2008-12/63
	31326	R765-136	NSC	05/05/2008	Not Printed
<u>enrollment</u>					
Education, Administration	31037	R277-485	5YR	03/03/2008	2008-7/63
<u>enrollment options</u>					
Education, Administration	31575	R277-437	R&R	08/07/2008	2008-13/16
<u>enterprise zones</u>					
Tax Commission, Auditing	31458	R865-9I-4	AMD	08/14/2008	2008-12/43
	31530	R865-9I-6	AMD	08/18/2008	2008-13/113
	31459	R865-9I-11	AMD	08/14/2008	2008-12/44
	31460	R865-9I-12	AMD	08/14/2008	2008-12/45
	31463	R865-9I-13	AMD	08/14/2008	2008-12/45
	30916	R865-9I-37	AMD	03/14/2008	2008-3/63
	31413	R865-9I-37	NSC	08/18/2008	Not Printed
	31464	R865-9I-39	AMD	08/14/2008	2008-12/46
	31639	R865-9I-41	NSC	08/25/2008	Not Printed
	31414	R865-9I-42	NSC	08/18/2008	Not Printed
	31415	R865-9I-46	NSC	08/18/2008	Not Printed
	31466	R865-9I-48	AMD	08/14/2008	2008-12/47
	31416	R865-9I-49	NSC	08/18/2008	Not Printed
	31532	R865-9I-50	AMD	08/18/2008	2008-13/114
	31470	R865-9I-52	AMD	08/14/2008	2008-12/48
	30849	R865-9I-53	AMD	02/25/2008	2008-1/36
<u>environmental assessment</u>					
Natural Resources, Forestry, Fire and State Lands	31706	R652-90-300	AMD	09/10/2008	2008-15/44
<u>environmental protection</u>					
Environmental Quality, Air Quality	30698	R307-115	AMD	02/08/2008	2007-23/28
	30961	R307-115	5YR	02/08/2008	2008-5/41
<u>essential facilities</u>					
Public Service Commission, Administration	31628	R746-349	AMD	08/25/2008	2008-14/91
	31374	R746-349-3	NSC	05/05/2008	Not Printed
	31781	R746-349-7	NSC	10/01/2008	Not Printed
<u>estheticians</u>					
Commerce, Occupational and Professional Licensing	30953	R156-11a	AMD	04/10/2008	2008-5/5
	31174	R156-11a-601	NSC	05/05/2008	Not Printed
<u>evidentiary</u>					
Pardons (Board Of), Administration	31823	R671-517	5YR	08/14/2008	2008-17/78
<u>ex-convicts</u>					
Human Services, Juvenile Justice Services	31913	R547-10	AMD	11/12/2008	2008-18/45

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>exceptional children</u>					
Education, Administration	31041	R277-751	5YR	03/03/2008	2008-7/65
	31883	R277-760-2	NSC	10/21/2008	Not Printed
<u>excess emissions</u>					
Environmental Quality, Air Quality	31927	R307-107	5YR	09/04/2008	2008-19/79
	31426	R307-107	NSC	09/04/2008	Not Printed
<u>exemptions</u>					
Environmental Quality, Radiation Control	31170	R313-12-1	NSC	05/05/2008	Not Printed
	30774	R313-12-111	AMD	04/11/2008	2007-24/8
	30774	R313-12-111	CPR	04/11/2008	2008-5/34
<u>exemptions to wildland fire suppression fund</u>					
Natural Resources, Forestry, Fire and State Lands	31111	R652-123	NSC	05/01/2008	Not Printed
<u>expelled</u>					
Education, Administration	31036	R277-483	5YR	03/03/2008	2008-7/62
<u>extended area service</u>					
Public Service Commission, Administration	31045	R746-347	5YR	03/07/2008	2008-7/66
<u>extinguishers</u>					
Public Safety, Fire Marshal	31076	R710-1-4	AMD	05/23/2008	2008-8/31
	31743	R710-1-9	NSC	10/01/2008	Not Printed
<u>extracurricular</u>					
Education, Administration	31834	R277-494	NEW	10/08/2008	2008-17/40
<u>extracurricular activities</u>					
Education, Administration	30880	R277-605	5YR	01/08/2008	2008-3/73
<u>eyeglasses</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	30776	R414-53	AMD	02/01/2008	2007-24/13
	32107	R414-53	EMR	11/01/2008	2008-22/48
	31528	R414-53	5YR	06/05/2008	2008-13/148
<u>facility notice</u>					
Corrections, Administration	30803	R251-114	NEW	03/11/2008	2008-1/6
<u>faculty</u>					
Education, Administration	31874	R277-401-1	NSC	10/21/2008	Not Printed
<u>fair employment practices</u>					
Human Resource Management, Administration	31187	R477-2	AMD	07/01/2008	2008-10/84
	31189	R477-4	AMD	07/01/2008	2008-10/88
<u>fair housing</u>					
Labor Commission, Antidiscrimination and Labor, Fair Housing	31240	R608-1	NSC	05/05/2008	Not Printed
<u>family employment program</u>					
Workforce Services, Employment Development	31032	R986-200	AMD	05/01/2008	2008-6/18

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	30864	R986-200-214	AMD	02/26/2008	2008-2/25
	31365	R986-200-240	AMD	07/02/2008	2008-10/135
	31714	R986-200-240	AMD	09/29/2008	2008-15/78
<u>fees</u>					
Administrative Services, Finance	31527	R25-14	AMD	08/19/2008	2008-13/5
	31775	R25-14	NSC	10/01/2008	Not Printed
	31363	R25-14	EMR	05/05/2008	2008-10/140
Environmental Quality, Environmental Response and Remediation	31496	R311-203	AMD	08/18/2008	2008-12/16
Human Services, Child and Family Services	30721	R512-50	NSC	01/07/2008	Not Printed
	30718	R512-50	REP	01/07/2008	2007-23/60
	31726	R512-51-1	NSC	10/01/2008	Not Printed
Human Services, Substance Abuse and Mental Health	31089	R523-1	5YR	03/31/2008	2008-8/53
	30767	R523-1	NSC	03/31/2008	Not Printed
Labor Commission, Industrial Accidents	31234	R612-2	5YR	04/28/2008	2008-10/148
	31333	R612-2-5	AMD	07/01/2008	2008-10/130
Natural Resources, Parks and Recreation	31670	R651-610	5YR	07/07/2008	2008-15/92
	30621	R651-611	AMD	01/01/2008	2007-22/80
	31599	R651-611	AMD	08/21/2008	2008-14/66
	30898	R651-611	AMD	03/10/2008	2008-3/39
Public Safety, Driver License	31113	R708-18-1	NSC	05/05/2008	Not Printed
<u>fertilizers</u>					
Agriculture and Food, Plant Industry	31491	R68-3-2	AMD	07/25/2008	2008-12/6
<u>filing</u>					
Public Service Commission, Administration	31642	R746-800	NEW	08/25/2008	2008-14/95
<u>filing deadlines</u>					
Labor Commission, Adjudication	31250	R602-1	NSC	05/05/2008	Not Printed
Labor Commission, Industrial Accidents	31235	R612-1	NSC	05/05/2008	Not Printed
Workforce Services, Unemployment Insurance	31905	R994-403-102a	AMD	10/23/2008	2008-18/66
	31777	R994-403-110c	NSC	10/01/2008	Not Printed
<u>filing requirements</u>					
Public Service Commission, Administration	31072	R746-440	NSC	04/11/2008	Not Printed
<u>finance</u>					
Administrative Services, Finance	31318	R25-2	NSC	05/05/2008	Not Printed
	31316	R25-6	5YR	04/29/2008	2008-10/143
	31321	R25-8	AMD	07/01/2008	2008-10/7
	31982	R25-8	5YR	10/01/2008	2008-20/51
<u>financial</u>					
Education, Administration	31957	R277-704	NEW	11/10/2008	2008-19/24
<u>financial aid</u>					
Regents (Board Of), Administration	31402	R765-605	5YR	05/09/2008	2008-11/128
	30957	R765-607	5YR	02/08/2008	2008-5/60

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>financial disclosures</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	30652	R414-304	AMD	01/28/2008	2007-23/54
	31622	R414-304	AMD	09/01/2008	2008-14/49
	30924	R414-304	5YR	01/25/2008	2008-4/44
<u>financial institutions</u>					
Financial Institutions, Administration	31256	R331-20	NSC	05/05/2008	Not Printed
	31891	R331-20	5YR	08/25/2008	2008-18/69
	31892	R331-21	5YR	08/25/2008	2008-18/69
	31315	R331-22-1	NSC	05/05/2008	Not Printed
	31893	R331-24	5YR	08/25/2008	2008-18/70
	32026	R331-25	5YR	10/13/2008	2008-21/109
<u>fingerprinting</u>					
Human Services, Administration, Administrative Services, Licensing	31958	R501-14	NSC	10/14/2008	Not Printed
<u>fire alarm systems</u>					
Public Safety, Fire Marshal	31086	R710-11-3	AMD	05/23/2008	2008-8/42
	31752	R710-11-7	NSC	10/01/2008	Not Printed
<u>fire marshal</u>					
Environmental Quality, Air Quality	30963	R307-202	5YR	02/08/2008	2008-5/42
<u>fire prevention</u>					
Public Safety, Fire Marshal	31076	R710-1-4	AMD	05/23/2008	2008-8/31
	31743	R710-1-9	NSC	10/01/2008	Not Printed
	31746	R710-4-7	NSC	10/01/2008	Not Printed
	31085	R710-7	AMD	05/23/2008	2008-8/40
	31749	R710-7-7	NSC	10/01/2008	Not Printed
	31750	R710-8-7	NSC	10/01/2008	Not Printed
	31787	R710-9	AMD	09/23/2008	2008-16/30
	30919	R710-9-6	AMD	03/10/2008	2008-3/52
<u>fire safe cigarettes</u>					
Public Safety, Fire Marshal	31713	R710-13	NEW	11/24/2008	2008-15/70
<u>fire training</u>					
Public Safety, Fire Marshal	30894	R710-10	AMD	03/10/2008	2008-3/56
	31472	R710-10	AMD	07/23/2008	2008-12/42
	31751	R710-10-11	NSC	10/01/2008	Not Printed
<u>firearms</u>					
Natural Resources, Parks and Recreation	30901	R651-612	AMD	03/10/2008	2008-3/42
	31671	R651-612	5YR	07/07/2008	2008-15/93
<u>fireplaces</u>					
Environmental Quality, Air Quality	31388	R307-302-3	AMD	08/07/2008	2008-11/91
<u>fireworks</u>					
Public Safety, Fire Marshal	30918	R710-2-4	AMD	03/10/2008	2008-3/50
	31078	R710-2-7	AMD	05/23/2008	2008-8/34

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31744	R710-2-8	NSC	10/01/2008	Not Printed
<u>fiscal</u>					
Natural Resources, Parks and Recreation	30899	R651-301	AMD	03/10/2008	2008-3/37
<u>fish</u>					
Natural Resources, Wildlife Resources	30676	R657-13	AMD	01/07/2008	2007-23/61
	31048	R657-13-3	AMD	05/08/2008	2008-7/47
	30904	R657-13-4	AMD	03/10/2008	2008-3/43
	31611	R657-16	AMD	08/21/2008	2008-14/70
	31610	R657-57	NEW	08/21/2008	2008-14/77
	30903	R657-58	NEW	03/10/2008	2008-3/47
	31052	R657-58	NSC	03/26/2008	Not Printed
	31612	R657-59	NEW	08/21/2008	2008-14/80
	31625	R657-59	EMR	06/27/2008	2008-14/129
	31806	R657-59	NSC	10/01/2008	Not Printed
	31623	R657-60	NEW	08/21/2008	2008-14/88
	31624	R657-60	EMR	06/27/2008	2008-14/137
	31897	R657-60	AMD	10/22/2008	2008-18/57
	31805	R657-60	EMR	08/13/2008	2008-17/73
	32004	R657-60-2	EMR	10/10/2008	2008-21/102
<u>fishing</u>					
Natural Resources, Wildlife Resources	30676	R657-13	AMD	01/07/2008	2007-23/61
	31048	R657-13-3	AMD	05/08/2008	2008-7/47
	30904	R657-13-4	AMD	03/10/2008	2008-3/43
	31610	R657-57	NEW	08/21/2008	2008-14/77
	30903	R657-58	NEW	03/10/2008	2008-3/47
	31052	R657-58	NSC	03/26/2008	Not Printed
	31612	R657-59	NEW	08/21/2008	2008-14/80
<u>fleet expansion</u>					
Administrative Services, Fleet Operations	30618	R27-4	AMD	03/06/2008	2007-22/9
	31411	R27-4	NSC	08/18/2008	Not Printed
<u>food aid programs</u>					
Education, Administration	30886	R277-721	5YR	01/08/2008	2008-3/76
	31014	R277-721	REP	04/21/2008	2008-6/5
	30887	R277-722	5YR	01/08/2008	2008-3/76
	31015	R277-722	REP	04/21/2008	2008-6/6
<u>food establishment registration</u>					
Agriculture and Food, Regulatory Services	31430	R70-560	AMD	07/25/2008	2008-11/47
<u>food safety</u>					
Agriculture and Food, Regulatory Services	31380	R70-530	R&R	09/25/2008	2008-11/2
	31430	R70-560	AMD	07/25/2008	2008-11/47
<u>food services</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	31446	R392-100-2	AMD	07/17/2008	2008-11/95

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>food stamps</u> Workforce Services, Employment Development	31907	R986-900-902	AMD	10/23/2008	2008-18/64
<u>foods</u> Education, Administration	30848	R277-719	NEW	02/07/2008	2008-1/12
<u>forest practices</u> Natural Resources, Forestry, Fire and State Lands	32061	R652-140-300	NSC	11/17/2008	Not Printed
<u>foster care</u> Human Services, Child and Family Services	31722	R512-31-3	NSC	10/01/2008	Not Printed
	31723	R512-32-1	NSC	10/01/2008	Not Printed
	31742	R512-43	AMD	09/23/2008	2008-16/24
	31726	R512-51-1	NSC	10/01/2008	Not Printed
	31863	R512-305	5YR	08/20/2008	2008-18/74
	31733	R512-308	NSC	10/01/2008	Not Printed
Human Services, Recovery Services	31563	R527-550	NSC	08/19/2008	Not Printed
<u>franchises</u> Commerce, Administration	31354	R151-14-3	NSC	05/05/2008	Not Printed
	31355	R151-35-3	NSC	05/05/2008	Not Printed
Commerce, Consumer Protection	31214	R152-15-2	NSC	05/05/2008	Not Printed
Tax Commission, Auditing	31632	R865-6F-8	AMD	09/09/2008	2008-14/102
	30913	R865-6F-28	AMD	03/14/2008	2008-3/61
	31534	R865-6F-35	AMD	08/18/2008	2008-13/112
	30842	R865-6F-37	AMD	02/25/2008	2008-1/35
<u>fraud</u> Human Services, Recovery Services	30982	R527-928	AMD	04/07/2008	2008-5/26
<u>free enterprise</u> Regents (Board Of), Administration	31104	R765-555	NSC	06/02/2008	Not Printed
<u>freedom of information</u> Administrative Services, Administration	31343	R13-2	NSC	05/05/2008	Not Printed
	31345	R151-2	NSC	05/05/2008	Not Printed
	31385	R151-2-4	AMD	07/08/2008	2008-11/49
Natural Resources, Wildlife Resources	31225	R657-29	NSC	05/05/2008	Not Printed
<u>fuel composition</u> Environmental Quality, Air Quality	30964	R307-203	5YR	02/08/2008	2008-5/43
<u>fuel dispensing</u> Administrative Services, Fleet Operations	31420	R27-6	NSC	08/18/2008	Not Printed
<u>fuel oil</u> Environmental Quality, Air Quality	30964	R307-203	5YR	02/08/2008	2008-5/43
<u>funding</u> Environmental Quality, Drinking Water	31157	R309-352	5YR	04/18/2008	2008-10/144

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>funding formula</u>					
Health, Administration	31911	R380-50	AMD	10/30/2008	2008-18/17
<u>furbearers</u>					
Natural Resources, Wildlife Resources	31843	R657-11-4	AMD	10/22/2008	2008-18/56
<u>game birds</u>					
Natural Resources, Wildlife Resources	31222	R657-22-1	NSC	05/05/2008	Not Printed
<u>game laws</u>					
Natural Resources, Wildlife Resources	30829	R657-5	AMD	02/07/2008	2008-1/18
	31609	R657-6	AMD	08/21/2008	2008-14/69
	31842	R657-10	AMD	10/22/2008	2008-18/54
	31843	R657-11-4	AMD	10/22/2008	2008-18/56
	31807	R657-19	5YR	08/12/2008	2008-17/77
	30828	R657-23	AMD	02/07/2008	2008-1/25
	31613	R657-23	AMD	08/21/2008	2008-14/73
	30955	R657-23-5	AMD	04/07/2008	2008-5/31
	30906	R657-33	AMD	03/10/2008	2008-3/44
	31398	R657-34	5YR	05/08/2008	2008-11/125
	31945	R657-54	AMD	11/10/2008	2008-19/42
<u>gangs</u>					
Education, Administration	31518	R277-436	5YR	06/02/2008	2008-12/51
	31829	R277-436	AMD	10/08/2008	2008-17/30
<u>gasoline transport</u>					
Environmental Quality, Air Quality	31392	R307-328	AMD	11/10/2008	2008-11/93
	31392	R307-328	CPR	11/10/2008	2008-19/70
	31474	R307-342	NSC	11/10/2008	Not Printed
<u>general assistance</u>					
Workforce Services, Employment Development	31034	R986-400-406	AMD	05/01/2008	2008-6/20
<u>general conformity</u>					
Environmental Quality, Air Quality	30698	R307-115	AMD	02/08/2008	2007-23/28
	30961	R307-115	5YR	02/08/2008	2008-5/41
<u>general licenses</u>					
Environmental Quality, Radiation Control	32046	R313-21	5YR	10/14/2008	2008-21/108
<u>geology</u>					
Commerce, Occupational and Professional Licensing	30694	R156-76	AMD	01/08/2008	2007-23/17
<u>good cause</u>					
Pardons (Board Of), Administration	31659	R671-515	5YR	07/03/2008	2008-15/104
	31817	R671-515	AMD	10/13/2008	2008-17/66
<u>government documents</u>					
Administrative Services, Records Committee	31560	R35-1	NSC	08/19/2008	Not Printed
	31561	R35-1a	NSC	08/19/2008	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31567	R35-2	NSC	08/19/2008	Not Printed
	31938	R35-2-2	NSC	10/01/2008	Not Printed
	31568	R35-3	NSC	08/19/2008	Not Printed
	31569	R35-4	NSC	08/19/2008	Not Printed
	31570	R35-5-1	NSC	08/19/2008	Not Printed
	31571	R35-6-1	NSC	08/19/2008	Not Printed
Commerce, Administration	31345	R151-2	NSC	05/05/2008	Not Printed
	31385	R151-2-4	AMD	07/08/2008	2008-11/49
	31284	R380-20	NSC	05/05/2008	Not Printed
	31368	R495-810	NSC	05/05/2008	Not Printed
Natural Resources, Forestry, Fire and State Lands	31259	R652-6	NSC	05/05/2008	Not Printed
	32059	R652-6-200	NSC	11/17/2008	Not Printed
Natural Resources, Wildlife Resources	31225	R657-29	NSC	05/05/2008	Not Printed
<u>government ethics</u>					
Human Resource Management, Administration	31194	R477-9	AMD	07/01/2008	2008-10/104
<u>government hearings</u>					
Administrative Services, Administrative Rules	31143	R15-1	NSC	05/05/2008	Not Printed
Administrative Services, Finance	31318	R25-2	NSC	05/05/2008	Not Printed
Commerce, Administration	31138	R151-46b	CPR	09/22/2008	2008-16/53
	31964	R151-46b	NSC	10/14/2008	Not Printed
	31138	R151-46b	AMD	09/22/2008	2008-9/12
Commerce, Corporations and Commercial Code	31993	R154-100	5YR	10/02/2008	2008-21/104
Commerce, Occupational and Professional Licensing	31179	R156-46b	NSC	05/05/2008	Not Printed
	31804	R156-46b	AMD	10/09/2008	2008-17/13
	31840	R156-46b	AMD	10/23/2008	2008-18/13
	31595	R156-46b-103	NSC	10/01/2008	Not Printed
Financial Institutions, Administration	31256	R331-20	NSC	05/05/2008	Not Printed
	31891	R331-20	5YR	08/25/2008	2008-18/69
	31209	R477-11	AMD	07/01/2008	2008-10/108
	30949	R671-403	5YR	02/04/2008	2008-5/59
	31373	R746-100	NSC	05/05/2008	Not Printed
	31372	R746-101-4	NSC	05/05/2008	Not Printed
<u>government information resources</u>					
Transportation, Administration	31591	R907-40	REP	10/16/2008	2008-14/113
<u>government purchasing</u>					
Administrative Services, Purchasing and General Services	31477	R33-1	NSC	06/18/2008	Not Printed
	31478	R33-2-101	NSC	06/18/2008	Not Printed
	31479	R33-3	NSC	06/18/2008	Not Printed
	31475	R33-3-4	AMD	08/01/2008	2008-12/3
	31480	R33-4	NSC	06/18/2008	Not Printed
	31481	R33-5	NSC	06/18/2008	Not Printed
	31476	R33-5-250	AMD	08/01/2008	2008-12/4

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31482	R33-7	NSC	06/18/2008	Not Printed
	31483	R33-8-101	NSC	06/18/2008	Not Printed
<u>government records</u>					
Crime Victim Reparations, Administration	31324	R270-4	NSC	05/05/2008	Not Printed
<u>governmental immunity act caps</u>					
Administrative Services, Risk Management	31150	R37-4	R&R	07/01/2008	2008-9/5
<u>graduation requirements</u>					
Education, Administration	30977	R277-703-6	NSC	02/27/2008	Not Printed
<u>GRAMA</u>					
Health, Administration	31284	R380-20	NSC	05/05/2008	Not Printed
Natural Resources, Forestry, Fire and State Lands	31259	R652-6	NSC	05/05/2008	Not Printed
	32059	R652-6-200	NSC	11/17/2008	Not Printed
Regents (Board Of), College of Eastern Utah	31410	R767-1	NSC	08/18/2008	Not Printed
Regents (Board Of), Salt Lake Community College	31344	R784-1	NSC	05/05/2008	Not Printed
Regents (Board Of), University of Utah, Administration	31340	R805-2	NSC	05/05/2008	Not Printed
	31718	R805-2	5YR	07/17/2008	2008-16/75
<u>grant</u>					
Education, Administration	31582	R277-606	NEW	08/07/2008	2008-13/31
<u>grants</u>					
Community and Culture, Housing and Community Development	30451	R199-8	AMD	01/01/2008	2007-19/6
	31921	R199-8-3	AMD	11/06/2008	2008-18/15
Education, Administration	31443	R277-490	NEW	07/08/2008	2008-11/74
<u>grants and loans</u>					
Environmental Quality, Administration	31391	R305-4	NEW	10/08/2008	2008-11/84
	31391	R305-4	CPR	10/08/2008	2008-17/70
Environmental Quality, Air Quality	31390	R307-123	CPR	10/08/2008	2008-17/71
	31390	R307-123	NEW	10/08/2008	2008-11/89
<u>grazing</u>					
Agriculture and Food, Administration	31471	R51-5	REP	07/22/2008	2008-12/5
<u>grievance procedures</u>					
Career Service Review Board, Administration	31934	R137-1-2	EMR	10/02/2008	2008-19/75
	31285	R380-100	NSC	05/05/2008	Not Printed
Human Services, Child and Family Services	31727	R512-75-1	NSC	10/01/2008	Not Printed
Tax Commission, Administration	31535	R861-1A-1	AMD	08/18/2008	2008-13/110
	31536	R861-1A-3	AMD	08/18/2008	2008-13/111
	31386	R861-1A-13	NSC	08/18/2008	Not Printed
	31633	R861-1A-16	AMD	09/09/2008	2008-14/96
	30688	R861-1A-20	AMD	01/11/2008	2007-23/68
	31394	R861-1A-22	NSC	08/18/2008	Not Printed
	31634	R861-1A-23	AMD	09/09/2008	2008-14/98

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	30589	R861-1A-24	AMD	01/11/2008	2007-21/69
	31395	R861-1A-24	NSC	08/18/2008	Not Printed
	30717	R861-1A-26	AMD	01/11/2008	2007-23/69
	31635	R861-1A-26	AMD	09/09/2008	2008-14/99
	31638	R861-1A-27	AMD	09/09/2008	2008-14/101
	31403	R861-1A-28	NSC	08/18/2008	Not Printed
	31404	R861-1A-29	NSC	08/18/2008	Not Printed
	31406	R861-1A-30	NSC	08/18/2008	Not Printed
	31407	R861-1A-31	NSC	08/18/2008	Not Printed
	31412	R861-1A-32	NSC	08/18/2008	Not Printed
	30838	R861-1A-40	AMD	02/25/2008	2008-1/32
	30835	R861-1A-42	AMD	02/25/2008	2008-1/33
	30780	R861-1A-43	AMD	01/25/2008	2007-24/24
<u>grievances</u>					
Human Resource Management, Administration	31188	R477-3	AMD	07/01/2008	2008-10/87
	31209	R477-11	AMD	07/01/2008	2008-10/108
	31210	R477-12	AMD	07/01/2008	2008-10/110
<u>guardianship</u>					
Human Services, Child and Family Services	31733	R512-308	NSC	10/01/2008	Not Printed
<u>habitat designation</u>					
Natural Resources, Wildlife Resources	31226	R657-48-7	NSC	05/05/2008	Not Printed
<u>halfway houses</u>					
Human Services, Recovery Services	31133	R527-257	REP	06/09/2008	2008-9/45
<u>Hatch Act</u>					
Human Resource Management, Administration	31194	R477-9	AMD	07/01/2008	2008-10/104
<u>hazardous air pollutant</u>					
Environmental Quality, Air Quality	30430	R307-214	AMD	01/11/2008	2007-19/12
	30895	R307-214	5YR	01/11/2008	2008-3/77
<u>hazardous materials</u>					
Public Safety, Fire Marshal	30893	R710-12	NEW	03/10/2008	2008-3/58
	31087	R710-12-4	AMD	05/23/2008	2008-8/44
<u>hazardous materials transportation</u>					
Transportation, Motor Carrier	31090	R909-75	AMD	05/27/2008	2008-8/45
<u>hazardous substances</u>					
Environmental Quality, Environmental Response and Remediation	31487	R311-201	NSC	06/18/2008	Not Printed
	31496	R311-203	AMD	08/18/2008	2008-12/16
	31497	R311-206-3	AMD	08/18/2008	2008-12/19
Transportation, Motor Carrier	31090	R909-75	AMD	05/27/2008	2008-8/45
<u>hazardous substances priority list</u>					
Environmental Quality, Environmental Response and Remediation	30567	R311-401-2	AMD	01/02/2008	2007-21/59

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>hazardous waste</u>					
Environmental Quality, Solid and Hazardous Waste	31377	R315-2	NSC	05/05/2008	Not Printed
	31065	R315-3	NSC	04/11/2008	Not Printed
	31376	R315-12	NSC	05/05/2008	Not Printed
	30907	R315-15-1	AMD	03/13/2008	2008-3/16
	30908	R315-15-10	AMD	03/13/2008	2008-3/19
	30909	R315-15-11	AMD	03/13/2008	2008-3/21
	30910	R315-15-12	AMD	03/13/2008	2008-3/23
	30911	R315-15-17	AMD	03/13/2008	2008-3/29
Transportation, Motor Carrier	31090	R909-75	AMD	05/27/2008	2008-8/45
<u>hazardous wastes</u>					
Environmental Quality, Solid and Hazardous Waste	31839	R315-2-17	NSC	10/21/2008	Not Printed
<u>health</u>					
Health, Administration	31911	R380-50	AMD	10/30/2008	2008-18/17
Health, Center for Health Data, Health Care Statistics	31167	R428-11	5YR	04/21/2008	2008-10/146
	31021	R428-11	NSC	04/21/2008	Not Printed
	31168	R428-13	5YR	04/21/2008	2008-10/146
	31022	R428-13	NSC	04/21/2008	Not Printed
	30956	R428-13-4	AMD	05/16/2008	2008-5/25
<u>health administration</u>					
Health, Administration	31283	R380-10	NSC	05/05/2008	Not Printed
<u>health care</u>					
Health, Community and Family Health Services, Children with Special Health Care Needs	31350	R398-1	AMD	06/25/2008	2008-10/60
	31627	R398-1	NSC	08/25/2008	Not Printed
<u>health care facilities</u>					
Health, Health Systems Improvement, Licensing	31489	R432-35	5YR	05/27/2008	2008-12/54
<u>health facilities</u>					
Health, Health Systems Improvement, Licensing	30975	R432-16	5YR	02/11/2008	2008-5/58
	31768	R432-270	AMD	10/15/2008	2008-16/10
<u>health insurance</u>					
Human Services, Recovery Services	31542	R527-201	NSC	08/19/2008	Not Printed
Insurance, Administration	30462	R590-167-11	AMD	05/20/2008	2007-20/23
	30462	R590-167-11	CPR	05/20/2008	2008-3/68
	31697	R590-167-12	NSC	10/01/2008	Not Printed
	31716	R590-176	AMD	09/09/2008	2008-15/40
	31937	R590-176	AMD	11/18/2008	2008-19/35
<u>health planning</u>					
Health, Center for Health Data, Health Care Statistics	31167	R428-11	5YR	04/21/2008	2008-10/146
	31021	R428-11	NSC	04/21/2008	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31168	R428-13	5YR	04/21/2008	2008-10/146
	31022	R428-13	NSC	04/21/2008	Not Printed
	30956	R428-13-4	AMD	05/16/2008	2008-5/25
<u>health policy</u>					
Health, Center for Health Data, Health Care Statistics	31021	R428-11	NSC	04/21/2008	Not Printed
	31168	R428-13	5YR	04/21/2008	2008-10/146
	31022	R428-13	NSC	04/21/2008	Not Printed
	30956	R428-13-4	AMD	05/16/2008	2008-5/25
<u>health spas</u>					
Commerce, Consumer Protection	31217	R152-23-1	NSC	05/05/2008	Not Printed
<u>hearing impaired</u>					
Public Service Commission, Administration	31375	R746-510	NSC	05/05/2008	Not Printed
<u>hearings</u>					
Community and Culture, Home Energy Assistance Target (HEAT)	31331	R195-1	NSC	05/05/2008	Not Printed
Environmental Quality, Air Quality	31461	R307-103	NSC	06/18/2008	Not Printed
	31809	R307-103-2	NSC	10/01/2008	Not Printed
Environmental Quality, Water Quality	30948	R317-9	5YR	02/01/2008	2008-4/42
Labor Commission, Adjudication	31236	R602-2-1	NSC	05/05/2008	Not Printed
	30811	R602-2-4	AMD	02/07/2008	2008-1/14
	31238	R602-3	NSC	05/05/2008	Not Printed
	30810	R602-3-3	AMD	02/07/2008	2008-1/16
	31643	R602-4	EMR	07/01/2008	2008-14/127
Pardons (Board Of), Administration	31821	R671-513	5YR	08/14/2008	2008-17/78
	31818	R671-516	AMD	10/13/2008	2008-17/67
	31655	R671-516	5YR	07/03/2008	2008-15/105
	31823	R671-517	5YR	08/14/2008	2008-17/78
	31826	R671-519	5YR	08/14/2008	2008-17/79
	31825	R671-520	5YR	08/14/2008	2008-17/79
	31824	R671-522	5YR	08/14/2008	2008-17/80
	30951	R686-100	5YR	02/04/2008	2008-5/59
	31886	R686-100	NSC	10/21/2008	Not Printed
	31855	R686-100-1	NSC	10/21/2008	Not Printed
<u>high school</u>					
Regents (Board Of), Administration	31524	R765-603	NEW	10/07/2008	2008-13/103
<u>higher education</u>					
Regents (Board Of), Administration	31325	R765-134	NSC	05/05/2008	Not Printed
	31631	R765-134-5	NSC	08/25/2008	Not Printed
	31490	R765-136	5YR	05/27/2008	2008-12/63
	31326	R765-136	NSC	05/05/2008	Not Printed
	31515	R765-555	5YR	06/02/2008	2008-12/64
	31104	R765-555	NSC	06/02/2008	Not Printed
	31402	R765-605	5YR	05/09/2008	2008-11/128
	30957	R765-607	5YR	02/08/2008	2008-5/60

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31327	R765-993	NSC	05/05/2008	Not Printed
Regents (Board Of), University of Utah, Administration	31340	R805-2	NSC	05/05/2008	Not Printed
	31718	R805-2	5YR	07/17/2008	2008-16/75
<u>higher education assistance</u>					
Regents (Board Of), Administration	31405	R765-606	5YR	05/09/2008	2008-11/129
<u>highways</u>					
Transportation, Administration	31963	R907-67	5YR	09/18/2008	2008-20/52
Transportation, Operations, Maintenance	31693	R918-4	NSC	08/25/2008	Not Printed
	31890	R918-4	5YR	08/25/2008	2008-18/77
Transportation, Program Development	31636	R926-9	AMD	10/16/2008	2008-14/113
	31707	R926-10	NEW	10/16/2008	2008-15/72
<u>HIPAA</u>					
Health, Administration	31455	R380-250	5YR	05/19/2008	2008-12/52
	31484	R495-881	5YR	05/27/2008	2008-12/55
	31485	R495-881	AMD	07/23/2008	2008-12/30
<u>hiring practices</u>					
Human Resource Management, Administration	31189	R477-4	AMD	07/01/2008	2008-10/88
<u>historic preservation</u>					
Tax Commission, Auditing	31632	R865-6F-8	AMD	09/09/2008	2008-14/102
	30913	R865-6F-28	AMD	03/14/2008	2008-3/61
	31534	R865-6F-35	AMD	08/18/2008	2008-13/112
	30842	R865-6F-37	AMD	02/25/2008	2008-1/35
	31458	R865-9I-4	AMD	08/14/2008	2008-12/43
	31530	R865-9I-6	AMD	08/18/2008	2008-13/113
	31459	R865-9I-11	AMD	08/14/2008	2008-12/44
	31460	R865-9I-12	AMD	08/14/2008	2008-12/45
	31463	R865-9I-13	AMD	08/14/2008	2008-12/45
	30916	R865-9I-37	AMD	03/14/2008	2008-3/63
	31413	R865-9I-37	NSC	08/18/2008	Not Printed
	31464	R865-9I-39	AMD	08/14/2008	2008-12/46
	31639	R865-9I-41	NSC	08/25/2008	Not Printed
	31414	R865-9I-42	NSC	08/18/2008	Not Printed
	31415	R865-9I-46	NSC	08/18/2008	Not Printed
	31466	R865-9I-48	AMD	08/14/2008	2008-12/47
	31416	R865-9I-49	NSC	08/18/2008	Not Printed
	31532	R865-9I-50	AMD	08/18/2008	2008-13/114
	31470	R865-9I-52	AMD	08/14/2008	2008-12/48
	30849	R865-9I-53	AMD	02/25/2008	2008-1/36
<u>holidays</u>					
Human Resource Management, Administration	31192	R477-7	AMD	07/01/2008	2008-10/95
	31788	R477-7	AMD	09/22/2008	2008-16/16

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>hospital</u>					
Health, Administration	31286	R380-200	NSC	05/05/2008	Not Printed
	31280	R380-210-6	NSC	05/05/2008	Not Printed
Health, Health Care Financing, Coverage and Reimbursement Policy	31424	R414-5	5YR	05/13/2008	2008-11/125
<u>hospital policy</u>					
Health, Center for Health Data, Health Care Statistics	31167	R428-11	5YR	04/21/2008	2008-10/146
<u>hospitals</u>					
Environmental Quality, Air Quality	30702	R307-222	AMD	02/08/2008	2007-23/36
	30967	R307-222	5YR	02/08/2008	2008-5/44
	30833	R307-222-1	NSC	02/08/2008	Not Printed
<u>hostile work environment</u>					
Human Resource Management, Administration	31208	R477-15	AMD	07/01/2008	2008-10/112
<u>HOT lanes</u>					
Transportation Commission, Administration	31810	R940-1	NSC	10/01/2008	Not Printed
<u>HOT Lanes</u>					
Transportation Commission, Administration	31637	R940-1	AMD	10/16/2008	2008-14/115
<u>hotels</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	31494	R392-502	AMD	07/22/2008	2008-12/20
<u>hours of business</u>					
Labor Commission, Administration	31705	R600-2-1	AMD	09/09/2008	2008-15/43
	31778	R600-2-1	EMR	08/04/2008	2008-16/64
<u>housing</u>					
Labor Commission, Antidiscrimination and Labor, Fair Housing	31240	R608-1	NSC	05/05/2008	Not Printed
<u>human services</u>					
Human Services, Administration, Administrative Services, Licensing	31017	R501-16	5YR	02/22/2008	2008-6/25
	31026	R501-17	5YR	02/27/2008	2008-6/25
	31923	R501-21	NSC	10/21/2008	Not Printed
Human Services, Services for People with Disabilities	30877	R539-1-8	AMD	04/01/2008	2008-3/32
	30926	R539-1-8	EMR	01/28/2008	2008-4/38
<u>hunter education</u>					
Natural Resources, Wildlife Resources	30828	R657-23	AMD	02/07/2008	2008-1/25
	31613	R657-23	AMD	08/21/2008	2008-14/73
	30955	R657-23-5	AMD	04/07/2008	2008-5/31
<u>hunting closures</u>					
Natural Resources, Wildlife Resources	31398	R657-34	5YR	05/08/2008	2008-11/125
<u>immunization</u>					
Health, Community and Family Health Services, Immunization	31753	R396-100	5YR	07/25/2008	2008-16/67
	31173	R396-100	NSC	07/25/2008	Not Printed

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>immunizations</u>					
Health, Community and Family Health Services, Immunization	31100	R396-100-3	AMD	07/29/2008	2008-8/14
<u>impairment ratings</u>					
Labor Commission, Industrial Accidents	31231	R612-7	5YR	04/28/2008	2008-10/150
<u>implements of husbandry</u>					
Transportation, Motor Carrier	30783	R909-1-1	AMD	02/15/2008	2007-24/25
<u>import restrictions</u>					
Natural Resources, Wildlife Resources	31047	R657-3	5YR	03/11/2008	2008-7/65
	31220	R657-3	NSC	05/05/2008	Not Printed
	31053	R657-3	AMD	05/08/2008	2008-7/45
	31051	R657-53	AMD	05/08/2008	2008-7/50
	31228	R657-53	NSC	05/05/2008	Not Printed
	31508	R657-53	5YR	06/02/2008	2008-12/61
<u>imputation</u>					
Public Service Commission, Administration	31628	R746-349	AMD	08/25/2008	2008-14/91
	31374	R746-349-3	NSC	05/05/2008	Not Printed
	31781	R746-349-7	NSC	10/01/2008	Not Printed
<u>in-service training</u>					
Public Safety, Peace Officer Standards and Training	31648	R728-501	5YR	07/01/2008	2008-14/142
<u>incest</u>					
Education, Administration	31874	R277-401-1	NSC	10/21/2008	Not Printed
<u>incident</u>					
Pardons (Board Of), Administration	31656	R671-509	5YR	07/03/2008	2008-15/103
<u>incidents</u>					
Administrative Services, Fleet Operations	31793	R27-7	AMD	11/11/2008	2008-17/4
	31421	R27-7-1	NSC	08/18/2008	Not Printed
Pardons (Board Of), Administration	31816	R671-509	AMD	10/13/2008	2008-17/63
<u>incinerators</u>					
Environmental Quality, Air Quality	30965	R307-220	5YR	02/08/2008	2008-5/43
<u>income</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	30921	R414-302	5YR	01/25/2008	2008-4/43
	30925	R414-303	5YR	01/25/2008	2008-4/44
	30652	R414-304	AMD	01/28/2008	2007-23/54
	31622	R414-304	AMD	09/01/2008	2008-14/49
	30924	R414-304	5YR	01/25/2008	2008-4/44
Human Services, Recovery Services	31158	R527-300	AMD	09/04/2008	2008-10/118
<u>income distribution</u>					
Human Services, Child and Family Services	30720	R512-20	NSC	01/07/2008	Not Printed
	30716	R512-20	REP	01/07/2008	2007-23/58

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>income tax</u>					
Tax Commission, Auditing	31458	R865-9I-4	AMD	08/14/2008	2008-12/43
	31530	R865-9I-6	AMD	08/18/2008	2008-13/113
	31459	R865-9I-11	AMD	08/14/2008	2008-12/44
	31460	R865-9I-12	AMD	08/14/2008	2008-12/45
	31463	R865-9I-13	AMD	08/14/2008	2008-12/45
	30916	R865-9I-37	AMD	03/14/2008	2008-3/63
	31413	R865-9I-37	NSC	08/18/2008	Not Printed
	31464	R865-9I-39	AMD	08/14/2008	2008-12/46
	31639	R865-9I-41	NSC	08/25/2008	Not Printed
	31414	R865-9I-42	NSC	08/18/2008	Not Printed
	31415	R865-9I-46	NSC	08/18/2008	Not Printed
	31466	R865-9I-48	AMD	08/14/2008	2008-12/47
	31416	R865-9I-49	NSC	08/18/2008	Not Printed
	31532	R865-9I-50	AMD	08/18/2008	2008-13/114
	31470	R865-9I-52	AMD	08/14/2008	2008-12/48
	30849	R865-9I-53	AMD	02/25/2008	2008-1/36
<u>income withholding fees</u>					
Human Services, Recovery Services	31163	R527-302	AMD	06/25/2008	2008-10/120
	31792	R527-302	NSC	10/01/2008	Not Printed
	31160	R527-302	5YR	04/21/2008	2008-10/147
<u>independent foster care adolescent</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	30925	R414-303	5YR	01/25/2008	2008-4/44
<u>Indian affairs</u>					
Community and Culture, Indian Affairs	30912	R230-1	CPR	07/16/2008	2008-11/122
	30912	R230-1	AMD	07/16/2008	2008-3/12
<u>indoor air pollution</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	31908	R392-510	NSC	10/21/2008	Not Printed
<u>industrial waste</u>					
Environmental Quality, Water Quality	30639	R317-1-4	AMD	02/04/2008	2007-22/52
	30637	R317-13	NEW	02/04/2008	2007-22/61
<u>infectious waste</u>					
Environmental Quality, Air Quality	30702	R307-222	AMD	02/08/2008	2007-23/36
	30967	R307-222	5YR	02/08/2008	2008-5/44
	30833	R307-222-1	NSC	02/08/2008	Not Printed
<u>informal adjudicative proceedings</u>					
Labor Commission, Industrial Accidents	31251	R612-9-1	NSC	05/05/2008	Not Printed
<u>injury prevention</u>					
Health, Administration	31280	R380-210-6	NSC	05/05/2008	Not Printed
<u>inmates</u>					
Education, Administration	31837	R277-735	AMD	10/08/2008	2008-17/49

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>inspections</u>					
Agriculture and Food, Plant Industry	31006	R68-5	5YR	02/15/2008	2008-5/39
	30611	R68-7	AMD	01/07/2008	2007-22/11
	31800	R68-7-8	AMD	10/09/2008	2008-17/7
	31127	R68-8-2	AMD	07/02/2008	2008-9/7
Agriculture and Food, Regulatory Services	31380	R70-530	R&R	09/25/2008	2008-11/2
	31430	R70-560	AMD	07/25/2008	2008-11/47
Environmental Quality, Radiation Control	31170	R313-12-1	NSC	05/05/2008	Not Printed
	30774	R313-12-111	AMD	04/11/2008	2007-24/8
	30774	R313-12-111	CPR	04/11/2008	2008-5/34
<u>instructional materials</u>					
Education, Administration	30781	R277-469	AMD	01/22/2008	2007-24/4
	31035	R277-469	5YR	03/03/2008	2008-7/62
	31577	R277-469	AMD	08/07/2008	2008-13/21
<u>insurance</u>					
Human Resource Management, Administration	31191	R477-6	AMD	07/01/2008	2008-10/91
	31782	R477-6-4	AMD	09/22/2008	2008-16/14
	31698	R590-148-12	NSC	10/16/2008	Not Printed
	31696	R590-149	NSC	10/16/2008	Not Printed
	31766	R590-151	NSC	10/01/2008	Not Printed
	31131	R590-154	5YR	04/09/2008	2008-9/54
	32098	R590-160	5YR	10/30/2008	2008-22/55
	32096	R590-161	5YR	10/30/2008	2008-22/56
	32097	R590-162	5YR	10/30/2008	2008-22/57
	30508	R590-175	AMD	02/08/2008	2007-20/24
	31767	R590-186	5YR	07/29/2008	2008-16/70
	30897	R590-218	5YR	01/11/2008	2008-3/80
	31525	R590-219	5YR	06/04/2008	2008-13/150
	31523	R590-222	5YR	06/02/2008	2008-12/58
	31500	R590-222	AMD	08/04/2008	2008-12/36
	31081	R590-245	CPR	11/12/2008	2008-14/118
	31647	R590-250	NEW	08/25/2008	2008-14/63
Labor Commission, Industrial Accidents	31229	R612-5	5YR	04/28/2008	2008-10/149
<u>insurance fee</u>					
Insurance, Administration	30890	R590-157	5YR	01/10/2008	2008-3/79
	31939	R590-157	AMD	11/18/2008	2008-19/34
<u>insurance fees</u>					
Insurance, Administration	31652	R590-102	AMD	09/11/2008	2008-15/31
<u>insurance law</u>					
Insurance, Administration	31059	R590-91	AMD	05/29/2008	2008-7/35
	31132	R590-94	5YR	04/09/2008	2008-9/53
	31765	R590-121-5	NSC	10/01/2008	Not Printed
	31062	R590-131	AMD	10/02/2008	2008-7/37

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31062	R590-131	CPR	10/02/2008	2008-13/141
	31030	R590-164	AMD	05/08/2008	2008-6/10
	31551	R590-164	AMD	08/26/2008	2008-13/83
	31077	R590-191	AMD	05/29/2008	2008-8/27
<u>insurance reserves and nonforfeitures</u> Insurance, Administration	31552	R590-223	5YR	06/12/2008	2008-13/151
<u>interest rate swaps</u> Money Management Council, Administration	31587	R628-18	NSC	08/25/2008	Not Printed
<u>international baccalaureate</u> Education, Administration	31583	R277-710	NEW	08/07/2008	2008-13/32
<u>interpreters</u> Public Service Commission, Administration	31375	R746-510	NSC	05/05/2008	Not Printed
<u>interstate</u> Human Services, Recovery Services	30978	R527-305	5YR	02/12/2008	2008-5/58
	31025	R527-305	AMD	04/21/2008	2008-6/8
<u>interstate compacts</u> Workforce Services, Unemployment Insurance	31075	R994-106-106	AMD	05/30/2008	2008-8/48
<u>interstate highway systems</u> Transportation, Administration	31962	R907-64	5YR	09/18/2008	2008-20/51
	31965	R907-65	5YR	09/22/2008	2008-20/52
<u>intoxilyzer</u> Public Safety, Highway Patrol	31900	R714-500	NSC	10/21/2008	Not Printed
	31754	R714-500	AMD	10/15/2008	2008-16/31
<u>intrastate driver license waivers</u> Public Safety, Driver License	31116	R708-34	NSC	05/05/2008	Not Printed
<u>inventories</u> Environmental Quality, Air Quality	31558	R307-150-4	AMD	09/04/2008	2008-13/35
<u>investigations</u> Public Safety, Peace Officer Standards and Training	31739	R728-409	AMD	10/01/2008	2008-16/36
	31901	R728-409-23	NSC	10/21/2008	Not Printed
<u>job creation</u> Governor, Economic Development	30788	R357-2	NEW	01/30/2008	2007-24/9
	30859	R357-2-7	NSC	01/30/2008	Not Printed
<u>job descriptions</u> Human Resource Management, Administration	31188	R477-3	AMD	07/01/2008	2008-10/87
<u>jobs</u> Governor, Economic Development	31153	R357-3	NEW	06/18/2008	2008-9/37

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>judicial conduct commission</u> Judicial Conduct Commission, Administration	31869	R595-1-1	NSC	10/21/2008	Not Printed
<u>Judicial Conduct Commission</u> Judicial Conduct Commission, Administration	31604	R595-1-1	NSC	10/21/2008	Not Printed
	31605	R595-3-5	NSC	08/25/2008	Not Printed
<u>juvenile corrections</u> Human Services, Juvenile Justice Services	31935	R547-3	AMD	11/12/2008	2008-19/27
	31917	R547-6	AMD	11/12/2008	2008-18/43
	31932	R547-7	AMD	11/12/2008	2008-19/32
	31913	R547-10	AMD	11/12/2008	2008-18/45
	31914	R547-12	AMD	11/12/2008	2008-18/46
	31912	R547-13	AMD	11/12/2008	2008-18/47
<u>juvenile courts</u> Education, Administration	30884	R277-709	5YR	01/08/2008	2008-3/75
<u>juvenile detention</u> Human Services, Juvenile Justice Services	31912	R547-13	AMD	11/12/2008	2008-18/47
<u>juvenile offenders</u> Education, Administration	31882	R277-714-1	NSC	10/21/2008	Not Printed
<u>kinship</u> Human Services, Child and Family Services	31864	R512-500	5YR	08/20/2008	2008-18/74
	31590	R512-500	R&R	08/21/2008	2008-14/57
	31589	R512-500	EMR	06/18/2008	2008-14/123
<u>labor</u> Labor Commission, Antidiscrimination and Labor, Labor	31247	R610-1	NSC	05/05/2008	Not Printed
	31149	R610-1-4	AMD	06/13/2008	2008-9/48
	31245	R610-2	NSC	05/05/2008	Not Printed
	30942	R610-2-6	AMD	03/24/2008	2008-4/19
	31243	R610-3	NSC	05/05/2008	Not Printed
	30876	R610-3-4	EMR	01/03/2008	2008-3/70
	30941	R610-3-4	AMD	03/24/2008	2008-4/20
	31148	R610-3-10	AMD	06/13/2008	2008-9/50
Labor Commission, Safety	31233	R616-1	5YR	04/28/2008	2008-10/150
	31249	R616-1	NSC	05/05/2008	Not Printed
<u>labor commission</u> Labor Commission, Administration	31232	R600-1	5YR	04/28/2008	2008-10/148
	31237	R600-1	NSC	05/05/2008	Not Printed
	31705	R600-2-1	AMD	09/09/2008	2008-15/43
	31778	R600-2-1	EMR	08/04/2008	2008-16/64
<u>laboratories</u> Health, Epidemiology and Laboratory Services, Laboratory Services	31717	R438-13	5YR	07/16/2008	2008-16/69

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>laboratory animals</u> Health, Epidemiology and Laboratory Services, Laboratory Services	31717	R438-13	5YR	07/16/2008	2008-16/69
<u>land sales</u> Natural Resources, Wildlife Resources	31960	R657-61	NEW	11/24/2008	2008-20/17
<u>land use</u> Natural Resources, Forestry, Fire and State Lands	31706	R652-90-300	AMD	09/10/2008	2008-15/44
	31896	R652-110	5YR	08/26/2008	2008-18/76
<u>landfills</u> Environmental Quality, Air Quality	30965	R307-220	5YR	02/08/2008	2008-5/43
<u>landscape architects</u> Commerce, Occupational and Professional Licensing	31074	R156-53	5YR	03/24/2008	2008-8/52
<u>language proficiency</u> Regents (Board Of), Administration	31490	R765-136	5YR	05/27/2008	2008-12/63
	31326	R765-136	NSC	05/05/2008	Not Printed
<u>law</u> Public Safety, Fire Marshal	31787	R710-9	AMD	09/23/2008	2008-16/30
	30919	R710-9-6	AMD	03/10/2008	2008-3/52
<u>law enforcement</u> Public Safety, Criminal Investigations and Technical Services, Criminal Identification	30929	R722-320	NSC	05/14/2008	Not Printed
	31434	R722-320	5YR	05/14/2008	2008-11/127
<u>law enforcement officers</u> Public Safety, Peace Officer Standards and Training	31719	R728-101	NSC	10/01/2008	Not Printed
	31930	R728-403-2	AMD	11/25/2008	2008-19/44
	31739	R728-409	AMD	10/01/2008	2008-16/36
	31901	R728-409-23	NSC	10/21/2008	Not Printed
	31648	R728-501	5YR	07/01/2008	2008-14/142
<u>LCTO</u> Human Services, Aging and Adult Services	31916	R510-200-3	NSC	10/21/2008	Not Printed
<u>lead-based paint</u> Environmental Quality, Air Quality	30973	R307-840	5YR	02/08/2008	2008-5/47
	30708	R307-840	AMD	02/08/2008	2007-23/48
<u>LEAP</u> Regents (Board Of), Administration	31405	R765-606	5YR	05/09/2008	2008-11/129
<u>leases</u> Natural Resources, Forestry, Fire and State Lands	31270	R652-30-500	NSC	05/05/2008	Not Printed
	31896	R652-110	5YR	08/26/2008	2008-18/76
<u>leave benefits</u> Human Resource Management, Administration	31192	R477-7	AMD	07/01/2008	2008-10/95

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31788	R477-7	AMD	09/22/2008	2008-16/16
<u>liberties</u>					
Natural Resources, Administration	30875	R634-1	NSC	01/25/2008	Not Printed
	30923	R634-1	5YR	01/25/2008	2008-4/47
<u>license</u>					
Natural Resources, Wildlife Resources	31399	R657-45	5YR	05/08/2008	2008-11/127
	31050	R657-45-2	AMD	05/08/2008	2008-7/49
<u>license plates</u>					
Tax Commission, Motor Vehicle	30844	R873-22M-34	AMD	02/25/2008	2008-1/38
	31264	R873-22M-41	AMD	06/27/2008	2008-10/133
<u>licensing</u>					
Commerce, Occupational and Professional Licensing	31288	R156-1	AMD	06/23/2008	2008-10/30
	30655	R156-1-102a	AMD	01/08/2008	2007-23/3
	31803	R156-1-109	AMD	10/09/2008	2008-17/10
	30935	R156-3a-303	AMD	03/27/2008	2008-4/5
	32003	R156-5a	NSC	11/17/2008	Not Printed
	32002	R156-5a	5YR	10/07/2008	2008-21/104
	31425	R156-17b	CPR	11/24/2008	2008-20/35
	31425	R156-17b	AMD	11/24/2008	2008-11/49
	30715	R156-26a	AMD	03/31/2008	2007-23/4
	31763	R156-26a	AMD	09/23/2008	2008-16/5
	30715	R156-26a	CPR	03/31/2008	2008-4/35
	31396	R156-28	AMD	07/10/2008	2008-11/56
	31156	R156-31b	AMD	06/23/2008	2008-10/34
	31094	R156-31b	5YR	04/01/2008	2008-8/51
	31615	R156-31b	AMD	08/25/2008	2008-14/15
	31603	R156-31b-102	NSC	08/25/2008	Not Printed
	31889	R156-31b-701	NSC	10/21/2008	Not Printed
	31423	R156-37	AMD	09/09/2008	2008-11/62
	31423	R156-37	CPR	09/09/2008	2008-15/84
	32019	R156-37c	5YR	10/09/2008	2008-21/105
	32020	R156-37c	NSC	11/17/2008	Not Printed
	30654	R156-38a	AMD	01/07/2008	2007-23/14
	31176	R156-38a-105a	NSC	05/05/2008	Not Printed
	32027	R156-39a	5YR	10/13/2008	2008-21/105
	31178	R156-40-302e	NSC	05/05/2008	Not Printed
	31397	R156-41	AMD	07/14/2008	2008-11/65
	30853	R156-47b	AMD	02/21/2008	2008-2/4
	31180	R156-49	NSC	05/05/2008	Not Printed
	31073	R156-49	5YR	03/24/2008	2008-8/52
	31074	R156-53	5YR	03/24/2008	2008-8/52
	31292	R156-55a	AMD	06/24/2008	2008-10/42
	30892	R156-55a	AMD	03/11/2008	2008-3/3
	31802	R156-55a	AMD	10/09/2008	2008-17/15

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	31616	R156-55a-102	NSC	08/25/2008	Not Printed
	32009	R156-55a-301	NSC	11/17/2008	Not Printed
	31801	R156-55b	AMD	10/09/2008	2008-17/24
	31941	R156-55c	AMD	11/10/2008	2008-19/9
	31181	R156-55d	NSC	05/05/2008	Not Printed
	31966	R156-55d	AMD	11/24/2008	2008-20/4
	31588	R156-55d	NSC	08/25/2008	Not Printed
	30574	R156-56	AMD	01/01/2008	2007-21/38
	31139	R156-56	AMD	07/01/2008	2008-9/23
	30573	R156-56-420	AMD	01/01/2008	2007-21/57
	31142	R156-56-701	AMD	07/01/2008	2008-9/30
	31626	R156-56-801	NSC	07/01/2008	Not Printed
	30915	R156-61	AMD	05/08/2008	2008-3/6
	30915	R156-61	CPR	05/08/2008	2008-7/55
	31182	R156-63	NSC	05/05/2008	Not Printed
	31699	R156-63	REP	11/13/2008	2008-15/5
	31700	R156-63a	NEW	11/13/2008	2008-15/12
	31700	R156-63a	CPR	11/13/2008	2008-19/53
	31701	R156-63b	NEW	11/13/2008	2008-15/19
	31701	R156-63b	CPR	11/13/2008	2008-19/54
	31975	R156-64	AMD	11/24/2008	2008-20/6
	31183	R156-67	NSC	05/05/2008	Not Printed
	31083	R156-68	5YR	03/27/2008	2008-8/53
	31185	R156-68	NSC	05/05/2008	Not Printed
	31136	R156-69	AMD	06/09/2008	2008-9/35
	30854	R156-71	CPR	07/08/2008	2008-11/121
	30854	R156-71	AMD	07/08/2008	2008-2/6
	31967	R156-71-202	AMD	11/24/2008	2008-20/8
	32021	R156-74	5YR	10/09/2008	2008-21/106
	31516	R156-74	AMD	07/22/2008	2008-12/7
	30694	R156-76	AMD	01/08/2008	2007-23/17
Human Services, Administration, Administrative Services, Licensing	31958	R501-14	NSC	10/14/2008	Not Printed
	31017	R501-16	5YR	02/22/2008	2008-6/25
	31026	R501-17	5YR	02/27/2008	2008-6/25
	31923	R501-21	NSC	10/21/2008	Not Printed
Human Services, Juvenile Justice Services	31932	R547-7	AMD	11/12/2008	2008-19/32
Labor Commission, Antidiscrimination and Labor, Labor	31438	R610-4	REP	07/08/2008	2008-11/101
	31239	R610-4	NSC	05/05/2008	Not Printed
Natural Resources, Water Rights	31694	R655-4	AMD	09/10/2008	2008-15/45
	31812	R655-4-5	NSC	10/01/2008	Not Printed
Natural Resources, Wildlife Resources	31224	R657-27-11	NSC	05/05/2008	Not Printed
Public Safety, Driver License	31436	R708-10	AMD	07/08/2008	2008-11/116
	31113	R708-18-1	NSC	05/05/2008	Not Printed
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	31028	R859-1	AMD	05/01/2008	2008-6/15

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31172	R859-1-102	NSC	06/18/2008	Not Printed
	31029	R859-1-302	AMD	05/01/2008	2008-6/16
	31585	R859-1-506	AMD	09/01/2008	2008-13/108
	31898	R859-1-506	NSC	10/21/2008	Not Printed
	31586	R859-1-509	AMD	09/01/2008	2008-13/109
<u>licensure</u>					
Education, Administration	31851	R277-512-1	NSC	10/21/2008	Not Printed
	31879	R277-512-1	NSC	10/21/2008	Not Printed
<u>liens</u>					
Commerce, Occupational and Professional Licensing	30654	R156-38a	AMD	01/07/2008	2007-23/14
	31176	R156-38a-105a	NSC	05/05/2008	Not Printed
<u>limitation on judgments</u>					
Administrative Services, Risk Management	31150	R37-4	R&R	07/01/2008	2008-9/5
<u>liquefied petroleum gas</u>					
Public Safety, Fire Marshal	30862	R710-6	AMD	02/21/2008	2008-2/22
	31082	R710-6-4	AMD	05/23/2008	2008-8/37
	31748	R710-6-5	NSC	10/01/2008	Not Printed
<u>literacy</u>					
Education, Administration	31957	R277-704	NEW	11/10/2008	2008-19/24
<u>loans</u>					
Administrative Services, Facilities Construction and Management	31942	R23-30	NEW	11/10/2008	2008-19/5
Environmental Quality, Water Quality	31103	R317-101	5YR	04/02/2008	2008-9/53
<u>local government</u>					
Health, Administration	31911	R380-50	AMD	10/30/2008	2008-18/17
<u>LTCO</u>					
Human Services, Aging and Adult Services	31379	R510-200-3	NSC	05/05/2008	Not Printed
<u>MACT</u>					
Environmental Quality, Air Quality	30430	R307-214	AMD	01/11/2008	2007-19/12
	30895	R307-214	5YR	01/11/2008	2008-3/77
<u>management</u>					
Natural Resources, Forestry, Fire and State Lands	31706	R652-90-300	AMD	09/10/2008	2008-15/44
<u>maps</u>					
Natural Resources, Water Rights	31130	R655-5	5YR	04/08/2008	2008-9/54
<u>market trading program</u>					
Environmental Quality, Air Quality	30970	R307-250	5YR	02/08/2008	2008-5/46
	31559	R307-250	AMD	11/10/2008	2008-13/37
	31559	R307-250	CPR	11/10/2008	2008-19/58
<u>marketing</u>					
Commerce, Consumer Protection	31214	R152-15-2	NSC	05/05/2008	Not Printed

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
massage therapy Commerce, Occupational and Professional Licensing	30853	R156-47b	AMD	02/21/2008	2008-2/4
match requirement Human Services, Administration	30773	R495-861	AMD	01/30/2008	2007-24/18
Medicaid Health, Health Care Financing, Coverage and Reimbursement Policy	31979	R414-320-15	EMR	10/01/2008	2008-20/49
mediation Commerce, Occupational and Professional Licensing	32027	R156-39a	5YR	10/13/2008	2008-21/105
Medicaid Health, Health Care Financing	31550	R410-14	NSC	08/19/2008	Not Printed
	30981	R410-14-17	EMR	02/15/2008	2008-5/36
	31129	R410-14-17	AMD	06/09/2008	2008-9/38
Health, Health Care Financing, Coverage and Reimbursement Policy	31359	R414-1-5	AMD	07/01/2008	2008-10/64
	31789	R414-1-5	AMD	10/01/2008	2008-16/9
	32113	R414-1-5	EMR	11/01/2008	2008-22/43
	31506	R414-1-5	AMD	08/04/2008	2008-12/22
	31771	R414-1-16	NSC	10/01/2008	Not Printed
	31424	R414-5	5YR	05/13/2008	2008-11/125
	31169	R414-6	5YR	04/21/2008	2008-10/145
	31493	R414-6	AMD	07/22/2008	2008-12/23
	32104	R414-14-5	EMR	11/01/2008	2008-22/44
	30653	R414-21	R&R	01/10/2008	2007-23/50
	32105	R414-21-2	EMR	11/01/2008	2008-22/46
	31046	R414-27	NSC	03/25/2008	Not Printed
	30920	R414-27	5YR	01/17/2008	2008-4/42
	31360	R414-27	AMD	07/01/2008	2008-10/65
	31135	R414-40	R&R	06/23/2008	2008-9/39
	31452	R414-51	5YR	05/19/2008	2008-12/53
	30775	R414-52	AMD	02/01/2008	2007-24/12
	32106	R414-52	EMR	11/01/2008	2008-22/47
	31453	R414-52	5YR	05/19/2008	2008-12/54
	30776	R414-53	AMD	02/01/2008	2007-24/13
	32107	R414-53	EMR	11/01/2008	2008-22/48
	31528	R414-53	5YR	06/05/2008	2008-13/148
	31644	R414-54	R&R	10/02/2008	2008-14/46
	32109	R414-54	EMR	11/01/2008	2008-22/49
	32119	R414-54	EMR	11/04/2008	2008-23/41
	31737	R414-55	5YR	07/18/2008	2008-16/69
	31645	R414-59	R&R	10/02/2008	2008-14/47
	32120	R414-59-4	EMR	11/04/2008	2008-23/42
	32110	R414-59-4	EMR	11/01/2008	2008-22/50
	31505	R414-70	R&R	08/04/2008	2008-12/24

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	30378	R414-71	CPR	03/31/2008	2008-3/66
	31507	R414-71	REP	08/04/2008	2008-12/28
	30378	R414-71	AMD	03/31/2008	2007-18/40
	32111	R414-99-2	EMR	11/01/2008	2008-22/51
	32112	R414-200	EMR	11/01/2008	2008-22/52
	30936	R414-301	5YR	01/31/2008	2008-4/43
	31773	R414-301-6	NSC	10/01/2008	Not Printed
	30937	R414-305	5YR	01/31/2008	2008-4/45
	30945	R414-305	AMD	04/01/2008	2008-4/9
	30938	R414-308	5YR	01/31/2008	2008-4/46
	31976	R414-308	EMR	10/01/2008	2008-20/44
	30927	R414-308-7	AMD	04/01/2008	2008-4/16
	31356	R414-310	AMD	07/01/2008	2008-10/66
	31978	R414-310-13	EMR	10/01/2008	2008-20/47
	31358	R414-320	AMD	07/01/2008	2008-10/68
	31774	R414-501-5	NSC	10/01/2008	Not Printed
	31362	R414-504	AMD	07/01/2008	2008-10/71
	31906	R414-504	AMD	10/22/2008	2008-18/24
	31361	R414-508	NEW	07/01/2008	2008-10/78
	30917	R414-510	AMD	03/10/2008	2008-3/30
Human Services, Recovery Services	31542	R527-201	NSC	08/19/2008	Not Printed
<u>medical incinerator</u>					
Environmental Quality, Air Quality	30702	R307-222	AMD	02/08/2008	2007-23/36
	30967	R307-222	5YR	02/08/2008	2008-5/44
	30833	R307-222-1	NSC	02/08/2008	Not Printed
<u>medical insurance</u>					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	31566	R859-1-501	AMD	09/01/2008	2008-13/106
<u>medical malpractice</u>					
Commerce, Occupational and Professional Licensing	31055	R156-78A	NSC	03/26/2008	Not Printed
<u>medical practitioner</u>					
Labor Commission, Industrial Accidents	31234	R612-2	5YR	04/28/2008	2008-10/148
	31333	R612-2-5	AMD	07/01/2008	2008-10/130
<u>medical supplies</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	31505	R414-70	R&R	08/04/2008	2008-12/24
<u>medical transportation</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	30922	R414-306	5YR	01/25/2008	2008-4/45
<u>medication treatment</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	31449	R525-3	5YR	05/19/2008	2008-12/56
<u>mercury</u>					
Environmental Quality, Air Quality	30969	R307-224	5YR	02/08/2008	2008-5/45
	30704	R307-224-2	AMD	02/08/2008	2007-23/39

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>migratory birds</u>					
Natural Resources, Wildlife Resources	31948	R657-9	AMD	11/10/2008	2008-19/37
<u>minerals reclamation</u>					
Natural Resources, Oil, Gas and Mining; Non-Coal	31510	R647-1	5YR	06/02/2008	2008-12/59
	31205	R647-1-106	NSC	05/05/2008	Not Printed
	31511	R647-2	5YR	06/02/2008	2008-12/59
	31512	R647-3	5YR	06/02/2008	2008-12/60
	31513	R647-4	5YR	06/02/2008	2008-12/60
	31514	R647-5	5YR	06/02/2008	2008-12/61
	31206	R647-5	NSC	05/05/2008	Not Printed
	31759	R647-6	5YR	07/28/2008	2008-16/73
	31760	R647-7	5YR	07/28/2008	2008-16/73
	31761	R647-8	5YR	07/28/2008	2008-16/74
<u>minimum standards</u>					
Natural Resources, Forestry, Fire and State Lands	31109	R652-122-100	NSC	05/01/2008	Not Printed
<u>mining</u>					
Labor Commission, Safety	31233	R616-1	5YR	04/28/2008	2008-10/150
	31249	R616-1	NSC	05/05/2008	Not Printed
<u>minors</u>					
Labor Commission, Antidiscrimination and Labor, Labor	31247	R610-1	NSC	05/05/2008	Not Printed
	31149	R610-1-4	AMD	06/13/2008	2008-9/48
	31245	R610-2	NSC	05/05/2008	Not Printed
	30942	R610-2-6	AMD	03/24/2008	2008-4/19
	31243	R610-3	NSC	05/05/2008	Not Printed
	30876	R610-3-4	EMR	01/03/2008	2008-3/70
	30941	R610-3-4	AMD	03/24/2008	2008-4/20
	31148	R610-3-10	AMD	06/13/2008	2008-9/50
<u>monitoring</u>					
Environmental Quality, Air Quality	30962	R307-170	5YR	02/08/2008	2008-5/41
	30699	R307-170-7	AMD	02/08/2008	2007-23/29
<u>mortgage renewal license term</u>					
Commerce, Real Estate	31968	R162-211	EMR	10/01/2008	2008-20/41
<u>motels</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	31494	R392-502	AMD	07/22/2008	2008-12/20
<u>motor vehicle record</u>					
Public Safety, Driver License	31119	R708-36-1	NSC	05/05/2008	Not Printed
	31123	R708-44-4	NSC	05/05/2008	Not Printed
<u>motor vehicle safety</u>					
Public Safety, Highway Patrol	32038	R714-300-2	NSC	11/17/2008	Not Printed

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>motor vehicles</u>					
Commerce, Administration	31354	R151-14-3	NSC	05/05/2008	Not Printed
Commerce, Consumer Protection	31215	R152-20	NSC	05/05/2008	Not Printed
Environmental Quality, Administration	31391	R305-4	NEW	10/08/2008	2008-11/84
	31391	R305-4	CPR	10/08/2008	2008-17/70
Environmental Quality, Air Quality	31389	R307-121	AMD	08/07/2008	2008-11/87
	30889	R307-121-3	NSC	01/30/2008	Not Printed
	31390	R307-123	CPR	10/08/2008	2008-17/71
	31390	R307-123	NEW	10/08/2008	2008-11/89
Tax Commission, Motor Vehicle	30844	R873-22M-34	AMD	02/25/2008	2008-1/38
	31264	R873-22M-41	AMD	06/27/2008	2008-10/133
Tax Commission, Motor Vehicle Enforcement	31255	R877-23V-19	AMD	06/27/2008	2008-10/135
<u>motorcycle rider training schools</u>					
Public Safety, Driver License	31790	R708-30	5YR	08/01/2008	2008-16/75
	31435	R708-30-10	AMD	07/11/2008	2008-11/118
	31115	R708-30-14	NSC	05/05/2008	Not Printed
<u>motorcycles</u>					
Commerce, Administration	31355	R151-35-3	NSC	05/05/2008	Not Printed
<u>municipal landfills</u>					
Environmental Quality, Air Quality	30701	R307-221	AMD	02/08/2008	2007-23/32
	30966	R307-221	5YR	02/08/2008	2008-5/44
	30832	R307-221-2	NSC	02/08/2008	Not Printed
<u>municipal waste incinerator</u>					
Environmental Quality, Air Quality	30703	R307-223	AMD	02/08/2008	2007-23/38
	30968	R307-223	5YR	02/08/2008	2008-5/45
<u>mutual water corporations</u>					
Public Service Commission, Administration	31095	R746-331	5YR	04/01/2008	2008-8/55
<u>nail technicians</u>					
Commerce, Occupational and Professional Licensing	30953	R156-11a	AMD	04/10/2008	2008-5/5
	31174	R156-11a-601	NSC	05/05/2008	Not Printed
<u>Native American Grave Protection and Repatriation</u>					
School and Institutional Trust Lands, Administration	32147	R850-61	5YR	11/17/2008	Not Printed
<u>Native American remains</u>					
Community and Culture, Indian Affairs	30912	R230-1	CPR	07/16/2008	2008-11/122
	30912	R230-1	AMD	07/16/2008	2008-3/12
<u>naturopathic physician</u>					
Commerce, Occupational and Professional Licensing	30854	R156-71	CPR	07/08/2008	2008-11/121
	30854	R156-71	AMD	07/08/2008	2008-2/6
	31967	R156-71-202	AMD	11/24/2008	2008-20/8

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>naturopaths</u>					
Commerce, Occupational and Professional Licensing	30854	R156-71	CPR	07/08/2008	2008-11/121
	30854	R156-71	AMD	07/08/2008	2008-2/6
	31967	R156-71-202	AMD	11/24/2008	2008-20/8
<u>new hire registry</u>					
Workforce Services, Unemployment Insurance	31549	R994-315	5YR	06/10/2008	2008-13/152
<u>newborn screening</u>					
Health, Community and Family Health Services, Children with Special Health Care Needs	31350	R398-1	AMD	06/25/2008	2008-10/60
	31627	R398-1	NSC	08/25/2008	Not Printed
	31651	R398-2	5YR	07/02/2008	2008-15/86
<u>non-traditional</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	32112	R414-200	EMR	11/01/2008	2008-22/52
<u>notice of commencement</u>					
Commerce, Occupational and Professional Licensing	31177	R156-38b-703	NSC	05/05/2008	Not Printed
<u>notice of completion</u>					
Commerce, Occupational and Professional Licensing	31177	R156-38b-703	NSC	05/05/2008	Not Printed
<u>notification</u>					
Natural Resources, Forestry, Fire and State Lands	32061	R652-140-300	NSC	11/17/2008	Not Printed
<u>nurses</u>					
Commerce, Occupational and Professional Licensing	31156	R156-31b	AMD	06/23/2008	2008-10/34
	31615	R156-31b	AMD	08/25/2008	2008-14/15
	31094	R156-31b	5YR	04/01/2008	2008-8/51
	31603	R156-31b-102	NSC	08/25/2008	Not Printed
	31889	R156-31b-701	NSC	10/21/2008	Not Printed
<u>nutrition</u>					
Education, Administration	30848	R277-719	NEW	02/07/2008	2008-1/12
<u>occupational licensing</u>					
Commerce, Occupational and Professional Licensing	31288	R156-1	AMD	06/23/2008	2008-10/30
	30655	R156-1-102a	AMD	01/08/2008	2007-23/3
	31803	R156-1-109	AMD	10/09/2008	2008-17/10
	31179	R156-46b	NSC	05/05/2008	Not Printed
	31804	R156-46b	AMD	10/09/2008	2008-17/13
	31840	R156-46b	AMD	10/23/2008	2008-18/13
	31595	R156-46b-103	NSC	10/01/2008	Not Printed
	31292	R156-55a	AMD	06/24/2008	2008-10/42
	31802	R156-55a	AMD	10/09/2008	2008-17/15
	30892	R156-55a	AMD	03/11/2008	2008-3/3
	31616	R156-55a-102	NSC	08/25/2008	Not Printed

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
	32009	R156-55a-301	NSC	11/17/2008	Not Printed
	31801	R156-55b	AMD	10/09/2008	2008-17/24
	31941	R156-55c	AMD	11/10/2008	2008-19/9
<u>off road vehicles</u>					
Commerce, Administration	31355	R151-35-3	NSC	05/05/2008	Not Printed
<u>off-highway vehicles</u>					
Natural Resources, Parks and Recreation	31690	R651-407	5YR	07/07/2008	2008-15/87
	31691	R651-408	5YR	07/07/2008	2008-15/87
	31661	R651-601	5YR	07/07/2008	2008-15/88
<u>off-premise</u>					
Human Services, Substance Abuse and Mental Health	31164	R523-24-7	AMD	07/14/2008	2008-10/116
	31165	R523-24-9	AMD	07/14/2008	2008-10/117
	31353	R523-24-13	NSC	05/05/2008	Not Printed
<u>office hours</u>					
Public Service Commission, Administration	31642	R746-800	NEW	08/25/2008	2008-14/95
<u>oil and gas law</u>					
Natural Resources, Oil, Gas and Mining; Oil and Gas	31762	R649-6	5YR	07/28/2008	2008-16/74
	31207	R649-10-3	NSC	05/05/2008	Not Printed
<u>ombudsman</u>					
Human Services, Aging and Adult Services	31379	R510-200-3	NSC	05/05/2008	Not Printed
	31916	R510-200-3	NSC	10/21/2008	Not Printed
<u>one-time signing bonuses</u>					
Education, Administration	31439	R277-109	NEW	07/08/2008	2008-11/67
<u>online</u>					
Education, Administration	31851	R277-512-1	NSC	10/21/2008	Not Printed
	31879	R277-512-1	NSC	10/21/2008	Not Printed
<u>open burning</u>					
Environmental Quality, Air Quality	30963	R307-202	5YR	02/08/2008	2008-5/42
<u>operating permits</u>					
Environmental Quality, Air Quality	30700	R307-215	REP	02/08/2008	2007-23/31
	30706	R307-417	AMD	02/08/2008	2007-23/43
<u>operator certification</u>					
Public Safety, Highway Patrol	31900	R714-500	NSC	10/21/2008	Not Printed
	31754	R714-500	AMD	10/15/2008	2008-16/31
<u>optometry</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	30775	R414-52	AMD	02/01/2008	2007-24/12
	32106	R414-52	EMR	11/01/2008	2008-22/47
	31453	R414-52	5YR	05/19/2008	2008-12/54
<u>orders</u>					
Environmental Quality, Radiation Control	31171	R313-17	NSC	05/05/2008	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>organ transplants</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	31772	R414-58-1	NSC	10/01/2008	Not Printed
<u>orthodontia</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	31452	R414-51	5YR	05/19/2008	2008-12/53
<u>osteopathic physician</u>					
Commerce, Occupational and Professional Licensing	31083	R156-68	5YR	03/27/2008	2008-8/53
	31185	R156-68	NSC	05/05/2008	Not Printed
<u>osteopaths</u>					
Commerce, Occupational and Professional Licensing	31083	R156-68	5YR	03/27/2008	2008-8/53
	31185	R156-68	NSC	05/05/2008	Not Printed
<u>outpatient treatment programs</u>					
Human Services, Administration, Administrative Services, Licensing	31923	R501-21	NSC	10/21/2008	Not Printed
<u>overpayments</u>					
Workforce Services, Unemployment Insurance	31972	R994-406-302	NSC	10/14/2008	Not Printed
<u>overtime</u>					
Human Resource Management, Administration	31193	R477-8	AMD	07/01/2008	2008-10/101
	31784	R477-8	AMD	09/22/2008	2008-16/19
	30778	R477-8-5	AMD	01/22/2008	2007-24/16
<u>ozone</u>					
Environmental Quality, Air Quality	31557	R307-110-28	AMD	11/10/2008	2008-13/34
	31557	R307-110-28	CPR	11/10/2008	2008-19/57
	31392	R307-328	AMD	11/10/2008	2008-11/93
	31392	R307-328	CPR	11/10/2008	2008-19/70
	31474	R307-342	NSC	11/10/2008	Not Printed
<u>paint</u>					
Environmental Quality, Air Quality	30973	R307-840	5YR	02/08/2008	2008-5/47
	30708	R307-840	AMD	02/08/2008	2007-23/48
<u>paraeducator</u>					
Education, Administration	31581	R277-526	NEW	08/07/2008	2008-13/29
<u>parental rights</u>					
Human Services, Administration	31811	R495-882	AMD	10/08/2008	2008-17/62
<u>parking facilities</u>					
Administrative Services, Facilities Construction and Management	31063	R23-13	5YR	03/17/2008	2008-8/50
Regents (Board Of), University of Utah, Parking and Transportation Services	30712	R810-1	AMD	03/06/2008	2007-23/65
	30722	R810-2	AMD	03/06/2008	2007-23/67
	30727	R810-3	REP	03/06/2008	2007-24/21
	30728	R810-4	REP	03/06/2008	2007-24/22
	30779	R810-5	AMD	03/06/2008	2007-24/23

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	30809	R810-6	AMD	03/06/2008	2008-1/26
	30831	R810-7	REP	03/06/2008	2008-1/27
	30834	R810-8	AMD	03/06/2008	2008-1/28
	30836	R810-9	AMD	03/06/2008	2008-1/29
	30839	R810-10	AMD	03/06/2008	2008-1/30
	30840	R810-11	AMD	03/06/2008	2008-1/31
	30843	R810-12	NEW	03/06/2008	2008-1/32
<u>parks</u>					
Natural Resources, Parks and Recreation	30900	R651-205-17	AMD	03/10/2008	2008-3/36
	31866	R651-206-3	AMD	11/03/2008	2008-18/50
	31865	R651-215-9	AMD	11/03/2008	2008-18/54
	31598	R651-219-3	NSC	10/01/2008	Not Printed
	31661	R651-601	5YR	07/07/2008	2008-15/88
	31662	R651-602	5YR	07/07/2008	2008-15/88
	31663	R651-603	5YR	07/07/2008	2008-15/89
	31664	R651-604	5YR	07/07/2008	2008-15/89
	31665	R651-605	5YR	07/07/2008	2008-15/90
	31666	R651-606	5YR	07/07/2008	2008-15/90
	31667	R651-607	5YR	07/07/2008	2008-15/91
	31668	R651-608	5YR	07/07/2008	2008-15/91
	31669	R651-609	5YR	07/07/2008	2008-15/92
	31670	R651-610	5YR	07/07/2008	2008-15/92
	30621	R651-611	AMD	01/01/2008	2007-22/80
	30898	R651-611	AMD	03/10/2008	2008-3/39
	31599	R651-611	AMD	08/21/2008	2008-14/66
	31012	R651-612	NSC	03/10/2008	Not Printed
	30901	R651-612	AMD	03/10/2008	2008-3/42
	31671	R651-612	5YR	07/07/2008	2008-15/93
	31672	R651-613	5YR	07/07/2008	2008-15/93
	31673	R651-614	5YR	07/07/2008	2008-15/94
	31674	R651-615	5YR	07/07/2008	2008-15/94
	31675	R651-616	5YR	07/07/2008	2008-15/95
	31602	R651-617	AMD	08/21/2008	2008-14/68
	31676	R651-617	5YR	07/07/2008	2008-15/95
	31677	R651-618	5YR	07/07/2008	2008-15/96
	31678	R651-619	5YR	07/07/2008	2008-15/96
	31679	R651-620	5YR	07/07/2008	2008-15/97
	31680	R651-621	5YR	07/07/2008	2008-15/97
	31681	R651-622	5YR	07/07/2008	2008-15/98
	31682	R651-623	5YR	07/07/2008	2008-15/98
	31683	R651-624	5YR	07/07/2008	2008-15/99
	31684	R651-625	5YR	07/07/2008	2008-15/99
	31660	R651-626	5YR	07/07/2008	2008-15/100
	31685	R651-627	5YR	07/07/2008	2008-15/100
	31686	R651-628	5YR	07/07/2008	2008-15/101

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31687	R651-629	5YR	07/07/2008	2008-15/101
	31601	R651-630	5YR	06/20/2008	2008-14/142
	31688	R651-631	5YR	07/07/2008	2008-15/102
	31689	R651-632	5YR	07/07/2008	2008-15/102
	32092	R651-633	5YR	10/30/2008	2008-22/57
<u>parole</u>					
Human Services, Juvenile Justice Services	31917	R547-6	AMD	11/12/2008	2008-18/43
Pardons (Board Of), Administration	30949	R671-403	5YR	02/04/2008	2008-5/59
	31816	R671-509	AMD	10/13/2008	2008-17/63
	31656	R671-509	5YR	07/03/2008	2008-15/103
	31814	R671-510	AMD	10/13/2008	2008-17/64
	31658	R671-510	5YR	07/03/2008	2008-15/103
	31815	R671-512	AMD	10/13/2008	2008-17/65
	31657	R671-512	5YR	07/03/2008	2008-15/103
	31821	R671-513	5YR	08/14/2008	2008-17/78
	31813	R671-514	AMD	10/13/2008	2008-17/65
	31654	R671-514	5YR	07/03/2008	2008-15/104
	31659	R671-515	5YR	07/03/2008	2008-15/104
	31817	R671-515	AMD	10/13/2008	2008-17/66
	31818	R671-516	AMD	10/13/2008	2008-17/67
	31655	R671-516	5YR	07/03/2008	2008-15/105
	31823	R671-517	5YR	08/14/2008	2008-17/78
	31822	R671-518	5YR	08/14/2008	2008-17/79
	31826	R671-519	5YR	08/14/2008	2008-17/79
	31825	R671-520	5YR	08/14/2008	2008-17/79
	31824	R671-522	5YR	08/14/2008	2008-17/80
<u>parolees</u>					
Corrections, Administration	31994	R251-103	NSC	11/17/2008	Not Printed
	31995	R251-103	5YR	10/02/2008	2008-21/106
<u>patient rights</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	31450	R525-2	5YR	05/19/2008	2008-12/55
<u>patient safety</u>					
Health, Administration	31286	R380-200	NSC	05/05/2008	Not Printed
	31280	R380-210-6	NSC	05/05/2008	Not Printed
<u>pawnshops</u>					
Commerce, Consumer Protection	31918	R152-32a	NEW	11/04/2008	2008-18/7
<u>paying standards</u>					
Public Service Commission, Administration	31092	R746-342	5YR	04/01/2008	2008-8/56
<u>PCN</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	31358	R414-320	AMD	07/01/2008	2008-10/68
	31979	R414-320-15	EMR	10/01/2008	2008-20/49

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>peace officer</u> Public Safety, Peace Officer Standards and Training	31720	R728-205-4	NSC	10/01/2008	Not Printed
<u>pedestrian</u> Regents (Board Of), University of Utah, Administration	31695	R805-1	5YR	07/11/2008	2008-15/105
<u>peer review</u> Commerce, Occupational and Professional Licensing	30715	R156-26a	AMD	03/31/2008	2007-23/4
	30715	R156-26a	CPR	03/31/2008	2008-4/35
	31763	R156-26a	AMD	09/23/2008	2008-16/5
<u>penalties</u> Labor Commission, Industrial Accidents	31251	R612-9-1	NSC	05/05/2008	Not Printed
<u>per diem allowance</u> Administrative Services, Finance	31317	R25-5	5YR	04/29/2008	2008-10/143
<u>per diem allowances</u> Administrative Services, Finance	31319	R25-7	5YR	04/29/2008	2008-10/144
	31320	R25-7	AMD	07/01/2008	2008-10/4
<u>performance-based compensation program</u> Education, Administration	31440	R277-113	NEW	07/08/2008	2008-11/69
<u>permit</u> Natural Resources, Wildlife Resources	31399	R657-45	5YR	05/08/2008	2008-11/127
	31050	R657-45-2	AMD	05/08/2008	2008-7/49
<u>permits</u> Environmental Quality, Air Quality	30709	R307-401-14	AMD	02/08/2008	2007-23/42
Natural Resources, Forestry, Fire and State Lands	31896	R652-110	5YR	08/26/2008	2008-18/76
	31112	R652-120	NSC	05/01/2008	Not Printed
Natural Resources, Wildlife Resources	31400	R657-42	5YR	05/08/2008	2008-11/126
	31049	R657-42-8	AMD	05/08/2008	2008-7/48
Transportation, Motor Carrier, Ports of Entry	31794	R912-14	5YR	08/07/2008	2008-17/83
<u>permitting authority</u> Environmental Quality, Air Quality	30700	R307-215	REP	02/08/2008	2007-23/31
	30706	R307-417	AMD	02/08/2008	2007-23/43
<u>persistently dangerous schools</u> Education, Administration	31036	R277-483	5YR	03/03/2008	2008-7/62
<u>personal property</u> Tax Commission, Property Tax	31418	R884-24P-38	NSC	08/18/2008	Not Printed
	31274	R884-24P-62	NSC	06/23/2008	Not Printed
	30931	R884-24P-62	AMD	03/28/2008	2008-4/30
<u>personnel management</u> Human Resource Management, Administration	31186	R477-1	AMD	07/01/2008	2008-10/79
	31190	R477-5	AMD	07/01/2008	2008-10/90

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31191	R477-6	AMD	07/01/2008	2008-10/91
	31782	R477-6-4	AMD	09/22/2008	2008-16/14
	31194	R477-9	AMD	07/01/2008	2008-10/104
	31211	R477-13	NSC	06/19/2008	Not Printed
	31621	R477-14	AMD	08/21/2008	2008-14/51
<u>pesticides</u>					
Agriculture and Food, Plant Industry	31800	R68-7-8	AMD	10/09/2008	2008-17/7
<u>petroleum</u>					
Environmental Quality, Environmental Response and Remediation	31486	R311-200	NSC	06/18/2008	Not Printed
	31495	R311-200	AMD	08/18/2008	2008-12/13
	31487	R311-201	NSC	06/18/2008	Not Printed
	31496	R311-203	AMD	08/18/2008	2008-12/16
	31497	R311-206-3	AMD	08/18/2008	2008-12/19
	31488	R311-210	NSC	06/18/2008	Not Printed
<u>pharmacies</u>					
Commerce, Occupational and Professional Licensing	31425	R156-17b	AMD	11/24/2008	2008-11/49
	31425	R156-17b	CPR	11/24/2008	2008-20/35
<u>pharmacists</u>					
Commerce, Occupational and Professional Licensing	31425	R156-17b	CPR	11/24/2008	2008-20/35
	31425	R156-17b	AMD	11/24/2008	2008-11/49
<u>physically handicapped persons</u>					
Commerce, Administration	31346	R151-3-1	NSC	05/05/2008	Not Printed
<u>physicians</u>					
Commerce, Occupational and Professional Licensing	31183	R156-67	NSC	05/05/2008	Not Printed
Health, Health Systems Improvement, Primary Care and Rural Health	31779	R434-100	AMD	09/30/2008	2008-16/13
<u>pleas</u>					
Pardons (Board Of), Administration	31813	R671-514	AMD	10/13/2008	2008-17/65
	31654	R671-514	5YR	07/03/2008	2008-15/104
<u>plumbers</u>					
Commerce, Occupational and Professional Licensing	31941	R156-55c	AMD	11/10/2008	2008-19/9
<u>plumbing</u>					
Commerce, Occupational and Professional Licensing	31941	R156-55c	AMD	11/10/2008	2008-19/9
<u>PM10</u>					
Environmental Quality, Air Quality	31557	R307-110-28	AMD	11/10/2008	2008-13/34
	31557	R307-110-28	CPR	11/10/2008	2008-19/57
	30971	R307-310	5YR	02/08/2008	2008-5/46
	30705	R307-310-2	AMD	02/08/2008	2007-23/40
<u>PM2.5</u>					
Environmental Quality, Air Quality	31557	R307-110-28	AMD	11/10/2008	2008-13/34

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31557	R307-110-28	CPR	11/10/2008	2008-19/57
<u>podiatric physicians</u>					
Commerce, Occupational and Professional Licensing	32003	R156-5a	NSC	11/17/2008	Not Printed
	32002	R156-5a	5YR	10/07/2008	2008-21/104
<u>podiatrists</u>					
Commerce, Occupational and Professional Licensing	32003	R156-5a	NSC	11/17/2008	Not Printed
	32002	R156-5a	5YR	10/07/2008	2008-21/104
<u>point-system</u>					
Public Safety, Driver License	31106	R708-3-2	NSC	05/05/2008	Not Printed
<u>policy</u>					
Public Safety, Peace Officer Standards and Training	31990	R728-503	NEW	11/25/2008	2008-20/23
<u>pools</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	31097	R392-302	AMD	05/22/2008	2008-8/6
<u>position classifications</u>					
Human Resource Management, Administration	31188	R477-3	AMD	07/01/2008	2008-10/87
<u>post-conviction</u>					
Administrative Services, Finance	31527	R25-14	AMD	08/19/2008	2008-13/5
	31775	R25-14	NSC	10/01/2008	Not Printed
	31363	R25-14	EMR	05/05/2008	2008-10/140
<u>postsecondary proprietary school</u>					
Commerce, Consumer Protection	31218	R152-34-10	NSC	05/05/2008	Not Printed
<u>POTW</u>					
Environmental Quality, Water Quality	30636	R317-14	NEW	02/04/2008	2007-22/62
<u>powersport vehicles</u>					
Commerce, Administration	31355	R151-35-3	NSC	05/05/2008	Not Printed
<u>precursor</u>					
Commerce, Occupational and Professional Licensing	32019	R156-37c	5YR	10/09/2008	2008-21/105
	32020	R156-37c	NSC	11/17/2008	Not Printed
<u>preenterprise</u>					
Regents (Board Of), Administration	31515	R765-555	5YR	06/02/2008	2008-12/64
<u>preliminary notice</u>					
Commerce, Occupational and Professional Licensing	31177	R156-38b-703	NSC	05/05/2008	Not Printed
<u>prelitigation</u>					
Commerce, Occupational and Professional Licensing	31055	R156-78A	NSC	03/26/2008	Not Printed
<u>preneed life insurance standards</u>					
Insurance, Administration	31641	R590-251	NEW	08/25/2008	2008-14/64

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>primary care</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	31356	R414-310	AMD	07/01/2008	2008-10/66
	31978	R414-310-13	EMR	10/01/2008	2008-20/47
<u>prisons</u>					
Corrections, Administration	31996	R251-105	5YR	10/02/2008	2008-21/107
<u>privacy</u>					
Health, Administration	31455	R380-250	5YR	05/19/2008	2008-12/52
	31484	R495-881	5YR	05/27/2008	2008-12/55
	31485	R495-881	AMD	07/23/2008	2008-12/30
Public Safety, Driver License	31119	R708-36-1	NSC	05/05/2008	Not Printed
<u>private proposal program</u>					
Governor, Economic Development	31981	R357-4	NEW	11/21/2008	2008-20/10
<u>Private Proposal Program</u>					
Governor, Economic Development	32116	R357-4	NSC	11/21/2008	Not Printed
<u>private schools</u>					
Education, Administration	31040	R277-747	5YR	03/03/2008	2008-7/64
<u>private security officers</u>					
Commerce, Occupational and Professional Licensing	31182	R156-63	NSC	05/05/2008	Not Printed
	31699	R156-63	REP	11/13/2008	2008-15/5
	31700	R156-63a	NEW	11/13/2008	2008-15/12
	31700	R156-63a	CPR	11/13/2008	2008-19/53
<u>probable cause</u>					
Pardons (Board Of), Administration	31814	R671-510	AMD	10/13/2008	2008-17/64
	31658	R671-510	5YR	07/03/2008	2008-15/103
<u>probationers</u>					
Corrections, Administration	31994	R251-103	NSC	11/17/2008	Not Printed
	31995	R251-103	5YR	10/02/2008	2008-21/106
<u>procedures</u>					
Public Service Commission, Administration	31617	R746-210	5YR	06/24/2008	2008-14/143
	31619	R746-240	5YR	06/24/2008	2008-14/144
	31618	R746-340	5YR	06/24/2008	2008-14/144
<u>procurement</u>					
Administrative Services, Facilities Construction and Management	31098	R23-2	AMD	07/14/2008	2008-8/2
Capitol Preservation Board (State), Administration	30591	R131-1	AMD	02/29/2008	2007-21/11
	30590	R131-4	R&R	02/29/2008	2007-21/13
Governor, Economic Development	31981	R357-4	NEW	11/21/2008	2008-20/10
	32116	R357-4	NSC	11/21/2008	Not Printed
<u>professional</u>					
Education, Administration	31877	R277-515-1	NSC	10/21/2008	Not Printed
	30976	R277-515-3	NSC	02/27/2008	Not Printed

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
	31580	R277-515-4	AMD	08/07/2008	2008-13/28
<u>professional competency</u>					
Education, Administration	31951	R277-106	5YR	09/15/2008	2008-19/78
	30944	R277-502	AMD	03/24/2008	2008-4/6
	31955	R277-502-4	AMD	11/10/2008	2008-19/21
	31579	R277-502-6	AMD	08/07/2008	2008-13/27
	31878	R277-502-8	NSC	10/21/2008	Not Printed
	31833	R277-506	AMD	10/08/2008	2008-17/42
	31038	R277-508	5YR	03/03/2008	2008-7/63
	31850	R277-508-1	NSC	10/21/2008	Not Printed
<u>professional development days</u>					
Education, Administration	31828	R277-418	REP	10/08/2008	2008-17/29
<u>professional education</u>					
Education, Administration	31444	R277-504	AMD	07/08/2008	2008-11/77
	30878	R277-518	5YR	01/08/2008	2008-3/72
<u>professional employer organization licensing</u>					
Insurance, Administration	31653	R590-246	NEW	09/11/2008	2008-15/42
<u>professional engineers</u>					
Commerce, Occupational and Professional Licensing	31841	R156-22	AMD	10/23/2008	2008-18/7
	31175	R156-22-305	NSC	05/05/2008	Not Printed
<u>professional geologists</u>					
Commerce, Occupational and Professional Licensing	30694	R156-76	AMD	01/08/2008	2007-23/17
<u>professional land surveyors</u>					
Commerce, Occupational and Professional Licensing	31841	R156-22	AMD	10/23/2008	2008-18/7
<u>professional land surveyors</u>					
Commerce, Occupational and Professional Licensing	31175	R156-22-305	NSC	05/05/2008	Not Printed
<u>professional practices</u>					
Education, Administration	31951	R277-106	5YR	09/15/2008	2008-19/78
<u>professional staff</u>					
Education, Administration	31848	R277-486-1	NSC	10/21/2008	Not Printed
<u>program benefits</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	30922	R414-306	5YR	01/25/2008	2008-4/45
<u>programs</u>					
Public Service Commission, Administration	31795	R746-404	5YR	08/07/2008	2008-17/81
<u>prohibited items and devices</u>					
Human Services, Substance Abuse and Mental Health	31089	R523-1	5YR	03/31/2008	2008-8/53
	30767	R523-1	NSC	03/31/2008	Not Printed
Human Services, Substance Abuse and Mental Health, State Hospital	31031	R525-6	NEW	05/01/2008	2008-6/7

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>promotions</u>					
Agriculture and Food, Marketing and Development	31007	R65-2	5YR	02/15/2008	2008-5/38
	31008	R65-5	5YR	02/15/2008	2008-5/38
<u>proof</u>					
Natural Resources, Water Rights	31130	R655-5	5YR	04/08/2008	2008-9/54
<u>property claims</u>					
Treasurer, Unclaimed Property	30596	R966-1-2	AMD	01/07/2008	2007-22/87
<u>property tax</u>					
Tax Commission, Property Tax	31418	R884-24P-38	NSC	08/18/2008	Not Printed
	31274	R884-24P-62	NSC	06/23/2008	Not Printed
	30931	R884-24P-62	AMD	03/28/2008	2008-4/30
<u>property transactions</u>					
Administrative Services, Facilities Construction and Management	31799	R23-22	NSC	10/01/2008	Not Printed
	31606	R23-22	NEW	09/11/2008	2008-14/3
	31607	R23-22	EMR	06/25/2008	2008-14/120
<u>property values</u>					
Natural Resources, Wildlife Resources	31960	R657-61	NEW	11/24/2008	2008-20/17
<u>prosthetics</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	31505	R414-70	R&R	08/04/2008	2008-12/24
<u>provider conduct</u>					
Human Services, Administration	31629	R495-876	AMD	08/26/2008	2008-14/53
<u>PSD</u>					
Environmental Quality, Air Quality	30431	R307-405	AMD	01/11/2008	2007-19/15
<u>psychologists</u>					
Commerce, Occupational and Professional Licensing	30915	R156-61	AMD	05/08/2008	2008-3/6
	30915	R156-61	CPR	05/08/2008	2008-7/55
<u>public assistance</u>					
Workforce Services, Employment Development	31907	R986-900-902	AMD	10/23/2008	2008-18/64
<u>public assistance overpayments</u>					
Human Services, Recovery Services	31563	R527-550	NSC	08/19/2008	Not Printed
<u>public assistance programs</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	30938	R414-308	5YR	01/31/2008	2008-4/46
	31976	R414-308	EMR	10/01/2008	2008-20/44
	30927	R414-308-7	AMD	04/01/2008	2008-4/16
Human Services, Recovery Services	30982	R527-928	AMD	04/07/2008	2008-5/26
<u>public buildings</u>					
Administrative Services, Facilities Construction and Management	31064	R23-14	5YR	03/17/2008	2008-8/50
Capitol Preservation Board (State), Administration	30590	R131-4	R&R	02/29/2008	2007-21/13

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
Public Safety, Fire Marshal	31746	R710-4-7	NSC	10/01/2008	Not Printed
<u>public comments</u>					
Environmental Quality, Radiation Control	31171	R313-17	NSC	05/05/2008	Not Printed
<u>public education</u>					
Education, Administration	31575	R277-437	R&R	08/07/2008	2008-13/16
	31952	R277-438	AMD	11/10/2008	2008-19/14
	31882	R277-714-1	NSC	10/21/2008	Not Printed
	31837	R277-735	AMD	10/08/2008	2008-17/49
<u>public finance</u>					
Money Management Council, Administration	31587	R628-18	NSC	08/25/2008	Not Printed
<u>public health</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	31446	R392-100-2	AMD	07/17/2008	2008-11/95
	31494	R392-502	AMD	07/22/2008	2008-12/20
	31908	R392-510	NSC	10/21/2008	Not Printed
<u>public hearings</u>					
Environmental Quality, Radiation Control	31171	R313-17	NSC	05/05/2008	Not Printed
<u>public information</u>					
Administrative Services, Administration	31343	R13-2	NSC	05/05/2008	Not Printed
Administrative Services, Archives	31553	R17-5	NEW	08/20/2008	2008-13/2
	31702	R17-5	NSC	08/20/2008	Not Printed
	31554	R17-6	NEW	08/20/2008	2008-13/2
	31555	R17-7	NEW	08/20/2008	2008-13/3
	31556	R17-8	NEW	08/20/2008	2008-13/5
	31703	R17-8-2	NSC	08/20/2008	Not Printed
Human Resource Management, Administration	31187	R477-2	AMD	07/01/2008	2008-10/84
	31591	R907-40	REP	10/16/2008	2008-14/113
<u>public meetings</u>					
Natural Resources, Forestry, Fire and State Lands	31706	R652-90-300	AMD	09/10/2008	2008-15/44
Natural Resources, Wildlife Resources	31946	R657-39	AMD	11/10/2008	2008-19/39
<u>public petitions</u>					
Natural Resources, Forestry, Fire and State Lands	31268	R652-7	NSC	05/05/2008	Not Printed
	31895	R652-7	5YR	08/26/2008	2008-18/76
<u>public petitions declaratory rulings</u>					
Public Safety, Peace Officer Standards and Training	31719	R728-101	NSC	10/01/2008	Not Printed
<u>public records</u>					
Career Service Review Board, Administration	31473	R137-2	5YR	05/21/2008	2008-12/50
	31345	R151-2	NSC	05/05/2008	Not Printed
	31385	R151-2-4	AMD	07/08/2008	2008-11/49
	31284	R380-20	NSC	05/05/2008	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
Natural Resources, Oil, Gas and Mining; Administration	31202	R642-100	NSC	05/05/2008	Not Printed
	31203	R642-200	NSC	05/05/2008	Not Printed
	31755	R642-200	5YR	07/28/2008	2008-16/71
Natural Resources, Forestry, Fire and State Lands	31259	R652-6	NSC	05/05/2008	Not Printed
	32059	R652-6-200	NSC	11/17/2008	Not Printed
Natural Resources, Wildlife Resources	31225	R657-29	NSC	05/05/2008	Not Printed
Regents (Board Of), College of Eastern Utah	31410	R767-1	NSC	08/18/2008	Not Printed
<u>public schools</u>					
Education, Administration	31872	R277-103	NSC	10/21/2008	Not Printed
	31518	R277-436	5YR	06/02/2008	2008-12/51
	31829	R277-436	AMD	10/08/2008	2008-17/30
	31519	R277-460	5YR	06/02/2008	2008-12/51
	31875	R277-460	NSC	10/21/2008	Not Printed
	31443	R277-490	NEW	07/08/2008	2008-11/74
<u>public utilities</u>					
Public Service Commission, Administration	31373	R746-100	NSC	05/05/2008	Not Printed
	31372	R746-101-4	NSC	05/05/2008	Not Printed
	31369	R746-110	NSC	05/05/2008	Not Printed
	31620	R746-110	5YR	06/24/2008	2008-14/143
	31044	R746-330	5YR	03/07/2008	2008-7/66
	31095	R746-331	5YR	04/01/2008	2008-8/55
	31091	R746-332	5YR	04/01/2008	2008-8/55
	31092	R746-342	5YR	04/01/2008	2008-8/56
	31797	R746-344	5YR	08/07/2008	2008-17/80
	31798	R746-345	5YR	08/07/2008	2008-17/81
	31045	R746-347	5YR	03/07/2008	2008-7/66
	31628	R746-349	AMD	08/25/2008	2008-14/91
	31374	R746-349-3	NSC	05/05/2008	Not Printed
	31781	R746-349-7	NSC	10/01/2008	Not Printed
	27302	R746-360	AMD	11/24/2008	2004-15/59
	31704	R746-360	AMD	11/24/2008	2008-15/71
	31371	R746-400-7	NSC	05/05/2008	Not Printed
	31093	R746-402	5YR	04/01/2008	2008-8/56
	31795	R746-404	5YR	08/07/2008	2008-17/81
	31101	R746-405	5YR	04/01/2008	2008-8/57
	31796	R746-406	5YR	08/07/2008	2008-17/82
	31949	R746-600	5YR	09/15/2008	2008-19/81
<u>public-private partnerships</u>					
Transportation, Program Development	31707	R926-10	NEW	10/16/2008	2008-15/72
<u>purchase</u>					
Education, Administration	31582	R277-606	NEW	08/07/2008	2008-13/31
<u>purchasing</u>					
Governor, Economic Development	31981	R357-4	NEW	11/21/2008	2008-20/10

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	32116	R357-4	NSC	11/21/2008	Not Printed
<u>pursuit</u>					
Public Safety, Peace Officer Standards and Training	31990	R728-503	NEW	11/25/2008	2008-20/23
<u>qualifications for training</u>					
Public Safety, Peace Officer Standards and Training	31930	R728-403-2	AMD	11/25/2008	2008-19/44
<u>quality improvement</u>					
Health, Administration	31286	R380-200	NSC	05/05/2008	Not Printed
	31280	R380-210-6	NSC	05/05/2008	Not Printed
<u>quarantine</u>					
Agriculture and Food, Plant Industry	31125	R68-14	5YR	04/04/2008	2008-9/52
	31543	R68-16	5YR	06/09/2008	2008-13/147
	31126	R68-16	AMD	07/02/2008	2008-9/11
	31009	R68-17	REP	04/11/2008	2008-5/4
Health, Epidemiology and Laboratory Services, Epidemiology	31099	R386-702-12	AMD	06/11/2008	2008-8/5
<u>rabbits</u>					
Natural Resources, Wildlife Resources	31609	R657-6	AMD	08/21/2008	2008-14/69
<u>rabies</u>					
Health, Epidemiology and Laboratory Services, Epidemiology	31099	R386-702-12	AMD	06/11/2008	2008-8/5
<u>radiation</u>					
Environmental Quality, Radiation Control	32048	R313-30	5YR	10/14/2008	2008-21/108
<u>radiation safety</u>					
Environmental Quality, Radiation Control	32048	R313-30	5YR	10/14/2008	2008-21/108
<u>radioactive material</u>					
Environmental Quality, Radiation Control	30865	R313-15	AMD	03/17/2008	2008-2/10
	32046	R313-21	5YR	10/14/2008	2008-21/108
	32047	R313-38	5YR	10/14/2008	2008-21/109
<u>railroads</u>					
Transportation, Preconstruction	31066	R930-5	AMD	06/10/2008	2008-8/46
<u>rates</u>					
Administrative Services, Finance	31317	R25-5	5YR	04/29/2008	2008-10/143
	31321	R25-8	AMD	07/01/2008	2008-10/7
	31982	R25-8	5YR	10/01/2008	2008-20/51
Labor Commission, Industrial Accidents	30594	R612-4-2	AMD	01/01/2008	2007-22/76
Public Service Commission, Administration	31949	R746-600	5YR	09/15/2008	2008-19/81
Workforce Services, Unemployment Insurance	31547	R994-306	5YR	06/10/2008	2008-13/151
	31548	R994-307	5YR	06/10/2008	2008-13/152
<u>real estate</u>					
Administrative Services, Facilities Construction and Management	31799	R23-22	NSC	10/01/2008	Not Printed
	31607	R23-22	EMR	06/25/2008	2008-14/120

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31606	R23-22	NEW	09/11/2008	2008-14/3
<u>real estate appraisals</u>					
Commerce, Real Estate	32127	R162-105	5YR	11/10/2008	2008-23/44
	31427	R162-109	NSC	08/18/2008	Not Printed
<u>real estate business</u>					
Commerce, Real Estate	31003	R162-2-2	AMD	04/07/2008	2008-5/7
	31456	R162-3	AMD	07/30/2008	2008-12/8
	31001	R162-8-4	AMD	04/07/2008	2008-5/10
	31429	R162-10	NSC	08/18/2008	Not Printed
<u>reclamation</u>					
Natural Resources, Oil, Gas and Mining; Coal	30932	R645-100-200	AMD	03/26/2008	2008-4/23
	31204	R645-100-500	NSC	05/05/2008	Not Printed
	31756	R645-101	5YR	07/28/2008	2008-16/71
	31509	R645-102	5YR	06/02/2008	2008-12/58
	31757	R645-104	5YR	07/28/2008	2008-16/72
	30934	R645-300-100	AMD	03/26/2008	2008-4/24
	30933	R645-301	AMD	03/26/2008	2008-4/25
	31758	R645-401	5YR	07/28/2008	2008-16/72
<u>records</u>					
Regents (Board Of), University of Utah, Administration	31340	R805-2	NSC	05/05/2008	Not Printed
	31718	R805-2	5YR	07/17/2008	2008-16/75
<u>records access</u>					
Career Service Review Board, Administration	31473	R137-2	5YR	05/21/2008	2008-12/50
	31327	R765-993	NSC	05/05/2008	Not Printed
Regents (Board Of), College of Eastern Utah	31410	R767-1	NSC	08/18/2008	Not Printed
<u>records appeal hearings</u>					
Administrative Services, Records Committee	31560	R35-1	NSC	08/19/2008	Not Printed
	31561	R35-1a	NSC	08/19/2008	Not Printed
	31567	R35-2	NSC	08/19/2008	Not Printed
	31938	R35-2-2	NSC	10/01/2008	Not Printed
	31568	R35-3	NSC	08/19/2008	Not Printed
	31570	R35-5-1	NSC	08/19/2008	Not Printed
	31571	R35-6-1	NSC	08/19/2008	Not Printed
<u>records appeal hearingss</u>					
Administrative Services, Records Committee	31569	R35-4	NSC	08/19/2008	Not Printed
<u>records management</u>					
Regents (Board Of), Administration	31327	R765-993	NSC	05/05/2008	Not Printed
<u>records retention</u>					
Administrative Services, Archives	31553	R17-5	NEW	08/20/2008	2008-13/2
	31702	R17-5	NSC	08/20/2008	Not Printed

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31554	R17-6	NEW	08/20/2008	2008-13/2
	31555	R17-7	NEW	08/20/2008	2008-13/3
	31556	R17-8	NEW	08/20/2008	2008-13/5
	31703	R17-8-2	NSC	08/20/2008	Not Printed
<u>recreation</u>					
Natural Resources, Parks and Recreation	30899	R651-301	AMD	03/10/2008	2008-3/37
<u>recreation therapy</u>					
Commerce, Occupational and Professional Licensing	31178	R156-40-302e	NSC	05/05/2008	Not Printed
<u>recreational therapy</u>					
Commerce, Occupational and Professional Licensing	31178	R156-40-302e	NSC	05/05/2008	Not Printed
<u>recreational vehicles</u>					
Commerce, Administration	31354	R151-14-3	NSC	05/05/2008	Not Printed
<u>refugee resettlement program</u>					
Workforce Services, Employment Development	31060	R986-300-303	AMD	05/20/2008	2008-7/52
<u>Regents' Scholarship</u>					
Regents (Board Of), Administration	31524	R765-603	NEW	10/07/2008	2008-13/103
<u>regional advisory councils</u>					
Natural Resources, Wildlife Resources	31946	R657-39	AMD	11/10/2008	2008-19/39
<u>regionalization</u>					
Environmental Quality, Drinking Water	31157	R309-352	5YR	04/18/2008	2008-10/144
<u>registration</u>					
Commerce, Consumer Protection	31218	R152-34-10	NSC	05/05/2008	Not Printed
Natural Resources, Forestry, Fire and State Lands	32061	R652-140-300	NSC	11/17/2008	Not Printed
Workforce Services, Unemployment Insurance	31905	R994-403-102a	AMD	10/23/2008	2008-18/66
	31777	R994-403-110c	NSC	10/01/2008	Not Printed
<u>rehabilitation</u>					
Education, Rehabilitation	31042	R280-200	5YR	03/03/2008	2008-7/65
<u>Rehabilitation Act 1973</u>					
Human Services, Administration	31367	R495-878	NSC	05/05/2008	Not Printed
	31067	R495-878	AMD	06/13/2008	2008-8/23
<u>reimbursements</u>					
Administrative Services, Finance	31316	R25-6	5YR	04/29/2008	2008-10/143
<u>religious activities</u>					
Tax Commission, Auditing	31531	R865-19S-94	AMD	08/18/2008	2008-13/115
	31272	R865-19S-99	NSC	06/23/2008	Not Printed
	31258	R865-19S-105	AMD	07/01/2008	2008-10/132
	30841	R865-19S-121	AMD	02/25/2008	2008-1/37
<u>religious education</u>					
Education, Administration	30881	R277-610	5YR	01/08/2008	2008-3/73

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>relocation benefits</u>					
Administrative Services, Finance	31316	R25-6	5YR	04/29/2008	2008-10/143
<u>renewable</u>					
Natural Resources, Geological Survey	30902	R638-2-6	AMD	03/10/2008	2008-3/35
<u>repair</u>					
Administrative Services, Fleet Operations	31422	R27-8-1	NSC	08/18/2008	Not Printed
<u>reporting</u>					
Health, Health Systems Improvement, Emergency Medical Services	31068	R426-5-3	AMD	06/04/2008	2008-8/17
Labor Commission, Industrial Accidents	31252	R612-10	NSC	05/05/2008	Not Printed
	31565	R612-11	NEW	08/11/2008	2008-13/85
	31734	R612-11	NSC	08/11/2008	Not Printed
	31564	R612-12	NEW	08/11/2008	2008-13/86
	31735	R612-12-2	NSC	08/11/2008	Not Printed
<u>reports</u>					
Education, Administration	31520	R277-484	5YR	06/02/2008	2008-12/52
	31005	R277-484	AMD	04/11/2008	2008-5/17
Environmental Quality, Air Quality	31558	R307-150-4	AMD	09/04/2008	2008-13/35
Public Service Commission, Administration	31371	R746-400-7	NSC	05/05/2008	Not Printed
<u>reptiles</u>					
Natural Resources, Wildlife Resources	31051	R657-53	AMD	05/08/2008	2008-7/50
	31228	R657-53	NSC	05/05/2008	Not Printed
	31508	R657-53	5YR	06/02/2008	2008-12/61
<u>research</u>					
Education, Administration	31578	R277-492	NEW	08/07/2008	2008-13/25
<u>residency requirements</u>					
School and Institutional Trust Lands, Administration	31526	R850-3	NSC	08/19/2008	Not Printed
<u>residential mortgage loan origination</u>					
Commerce, Real Estate	31457	R162-207	AMD	07/30/2008	2008-12/10
	32128	R162-207	5YR	11/10/2008	2008-23/44
	31002	R162-207-6	AMD	04/07/2008	2008-5/12
	31278	R162-208	AMD	06/23/2008	2008-10/50
	32130	R162-208	5YR	11/10/2008	2008-23/45
	31428	R162-209	NSC	08/18/2008	Not Printed
	31004	R162-210-4	AMD	04/07/2008	2008-5/13
<u>resorts</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	31494	R392-502	AMD	07/22/2008	2008-12/20
<u>resource decision</u>					
Public Service Commission, Administration	31072	R746-440	NSC	04/11/2008	Not Printed
<u>restitution</u>					
Pardons (Board Of), Administration	30949	R671-403	5YR	02/04/2008	2008-5/59

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>retirement</u>					
Human Resource Management, Administration	31210	R477-12	AMD	07/01/2008	2008-10/110
Public Safety, Peace Officer Standards and Training	31720	R728-205-4	NSC	10/01/2008	Not Printed
<u>retirement benefits</u>					
Public Service Commission, Administration	31949	R746-600	5YR	09/15/2008	2008-19/81
<u>retrofit</u>					
Education, Administration	31582	R277-606	NEW	08/07/2008	2008-13/31
<u>revocation</u>					
Pardons (Board Of), Administration	31818	R671-516	AMD	10/13/2008	2008-17/67
	31655	R671-516	5YR	07/03/2008	2008-15/105
<u>right of petition</u>					
Natural Resources, Forestry, Fire and State Lands	31110	R652-9-100	NSC	05/01/2008	Not Printed
<u>right-of- way</u>					
Transportation, Administration	31965	R907-65	5YR	09/22/2008	2008-20/52
<u>right-of-way</u>					
Transportation, Administration	31962	R907-64	5YR	09/18/2008	2008-20/51
<u>risk management</u>					
Administrative Services, Risk Management	31347	R37-2	AMD	06/23/2008	2008-10/8
	31150	R37-4	R&R	07/01/2008	2008-9/5
<u>roads</u>					
Natural Resources, Forestry, Fire and State Lands	31896	R652-110	5YR	08/26/2008	2008-18/76
<u>roofs</u>					
Administrative Services, Facilities Construction and Management	31064	R23-14	5YR	03/17/2008	2008-8/50
<u>rules</u>					
Public Service Commission, Administration	31617	R746-210	5YR	06/24/2008	2008-14/143
<u>rules and procedures</u>					
Education, Administration	31870	R277-100	NSC	10/21/2008	Not Printed
	31871	R277-102	NSC	10/21/2008	Not Printed
Education, Rehabilitation	31838	R280-150	R&R	10/08/2008	2008-17/51
Health, Administration	31281	R380-1	NSC	05/05/2008	Not Printed
	31282	R380-5	NSC	05/05/2008	Not Printed
Health, Epidemiology and Laboratory Services, Epidemiology	31099	R386-702-12	AMD	06/11/2008	2008-8/5
Health, Community and Family Health Services, Immunization	31753	R396-100	5YR	07/25/2008	2008-16/67
	31173	R396-100	NSC	07/25/2008	Not Printed
	31100	R396-100-3	AMD	07/29/2008	2008-8/14
Human Resource Management, Administration	31186	R477-1	AMD	07/01/2008	2008-10/79
	31211	R477-13	NSC	06/19/2008	Not Printed
Natural Resources, Wildlife Resources	31224	R657-27-11	NSC	05/05/2008	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>	
Public Safety, Driver License	31545	R708-2	R&R	08/08/2008	2008-13/87	
	31105	R708-2-25	NSC	05/05/2008	Not Printed	
Public Safety, Peace Officer Standards and Training	31739	R728-409	AMD	10/01/2008	2008-16/36	
	31901	R728-409-23	NSC	10/21/2008	Not Printed	
Public Service Commission, Administration	31373	R746-100	NSC	05/05/2008	Not Printed	
	31372	R746-101-4	NSC	05/05/2008	Not Printed	
	31369	R746-110	NSC	05/05/2008	Not Printed	
	31620	R746-110	5YR	06/24/2008	2008-14/143	
	31091	R746-332	5YR	04/01/2008	2008-8/55	
	31092	R746-342	5YR	04/01/2008	2008-8/56	
	31797	R746-344	5YR	08/07/2008	2008-17/80	
	31798	R746-345	5YR	08/07/2008	2008-17/81	
	31371	R746-400-7	NSC	05/05/2008	Not Printed	
	31093	R746-402	5YR	04/01/2008	2008-8/56	
Public Service Commission, Administration	31795	R746-404	5YR	08/07/2008	2008-17/81	
	31101	R746-405	5YR	04/01/2008	2008-8/57	
<u>Rural Broadband Service Fund</u>						
Governor, Economic Development	30788	R357-2	NEW	01/30/2008	2007-24/9	
	30859	R357-2-7	NSC	01/30/2008	Not Printed	
<u>rural economic development</u>						
Governor, Economic Development	30788	R357-2	NEW	01/30/2008	2007-24/9	
	30859	R357-2-7	NSC	01/30/2008	Not Printed	
<u>safety</u>						
Environmental Quality, Radiation Control	30865	R313-15	AMD	03/17/2008	2008-2/10	
	Labor Commission, Occupational Safety and Health	31244	R614-1	NSC	05/05/2008	Not Printed
		31102	R614-1-4	AMD	05/22/2008	2008-8/30
Labor Commission, Safety	31248	R614-3-1	NSC	05/05/2008	Not Printed	
	31246	R616-2	NSC	05/05/2008	Not Printed	
	31253	R616-3	NSC	05/05/2008	Not Printed	
	30943	R616-3-3	AMD	03/24/2008	2008-4/21	
	31695	R805-1	5YR	07/11/2008	2008-15/105	
Regents (Board Of), University of Utah, Administration	31066	R930-5	AMD	06/10/2008	2008-8/46	
<u>safety regulations</u>						
Transportation, Motor Carrier	30785	R909-19	AMD	02/12/2008	2007-24/26	
	31090	R909-75	AMD	05/27/2008	2008-8/45	
<u>salaries</u>						
Human Resource Management, Administration	31191	R477-6	AMD	07/01/2008	2008-10/91	
	31782	R477-6-4	AMD	09/22/2008	2008-16/14	
<u>salary adjustments</u>						
Education, Administration	31572	R277-110	AMD	08/07/2008	2008-13/9	
<u>sales tax</u>						
Tax Commission, Auditing	31531	R865-19S-94	AMD	08/18/2008	2008-13/115	

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
	31272	R865-19S-99	NSC	06/23/2008	Not Printed
	31258	R865-19S-105	AMD	07/01/2008	2008-10/132
	30841	R865-19S-121	AMD	02/25/2008	2008-1/37
<u>salons</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	30612	R392-700	CPR	05/16/2008	2008-7/58
	30612	R392-700	NEW	05/16/2008	2007-22/65
<u>sanitation</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	31446	R392-100-2	AMD	07/17/2008	2008-11/95
	30612	R392-700	CPR	05/16/2008	2008-7/58
	30612	R392-700	NEW	05/16/2008	2007-22/65
<u>scholarship</u>					
Education, Administration	31581	R277-526	NEW	08/07/2008	2008-13/29
<u>school bus</u>					
Education, Administration	31582	R277-606	NEW	08/07/2008	2008-13/31
<u>school buses</u>					
Education, Administration	30879	R277-600	5YR	01/08/2008	2008-3/72
<u>school choice</u>					
Education, Administration	31036	R277-483	5YR	03/03/2008	2008-7/62
<u>school community councils</u>					
Education, Administration	31954	R277-491	NEW	11/10/2008	2008-19/18
<u>school enrollment</u>					
Education, Administration	31574	R277-419	AMD	08/07/2008	2008-13/12
<u>school personnel</u>					
Education, Administration	31038	R277-508	5YR	03/03/2008	2008-7/63
	31850	R277-508-1	NSC	10/21/2008	Not Printed
<u>school transportation</u>					
Education, Administration	30879	R277-600	5YR	01/08/2008	2008-3/72
<u>school year</u>					
Education, Administration	31041	R277-751	5YR	03/03/2008	2008-7/65
<u>schools</u>					
Education, Administration	31832	R277-477	AMD	10/08/2008	2008-17/38
	30848	R277-719	NEW	02/07/2008	2008-1/12
Environmental Quality, Air Quality	30972	R307-801	5YR	02/08/2008	2008-5/47
	30707	R307-801	AMD	02/08/2008	2007-23/45
Public Safety, Driver License	31545	R708-2	R&R	08/08/2008	2008-13/87
	31105	R708-2-25	NSC	05/05/2008	Not Printed
<u>science</u>					
Education, Administration	31578	R277-492	NEW	08/07/2008	2008-13/25
<u>second hand merchandise dealer</u>					
Commerce, Consumer Protection	31918	R152-32a	NEW	11/04/2008	2008-18/7

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>secure area hearing rooms</u> Regents (Board Of), Administration	31492	R765-254	5YR	05/27/2008	2008-12/63
<u>secure areas</u> Human Services, Substance Abuse and Mental Health, State Hospital	31031	R525-6	NEW	05/01/2008	2008-6/7
<u>securities</u> Commerce, Securities	31541	R164-31	NEW	08/26/2008	2008-13/8
<u>securities regulation</u> Commerce, Securities	31541	R164-31	NEW	08/26/2008	2008-13/8
<u>security</u> Administrative Services, Facilities Construction and Management	31064	R23-14	5YR	03/17/2008	2008-8/50
<u>security guards</u> Commerce, Occupational and Professional Licensing	31182	R156-63	NSC	05/05/2008	Not Printed
	31699	R156-63	REP	11/13/2008	2008-15/5
	31700	R156-63a	NEW	11/13/2008	2008-15/12
	31700	R156-63a	CPR	11/13/2008	2008-19/53
	31701	R156-63b	NEW	11/13/2008	2008-15/19
	31701	R156-63b	CPR	11/13/2008	2008-19/54
<u>self insurance plans</u> Labor Commission, Industrial Accidents	31230	R612-3	5YR	04/28/2008	2008-10/149
<u>self-service storage</u> Insurance, Administration	31081	R590-245	NEW	11/12/2008	2008-8/28
	31081	R590-245	CPR	11/12/2008	2008-14/118
<u>seminars</u> Human Services, Substance Abuse and Mental Health	31164	R523-24-7	AMD	07/14/2008	2008-10/116
	31165	R523-24-9	AMD	07/14/2008	2008-10/117
	31353	R523-24-13	NSC	05/05/2008	Not Printed
<u>seniors</u> Human Services, Aging and Adult Services	31027	R510-105	5YR	02/27/2008	2008-6/26
<u>sentinel event</u> Health, Administration	31286	R380-200	NSC	05/05/2008	Not Printed
<u>server training</u> Human Services, Substance Abuse and Mental Health	31166	R523-23-9	AMD	07/14/2008	2008-10/114
	31351	R523-23-13	NSC	05/05/2008	Not Printed
<u>settlements</u> Labor Commission, Adjudication	31236	R602-2-1	NSC	05/05/2008	Not Printed
	30811	R602-2-4	AMD	02/07/2008	2008-1/14
	31238	R602-3	NSC	05/05/2008	Not Printed
	30810	R602-3-3	AMD	02/07/2008	2008-1/16
	31643	R602-4	EMR	07/01/2008	2008-14/127

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
Labor Commission, Industrial Accidents	31252	R612-10	NSC	05/05/2008	Not Printed
	31565	R612-11	NEW	08/11/2008	2008-13/85
	31734	R612-11	NSC	08/11/2008	Not Printed
	31564	R612-12	NEW	08/11/2008	2008-13/86
	31735	R612-12-2	NSC	08/11/2008	Not Printed
<u>sewage effluent use</u>					
Natural Resources, Water Rights	30947	R655-7	5YR	02/01/2008	2008-4/47
<u>sewage treatment</u>					
Environmental Quality, Water Quality	31103	R317-101	5YR	04/02/2008	2008-9/53
<u>sewerage</u>					
Public Service Commission, Administration	31044	R746-330	5YR	03/07/2008	2008-7/66
<u>shorthand reporter</u>					
Commerce, Occupational and Professional Licensing	32021	R156-74	5YR	10/09/2008	2008-21/106
	31516	R156-74	AMD	07/22/2008	2008-12/7
<u>skills tests</u>					
Public Safety, Driver License	31120	R708-37-11	NSC	05/05/2008	Not Printed
<u>SLCC</u>					
Regents (Board Of), Salt Lake Community College	31344	R784-1	NSC	05/05/2008	Not Printed
<u>SLEAP</u>					
Regents (Board Of), Administration	31405	R765-606	5YR	05/09/2008	2008-11/129
<u>smoking</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	31908	R392-510	NSC	10/21/2008	Not Printed
<u>social security numbers</u>					
Human Services, Services for People with Disabilities	30877	R539-1-8	AMD	04/01/2008	2008-3/32
	30926	R539-1-8	EMR	01/28/2008	2008-4/38
<u>social services</u>					
Human Services, Administration	30773	R495-861	AMD	01/30/2008	2007-24/18
	31629	R495-876	AMD	08/26/2008	2008-14/53
Human Services, Child and Family Services	31721	R512-1-5	NSC	10/01/2008	Not Printed
	30721	R512-50	NSC	01/07/2008	Not Printed
	30718	R512-50	REP	01/07/2008	2007-23/60
	31857	R512-200	5YR	08/20/2008	2008-18/71
	31858	R512-201	5YR	08/20/2008	2008-18/71
	31859	R512-202	5YR	08/20/2008	2008-18/72
	31728	R512-202-2	NSC	10/01/2008	Not Printed
	31860	R512-300	5YR	08/20/2008	2008-18/72
	31729	R512-300	NSC	10/01/2008	Not Printed
	31861	R512-301	5YR	08/20/2008	2008-18/73
31730	R512-301	NSC	10/01/2008	Not Printed	
31863	R512-305	5YR	08/20/2008	2008-18/74	

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>solar</u>					
Natural Resources, Geological Survey	30902	R638-2-6	AMD	03/10/2008	2008-3/35
<u>solicitations</u>					
Commerce, Consumer Protection	31216	R152-22-9	NSC	05/05/2008	Not Printed
<u>solid waste management</u>					
Environmental Quality, Solid and Hazardous Waste	30990	R315-301	5YR	02/14/2008	2008-5/48
	30986	R315-302	5YR	02/14/2008	2008-5/49
	30992	R315-303	5YR	02/14/2008	2008-5/49
	30991	R315-305	5YR	02/14/2008	2008-5/50
	30985	R315-306	5YR	02/14/2008	2008-5/51
	30993	R315-307	5YR	02/14/2008	2008-5/51
	30995	R315-308	5YR	02/14/2008	2008-5/52
	30994	R315-309	5YR	02/14/2008	2008-5/52
	30996	R315-310	5YR	02/14/2008	2008-5/53
	30983	R315-311	5YR	02/14/2008	2008-5/53
	31381	R315-311-2	NSC	08/18/2008	Not Printed
	30997	R315-312	5YR	02/14/2008	2008-5/54
	30998	R315-313	5YR	02/14/2008	2008-5/54
	30999	R315-314	5YR	02/14/2008	2008-5/55
	30989	R315-315	5YR	02/14/2008	2008-5/55
	30988	R315-316	5YR	02/14/2008	2008-5/56
	30984	R315-317	5YR	02/14/2008	2008-5/57
	31382	R315-317-3	NSC	08/18/2008	Not Printed
	30987	R315-318	5YR	02/14/2008	2008-5/57
<u>source development</u>					
Environmental Quality, Drinking Water	31709	R309-515-6	AMD	09/10/2008	2008-15/26
	31710	R309-515-6	AMD	09/10/2008	2008-15/28
<u>source maintenance</u>					
Environmental Quality, Drinking Water	31709	R309-515-6	AMD	09/10/2008	2008-15/26
	31710	R309-515-6	AMD	09/10/2008	2008-15/28
<u>source material</u>					
Environmental Quality, Radiation Control	32046	R313-21	5YR	10/14/2008	2008-21/108
<u>spas</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	31097	R392-302	AMD	05/22/2008	2008-8/6
<u>special educators</u>					
Education, Administration	31445	R277-525	NEW	07/08/2008	2008-11/82
<u>species of concern</u>					
Natural Resources, Wildlife Resources	31226	R657-48-7	NSC	05/05/2008	Not Printed
<u>speech impaired</u>					
Public Service Commission, Administration	31375	R746-510	NSC	05/05/2008	Not Printed

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
<u>speech-language pathology</u> Commerce, Occupational and Professional Licensing	31397	R156-41	AMD	07/14/2008	2008-11/65
<u>speech-language pathology services</u> Health, Health Care Financing, Coverage and Reimbursement Policy	31644	R414-54	R&R	10/02/2008	2008-14/46
	32119	R414-54	EMR	11/04/2008	2008-23/41
	32109	R414-54	EMR	11/01/2008	2008-22/49
<u>speed limits</u> Regents (Board Of), University of Utah, Administration	31695	R805-1	5YR	07/11/2008	2008-15/105
<u>standards</u> Education, Administration	31877	R277-515-1	NSC	10/21/2008	Not Printed
	30976	R277-515-3	NSC	02/27/2008	Not Printed
	31580	R277-515-4	AMD	08/07/2008	2008-13/28
<u>state custody</u> Human Services, Administration	31811	R495-882	AMD	10/08/2008	2008-17/62
<u>state employees</u> Administrative Services, Finance	31317	R25-5	5YR	04/29/2008	2008-10/143
	31319	R25-7	5YR	04/29/2008	2008-10/144
	31320	R25-7	AMD	07/01/2008	2008-10/4
	31321	R25-8	AMD	07/01/2008	2008-10/7
	31982	R25-8	5YR	10/01/2008	2008-20/51
Human Resource Management, Administration	31190	R477-5	AMD	07/01/2008	2008-10/90
<u>state fleet information system</u> Administrative Services, Fleet Operations	31419	R27-5-2	NSC	08/18/2008	Not Printed
<u>state hospital</u> Human Services, Substance Abuse and Mental Health, State Hospital	31031	R525-6	NEW	05/01/2008	2008-6/7
<u>state lands</u> Community and Culture, Indian Affairs	30912	R230-1	CPR	07/16/2008	2008-11/122
	30912	R230-1	AMD	07/16/2008	2008-3/12
<u>state records committee</u> Administrative Services, Records Committee	31560	R35-1	NSC	08/19/2008	Not Printed
<u>State Records Committee</u> Administrative Services, Records Committee	31567	R35-2	NSC	08/19/2008	Not Printed
<u>state records committee</u> Administrative Services, Records Committee	31938	R35-2-2	NSC	10/01/2008	Not Printed
<u>State Records Committee</u> Administrative Services, Records Committee	31568	R35-3	NSC	08/19/2008	Not Printed
	31569	R35-4	NSC	08/19/2008	Not Printed
	31570	R35-5-1	NSC	08/19/2008	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31571	R35-6-1	NSC	08/19/2008	Not Printed
<u>State Records Comsmittee</u>					
Administrative Services, Records Committee	31561	R35-1a	NSC	08/19/2008	Not Printed
<u>state vehicle use</u>					
Administrative Services, Fleet Operations	31137	R27-3	AMD	06/17/2008	2008-9/3
<u>stipends</u>					
Education, Administration	31445	R277-525	NEW	07/08/2008	2008-11/82
<u>stocks</u>					
Treasurer, Unclaimed Property	30596	R966-1-2	AMD	01/07/2008	2007-22/87
<u>stoves</u>					
Environmental Quality, Air Quality	31388	R307-302-3	AMD	08/07/2008	2008-11/91
<u>student</u>					
Education, Administration	31037	R277-485	5YR	03/03/2008	2008-7/63
<u>student competency</u>					
Education, Administration	30883	R277-702	5YR	01/08/2008	2008-3/74
<u>student eligibility</u>					
Workforce Services, Unemployment Insurance	31905	R994-403-102a	AMD	10/23/2008	2008-18/66
	31777	R994-403-110c	NSC	10/01/2008	Not Printed
<u>student financial aid</u>					
Education, Administration	30885	R277-718	5YR	01/08/2008	2008-3/75
<u>student participation</u>					
Education, Administration	31834	R277-494	NEW	10/08/2008	2008-17/40
<u>student records</u>					
Education, Administration	31872	R277-103	NSC	10/21/2008	Not Printed
<u>students</u>					
Education, Administration	31874	R277-401-1	NSC	10/21/2008	Not Printed
	30884	R277-709	5YR	01/08/2008	2008-3/75
<u>students at risk</u>					
Education, Administration	31518	R277-436	5YR	06/02/2008	2008-12/51
	31829	R277-436	AMD	10/08/2008	2008-17/30
	31830	R277-464	AMD	10/08/2008	2008-17/31
<u>students' rights</u>					
Education, Administration	31881	R277-616-1	NSC	10/21/2008	Not Printed
<u>substance abuse</u>					
Human Services, Substance Abuse and Mental Health	31166	R523-23-9	AMD	07/14/2008	2008-10/114
	31351	R523-23-13	NSC	05/05/2008	Not Printed
<u>substance abuse prevention</u>					
Education, Administration	31519	R277-460	5YR	06/02/2008	2008-12/51
	31875	R277-460	NSC	10/21/2008	Not Printed

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>subsurface tracer studies</u> Environmental Quality, Radiation Control	32047	R313-38	5YR	10/14/2008	2008-21/109
<u>suggestions</u> Human Services, Substance Abuse and Mental Health, State Hospital	31451	R525-7	5YR	05/19/2008	2008-12/57
<u>sulfur dioxide</u> Environmental Quality, Air Quality	30970	R307-250	5YR	02/08/2008	2008-5/46
	31559	R307-250	CPR	11/10/2008	2008-19/58
	31559	R307-250	AMD	11/10/2008	2008-13/37
<u>superfund</u> Environmental Quality, Environmental Response and Remediation	30567	R311-401-2	AMD	01/02/2008	2007-21/59
<u>supervision</u> Commerce, Occupational and Professional Licensing	31288	R156-1	AMD	06/23/2008	2008-10/30
	30655	R156-1-102a	AMD	01/08/2008	2007-23/3
	31803	R156-1-109	AMD	10/09/2008	2008-17/10
<u>supplies</u> Education, Administration	31953	R277-459	AMD	11/10/2008	2008-19/16
<u>supported employment</u> Human Services, Services for People with Disabilities	31084	R539-9	AMD	05/22/2008	2008-8/26
<u>surplus property</u> Administrative Services, Fleet Operations, Surplus Property	31117	R28-3	5YR	04/04/2008	2008-9/52
<u>survey</u> Environmental Quality, Radiation Control	32048	R313-30	5YR	10/14/2008	2008-21/108
<u>surveyors</u> Commerce, Occupational and Professional Licensing	31841	R156-22	AMD	10/23/2008	2008-18/7
	31175	R156-22-305	NSC	05/05/2008	Not Printed
<u>surveys</u> Environmental Quality, Radiation Control	32047	R313-38	5YR	10/14/2008	2008-21/109
<u>suspension</u> Transportation, Administration	31963	R907-67	5YR	09/18/2008	2008-20/52
<u>suspensions</u> Natural Resources, Wildlife Resources	31223	R657-26	NSC	05/05/2008	Not Printed
<u>systems</u> Public Safety, Fire Marshal	31085	R710-7	AMD	05/23/2008	2008-8/40
	31749	R710-7-7	NSC	10/01/2008	Not Printed
<u>tanning beds</u> Health, Epidemiology and Laboratory Services, Environmental Services	30612	R392-700	CPR	05/16/2008	2008-7/58
	30612	R392-700	NEW	05/16/2008	2007-22/65

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>tariffs</u>					
Public Service Commission, Administration	31101	R746-405	5YR	04/01/2008	2008-8/57
<u>tax credit</u>					
Governor, Economic Development	31153	R357-3	NEW	06/18/2008	2008-9/37
<u>tax credits</u>					
Environmental Quality, Air Quality	31389	R307-121	AMD	08/07/2008	2008-11/87
	30889	R307-121-3	NSC	01/30/2008	Not Printed
Natural Resources, Geological Survey	30902	R638-2-6	AMD	03/10/2008	2008-3/35
<u>tax exemptions</u>					
Tax Commission, Auditing	31531	R865-19S-94	AMD	08/18/2008	2008-13/115
	31272	R865-19S-99	NSC	06/23/2008	Not Printed
	31258	R865-19S-105	AMD	07/01/2008	2008-10/132
	30841	R865-19S-121	AMD	02/25/2008	2008-1/37
<u>tax returns</u>					
Tax Commission, Auditing	31458	R865-9I-4	AMD	08/14/2008	2008-12/43
	31530	R865-9I-6	AMD	08/18/2008	2008-13/113
	31459	R865-9I-11	AMD	08/14/2008	2008-12/44
	31460	R865-9I-12	AMD	08/14/2008	2008-12/45
	31463	R865-9I-13	AMD	08/14/2008	2008-12/45
	30916	R865-9I-37	AMD	03/14/2008	2008-3/63
	31413	R865-9I-37	NSC	08/18/2008	Not Printed
	31464	R865-9I-39	AMD	08/14/2008	2008-12/46
	31639	R865-9I-41	NSC	08/25/2008	Not Printed
	31414	R865-9I-42	NSC	08/18/2008	Not Printed
	31415	R865-9I-46	NSC	08/18/2008	Not Printed
	31466	R865-9I-48	AMD	08/14/2008	2008-12/47
	31416	R865-9I-49	NSC	08/18/2008	Not Printed
	31532	R865-9I-50	AMD	08/18/2008	2008-13/114
	31470	R865-9I-52	AMD	08/14/2008	2008-12/48
	30849	R865-9I-53	AMD	02/25/2008	2008-1/36
<u>taxation</u>					
Tax Commission, Administration	31535	R861-1A-1	AMD	08/18/2008	2008-13/110
	31536	R861-1A-3	AMD	08/18/2008	2008-13/111
	31386	R861-1A-13	NSC	08/18/2008	Not Printed
	31633	R861-1A-16	AMD	09/09/2008	2008-14/96
	30688	R861-1A-20	AMD	01/11/2008	2007-23/68
	31394	R861-1A-22	NSC	08/18/2008	Not Printed
	31634	R861-1A-23	AMD	09/09/2008	2008-14/98
	30589	R861-1A-24	AMD	01/11/2008	2007-21/69
	31395	R861-1A-24	NSC	08/18/2008	Not Printed
	30717	R861-1A-26	AMD	01/11/2008	2007-23/69
	31635	R861-1A-26	AMD	09/09/2008	2008-14/99
	31638	R861-1A-27	AMD	09/09/2008	2008-14/101

<u>KEYWORD AGENCY</u>	<u>FILE NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>BULLETIN ISSUE/PAGE</u>
	31403	R861-1A-28	NSC	08/18/2008	Not Printed
	31404	R861-1A-29	NSC	08/18/2008	Not Printed
	31406	R861-1A-30	NSC	08/18/2008	Not Printed
	31407	R861-1A-31	NSC	08/18/2008	Not Printed
	31412	R861-1A-32	NSC	08/18/2008	Not Printed
	30838	R861-1A-40	AMD	02/25/2008	2008-1/32
	30835	R861-1A-42	AMD	02/25/2008	2008-1/33
	30780	R861-1A-43	AMD	01/25/2008	2007-24/24
Tax Commission, Auditing	31632	R865-6F-8	AMD	09/09/2008	2008-14/102
	30913	R865-6F-28	AMD	03/14/2008	2008-3/61
	31534	R865-6F-35	AMD	08/18/2008	2008-13/112
	30842	R865-6F-37	AMD	02/25/2008	2008-1/35
	31533	R865-20T-13	AMD	08/18/2008	2008-13/116
Tax Commission, Motor Vehicle	30844	R873-22M-34	AMD	02/25/2008	2008-1/38
	31264	R873-22M-41	AMD	06/27/2008	2008-10/133
Tax Commission, Motor Vehicle Enforcement	31255	R877-23V-19	AMD	06/27/2008	2008-10/135
Tax Commission, Property Tax	31418	R884-24P-38	NSC	08/18/2008	Not Printed
	31274	R884-24P-62	NSC	06/23/2008	Not Printed
	30931	R884-24P-62	AMD	03/28/2008	2008-4/30
<u>taxes</u>					
Human Services, Recovery Services	31162	R527-475	AMD	06/25/2008	2008-10/121
	31808	R527-475-1	NSC	10/01/2008	Not Printed
Insurance, Administration	30890	R590-157	5YR	01/10/2008	2008-3/79
	31939	R590-157	AMD	11/18/2008	2008-19/34
<u>teacher licensing</u>					
Education, Administration	31444	R277-504	AMD	07/08/2008	2008-11/77
	30951	R686-100	5YR	02/04/2008	2008-5/59
	31886	R686-100	NSC	10/21/2008	Not Printed
	31855	R686-100-1	NSC	10/21/2008	Not Printed
<u>teachers</u>					
Education, Administration	31953	R277-459	AMD	11/10/2008	2008-19/16
	32005	R277-503-4	NSC	11/17/2008	Not Printed
	31038	R277-508	5YR	03/03/2008	2008-7/63
	31850	R277-508-1	NSC	10/21/2008	Not Printed
	31854	R277-522-1	NSC	10/21/2008	Not Printed
	31521	R686-101	5YR	06/02/2008	2008-12/62
	31522	R686-102	5YR	06/02/2008	2008-12/62
<u>technology</u>					
Education, Administration	31578	R277-492	NEW	08/07/2008	2008-13/25
<u>telecommunications</u>					
Public Service Commission, Administration	31619	R746-240	5YR	06/24/2008	2008-14/144
	31618	R746-340	5YR	06/24/2008	2008-14/144
	31092	R746-342	5YR	04/01/2008	2008-8/56

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31797	R746-344	5YR	08/07/2008	2008-17/80
	31798	R746-345	5YR	08/07/2008	2008-17/81
	31045	R746-347	5YR	03/07/2008	2008-7/66
	31628	R746-349	AMD	08/25/2008	2008-14/91
	31374	R746-349-3	NSC	05/05/2008	Not Printed
	31781	R746-349-7	NSC	10/01/2008	Not Printed
	27302	R746-360	AMD	11/24/2008	2004-15/59
	31704	R746-360	AMD	11/24/2008	2008-15/71
<u>telecommuting</u>					
Human Resource Management, Administration	31193	R477-8	AMD	07/01/2008	2008-10/101
	31784	R477-8	AMD	09/22/2008	2008-16/19
	30778	R477-8-5	AMD	01/22/2008	2007-24/16
<u>telephone utility regulation</u>					
Public Service Commission, Administration	31798	R746-345	5YR	08/07/2008	2008-17/81
<u>telephone utility regulations</u>					
Public Service Commission, Administration	31618	R746-340	5YR	06/24/2008	2008-14/144
<u>telephones</u>					
Public Service Commission, Administration	31619	R746-240	5YR	06/24/2008	2008-14/144
<u>terminally ill</u>					
Corrections, Administration	30803	R251-114	NEW	03/11/2008	2008-1/6
<u>terms of office</u>					
Natural Resources, Wildlife Resources	31946	R657-39	AMD	11/10/2008	2008-19/39
<u>tickets</u>					
Administrative Services, Fleet Operations	31793	R27-7	AMD	11/11/2008	2008-17/4
	31421	R27-7-1	NSC	08/18/2008	Not Printed
<u>time</u>					
Labor Commission, Adjudication	31250	R602-1	NSC	05/05/2008	Not Printed
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	31241	R606-1	NSC	05/05/2008	Not Printed
	31242	R606-2	NSC	05/05/2008	Not Printed
Labor Commission, Antidiscrimination and Labor, Fair Housing	31240	R608-1	NSC	05/05/2008	Not Printed
Labor Commission, Antidiscrimination and Labor, Labor	31247	R610-1	NSC	05/05/2008	Not Printed
	31149	R610-1-4	AMD	06/13/2008	2008-9/48
	31245	R610-2	NSC	05/05/2008	Not Printed
	30942	R610-2-6	AMD	03/24/2008	2008-4/19
	31243	R610-3	NSC	05/05/2008	Not Printed
	30876	R610-3-4	EMR	01/03/2008	2008-3/70
	30941	R610-3-4	AMD	03/24/2008	2008-4/20
	31148	R610-3-10	AMD	06/13/2008	2008-9/50
Labor Commission, Industrial Accidents	31235	R612-1	NSC	05/05/2008	Not Printed
<u>timeliness</u>					
Pardons (Board Of), Administration	31659	R671-515	5YR	07/03/2008	2008-15/104

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31817	R671-515	AMD	10/13/2008	2008-17/66
<u>title insurance</u>					
Insurance, Administration	31715	R590-153	AMD	11/10/2008	2008-15/36
	31715	R590-153	CPR	11/10/2008	2008-19/72
	31769	R590-187	5YR	07/29/2008	2008-16/70
<u>title insurance continuing education</u>					
Insurance, Title and Escrow Commission	31337	R592-7	NEW	07/14/2008	2008-10/125
<u>title recovery fund assessment</u>					
Insurance, Title and Escrow Commission	31341	R592-9	NEW	07/14/2008	2008-10/128
<u>tobacco products</u>					
Tax Commission, Auditing	31533	R865-20T-13	AMD	08/18/2008	2008-13/116
<u>tolls</u>					
Transportation, Program Development	31636	R926-9	AMD	10/16/2008	2008-14/113
	31707	R926-10	NEW	10/16/2008	2008-15/72
Transportation Commission, Administration	31810	R940-1	NSC	10/01/2008	Not Printed
	31637	R940-1	AMD	10/16/2008	2008-14/115
<u>tollway</u>					
Transportation Commission, Administration	31708	R940-2	NEW	10/16/2008	2008-15/77
	31902	R940-2	NSC	10/21/2008	Not Printed
<u>tollways</u>					
Transportation, Program Development	31636	R926-9	AMD	10/16/2008	2008-14/113
Transportation Commission, Administration	31810	R940-1	NSC	10/01/2008	Not Printed
	31637	R940-1	AMD	10/16/2008	2008-14/115
<u>towing</u>					
Transportation, Motor Carrier	30785	R909-19	AMD	02/12/2008	2007-24/26
<u>traffic regulations</u>					
Public Safety, Driver License	31437	R708-16	AMD	07/08/2008	2008-11/117
	31592	R708-16-3	NSC	08/25/2008	Not Printed
<u>traffic violations</u>					
Public Safety, Driver License	31106	R708-3-2	NSC	05/05/2008	Not Printed
<u>training</u>					
Human Services, Substance Abuse and Mental Health	31164	R523-24-7	AMD	07/14/2008	2008-10/116
	31165	R523-24-9	AMD	07/14/2008	2008-10/117
	31353	R523-24-13	NSC	05/05/2008	Not Printed
Public Service Commission, Administration	31375	R746-510	NSC	05/05/2008	Not Printed
<u>training programs</u>					
Human Resource Management, Administration	31195	R477-10	AMD	07/01/2008	2008-10/106
<u>Transition to Adult Living</u>					
Human Services, Child and Family Services	31863	R512-305	5YR	08/20/2008	2008-18/74

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>transportation</u>					
Administrative Services, Finance	31319	R25-7	5YR	04/29/2008	2008-10/144
	31320	R25-7	AMD	07/01/2008	2008-10/4
Human Services, Aging and Adult Services	31027	R510-105	5YR	02/27/2008	2008-6/26
Transportation, Administration	31963	R907-67	5YR	09/18/2008	2008-20/52
Transportation, Operations, Maintenance	31693	R918-4	NSC	08/25/2008	Not Printed
	31890	R918-4	5YR	08/25/2008	2008-18/77
Transportation, Program Development	31636	R926-9	AMD	10/16/2008	2008-14/113
	31707	R926-10	NEW	10/16/2008	2008-15/72
Transportation, Preconstruction	31066	R930-5	AMD	06/10/2008	2008-8/46
Transportation Commission, Administration	31810	R940-1	NSC	10/01/2008	Not Printed
	31637	R940-1	AMD	10/16/2008	2008-14/115
<u>transportation conformity</u>					
Environmental Quality, Air Quality	30971	R307-310	5YR	02/08/2008	2008-5/46
	30705	R307-310-2	AMD	02/08/2008	2007-23/40
<u>transportation law</u>					
Administrative Services, Facilities Construction and Management	31063	R23-13	5YR	03/17/2008	2008-8/50
<u>transportation safety</u>					
Transportation, Motor Carrier	30783	R909-1-1	AMD	02/15/2008	2007-24/25
<u>trauma</u>					
Health, Health Systems Improvement, Emergency Medical Services	31068	R426-5-3	AMD	06/04/2008	2008-8/17
<u>trespass</u>					
Natural Resources, Parks and Recreation	31679	R651-620	5YR	07/07/2008	2008-15/97
<u>trucking industries</u>					
Tax Commission, Auditing	31632	R865-6F-8	AMD	09/09/2008	2008-14/102
	30913	R865-6F-28	AMD	03/14/2008	2008-3/61
	31534	R865-6F-35	AMD	08/18/2008	2008-13/112
	30842	R865-6F-37	AMD	02/25/2008	2008-1/35
<u>trucks</u>					
Transportation, Motor Carrier	30783	R909-1-1	AMD	02/15/2008	2007-24/25
	30785	R909-19	AMD	02/12/2008	2007-24/26
Transportation, Motor Carrier, Ports of Entry	31794	R912-14	5YR	08/07/2008	2008-17/83
<u>trust lands funds</u>					
Education, Administration	31832	R277-477	AMD	10/08/2008	2008-17/38
<u>trusts</u>					
Financial Institutions, Administration	31892	R331-21	5YR	08/25/2008	2008-18/69
<u>ultraviolet light safety</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	30612	R392-700	CPR	05/16/2008	2008-7/58
	30612	R392-700	NEW	05/16/2008	2007-22/65

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>unarmed combat</u>					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	31028	R859-1	AMD	05/01/2008	2008-6/15
	31029	R859-1-302	AMD	05/01/2008	2008-6/16
	31566	R859-1-501	AMD	09/01/2008	2008-13/106
	31585	R859-1-506	AMD	09/01/2008	2008-13/108
	31898	R859-1-506	NSC	10/21/2008	Not Printed
	31586	R859-1-509	AMD	09/01/2008	2008-13/109
<u>undercover identification</u>					
Public Safety, Criminal Investigations and Technical Services, Criminal Identification	30929	R722-320	NSC	05/14/2008	Not Printed
	31434	R722-320	5YR	05/14/2008	2008-11/127
<u>underground storage tanks</u>					
Environmental Quality, Environmental Response and Remediation	31486	R311-200	NSC	06/18/2008	Not Printed
	31495	R311-200	AMD	08/18/2008	2008-12/13
	31487	R311-201	NSC	06/18/2008	Not Printed
	31496	R311-203	AMD	08/18/2008	2008-12/16
	31497	R311-206-3	AMD	08/18/2008	2008-12/19
	31488	R311-210	NSC	06/18/2008	Not Printed
<u>underserved</u>					
Health, Health Systems Improvement, Primary Care and Rural Health	31779	R434-100	AMD	09/30/2008	2008-16/13
<u>unemployment compensation</u>					
Workforce Services, Unemployment Insurance	31075	R994-106-106	AMD	05/30/2008	2008-8/48
	31467	R994-201	5YR	05/20/2008	2008-12/64
	31468	R994-202	5YR	05/20/2008	2008-12/65
	31469	R994-208	5YR	05/20/2008	2008-12/65
	31547	R994-306	5YR	06/10/2008	2008-13/151
	31548	R994-307	5YR	06/10/2008	2008-13/152
	31712	R994-401-203	AMD	09/29/2008	2008-15/79
	31905	R994-403-102a	AMD	10/23/2008	2008-18/66
	31777	R994-403-110c	NSC	10/01/2008	Not Printed
	31711	R994-404-101	AMD	09/29/2008	2008-15/81
	31972	R994-406-302	NSC	10/14/2008	Not Printed
	30771	R994-508	AMD	02/15/2008	2007-24/30
	31546	R994-508	5YR	06/10/2008	2008-13/153
	31020	R994-508-117	NSC	03/11/2008	Not Printed
	31071	R994-508-118	NSC	04/14/2008	Not Printed
<u>uninsured employers</u>					
Labor Commission, Industrial Accidents	31251	R612-9-1	NSC	05/05/2008	Not Printed
<u>units</u>					
Environmental Quality, Radiation Control	31170	R313-12-1	NSC	05/05/2008	Not Printed
	30774	R313-12-111	AMD	04/11/2008	2007-24/8
	30774	R313-12-111	CPR	04/11/2008	2008-5/34

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>universal individual health application</u> Insurance, Administration	31335	R590-247	NEW	06/30/2008	2008-10/124
<u>universal service</u> Public Service Commission, Administration	27302	R746-360	AMD	11/24/2008	2004-15/59
	31704	R746-360	AMD	11/24/2008	2008-15/71
<u>used oil</u> Environmental Quality, Solid and Hazardous Waste	30907	R315-15-1	AMD	03/13/2008	2008-3/16
	30908	R315-15-10	AMD	03/13/2008	2008-3/19
	30909	R315-15-11	AMD	03/13/2008	2008-3/21
	30910	R315-15-12	AMD	03/13/2008	2008-3/23
	30911	R315-15-17	AMD	03/13/2008	2008-3/29
<u>USTAR</u> Education, Administration	31578	R277-492	NEW	08/07/2008	2008-13/25
<u>Utah Housing Opportunity Restricted Account</u> Commerce, Real Estate	31000	R162-12	NEW	04/07/2008	2008-5/11
<u>utilities</u> Public Service Commission, Administration	31642	R746-800	NEW	08/25/2008	2008-14/95
<u>utility regulation</u> Public Service Commission, Administration	31101	R746-405	5YR	04/01/2008	2008-8/57
<u>vacations</u> Human Resource Management, Administration	31192	R477-7	AMD	07/01/2008	2008-10/95
	31788	R477-7	AMD	09/22/2008	2008-16/16
<u>variances</u> Environmental Quality, Air Quality	30960	R307-102	5YR	02/08/2008	2008-5/40
	31462	R307-102	NSC	06/18/2008	Not Printed
<u>vehicle maintenance</u> Administrative Services, Fleet Operations	31422	R27-8-1	NSC	08/18/2008	Not Printed
<u>vehicle replacement</u> Administrative Services, Fleet Operations	30618	R27-4	AMD	03/06/2008	2007-22/9
	31411	R27-4	NSC	08/18/2008	Not Printed
<u>vending machines</u> Education, Administration	30848	R277-719	NEW	02/07/2008	2008-1/12
<u>vendor approval</u> Administrative Services, Fleet Operations	31422	R27-8-1	NSC	08/18/2008	Not Printed
<u>ventilation</u> Health, Epidemiology and Laboratory Services, Environmental Services	31908	R392-510	NSC	10/21/2008	Not Printed
<u>veterinary medicine</u> Commerce, Occupational and Professional Licensing	31396	R156-28	AMD	07/10/2008	2008-11/56

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>viatical</u>					
Insurance, Administration	31523	R590-222	5YR	06/02/2008	2008-12/58
	31500	R590-222	AMD	08/04/2008	2008-12/36
<u>victim compensation</u>					
Crime Victim Reparations, Administration	31322	R270-1	NSC	05/05/2008	Not Printed
	30593	R270-1-11	AMD	01/02/2008	2007-22/33
	31013	R270-1-22	AMD	05/19/2008	2008-6/3
	31504	R270-1-23	AMD	07/28/2008	2008-12/12
	31529	R270-1-24	AMD	08/11/2008	2008-13/8
<u>victims of crime</u>					
Crime Victim Reparations, Administration	31322	R270-1	NSC	05/05/2008	Not Printed
	31529	R270-1-24	AMD	08/11/2008	2008-13/8
<u>victims of crimes</u>					
Crime Victim Reparations, Administration	30593	R270-1-11	AMD	01/02/2008	2007-22/33
	31013	R270-1-22	AMD	05/19/2008	2008-6/3
	31504	R270-1-23	AMD	07/28/2008	2008-12/12
<u>violations</u>					
Natural Resources, Wildlife Resources	31223	R657-26	NSC	05/05/2008	Not Printed
<u>visitors</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	31447	R525-4	5YR	05/19/2008	2008-12/56
<u>vocational education</u>					
Education, Rehabilitation	31042	R280-200	5YR	03/03/2008	2008-7/65
<u>wages</u>					
Human Services, Recovery Services	31158	R527-300	AMD	09/04/2008	2008-10/118
Labor Commission, Antidiscrimination and Labor, Labor	31247	R610-1	NSC	05/05/2008	Not Printed
	31149	R610-1-4	AMD	06/13/2008	2008-9/48
	31245	R610-2	NSC	05/05/2008	Not Printed
	30942	R610-2-6	AMD	03/24/2008	2008-4/19
	31243	R610-3	NSC	05/05/2008	Not Printed
	30876	R610-3-4	EMR	01/03/2008	2008-3/70
	30941	R610-3-4	AMD	03/24/2008	2008-4/20
	31148	R610-3-10	AMD	06/13/2008	2008-9/50
Workforce Services, Unemployment Insurance	31469	R994-208	5YR	05/20/2008	2008-12/65
<u>waivers</u>					
Health, Health Systems Improvement, Primary Care and Rural Health	31779	R434-100	AMD	09/30/2008	2008-16/13
<u>warrants</u>					
Pardons (Board Of), Administration	31814	R671-510	AMD	10/13/2008	2008-17/64
	31658	R671-510	5YR	07/03/2008	2008-15/103
	31815	R671-512	AMD	10/13/2008	2008-17/65
	31657	R671-512	5YR	07/03/2008	2008-15/103

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31821	R671-513	5YR	08/14/2008	2008-17/78
<u>waste disposal</u>					
Environmental Quality, Radiation Control	30865	R313-15	AMD	03/17/2008	2008-2/10
Environmental Quality, Solid and Hazardous Waste	30990	R315-301	5YR	02/14/2008	2008-5/48
	30986	R315-302	5YR	02/14/2008	2008-5/49
	30992	R315-303	5YR	02/14/2008	2008-5/49
	30991	R315-305	5YR	02/14/2008	2008-5/50
	30985	R315-306	5YR	02/14/2008	2008-5/51
	30993	R315-307	5YR	02/14/2008	2008-5/51
	30995	R315-308	5YR	02/14/2008	2008-5/52
	30994	R315-309	5YR	02/14/2008	2008-5/52
	30996	R315-310	5YR	02/14/2008	2008-5/53
	30983	R315-311	5YR	02/14/2008	2008-5/53
	31381	R315-311-2	NSC	08/18/2008	Not Printed
	30997	R315-312	5YR	02/14/2008	2008-5/54
	30999	R315-314	5YR	02/14/2008	2008-5/55
	30989	R315-315	5YR	02/14/2008	2008-5/55
	30988	R315-316	5YR	02/14/2008	2008-5/56
	30984	R315-317	5YR	02/14/2008	2008-5/57
	31382	R315-317-3	NSC	08/18/2008	Not Printed
	30987	R315-318	5YR	02/14/2008	2008-5/57
Environmental Quality, Water Quality	30639	R317-1-4	AMD	02/04/2008	2007-22/52
	30637	R317-13	NEW	02/04/2008	2007-22/61
<u>waste to energy plant</u>					
Environmental Quality, Air Quality	30703	R307-223	AMD	02/08/2008	2007-23/38
	30968	R307-223	5YR	02/08/2008	2008-5/45
<u>wastewater</u>					
Environmental Quality, Water Quality	30638	R317-3-11	AMD	02/04/2008	2007-22/57
	30636	R317-14	NEW	02/04/2008	2007-22/62
	31103	R317-101	5YR	04/02/2008	2008-9/53
<u>water</u>					
Public Service Commission, Administration	31044	R746-330	5YR	03/07/2008	2008-7/66
	31095	R746-331	5YR	04/01/2008	2008-8/55
	31091	R746-332	5YR	04/01/2008	2008-8/55
<u>water funding</u>					
Natural Resources, Water Resources	30855	R653-2	NEW	02/25/2008	2008-2/20
	30940	R653-2	NSC	02/25/2008	Not Printed
<u>water pollution</u>					
Environmental Quality, Water Quality	30639	R317-1-4	AMD	02/04/2008	2007-22/52
	30638	R317-3-11	AMD	02/04/2008	2007-22/57
	31584	R317-8	AMD	09/10/2008	2008-13/47
	30948	R317-9	5YR	02/01/2008	2008-4/42
	30637	R317-13	NEW	02/04/2008	2007-22/61

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>water quality</u>					
Environmental Quality, Water Quality	30638	R317-3-11	AMD	02/04/2008	2007-22/57
	31103	R317-101	5YR	04/02/2008	2008-9/53
Public Service Commission, Administration	31044	R746-330	5YR	03/07/2008	2008-7/66
<u>water rights</u>					
Natural Resources, Water Rights	31694	R655-4	AMD	09/10/2008	2008-15/45
	31812	R655-4-5	NSC	10/01/2008	Not Printed
	31130	R655-5	5YR	04/08/2008	2008-9/54
	31431	R655-14	AMD	07/08/2008	2008-11/104
	31888	R655-14	NSC	10/21/2008	Not Printed
<u>waterfowl</u>					
Natural Resources, Wildlife Resources	31948	R657-9	AMD	11/10/2008	2008-19/37
<u>waterslides</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	31097	R392-302	AMD	05/22/2008	2008-8/6
<u>weapons</u>					
Human Services, Substance Abuse and Mental Health, State Hospital	31031	R525-6	NEW	05/01/2008	2008-6/7
	31348	R525-6	NSC	05/01/2008	Not Printed
Natural Resources, Parks and Recreation	31012	R651-612	NSC	03/10/2008	Not Printed
<u>weed control</u>					
Agriculture and Food, Plant Industry	31544	R68-9	5YR	06/09/2008	2008-13/147
	31128	R68-9	AMD	07/02/2008	2008-9/8
<u>welfare</u>					
Human Services, Recovery Services	31432	R527-3	NSC	08/18/2008	Not Printed
<u>well drilling</u>					
Natural Resources, Water Rights	31694	R655-4	AMD	09/10/2008	2008-15/45
	31812	R655-4-5	NSC	10/01/2008	Not Printed
<u>well logging</u>					
Environmental Quality, Radiation Control	32047	R313-38	5YR	10/14/2008	2008-21/109
<u>white-collar contests</u>					
Sports Authority (Utah), Pete Suazo Utah Athletic Commission	31028	R859-1	AMD	05/01/2008	2008-6/15
	31029	R859-1-302	AMD	05/01/2008	2008-6/16
	31585	R859-1-506	AMD	09/01/2008	2008-13/108
	31898	R859-1-506	NSC	10/21/2008	Not Printed
	31586	R859-1-509	AMD	09/01/2008	2008-13/109
<u>wild turkey</u>					
Natural Resources, Wildlife Resources	31945	R657-54	AMD	11/10/2008	2008-19/42
<u>wildland fire fund</u>					
Natural Resources, Forestry, Fire and State Lands	31108	R652-121	NSC	05/01/2008	Not Printed

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
wildland urban interface Natural Resources, Forestry, Fire and State Lands	31109	R652-122-100	NSC	05/01/2008	Not Printed
wildlife Natural Resources, Wildlife Resources	31219	R657-2	NSC	05/05/2008	Not Printed
	31047	R657-3	5YR	03/11/2008	2008-7/65
	31220	R657-3	NSC	05/05/2008	Not Printed
	31053	R657-3	AMD	05/08/2008	2008-7/45
	30829	R657-5	AMD	02/07/2008	2008-1/18
	31609	R657-6	AMD	08/21/2008	2008-14/69
	31948	R657-9	AMD	11/10/2008	2008-19/37
	31842	R657-10	AMD	10/22/2008	2008-18/54
	31843	R657-11-4	AMD	10/22/2008	2008-18/56
	30777	R657-12	AMD	01/22/2008	2007-24/19
	31221	R657-12-1	NSC	05/05/2008	Not Printed
	30676	R657-13	AMD	01/07/2008	2007-23/61
	31048	R657-13-3	AMD	05/08/2008	2008-7/47
	30904	R657-13-4	AMD	03/10/2008	2008-3/43
	31611	R657-16	AMD	08/21/2008	2008-14/70
	31807	R657-19	5YR	08/12/2008	2008-17/77
	31222	R657-22-1	NSC	05/05/2008	Not Printed
	30828	R657-23	AMD	02/07/2008	2008-1/25
	31613	R657-23	AMD	08/21/2008	2008-14/73
	30955	R657-23-5	AMD	04/07/2008	2008-5/31
	31223	R657-26	NSC	05/05/2008	Not Printed
	31224	R657-27-11	NSC	05/05/2008	Not Printed
	30906	R657-33	AMD	03/10/2008	2008-3/44
	31398	R657-34	5YR	05/08/2008	2008-11/125
	31401	R657-37	5YR	05/08/2008	2008-11/126
	31400	R657-42	5YR	05/08/2008	2008-11/126
	31049	R657-42-8	AMD	05/08/2008	2008-7/48
	31051	R657-53	AMD	05/08/2008	2008-7/50
	31228	R657-53	NSC	05/05/2008	Not Printed
	31508	R657-53	5YR	06/02/2008	2008-12/61
	31945	R657-54	AMD	11/10/2008	2008-19/42
	31608	R657-55	AMD	08/21/2008	2008-14/75
	31610	R657-57	NEW	08/21/2008	2008-14/77
	30903	R657-58	NEW	03/10/2008	2008-3/47
	31052	R657-58	NSC	03/26/2008	Not Printed
	31612	R657-59	NEW	08/21/2008	2008-14/80
	31625	R657-59	EMR	06/27/2008	2008-14/129
	31806	R657-59	NSC	10/01/2008	Not Printed
	31623	R657-60	NEW	08/21/2008	2008-14/88
	31624	R657-60	EMR	06/27/2008	2008-14/137
	31897	R657-60	AMD	10/22/2008	2008-18/57

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31805	R657-60	EMR	08/13/2008	2008-17/73
	32004	R657-60-2	EMR	10/10/2008	2008-21/102
	31960	R657-61	NEW	11/24/2008	2008-20/17
<u>wildlife law</u>					
Natural Resources, Wildlife Resources	31843	R657-11-4	AMD	10/22/2008	2008-18/56
	30777	R657-12	AMD	01/22/2008	2007-24/19
	31221	R657-12-1	NSC	05/05/2008	Not Printed
	30676	R657-13	AMD	01/07/2008	2007-23/61
	31048	R657-13-3	AMD	05/08/2008	2008-7/47
	30904	R657-13-4	AMD	03/10/2008	2008-3/43
	31222	R657-22-1	NSC	05/05/2008	Not Printed
	31224	R657-27-11	NSC	05/05/2008	Not Printed
	31610	R657-57	NEW	08/21/2008	2008-14/77
	30903	R657-58	NEW	03/10/2008	2008-3/47
	31052	R657-58	NSC	03/26/2008	Not Printed
	31612	R657-59	NEW	08/21/2008	2008-14/80
	31623	R657-60	NEW	08/21/2008	2008-14/88
	31805	R657-60	EMR	08/13/2008	2008-17/73
	31624	R657-60	EMR	06/27/2008	2008-14/137
	31897	R657-60	AMD	10/22/2008	2008-18/57
	32004	R657-60-2	EMR	10/10/2008	2008-21/102
<u>wildlife permits</u>					
Natural Resources, Wildlife Resources	31608	R657-55	AMD	08/21/2008	2008-14/75
<u>witness fees</u>					
Labor Commission, Adjudication	31250	R602-1	NSC	05/05/2008	Not Printed
<u>woodburning</u>					
Environmental Quality, Air Quality	31388	R307-302-3	AMD	08/07/2008	2008-11/91
<u>workers' compensation</u>					
Administrative Services, Risk Management	31347	R37-2	AMD	06/23/2008	2008-10/8
Labor Commission, Adjudication	31236	R602-2-1	NSC	05/05/2008	Not Printed
	30811	R602-2-4	AMD	02/07/2008	2008-1/14
	31238	R602-3	NSC	05/05/2008	Not Printed
	30810	R602-3-3	AMD	02/07/2008	2008-1/16
	31643	R602-4	EMR	07/01/2008	2008-14/127
Labor Commission, Industrial Accidents	31235	R612-1	NSC	05/05/2008	Not Printed
	31234	R612-2	5YR	04/28/2008	2008-10/148
	31333	R612-2-5	AMD	07/01/2008	2008-10/130
	31230	R612-3	5YR	04/28/2008	2008-10/149
	30594	R612-4-2	AMD	01/01/2008	2007-22/76
	31229	R612-5	5YR	04/28/2008	2008-10/149
	31231	R612-7	5YR	04/28/2008	2008-10/150
	31251	R612-9-1	NSC	05/05/2008	Not Printed
	31252	R612-10	NSC	05/05/2008	Not Printed
	31565	R612-11	NEW	08/11/2008	2008-13/85

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
	31734	R612-11	NSC	08/11/2008	Not Printed
	31564	R612-12	NEW	08/11/2008	2008-13/86
	31735	R612-12-2	NSC	08/11/2008	Not Printed
Workforce Services, Unemployment Insurance	31711	R994-404-101	AMD	09/29/2008	2008-15/81
<u>working toward employment</u>					
Workforce Services, Employment Development	31034	R986-400-406	AMD	05/01/2008	2008-6/20
<u>x-rays</u>					
Environmental Quality, Radiation Control	32048	R313-30	5YR	10/14/2008	2008-21/108
<u>youth</u>					
Human Services, Administration, Administrative Services, Licensing	31017	R501-16	5YR	02/22/2008	2008-6/25
<u>youth corrections</u>					
Human Services, Recovery Services	31563	R527-550	NSC	08/19/2008	Not Printed
<u>zoological animals</u>					
Natural Resources, Wildlife Resources	31047	R657-3	5YR	03/11/2008	2008-7/65
	31053	R657-3	AMD	05/08/2008	2008-7/45
	31220	R657-3	NSC	05/05/2008	Not Printed