

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed May 1, 1999, 12:00 a.m. through May 14, 1999, 11:59 p.m.

Number 99-11
June 1, 1999

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

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

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

The information in this *Bulletin* is summarized in the *Utah State Digest* (*Digest*). The *Bulletin* and *Digest* are printed and distributed semi-monthly by Legislative Printing. Annual subscription rates (24 issues) are \$150 for the *Bulletin* and \$35 for the *Digest*. Inquiries concerning subscription, billing, or changes of address should be addressed to:

LEGISLATIVE PRINTING
PO BOX 140107
SALT LAKE CITY, UT 84114-0107
(801) 538-1103
FAX (801) 538-1728

ISSN 0882-4738

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EDITOR'S NOTE

NOTICE OF PUBLICATION ERROR IN THE MAY 1, 1999, ISSUE OF THE *UTAH STATE BULLETIN*

In the May 1, 1999, issue of the *Utah State Bulletin* (99-9), the citations for the incorporated by reference material that should have appeared in the rule analysis prior to the rule text for R315-2 (DAR No. 21953, pages 33-44), R315-5-10 (DAR No. 21955, pages 55-56), R315-7 (DAR No. 21956, pages 57-61), R315-8 (DAR No. 21957, pages 61-70), R315-13-1 (DAR No. 21959, pages 71-72), R315-14 (DAR No. 21960, pages 72-73), and R315-50-9 (DAR No. 21962, page 76) were incomplete. The corrected citations are:

R315-2 (DAR No. 21953) 40 CFR 261.6, 1998 ed.; add as amended by 63 FR 42110, August 6, 1998. 40 CFR 261.31, 1998 ed.; add as amended by 63 FR 42110, August 6, 1998. 40 CFR 261.32, 1998 ed.; add as amended by 63 FR 42110, August 6, 1998

R315-5-10 (DAR No. 21955) 40 CFR 262.34, 1998 ed.; add as amended by 64 FR 3382, January 21, 1999

R315-7 (DAR No. 21956) 40 CFR 265.110-121, 1998 ed.; add as amended by 63 FR 56710, October 22, 1998. 40 CFR 265.140-150, 1998 ed.; add as amended by 63 FR 56710, October 22, 1998. 40 CFR 265.1080-1091, 1998 ed.; add as amended by 64 FR 3382, January 21, 1999

R315-8 (DAR No. 21957) add 40 CFR 264.110-120, 1998 ed.; as amended by 63 FR 56710, October 22, 1998. 40 CFR 264.140-151, 1998 ed.; add as amended by 63 FR 56710, October 22, 1998. 40 CFR 264.1030-1036, 1998 ed.; add as amended by 64 FR 3382, January 21, 1999. 40 CFR 264.1080-1091, 1998 ed.; add as amended by 64 FR 3382, January 21, 1999

R315-13-1 (DAR No. 21959) 40 CFR 268, 1998 ed.; add as amended by 63 FR 42110, August 6, 1998; 63 FR 46332, August 31, 1998; 63 FR 47409, September 4, 1998; 63 FR 48124, September 9, 1998; and 63 FR 51254, September 24, 1998

R315-14 (DAR No. 21960) 40 CFR 266.80, 1998 ed.; add as amended by 63 FR 71225, December 24, 1998. 40 CFR 266.100-112, 1998 ed.; add as amended by 63 FR 42110, August 6, 1998

R315-50-9 (DAR No. 21962) 40 CFR 261, Appendix VII, 1998 ed.; add as amended by 63 FR 42110, August 6, 1998

Questions regarding this error to the *Utah State Bulletin* may be directed to: *Kenneth A. Hansen, Director, Division of Administrative Rules, PO Box 141007, Salt Lake City UT 84114-1007; Phone: (801) 538-3777; FAX: (801) 538-1773; or E-mail: asdomain.asitmain.khansen@email.state.ut.us.*

End of the Editor's Notes Section

SPECIAL NOTICES

CORRECTION NOTICE FOR THE DEPARTMENT OF HEALTH

PUBLIC NOTICE INPATIENT HOSPITAL REIMBURSEMENT RATES

In the May 15, 1999, issue of the Utah State Bulletin (99-10, page 2), the Department of Health issued a public notice on Inpatient Hospital Reimbursement Rates. The increase in the rate was listed as a factor of 3.9%. It should have been 3.0%. The notice should have read:

The Utah Medicaid Agency hereby gives public notice that the Inpatient Hospital Reimbursement rates for the period beginning July 1, 1999, will be, on the average, increased by the factor of 3.0%. This percentage is based on the inflation adjustment reflecting funds appropriated by the Utah State Legislature.

Written comments can be sent to the attention of Blaine Goff. The public may review the proposed changes at: Division of Health Care Financing, Utah State Department of Health, 288 North 1460 West, Salt Lake City, Utah 84116-0580.

EXECUTIVE ORDER

Whereas, the danger from wildland fires is extremely high throughout the State of Utah; and

Whereas, numerous wildland fires are burning and continue to burn in various areas statewide and present a serious threat to public safety, property, natural resources and the environment; and

Whereas, some of the areas are extremely remote and inaccessible and the situation has the potential to greatly worsen if left unattended; and

Whereas, immediate action is required to suppress the fires to protect public safety, property, natural resources and the environment; and

Whereas, these conditions do create a disaster emergency within the intent of the Disaster Response and Recovery Act of 1981; and

Now, Therefore, I, Michael O. Leavitt, Governor of the State of Utah, by virtue of the power vested in me by the constitution and the laws of the State of Utah;

Do Hereby Order That: It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of May 17, 1999, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

In Testimony, Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 17th day of May 1999.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

**DEPARTMENT OF ENVIRONMENTAL QUALITY
RADIATION CONTROL**

**PUBLIC NOTICE OF THE EXTENSION OF THE PUBLIC COMMENT PERIOD
AND SCHEDULED HEARINGS ON PROPOSED RULE CHANGES**

The Utah Department of Environmental Quality, Utah Radiation Control Board, is extending the public comment period regarding proposed changes to the following Utah Radiation Control Rules: (1) R313-12-3, "Definitions," and (2) R313-25-36, "Alternate Feed Materials at Uranium Mills." The changes to R313-12-3 and R313-25-36 relate to incorporating alternate feed requirements in the Utah Radiation Control Rules.

R313-12-3 was published in the May 1, 1999, issue of the *Utah State Bulletin* (99-9) under DAR No.21951; and R313-25-36 was also published in the May 1, 1999, *Bulletin* under DAR No. 21952. The public comment period for both rules has been extended to June 14, 1999.

In addition, two public hearings will be held as follows: (1) June 4, 1999, 3:00 p.m., Room 101 at the Department of Environmental Quality, 168 North 1950 West, Salt Lake City, Utah; and (2) June 8, 1999, 7:00-10:00 p.m., at the National Guard Armory, 10th West Freeway-105-5, Blanding, Utah.

The proposed rules are available for public review and to be copied between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, at the following address: Division of Radiation Control, Room 212, State of Utah Office Park, Bldg. 2, 168 North 1950 West, Salt Lake City, Utah.

Written comments must be received no later than the close of business on June 14, 1999, and should be addressed to: William J. Sinclair, Executive Secretary, Utah Radiation Control Board, P.O. Box 144850, 168 North 1950 West, Salt Lake City, Utah 84114-4850. Information regarding the rules may be obtained by contacting William J. Sinclair, Division of Radiation Control, Phone: (801) 536-4250.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Charlene Lamph, Office of Human Resources at (801) 536-4413, (TDD (801) 536-4414) at least five working days prior to a public hearing and ten working days prior to the close of the comment period.

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April 16, 1999

Depository libraries: Asterisk (*) indicates limited copies--make claims to issuing agency.

This list is available on the World Wide Web at: <http://www.state.lib.ut.us/publicat/publicat.htm>

30 day review. [Vol. 2, no. 9: September, 1995 [sic] (redated March/April, 99)] Utah. State Mental Hospital, Provo.
P 3221.8: Thi/999/03-04

Utah. State Mental Hospital, Provo--Periodicals/Psychiatric hospitals--Utah--Periodicals/Mentally ill--Care--Utah--Periodicals.

1996 Utah health status survey report. Health care access and utilization. March, 1999. Utah. Office of Public Health Data; Utah. Dept. of Health. Bureau of Surveillance and Analysis, 1999.

P 4070.H22.19: Hea/996

Medical care--Utah--Utilization--Statistics/Health services accessibility--Utah.

1999 Utah State Courts report to the community. [1999] Utah. Administrative Office of the Courts; Utah Judicial Council.

A 6000.1: Rep/999

Courts--Utah--Periodicals/Judicial statistics--Utah--Periodicals.

Advocacy alert. Second issue: Sept. 1998; Third issue: January, 1999. Utah. Office of Crime Reparations; Utah. Statewide Advocate for Victims Organization.

P 3288.8: Adv/998/09; P 3288.8: Adv/999/01

Victims of crimes--Legal status, laws, etc.--Utah--Periodical/Victims of crimes--Services for--Utah--Periodicals.

* **Annual report summary.** 1997; 1998. Utah Commission on Criminal and Juvenile Justice. Office of Crime Victim Reparations.

P 3288.13: Rep/Sum/997; P 3288.13: Rep/Sum/998

<http://www.crimevictim.state.ut.us/about.htm>

Victims of crimes--Services for--Utah--Periodicals/Reparation--Utah--Statistics--Periodicals.

Crime victim newslines. Number 26: Winter, 1999; Number 27: Spring, 1999. Utah Commission on Criminal and Juvenile Justice. Office of Crime Victim Reparations.

P 3288.8: Cri/26; P 3288.8: Cri/27

Victims of crimes--Utah/Abused women--Utah/Reparation--Utah/Abused wives--Utah/Crime and criminals--Utah.

* **Delineation of drinking water source protection zones for the Green Hills Country Estates well 02, Weber County, Utah/**Charles E. Bishop, Mike Lowe. February, 1999. Utah Geological Survey.

N 3300.71: Rep/240

Drinking water--Standards--Utah--Weber County/Water quality management--Utah--Weber County/Watershed management--Utah--Weber County.

* **A decade of service to victims.** [1996] Utah Commission on Criminal and Juvenile Justice. Office of Crime Victim Reparations.

P 3288.13: Rep/Sum/996

Victims of crimes--Services for--Utah/Reparation--Utah--Statistics.

Directions for Utah libraries. Vol. 11, no. 8: April, 1999. Utah State Library.

H 6200.8: Dir/11/8

<http://www.state.lib.ut.us/directns/directns.htm>

Libraries--Utah--Periodicals.

Epidemiology newsletter. January, 1999. Utah. Bureau of Epidemiology.

P 4120.8: New/999/01

<http://hlunix.hl.state.ut.us/els/epidemiology/>

Communicable diseases--Utah/Diseases--Reporting--Utah.

Follow-up review of the Davis Mental Health Center non-client activities. March 24, 1999. Utah. Legislature. Office of the Legislative Auditor General.

A 3600.R46.15: Rep/99-02

<http://www.le.state.ut.us/audit/ad%5F99dl.htm>

Davis Mental Health Center (Utah)/Mental health services--Utah--Davis County.

Get up & go. April, 1999. Utah. Division of Aging and Adult Services; Committee for the Legal Protection of the Elderly, Inc.; Golden Age Corp. (Salt Lake City, Utah)

P 3260.8: Get/999/04

Aged--Utah/Aged--Services for--Utah/Aged--Legal status, laws, etc.--Utah.

Health status in Utah by race and ethnicity. March, 1999. Utah. Office of Public Health Data; Utah. Dept. of Health. Bureau of Surveillance and Analysis.

P 4095.7: Hea/999

Health status indicators--Utah/Health surveys--Utah/Utah--Statistics, Medical.

I-15 corridor reconstruction project: design/build evaluation 1998 annual report: special experimental project no. 14.

December, 1998. Utah. Dept. of Transportation; Carter & Burgess, Inc.

T 5650.I57.13: I-15/998

Road construction contracts--Utah/Express highways--Utah--Design and construction/Interstate 15.

* **The ichthyogram.** Vol. 10, no. 1: March, 1999. Utah. Division of Wildlife Resources. Fisheries Experiment Station.

N 4600.81: Ich

<http://www.nr.state.ut.us/dwr/fes/index.htm>

Fisheries--Utah/Fishery management--Utah/Fisheries--Research--Utah.

Occupations in demand at Utah Job Service offices. July-December, 1998. Utah. Dept. of Workforce Services.

I 3112.8: Occ/998/3-4

<http://www.dws.state.ut.us/wi/publs/publicat.htm> full text document

Job vacancies--Utah--Statistics/Wages--Utah--Statistics/Utah--Occupations--Statistics.

* **Oil and gas production report.** December, 1998. Utah. Division of Oil, Gas and Mining.

N 3600.13: Pro/998/12

<http://www.nr.state.ut.us/OGM/statindx.htm>

Petroleum industry and trade--Utah--Statistics--Periodicals/Gas industry--Utah--Statistics--Periodicals/Energy industries--Utah--Statistics--Periodicals.

On-the-job: Industrial Commission of Utah quarterly newsletter. 2nd quarter, 1999. Utah. Industrial Commission.

P 3311.81: On/999/2

Industrial safety--Utah.

* **A performance audit of Utah's Juvenile Justice System.** January, 1999. Utah. Legislature. Office of the Legislative Auditor General.

A 3600.R46.15: Rep/99-01

http://www.le.state.ut.us/audit/ad_99dl.htm full text document

Utah. Juvenile Court--Auditing/Utah. Division of Youth Corrections--Auditing/Legislative auditing--Utah.

Quarterly economic newsletter. Eastern Region. Grand and San Juan. 2nd quarter, 1998. Utah. Dept. of Workforce Services.

I 3112 .G7.8: Eco/998/2

<http://www.dws.state.ut.us/WI/Regions/eastern.htm>

Grand County (Utah)--Occupations--Statistics/San Juan County (Utah)--Occupations--Statistics.

Quarterly economic newsletter. Mountainland Region. Summit and Wasatch. 3rd quarter, 1998. Utah. Dept. of Workforce Services.

I 3112.S8.8: Eco/998/3

<http://www.dws.state.ut.us/WI/Regions/mountainland.htm>

Summit County (Utah)--Occupations--Statistics/Wasatch County (Utah)--Occupations--Statistics.

Quarterly economic newsletter. Northern Region. Davis County. 2nd quarter, 1998. Utah. Dept. of Workforce Services.

I 3112 .D4.8: Eco/998/2

<http://www.dws.state.ut.us/WI/Regions/northern.htm>

Davis County (Utah)--Occupations--Statistics.

Quarterly economic newsletter. Western Region. Garfield County. 3rd quarter, 1998. Utah. Dept. of Workforce Services.

I 3112 .G3.8: Eco/998/3

<http://www.dws.state.ut.us/WI/Regions/western.htm>

Garfield County (Utah)--Occupations--Statistics.

- Quarterly economic newsletter. Western Region. Juab County.** 3rd quarter, 1998. Utah. Dept. of Workforce Services.
I 3112 .J8.8: Eco/998/3
<http://www.dws.state.ut.us/WI/Regions/western.htm>
Juab County (Utah)--Occupations--Statistics.
- Quarterly economic newsletter. Western Region. Millard County.** 3rd quarter, 1998. Utah. Dept. of Workforce Services.
<http://www.dws.state.ut.us/WI/Regions/western.htm>
Millard County (Utah)--Occupations--Statistics.
- Quarterly economic newsletter. Western Region. Sanpete County.** 3rd quarter, 1998. Utah. Dept. of Workforce Services.
I 3112 .S4.8: Eco/998/3
<http://www.dws.state.ut.us/WI/Regions/western.htm>
Sanpete County (Utah)--Occupations--Statistics.
- Quarterly economic newsletter. Western Region. Washington County.** 3rd quarter, 1998. Utah. Dept. of Workforce Services.
I 3112 .W3.8: Eco/998/3
<http://www.dws.state.ut.us/WI/Regions/western.htm>
Washington County (Utah)--Occupations--Statistics.
- * **Setting policy for Utah's Wildlife/Dalley, Connie; Rawley, Linda.** January, 1999. Utah. Division of Wildlife Resources.
N 4510.5: Set/999
Wildlife management--Utah/Wildlife management--Government policy--Utah/Environmental policy--Utah/Decision-making.
- * **Single audit report: fiscal year ended June 30, 1998.** March 30, 1999. Utah. State Auditor.
A 5260.A-133.13: Sin/998
Finance, Public--Utah--Auditing--Periodicals.
- State ground water program: 1998 report.** [1998]. Utah. Dept. of Agriculture & Food.
N 4000.Q3.13: Gro/998
Groundwater--Utah--Statistics/Groundwater--Utah--Quality--Periodicals/Groundwater--Utah--Management--Periodicals.
- * **State of Utah community development block grant and housing programs: consolidated plan, 1999-2000.** January, 1999. Utah. Division of Community Development.
A 5280.C65.4: Com/999-000
<http://www.ce.ex.state.ut.us/cdbg/CPTBLCON.htm>
Community development, Urban--Utah/Federal aid to community development--Utah/Block grants--Utah/Housing policy--Utah.
- Steps in the right direction: to build, use, and protect your consumer credit privileges: credit awareness education, a curriculum guide.** [1999] Utah State Office of Education; AT&T Universal Credit Services.
E 5332.P37.31: Ste/999
Finance, Personal--Study and teaching/Consumer credit--Study and teaching.
- * **Surficial geologic map of the west Cache Fault Zone and nearby faults, Box Elder and Cache Counties, Utah/Barry J. Solomon.** 1999. Utah Geological Survey; Geological Survey (U.S.)
N 3300.71: Map/172
Geology, Structural--Utah--Box Elder County--Maps/Geology, Structural--Utah--Cache County--Maps/Earthquake hazard analysis--Utah--Box Elder County--Maps/Earthquake hazard analysis--Utah--Cache County--Maps/Faults (Geology)--Utah--Box Elder County--Maps/Faults (Geology)--Utah--Cache County--Maps.
- * **Technical reports for 1998 applied geology program.** March, 1999. Utah Geological Survey.
N 3300.71: Rep/222
Building sites--Utah/Geology, Economic--Utah/Sewage disposal--Utah/Springs--Utah/Water, Underground--Utah.
- Telephone directory. 1999.** Utah. Dept. of Administration Services. Division of Information Technology Services.
A 4400.5: Tel/999
<http://www.state.ut.us/download/org98.pdf>
Salt Lake City--Directories--Telephone/Utah--Officials and employees--Directories--Telephone.

Training schedule: personal computing, mainframe/technical, geographic information systems, AT&T telephone. May, June, July 1999. Utah. Dept. Of Administrative Services. Division of Information Technology Services.

A 5170.T72.43: Tra/999/05-07

www.its.state.ut.us/training

Government employees--Training of--Utah.

Utah construction report. Vol. 41, no. 4: October-November-December, 1998. University of Utah. Bureau of Economic and Business Research.

I 4300.8: Con/41/1

Construction industry--Utah--Statistics--Periodicals.

Utah Department of Transportation Research Program Peer Exchange/Douglas I. Anderson. June, 1998. Utah. Dept. of Transportation. Research Division.

Research--Management/Information policy.

* **Utah economic and business review.** Vol. 58, no. 9-10: Sept.-Oct., 1998. University of Utah. Bureau of Economic and Business Research.

I 3090.8: UEB/58/9-10

Utah--Economic conditions--Periodicals.

Utah labor market report. Vol. 9, no. 2: February, 1999. Utah. Dept. of Workforce Services.

I 3112.13: Lab/9/02

<http://www.dws.state.ut.us/WI/pubs/publicat.htm>

Labor market--Utah--Statistics/Labor supply--Utah--Statistics.

Utah real estate appraiser review: a publication for appraisal professionals. Vol. 8, no. 2: April, 1999. Utah. Real Estate Division.

I 4200.A66.81:App/8/2

<http://www.commerce.state.ut.us/web/commerce/re/newslett/newslett.htm>

Real estate appraisers--Utah/Real estate business--Utah/Real estate business--Law and legislation--Utah.

* **Utah toxic release inventory: summary report.** March, 1999. Utah. Division of Environmental Response and Remediation.

P 3317.T6.13: Tox/997

Environmental health--Utah--Administration/Factory and trade waste--Environmental aspects--Utah/Hazardous wastes--Utah--Statistics.

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Annual surveys and complaint investigations of Utah home health agencies during 1998. [1999] Utah. Dept. of Health.

P 4270.15: Rep/998

Home care services -- Utah.

Annual surveys and complaint investigations of Utah intermediate care facilities for the mentally retarded (ICFs/MR) during 1998. [1999] Utah. Dept. of Health.

P 4269.M46.15: Rep/998
Mentally handicapped -- Care -- Utah.

Digital geologic resources atlas of Utah [computer file]/Douglas A. Sprinkel. 1999. Utah Geological Survey in cooperation with United States. Bureau of Land Management, Utah. Automated Geographic Reference Center [and] Utah. School and Institutional Trust Lands Administration.

N 3300.71: Bul/129DF
Geographic information systems -- Utah/Utah -- Maps.

Epidemiology newsletter. February, 1999. Utah. Bureau of Epidemiology.

P 4120.8: New/999/02
http://hlunix.hl.state.ut.us/els/epidemiology/full_text_document
Communicable diseases--Utah /Diseases--Reporting--Utah.

Newsletter. April 1, 1999. Utah. Division of Occupational and Professional Licensing.

I 4080.8: New/999/04
<http://www.commerce.state.ut.us/web/commerce/dopl/news/intro.htm>
Licenses--Utah--Periodicals/Business--Licenses--Utah--Periodicals.

Parent news. Vol. 22, no. 3: ;Spring, 1999. Utah State University. Center for Persons with Disabilities.

E 3190.81: Par/22/3
<http://www.cpd.usu.edu/>
Parents of exceptional children/Handicapped children--Services for--Utah/Child rearing.

Preview. April, 1999. Utah State Tax Commission. Economic & Statistical Unit.

A 5340 S24.13: Gro/Pre/998/4
Retail trade--Utah--Statistics.

Quarterly economic newsletter. Northern Region. Box Elder County. Second quarter, 1998. Utah. Dept. of Workforce Services.

I 3112.B6.8: Eco/998.2
<http://www.dws.state.ut.us/WI/Regions/northern.htm>
Box Elder County (Utah)--Occupations--Statistics.

Quarterly economic newsletter. Northern Region. Cache and Rich. Second quarter, 1998. Utah. Dept. of Workforce Services.

I 3112 .C2.8: Eco/998/2
<http://www.dws.state.ut.us/WI/Regions/northern.htm>
Cache County (Utah)--Occupations--Statistics/Rich County (Utah)--Occupations--Statistics.

Quarterly economic newsletter. Northern Region. Weber and Morgan. Second quarter, 1998. Utah. Dept. of Workforce Services.

I 3112.W5.8: Eco/998/2
<http://www.dws.state.ut.us/WI/Regions/northern.htm>
Weber County (Utah)--Occupations--Statistics/Morgan County (Utah)--Occupations--Statistics.

Quarterly economic newsletter. Western Region. Kane County. Third quarter, 1998. Utah. Dept. of Workforce Services.

I 3112 .K3.8: Eco/998/3
<http://www.dws.state.ut.us/WI/Regions/western.htm>
Kane County (Utah)--Occupations--Statistics.

Quarterly economic newsletter. Western Region. Sevier County. Third quarter, 1998. Utah. Dept. of Workforce Services.

I 3112 .S5.8: Eco/998/3
<http://www.dws.state.ut.us/WI/Regions/western.htm>
Sevier County (Utah)--Occupations--Statistics.

Results of surveys and complaint investigations on Utah nursing facilities during 1998. [1999] Utah. Dept. of Health.
P 4269.N87.15: Rep/998
Nursing homes--Utah--Periodicals.

The Speakers' list: Speakers of the Utah House of Representatives 1851-1999/Sally Y. Dahlstrom. January, 1999. Utah. Legislature. House of Representatives.
A 3300.7: Spe/851-999
Utah. Legislature. House of Representatives--Speaker--History.

Utah car and truck sales fourth quarter 1998/Katayama, Leslee. April, 1999. Utah State Tax Commission. Economic & Statistical Unit.
A 5340.S24.13: Car/998/4
<http://www.tax.ex.state.ut.us/ESU/motor/motor.htm>
Automobile industry and trade--Utah--Statistics.

Utah state bulletin. Number 99-8, April 15, 1999. Utah. Division of Administrative Rules. Utah. Office of Administrative Rules.
A 3025.61: Bul/99-8
<http://www.rules.state.ut.us/publicat/bulletin.htm>
Delegated legislation--Utah--Periodicals/Administrative procedure--Utah--Periodicals.

Utah state digest. Number 99-8, April 15, 1999. Utah. Division of Administrative Rules. Utah. Office of Administrative Rules.
A 3026.61: Dig/99-8
<http://www.rules.state.ut.us/publicat/digest.htm>
Delegated legislation--Utah--Periodicals.

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UTAH STATE PUBLICATIONS

List 99-10

May 20, 1999

Depository libraries: Asterisk (*) indicates limited copies--make claims to issuing agency.

This list is available on the World Wide Web at: <http://www.state.lib.ut.us/publicat/publicat.htm>

1999-2000 appropriations report. 1999. Utah. Legislature. Office of the Legislative Fiscal Analyst.
A 5240.R46.1: App/
http://www.le.state.ut.us/lfa/reports/body_rpt.htm
Public spending.

Car and truck registrations in Utah: January 1999. April, 1999. Utah State Tax Commission. Economic & Statistical Unit.
A 5340 P47.13: Car/999
Automobiles--Registration and transfer--Utah/Automobiles--Licenses--Utah/Motor vehicles--Utah--Statistics.

Comprehensive annual financial report for the year ended December 31, 1998. [1999] Utah Retirement Systems.
A 4800.1: Rep/998
Utah Retirement Systems--Finance--Periodicals/Utah--Officials and employees--Pensions--Finance--Periodicals.

Construction trades. Vol. 4, no. 1: April, 1999. Utah. Division of Occupational and Professional Licensing.
I 4310.81: Con/999/04
Construction industry--Utah--Law and legislation/Construction industry--Utah--Licenses.

Directions for Utah libraries. Vol. 11, no. 9: May, 1999. Utah State Library.
H 6200.8: Dir/11/9
<http://www.state.lib.ut.us/directns/directns.htm>
Libraries--Utah--Periodicals.

Epidemiology newsletter. February, 1999 [corrected/replacement] Utah. Bureau of Epidemiology.
P 4120.8: New/999/02
<http://hlunix.hl.state.ut.us/els/epidemiology/>
Communicable diseases--Utah/Diseases--Reporting--Utah.

Epidemiology newsletter. March, 1999. Utah. Bureau of Epidemiology.
P 4120.8: New/999/03
<http://hlunix.hl.state.ut.us/els/epidemiology/>
Communicable diseases--Utah/Diseases--Reporting--Utah.

Get up & go. May, 1999. Utah. Division of Aging and Adult Services; Committee for the Legal Protection of the Elderly, Inc.; Golden Age Corp. (Salt Lake City, Utah)
P 3260.8: Get/999/05
Aged--Utah/Aged--Services for--Utah/Aged--Legal status, laws, etc.--Utah.

* **Known and potential sand, gravel, and crushed stone resources of Grand County, Utah [map]**/Greg N. McDonald. April, 1999. Utah Geological Survey
N 3300.71: Ope/369
Sand--Utah--Grand County--Maps/Gravel--Utah--Grand County--Maps/Stone, Crushed--Utah--Grand County--Maps/Grand County (Utah)--Maps.

* **Metalliferous resources of Utah**/Martha Ryder Smith [and] Mark R. Milligan. [1999] Utah Geological Survey.
N 3300.71: Pub/57
Ore deposits--Utah/Mines and mineral resources--Utah.

Outlook: news for Utah's, cosmetology, barbering and electrology professionals. Vol. 5, no. 10: April, 1999. Utah. Division of Occupational and Professional Licensing.
I 5400.C55.81: Out/999/04
Beauty culture--Vocational guidance/Vocational guidance.

State of Utah proclamation of the Wildlife Board for taking bear 1999. [1999] Utah. Division of Wildlife Resources.
N 4720.B4.9: Bea/999
<http://www.nr.state.ut.us/dwr/bear.htm>
Game-laws--Utah/Fish and game licenses--Utah/Black bear--Utah.

Tax bulletin: Aviation fuel tax amendments. 4-99: Effective date July 1, 1999. Utah State Tax Commission.
A 5340.9: Tax/[99] 4-99
<http://www.tax.ex.state.ut.us/pr/Whtnwpg.htm>
Taxation--Law and legislation--Utah/Administrative law--Utah.

Tax bulletin: Summary of selected 1999 legislation affecting vehicle dealers. 5-99: Effective date May 3, 1999. Utah State Tax Commission.
A 5340.9: Tax/[99] 5-99
<http://www.tax.ex.state.ut.us/pr/Whtnwpg.htm>
Taxation--Law and legislation--Utah/Administrative law--Utah.

Tax bulletin: Summary of 1999 motor vehicle and property tax legislation. 6-99: Effective date May 3, 1999. Utah State Tax Commission.

A 5340.9: Tax/[99] 6-99

<http://www.tax.ex.state.ut.us/pr/Whtnwpg.htm>

Taxation--Law and legislation--Utah/Administrative law--Utah.

Tax bulletin: Summary of 1999 property tax legislation affecting taxing entities. 7-99: Effective date May 3, 1999. Utah State Tax Commission.

A 5340.9: Tax/[99] 7-99

<http://www.tax.ex.state.ut.us/pr/Whtnwpg.htm>

Taxation--Law and legislation--Utah/Administrative law--Utah.

Tax bulletin: Summary of 1999 sales tax legislation. 8-99: Effective date May 3, 1999. Utah State Tax Commission.

A 5340.9: Tax/[99] 8-99

<http://www.tax.ex.state.ut.us/pr/Whtnwpg.htm>

Taxation--Law and legislation--Utah/Administrative law--Utah.

Tax bulletin: Sales tax exempt purchases by federal, state, and local governments. 9-99: Effective date May 3, 1999. Utah State Tax Commission.

A 5340.9: Tax/[99] 9-99

<http://www.tax.ex.state.ut.us/pr/Whtnwpg.htm>

Taxation--Law and legislation--Utah/Administrative law--Utah.

Tax bulletin: 1999 Judgement levy legislation. 11-99: Effective date May 3, 1999. Utah State Tax Commission.

A 5340.9: Tax/[99] 11-99

<http://www.tax.ex.state.ut.us/pr/Whtnwpg.htm>

Taxation--Law and legislation--Utah/Administrative law--Utah.

Utah administrative rules index of changes. 1998 errata. Utah. Division of Administrative Rules.

A 3028.55: Cha/998 (errata)

<http://www.rules.state.ut.us/publicat/rulsindx.htm>

Delegated legislation--Utah--Periodicals.

Utah administrative rules index of changes. 1999. Utah. Division of Administrative Rules.

A 3028.55: Cha/999

<http://www.rules.state.ut.us/publicat/rulsindx.htm>

Delegated legislation--Utah--Periodicals.

Utah aeronautical chart. Nov. 1, 1998. Utah. State Aeronautics Commission.

T 3800.8: Aer/998

Aeronautical charts--Utah/Airports--Utah--Directories.

Utah big game range trend studies. 1997, v. 2. Utah. Division of Wildlife Resources.

N 4810.13: Ran/997 v.2

Wildlife management--Utah--Periodicals/Range management--Utah--Periodicals/Deer--Food--Periodicals/Browse--Periodicals/Range plants--Utah--Periodicals/Mammals--Utah--Food--Periodicals.

Utah big game range trend studies. 1998, v.1- 2. Utah. Division of Wildlife Resources.

N 4810.13: Ran/998 v.1; N 4810.13: Ran/998 v.2

Wildlife management--Utah--Periodicals/Range management--Utah--Periodicals/Deer--Food--Periodicals/Browse--Periodicals/Range plants--Utah--Periodicals/Mammals--Utah--Food--Periodicals.

Utah labor market report. Vol. 9, no. 3: March, 1999. Utah. Dept. of Workforce Services.

I 3112.13: Lab/999/03

<http://www.dws.state.ut.us/WI/pubs/publicat.htm>

Labor market--Utah--Statistics/Labor supply--Utah--Statistics.

Utah safe pilot. Vol. 9, no. 1: Spring, 1999. Utah. Dept. of Transportation. Division of Aeronautical Operations.
T 3710.81: Saf/9/1
Aeronautics--Utah--Safety measures/Air pilots--Utah/Air traffic control--Utah.

The Utah special educator. Vol. 19, no. 6: May, 1999. Utah Learning Resource Center.
E 3190.81 Spe/19/6
http://www.ulrc.org/special_educator.html
Special education--Utah/Special education teachers--Utah.

* **Utah state bulletin.** Number 99-9: May 1, 1999; Number 99-10: May 15, 1999. Utah. Division of Administrative Rules.
A 3025.61: Bul/99-9; A 3025.61: Bul/99-10
<http://www.rules.state.ut.us/publicat/bulletin.htm>
Delegated legislation--Utah--Periodicals/Administrative procedure--Utah--Periodicals.

* **Utah state digest.** Number 99-9: May 1, 1999; Number 99-10: May 15, 1999. Utah. Division of Administrative Rules.
A 3026.61: Dig/99-9; A 3026.61: Dig/99-10
<http://www.rules.state.ut.us/publicat/digest.htm>
Delegated legislation--Utah--Periodicals.

Utah state income tax statistics return year 1997. May, 1999. Utah State Tax Commission. Economic & Statistical Unit.
A 5340.I52.13: Sta/997
Income tax--Utah--Statistics--Periodicals/Income--Utah--Statistics--Periodicals.

Utah's vital statistics: marriages and divorces 1997. March 27, 1999. Utah. Bureau of Vital Records.
H 6810.1: Rep/997
Marriage--Utah--Statistics--Periodicals/Divorce--Utah--Statistics--Periodicals/VitalStatistics--Utah/Marriage--Utah/Divorce--Utah.

Wildlife review. Spring 1999. Utah. Division of Wildlife Resources.
N 4500.8: Wil/999/2
<http://www.nr.state.ut.us/dwr/SPR97REV.HTM>
Wildlife--Utah--Periodicals/Wildlife conservation--Utah/Wildlife management--Utah.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between May 1, 1999, 12:00 a.m., and May 14, 1999, 11:59 p.m., are included in this, the June 1, 1999, issue of the *Utah State Bulletin*.

In this publication, each PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [~~example~~]). Rules being repealed are completely struck out. A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least July 1, 1999. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through September 29, 1999, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

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

The Proposed Rules Begin on the Following Page.

Administrative Services, Finance
R25-5
 Payment of Per Diem to Boards

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22049

FILED: 05/14/1999, 11:03

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule was revised because the temporary payroll system was eliminated and the Department of Human Resource Management (DHRM) revised their policy on dual employment.

SUMMARY OF THE RULE OR CHANGE: The changes establish that all board members will be paid on the regular payroll system and changes the method by which state employees who serve on boards are compensated for meetings held at times other than normal working hours.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-3-106

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Amending the rule does not change the impact on the state budget of paying board members. Although there has been a change in the method by which the state pays employees who serve on boards for meetings held at times other than normal working hours, the amounts they are paid will not change.

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

❖OTHER PERSONS: Amending this rule will not result in a cost or savings to other persons. Board members will be paid through a different payroll system, but the amount they are paid will not change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Amending this rule will not result in a cost or savings to other persons. Board members will be paid through a different payroll system, but the amount they are paid will not change.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Amendments to R25-5 will have no impact on businesses.

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

Administrative Services
 Finance
 2110 State Office Building
 PO Box 141031
 Salt Lake City, UT 84114-1031, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Teddy Cramer at the above address, by phone at (801) 538-3450, by FAX at (801) 538-3244, or by Internet E-mail at tcramer@fi.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: Kim S. Thorne, Director

R25. Administrative Services, Finance.**R25-5. Payment of Per Diem to Boards.****R25-5-1. Purpose.**

The purpose of this rule is to establish the procedures for payment of per diem to policy boards, advisory boards, councils, or committees within state government.

R25-5-2. Authority.

This rule is established pursuant to Section 63A-3-106, which authorizes the Director of Finance to establish per diem rates.

R25-5-3. Definitions.

(1) "Boards" means policy boards, advisory boards, councils, or committees within state government.

(2) "Finance" means the Division of Finance.

(3) "Per diem" means an allowance paid daily.

(4) "Rate" means an amount of money.

R25-5-4. Rates.

(1) Each member of a board within state government shall receive \$60 per diem for each official meeting attended that lasts up to four hours and \$90 per diem for each official meeting that is longer than four hours.

(2) Travel expenses shall also be paid to board members in accordance with Rule R25-7.

(3) Members may decline to receive per diem and/or travel expenses for their services.

R25-5-5. Rates for State Employees.

(1) Full-time state employees serving on boards may not be eligible for per diem at board meetings held during normal working hours. State employee board members attending meetings held at a time other than normal working hours shall ~~[be compensated in accordance with the state overtime rules for actual hours worked]~~ receive \$60 per diem for each official meeting attended that lasts up to four hours and \$90 per diem for each official meeting that is longer than four hours.

(2) Travel expenses shall also be paid to state employees serving on boards in accordance with Rule R25-7.

R25-5-6. Payment of Per Diem.

~~[(+)]~~ ~~[All]~~ ~~[B]~~ board members are paid their per diem through the ~~[temporary]~~ payroll system in order to calculate and withhold the appropriate taxes. [

~~(2) State employee board members are paid through the regular payroll system.]~~

KEY: per diem allowance, rates, state employees, boards*
~~[June 3, 1996]~~**July 2, 1999** 63A-3-106
Notice of Continuation October 30, 1998



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

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 22050
FILED: 05/14/1999, 11:03
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule was revised as a result of: (1) questions from agencies which indicated a need to clarify the maximum reimbursement for airport parking; (2) intent language in H.B. 1, Line Item 60 (1999 Legislative Session) which required us to change the mileage reimbursement for private vehicle use by state employees; (3) the need to allow departments to establish more restrictive mileage rates when it better fits the circumstances in their business dealings; and (4) the need to allow departments to exercise discretion in authorizing certain meal allowances when it better fits the circumstances in their business dealings.

(DAR Note: H.B. 1 is found at 1999 Utah Laws 330, and will be effective July 1, 1999.)

SUMMARY OF THE RULE OR CHANGE: The rule was amended to: (1) clarify the maximum reimbursement for airport parking; (2) change the mileage reimbursement for private vehicle use by state employees; (3) allow departments to establish more restrictive rates for mileage reimbursement; and (4) allow departments discretion in authorizing certain meal allowances.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63A-3-107

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: Amending the rule will result in savings to the state budget because state agencies will spend less on some travel-related reimbursements.
- ❖LOCAL GOVERNMENTS: This rule applies only to state employees and therefore will have no impact on local government.
- ❖OTHER PERSONS: This rule applies only to state employees and therefore will have no impact on other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with the revisions to R25-7. This rule applies only to state employees and therefore will have no impact on other persons.

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

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Administrative Services
Finance
2110 State Office Building
PO Box 141031
Salt Lake City, UT 84114-1031, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Teddy Cramer at the above address, by phone at (801) 538-3450, by FAX at (801) 538-3244, or by Internet E-mail at tcramer@fi.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: Kim S. Thorne, Director

R25. Administrative Services, Finance.
R25-7. Travel-Related Reimbursements for State Employees.
R25-7-1. Purpose.

The purpose of this rule is to establish procedures to be followed by departments to pay travel-related reimbursements to state employees.

R25-7-2. Authority and Exemptions.

This rule is established pursuant to Section 63A-3-107, which authorizes the Division of Finance to adopt rules covering in-state and out-of[-]state travel.

R25-7-3. Definitions.

- (1) "Agency" means any department, division, commission, council, board, bureau, committee, office, or other administrative subunit of state government.
- (2) "Boards" means policy boards, advisory boards, councils, or committees within state government.
- (3) "Department" means all executive departments of state government.
- (4) "Finance" means the Division of Finance.
- (5) "Per diem" means an allowance paid daily.
- (6) "Policy" means the policies and procedures of the Division of Finance, as published in the "Accounting Policies and Procedures."
- (7) "Rate" means an amount of money.

(8) "Reimbursement" means money paid to compensate an employee for money spent.

(9) "State employee" means any person who is paid on the state payroll system.

R25-7-4. Eligible Expenses.

(1) Reimbursements are intended to cover all normal areas of expense.

(2) Requests for reimbursement must be accompanied by original receipts for all expenses except those for which flat allowance amounts are established.

R25-7-5. Approvals.

(1) For insurance purposes, all state business travel, whether reimbursed by the state or not, must have prior approval by an appropriate authority. This also includes non-state employees where the state is paying for the travel expenses.

(2) Both in-state and out-of-state travel must be approved by the department head or designee.

(3) Exceptions to the prior approval for out-of[-]state travel must be justified in the comments section of the Request for Out-of-State Travel Authorization, form FI 5, or on an attachment, and must be approved by the Department Director or the designee.

(4) The Department Director, the Executive Director, or the designee must approve all travel to out-of-state functions where more than two employees from the same department are attending the same function at the same time.

R25-7-6. Reimbursement for Meals.

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

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

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

(a) The daily travel meal allowance for in-state travel is \$26.00 and is computed according to the rates listed in the following table.

TABLE 1

In-State Travel Meal Allowances

Meals	Rate
Breakfast	\$5.00
Lunch	\$7.00
Dinner	\$14.00
Total	\$26.00

(b) The daily travel meal allowance for out-of-state travel is \$34.00 and is computed according to the rates listed in the following table.

TABLE 2

Out-of-State Travel Meal Allowances

Meals	Rate
Breakfast	\$8.00
Lunch	\$9.00
Dinner	\$17.00
Total	\$34.00

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

(a) The traveler must be entitled to all meals for the day in order to qualify for premium rates for a given day.

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

(c) Actual meal cost includes tips.

(d) Alcoholic beverages are not reimbursable.

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

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

(b) Actual meal cost includes tips.

(c) Alcoholic beverages are not reimbursable.

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

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

TABLE 3

The Day Travel Begins

1st Quarter a.m. 12:01-6:00 *B, L, D In-State \$26.00	2nd Quarter a.m. 6:01-noon *L, D Out-of-State \$34.00	3rd Quarter p.m. 12:01-6:00 *D \$21.00	4th Quarter p.m. 6:01-midnight *no meals \$14.00
		\$0	\$0

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

(b) The days at the location.

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

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

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

TABLE 4

The Day Travel Ends

1st Quarter a.m. 12:01-6:00 *no meals In-State \$0	2nd Quarter a.m. 6:01-noon *B \$5.00	3rd Quarter p.m. 12:01-7:00 *B, L \$12.00	4th Quarter p.m. 7:01-midnight *B, L, D \$26.00
		\$17.00	\$34.00

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

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

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

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

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

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

(iii) The ~~[d]~~Department ~~[d]~~Director provides prior written approval based on circumstances.

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

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

R25-7-7. Meal Per Diem for Statutory Non-Salaried State Boards.

(1) When a board meets and conducts business activities during mealtime, the cost of meals may be charged as public expense.

(2) Where salaried employees of the State of Utah or other advisors or consultants must, of necessity, attend such a meeting in order to permit the board to carry on its business, the meals of such employees, advisors, or consultants may also be paid. In determining whether or not the presence of such employees, advisors, or consultants is necessary, the boards are requested to restrict the attendance of such employees, advisors, or consultants to those absolutely necessary at such mealtime meetings.

R25-7-8. Reimbursement for Lodging.

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

(1) Lodging is reimbursed for single occupancy only.

(2) For non-conference hotel in-state travel, where the department/traveler makes reservations through the State Travel Agency, the state will reimburse the actual cost up to \$55 per night plus tax except in Moab, metropolitan Salt Lake City (Draper to Centerville), Ogden city, and Provo/Orem city. In these areas, the rates are:

(a) Moab - \$65 per night plus tax

(b) Metropolitan Salt Lake City (Draper to Centerville) - \$68 per night plus tax

(c) Ogden city and Provo/Orem city - \$63 per night plus tax

(3) The state will reimburse the actual cost per night plus tax for out-of-state travel where the department/traveler makes reservations through the State Travel Agency.

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

(5) For out-of-state travel, the state will reimburse the actual cost up to \$65 per night plus tax.

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

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

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

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

(8) A proper receipt for lodging accommodations must accompany each request for reimbursement.

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

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

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

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

(i) \$20 per night with no receipts required or

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

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

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

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

R25-7-9. Reimbursement for Incidentals.

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

(1) Travelers will be reimbursed for actual out-of-pocket costs for incidental items such as baggage tips.

(a) Tips for maid service, doormen, and meals are not reimbursable.

(b) No other gratuities will be reimbursed.

(c) Include an original receipt for each individual incidental item above \$20.00.

(2) The state will reimburse incidental ground transportation and parking expenses.

(a) Travelers shall document all official business use of taxi, bus, parking, and other ground transportation including dates, destinations, parking locations, receipts, and amounts.

(b) Personal use of such transportation to restaurants is not reimbursable.

(c) Parking at the Salt Lake City airport will be reimbursed at a maximum of the airport long-term parking rate with a receipt.

(3) Registration should be paid in advance on a state warrant.

(a) A copy of the approved FI 5 form must be included with the Payment Voucher for out-of-state registrations.

(b) If a traveler must pay the registration when he arrives, the agency is expected to process a Payment Voucher and have the traveler take the state warrant with him.

(4) Telephone calls related to state business are reimbursed at the actual cost.

(a) The traveler shall list the amount of these calls separately on the Travel Reimbursement Request, form FI 51A or FI 51.

(b) The traveler must provide an original lodging receipt or original personal phone bill showing the phone number called and the dollar amount for business telephone calls and personal telephone calls made during stays of five nights or more.

(5) Allowances for personal telephone calls made while out of town on state business overnight will be based on the number of nights away from home.

(a) Four nights or less - actual amount up to \$2.50 per night (documentation is not required for personal phone calls made during stays of four nights or less)

(b) Five to eleven nights - actual amount up to \$20.00

(c) Twelve nights to thirty nights - actual amount up to \$30.00

(d) More than thirty days - start over

(6) Actual laundry expenses up to \$18.00 per week will be allowed for trips longer than seven days, beginning after the seventh night out.

(a) The traveler must provide receipts for the laundry expense.

(b) For use of coin-operated laundry facilities, the traveler must provide a list of dates, locations, and amounts.

(7) An amount of \$5 per day will be allowed for travelers away in excess of six consecutive nights.

(a) This amount covers miscellaneous incidentals not covered in this rule.

(b) This allowance is not available for travelers going to conferences.

R25-7-10. Reimbursement for Transportation.

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

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

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

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

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

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

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

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

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

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

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

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

(b) Reimbursement for private vehicle use is reimbursed at the rate of ~~34~~25 cents per mile, except board and commission members who are not state employees are reimbursed at the rate of 31 cents per mile.

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

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

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

(e)f The mileage rate is all-inclusive, and additional expenses such as parking and storage will not be allowed unless approved in writing by the Department Director.

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

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

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

(a) If the traveler drives a state-owned vehicle, allowable reimbursement will include allowable expenses for the same period of time that would have occurred had the employee flown, plus incidental expenses such as toll fees and parking fees.

(b) If the traveler drives a privately-owned vehicle, reimbursement will be at the approved mileage rate or the airplane fare, whichever is less, unless otherwise approved by the Department Director.

(i) The airline ticket cost in effect between 15 and 30 days prior to the departure date will be used when calculating the cost of travel for comparison to private vehicle cost.

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

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

(d) These reimbursements are all-inclusive, and additional expenses such as parking and toll fees will not be allowed unless approved in writing by the Department Director.

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

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

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

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

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

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

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

(ii) Rental vehicle reservations not made through the travel agency must be approved in advance by the Department Director.

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

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

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

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

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

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

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

(e) Mileage calculation is based on road mileage computed from the latest official state road map and is limited to the most economical, usually-traveled route.

(f) An employee may be reimbursed for rental of the aircraft and purchase of gasoline and oil instead of the amount per mile, with prior approval from the Department Director, when it is cost effective for the state.

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

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

KEY: air travel, per diem allowance, state employees, transportation

[December 29, 1998] July 2, 1999

Notice of Continuation October 30, 1998

63A-3-107

63A-3-106



Agriculture and Food, Regulatory Services

R70-630

Water Vending Machine

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22057

FILED: 05/14/1999, 15:49

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: These rules are established to set forth requirements and controls for vending machines designed to dispense water intended for human consumption.

SUMMARY OF THE RULE OR CHANGE: Correct the reference to the plumbing code, remove Subsection R70-630-4(7), "Saving clause," and adopt the current CFR section.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 4, Chapter 5

FEDERAL REQUIREMENT FOR THIS RULE: 21 CFR 165, 1999

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** No cost to state budget--this rule is established to protect the health, safety, and welfare of the public using vended water. The only cost is the purchase of the water by the consumer.

❖**LOCAL GOVERNMENTS:** No cost to local government--the cost would be to the vendor and consumer in the use of vending machines.

❖**OTHER PERSONS:** The only cost is the purchase of the water from vending machines set by the vendor.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only cost is the purchase of the water from vending machines set by the vendor.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact on businesses.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Becky Shreeve at the above address, by phone at (801) 538-7149, by FAX at (801) 538-7126, or by Internet E-mail at agmain.bshreeve@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: Cary Peterson, Commissioner



R70. Agriculture and Food, Regulatory Services.

R70-630. Water Vending Machine.

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R70-630-4. Location and Operation.

(1) Each water vending machine shall be located indoors or otherwise protected against tampering and vandalism, and shall be located in an area that can be maintained in a clean condition, and in a manner that avoids insect and rodent harborage.

(2) The floor on which a water vending machine is located shall be smooth and of cleanable construction.

(3) Each machine shall have an adequate system for collecting and disposing of drippage, spillage, and overflow of water to prevent creation of a nuisance. Where process waste water is collected within the machine for pumping or gravity flow to an outside drain, the water line from the processing unit shall terminate at least two inches above the top rim of the retention vessel. Additionally, the waste line from the machine shall be air-gapped. Containers or drip pans used for the storage or collection of liquid wastes within a vending machine shall be leakproof, readily removable, easily cleanable and corrosion resistant. In water vending machines which utilize the bottom of the cabinet interior as an internal sump, the sump shall be readily accessible and corrosion resistant. The waste disposal holding tank shall be maintained in a clean and sanitary manner.

(4) Each machine shall have a backflow prevention device for all connections with the water supply source which meets requirements of ~~[Chapter 10 of the Utah Plumbing Code]~~The International Plumbing Code and its amendment as adopted by the State of Utah Building Codes Commission and shall have no cross connections between the drain and potable water.

(5) Each person who establishes, maintains, or operates any water vending machine in the state shall first secure a Water Vending Machine Operating Permit issued under Section 4-5-9. Such a permit shall be renewed annually.

(6) Application for permit shall be made in writing and include the location of each water vending machine, the source of the water to be vended, the treatment that the water will receive prior to being vended, and the name of the manufacturer and the model number of each machine.

~~(7) Saving clause - Any water vending machine currently in operation may continue in operation until a permit can be obtained under the provisions of this section; however, such period shall not exceed one calendar year from August 1, 1995.~~

(~~7~~) The source of the water supply shall be an approved public water system as defined under the Department of Environmental Quality, Division of Drinking Water. Upon application for an initial operating permit, the operator shall submit information which indicates the product being dispensed into the container meets all finished product quality standards applicable to drinking water. When indicated by reason of complaint or illness, the department may require that additional analyses be performed on the source or products of water vending machines.

(~~8~~) Each water vending machine shall be maintained in a clean and sanitary condition, free from dust, dirt and vermin.

(~~9~~) Labels or advertisements located on or near water vending machines shall not imply nor describe the vended water as "spring water."

(~~10~~) Water vending machine labels or advertisements shall not describe or use other words to imply, on the machine or elsewhere, the water as being "purified water" unless such water conforms to the definition contained in this rule.

(~~11~~) Water vending machine labels or advertisements shall not describe, on the machine or elsewhere, the water as having medicinal or health giving properties.

(~~12~~) Each water vending machine shall have in a position clearly visible to customers the following information:

- (a) Name and address of the operator.
- (b) Name of the water supply purveyor.
- (c) The method of treatment that is utilized.
- (d) The method of post-disinfection that is utilized.
- (e) A local or toll free number that may be called for further information, problems, or complaints; or the name of the store or building manager can be listed when the machine is located within a business establishment and the establishment manager is responsible for the operation of the machine.

R70-630-5. Construction Requirements.

(1) Water vending machines shall comply with the construction and performance standards of the National Sanitation Foundation or National Automatic Merchandising Association. A list of acceptable third party certification groups is available from 8:00 to 5:00 p.m. at the Utah Department of Agriculture and Food. Water vending machines shall be designed and constructed to permit easy cleaning and maintenance of all exterior and interior surfaces and component parts.

(2) Water contact surfaces and parts of the water vending machine shall be of non-toxic, corrosion-resistant, non-absorbent material capable of withstanding repeated cleaning and sanitizing treatment.

(3) Water vending machines shall have a guarded or recessed spout.

(4) Owners, managers and operators of water vending machines shall ensure that the methods used for treatment of vended water are acceptable to the department. Such acceptable treatment includes distillation, ion-exchange, filtration, ultra-violet light, mineral addition and reverse osmosis.

(5) Water vending machines shall be equipped to disinfect the vended water by ultra-violet light, ozone, or equally effective methods prior to delivery into the customer's container.

(6) Water vending machines shall be equipped with monitoring devices designed to shut down operation of the machine when the treatment or disinfectant unit fails to properly function.

(7) Water vending machines shall be equipped with a self-closing, tight-fitting door on the vending compartment if the machine is not located in an enclosed building.

(8) Granular activated carbon, if used in the treatment process of vended water, shall comply with the specifications provided by the American Water Works Association for that substance (Standard B604-90).

R70-630-6. Operator Requirements.

(1) Water vending machine operators shall have on file and perform a maintenance program that includes:

- (a) Visits for cleaning, sanitizing and servicing of machines at least every two weeks.
- (b) Written servicing instructions.

- (c) Technical manuals for the machines.
- (d) Technical manuals for the water treatment appurtenances involved.

(2) Parts and surfaces of water vending machines shall be kept clean and maintained by the water vending machine operator. The vending chamber and the vending nozzle shall be cleaned and sanitized each time the machine is serviced. A record of cleaning and maintenance operations shall be kept by the operator for each water vending machine. These records shall be made available to the department's employees upon request.

(3) Water vending machine operators shall ensure that machines are maintained and monitored to dispense water meeting quality standards specified in this rule. Water analysis shall be performed using approved testing procedures set forth in 21 CFR [~~103.35, 1995~~]165, 1999. Each machine's finished product shall be sampled at least once every three months by the operator, to determine total coliform content. However, provided a satisfactory method of post-treatment disinfection is utilized and based on a sustained record of satisfactory total coliform analyses, the department shall allow modification of the three-month sampling requirement as follows:

(a) When three consecutive three-month samples are each found to contain zero coliform colonies per 100 milliliters of the vended water, microbiological sampling intervals shall be extended to a period not exceeding six months. Should a subsequent six-month sample test positive for total coliform, the required sampling frequency shall revert to the three-month frequency until three consecutive samples again test negative for total coliform bacteria.

(b) If any sample collected from a machine is determined to be unsatisfactory, exceeding the zero coliform colonies per 100 milliliter, the machine shall be cleaned, sanitized and resampled immediately. If, after being cleaned and sanitized, the vended product is determined to be positive for coliform, the machine shall be taken out of service until the source of contamination has been located and corrected.

(4) Each water vending machine operator shall take whatever investigative or corrective actions are necessary to assure a potable water is supplied to consumers.

(5) The vended water from each vending machine utilizing silver-impregnated carbon filters in the treatment process shall be sampled once every six months for silver.

(6) All records pertaining to the sampling and analyses shall be retained by the operator for a period of not less than two years. Results of the analyses shall be available for department review upon request.

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R70-630-9. Preemption of Authority to Regulate.

The regulation of water vending machines is hereby preempted by the state. No county or municipality may adopt or enforce any ordinance which regulates the licensure or operation of water vending machines, unless the director of the county public health unit determines that unique conditions exist within the county which make it necessary for the county to regulate water vending machines in order to protect the public health or welfare, pursuant to Section 4-5-17 and R70-530, [~~Food Establishment Sanitation Rule~~]Food Protection rule.

KEY: food inspection
[~~August 31, 1995~~]1999

4-5



Commerce, Consumer Protection
R152-2-5
Repairs and Service

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 22031
 FILED: 05/07/1999, 10:05
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Consumer Sales Practices Act mandates that the Division through rule clarify deceptive practices in the marketplace. Based on consumer experiences brought to the Division's attention there has been confusion in the giving of estimates for repairs. Particularly in the motor vehicle repair business, confusion as to what detail should be included in an estimate has been observed by the Division. Additionally, confusion as to the use of new, used or rebuilt parts as well as the consumer's right to inspect replaced parts exists. Also, what constitutes authorization to proceed after an estimate has been given is present. While the present rule speaks to such issues, there is need for more clarification and specificity. Additionally, if work is sublet there is need to inform the consumer of such.

SUMMARY OF THE RULE OR CHANGE: The proposed rule clarifies when a written estimate must be given. Additionally, the proposed rule specifies what constitutes authorization to proceed after an estimate has been given. Also, the rule clarifies the consumer's right to inspect replaced parts. A requirement to inform the consumer if the work is sublet and to whom is set forth.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 13-2-5 and 13-11-8

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--the Division presently enforces the Consumer Sales Practices Act and accompanying rules as concerns consumer rights. Accordingly, no additional effect on the state budget is anticipated.
- ❖LOCAL GOVERNMENTS: None--as a state enforcement action local government is not involved and as such there is no local government cost.
- ❖OTHER PERSONS: None--as there is no mandatory language and or forms required, each industry or individual business can adapt their paperwork as each deems appropriate to meet the intent of the proposed rule. Summary contact with and review of representative business contracts, receipts,

invoices, etc. would indicate that adaption to requirements would be minimal at most.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As the Utah Consumer Sales Practices Act is "generic" in application and does not speak to any specific industry, the proposed amendments would apply to all retail repair services. As no specific language and or forms are mandated by the proposed rule, each industry/business may adapt their paperwork in whatever means they see fit. Such may be accomplished by (re)printing of forms, "stickers," handwriting, etc. as long as the intent of the rule is complied with. As such, the Division feels that compliance costs will be minimal if any at all.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The primary purpose of this proposed amendment is to alleviate communication failures between consumers and repair shops by clarifying the requirements of the act and providing guidance to affected businesses of the requirements when providing estimates for inspections or repairs on motor vehicles. The rule further clarifies what constitutes a consumer's authorization for repairs to be performed. There will be no fiscal impact upon the state budget from these proposed amendments and local governments will be unaffected. The cost of compliance to affected businesses should range from none to minimal depending upon whether compliance will require the alteration of existing forms. It is not anticipated that these changes will impact the general public since there will be no substantial additional costs to be passed on to the consumer--Douglas C. Borba.

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

Commerce
Consumer Protection
Second Floor, Heber M. Wells Building
160 East 300 South
Box 146704
Salt Lake City, UT 84114-6704, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mark E. Kleinfeld at the above address, by phone at (801) 530-6929, by FAX at (801) 530-6001, or by Internet E-mail at mkleinfi@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/06/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/07/1999

AUTHORIZED BY: Francine A. Gian, Director

R152. Commerce, Consumer Protection.

R152-2. Utah Consumer Sales Practices Act.

R152-2-5. Repairs and Service.

A. It shall be a deceptive act or practice in connection with a consumer transaction involving repairs or services for a supplier to:

(1) Fail to [~~post a sign indicating the purchaser's right, upon request, to] provide a written estimate of repair or inspection costs, in advance when anticipated [~~repairs] charges exceed \$25, which estimate lists the anticipated repairs, inspection or other services to be performed, the basis upon which the charges to the consumer will be made, and the reasonably expected completion date of such repairs, inspection or other services to be performed, including any charge for re-assembly of any parts disassembled [for inspection] in regards to the providing of such estimate, with authorization for such repairs, inspection or other services to be performed, after such written estimate is given, to be dated and evidenced by the signature of the consumer[of any service charge to be imposed];~~~~

(2) Fail to obtain written authorization from the consumer for additional, unforeseen, but necessary, repairs when those repairs amount to ten percent (10%) or more (excluding tax) of the original estimate, with authorization for such to be dated and evidenced by the signature of the consumer;

(3) Fail to re-assemble any parts disassembled for inspection unless the consumer is so advised, prior to acceptance for inspection by supplier that there will be a charge for re-assembly of the parts or that it is not possible to re-assemble such parts;

(4) Charge for repairs which have not been authorized by the consumer;

(5) In the case of an in-home service call where the consumer had initially contacted the supplier, to fail to disclose before the supplier's repairman goes to the consumer's residence that a service or diagnostic charge will be imposed, even though no repairs may be effected;

(6) Represent that repairs are necessary when such is not the fact;

(7) Represent that repairs must be performed away from the consumer's residence when such is not the fact;

(8) Represent that repairs have been made when such is not the fact;

(9) Represent that the goods being inspected or diagnosed are in a dangerous condition or that the consumer's continued use of them may be harmful to him when such is not the fact;

(10) Intentionally understate or misstate materially the estimated cost of repair services;

(11) Fail to provide the consumer with an itemized list of repairs performed and the reason for such repairs, including:

(a) A list of parts and a statement of whether they are new, used, rebuilt, or after market, and the cost thereof to the consumer; and

(b) The number of hours of labor charged, apportioned for each part, service or repair, and the name or other reasonable means of identification of the mechanic or repairman performing the service, provided, however, that the requirements of (b) shall be satisfied by the statement of a flat rate price if such repairs are customarily done and billed on a flat rate price basis and such has been previously disclosed to the consumer in writing.

(12) Fail to give reasonable written [~~or oral~~] notice before repairs or services are provided, that [~~the] replaced or repaired parts may be inspected or fail to allow the consumer to inspect [the] replaced or repaired parts on request, unless:~~

(a) the parts are to be rebuilt or sold by the supplier and such intended reuse is made known to the consumer by written notice on [prior to the giving of] the original estimate; or

(b) the parts are to be returned to the manufacturer or distributor under a written warranty agreement; or

(c) the parts are impractical to return to the consumer because of size, weight, or other similar factors; or

(d) the consumer waives the return of such parts in writing after repairs are completed and a total cost is presented.

(13) Fail to provide to the consumer[~~upon his request~~] a written, itemized receipt for any consumer commodities that are left with, or turned over to, the supplier for repairs or services. Such receipt shall include:

(a) The exact name and business address of the business entity (or person, if the entity is not a corporation or partnership) which will repair or service the consumer commodities.

(b) The name and signature of the person who actually takes the consumer commodities into custody.

(c) The name of any entity to whom such repairs or services are sublet including the address, phone number and a contact person at such entity.

(d) A description including make and model number or such other features as will reasonably identify the consumer commodities to be repaired or serviced.

KEY: advertising, bait and switch, consumer protection
[February 9, 1996]1999 63-46a-3
Notice of Continuation September 11, 1997 13-2-5
13-11



Commerce, Consumer Protection **R152-2-10**

Deposits and Refunds

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22032

FILED: 05/07/1999, 10:05

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Consumer Sales Practices Act mandates that the Division through rule clarify deceptive practices in the marketplace. Based on consumer experiences brought to the Division's attention, there has been confusion as regards as to how deposits are to be documented and when a refund is available. Especially in light of changes in how commerce is transacted with the presence of facsimile, e-mail, and Internet commerce, there is need for clarification. While the present rule speaks to such issues, to some extent there is need for more specificity.

SUMMARY OF THE RULE OR CHANGE: The proposed rule clarifies how a deposit is documented and when a refund is available. Requirements of informing consumers are set forth.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 13-2-5 and 13-11-8

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--the Division presently enforces the Consumer Sales Practices Act and accompanying rules as concerns consumer rights. Accordingly, no additional effect on the state budget is anticipated.

❖LOCAL GOVERNMENTS: None--as a state enforcement action local government is not involved and as such there is no local government cost.

❖OTHER PERSONS: None--as there is no mandatory language and or forms required, each industry or individual business can adapt their paperwork as each deems appropriate to meet the intent of the proposed rule. Summary contact with and review of representative retail business contracts, receipts, invoices, etc. would indicate that adaption to requirements would be minimal at most.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As the Utah Consumer Sales Practices Act is "generic" in application and does not speak to any specific industry, the proposed amendments would apply to all retail businesses. As no specific language and or forms are mandated by the proposed rule, each industry/business may adapt their paperwork in whatever means they see fit. Such may be accomplished by (re)printing of forms, "stickers," handwriting, etc. as long as the intent of the rule is complied with. As such, the Division feels that compliance costs will be minimal if any at all.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT

THE RULE MAY HAVE ON BUSINESSES: The primary purpose of this proposed amendment is to extend the currently required disclosure of refund and return policies to businesses operating on the internet or by the use of facsimile machines or e-mail. The proposed amendments also address and clarify ambiguities in the present rule. There will be no fiscal impact upon the state budget from these proposed amendments and local governments will be unaffected. The cost of compliance to affected businesses should be nominal at most since they will only need to place the required notices on their electronic communications. The proposed changes will have no fiscal impact upon the general public--Douglas C. Borba.

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

Commerce
Consumer Protection
Second Floor, Heber M. Wells Building
160 East 300 South
Box 146704
Salt Lake City, UT 84114-6704, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mark E. Kleinfeld at the above address, by phone at (801) 530-6929, by FAX at (801) 530-6001, or by Internet E-mail at mkleinfi@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/06/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/07/1999

AUTHORIZED BY: Francine A. Gian, Director

R152. Commerce, Consumer Protection.
R152-2. Utah Consumer Sales Practices Act.
R152-2-10. Deposits and Refunds.

A. It shall be a deceptive act or practice in connection with a consumer transaction for a supplier to accept a deposit unless the following conditions are met:

(1) The deposit obligates the supplier to refrain for a specified period of time from offering for sale to any other person the consumer commodities in relation to which the deposit has been made by the consumer if such consumer commodities are unique; provided that a supplier may continue to sell or offer to sell consumer commodities on which a deposit has been made if he has available sufficient consumer commodities to satisfy all consumers who have made deposits;

(2) All deposits accepted by a supplier must be evidenced by dated receipts stating the following information:

- (a) Description of the consumer commodity, (including model, model year, when appropriate, make, and color);
- (b) The cash selling price;
- (c) Allowance on the consumer commodity to be traded in, if any;
- (d) Time during which the option is binding;
- (e) Whether the deposit is refundable and under what conditions; and

(f) Any additional cost such as delivery charge.

(3) For the purpose of this rule "deposit" means any payment in cash, or of anything of value or an obligation to pay including, but not limited to, a credit device transaction incurred by a consumer as a deposit, refundable or non-refundable option, or as partial payment for consumer commodities.

B. It shall be a deceptive act or practice in connection with a consumer transaction when the consumer can provide reasonable proof of purchase from a supplier for the supplier to refuse to give refunds for:

(1) Used, damaged or defective consumer commodities, unless they are clearly marked "as is" or with some other conspicuous disclaimer of any implied or express warranty, and also clearly marked that no refund will be given; or

(2) Non-used, non-damaged or non-defective goods unless:

(a) Such non-refund, exchange or credit policy, including any applicable restocking fee, is clearly indicated by a sign posted at the point of display, the point of sale, ~~or~~ the store entrance, or through adequate verbal or written disclosure, if the transaction occurs through the mail, over the telephone, via facsimile machine, via e-mail, or over the Internet; or

(b) The consumer commodities are food, perishable items, merchandise which is substantially custom made or custom finished.

(3) For the purpose of this rule "refund" means cash if payment were made in cash provided that if payment were made by

check the refund may be delayed until the check has cleared; and further provided that if payment were made by debit to a credit card or other account, then refund may be made by an appropriate credit or refund pursuant to the applicable law.

(4) A supplier is only required to give refunds within a reasonable time, not to exceed thirty days, and for a reasonable amount, considering the nature of the consumer commodity, and the condition of the consumer commodity returned and any depreciation, waste or damage, shipping charges, and any reasonable restocking fee if such was clearly disclosed to the consumer at the time of purchase or at the point of sale.

C. No deposit accepted by a supplier to secure the value of equipment or materials provided to a consumer for the consumer's use in any business opportunity where it is anticipated by either the consumer or the supplier that some remuneration will be paid to the consumer for services or goods supplied to the supplier or to some third party in the behalf of the supplier shall exceed the actual cost of the supplies or equipment paid by the supplier or any person acting on behalf of the supplier.

KEY: advertising, bait and switch, consumer protection
[February 9, 1996]1999 63-46a-3
Notice of Continuation September 11, 1997 13-2-5
13-11



Environmental Quality, Air Quality
R307-202-5
Permissible Burning - With Permit

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22043
FILED: 05/13/1999, 13:24
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Allow an earlier window in which open burning can be authorized by the local fire marshal.

SUMMARY OF THE RULE OR CHANGE: The present rule allows the county fire marshal to establish a 30-day window in which citizens may burn waste from yard cleanup. The window may be scheduled between March 30 and May 30. In response to a request from the Washington County Mayors Association, the amendment changes the start date for the window to March 1 to better accommodate areas of the state which are dry enough to burn earlier in the year.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No change--the window is only 30 days long, no matter when it opens and closes.

❖LOCAL GOVERNMENTS: No change--the window is only 30 days long, no matter when it opens and closes.
❖OTHER PERSONS: No change--the window is 30 days long, no matter when it opens and closes.
COMPLIANCE COSTS FOR AFFECTED PERSONS: No change--the window is 30 days long, no matter when it opens and closes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule has no fiscal impact on businesses--Dianne R. Nielson.

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

Environmental Quality
Air Quality
150 North 1950 West
Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/03/1999, at 3:00 p.m. in Conference Room 2, St. George City Hall, 175 East 200 North, St. George, UT; and 06/30/1999 at 1:30 p.m. in Room 201, Department of Environmental Quality (DEQ) Bldg., 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/05/1999

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

**R307. Environmental Quality, Air Quality.
R307-202. Emission Standards: General Burning.
R307-202-5. Permissible Burning - With Permit.**

(1) Open burning is authorized by the issuance of a permit as specified in (3) below when not prohibited by other laws or other officials having jurisdiction, and when a nuisance as defined in Section 76-10-803 is not created.

(2) Individual permits for the types of burning listed in (3) below may be issued by an authorized local authority under the "clearing index" system approved and coordinated by the Department of Environmental Quality.

(3) Types of burning for which a permit may be granted are:

(a) open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering, and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber;

(b) open burning of trees and brush within railroad rights-of-way provided that dirt is removed from stumps before burning, and that tires, oil more dense than #2 fuel oil or other materials which can cause severe air pollution are not used to start fires or keep fires burning;

(c) open burning of solid or liquid fuels or structures for removal of hazards or eyesores;

(d) open burning, in remote areas, of highly explosive or other hazardous materials, for which there is no other known practical method of disposal;

(e) open burning of clippings, bushes, plants and prunings from trees incident to property clean-up activities provided that the following conditions have been met:

(i) in any area of the state, the local county fire marshal[H] has established a 30 day period between March [30] and May 30 for such burning to occur and notified the executive secretary of the open burning period prior to the commencement of the 30 day period, or, in areas which are located outside of Salt Lake, Davis, Weber, and Utah Counties, the local county fire marshal[H] has established, if allowed by the state forester under Section 65A-8-9, a 30 day period between September 15 and October 30 for such burning to occur and has notified the executive secretary of the opening burning period prior to the commencement of the 30 day period;

(ii) such burning occurs during the period established by the local county fire marshal[H];

(iii) materials to be burned are thoroughly dry;

(iv) no trash, rubbish, tires, or oil are used to start fires or included in the material to be burned.

(4) The Board may grant a permit for types of open burning not specified in (3) above on written application if the Board finds that the burning is not inconsistent with the State Implementation Plan.

**KEY: air pollution, open burning*, fire marshal*
[September 15, 1998]1999**

**19-2-104
11-7-1(2)(a)
65A-8-9**



**Environmental Quality, Air Quality
R307-210-1
Standards of Performance for New
Stationary Sources (NSPS)**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22044

FILED: 05/13/1999, 13:24

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE:
Incorporate by reference new federal requirements.

SUMMARY OF THE RULE OR CHANGE: R307-210 incorporates by reference all of 40 CFR 60, Standards of Performance for New Stationary Sources. This amendment allows Utah to enforce new requirements for municipal solid waste landfills, new fossil-fuel fired steam generating units, and electric arc

furnaces. None of the changes have any significant effect on air pollution sources in Utah. In addition, recordkeeping and reporting requirements are reduced from quarterly to semi-annually for all sources subject to this rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 60

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 60, July 1998; 63 FR 49442; 64 FR 7457; 64 FR 9257; and 64 FR 10105

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The changes from present requirements are small and have no effect on state costs.

❖LOCAL GOVERNMENTS: Local governments operating Municipal Solid Waste landfills subject to 40 CFR 60 are affected by this rule. Requirements are made less stringent for landfills in areas where humidity is low, such as Utah. Costs are the same whether enforced by the state or the federal government.

❖OTHER PERSONS: No change in costs from those required if enforced by the federal government.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No change in costs from those required if enforced by the federal government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Incorporating these provisions into federal rules allows state enforcement instead of enforcement by the Environmental Protection Agency (EPA), which we prefer--Dianne R. Nielson.

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

Environmental Quality
Air Quality
150 North 1950 West
Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/29/1999, 1:30 p.m., Room 201, Department of Environmental Quality (DEQ) Building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/05/1999

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-210. Stationary Sources.

R307-210-1. Standards of Performance for New Stationary Sources (NSPS).

The standards of performance for new stationary sources in 40 CFR 60 (1998), [published at 62 FR 48348 and effective on March 16, 1998;] as amended by 63 FR 49442, 64 FR 7457, 64 FR 9257, and 64 FR 10105 are incorporated by reference into these rules with the exception that references in 40 CFR to "Administrator" shall mean "executive secretary" unless by federal law the authority referenced is specific to the Administrator and cannot be delegated.

KEY: air pollution, stationary sources*, new source review* [August 13, 1999] 19-2-104



Environmental Quality, Air Quality

R307-415

Permits: Operating Permit Requirements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22045

FILED: 05/13/1999, 13:24

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To include new federal requirements.

SUMMARY OF THE RULE OR CHANGE: Amend Subsections R307-415-6a(3) and R307-415-6c(5), adding language from 40 CFR 64, published on October 1, 1997, revising monitoring requirements for owners or operators of certain sources subject to the 40 CFR 70 Operating Permit program. This is commonly called the "Compliance Assurance Monitoring," (CAM) rule. The new provisions require that monitoring provide a reasonable assurance of compliance with applicable requirements. Each affected source also is required to identify its compliance status for each permit condition, the methods used to determine each status and whether the method provided intermittent or continuous data, a clarification long sought by the Division of Air Quality (DAQ) and sources. In Subsection R307-415-9(3)(a), delete the word "major" to clarify that all Part 70 sources are subject to the fee, as is required in order for the State of Utah to operate the program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 70 as modified by 40 CFR 64

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No change in state budget--activities under the Operating Permit program are paid by user fees. This program will be implemented by shifting staff to cover it; no additional full time equivalent employees (FTEs) will be added.

❖LOCAL GOVERNMENTS: Municipal utilities are exempt from CAM, so this amendment has negligible effect.

❖OTHER PERSONS: The estimated average annualized cost in Utah then is \$2,034 per pt. x 517 pts., or \$1.05 million. Costs to sources associated with this rule exist regardless of state rule change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Sources are required to comply with the federal rule whether or not it is implemented by the State; costs associated with this rule exist regardless of state rule change. The Environmental Protection Agency (EPA) estimated a nationwide annualized cost to sources of \$53.9 million (1995 basis) for 26,490 emission points subject to CAM. This results in an average cost of \$2,034 per subject emission point.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Sources are required to comply with the federal rule whether or not it is implemented by the State; costs are minimal compared to the value of having greater certainty for sources and DAQ in understanding the compliance status of each source--Dianne R. Nielson.

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

Environmental Quality
Air Quality
150 North 1950 West
Box 144820
Salt Lake City, UT 84114-4820, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmiller@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 06/29/1999, 1:30 p.m., Room 201, Department of Environmental Quality (DEQ) Building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/05/1999

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

**R307. Environmental Quality, Air Quality.
R307-415. Permits: Operating Permit Requirements.
R307-415-6a. Permit Content: Standard Requirements.**

Each permit issued under R307-415 shall include the following elements:

(1) Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance;

(a) The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(b) The permit shall state that, where an applicable requirement is more stringent than an applicable requirement of regulations promulgated under Title IV of the Act, Acid Deposition Control, both provisions shall be incorporated into the permit.

(c) If the State Implementation Plan allows a determination of an alternative emission limit at a Part 70 source, equivalent to that contained in the State Implementation Plan, to be made in the permit issuance, renewal, or significant modification process, and the Executive Secretary elects to use such process, any permit containing such equivalency determination shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

(2) Permit duration. Except as provided by Section 19-2-109.1(3), the Executive Secretary shall issue permits for a fixed term of five years.

(3) Monitoring and related recordkeeping and reporting requirements.

(a) Each permit shall contain the following requirements with respect to monitoring:

(i) [All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to Sections 504(b) of the Act, Monitoring and Analysis, or Section 114(a)(3) of the Act, Enhanced Monitoring and Compliance Certification.] All monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements, including 40 CFR 60 Part 64 and any other procedures and methods that may be promulgated pursuant to sections 114(a)(3) or 504(b) of the Act. If more than one monitoring or testing requirement applies, the permit may specify a streamlined set of monitoring or testing provisions provided the specified monitoring or testing is adequate to assure compliance at least to the same extent as the monitoring or testing applicable requirements that are not included in the permit as a result of such streamlining;

(ii) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, which may consist of recordkeeping designed to serve as monitoring, periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to (3)(c) below. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph;

(iii) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(b) With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:

(i) Records of required monitoring information that include the following:

- (A) The date, place as defined in the permit, and time of sampling or measurements;
- (B) The dates analyses were performed;
- (C) The company or entity that performed the analyses;
- (D) The analytical techniques or methods used;
- (E) The results of such analyses;
- (F) The operating conditions as existing at the time of sampling or measurement;

(ii) Retention of records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(c) With respect to reporting, the permit shall incorporate all applicable reporting requirements and require all of the following:

(i) Submittal of reports of any required monitoring every six months, or more frequently if specified by the underlying applicable requirement or by the Executive Secretary. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with R307-415-5d.

(ii) Prompt reporting of deviations from permit requirements including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The Executive Secretary shall define "prompt" in relation to the degree and type of deviation likely to occur and the applicable requirements. Deviations from permit requirements due to unavoidable breakdowns shall be reported according to the unavoidable breakdown provisions of R307-107. The Executive Secretary may establish more stringent reporting deadlines if required by the applicable requirement.

(d) Claims of confidentiality shall be governed by Section 19-1-306.

(4) Acid Rain Allowances. For Title IV affected sources, a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act or the regulations promulgated thereunder.

(a) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program, provided that such increases do not require a permit revision under any other applicable requirement.

(b) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

(c) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under Title IV of the Act.

(5) A severability clause to ensure the continued validity of the various permit requirements in the event of a challenge to any portions of the permit.

(6) Standard provisions stating the following:

(a) The permittee must comply with all conditions of the operating permit. Any permit noncompliance constitutes a violation of the Air Conservation Act and is grounds for any of the following:

enforcement action; permit termination; revocation and reissuance; modification; denial of a permit renewal application.

(b) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(c) The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition, except as provided under R307-415-7f(1) for minor permit modifications.

(d) The permit does not convey any property rights of any sort, or any exclusive privilege.

(e) The permittee shall furnish to the Executive Secretary, within a reasonable time, any information that the Executive Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Executive Secretary copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to EPA along with a claim of confidentiality.

(7) Emission fee. A provision to ensure that a Part 70 source pays fees to the Executive Secretary consistent with R307-415-9.

(8) Emissions trading. A provision stating that no permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in the permit.

(9) Alternate operating scenarios. Terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Executive Secretary. Such terms and conditions:

(a) Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;

(b) Shall extend the permit shield to all terms and conditions under each such operating scenario; and

(c) Must ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of R307-415.

(10) Emissions trading. Terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

(a) Shall include all terms required under R307-415-6a and 6c to determine compliance;

(b) Shall extend the permit shield to all terms and conditions that allow such increases and decreases in emissions; and

(c) Must meet all applicable requirements and requirements of R307-415.

R307-415-6c. Permit Content: Compliance Requirements.

All operating permits shall contain all of the following elements with respect to compliance:

(1) Consistent with R307-415-6a(3), compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document, including any report, required by an operating permit shall contain a certification by a responsible official that meets the requirements of R307-415-5d;

(2) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Executive Secretary or an authorized representative to perform any of the following:

(a) Enter upon the permittee's premises where a Part 70 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

(d) Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements;

(e) Claims of confidentiality on the information obtained during an inspection shall be made pursuant to Section 19-1-306;

(3) A schedule of compliance consistent with R307-415-5c(8);

(4) Progress reports consistent with an applicable schedule of compliance and R307-415-5c(8) to be submitted semiannually, or at a more frequent period if specified in the applicable requirement or by the Executive Secretary. Such progress reports shall contain all of the following:

(a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved;

(b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted;

(5) Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include all of the following:

(a) Annual submission of compliance certification, or more frequently if specified in the applicable requirement or by the Executive Secretary;

(b) In accordance with R307-415-6a(3), a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;

(c) ~~A requirement that the compliance certification include all of the following:~~ A requirement that the compliance certification include all of the following (provided that the identification of applicable information may reference the permit or previous reports, as applicable):

(i) The identification of each term or condition of the permit that is the basis of the certification;

(ii) ~~The compliance status;~~

~~(iii) Whether compliance was continuous or intermittent;~~

~~(iv) The methods used for determining the compliance status of the source, currently and over the reporting period consistent with R307-415-6a(3);~~

~~(v) Such other facts as the Executive Secretary may require to determine the compliance status of the source;~~ The identification of

the methods or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required under R307-415-6a(3). If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information;

(iii) The status of compliance with the terms and conditions of the permit for the period covered by the certification, based on the method or means designated in (ii) above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 occurred; and

(iv) Such other facts as the executive secretary may require to determine the compliance status of the source;

(d) A requirement that all compliance certifications be submitted to the EPA as well as to the Executive Secretary;

(e) Such additional requirements as may be specified pursuant to Section 114(a)(3) of the Act, Enhanced Monitoring and Compliance Certification, and Section 504(b) of the Act, Monitoring and Analysis;

(6) Such other provisions as the Executive Secretary may require.

R307-415-9. Fees for Operating Permits.

(1) Definitions. The following definitions apply only to R307-415-9.

(a) "Allowable emissions" are emissions based on the potential to emit stated by the Executive Secretary in an approval order, the State Implementation Plan or an operating permit.

(b) "Chargeable pollutant" means any "regulated air pollutant" except the following:

(i) carbon monoxide;

(ii) any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated or established by Title VI of the Act, Stratospheric Ozone Protection;

(iii) any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act, Prevention of Accidental Releases.

(2) Applicability. As authorized by Section 19-2-109.1, all Part 70 sources must pay an annual fee, based on annual emissions of all chargeable pollutants.

(a) Any Title IV affected source that has been designated as a "Phase I Unit" in a substitution plan approved by the Administrator under 40 CFR Section 72.41 shall be exempted from the requirement to pay an emission fee from January 1, 1995 to December 31, 1999.

(3) Calculation of Annual Emission Fee for a Part 70 Source.

(a) The emission fee shall be calculated for all chargeable pollutants emitted from a Part 70 ~~major~~ source, even if only one unit or one chargeable pollutant triggers the applicability of R307-415 to the source.

(i) Fugitive emissions and fugitive dust shall be counted when determining the emission fee for a Part 70 source.

(ii) An emission fee shall not be charged for emissions of any amount of a chargeable pollutant if the emissions are already accounted for within the emissions of another chargeable pollutant.

(iii) An emission fee shall not be charged for emissions of any one chargeable pollutant from any one Part 70 source in excess of 4,000 tons per year.

(iv) Emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road vehicle shall not be counted when calculating chargeable emissions for a Part 70 source.

(b) The emission fee for an existing source prior to the issuance of an operating permit, shall be based on the most recent emission inventory available unless a Part 70 source elected, prior to July 1, 1992, to base the fee for one or more pollutants on allowable emissions established in an approval order or the State Implementation Plan.

(c) The emission fee after the issuance or renewal of an operating permit shall be based on the most recent emission inventory available unless a Part 70 source elects, prior to the issuance or renewal of the permit, to base the fee for one or more chargeable pollutants on allowable emissions for the entire term of the permit.

(d) When a new Part 70 source begins operating, it shall pay an emission fee for that fiscal year, prorated from the date the source begins operating. The emission fee for a new Part 70 source shall be based on allowable emissions until that source has been in operation for a full calendar year, and has submitted an inventory of actual emissions.

(e) When a Part 70 source ceases operation, is redesignated as a non-Part 70 source, or is otherwise exempted from the emission fee requirements, the emission fee shall be prorated to the date that the source ceased operation or was reclassified. If the Part 70 source has already paid an emission fee that is greater than the prorated fee, the balance will be credited to the source's account, but will not be refunded. When that Part 70 source resumes operation or again becomes subject to the emission fee requirements, it shall pay an emission fee for that fiscal year prorated from the date the source resumed operation or was reclassified. The fee shall be based on the emission inventory during the last full year of operation for that Part 70 source minus any credit in the source's account.

(i) The emission fee for a Part 70 source that has resumed operation shall continue to be based on actual emissions reported for the last full calendar year of operation before the shutdown until that source has been in operation for a full calendar year and has submitted an updated inventory of actual emissions.

(ii) If a Part 70 source has chosen to base the emission fee on allowable emissions, then the prorated fee or credit shall be calculated using allowable emissions.

(iii) Temporary shut downs of less than three months, or other normal shut downs due to seasonal work or regularly scheduled maintenance shall not qualify for an emission fee credit.

(f) Modifications. The method for calculating the emission fee for a source shall not be affected by modifications at that source, unless the source demonstrates to the Executive Secretary that another method for calculating chargeable emissions is more representative of operations after the modification has been made.

(g) The Executive Secretary may presume that potential emissions of any chargeable pollutant for the source are equivalent to the actual emissions for the source if recent inventory data are not available.

(4) Collection of Fees.

(a) The emission fee is due on October 1 of each calendar year or 45 days after the source has received notice of the amount of the fee, whichever is later.

(b) The Executive Secretary may require any person who fails to pay the annual emission fee by the due date to pay interest on the fee and a penalty under 19-2-109.1(7)(a).

(c) A person may contest an emission fee assessment, or associated penalty, under 19-2-109.1(8).

KEY: air pollution, environmental protection, operating permit*, emission fee*
[January 7,]1999 **19-2-109.1**
Notice of Continuation March 1, 1999 **19-2-104**



**Environmental Quality, Solid and
 Hazardous Waste
 R315-4-2
 The Manifest**

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 22046
 FILED: 05/13/1999, 15:38
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Adopt equivalent federal regulations to maintain equivalency with the Environmental Protection Agency (EPA) rules and retain authorization.

SUMMARY OF THE RULE OR CHANGE: This proposed rule change exempts all generators and transporters of hazardous waste from the Resource Conservation and Recovery Act (RCRA) manifest system requirements for the transportation of hazardous waste on public or private right-of-ways on or along the border of contiguous properties, under the control of the same person, regardless of whether the contiguous properties are divided by right-of-ways.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105 and 19-6-106
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** Since the changes in the rule do not affect State entities and the enforcement of the rule will not change, there will be no cost or saving impact.

❖LOCAL GOVERNMENTS: Since the changes in the rule do not affect local governments and the enforcement of the rule will not change, there will be no cost or saving impact.

❖OTHER PERSONS: This is a less stringent requirement and may reduce the amount of paperwork for those affected, thus causing a slight monetary savings.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not increase because this is a less stringent requirement.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes in this rule will have no fiscal impact on businesses beyond the current statutory and regulatory impact--Dianne R. Nielson, Ph.D.

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

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West
PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Susan Toronto at the above address, by phone at (801) 538-6170, by FAX at (801) 538-6715, or by Internet E-mail at storonto@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/15/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.

R315-4. Hazardous Waste Manifest.

R315-4-2. The Manifest.

(a) A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage or disposal shall prepare a Manifest OMB control number 2050-0039 on EPA form 8700-22, and, if necessary, EPA form 8700-22A, according to the instructions, including the additional information requirements, found in R315-50-1, which incorporates by reference 40 CFR 262, Appendix.

(b) A generator shall designate on the manifest one facility which is permitted to handle the waste described on the manifest.

(c) A generator may designate on the manifest one facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.

(d) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator shall either designate another facility or instruct the transporter to return the waste.

(e) If the State to which the shipment is manifested, consignment State, supplies the Manifest and requires its use, then the generator must use that Manifest.

(f) If the consignment State does not supply the Manifest, but the State in which the generator is located, generator State, supplies the Manifest and requires its use, then the generator must use that State's Manifest.

(g) If neither the generator State nor the consignment State supplies the Manifest, then the generator may obtain the Manifest from any source.

(h) The manifest shall consist of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.

(i) The generator shall:

(1) Sign the manifest certification by hand; and

(2) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

(3) Retain one copy, in accordance with R315-5-5(a).

(j) The generator shall give the transporter the remaining copies of the manifest.

(k)(1) Hazardous wastes to be shipped within Utah solely by water, bulk shipments only, require that the generator send three copies of the manifest dated and signed in accordance with this section to the owner and operator of the designated facility. Copies of the manifest are not required for each transporter.

(2) For rail shipments of the hazardous wastes within Utah which originate at the site of generation, the generator shall send at least three copies of the manifest dated and signed in accordance with this section to:

(i) The next non-rail transporter, if any; or

(ii) The designated facility if transported solely by rail; or

(iii) The last rail transporter to handle the waste in the United States if exported by rail.

(3) The description of the hazardous waste(s) as set forth in the regulations of the U.S. Department of Transportation in 49 CFR 172.101, 172.202, and 172.203.

(l) These manifest requirements do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1000 kg in a calendar month where:

(1) The waste is reclaimed under a contractual agreement pursuant to which:

(i) The type of waste and frequency of shipments are specified in the agreement;

(ii) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and

(2) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.

(m) For shipments of hazardous waste to a designated facility in an authorized state which has not yet obtained federal authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

(n) The requirements of R315-4-2 and R315-5-9(d) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding R315-6-1(a), the generator or transporter shall comply with the requirements for transporters set forth in R315-9-1 and R315-9-3 in the event of a discharge of hazardous waste on a public or private right-of-way.

KEY: hazardous waste
~~February 20, 1998~~1999 **19-6-105**
Notice of Continuation March 12, 1997 **19-6-106**

◆ ----- ◆
**Human Resource Management,
Administration
R477-8
Working Conditions**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22047
FILED: 05/13/1999, 15:57
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment implements S.B. 25 of the 1999 general session of the Utah State Legislature.

SUMMARY OF THE RULE OR CHANGE: Under current rule, a retiring employee may use his sick leave to purchase additional health care insurance and Medicare supplement if he is under age 60. S.B. 25 extends this benefit to all retiring employees regardless of age. This amendment implements these changes. It also requires the retiring employee to purchase PEHP Preferred Care or cost equivalent health insurance with his sick leave. By prohibiting the purchase of PEHP Traditional Care, the state will save enough money to provide for a high option Medicare supplement instead of the current low option.

(DAR Note: S.B. 25 is found at 1999 Utah Laws 64, and will be effective July 1, 1999.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 67-19-6(1)(d) and 67-19-14(1)

ANTICIPATED COST OR SAVINGS TO:
◆THE STATE BUDGET: The fiscal note on S.B. 25 estimates a budgetary impact on the state of between \$187,100 and \$222,000. Analysis in the Department of Human Resource Management (DHRM) and the State Division of Finance places the impact closer to \$350,000. The requirement to only allow the purchase PEHP Preferred Care may generate

some additional savings after the Medicare high option is paid may offset a portion of these costs.

◆LOCAL GOVERNMENTS: None--this rule only affects the employees and agencies of the executive branch of state government.

◆OTHER PERSONS: None--this rule only affects the employees and agencies of the executive branch of state government.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--this rule only affects the employees and agencies of the executive branch of state government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rules published by DHRM have no direct effect on businesses or any entity outside state government. DHRM has authority to write rules only to the extent allowed by the "Utah Personnel Management Act," Title 67, Chapter 19. Section 67-19-15 limits the provisions of career service and these rules to employees of the executive branch of state government. There may be a very slight, indirect effect if an agency passes costs or saving on to businesses through fees. Although the implementation of this rule will create additional costs for agencies, it is not anticipated that the effect will be substantial enough to raise fees to offset these costs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Human Resource Management
Administration
2120 State Office Building
PO Box 141531
Salt Lake City, UT 84114-1531, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Conroy Whipple at the above address, by phone at (801) 538-3067, by FAX at (801) 538-3081, or by Internet E-mail at pedhrm.cwhipple@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: Conroy Whipple, Legislation and Planning Coordinator

**R477. Human Resource Management, Administration.
R477-8. Working Conditions.**

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R477-8-7. Leave.
All employees who regularly work 40 hours or more per pay period, except Schedule AJ or other temporary workers, are eligible for leave benefits. Employees receive leave benefits in proportion to the number of hours they are scheduled to work. Employees shall use leave in no less than quarter hour increments.

(1) Holiday Leave
 (a) The following dates are designated legal holidays:
 (i) New Years Day -- January 1
 (ii) Human Rights Day -- third Monday of January
 (iii) Presidents' Day -- third Monday of February
 (iv) Memorial Day -- last Monday of May
 (v) Independence Day -- July 4
 (vi) Pioneer Day -- July 24
 (vii) Labor Day -- first Monday of September
 (viii) Columbus Day -- second Monday of October
 (ix) Veterans' Day -- November 11
 (x) Thanksgiving Day -- fourth Thursday of November
 (xi) Christmas Day -- December 25
 (xii) The Governor may also designate any other day a legal holiday.

(b) If a holiday falls on a Sunday, the following Monday shall be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday.

(c) If an employee is required to work on an observed holiday, the employee shall receive appropriate holiday leave, or shall receive compensation for the excess hours worked.

(d) The following employees are eligible to receive holiday leave:

(i) Full-time employees shall accrue eight hours of paid holiday leave on holidays;

(ii) Part-time career service employees and partners in a job-shared position who work 40 hours or more per pay period shall receive holiday leave in proportion to the hours they normally work in a pay period;

(iii) Employees working flex-time, as defined in R477-8-2, shall receive a maximum of 88 hours of holiday leave in each calendar year. If the holiday falls on a regularly scheduled day off, flex-time employees shall receive an equivalent work day off, not to exceed eight hours or shall receive compensation for the excess hours at the later date.

(e) In order to receive paid holiday leave, an employee must be in a paid status before and after the holiday.

(2) Conditions of leave

(a) Eligible employees who work 40 or more hours per pay period shall accrue annual and sick leave in proportion to the time worked. They shall also receive funeral, holiday, and paid military leave in proportion to the time worked. Employees excluded from these are "at will" employees identified in R477-5-12.

(b) Seasonal, temporary, or part-time employees working less than 40 hours per pay period are not eligible for paid leave.

(c) Accrual rates for sick and annual leave are determined on the Annual and Sick Leave Accrual table available through DHRM.

(d) No employee may receive annual, sick or holiday leave before he has accrued it.

(e) Employees transferring from one agency of State service to another are entitled to transfer all accrued annual, sick, and converted sick leave to the new agency.

(f) Employees on paid leave shall continue to accrue annual and sick leave.

(g) Employees terminating or retiring from State service shall be cashed out in a lump sum for all annual leave and converted sick leave effective through the last day actually worked. Leave cannot be accrued after the last day worked. No leave-on-leave may accrue or be paid on the cashed out annual leave.

(h) No contributions to benefits may be paid on cashed out leave, other than FICA tax, except as it applies to the Early Retirement Incentive Program outlined in R477-8-(7)-(5)(b).

(3) Annual Leave

(a) Employees eligible for annual leave shall accrue leave based on the following years of State service:

(i) Zero through five years -- four hours per pay period.

(ii) Beginning of sixth year through ten years -- five hours per pay period.

(iii) Beginning of eleventh year through twenty years -- six hours per pay period.

(iv) Beginning of the twenty first year or more - seven hours per pay period.

(b) The accrual rate for employees hired on or after July 1, 1995 shall be based on all State employment in which the employee was eligible to accrue leave.

(c) Eligible employees may begin to use annual leave time after completing the equivalent of two full pay periods of employment.

(d) Agency management shall allow every employee the option to use annual leave each year for at least the amount accrued in the year. However, annual leave granted shall be approved in advance by management.

(e) Any unused accrued annual leave time in excess of 320 hours shall be forfeited at the beginning of the first full pay period of each calendar year.

(f) Department deputy directors and division directors appointed to career service exempt status positions shall be eligible for the maximum annual leave accrual rate upon their date of hire but shall not be eligible for any transfer of leave from other jurisdictions. Annual leave shall accrue at six hours per pay period for the tenure of employment in exempt positions. Other provisions of leave shall apply as defined in R477-8-7(3).

(4) Sick Leave

(a) Employees shall accrue sick leave with pay at the rate of four hours each pay period. Sick leave shall accrue without limit.

(b) Employees may begin to use accrued sick leave after completing the equivalent of at least two full pay periods of employment.

(c) Sick leave shall be granted for preventive health and dental care, maternity/paternity and adoption care, or for absence from duty because of illness, injury or temporary disability of a spouse or dependents living in the employee's home. Exceptions may be granted for other unique medical situations.

(d) Employees shall arrange for a telephone report to supervisors at the beginning of the scheduled work day they are absent because of illness or injury. Management may require reports for serious illnesses or injuries.

(e) Any application for a grant of sick leave to cover an absence which exceeds four successive working days shall be supported by administratively acceptable evidence such as a medical certificate. If there is reason to believe that an employee is abusing sick leave, a supervisor may require an employee to produce a doctor's certificate of illness regardless of the number of days on sick leave.

(f) Any absence for illness beyond the accrued sick leave credit may continue under the following provisions: an approved leave-without-pay status, not to exceed 12 months, an approved

Family Medical Leave Status, or in an annual or other accrued leave status.

(g) After filing a termination notice, employees must support sick leave requests with a doctor's certificate.

(h) Employees separating from State service may not receive compensation for accrued unused sick leave unless they are retiring. However, employees who are rehired within 12 months of separation to a position which receives sick leave benefits shall have their previously accrued unused sick leave credit reinstated.

(i) Employees who are rehired within 12 months of separation to a position which receives sick leave benefits shall have their previously accrued unused sick leave credit reinstated.

(ii) Employees who retire from state service and are then rehired may not reinstate their unused sick leave credit.

(5) Converted Sick Leave

As an incentive to reduce sick leave abuse, employees may convert a portion of unused sick leave to converted sick leave.

(a) To be eligible for converted sick leave, an employee must have an accumulated balance of 144 hours of unused sick leave at the end of the last pay period of the calendar year.

(i) Forty hours are eligible for conversion in a calendar year and will be converted to converted sick leave unless the employee designates otherwise.

(ii) The number of hours used in a calendar year shall be deducted from the 40 hours eligible for conversion.

(iii) The maximum hours of converted sick leave an employee may accrue is 320.

(b) Converted sick leave may be used as annual leave, regular sick leave, or as paid-up health and life insurance at the time of retirement for employees under age 65. If an employee is 65 years of age or older at the time of retirement, converted sick leave may be used to purchase a medicare supplement.

(i) Payment for health and life insurance is the responsibility of the employing agency.

(ii) Eight hours of converted sick leave equals the amount of the premium for one month's coverage for health and life insurance.

(6) [Early]Retirement incentive

Employees may be offered [an early]a retirement incentive program, according to Section 67-19-14(2).

(a) This program is optional for each department. However, any decision whether or not to participate shall be agency-wide and shall be consistent through an entire fiscal year.

[(b)]j If an agency decides to withdraw for the next fiscal year after initially deciding to participate in early retirement, the agency must notify all employees at least 60 days before the new fiscal year begins.

(ii) The employing department shall provide health and life insurance coverage for five years or until the employee reaches the age eligible for Medicare, whichever comes first.

(A) Health insurance provided shall be the same coverage carried by the employee at the time of retirement, i.e., family, two-party, or single. If the employee has no health coverage in place upon retirement, none shall be offered or provided.

(B) Life insurance provided shall be the minimum authorized coverage provided for all State employees.

[(c)]b Employee participation in any part of this incentive program shall be voluntary, but the decision to participate shall be made at retirement.

(td) The early retirement incentive for employees who retire prior to age 60, shall consist of any or all of the following:

—(i) An option to receive a cash payment of 25 percent for their accrued unused sick leave at their current rate of pay, or transfer these monies to an approved 401(k) account sponsored by the Utah State Retirement Board:

—(ii) The employing department shall provide health and life insurance coverage for five years:

—(A) Health coverage shall be the same as carried by the employee at the time of retirement, i.e., family, two-party, or single. If the employee has no health coverage in place upon retirement, none shall be offered or provided:

—(B) Life insurance provided shall be the basic \$18,000 coverage provided for all State employees:

—(iii) When the five years provided by the employing department is exhausted, the employee may acquire additional health insurance and if eligible, low option Medicare supplemental insurance by converting sick leave hours from his unused sick leave account for the desired coverage:

—(A) Only hours in excess of 480 in the employees unused sick leave account are eligible for conversion:

—(B) The employee may acquire state provided health insurance up to the age of eligibility for Medicare by converting 8 hours of unused sick leave for one month of coverage. Health coverage shall be the same as carried by the employee at the time of retirement, i.e., family, two-party, or single. If the employee has no health coverage in place upon retirement, none shall be offered or provided:

—(C) At the age of eligibility for Medicare, the employee may acquire health insurance coverage for a spouse until the spouse is eligible for Medicare by converting 8 hours of unused sick leave for one month of coverage:

—(D) The employee may acquire low option Medicare supplement for the employee by converting 8 hours of unused sick leave for one month of coverage and for a spouse by converting an additional 8 hours of unused sick leave for one month of coverage:

—(e) The early retirement incentive for employees who retire after age 60 but prior to becoming eligible for Medicare shall consist of:

—(i) An option to receive a cash payment of 25 percent for their accrued unused sick leave at their current rate of pay, or transfer these monies to an approved 401(k) account sponsored by the Utah State Retirement Board:

—(ii) The employing department shall provide health and life insurance coverage for five years or until the age when the employee is eligible for Medicare, whichever comes first:

—(A) Health coverage shall be the same as currently carried by the employee, i.e., family, two-party, or single. If the employee has no health coverage in place upon retirement, none shall be offered or provided:

—(B) Life insurance provided shall be the basic \$18,000 coverage provided for all state employees:

—(f) Employees who retire and are eligible for Medicare may receive a cash payment of 25 percent for their accrued unused sick leave at their current rate of pay, or transfer these monies to an approved 401(k) account sponsored by the Utah State Retirement Board.](c) An employee may elect to receive a cash payment, or transfer to an approved 401(k) or 457(k) account, up to 25 percent of his accrued unused sick leave at his current rate of pay.

(d) After the election for cash out is made, the employee may use remaining accrued sick leave to purchase health insurance, life insurance and Medicare supplement for himself and health insurance and Medicare supplement for a spouse.

(i) The employee must maintain a minimum balance of 480 hours in his accrued sick leave account in order to participate in this part of the incentive program.

(ii) The employee may purchase PEHP Preferred Care health insurance, or a state approved cost equivalent program, and life insurance coverage for himself until he reaches the age eligible for Medicare.

(A) Health insurance shall be the same coverage carried by the employee at the time of retirement, i.e., family, two-party, or single.

(B) Life insurance provided shall be the minimum authorized coverage provided for all State employees.

(C) The purchase rate shall be eight hours of sick leave for one month's premium.

(iii) After the employee reaches the age eligible for Medicare, he may purchase PEHP Preferred Care health insurance, or a state approved cost equivalent program for a spouse until the spouse reaches the age eligible for Medicare.

(A) The purchase rate shall be eight hours of sick leave for one month's premium.

(iv) When the employee reaches the age eligible for Medicare, he may purchase a high option Medicare supplement policy for himself at the rate of eight hours of sick leave for one month's premium.

(v) When the spouse reaches the age eligible for Medicare, the employee may purchase a high option Medicare supplement policy for the spouse at the rate of eight hours of sick leave for one month's premium.

(7) Workers Compensation Leave

(a) An employee may use accrued leave benefits to supplement the workers compensation benefit.

(i) The combination of leave benefit and workers compensation benefit shall not exceed the employees gross salary.

(ii) The use of accrued leave to supplement the worker compensation benefit shall be terminated if:

(A) the employee is declared medically stable by licensed medical authority; or

(B) the workers compensation fund terminates the benefit; or

(C) the employee has been absent from work for one year; or

(D) the employee refuses to accept appropriate employment offered by the state; or

(E) the employee receives Long Term Disability or Social Security Disability benefits.

(iii) The employee shall refund to the state any accrued leave paid which exceeds the employees gross salary for the period for which the benefit was received.

(b) Employees will continue to accrue state paid benefits while receiving a workers compensation time loss benefit for up to one year.

(c) Employees who file fraudulent workers compensation claims shall be disciplined according to the provisions of R477-11.

(8) Funeral Leave

Employees may receive a maximum of twenty four hours funeral leave per occurrence with pay at management's discretion to attend the funeral of a member of the immediate family. Funeral leave may not be charged against accrued sick or annual leave.

(a) The "immediate family" means-- wife, husband, children, daughter-in-law, son-in-law, parents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, spouse's grandparents, step-children, and step-parents, brothers and sisters of the employee.

(9) Military Leave

One day of military leave is the equivalent of 8 hours.

(a) Employees who are members of the National Guard or Military Reserves are entitled to military leave not to exceed fifteen days per year without loss of pay, annual leave or sick leave. Employees shall be on official military orders and may not claim salary for non-working days spent in military training or for traditional weekend training.

(b) Officers and employees of the state shall be granted military leave without pay for the period of active service or duty, including travel time, Section 39-3-1.

(c) Employees are required to give notice of active military service as soon as they are notified.

(d) Upon termination from active military service, under honorable conditions, employees shall be placed in their original position or one of like seniority, status and pay. The cumulative length of time allowed for re-employment may not exceed five years. Employees are entitled to re-employment rights and benefits including increased pension and leave accrual. Persons entering military leave may elect to have payment for annual leave deferred. In order to be reemployed, employees shall present evidence of military service and leave without pay status, and:

(i) For service less than thirty-one days, return at the beginning of the next regularly scheduled work period on the first full day after release from service taking into account safe travel home plus an eight-hour rest period, or:

(ii) For service of more than thirty-one days but less than 181 days, submit an application for reemployment within fourteen days of release from service, or

(iii) For service of more than 180 days, submit an application for reemployment within ninety days of release from service.

(10) Leave of Absence Without Pay

Employees may be granted continuous leave of absence without pay for up to 12 months. Employees shall apply in writing to agency management for approval. If absence is due to FMLA, workers compensation or long-term disability, R477-8-9 or R477-8-7(7) applies.

(a) Medical leave without pay may be granted for no more than twelve months. Medical leave may be approved if a registered health practitioner certifies that an employee is temporarily disabled.

(b) Agency management may approve leave without pay for employees even though annual or sick leave balances exist. Employees may take up to ten consecutive working days of leave without pay without affecting the leave accrual rate.

(i) Employees who receive no compensation for a complete pay period shall be responsible for payment of state provided benefit premiums, unless they are covered by the provisions under the federal Family and Medical Leave Act, in R477-8-9.

(c) Employees who return to work on or before the expiration of leave without pay, shall be placed in a position with comparable pay and seniority to their previously held position, provided the same or comparable level of duties can be performed with or

without reasonable accommodation. The employee shall also be entitled to previously accrued annual and sick leave.

(d) Leave without pay for non-disability reasons may be granted only when there is an expectation that the employee will return to work.

(e) Health insurance benefits shall continue for employees on leave without pay because of work-related injuries or illnesses. Except as provided under the family and medical leave provisions, employees on leave without pay must personally continue the premiums to receive health insurance benefits.

(f) Employees who are determined eligible for the Long Term Disability Program (LTD) shall be granted up to one year of medical leave, if warranted by a medical condition.

(i) The one year medical leave begins on the last day the employee worked due to the disability. During this period and until LTD benefits begin, employees shall use sick and converted sick leave. Annual leave may be used after the employee uses all available sick and converted sick leave.

(ii) If the employee is unable to return to work and has not used all available annual leave, he shall be paid for the annual leave when the termination action is processed.

(iii) Employees determined eligible for Long Term Disability benefits, after a three month waiting period, will be eligible for health insurance benefits beginning two months after the last day worked. The health insurance benefit will continue for up to twenty-two months or until they are eligible for medicare/ medicaid, whichever occurs first.

(iv) Conditions for return from leave without pay shall include:

(A) If an employee is able to return to normal duties within one year of the last day worked, the agency shall place the employee in his previously held position or similar position in a comparable salary range.

(B) If an employee is unable to perform the essential functions of the job because of a permanent disability, the obligation to place the employee in the same position shall be set aside. The employing unit shall place the employee in the best available, vacant position for which he is qualified, if able to perform the job with or without reasonable accommodation. If the employing unit does not have an available position, the agency shall then attempt to place the individual. The new position shall be consistent with the employee's qualifications and capabilities.

(I) For the first year, every effort shall be made to find a position as close to the salary range and function as the original position.

(II) The agency Executive Director may extend the timeline for return to work beyond one year if the employee's injury resulted in disability prohibiting the employee from performing the essential functions of the job, as defined by ADA.

(11) Jury Leave

(a) Employees are entitled to a leave of absence with full pay when, in obedience to a subpoena or direction by proper authority, they are required to:

(i) Appear as a witness as part of their position for the federal government, the State of Utah, or a political subdivision of the state, or

(ii) Serve as a witness in a grievance hearing.

(iii) Serve on a jury

(b) Employees choosing to use annual leave while on jury duty shall be entitled to keep jurors fees; otherwise, jurors fees received shall be returned to agency payroll clerks for deposit with the State Treasurer. The fees shall be deposited as a refund of expenditure in the low org. where the salary is recorded.

(c) Employees who are absent in order to litigate in matters unrelated to their position shall take leave as annual or as leave without pay.

(12) Administrative Leave

(a) Administrative leave may be granted consistent with agency policy for the following reasons:

(i) corrective action;

(ii) personal decision-making prior to discipline;

(iii) suspension with pay-- during removal from job site-- pending hearing on charges;

(iv) during management decision situations that benefit the organization;

(v) incentive awards in lieu of cash;

(vi) when no work is available due to unavoidable conditions or influences;

(vii) removal from adverse or hostile work environment situations pending management corrective action;

(viii) educational assistance;

(ix) employee assistance and fitness for duty evaluations.

(b) Agency head or designee may grant paid administrative leave for no more than ten consecutive working days per occurrence. Other conditions of administrative leave are:

(i) Administrative leave in excess of 10 consecutive working days per occurrence may be granted by written approval of the agency head.

(ii) Administrative leave taken must be documented in the employee's leave record.

(13) Disaster Relief Volunteer Leave

(a) An employee may be granted an aggregate of 15 working days or 120 work hours in any 12 month period to participate in disaster relief services for the American Red Cross. To request this leave an employee must be a certified disaster relief volunteer; and file a written request with the employing agency. The request shall include:

(i) a copy of a written request for the employee's services from an official of the American Red Cross;

(ii) the anticipated duration of the absence;

(iii) the type of service the employee is to provide for the American Red Cross; and

(iv) the nature and location of the disaster where the employee's services will be provided.

(14) Furlough

(a) Agency management may furlough employees as a means of saving salary costs in lieu of reduction in force. See R477-12-3(3). Furlough plans are subject to the approval of the agency head and the following conditions:

(i) Employees accrue annual and sick leave.

(ii) Full payment of all fringe benefits continue at agency's expense.

(iii) Employees shall return to their positions.

(iv) Furlough is applied equitably, e.g., to all persons in a given class, all program staff, or all staff in an organization.

•••••

KEY: compensatory time, disability insurance, leave, vacations
[May 4,]1999 67-19-6
Notice of Continuation July 1, 1997

**Human Services, Administration,
Administrative Services, Licensing**
R501-12
Foster Care Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22051
FILED: 05/14/1999, 11:45
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Licensing Board decision to cite DCFS Rule in Licensing Rule, to clarify adoption requirements as part of Division placement decision.

SUMMARY OF THE RULE OR CHANGE: The Division of Child and Family Services (DCFS) Board has recently proposed new rules specifying requirements adoptive families must meet for children in DCFS custody. The Licensing Board has decided to cross-reference the DCFS rule in Licensing Rules to clarify that requirements above and beyond basic licensing health and safety factors may be required before placements are made in homes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-2-101 through 62A-2-121

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Cross-referencing the DCFS rule has no anticipated direct impact on the State budget. The change in the DCFS rule anticipates possible litigation resulting from the change in adoption assessment requirements. Litigation could possibly involve the Office of Licensing as well, but this rule change really does not impact those seeking foster care licensing.

❖LOCAL GOVERNMENTS: Likewise, there is no anticipated impact on local government. The Rule only adds information for foster care licensees as to where additional requirements for adoption are to be found.

❖OTHER PERSONS: This rule does not affect foster parents seeking licenses, or currently licensed, but if they become prospective adoptive parents, changes in the cross-referenced rule could result in them seeking adoption through private agencies at a cost of \$5,000 to \$10,000, rather than through the Division of Child and Family Services, at no cost. COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule does not affect foster parents seeking licenses, or currently licensed, but if they become prospective adoptive parents, changes in the cross-referenced rule could result in them

seeking adoption through private agencies at a cost of \$5,000 to \$10,000, rather than through the Division of Child and Family Services, at no cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The change in the foster care licensing rule will have virtually no fiscal impact on businesses. Regarding the change in adoption assessment requirements, the private businesses are private adoption agencies who would receive additional clients who could not qualify as adoptive parents with the Division.

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

Human Services
Administration, Administrative Services,
Licensing
Room 303
120 North 200 West
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Gayle Sedgwick at the above address, by phone at (801) 538-4242, by FAX at (801) 538-4553, or by Internet E-mail at hsadm2.gsedgwic@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: Reta D. Oram, Director

R501. Human Services, Administration, Administrative Services, Licensing.
R501-12. Foster Care Rules.

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R501-12-4. Licensing and Renewal.

A. Application: An individual or legally married couple age 21 and over may apply to be foster parents. The applicant shall be provided with an application and a copy of the foster care licensing standards. The application shall require the applicant to list each member of the applicant's household.

B. Medical Information:

1. At the time of application, each potential foster parent shall obtain and submit to the foster care agency or the Office of Licensing, hereinafter referred to as OL, a medical reference letter, completed by a licensed health care professional, which assesses the physical ability of the individual to be a foster parent. On an annual basis thereafter, each foster parent shall submit a personal health status statement.

2. A psychological examination of a potential or current foster parent may be required by OL or the foster care agency if there are questions regarding the individual's mental stability which may

impair functioning as a foster parent. The psychological examination shall be arranged and paid for by the foster parent.

C. References:

The applicant shall submit the names of individuals not related to the applicant who may be contacted by the foster care agency or OL for a reference. The named individuals, such as neighbors, school personnel, or clergy, shall be knowledgeable of the ability of the potential foster parents to nurture children. Three acceptable letters of reference must be received by the foster care agency or OL before a license will be issued.

D. Background Screening:

1. Criminal Background Screening, referred to as CBS, pursuant to 62A-2-120, requires that all child foster care applicants or persons 18 years of age or older living in the home must have the criminal background screening completed. This shall be completed on initial home approval and yearly thereafter. In accordance with 62A-2-120, no applicant can be licensed to provide foster care services when the applicant has been convicted of a felony.

2. The child abuse data base shall also be screened for each applicant or persons 18 years of age or older living in the home to see if a report of alleged abuse and neglect has been substantiated. This shall be done on initial home approval and yearly thereafter.

a. In accordance with 62A-4a-116(2)(b) the following types of abuse and neglect shall be considered for licensing purposes:

- ~~[1]~~1) physical abuse,
- ~~[2]~~2) sexual abuse,
- ~~[3]~~3) sexual exploitation,
- ~~[4]~~4) abandonment, medical neglect resulting in death, disability, or serious illness, or
- ~~[5]~~5) chronic or severe neglect.

b. In accordance with 62A-2-121, if the name of any individual living in the home appears on the child abuse data base as substantiated, a license may be denied, approved, or renewed based on a comprehensive review of the individual circumstances, conducted by DHS, in accordance with R501-18.

E. Home Study: There shall be a current home study report on record prepared, or reviewed and signed off, by a licensed Social Worker. A home study shall be completed for each potential foster home. The home study shall be updated annually with a home visit.

F. Provider Code of Conduct: Each foster care applicant shall read, abide by, and sign a current copy of the DHS Provider Code of Conduct.

G. Training:[

—] Each foster care applicant shall complete the required pre-service training as specified in R501-12-5 prior to receiving a license.

H. Approval or Denial:

1. Following pre-service training and submission of all required documentation, the home study and assessment of an applicant shall be completed.

2. A license shall be issued for applicants who meet Foster Care Licensing Rules. In addition, the applicants shall be responsible to identify and meet any local ordinances applicable to the type of care.

3. The decision to approve or deny the applicant shall be made on the basis of observable facts and the professional judgement of the foster care agency or OL regarding the safety and sanitation conditions of the home.

4. No person may be denied a foster care license on the basis of race, color, or national origin of the person, or a child, involved, pursuant to the Social Security Act, Section 471(a)(18)(A).

5. The provider shall be evaluated annually for compliance with standards when renewing a license.

6. Kinship and Specific Home Approval: An applicant may be licensed for placement of one specific child or sibling group. The home study shall be completed and all licensing requirements met. This license is valid for the duration of the specific placement only and must be renewed annually.

7. Licensure approval is not a guarantee that a child will be placed in the home. Additional requirements for adoptive parents and adoptive assessments for children in State custody are included in R512-41(3)(4).

8. Limitations on Licensed Providers:

a. Providers shall not be licensed to provide care for both adults and children.

b. Providers shall not be licensed to provide both child care and foster care.

c. Providers shall not be licensed for the following configurations of services; group care and child emergency care, or group care and foster care.

9. The Office of Licensing Director or designee may grant a variance to a rule if it is in the best interest of the specific child.

10. All providers shall report any major changes as listed in a. through e. in their lives to the licensor or foster care agency within 48 hours. These changes shall be re-evaluated within one month of the change by the licensor or foster care agency. A major change in the lives of the foster parents shall include, but is not limited to the following;

- a. death or serious illness among the members of the foster family,
- b. separation or divorce,
- c. loss of employment,
- d. change of residence, or
- e. suspected abuse or neglect of any child in the foster home.

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R501-12-7. Physical Aspects of Home.

A. The home shall be located in a vicinity in which school, church, recreation, and other community facilities are reasonably available.

B. The physical facilities of the home shall be clean, in good repair, and shall provide for normal comforts in accordance with accepted community standards.

C. The home shall be free from health and fire hazards. Each home shall have a working smoke detector on each floor and at least one approved fire extinguisher. An approved fire extinguisher shall be inspected annually and be a minimum of 2A:10BC five point, rated multi-purpose, dry chemical fire extinguisher.

D. There shall be sufficient bedroom space to provide for the following:

- 1. rooms are not shared by children of the opposite sex, except infants under the age of two years,
- 2. children do not sleep in the parents' room, except infants under the age of two years,
- 3. each child has his or her own solidly constructed bed adequate to the child's size,

4. a minimum of 80 square feet is provided in a single occupant bedroom and a minimum of 60 square feet per child is provided in a multiple occupant bedroom excluding storage space, and

5. no more than four children are housed in a single bedroom.

E. Sleeping areas shall have a source of natural light and shall be ventilated by mechanical means or equipped with a screened window that opens.

F. Closet and dresser space shall be provided within the bedroom for the children's personal possessions and for a reasonable degree of privacy.

G. There shall be adequate indoor and outdoor space for recreational activities.

H. Foster homes shall offer sufficiently balanced meals to meet the child's needs.

I. All indoor and outdoor areas shall be maintained to ensure a safe physical environment.

J. Areas determined to be unsafe, including steep grades, cliffs, open pits, swimming pools, high voltage boosters, or high speed roads, shall be fenced off or have natural barriers.

K. Equipment:[

—] All furniture and equipment shall be maintained in a clean and safe condition. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet individual needs.

L. Exits:[

—] There shall be at least two means of exit on each level of the home.

3. record of money provided to each foster child,
4. record of expenditures for each foster child, and
5. documentation of special need payments on behalf of the foster child.

B. Foster parents shall maintain the out of home placement information record for each child in their care to include the following:

1. placement information for each child in out of home care,
2. biographical information, including an emergency contact name and telephone number,

3. documentation of the health care record of each child, including the following;

a. immunizations[-],
b. physical, mental, visual, and dental examinations,
c. emergencies requiring medical treatment, and
d. medication, when applicable, and

4. summary of family visits and contacts, when appropriate, according to the service plan.

C. Foster parents shall ensure that the out of home record accompanies the child or is returned to the foster care agency upon relocation of the child.

D. The OL staff shall maintain a separate record for each provider.

KEY: licensing, human services, foster care

~~August 17, 1998~~ July 2, 1999

62A-2-101-121

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R501-12-14. Child's Rights in Foster Care.

A. The foster parent shall adhere to the following:

1. allow the child to eat meals with the family, and to eat the same food as the family unless the child has a special prescribed diet,

2. allow the child to participate in family activities,

3. protect privacy of information,

4. not make copies of consumer records,

5. explain the child's responsibilities, including household tasks, privileges, and rules of conduct,

6. not allow discrimination,

7. treat the child with dignity,

8. allow the child to communicate with family, attorney, physician, clergyman, and others, except where documented otherwise[-],

9. follow visitation rights as provided by DHS or foster care agency worker,

10. allow the child to send and receive mail providing that security and general health and safety requirements are met, foster parents may only censor or monitor a foster child's mail or phone calls by court order,

11. provide for personal needs and clothing allowance, and

12. respect the child's religious and cultural practices.

R501-12-15. Record Keeping.

A. Foster parents shall maintain the following:

1. current license certificate,

2. copy of each contract with the Department of Human Services[-],

Human Services, Child and Family Services

R512-41

Qualifying Adoptive Families and Adoption Placement

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22055

FILED: 05/14/1999, 15:48

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Establish DCFS policy for qualifying adoptive families and making adoption placements.

SUMMARY OF THE RULE OR CHANGE: This rule establishes policy for qualifying adoptive families and the placement of children in the custody of the Division of Child and Family Services (DCFS) with adoptive families.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-4a-105 and 62A-4a-205.6

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Adoption Assessment Requirements, see Subsection R512-41-4 A.3, may result in litigation. The policy excludes prospective adoptive parents who are not legally married (although individuals may adopt) or have an adult living in the home who is not related to the adoptive parents by blood, adoption, or marriage. This rule may result in fewer applicants and thus save DCFS the cost of processing adoption applications. The cost to DCFS to process an application is approximately \$400.

❖LOCAL GOVERNMENTS: After careful analysis, there is no impact on local governments. Local government agencies do refer individuals to DCFS for adoption service.

❖OTHER PERSONS: Prospective adoptive parents who seek to adopt through private agencies rather than DCFS may be affected by this rule. The cost of adoption through a private agency is approximately \$5,000 to \$10,000, while there is no charge to adopt through DCFS. Prospective adoptive parents will now incur the cost of notarizing documents.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Prospective adoptive parents who seek to adopt through private agencies rather than DCFS may be affected by this rule. The cost of adoption through a private agency is approximately \$5,000 to \$10,000, while there is no charge to adopt through DCFS. Prospective adoptive parents will now incur the cost of notarizing documents.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule may have a positive fiscal impact on private adoption agencies. Private adoption agencies may receive additional clients who cannot qualify as adoptive parents with DCFS.

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

Human Services
Child and Family Services
Room 225, Human Services Building
120 North 200 West
Salt Lake City, UT 84103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Steven Bradford at the above address, by phone at (801) 538-8210, by FAX at (801) 538-3993, or by Internet E-mail at hsdadmin1.sbradfor@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: Ken Patterson, Director

R512. Human Services, Child and Family Services.**R512-41. Qualifying Adoptive Families and Adoption Placement.****R512-41-1. Purpose and Authority.**

A. As authorized by Sections 62A-4a-105 and 62A-4a-205.6, the Division qualifies adoptive parents and individuals for the adoption of children in the custody of the Division. This rule specifies the requirements used to qualify adoptive parents or individuals and the criteria for adoption placement.

R512-41-2. Definitions.

A. For the purpose of this rule the following definitions apply:

1. Adoptive Parent(s) means a family or individual who completes Division training for prospective adoptive parent(s) and is approved by a licensed child placement agency or by the Division.

2. Permanency means the establishment and maintenance of a permanent living situation for a child to give the child an internal sense of family stability and belonging and a sense of self that connects the child to his or her past, present and future.

R512-41-3. Requirements for Adoptive Parent(s).

A. Prospective adoptive Parent(s) who apply to adopt a child in the custody of the Division, including kin, Section 62A-4a-108, or Division employees, Utah Administrative Code, Human Services, R512-40-4, must meet all of the following requirements:

1. complete the adoption training program approved by the Division;

2. be assessed and approved as adoptive parent(s) following completion of a home study by a licensed child placement agency or by the Division;

3. obtain a foster care license issued by the Department of Human Services, Office of Licensure, or meet the same standards, or receive a written waiver from the Division of a standard;

4. receive a determination by the Division that no conflict of interest exists in the adoption process.

R512-41-4. Adoption Assessment Requirements.

A. An adoption assessment must be consistent with the standards of the Child Welfare League of America (the assessment may be done by a licensed child placement agency or the Division) and must include the following:

1. an autobiography of prospective adoptive parent(s) and family members;

2. a behavioral assessment of parent(s) and children living at home;

3. a verification that adults present in the home are legally related to parent(s) by blood or adoption or legal marriage;

4. a health status verification of parent(s) and children living at home;

5. a verification of financial status;

6. an assessment of home safety and health;

7. A criminal background check of all adults present in the home;

8. a screening of all adults present in the home against the child abuse data base;

9. an assessment of prospective adoptive parent(s) parenting skills;

10. recommendation of the types of children that may be appropriate for the prospective adoptive parent(s).

R512-41-5. Matching the Child and the Adoptive Parent(s).

A. In the matching process, the selection of adoptive parent(s) will be in the best interest of the child.

B. The decision must be based on a thorough assessment of the child's current and potential development, medical, emotional, and educational needs.

C. The capacity of the prospective adoptive parent(s) to successfully meet the child's needs and to love and accept the child as a fully integrated member of the family must be considered.

D. The child's preference may be considered, if the child has the capacity to express a preference.

E. When possible and appropriate, sibling groups should not be separated.

F. Foster care parent(s) or other care giver with physical custody of the child may be given preferential consideration for adoption if the child has substantial emotional ties with the foster parent(s)/care giver and if removal of the child from the foster parent(s)/care giver would be detrimental to the child's well-being.

G. Geographic boundaries alone should not present barriers or delays to the selection of adoptive parent(s).

H. The Indian Welfare Act (Public Law 95-608) takes precedent for an adoption of an Indian child who is a member of a federally recognized tribe or Alaskan native village.

I. Placements will be made in accordance with the Interethnic Adoption Act, 42 USC 1996b.

R512-41-6. Adoption Decision.

A. Permanency decisions should be made in a timely manner recognizing the child's developmental needs and sense of time. The Division shall make intensive efforts to place the child with adoptive parent(s) within 30 days after the court has freed the child for adoption.

B. The Division will appoint and convene an adoption committee or committees to select adoptive parent(s) in the best interest of the child and to determine the level of adoption assistance, if any. The committee is also responsible for recommending removal of the child from a placement.

C. The adoption committee will consist of at least three members to include senior-level Division staff and one or more members from an outside agency with expertise in adoption or foster care.

D. Anyone who has information regarding the child and the potential matching families may be invited by the committee to present information but not to participate in the deliberations. The committee will reach its decision through consensus. If consensus cannot be reached, the committee will submit their recommendation to the Regional Director. The Regional Director may confer with the Division Director for the final decision.

E. The committee will make and retain a written record of their proceedings. All proceedings are confidential.

F. Any member of the committee who has a potential conflict of interest must recuse himself or herself from the proceeding.

G. The Division will send written notification of selection to the adoptive parent(s).

H. The Division shall provide detailed information about the child to the prospective adoptive parent(s), allowing sufficient time for the prospective adoptive parent(s) to make an informed decision regarding placement of the child. The information given to the adoptive parent(s) must be a full disclosure of all information available and committed to writing. Release of all documents is subject to the Government Records Management Act. The adoptive parent(s) shall be advised of possible financial and medical assistance available to meet the special needs of the child. The Division and the prospective adoptive parent(s) will acknowledge receipt of the information by signing the Division's information disclosure form. The Division shall respond to questions or concerns of the potential adoptive parent(s). The prospective adoptive parent(s) shall have the opportunity to meet the child prior to permanent placement.

I. A family or individual that is not selected for an adoption placement of a specific child shall have no right to appeal the decision, unless the parent(s) not selected for the adoptive placement is the child's current foster parent(s) and the foster parent(s) have completed all requirements. If the foster parent(s) are not selected for the adoptive placement, the foster parent(s) due process rights for removal of a child apply. Foster Parents Due Process, Utah Administrative Code, Human Services Rule, R512-31.

J. When approved adoptive parent(s) agree to accept the placement of a child for adoption, the adoptive parent(s) and a representative from the Division shall sign an adoption agreement on a form provided by the Division.

K. When adoptive parent(s) agree to accept the placement of a child who is not free for adoption, the parent(s) shall sign the Division's Foster Child Adoption agreement.

R512-41-7. Information Regarding the Adoptive Parent(s).

A. No identifying information regarding adoptive parent(s) shall be released to birth families without the written consent of the adoptive parent(s).

R512-41-8. Placement.

A. The Division will make every effort to make a smooth and effective transition of the child to the adoptive parent(s) with the cooperation of the foster family and others who have a supportive relationship with the child. All out-of-home requirements continue to be applicable until the adoption is finalized.

B. Adoptive parent(s) will have access to all relevant information in the case record to help them understand and accept the child and preserve the child's history. The Division will inform adoptive parent(s) of community services and adoption assistance available before and after the adoption is final.

C. The Division will develop a service plan within 30 days of placement and supervise adoptive parent(s), including frequent visits with the child for at least the first six months after placement.

D. Division supervision will continue until the adoption is final.

R512-41-9. Adoption Disruption/Removal of a Child from Adoptive Parent(s) Prior to Finalization.

A. The Division shall consider removal of a child before an adoption is finalized if adoptive parent(s) request removal or if serious circumstances impair the child's security or development.

B. Prior to removal, the Division shall respond to adoptive parent(s)' concerns in a timely manner, counsel with the adoptive parent(s) and, if possible and appropriate, offer further treatment, including intensive in-home services or temporary removal of the child from the home for respite purposes.

C. When removal is recommended, the adoption committee shall review the placement progress, present situation, and decide to either continue placement with further services or to remove the child from the home. The Regional Director will review and approve the decision.

D. If the adoption committee decides to remove the child, a Notice of Agency Action shall be sent to adoptive parent(s) notifying them of their due process rights. The adoptive parent(s) shall be offered the same rights as those offered a foster family regarding removal of a child, Utah Administrative Code, Human Services, Rule R512-31.

R512-41-10. Adoption Finalization and Post Adoption.

A. Before an adoption is final, the adoption committee shall review the placement, authorize finalization, and approve adoption assistance, when appropriate. Utah Administrative Code, Human Services, R512-43.

R512-41-11. Adult Adoptee or Adoptive Parent(s) Request for Records.

A. The adoption records of the Division shall be made available to the adoptive parent(s) or adult adoptee upon written request in accordance with the Government Records Access Management Act, Section 63-2-1. An adult adoptee may also register with the Utah Department of Health Adoption Registry, Section 78-30-18.

**KEY: child welfare, adoption
1999**

**62A-4a-105
62A-4a-205.6**



Human Services, Mental Health

R523-1-19

**Prohibited Items and Devices on the
Grounds of Public Mental Health
Facilities**

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 22048
FILED: 05/14/1999, 09:51
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to prohibit staff, clients, and visitors from possessing weapons in any community mental health center. Although there is a consensus within the community mental health system concerning the banning of weapons from community mental health facilities, recent legislative changes require clear policy regarding weapons.

SUMMARY OF THE RULE OR CHANGE: This rule will prohibit employees, clients, and visitors from having any weapons on their person or displayed in their vehicles while on the grounds of any community mental health center facility. Each mental health facility will give prominent visual notice to visitors that the facility is a weapon free area. The rule will allow an exception for law enforcement officers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 76-8-311.3(2)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--this proposed rule will require signs be provided by local mental health providers, hence, no additional financial impact on any State program is anticipated.

❖LOCAL GOVERNMENTS: There may be minimal cost to those community mental health centers that are quasi-governmental. The cost will be for signs that will need to be posted notifying the public of the weapon restrictions.

❖OTHER PERSONS: There will be a minimal cost to those community mental health centers that are private nonprofit. The cost will be for signs that will need to be posted notifying the public of the weapon restrictions. No other persons will have any cost requirements since this rule only applies to public mental health facilities.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be a minimal cost to local mental health providers for the cost of signs that will need to be posted notifying the public of the weapon restrictions. Since mental health centers have a varying number of facilities and offices, it will be very difficult to give a breakdown for the cost of the signs required for each mental health center. The rural centers may have a limited number of facilities and the large urban centers may have many. However, there is no requirement for any particular type of sign; they could be computer generated and very inexpensive.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will only impact local mental health providers. The only cost will be for signs and should be a minimal amount.

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

Human Services
Mental Health
415, Department of Human Services
120 North 200 West
Salt Lake City, UT 84103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: Janina Chilton at the above address, by phone at (801) 538-4072, by FAX at (801) 538-9892, or by Internet E-mail at hsadmin1.jchilton.@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/15/1999

AUTHORIZED BY: Meredith Alden, Director

R523. Human Services, Mental Health.
R523-1. Policies and Procedures.
R523-1-19. Prohibited Items and Devices on the Grounds of Public Mental Health Facilities.

Pursuant to the requirements of 76-8-311.3, all facilities owned or operated by community mental health centers with contracts with local mental health authorities and or Utah State Division of Mental Health are designated as weapon-free areas. Accordingly all weapons, contraband, controlled substances, implements of escape, ammunition, explosives, spirituous or fermented liquors, firearms, or any other devices that are normally considered to be weapons are prohibited from entry into community mental health centers. There shall be a prominent visual notice of weapon-free area designation. Law enforcement personnel are authorized to carry firearms while completing official duties on the grounds, unless the facility is defined as a secure facility and has policies and procedures directing the storage of weapons.

KEY: bed allocation, due process, [~~contracts~~prohibited items and devices, fees

[November 1, 1996]1999 62A-12-102
Notice of Continuation December 17, 1997 62A-12-104
62A-12-209.6(2)
62A-12-283.1(3)(a)(i)
62A-12-283.1(3)(a)(ii)



Labor Commission, Antidiscrimination
and Labor, Labor
R610-4
Employment Agency Licensing

NOTICE OF PROPOSED RULE

(New)
DAR FILE NO.: 22040
FILED: 05/11/1999, 09:12
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Prior to 1997, the Utah Industrial Commission (predecessor to the Utah Labor Commission) was authorized to license private

employment agencies. Then, effective July 1, 1997, that responsibility was transferred from the Labor Commission to the Utah Department of Workforce Services. The 1999 Utah Legislature has now transferred responsibility for licensing of private employment agencies back to the Labor Commission. It is therefore necessary for the Labor Commission to adopt rules governing licensing standards and procedures.

SUMMARY OF THE RULE OR CHANGE: Although this proposed rule appears to be new, it is identical in substance to the Labor Commission's rule in effect until July 1997. It is also identical to the rule implemented by the Department of Workforce Services between July 1, 1997 and May 3, 1999. The rule defines certain terms, establishes the form and contents for applications for employment agency licenses, standards for licensing and performance standards for employment agencies. Finally, the rule establishes procedures for resolution of complaints between employment agencies and their customers.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-104

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: The proposed rule merely reflects the legislative judgment that this licensing program is best performed by the Labor Commission rather than the Department of Workforce Services. For that reason, there is no cost or savings to the State budget.
 - ❖LOCAL GOVERNMENTS: Local governments are not affected by the proposed rule. There will be no cost or savings to local governments.
 - ❖OTHER PERSONS: This rule is substantively identical to the Department of Workforce Services and the Industrial Commission's prior rule on the same subject. Consequently, there will be no costs or savings to those subject to the rule.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this rule is the same as the Department of Workforce Services and the Industrial Commission's prior rule on the same subject, there will be no compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule does not change the substance of existing licensing requirements for employment agency, but merely implements a legislative decision that the licensing program is best performed by the Labor Commission rather than the Department of Workforce Services. Because this rule is the same as the Department of Workforce Services and the Industrial Commission's prior rule on the same subject, there will be no fiscal impact on business.

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

Labor Commission
Antidiscrimination and Labor, Labor
Third Floor, Heber M. Wells Office Building
160 East 300 South
PO Box 146600
Salt Lake City, UT 84114-6600, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Colleen Strasburg at the above address, by phone at (801) 530-6803, by FAX at (801) 530-7609, or by Internet E-mail at cstrasbu@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R610. Labor Commission, Antidiscrimination and Labor, Labor.

R610-4. Employment Agency Licensing.

R610-4-1. Authority.

This rule is being enacted under authority of Section 34A-1-104.

R610-4-2. Definitions.

A. "Applicant" means that person making application to the Division for a license.

B. "Commission" means The Labor Commission.

C. "Division" means the Division of Antidiscrimination and Labor within the Commission and the personnel within the Division.

D. " Division of Adjudication" means the Division of Adjudication within the Commission and the personnel within the Division.

E. "Employment Agency" means all persons, firms, corporations or associations who operate for the purpose of procuring or obtaining for money or other valuable consideration, either directly or indirectly, any work or employment for persons seeking the same, or to otherwise engage in such business, or in any way to act as a broker or go-between between employers and persons seeking work.

F. "Hearing" means that part of agency action specified in Section 63-46b-5.

G. "Job Applicant" means that person who requests the service of an employment agency in seeking employment, training, counseling, resume service, or related services.

H. "License" means a license issued by the Division, as provided in Section 34-29-21.

I. "Licensee" means a person who holds a valid license defined in R610-4-2.H. and issued by the Division.

J. "Local License" means a license to carry on the business of an employment agency issued by a local licensing agency as provided in Sections 34-29-1 through 5.

K. "Person" means any individual, company, society, firm, partnership, association, corporation, manager, contractor, subcontractor, or their agents or employees.

L. "Presiding Officer" includes those defined by Section 63-46b-2(1)(h)(I).

R610-4-3. Labor Commission License a Prerequisite to Local License.

A local license shall not be issued until that license prescribed by Section 34-29-21 has been secured by applicant.

R610-4-4. Application for License.

A written application for an employment agency license shall be filed with the Division and shall include:

A. The name and address of the applicant. The names and addresses of each partner from applicant partnerships, and the name and address of principal officer or director, of applicant corporations.

B. The full address of the place where the business of the employment agency is to be conducted.

C. The business or occupation engaged in by each applicant, partner, principal officer or director for at least two years immediately preceding the filing of the application.

D. The proposed name of the agency. The Division may reject any proposed name which is the same, or similar to, the public employment agency or to a presently licensed employment agency. The applicant which is to be an enfranchised member of an employment agency system may, however, include in its application the name of the system.

E. In addition, two affidavits shall be submitted as to the character of applicants by persons who are residents of the city or county in which the agency is to be conducted, and who have known applicant for at least one year. Affidavit shall be completed as to the individual or to the partners, if a partnership and if a corporation, as to the principal officer or director.

F. A photo copy of the bond filed with the city or county as specified in Section 34-29-4.

G. The applicant's completed financial statement.

H. Other information as the Division may require.

R610-4-5. Eligibility Requirements for License.

A. In the opinion of the Division applicant shall be:

1. Of good character, and
2. Able to show financial responsibility for proper conduct of business.

B. The applicant shall be at least 21 years of age.

R610-4-6. Required Documents.

The following documents shall be filed for approval, together with the application for license.

A. Fee schedules as provided in Section 34-29-10.

1. Subsequent fee schedule changes may be made as provided in Section 34-29-10.

B. Employer job order form in duplicate.

C. Job applicant's contract if different from job order form.

R610-4-7. Denial, Suspension or Revocation of License.

The Division may deny, suspend or revoke a license when:

A. The application or the required documents are not in proper form when submitted. Applicant may re-submit in proper form within 30 days after notice by the Division. If proper submission is not completed during this period, license shall be denied;

B. Any information provided as a part of the application process is false or misleading; or

C. An applicant's license has been revoked for cause within three years from the date of application.

R610-4-8. Period of License.

A license to operate an employment agency is valid only for the person and place named in the license and is effective from the date specified therein to and including the next following December 31, unless suspended or revoked.

R610-4-9. Renewal of License.

A. Annually, at least 45 days prior to the expiration date of the license, the Division shall mail to each currently licensed employment agency a license renewal application form and may require specific documents to be submitted with the renewal form.

B. Each employment agency or their agent shall submit the completed license renewal form along with any requested documents at least 30 days prior to the expiration date of their current license.

R610-4-10. Advertising.

A. No employment agency shall publish or cause to be published any false, fraudulent, or misleading information, representation, notice, or advertisement.

B. Advertising shall be factual.

C. Positions listed in the "Help Wanted" columns of newspapers or other media shall refer to bona fide openings available at the time copy is given to these publications for insertion.

R610-4-11. Ethical Practice and Conduct.

Every licensee shall deal openly, fairly, and honestly in the conduct of the employment agency business and comply with the following standards:

A. Relations with employers.

1. A candidate's personal record, employment record, qualifications, and salary requirements shall be stated by the agency to the employer as accurately and fully as possible.

2. Candidates shall be referred to the employer for interview only with the prior authorization of the employer through a bona fide job order, which may be given verbally.

3. Confidential information relating to the business policy of employers, which is imparted as an aid to the effective handling of their job requirements, shall be treated accordingly.

4. Letters, bulletins, and resumes concerning applicants that are presented to employers shall represent bona fide candidates.

B. Service charges and collections.

1. No fee charge shall exceed the maximum amount applicable, as listed on the fee schedule filed with the Division, at the time of job referral resulting from a bona fide job order.

2. No job applicant shall be held obligated for a fee until an offer and acceptance have been made between employer and job applicant as a result of the agency's efforts resulting from a bona fide job order.

3. Adjustments and refunds of fees shall be made promptly.

4. Account collection methods shall conform to ethical business standards.

R610-4-12. Bona Fide Job Order.

A bona fide order for employment may be considered to have been given by an employer to an employment agency under the following conditions:

A. If the employer or his agent, in person, by telephone, by telegram, or in writing, registered a request that the agency recruit, or gave permission to the agency to refer, applicants for employment who meet stated job specifications and furnishes information as required by Section 34-29-13:

1. The order is valid for the referral of any qualified applicant until it is filled or canceled by the employer and may serve as the basis for agency advertising. The agency shall contact the employer after a reasonable length of time to insure that the position is still vacant prior to any additional advertising.

B. A bona fide order for employment valid for one specific applicant only (and not valid for advertising) shall be considered to have been given if, as the result of the agency's bringing the qualifications of the job applicant to the attention of an employer, the employer's interest in exploring the possibility of employing the applicant is evidenced by one or more of the following facts:

1. The employer agrees to interview the job applicant.

2. The employer requests that the agency furnish him with the job applicant's resume or other written history data.

3. The employer initiates direct contact with the job applicant as a result of information furnished by the agency.

C. The employment agency shall identify itself to employers as an agency and in all cases where the employer is to pay the fee, the agency shall obtain the employer's agreement from the personnel manager or other agent.

R610-4-13. Commencement of Agency Action and Hearings.

A. A dispute involving fees, as denoted in Section 34-29-10(3), shall be filed with the Division of Adjudication in writing, which filing shall constitute a request for agency action.

B. For purposes of Section 63-46b-4(1), the agency action requested in R610-4-13.A. is designated as an informal adjudicative proceeding conducted subject to the provisions of Section 63-46b-5. However, any proceeding may be converted to a formal adjudicative proceeding pursuant to Section 63-46b-4(3).

C. The Division of Adjudication may investigate any complaint of alleged violation of Sections 34-29-1 et seq. or R610-4 against an employment agency to determine the merits of the complaint, and attempt to resolve the dispute.

D. If an informal hearing is held, the presiding officer shall hear both sides and accept all relevant evidence.

1. A signed Order by the presiding officer shall be issued pursuant to Section 63-46b-5.

2. After issuance of the presiding officer's Order, the only agency review from an informal adjudicative proceeding available to any party is a request for reconsideration as specified in Section 63-46b-13. Reconsideration shall be based on the contents of the file. No new evidence shall be accepted. The Commission, or Division Director if so designated by the Commission, shall be the reviewer for the purpose of reviewing all matters where a request for reconsideration was properly filed and shall do so pursuant to Section 63-46b-13(3).

3. Judicial review of the final agency action resulting from an informal adjudicative proceeding shall be by the district court pursuant to Section 63-46b-15.

E. Any proceeding converted to a formal adjudicative proceeding by the presiding officer shall be conducted pursuant to Section 63-46b-8.

1. A signed Order issued by the presiding officer shall be pursuant to Section 63-46b-10.

2. After issuance of the presiding officer's Order resulting from a formal adjudicative proceeding, any party may seek review of the Order by the Commission, pursuant to Section 63-46b-12.

3. Judicial review of the final agency action resulting from a formal adjudicative proceeding shall be pursuant to Section 63-46b-16.

R610-4-14. Time.

A. An Order is deemed issued on the date on the face of the Order which is the date the presiding officer signs the Order.

B. In computing any period of time prescribed or allowed by these rules or by applicable statute:

1. The day of the act, event, finding, or default, or the date an Order is issued, shall not be included;

2. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a state legal holiday, in which event the period runs until the end of the next working day;

3. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and state legal holidays shall be excluded in the computation;

4. No additional time for mailing shall be allowed.

KEY: employment agencies, licensing 1999

**34-23-101 et seq.
34-28-1 et seq.
34-40-101 et seq.
63-46b-1 et seq.**



Labor Commission, Occupational Safety and Health
R614-1-4
Incorporation of Federal Standards

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22038
FILED: 05/11/1999, 08:38
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To incorporate the most current published federal standards into Utah Occupational Safety and Health (UOSH) administrative rules.

SUMMARY OF THE RULE OR CHANGE: Since 1995, the federal Occupational Safety and Health Administration (OSHA) has been reviewing its regulations to remove inconsistent, duplicative, or outdated standards, and to rewrite the regulations in plain language. OSHA dip-tank standards were among the regulations identified as needing clarification. OSHA standards for dipping and coating operations protect employees from fire, explosion, and other hazards associated with these operations. OSHA has consolidated its former standards and rewritten them in plain language. These changes do not alter the substance of the former standards or reduce the safety and health protections provided to employees. However, the changes do broaden the compliance options available to employers. These changes enhance employee protection by making the standards more understandable, flexible and performance-oriented than the former rules, without increasing regulatory burdens.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-6-202

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 64 FR 13897 to and including 13912, Tuesday March 23, 1999, No. 55

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Because the proposed amendment simplifies and consolidates existing dip tank standards, and broadens the methods by which employers may comply with such standards, the Labor Commission and Utah Occupational Safety and Health (UOSH) will not incur any additional regulatory or enforcement costs. In its capacity as an employer, the State will benefit from the simplified standards and increased alternatives for meeting such standards. Consequently, there will be no increased compliance costs to the State budget.

❖LOCAL GOVERNMENTS: In their capacity as employers, local governments will benefit from the simplified standards and increased alternatives for meeting such standards. Consequently, there will be no increased compliance costs to local governments.

❖OTHER PERSONS: Employers will benefit from the simplified standards and increased alternatives for meeting such standards. Consequently, there will be no increased compliance costs to individual employers, nor will there be any aggregate compliance cost to employers as a group.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment does not increase compliance requirements for affected persons, but does provide increased alternatives for meeting existing standards. The amendment therefore imposes no additional compliance costs on any affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment will reduce the compliance costs of businesses. The amendment allows businesses more flexibility in developing their own particular methods for achieving dip

tank safety by taking into account their own specific uses of such dip tanks. With this increased flexibility, some businesses will be able to design less expensive compliance programs.

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

Labor Commission
Occupational Safety and Health
Third Floor, Heber M. Wells Office Bldg.
160 East 300 South
PO Box 146650
Salt Lake City, UT 84114-6650, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

William W. Adams, Jr. at the above address, by phone at (801) 530-6897, by FAX at (801) 530-7606, or by Internet E-mail at icmain.wadams@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R614. Labor Commission, Occupational Safety and Health.

R614-1. General Provisions.

R614-1-4. Incorporation of Federal Standards.

A. General Industry Standards.

1. Sections 29 CFR 1910.21 to 1910.999 and 1910.1000 through the end of part 1910 of the July 1, 1998, edition are incorporated by reference.

2. FR Vol. 63, No. 230, Tuesday, December 1, 1998, Pages 66238 to and including 66274, "Powered Industrial Truck Operator Training"; Final Rule" is incorporated by reference.

3. FR Vol. 63, No. 117, Thursday, June 18, 1998, Pages 33449 to and including 33469, "Standards Improvement (Miscellaneous Changes) for General industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic; Final Rule" effective August 17, 1998, is incorporated by reference.

4. FR Vol. 64, No. 55, Tuesday, March 23, 1999, Pages 13897 to and including 13912. "Dipping and Coating Operations: Final Rule" effective April 22, 1999, is incorporated by reference.

B. Construction Standards.

1. Section 29 CFR 1926.20 through the end of part 1926, of the July 1, 1998 edition is incorporated by reference.

2. FR Vol. 63, No. 230, Tuesday, December 1, 1998, Pages 66238 to and including 66274, "Powered Industrial Truck Operator Training"; Final Rule" is incorporated by reference.

KEY: safety
[April 5,]1999

34A-6



Labor Commission, Occupational Safety and Health

R614-1-7

Inspections, Citations, and Proposed Penalties

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22039

FILED: 05/11/1999, 08:38

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment conforms UOSH procedure with the requirements of Section 34A-6-303 and standards generally followed throughout the Commission.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment changes the standard for timely filing of challenges to Utah Occupational Safety and Health (UOSH) enforcement actions. The proposed amendment modifies the existing requirement that such challenges, known as "notices of contest," must be postmarked within 30 days from the employer's receipt of notice of the UOSH enforcement action, and substitutes the requirement that the notices of contest must be received by the Labor Commission's Adjudication Division within 30 days of employer receipt of notice of the UOSH enforcement action.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-6-303

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed amendment is essentially procedural in nature. It does not change the underlying requirements for filing "notices of contest" to UOSH enforcement actions, but only modifies the method for determining whether such "notices of contest" are timely. This modification is not expected to result in any cost or savings to UOSH's administrative costs, nor is it expected to produce any cost or savings to the State in its capacity as an employer.

❖LOCAL GOVERNMENTS: As noted above, the proposed amendment is essentially procedural in nature. It does not change the underlying requirements for filing "notices of contest" to UOSH enforcement actions, but only modifies the method for determining whether such "notices of contest" are timely. This modification is not expected to result in any cost or savings to persons other than the State or local governments.

❖OTHER PERSONS: Again as noted above, the proposed amendment is essentially procedural in nature. It does not change the underlying requirements for filing "notices of contest" to UOSH enforcement actions, but only modifies the method for determining whether such "notices of contest" are timely. This modification is not expected to result in any cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The persons affected by this amendment are already required by the existing rule to file their "notices of contest" within certain time limits. The proposed amendment merely provides that the timeliness of such filing will be determined according to the date it is received by the Labor Commission, rather than the date it is postmarked. Consequently, the proposed amendment will affect the timing of the filing process, but not the already-existing need for such filing. The proposed amendment will not, therefore, result in any additional compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As previously noted, compliance with the proposed amendment will not require affected business to submit additional paperwork or take any other action not already required by existing statute and rule. The proposed amendment will require businesses to modify the timing for the filing of paperwork already required, but this minor modification to such timing requirements can easily be incorporated into business practices with existing personnel and should have no financial impact.

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

Labor Commission
Occupational Safety and Health
Third Floor, Heber M. Wells Office Bldg.
160 East 300 South
PO Box 146650
Salt Lake City, UT 84114-6650, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
William Adams at the above address, by phone at (801) 530-6897, by FAX at (801) 530-7606, or by Internet E-mail at icmain.wadams@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R614. Labor Commission, Occupational Safety and Health.

R614-1. General Provisions.

R614-1-7. Inspections, Citations, and Proposed Penalties.

A. The Utah Occupational Safety and Health Act (Title 34A, Chapter 6) requires, that every employer covered under the Act furnish to his employees employment and a place of employment which are free from recognized hazards that are likely to cause death or serious physical harm to his employees. The Act also requires that employers comply with occupational safety and health standards promulgated under the Act, and that employees comply with standards, rules, regulations and orders issued under the Act applicable to employees actions and conduct. The Act authorizes the Utah Occupational Safety and Health Division to conduct

inspections, and to issue citations and proposed penalties for alleged violations. The Act, under Section 34A-6-301, also authorizes the Administrator to conduct inspections and to question employers and employees in connection with research and other related activities. The Act contains provisions for adjudication of violations, periods prescribed for the abatement of violations, and proposed penalties by the Labor Commission, if contested by an employer or by an employee or authorized representative of employees, and for a judicial review. The purpose of R614-1-7 is to prescribe rules and general policies for enforcement of the inspection, citations, and proposed penalty provisions of the Act. Where R614-1-7 sets forth general enforcement policies rather than substantive or procedural rules, such policies may be modified in specific circumstances where the Administrator or his designee determines that an alternative course of action would better serve the objectives of the Act.

B. Posting of notices; availability of Act, regulations and applicable standards.

1. Each employer shall post and keep posted notices, to be furnished by the Administrator, informing employees of the protections and obligations provided for in the Act, and that for assistance and information, including copies of the Act and of specific safety and health standards, employees should contact their employer or the office of the Administrator. Such notices shall be posted by the employer in each establishment in a conspicuous place where notices to employees are customarily posted. Each employer shall take steps to insure that such notices are not altered, defaced, or covered by other material.

2. Where employers are engaged in activities which are physically dispersed, such as agriculture, construction, transportation communications, and electric, gas and sanitary services, the notices required shall be posted at the location where employees report each day. In the case of employees who do not usually work at, or report to, a single establishment, such as traveling salesman, technicians, engineers, etc., such notices shall be posted in accordance with the requirements of R614-1-7.Q.

3. Copies of the Act, all regulations published under authority of Section 34A-6-202 and all applicable standards will be available at the office of the Administrator. If an employer has obtained copies of these materials, he shall make them available upon request to any employee or his authorized representative.

4. Any employer failing to comply with the provisions of this Part shall be subject to citation and penalty in accordance with the provisions of Sections 34A-6-302 and 34A-6-307 of the Act.

C. Authority for Inspection.

1. Safety and Health Officers of the Division are authorized to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; to question privately any employer, owner, operator, agent or employee; and to review records required by the Act and regulations published in R614-1-7 and 8, and other records which are directly related to the purpose of the inspection.

2. Prior to inspecting areas containing information which has been classified as restricted by an agency of the United States Government in the interest of national security, Safety and Health Officers shall obtain the appropriate security clearance.

D. Objection to Inspection.

1. Upon a refusal to permit the Safety and Health Officer, in exercise of his official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records, or to question any employer, owner, operator, agent, or employee, in accordance with R614-1-7.B. and C. or to permit a representative of employees to accompany the Safety and Health Officer during the physical inspection of any workplace in accordance with R614-1-7.G. the Safety and Health Officer shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records or interview concerning which no objection is raised.

2. The Safety and Health Officer shall endeavor to ascertain the reason for such refusal, and shall immediately report the refusal and the reason therefor to the Administrator. The Administrator shall take appropriate action, including compulsory process, if necessary.

3. Compulsory process shall be sought in advance of an attempted inspection or investigation if, in the judgment of the Administrator circumstances exist which make such preinspection process desirable or necessary. Some examples of circumstances in which it may be desirable or necessary to seek compulsory process in advance of an attempt to inspect or investigate include (but are not limited to):

a. When the employers past practice either implicitly or explicitly puts the Administrator on notice that a warrantless inspection will not be allowed:

b. When an inspection is scheduled far from the local office and procuring a warrant prior to leaving to conduct the inspection would avoid, in case of refusal of entry, the expenditure of significant time and resources to return to the office, obtain a warrant and return to the work-site;

c. When an inspection includes the use of special equipment or when the presence of an expert or experts is needed in order to properly conduct the inspection, and procuring a warrant prior to an attempt to inspect would alleviate the difficulties or costs encountered in coordinating the availability of such equipment or expert.

4. For purposes of this section, the term compulsory process shall mean the institution of any appropriate action, including ex parte application for an inspection warrant or its equivalent. Ex parte inspection warrants shall be the preferred form of compulsory process in all circumstances where compulsory process is relied upon to seek entry to a workplace under this section.

E. Entry not a Waiver.

Any permission to enter, inspect, review records, or question any person, shall not imply a waiver of any cause of action, citation, or penalty under the Act. Safety and Health Officers are not authorized to grant such waivers.

F. Advance notice of Inspections.

1. Advance notice of inspections may not be given, except in the following instances:

a. In cases of apparent imminent danger, to enable the employer to abate the danger as quickly as possible.

b. In circumstances where the inspection can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection.

c. Where necessary to assure the presence of the employer or representative of the employer and employees or the appropriate personnel needed to aid the inspection; and

d. In other circumstances where the Administrator determines that the giving of advance notice would enhance the probability of an effective and thorough inspection.

2. In the instances described in R614-1-7.F.1., advance notice of inspections may be given only if authorized by the Administrator, except that in cases of imminent danger, advance notice may be given by the Safety and Health Officer without such authorization if the Administrator is not immediately available. Where advance notice is given, it shall be the employer's responsibility to notify the authorized representative of the employees of the inspection, if the identity of such representatives is known to the employer. (See R614-1-7.H.2. as to instances where there is no authorized representative of employees.) Upon the request of the employer, the Safety and Health Officer will inform the authorized representative of employees of the inspection, provided that the employer furnishes the Safety and Health Officer with the identity of such representatives and with such other information as is necessary to enable him promptly to inform such representatives of the inspection. A person who fails to comply with his responsibilities under this paragraph, may be subject to citation and penalty under Sections 34A-6-302 and 34A-6-307 of the Act. Advance notice in any of the instances described in R614-1-7.F. shall not be given more than 24 hours before the inspection is scheduled to be conducted, except in cases of imminent danger and other unusual circumstances.

3. The Act provides in Subsection 34A-6-307(5)(b) conditions for which advanced notice can be given and the penalties for not complying.

G. Conduct of Inspections.

1. Subject to the provisions of R614-1-7.C., inspections shall take place at such times and in such places of employment as the Administrator or the Safety and Health Officer may direct. At the beginning of an inspection, Safety and Health Officers shall present their credentials to the owner, operator, or agent in charge at the establishment; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records specified in R614-1-7.C. which they wish to review. However, such designations of records shall not preclude access to additional records specified in R614-1-7.C.

2. Safety and Health Officers shall have authority to take environmental samples and to take photographs or video recordings related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately any employer, owner, operator, agent or employee of an establishment. (See R614-1-7.I. on trade secrets.) As used herein, the term "employ other reasonable investigative techniques" includes, but is not limited to, the use of devices to measure employee exposures and the attachment of personal sampling equipment such as dosimeters, pumps, badges, and other similar devices to employees in order to monitor their exposures.

3. In taking photographs and samples, Safety and Health Officers shall take reasonable precautions to insure that such actions with flash, spark-producing, or other equipment would not be

hazardous. Safety and Health Officers shall comply with all employer safety and health rules and practices at the establishment being inspected, and shall wear and use appropriate protective clothing and equipment.

4. The conduct of inspections shall preclude unreasonable disruption of the operations of the employer's establishment.

5. At the conclusion of an inspection, the Safety and Health Officer shall confer with the employer or his representative and informally advise him of any apparent safety or health violations disclosed by the inspection. During such conference, the employer shall be afforded an opportunity to bring to the attention of the Safety and Health Officer any pertinent information regarding conditions in the workplace.

H. Representative of employers and employees.

1. Safety and Health Officer shall be in charge of inspections and questioning of persons. A representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Safety and Health Officer during the physical inspection of any workplace for the purpose of aiding such inspection. A Safety and Health Officer may permit additional employer representative and additional representatives authorized by employees to accompany him where he determines that such additional representatives will further aid the inspection. A different employer and employee representative may accompany the Safety and Health Officer during each phase of an inspection if this will not interfere with the conduct of the inspection.

2. Safety and Health Officers shall have authority to resolve all disputes as to who is the representative authorized by the employer and the employees for purpose of this Part. If there is no authorized representative of employees, or if the Safety and Health Officer is unable to determine with reasonable certainty who is such representative, he shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.

3. The representative(s) authorized by employees shall be an employee(s) of the employer. However, if in the judgment of the Safety and Health Officer, good cause has been shown why accompaniment by a third party who is not an employee of the employer (such as an industrial hygienist or safety engineer) is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, such third party may accompany the Safety and Health Officer during the inspection.

4. Safety and Health Officers are authorized to deny the right of accompaniment under this Part to any person whose conduct interferes with a fair and orderly inspection. The right of accompaniment in areas containing trade secrets shall be subject to the provisions of R614-1-7.I.3. With regard to information classified by an agency of the U.S. Government in the interest of national security, only persons authorized to have access to such information may accompany a Safety and Health Officer in areas containing such information.

I. Trade secrets.

1. Section 34A-6-306 of the Act provides provisions for trade secrets.

2. At the commencement of an inspection, the employer may identify areas in the establishment which contain or which might reveal a trade secret. If the Safety and Health Officer has no clear reason to question such identification, information obtained in such areas, including all negatives and prints of photographs, and environmental samples, shall be labeled "confidential-trade secret"

and shall not be disclosed except in accordance with the provisions of Section 34A-6-306 of the Act.

3. Upon the request of an employer, any authorized representative of employees under R614-1-7.H. in an area containing trade secrets shall be an employee in that area or an employee authorized by the employer to enter that area. Where there is not such representative or employee, the Safety and Health Officer shall consult with a reasonable number of employees who work in that area concerning matters of safety and health.

J. Consultation with employees.

Safety and Health Officers may consult with employees concerning matters of occupational safety and health to the extent they deem necessary for the conduct of an effective and thorough inspection. During the course of an inspection, any employee shall be afforded an opportunity to bring any violation of the Act which he has reason to believe exists in the workplace to the attention of the Safety and Health Officer.

K. Complaints by employees.

1. Any employee or representative of employees who believe that a violation of the Act exists in any workplace where such employee is employed may request an inspection of such workplace by giving notice of the alleged violation to the Administrator or to a Safety and Health Officer. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees. A copy of the notice shall be provided the employer or his agent by the Administrator or Safety and Health Officer no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available by the Administrator.

2. If upon receipt of such notification the Administrator determines that the complaint meets the requirements set forth in R614-1-7.K.1., and that there are reasonable grounds to believe that the alleged violation exists, he shall cause an inspection to be made as soon as practicable. Inspections under this Part shall not be limited to matters referred to in the complaint.

3. Prior to or during any inspection of a workplace, any employee or representative of employees employed in such workplace may notify the Safety and Health Officer, in writing, of any violation of the Act which they have reason to believe exists in such workplace. Any such notice shall comply with requirements of R614-1-7.K.1.

4. Section 34A-6-203 of the Act provides protection for employees while engaged in protected activities.

L. Inspection not warranted; informal review.

1. If the Administrator determines that an inspection is not warranted because there are no reasonable grounds to believe that a violation or danger exists with respect to a complaint under K, he shall notify the complaining party in writing of such determination. The complaining party may obtain review of such determination by submitting a written statement of position with the Administrator. The Administrator, at his discretion, may hold an informal conference in which the complaining party and the employer may orally present their views. After considering all written and oral view presented, the Administrator shall affirm, modify, or reverse the determination of the previous decision and again furnish the

complaining party and the employer written notification of his decision and the reasons therefor.

2. If the Administrator determines that an inspection is not warranted because the requirements of R614-1-7.K.1. have not been met, he shall notify the complaining party in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of R614-1-7.K.1.

M. Imminent danger.

Whenever a Safety and Health Officer concludes, on the basis of an inspection, that conditions or practices exist in any place of employment which could reasonably be expected to cause death or serious physical harm before the imminence of such danger can be eliminated through the enforcement procedures of the Act, he shall inform the affected employees and employers of the danger, that he is recommending a civil action to restrain such conditions or practices and for other appropriate citations of proposed penalties which may be issued with respect to an imminent danger even though, after being informed of such danger by the Compliance Officer, the employer immediately eliminates the imminence of the danger and initiates steps to abate such danger.

N. Citations.

1. The Administrator shall review the inspection report of the Safety and Health Officer. If, on the basis of the report the Administrator believes that the employer has violated a requirement of Section 34A-6-201 of the Act, of any standard, rule, or order promulgated pursuant to Section 34A-6-202 of the Act, or of any substantive rule published in this chapter, shall issue to the employer a citation. A citation shall be issued even though, after being informed of an alleged violation by the Safety and Health Officer, the employer immediately abates, or initiates steps to abate, such alleged violations. Any citation shall be issued with reasonable promptness after termination of the inspection. No citation may be issued after the expiration of 6 months following the occurrence of any violation.

2. Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provision of the Act, standard, rule, regulations, or order alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violations.

3. If a citation is issued for an alleged violation in a request for inspection under R614-1-7.K.1. or a notification of violation under R614-1-7.K.3., a copy of the citation shall also be sent to the employee or representative of employees who made such request or notification.

4. Following an inspection, if the Administrator determines that a citation is not warranted with respect to a danger or violation alleged to exist in a request for inspection under R614-1-7.K.1. or a notification of violation under R614-1-7.K.3., the informal review procedures prescribed in R614-1-7.L.1. shall be applicable. After considering all views presented, the Administrator shall either affirm, order a re-inspection, or issue a citation if he believes that the inspection disclosed a violation. The Administrator shall furnish the complaining party and the employer with written notification of his determination and the reasons therefor.

5. Every citation shall state that the issuance of a citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the citation is affirmed by the Commission.

O. Petitions for modification of abatement date.

1. An employer may file a petition for modification of abatement date when he has made a good faith effort to comply with the abatement requirements of the citation, but such abatement has not been completed because of factors beyond his reasonable control.

2. A petition for modification of abatement date shall be in writing and shall include the following information.

a. All steps taken by the employer, and the dates of such action, in an effort to achieve compliance during the prescribed abatement period.

b. The specific additional abatement time necessary in order to achieve compliance.

c. The reasons such additional time is necessary, including the unavailability, of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

d. All available interim steps being taken to safeguard the employees against the cited hazard during the abatement period.

e. A certification that a copy of the petition has been posted and, if appropriate, served on the authorized representative of affected employees, in accordance with paragraph R614-1-7.O.3.a. and a certification of the date upon which such posting and service was made.

3. A petition for modification of abatement date shall be filed with the Administrator who issued the citation no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay.

a. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted for a period of ten (10) days. Where affected employees are represented by an authorized representative, said representative shall be served with a copy of such petition.

b. Affected employees or their representatives may file an objection in writing to such petition with the aforesaid Administrator. Failure to file such objection within ten (10) working days of the date of posting of such petition or of service upon an authorized representative shall constitute a waiver of any further right to object to said petition.

c. The Administrator or his duly authorized agent shall have authority to approve any petition for modification of abatement date filed pursuant to paragraphs R614-1-7.O.2. and 3. Such uncontested petitions shall become final orders pursuant to Subsection 34A-6-303(1) of the Act.

d. The Administrator or his authorized representative shall not exercise his approval power until the expiration of ten (10) days from the date of the petition was posted or served pursuant to paragraphs R614-1-7.O.3.a. and b. by the employer.

4. Where any petition is objected to by the affected employees, the petition, citation, and any objections shall be forwarded to the Administrator per R614-1-7.O.3.b. Upon receipt the Administrator shall schedule and notify all interested parties of a formal hearing before the Administrator or his authorized representative(s). Minutes of this hearing shall be taken and become public records of the Commission. Within ten (10) days after conclusion of the hearing, a written opinion by the Administrator

will be made, with copies to the affected employees or their representatives, the affected employer and to the Commission.

P. Proposed penalties.

1. After, or concurrent with, the issuance of a citation and within a reasonable time after the termination of the inspection, the Administrator shall notify the employer by certified mail or by personal service by the Safety and Health Officer of the proposed penalty under Section 34A-6-307 of the Act, or that no penalty is being proposed. Any notice of proposed penalty shall state that the proposed penalty shall be deemed to be the final order of the Commission and not subject to review by any court or agency unless, within 30 days from the date of receipt of such notice, the employer notifies the Adjudication Division in writing that he intends to contest the citation or the notification of proposed penalty before the Commission.

2. The Administrator shall determine the amount of any proposed penalty, giving due consideration to the appropriateness of the penalty with respect to the size of the business, of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations, in accordance with the provisions of Section 34A-6-307 of the Act.

3. Appropriate penalties may be proposed with respect to an alleged violation even though after being informed of such alleged violation by the Safety and Health Officer, the employer immediately abates, or initiates steps to abate, such alleged violation. Penalties shall not be proposed for violations which have no direct or immediate relationship to safety or health.

Q. Posting of citations.

1. Upon receipt of any citation under the Act, the employer shall immediately post such citation, or copy thereof, unedited, at or near each place of alleged violation referred to in the citation occurred, except as hereinafter provided. Where, because of the nature of the employer's operations, it is not practicable to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where employees are engaged in activities which are physically dispersed (see R614-1-7.B.), the citation may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location (see R614-1-7.B.2.), the citation must be posted at the location from which the employees commence their activities. The employer shall take steps to ensure that the citation is not altered, defaced, or covered by other material.

2. Each citation or a copy thereof, shall remain posted until the violation has been abated, or for 3 working days which ever is later. The filing by the employer of a notice of intention to contest under R614-1-7.R. shall not affect his posting responsibility unless and until the Commission issues a final order vacating the citation.

3. An employer, to whom a citation has been issued, may post a notice in the same location where such citation is posted indicating that the citation is being contested before the Commission, such notice may explain the reasons for such contest. The employer may also indicate that specified steps have been taken to abate the violation.

4. Any employer failing to comply with the provisions of R614-1-7.Q.1. and 2. shall be subject to citation and penalty in accordance with the provisions of Section 34A-6-307 of the Act.

R. Employer and employee hearings before the Commission.

1. Any employer to whom a citation or notice of proposed penalty has been issued, may under Section 34A-6-303 of the Act, notify the Adjudication Division in writing that ~~he~~the employer intends to contest such citation or proposed penalty before the Commission. Such notice of intention to contest ~~shall be postmarked~~must be received by the Adjudication Division within 30 days of the receipt by the employer of the notice of proposed penalty. Every notice of intention to contest shall specify whether it is directed to the citation or to the proposed penalty, or both. The Adjudication Division shall handle such notice in accordance with the rules of procedures prescribed by the Commission.

2. An employee or representative of employee[s] of an employer to whom a citation has been issued may, under Section 34A-6-303(3) of the Act, file a written notice with the Adjudication Division alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable. Such notice ~~shall be postmarked~~must be received by the Adjudication Division within 30 days of the receipt by the employer of the notice of proposed penalty or notice that no penalty is being proposed. The ~~Administrator~~Adjudication Division shall handle such notice in accordance with the rules of procedure prescribed by the Commission.

S. Failure to correct a violation for which a citation has been issued.

1. If an inspection discloses that an employer has failed to correct an alleged violation for which a citation has been issued within the period permitted for its correction, the Administrator shall notify the employer by certified mail or by personal service by the Safety and Health Officer of such failure and of the additional penalty proposed under Section 34A-6-307 of the Act by reason of such failure. The period for the correction of a violation for which a citation has been issued shall not begin to run until the entry of a final order of the Commission in the case of any review proceedings initiated by the employer in good faith and not solely for delay or avoidance of penalties.

2. Any employer receiving a notification of failure to correct a violation and of proposed additional penalty may, under Section 34A-6-303(3) of the Act, notify the Adjudication Division in writing that he intends to contest such notification or proposed additional penalty before the Commission. Such notice of intention to contest shall be postmarked within 30 days of receipt by the employer of the notification of failure to correct a violation and of proposed additional penalty. The Adjudication Division shall handle such notice in accordance with the rules of procedures prescribed by the Commission.

3. Each notification of failure to correct a violation and of proposed additional penalty shall state that it shall be deemed to be the final order of the Commission and not subject to review by any court or agency unless, within 30 days from the date of receipt of such notification, the employer notifies the Adjudication Division in writing that he intends to contest the notification or the proposed additional penalty before the Commission.

T. Informal conferences.

At the request of an affected employer, employee, or representative of employees, the Administrator may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, notice of proposed penalty, or notice of intention to contest. The Administrator shall provide in writing the reasons for any settlement of issues at such conferences. If the

conference is requested by the employer, an affected employee or his representative shall be afforded an opportunity to participate, at the discretion of the Administrator. If the conference is requested by an employee or representative of employees, the employer shall be afforded an opportunity to participate, at the discretion of the Administrator. Any party may be represented by counsel at such conference. No such conference or request for such conference shall operate as a stay of any 30 day period for filing a notice of intention to contest as prescribed in R614-1-7.R.

system; 5) Subsection R616-2-6(B) clarifies the Safety Division's standards for permitting variances from otherwise applicable uniform standards; and 6) Section R616-2-7 is added to authorize the Safety Division to develop and circulate guides to assist affected persons and organizations in meeting the requirements of Title 34A, Chapter 7 and the rules contained in R616-2.

KEY: safety
[April 5, 1999]

34A-6



Labor Commission, Safety **R616-2** Boiler and Pressure Vessel Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22036
FILED: 05/11/1999, 08:35
RECEIVED BY: NL

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-1-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: A. ASME Boiler and Pressure Vessel Code (1998): 1. Section I Rules for Construction of Power Boilers; 2. Section IV Rules for Construction of Heating Boilers; 3. Section VIII Rules for Construction of Pressure Vessels. B. Power Piping ASME B31.1 (1998). C. Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-1998. D. National Board Inspection Code ANSI/NB-23(1998). E. Standard for the Prevention of Furnace Explosions/Implosions in Single Burner Boilers, NFPA 8501 (1997). F. Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers, NFPA 8502 (1995). G. Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations NB-132 Rev. 4. H. Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 (1997)

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendment incorporates, as rules, various requirements that have been enforced as a matter of policy for many years. The amendment: 1) defines "nonstandard boilers"; 2) adopts various national standards for construction, control devices, inspection, repair and operation of boilers and pressure vessels; 3) clarifies the applicability of various standards to existing boilers and pressure vessels; 4) modifies qualifications for performing repairs and alterations on boilers and pressure vessels; 5) establishes standards for obtaining variances; and 6) authorizes the Safety Division to issue compliance guidelines for boilers, consistent with Title 34A, Chapter 7, and these administrative rules.

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** Because the proposed amendments reflect the Safety Division's actual past practices for design, installation, operation and inspection of boilers, these amendments will result in no cost or savings to the state budget, either with respect to the Safety Division's regulatory costs or the cost to the State as an owner/operator of boilers which are subject to these amendments.

❖**LOCAL GOVERNMENTS:** Because the proposed amendments reflect the Safety Division's actual past practices for design, installation, operation and inspection of boilers, these amendments will result in no cost or savings to local governments as owners/operators of boilers which are subject to these amendments.

❖**OTHER PERSONS:** Because the proposed amendments reflect the Safety Division's actual past practices for design, installation, operation and inspection of boilers, these amendments will result in no cost or savings to owners/operators, manufacturers, or repairers of boilers which are subject to these amendments.

SUMMARY OF THE RULE OR CHANGE: The proposed amendments are summarized as follows: 1) Subsection R616-2-2(F) defines "nonstandard" boilers and pressure vessels as those boilers and pressure vessels lacking ASME and National Board stamping and registration; 2) the existing language at Section R616-2-3 pertaining to national standards for boilers and pressure vessels is deleted and replaced with an accurate, complete and clear incorporation of the specific national standards for construction, control devices, inspection, repair and operation of boilers and pressure vessels; 3) amendments to Subsection R616-2-4(C) and Section R616-2-5 establish the standards applicable to existing boilers, as well as boilers and pressure vessels that are relocated or replaced; 4) amendments to Subsection R616-2-4(E) modify the certification required to repair or alter a boiler or pressure vessel, removing the existing state certification process and substituting a national certification

COMPLIANCE COSTS FOR AFFECTED PERSONS: As noted above, the proposed amendments merely codify in rule form the Safety Division's long standing requirements for design, installation, operation and inspection of boilers. Because no additional compliance requirements are imposed by these amendments, affected persons will not be subjected to any additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rules carry forward already-existing standards for boiler safety. Consequently, these rules will have a neutral fiscal impact on

businesses, neither subjecting businesses to new costs nor reducing their existing costs.

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

Labor Commission
Safety
Third Floor, Heber M. Wells Office Bldg.
160 East 300 South
PO Box 146600
Salt Lake City, UT 84114-6600, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Larry Patrick at the above address, by phone at (801) 530-6872, by FAX at (801) 530-6390, or by Internet E-mail at icmain.lpatrick@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R616. Labor Commission, Safety.

R616-2. Boiler and Pressure Vessel Rules.

R616-2-1. Authority.

This rule is established pursuant to Title 34A, Chapter 7 for the purpose of establishing reasonable safety standards for boilers and pressure vessels to prevent exposure to risks by the public and employees.

R616-2-2. Definitions.

A. "ASME" means the American Society of Mechanical Engineers.

B. "Boiler inspector" means a person who is an employee of:

1. The Division who is authorized to inspect boilers and pressure vessels by having met nationally recognized standards of competency and having received the Commission's certificate of competency; or

2. An insurance company writing boiler and pressure vessel insurance in Utah who is deputized to inspect boilers and pressure vessels by having met nationally recognized standards of competency, receiving the Commission's certificate of competency, and having paid a certification fee.

C. "Commission" means the Labor Commission created in Section 34A-1-103.

D. "Division" means the Division of Safety of the Labor Commission.

E. "National Board" means the National Board of Boiler and Pressure Vessel Inspectors.

F. "Nonstandard" means a boiler or pressure vessel that does not bear ASME and National Board stamping and registration.

[F]G. "Owner/user agency" means any business organization operating pressure vessels in this state that has a valid owner/user

certificate from the Commission authorizing self-inspection of unfired pressure vessels by its owner/user agents, as regulated by the Commission, and for which a fee has been paid.

[G]H. "Owner/user agent" means an employee of an owner/user agency who is authorized to inspect unfired pressure vessels by having met nationally recognized standards of competency, receiving the Commission's certificate of competency, and having paid a certification fee.

R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.

[A.-]The following safety codes and rules shall apply to all boilers and pressure vessels in Utah, except those exempted pursuant to Section 34A-7-101, and are incorporated herein by this reference in this rule.

[B. Pursuant to Section 34A-7-102(1), the standards of design and construction for boilers and pressure vessels shall be based upon the provisions of the Boiler and Pressure Vessel Code published by the ASME. This document is on file and available for public inspection at the division reception desk.

C. Pursuant to Section 63-46a-3(7)(a)(i), to promote greater safety to life and property by maintaining uniformity in the construction, installation, inspection, and repair of boilers and other pressure vessels and their appurtenances, thereby assuring acceptance and interchangeability among jurisdictional authorities, the Commission adopts and incorporates by reference the rules and regulations of the National Board. This document is on file and available for public inspection at the division reception desk.

1. Consistent with the requirements of the Commission and its predecessor agency since May 1, 1978, all boilers and pressure vessels installed on or after May 1, 1978 shall be registered with the National Board and the date plate must include the National Board number:

2. Pursuant to Section 34A-7-102(2), any boiler or pressure vessel of special design must be approved by the Division to ensure it provides a level of safety equivalent to that contemplated by the Boiler and Pressure Vessel Code of the ASME. Any such boiler or pressure vessel must thereafter be identified by a Utah identification number provided by the Division.]A. ASME Boiler and Pressure Vessel Code (1998)

1. Section I Rules for Construction of Power Boilers

2. Section IV Rules for Construction of Heating Boilers

3. Section VIII Rules for Construction of Pressure Vessels

B. Power Piping ASME B31.1 (1998)

C. Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-1998

D. National Board Inspection Code ANSI/NB-23 (1998)

E. Standard for the Prevention of Furnace Explosions/Implosions in Single Burner Boilers, NFPA 8501 (1997)

F. Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers, NFPA 8502 (1995)

G. Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations NB-132 Rev. 4

H. Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 (1997)

R616-2-4. Quality Assurance for Boilers, Pressure Vessels and Power Piping.

A. Consistent with the requirements of the Commission and its predecessor agency since May 1, 1978, all boilers and pressure vessels installed on or after May 1, 1978 shall be registered with the National Board and the data plate must include the National Board number.

B. Pursuant to Section 34A-7-102(2), any boiler or pressure vessel of special design must be approved by the Division to ensure it provides a level of safety equivalent to that contemplated by the Boiler and Pressure Vessel Code of the ASME. Any such boiler or pressure vessel must thereafter be identified by a Utah identification number provided by the Division.

C. All steam piping, installed after May 1, 1978, which is external (from the boiler to the first stop valve for a single boiler and the second stop valve in a battery of two or more boilers having manhole openings) shall comply with Section 1 of the ASME Boiler and Pressure Vessel Code or ASME B31.1 Power Piping as applicable.

D. Nonstandard boilers or pressure vessels installed in Utah before July 1, 1999 may be allowed to continue in operation provided the owner can prove the equivalence of its design to the requirements of the ASME Boiler and Pressure Vessel Code. Nonstandard boilers or pressure vessels may not be relocated or moved.

E. Effective July 1, 1999, all boiler and pressure vessel repairs or alterations must be performed by an organization holding a valid Certificate of Authorization to use the "R" stamp from the National Board. Repairs to pressure relief valves shall be performed by an organization holding a valid Certificate of Authorization to use the "VR" stamp from the National Board.

R616-2-5. Code Applicability.

A. The safety codes which are applicable to a given boiler or pressure vessel installation are the latest versions of the codes in effect at the time the installation commenced.

B. If a boiler or pressure vessel is replaced, this is considered a new installation.

C. If a boiler or pressure vessel is relocated to another location or moved in its existing location, this is considered a new installation.

R616-2-[4]6. Variances to [Rules]Code Requirements.

A. In a case where the Division finds that the enforcement of any code would not materially increase the safety of employees or general public, and would work undue hardships on the owner or user, the Division may allow the owner or user a variance pursuant to Section 34A-7-102. Variances must be in writing to be effective, and can be revoked after reasonable notice is given in writing.

B. Persons who apply for a variance to a safety code requirement must present the Division with the rationale as to how their boiler or pressure vessel installation provides safety equivalent to the safety code.

[B]C. No errors or omissions in these codes shall be construed as permitting any unsafe or unsanitary condition to exist.

R616-2-7. Boiler and Pressure Vessel Compliance Manual.

A. The Division shall develop and issue a safety code compliance manual for organizations and personnel involved in the design, installation, operation and maintenance of boilers and pressure vessels in Utah.

B. This compliance manual shall be reviewed annually for accuracy and shall be re-issued on a frequency not to exceed two years.

C. If a conflict exists between the Boiler and Pressure Vessel compliance manual and a safety code adopted in R616-2-3, the code requirements will take precedence.

R616-2-[5]8. Inspection of Boilers and Pressure Vessels.

A. It shall be the responsibility of the Division to make inspections of all boilers or pressure vessels operated within its jurisdiction, when deemed necessary or appropriate.

B. Boiler inspectors shall examine conditions in regards to the safety of the employees, public, machinery, ventilation, drainage, and into all other matters connected with the safety of persons using each boiler or pressure vessel, and when necessary give directions providing for the safety of persons in or about the same. The owner or user is required to freely permit entry, inspection, examination and inquiry, and to furnish a guide when necessary. In the event an internal inspection of a boiler or pressure vessel is required the owner or user shall, at a minimum, prepare the boiler or pressure vessel by meeting the requirements of 29 CFR Part 1910.146 "Permit Required Confined Spaces" and 29 CFR Part 1910.147 "Control of Hazardous Energy (Lockout/Tagout)".

C. If the Division finds a boiler or pressure vessel complies with the safety codes and rules, the owner or user shall be issued a Certificate of Inspection and Permit to Operate.

D. If the Division finds a boiler or pressure vessel is not being operated in accordance with safety codes and rules, the owner or user shall be notified in writing of all deficiencies and shall be directed to make specific improvements or changes as are necessary to bring the boiler or pressure vessel into compliance.

E. Pursuant to Sections 34A-1-104, 34A-2-301 and 34A-7-102, if the improvements or changes to the boiler or pressure vessel are not made within a reasonable time, the boiler or pressure vessel is being operated unlawfully.

F. If the owner or user refuses to allow an inspection to be made, the boiler or pressure vessels is being operated unlawfully.

G. If the owner or user refuses to pay the required fee, the boiler or pressure vessel is being operated unlawfully.

H. If the owner or user operates a boiler or pressure vessel unlawfully, the Commission may order the boiler or pressure vessel operation to cease pursuant to Sections 34A-1-104 and 34A-7-103.

I. If, in the judgment of a boiler inspector, the lives or safety of employees or public are or may be endangered should they remain in the danger area, the boiler inspector shall direct that they be immediately withdrawn from the danger area, and the boiler or pressure vessel be removed from service until repairs have been made and the boiler or pressure vessel has been brought into compliance.

J. An owner/user agency may conduct self inspection of its own unfired pressure vessels with its own employees who are owner/user agents under procedures and frequencies established by the Division.

R616-2-[6]9. Fees.

Fees to be charged as required by Section 34A-7-104 shall be adopted by the Labor Commission and approved by the Legislature pursuant to Section 63-38-3(2).

R616-2-[7]10. Notification of Installation, Revision, or Repair.

A. Before any boiler covered by this rule is installed or before major revision or repair, particularly welding, begins on a boiler or pressure vessel, the Division must be advised at least one week in advance of such installation, revision, or repair unless emergency dictates otherwise.

B. It is recommended that a business organization review its plans for purchase and installation, or of revision or repair, of a boiler or pressure vessel well in advance with the Division to ensure meeting code requirements upon finalization.

R616-2-[8]11. Initial Agency Action.

Issuance or denial of a Certificate of Inspection and Permit to Operate by the Division, and orders or directives to make changes or improvements by the boiler inspector are informal adjudicative actions commenced by the agency per Section 63-46b-3.

R616-2-[9]12. Presiding Officer.

The boiler inspector is the presiding officer referred to in Section 63-46b-3. If an informal hearing is requested pursuant to R616-2-10, the Commission shall appoint the presiding officer for that hearing.

R616-2-[10]13. Request for Informal Hearing.

Within 30 days of issuance, any aggrieved person may request an informal hearing regarding the reasonableness of a permit issuance or denial or an order to make changes or improvements. The request for hearing shall contain all information required by Sections 63-46b-3(a) and 63-46b-3(3).

R616-2-[11]14. Classification of Proceeding for Purpose of Utah Administrative Procedures Act.

Any hearing held pursuant to R616-2-[10]13 shall be informal and pursuant to the procedural requirements of Section 63-46b-5 and any agency review of the order issued after the hearing shall be per Section 63-46b-13. An informal hearing may be converted to a formal hearing pursuant to Section 63-46b-4(3).

KEY: boilers*, certification, safety

[October 7, 1997]1999

34A-7-101 et seq.

Notice of Continuation February 5, 1997

◆ _____ ◆

Labor Commission, Safety R616-3 Elevator Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22037

FILED: 05/11/1999, 08:35

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Prior to the 1999 Utah legislature session, the Safety Division established safety standards for elevators and escalators pursuant to the Labor Commission's general authority over workplace safety, found in Section 34A-1-104. However, the 1999 Utah Legislature enacted Title 34A, Chapter 7, Part 2, the "Elevator and Escalator Safety Act," providing the Commission and its Safety Division with specific authority and guidance for regulating the installation, maintenance and operation of elevators and escalators. The proposed amendments to Rule R616-3 conform the Commission's existing elevator and escalator rules to the new statutory language of the Elevator and Escalator Safety Act.

SUMMARY OF THE RULE OR CHANGE: The proposed amendments: incorporate the definitions of "elevator" and "escalator" set forth in the Elevator and Escalator Safety Act; include references to that Act; remove regulatory references to "vertical reciprocating conveyors"; and clarify the standards for variances from otherwise applicable rules.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-7-203

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** Except for "vertical reciprocating conveyors," which will no longer be regulated under the proposed amendments, these amendments reflect the Safety Division's actual past practices for design, installation, operation and inspection of elevators and escalators. Consequently, these amendments will result in no appreciable cost or savings to the state budget, either with respect to the Safety Division's regulatory costs or the cost to the State as an owner/operator of elevators and escalators which are subject to these amendments. The impact of deregulating "vertical reciprocating conveyors," may result in a very minor reduction in both regulatory costs to the Safety Division and compliance costs to the State.

❖**LOCAL GOVERNMENTS:** Except for "vertical reciprocating conveyors," which will no longer be regulated under the proposed amendments, these amendments reflect the Safety Division's actual past practices for design, installation, operation and inspection of elevators and escalators.

Consequently, these amendments will result in no appreciable cost or savings to local governments as owners/operators of elevators and escalators which are subject to these amendments. The impact of deregulating "vertical reciprocating conveyors," may result in a very minor reduction in compliance costs to local governments.

❖OTHER PERSONS: Except for "vertical reciprocating conveyors," which will no longer be regulated under the proposed amendments, these amendments reflect the Safety Division's actual past practices for design, installation, operation and inspection of elevators and escalators. Consequently, these amendments will result in no appreciable cost or savings to owners/operators, manufacturers, or repairers who are subject to these amendments. The impact of deregulating "vertical reciprocating conveyors," may result in a very minor reduction in compliance costs to the State.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As noted above, and with the exception of the deregulation of "vertical reciprocating conveyors," the proposed amendments merely codify in rule form the Safety Division's long standing requirements for design, installation, operation and inspection of elevators and escalators. Because no additional compliance requirements are imposed by these amendments, no affected person will be subjected to any additional compliance costs. However, persons with "vertical reciprocating conveyors" are no longer required to pay a bi-annual inspection and certification fee of \$85 per device.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rules carry forward already-existing standards for elevator safety. By and large, these rules will have a neutral fiscal impact on businesses, neither subjecting businesses to new costs nor reducing their existing costs. However, as a result of the deregulation of "vertical reciprocating conveyors," persons with such devices will save the bi-annual inspection and certification fee of \$85 that was previously required.

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

Labor Commission
Safety
Third Floor, Heber M. Wells Office Building
160 East 300 South
PO Box 146620
Salt Lake City, UT 84114-6620, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Larry Patrick at the above address, by phone at (801) 530-6872, by FAX at (801) 530-6390, or by Internet E-mail at icmain.lpatrick@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R616. Labor Commission, Safety.

R616-3. Elevator Rules.

R616-3-1. Authority.

This rule is established pursuant to Section 34A-~~1-104~~17-201 for the purpose of the Labor Commission ascertaining, fixing, and enforcing reasonable standards regarding elevators for the protection of life, health, and safety of the general public and employees.

R616-3-2. Definitions.

A. "ANSI" means the American National Standards Institute, Inc.

B. "ASME" means the American Society of Mechanical Engineers.

C. "Commission" means the Labor Commission created in Section 34A-1-103.

D. "Division" means the Division of Safety of the Labor Commission.

E. "Elevator" means ~~[elevator, escalator, dumbwaiter, moving walk, wheelchair lift, handicapped lift, construction hoist, personnel hoist, belt manlift, vertical reciprocating conveyor, and any other mechanism or special purpose lift that, in the opinion of the Division, could or would involve employee and personnel lifting, lowering, riding, holding, maintenance activity, or other close proximity work.]~~ a hoisting and lowering mechanism equipped with a car or platform and that moves in guides in a substantially vertical direction.

F. "Escalator" means a stairway, moving walkway, or runway that is power driven, continuous and used to transport one or more individuals.

R616-3-3. Safety Codes for Elevators.

The following safety codes are adopted and incorporated by reference within this rule:

A. ASME A17.1, Safety Code for Elevators and Escalators, 1996 ed., with 1997 Supp. This code is issued every three years with annual supplements. New issues and supplements become mandatory only when a formal change is made to these rules. Elevators are required to comply with the A17.1 code in effect at the time of installation. The latest effective version of A17.1 is the 1996 edition with the 1997 supplement.

B. ASME A17.3 - 1996 Safety Code for Existing Elevators and Escalators. This code is adopted for regulatory guidance only for elevators classified as remodeled elevators by the Division of Safety.

C. ASME A90.1-1992, Safety Standard for Belt Manlifts.

~~[D. ASME B20.1-1993, Safety Standard for Conveyors and Related Equipment only as it relates to Section 6:21 for Vertical Reciprocating Conveyors.~~

~~—E.]~~ D. ANSI A10.4-1990, Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations.

~~[F.]~~ E. 1997 Uniform Building Code Chapters 11 and 30.

~~[G.]~~ F. CABO/ANSI A117.1-1992 Accessible and Usable Buildings and Facilities, sections 4.10 and 4.11.

R616-3-4. Inspector Qualification.

A. Any person who performs elevator safety inspections must have a current certification as a Qualified Elevator Inspector from the National Association of Elevator Safety Authorities.

R616-3-[4]5. Modifications and Variances to Codes.

A. In a case where the Division finds that the enforcement of any code would not materially increase the safety of employees or general public, and would work undue hardships on the owner/user, the Division may allow the owner/user a variance. Variances must be in writing to be effective and can be revoked after reasonable notice is given in writing.

B. Persons who apply for a variance to a safety code requirement must present the Division with the rationale as to how their elevator installation provides safety equivalent to the applicable safety code.

~~[B:]~~C. No errors or omissions in these codes shall be construed as permitting any unsafe or unsanitary condition to exist.

~~[C:]~~D. The Commission may, by rule, add or delete from the applicable safety codes for any good and sufficient safety reason.

~~[D:]~~E. In the event that adopted safety codes are in conflict with one another, the ASME A17.1, Safety Code for Elevators and Escalators will take precedence. The exception to this is for compliance with the accessibility guidelines of Pub. L. No. 101-336 "The Americans with Disability Act of 1990". In this instance, the Uniform Building Code standards adopted in R616-3-3 for accessibility as applied to elevators take precedence over ASME A17.1.

R616-3-[5]6. Exemptions.

A. These rules apply to all elevators in Utah with the following exemptions:

1. Private residence elevators installed inside a single family dwelling. Common elevators which serve multiple private residences are not exempt from these rules.

2. Elevators in buildings owned by the Federal government.

B. Owners of elevators exempted in R616-3-5.A. may request a safety inspection by Division of Safety inspectors. Code non-compliance items will be treated as recommendations by the inspector with the owner having the option as to which, if any, are corrected. Owners requesting these inspections will be invoiced at the special inspection rate. If the owner requests a State of Utah Certificate to Operate for the elevator, all of the recommendations must be completed to the satisfaction of the inspector and the owner will be invoiced the appropriate certificate fee.

R616-3-[6]7. Inspection of Elevators, Permit to Operate, Unlawful Operations.

A. It shall be the responsibility of the Division to make inspections of all elevators when deemed necessary or appropriate.

B. Elevator inspectors shall examine conditions in regards to the safety of the employees, public, machinery, ventilation, drainage, methods of lighting, and into all other matters connected with the safety of persons using or in close proximity to each elevator, and when necessary give directions providing for the better health and safety of persons in or about the same. The owner/user is required to freely permit entry, inspection, examination and inquiry, and to furnish a guide when necessary.

C. If the Division finds that an elevator complies with the applicable safety codes and rules, the owner/user shall be issued a Certificate of Inspection and Permit to Operate.

1. The Certificate of Inspection and Permit to Operate is valid for 24 months.

2. The Certificate of Inspection and Permit to Operate shall be displayed in a conspicuous location near the elevator for the entire validation period. If the certificate is displayed where accessible to the general public, as opposed to being in the elevator machine room, it must be protected under a transparent cover.

D. If the Division finds an elevator is not being operated in accordance with the safety codes and rules, the owner/user shall be notified in writing of all deficiencies and shall be directed to make specific improvements or changes as are necessary to bring the elevator into compliance.

E. Pursuant to Section 34A-~~[1-407]~~7-204, if the improvements or changes are not made within a reasonable time, by agreement of the division and the owner, the elevator is being operated unlawfully.

F. If the owner/user refuses to allow an inspection to be made, the elevator is being operated unlawfully.

G. If the owner/user refuses to pay the required fee, the elevator is being operated unlawfully.

H. If the owner/user operates an elevator unlawfully, the Commission may order the elevator operation to cease pursuant to Section 34A-1-104.

I. If, in the judgment of an elevator inspector, the lives or safety of employees or public are, or may be, endangered should they remain in the danger area, the elevator inspector shall direct that they be immediately withdrawn from the danger area, and the elevator removed from service until repairs have been made and the elevator has been brought into compliance.

R616-3-[7]8. Inclined Wheelchair Lift Headroom Clearance.

A. Since the incorporated safety standard (ASME A17.1) does not specify the minimum headroom clearance requirements for the installation of an inclined wheelchair lift, the following requirements must be met for inclined wheelchair lifts installed in Utah.

B. Headroom clearance for inclined wheelchair lifts throughout the range of travel shall be not less than 80 inches (2032 mm) as measured vertically from the leading edge of the platform floor.

C. For existing facilities only, in the event that it is not technically or economically feasible to provide other means of access for disabled persons, inclined wheelchair lifts may be installed if all of the following conditions are met:

1. The appropriate building inspection jurisdiction approves the use of an inclined wheelchair lift for the specific application.

2. Headroom clearance throughout the range of travel shall be not less than 60 inches as measured vertically from the leading edge of the platform floor.

3. The passenger restriction sign as required by ASME A17.1 Rule 2001.7e shall be amended as follows: "PHYSICALLY DISABLED PERSONS ONLY. NO FREIGHT. HEADROOM CLEARANCE IS LIMITED. USE ONLY IN THE SITTING POSITION".

R616-3-~~8~~9. Valves in Hydraulic Elevator Operating Fluid Systems.

A. Due to the potential loss of pressure retaining capability when over torqued, bronze-bodied valves shall not be installed in the hydraulic systems of a hydraulic elevator.

B. This requirement is in effect for all new installations and remodel installations involving the hydraulic system.

C. If a bronze-bodied valve installed on an existing elevator begins to leak, that valve shall be replaced by a steel-bodied valve.

R616-3-~~9~~10. Shunt Trips in Elevator Systems.

A. The means (shunt trip) to automatically disconnect the main line power supply to the elevator discussed in Rule 102.2(c)(3) of A17.1 is not required for hydraulic elevators with a rise of 50 feet or less.

R616-3-~~10~~11. Hoistway Vents.

A. With regard to hoistway vents, the Division will assure that elevators meet Rule 100.4 of ASME A17.1 and the minimum area of the vent required by the Uniform Building Code. Requirements for the operation of the vent are defined by the local jurisdiction's fire marshall or building inspector.

R616-3-~~11~~12. Hand Line Control Elevators.

A. Operation of a hand line control elevator is not permitted.

B. Owners of hand line control elevators are required to render the elevator electrically and mechanically incapable of operation.

R616-3-~~12~~13. Remodeled Elevators.

A. When an elevator is classified as a remodeled (modernized) elevator by the Division, the components of the elevator involved in the modernization must comply with the standards of the latest version of A17.1 and A17.3 in effect at the time the remodeling of the elevator commences.

R616-3-~~13~~14. Fees.

A. Fees to be charged as provided by Section 34A-1-106 and 63-38-3.2 shall be adopted by the Labor Commission and approved by the Legislature pursuant to Section 63-38-3(2).

B. The fee for the initial certification permit shall be invoiced to and paid by the company or firm installing the elevator.

C. The renewal certification permit shall be invoiced to and paid by the owner/user.

D. Any request for a special inspection shall be invoiced to and paid by the person/company requesting the inspection, at the hourly rate plus mileage and expenses.

R616-3-~~14~~15. Notification of Installation, Revision or Remodeling.

A. Before any elevator covered by this rule is installed or a major revision or remodeling begins on the elevator, the Division must be advised at least one week in advance of such installation, revision, or remodeling unless emergency dictates otherwise.

R616-3-~~15~~16. Initial Agency Action.

Issuance or denial of a Certificate of Inspection and Permit to Operate by the Division, and orders or directives to make changes

or improvements by the elevator inspector are informal adjudicative actions commenced by the agency per Section 63-46b-3.

R616-3-~~16~~17. Presiding Officer.

The elevator inspector is the presiding officer referred to in Section 63-46b-3. If an informal hearing is requested pursuant to R616-3-~~17~~18, the Commission shall appoint the presiding officer for that hearing.

R616-3-~~17~~18. Request for Informal Hearing.

Within 30 days of issuance, any aggrieved person may request an informal hearing regarding the reasonableness of a permit issuance or denial or an order to make changes or improvements. The request for hearing shall contain all information required by Sections 63-46b-3(a) and 63-46b-3(b).

R616-3-~~18~~19. Classification of Proceeding for Purpose of Utah Administrative Procedures Act.

Any hearing held pursuant to R616-3-~~18~~19 shall be informal and pursuant to the procedural requirements of Section 63-46b-5 and any agency review of the order issued after the hearing shall be per Section 63-46b-13. An informal hearing may be converted to a formal hearing pursuant to Subsection 63-46b-4(3).

KEY: elevators*, certification, safety

~~January 28,~~1999

34A-1-101 et seq.

Notice of Continuation February 5, 1997



Natural Resources, Energy and
Resource Planning
R637-1

Utah Energy Savings Systems Tax
Credit (ESSTC) Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22029

FILED: 05/06/1999, 15:10

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To simplify and streamline the application review process.

SUMMARY OF THE RULE OR CHANGE: Original signature of applicant no longer required. Revise passive solar system requirements. Correct spelling errors.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-7-611 and 59-10-601 through 59-10-604

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No cost or savings anticipated--the rule changes are minor and will not affect tax credit outcomes.

❖LOCAL GOVERNMENTS: No cost or savings anticipated--the rule changes are minor and will not affect tax credit outcomes.

❖OTHER PERSONS: No cost or savings anticipated--the rule changes are minor and will not affect tax credit outcomes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No cost or savings anticipated--the rule changes are minor and will not affect tax credit outcomes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No cost or savings anticipated--the rule changes are minor and will not affect tax credit outcomes.

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

Natural Resources
Energy and Resource Planning
Suite 3610
1594 West North Temple
PO Box 246480
Salt Lake City, UT 84114-6480, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dave Lochtefeld at the above address, by phone at (801) 538-5443, by FAX at (801) 521-0657, or by Internet E-mail at nroerp.dlochtef@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: Jeffrey S. Burks, Director

**R637. Natural Resources, Energy and Resource Planning.
R637-1. Utah Energy Saving Systems Tax Credit (ESSTC) Rules.**

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R637-1-3. Certification Process.

(1) A potential participant shall complete the formal application and submit it along with the requested receipts to the Office of Energy and Resource Planning.

(a) The required signatures on the formal application do not have to be original signatures.

(2) The Office of Energy and Resource Planning shall review the application and determine whether the system is accepted or denied for the tax credit program.

(3) If all provisions of this rule have been fulfilled, the Utah Office of Energy and Resource Planning shall certify a system.

(4) The Office of Energy and Resource Planning shall notify the applicant by mail of the decision made.

(5) If the application is approved, the applicant shall receive certification in the form of a TC-40E Utah tax form, partially completed by the Office of Energy and Resource Planning.

(6) The applicant can return this form along with other Utah tax forms to the Tax Commission for processing.

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R637-1-8. Individual System Requirements.

(1) Active Solar Thermal System Requirements

(a) For cost computation purposes the active solar thermal system ends at the interface between it and the conventional heating system. No part of the conventional heating system shall be eligible for the tax credit.

(b) In addition an active system must contain the following components:

- (i) solar collectors
- (ii) storage system
- (iii) a heat transferral system;

(2) Active Solar Electric (Photovoltaic[s]) System Requirements

(a) For cost computation purposes the active solar electric system ends at the interface between it and the point of distribution.

(b) The cost of a solar photovoltaic system as a residential energy system or a commercial energy system providing electrical or mechanical power, including the cost of installation, design, modules, control systems, inverters, tracking systems and energy storage, may be eligible for the ESSTC provided it can be shown that the system provides more energy than it uses and is exposed to sunlight a minimum of six hours/day, subject to weather conditions.

(3) Passive Solar System Requirements

(a) Eligible for the ESSTC shall be the cost of any passive system, such as, a trombe wall, water wall, thermosyphon, solarium, direct gain, and any system that can be proven to collect, store and transport heat from the sun. The cost of ventilation, fans, movable insulation, ~~[tours]~~ louvers, overhangs and other shading devices shall be eligible provided that they are designed to be used as an integral part of the passive solar system and not part of the conventional building design.

(b) A solarium is eligible provided that it supplies heat to the living space of the house in conjunction with a thermal storage mass and a forced or natural convection heat transportation design. Solariums must also be designed to prevent heat loss at night by means of insulation devices as well as prevent summer overheating that can increase the load on the building's cooling system.

(c) Insulated windows and other glazing devices shall not be eligible unless they are part of a direct gain passive solar system which utilizes thermal mass storage and a passive or active heat transportation system to provide heating throughout the building. In addition, insulated windows and other glazing devices shall not be eligible unless they are oriented within 30 degrees of true south.

(d) No certification shall be given if the Office of Energy and Resource Planning concludes that the passive solar system does not supply heating when needed or allows more heat loss than gain in the winter months or overheating in the summer months. The passive system shall receive at least four hours of sunlight per day during the winter months of December through March, subject to weather conditions, and shall be primarily south facing. [

~~(e) Window Eligibility Calculation Formula: (S-N)/S=T~~
~~Where:~~

~~S = Percentage of glazing contained in the solar surface of the south facing wall with respect to the area of the wall.~~

— N = Percentage of glazing on non-solar surfaces which are north, east, west and non-solar south walls, with respect to the area of those walls.

— T = Total percentage of passive solar glazing eligible for tax credit.]

[(f)](e) Heat transportation systems shall be eligible for the tax credit provided they are part of the passive solar design and would not be used in a conventional heating system.

[(g)](f) Thermal storage mass shall be eligible for the tax credit provided the mass is a non-loaded structure. Fifty percent of the cost of a loaded structure shall be eligible with the total thermal mass portion of the tax credit. Thermal storage mass may not exceed 30 percent of the total tax credit.

[(h)](g) In addition, a passive system must contain the following components:

- (i) a means to allow the solar energy to the unit;
- (ii) an absorbing surface;
- (iii) a thermal storage mass located within the conditioned space;
- (iv) a heat transferral system;
- (v) protection from summer overheating and excessive winter heat-loss;

(4) Wind Turbine System Requirements

(a) The cost of all DC/AC inverters, towers, storage devices, power lines, wind turbines/wind machines and the system installation and design shall be eligible for the ESSTC as a residential energy system or a commercial energy system providing either electrical or mechanical power by intercepting and converting wind energy and transferring this energy by a separate apparatus to the point of use or storage.

(b) All commercial wind energy systems for which the ESSTC is sought must:

(i) be backed by a written guarantee that assures the purchaser a full refund in the event that the system does not provide the minimum level of performance as claimed or stipulated by the seller.

(5) Hydro System Requirements

(a) The cost of all water power wheels, turbines, generators, transformers, power lines, penstocks, valves, drains, diversion structures, -- except storage dams, fish facilities, canals, meters for measurement of electricity or water, cost of design, installation and control equipment may be eligible for the ESSTC if the hydro system provides electrical or mechanical power by intercepting and converting kinetic water energy and transferring that energy by separate apparatus to the point of use or storage.

(6) Biomass System Requirements

(a) The costs associated with equipment, design and installation for a biomass energy saving system may be eligible for the ESSTC so long as the system provides more energy than it consumes. Conversion methods may include combustion, thermochemical, biochemical or photochemical. The biomass system must have a conversion system and a separate apparatus to transfer the converted energy to the point of use or storage. Wood stoves used for conventional heating purposes are excluded from ESSTC eligibility.

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KEY: hydroelectric power, solar energy, wind power, tax credits

~~[March 5, 1998]~~1999

59-7-611

59-10-601 through 59-10-604



Natural Resources; Forestry, Fire and State Lands

R652-30-610

Utah Lake Agricultural Leases

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22053

FILED: 05/14/1999, 14:11

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The division is negotiating the boundary between sovereign land of Utah Lake and upland owners on a case-by-case basis. Some of the landowners would like to be able to use sovereign land for agriculture as was done in the past during low lake levels. Others have expressed concern that sovereign land below private upland not be available for agriculture. The proposed rule specifies how the division will manage agriculture leases on Utah Lake differently from other sovereign land.

SUMMARY OF THE RULE OR CHANGE: The proposed rule specifies the terms under which agriculture leases on Utah Lake sovereign land will be issued. Application procedure, lease terms, and occupancy constraints are among the topics addressed by the proposed rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 65A-7-1

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Revenue from sovereign land is deposited in a restricted account from which the legislature appropriates funds to the division. The amount of money agriculture leases contribute to the account annually is insignificant, less than one percent.

❖LOCAL GOVERNMENTS: No cost or saving is anticipated. The division is not aware of any local government interest in leasing sovereign land for agriculture.

❖OTHER PERSONS: The proposed rule is expected to provide a measure of certainty to upland owners regarding agriculture leasing on sovereign land. The lease rental will reflect fair market value.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs are incurred only in response to a lease application. There is no mandatory compliance for persons other than new agriculture lessees on Utah Lake. Compliance costs are

estimated at less than \$100 per year for each year the sovereign land is used.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Only new agriculture lessees on Utah Lake will be affected. The rule is being proposed in response to requests from upland owners who may want to use the exposed lake bed for agriculture as they have in the past, or who may not want agriculture use on adjacent sovereign land. No significant fiscal impact is expected.

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

Natural Resources
Forestry, Fire and State Lands
3520
1594 West North Temple
PO Box 145703
Salt Lake City, UT 84114-5703, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karl Kappe at the above address, by phone at (801) 538-5495, by FAX at (801) 533-4111, or by Internet E-mail at nrsif.kkappe@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: Karl Kappe, Strategic Planner

**R652. Natural Resources; Forestry, Fire and State Lands.
R652-30. Special Use Leases.**

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R652-30-610. Utah Lake Agricultural Leases.

In order to accommodate historical agricultural use of Utah Lake sovereign lands the division will manage agricultural use on the bed of Utah Lake with substantial deference to the interests of immediate upland owners. Provisions of R652-30-400, 500 and 600 notwithstanding, agricultural leases will be issued under the following terms:

1. Pending completion of a comprehensive management plan for Utah Lake, applications for agricultural leases will be accepted only for historical agricultural use on sovereign land.
2. Lease applications must be submitted to the division by October 1 annually for agricultural use the following season. The applicant shall specify the number of acres requested and provide proof of historical use satisfactory to the division. The director shall waive the application fee or credit the application fee against rental due.
3. Unless otherwise specified in a sovereign land boundary agreement agricultural leases shall be limited to a term of one year with an option to extend the lease for one year at a time. If a longer

term is negotiated in a boundary agreement, the lessee shall apprise the division by October 1 annually of lessee's intent to use the land the following season.

4. Leases will be issued only to the immediate upland owner or to another person with the consent of the immediate upland owner.

5. The lessee may fence the sovereign lands under lease. The fence may extend lakeward only to the water's edge and must be withdrawn as the lake level rises.

6. The lease fee will be determined by the division in consultation with the Utah Farm Bureau and will be based on acreage. The fee will be reviewed every three years and adjusted to reflect fair market value.

7. A lease issued pursuant to a boundary agreement shall terminate upon conveyance of the upland to another owner.

8. Crops must be harvested from sovereign land before October 1 annually. The land under lease shall be open to the public for waterfowl hunting, upland game hunting and traditional public uses.

9. No land leveling, ditching, or watercourse alteration on the sovereign land will be allowed.

10. Public trust values will be considered prior to issuance of a lease. Lands with significant wildlife, wetland or other values may be excluded from leasing.

11. Issuance of a lease does not exempt the lessee from jurisdictional authority and requirements administered by the US Army Corps of Engineers.

12. Agricultural practices which adversely affect water quality will not be allowed. Implementation of improper practices, as determined by the appropriate state or federal agency, shall subject the lease to termination.

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**KEY: administrative procedure, leases
[March 3, 1995]1999 65A-7-1
Notice of Continuation April 11, 1997 65A-7-5(4)**



Natural Resources; Forestry, Fire and
State Lands
R652-50-610
Utah Lake Grazing Permits

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22054
FILED: 05/14/1999, 14:11
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The division is negotiating the boundary between sovereign land of Utah Lake and upland owners on a case-by-case basis. Some of the landowners would like to be able to use

sovereign land for grazing as was done in the past. Others have expressed concern that sovereign land below private upland not be grazed for aesthetic or habitat reasons. The proposed rule specifies how the division will manage grazing permits on Utah Lake sovereign land differently from other sovereign land.

SUMMARY OF THE RULE OR CHANGE: The proposed rule specifies the terms under which grazing permits on Utah Lake sovereign land will be issued. Application procedure, permit terms, fencing, and supplemental feeding are among the topics addressed by the proposed rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 65A-9-2(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Revenue from sovereign land is deposited in a restricted account from which the legislature appropriates funds to the division. The amount of money grazing contributes to the account is insignificant, less than one percent.

❖LOCAL GOVERNMENTS: No cost or saving is anticipated. The division is not aware of any local government interest to graze sovereign land.

❖OTHER PERSONS: The proposed rule is expected to provide a measure of certainty to upland owners regarding grazing management on sovereign land. The grazing permit fee will reflect fair market value and is subject to legislative approval through budgetary processes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs are incurred only in response to a permit application. There is no mandatory compliance for persons other than new grazing permittee on Utah Lake. Fencing probably will be the most significant compliance cost and will vary on a case-by-case basis.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Only new grazing permittees on Utah Lake will be affected. The rule is being proposed in response to requests from upland owners who may want to run cattle on adjacent Utah Lake sovereign land or who may not want grazing on adjacent sovereign land. No significant fiscal impact is expected.

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

Natural Resources
Forestry, Fire and State Lands
3520
1594 West North Temple
PO Box 145703
Salt Lake City, UT 84114-5703, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Karl Kappe at the above address, by phone at (801) 538-5495, by FAX at (801) 533-4111, or by Internet E-mail at nrsif.kkappe@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: Karl Kappe, Strategic Planner

**R652. Natural Resources; Forestry, Fire and State Lands.
R652-50. Range Management.**

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R652-50-610. Utah Lake Grazing Permits.

In order to accommodate historical grazing use of Utah Lake sovereign lands the division will manage grazing on the bed of Utah Lake with substantial deference to the interests of immediate upland owners. Provisions of R652-50-400, 500 and 600 notwithstanding, grazing permits will be issued under the following terms:

1. Permit applications must be submitted to the division by October 1 annually for grazing the following season. The applicant shall specify the number of acres and the number and kind of livestock requested. The director may waive the application fee.

2. Unless otherwise specified in a sovereign land boundary agreement grazing permits shall be limited to a term of one year with an option to extend the permit for one year at a time.

3. Permits will be issued only to the immediate upland owner or to another person with the consent of the immediate upland owner. Existing permits will not be affected for the duration of their term.

4. The permittee shall fence-in livestock on lands under permit. The fence may extend lakeward only to the water's edge and must be withdrawn as the lake level rises.

5. The grazing fee will be determined by the division in consultation with the Utah Farm Bureau and will be based on acreage. The fee will be reviewed annually.

6. A permit issued pursuant to a boundary agreement shall terminate upon conveyance of the upland to another owner.

7. Livestock may not enter the permit area until a date specified annually by the director and must be removed from sovereign land before the opening date of the annual waterfowl season. The land under permit shall be open to the public for waterfowl hunting.

8. No supplemental feeding on sovereign land will be allowed.

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**KEY: administrative procedure, range management
[1993]1999 65A-9-2
Notice of Continuation April 11, 1997**



**Regents (Board of), Administration
R765-604
New Century Scholarship**

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 22052

FILED: 05/14/1999, 13:20

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To provide rules for the New Century Scholarship awarded to high school graduates who have completed the requirements for an Associate's degree by September 1 of the year they qualify to graduate from high school.

SUMMARY OF THE RULE OR CHANGE: The filing implements Section 53B-8-105, passed by the 1999 Legislature, by establishing rules regarding conditions for the scholarship, application procedures, distribution of award funds, continuing eligibility, and leaves of absence.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53B-8-105

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: \$13,200 appropriated by the 1999 Legislature. Future appropriations will be made based on projected student interest and eligibility.

❖LOCAL GOVERNMENTS: None--because this rule does not affect local government.

❖OTHER PERSONS: Recipient students may receive appropriated funds and thereby save on education expenses in any amount equal to 75% of their tuition costs for up to as many as 60 semester hours.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Minimal--the student scholarship recipient must provide copies of college or university invoices, class schedules, and transcripts to the State Board of Regents.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because the scholarship may only be used at Utah public colleges and universities, a student recipient, who might otherwise have attended a private proprietary school, may choose to attend a public institution instead. Also, a student, who might otherwise have sought employment directly after high school, may choose to pursue higher education instead.

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

Regents (Board of)
Administration
Suite 550, 3 Triad Center
355 West North Temple
Salt Lake City, UT 84180, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Harden R. Eyring at the above address, by phone at (801) 321-7106, by FAX at (801) 321-7199, or by Internet E-mail at heyring@utahsbr.edu.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: Harden R. Eyring, Executive Assistant to the Commissioner

R765. Regents (Board of), Administration.**R765-604. New Century Scholarship.****R765-604-1. Purpose.**

To provide policy and procedures for the administration of the New Century Scholarship which will be awarded to high school graduates who have accelerated their education process and have completed the requirements for an associate degree prior to September 1 of the same year they qualify to graduate from high school.

R765-604-2. References.

2.1. 53B-8-105, Utah Code Annotated 1953

R765-604-3. Definitions.

3.1. "Program" - New Century Scholarship program

3.2. "Awards" - New Century Scholarship funds which provide payment equal to 75% of recipient's tuition costs

3.3. "SBR" - State Board of Regents

3.4. "Recipient" - A Utah resident who has accelerated his or her education process and, prior to September 1 of the year he or she graduates from a regionally accredited Utah high school, completes the requirements for an associate degree.

3.5. "Associate Degree" - An Associate of Arts, Associate of Science, or Associate of Applied Science degree, or equivalent academic requirements, as received from or verified by a regionally accredited college or university, provided that if the college or university does not offer the associate degree, the requirement can be met if the institution's registrar verifies that the student has completed academic requirements equivalent to an associate degree prior to the September 1 deadline.

R765-604-4. Conditions of the Scholarship.

4.1. Program Terms - The program scholarship may be used at any of Utah's state-operated institutions of higher education that offer baccalaureate programs. Scholarship awards under this program are equal in value to 75% of the actual tuition costs and are valid for up to two years of full-time equivalent enrollment (60 semester credit hours) or until the requirements of a baccalaureate degree has been met, whichever is shorter. A student who has not used the award in its entirety within four years after his or her graduation from high school will become ineligible to receive a program award.

4.2. Applicant Qualification - To qualify for the award, an applicant must have graduated from a regionally accredited Utah high school in 1999 or later, and must have completed the requirements for an associate degree by September 1 of the year he or she graduated from high school.

4.3. Accredited College or University - The associate degree or verification of equivalent academic requirements must be received from a regionally accredited institution either public or private, provided the institution's academic on-campus residency requirements, if any, will not affect a student's eligibility for the scholarship if the institution's registrar's office verifies that the student has completed the necessary class credits for an associate degree.

4.4. Eligible Institutions - The award may be used at any of Utah's state-operated institutions of higher education that offer baccalaureate programs.

4.5. Dual Enrollment - The award may be used at more than one of Utah's eligible institutions within the same semester.

4.6. Student Transfer - The award may be transferred to a different eligible Utah institution upon the request of the student.

R765-604-5. Application Procedures.

5.1. Application Contact - Qualifying students may apply for the award through a high school counselor or the SBR office.

5.2. Support Documentation - Applicants must provide documentation verifying their date of graduation from a regionally accredited Utah high school, a copy of their college transcript, and prior to receiving the award, a signed affidavit from the registrar's office at the college or university in which the associate degree was completed verifying that all requirements have been met for an associate degree by September 1 of the year of high school graduation. If the student is enrolled at an institution which does not offer an associate degree, the registrar must verify that the applicant has completed the equivalent academic requirements.

5.3. Application Deadline - Applications must be received by the SBR office no later than thirty days prior to the academic term for which the recipient wishes to receive the award. Verifying documentation shall be provided as soon as reasonably possible.

5.4. Award Eligibility - If the recipient fails to meet the requirements of an associate degree by the September 1 deadline, or is not able to provide the required documentation in a timely manner, the program award will not be made.

R765-604-6. Distribution of Award Funds.

6.1. Amount of Award - The amount of the scholarship will be equal to 75% of the gross total cost of tuition based on the number of hours the student is enrolled. Tuition waivers, financial aid, or other scholarships will not affect the total award amount.

6.2. Tuition Documentation - The award recipient shall submit to SBR a copy of the tuition invoice or class schedule verifying the number of hours enrolled. SBR will calculate the amount of the award based on the published tuition costs at the enrolled institution(s).

6.3. Award Payable to Institution - The scholarship award will be made payable to the institution. The institution shall pay over to the recipient any excess award funds not required for tuition payments. Award funds should be used for higher education expenses including tuition, fees, books, supplies and equipment required for courses of instruction.

6.4. Added Hours after Award - The award will be increased to equal 75% of the tuition costs of any hours added in the semester after the initial award has been made. Recipient shall submit to SBR a copy of the tuition invoice or class schedule verifying the added hours before a supplemental award is made.

6.5. Dropped Hours after Award - If a student drops hours which were included in calculating the award amount, either the subsequent semester award will be reduced accordingly, or the student shall repay the excess award amount to SBR.

R765-604-7. Continuing Eligibility.

7.1. Reasonable Progress toward Degree Completion - The SBR may cancel the scholarship at any time if the student fails to make reasonable progress toward the completion of a baccalaureate degree. Each semester, the recipient must submit to SBR a copy of his or her grades to verify that he or she is meeting the established standards at the enrolled institution.

7.2. No Awards after Four Years - The SBR will not make an award to a recipient for an academic term that begins more than four years after the recipient's high school graduation.

7.3. No Guarantee of Degree Completion - A Century Scholarship award does not guarantee that the recipient will complete his or her baccalaureate program within the recipient's scholarship eligibility period.

R765-604-8. Leave of Absence.

8.1. Does Not Extend Time - A leave of absence will not extend the time limits of the scholarship. The scholarship must be used in its entirety for academic terms which begin within four years after the recipient's graduation from high school.

KEY: higher education, secondary education, scholarship*
July 6, 1999 **53B-8-105**

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Regents (Board of), Administration **R765-685** Utah Educational Savings Plan Trust

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22034

FILED: 05/10/1999, 10:53

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To make amendments necessary by passage of H.B. 261 and IRS regulations.

SUMMARY OF THE RULE OR CHANGE: Sets maximum allowable contribution as authorized by statutory change, adds penalty exemptions, and makes nonsubstantive changes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 53B, Chapter 8a, as amended by H.B. 261 (1999)
FEDERAL REQUIREMENT FOR THIS RULE: Proposed regulations to Section 529, Internal Revenue Code

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Loss in annual revenue of less than \$10,000 (per H.B. 261 fiscal note).

❖LOCAL GOVERNMENTS: None--these are amendments to an existing program which have no new fiscal impact.

❖OTHER PERSONS: None--these are amendments to an existing program which have no new fiscal impact.

(DAR Note: H.B. 261 is found at 1999 Utah Laws 240, and is effective as of May 3, 1999.)

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--these are amendments to an existing program which have no new fiscal impact.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendments are primarily to allow greater voluntary contributions by participants into Utah Educational Savings Plan (UESP) accounts and therefore should have no fiscal impact on businesses.

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

Regents (Board of)
Administration
3 Triad Center, Suite 550
355 West North Temple
Salt Lake City, UT 84180-1205, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dale Hatch at the above address, by phone at (801) 321-7251, by FAX at (801) 321-7299, or by Internet E-mail at dhatch@utahsbr.edu.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: Dale Hatch, Deputy Executive Director

R765. Regents (Board of), Administration.**R765-685. Utah Educational Savings Plan Trust.****R765-685-5. Beneficiary Eligibility.**

Purpose - Section 53B-8a-106 provides that a beneficiary of a participation agreement may be designated from date of birth through age 16. This rule establishes the eligibility criteria for a beneficiary.

5.1. Beneficiary Eligibility - A beneficiary may be a resident of any state, who, on the day the participation agreement is executed, is younger than 17 years of age.

5.2. Proof of Age - A participant shall, on signing a participation agreement, provide the program administrator with proof of the beneficiary's age, in the form of a birth certificate or such other form as the program administrator may require[~~find~~ acceptable].

5.3. Valid Social Security Number - A participant shall, on signing a participation agreement, provide the program administrator a valid social security number of the beneficiary.

R765-685-6. Payments and Payment Schedules.

Purpose - Section 53B-8a-106 states that participant agreements shall require participants to agree to invest a specific amount of money in the trust for a specific period of time for the benefit of a specific beneficiary, not to exceed ~~[\$1,200 per beneficiary per year, adjusted annually to reflect increases in the Consumer Price Index]~~ an amount determined by the board and not to exceed total estimated higher education costs as determined by the board. This rule provides for implementation of this provision.

6.1. Payment Schedule - A participant must specify a schedule for making payments according to a participation agreement. Acceptable payment schedules are, 1) weekly, 2) bi-weekly, 3) monthly, 4) annually, and 5) other.

6.2. Payment - A participant must specify a payment amount to be paid according to the payment schedule chosen by the participant. For participants who select a weekly, bi-weekly or monthly payment schedule, the specified payment amount must be at least twenty-five dollars. For participants who select an annual payment schedule, the specified payment amount must be at least three hundred dollars. For participants who select other payment schedule, the specified payment amount must equate to at least three hundred dollars per year. A payment of less than twenty-five dollars shall be returned to the participant.

6.3. Maximum ~~Annual~~ Payments - The total of all payments made on behalf of a beneficiary ~~[in one calendar year may not exceed \$1,200, adjusted annually for inflation]~~ into this trust and the supplemental trust enacted in Section 53B-8b may not exceed the cost of qualified higher education expenses for five years of undergraduate enrollment at the highest cost public or private Utah institution. Payments in excess of this maximum shall be returned to the participant. The maximum amount of investments that may be subtracted from federal taxable income under Subsection 59-10-114(2)(j) shall be \$1,200 for each individual beneficiary for the 1996 calendar year and an amount adjusted annually thereafter to reflect increases in the Consumer Price Index.

6.4. Annual Adjustments - Annual adjustments to the maximum amount of payments allowable under a participation agreement in a given calendar year shall be published by the Trust program administrator prior to the beginning of that year.

6.5. Amendments - Payment amounts and payment schedules may be adjusted by submitting to the program administrator notice to adjust payments. No administrative fee ~~may~~ will be charged to participants for such adjustments.

R765-685-7. Substitution of Beneficiary.

Purpose - Section 53B-8a-106 provides that beneficiaries may be changed subject to the rules and regulations of the board. This rule establishes the criteria for substituting one beneficiary for another.

7.1. Substitution - A participant may substitute a beneficiary at any time prior to the date of admission of any beneficiary of a participation agreement to an institution of higher education and may transfer funds to another beneficiary account at any time. The

substitute beneficiary must be eligible for participation pursuant to section 5 of this rule, and be a member of the family of the beneficiary being substituted as defined in subsection 7.1.1 of this rule.

7.1.1. Member of Family - An individual shall be considered a member of a beneficiary's family only if such individual is:

7.1.1.1. an ancestor of such beneficiary

7.1.1.2. a spouse of such beneficiary

7.1.1.3. a lineal descendant of such beneficiary, of such beneficiary's spouse, or of a parent of such beneficiary, or

7.1.1.4. the spouse of any lineal descendant described in subsection 7.1.1.3.

7.1.1.5. For purposes of the preceding sentence, a legal adoption shall be considered as though it establishes a blood relationship between an adopted child and parent.

7.2. Request - A participant may request that a beneficiary be substituted by submitting to the program administrator a request to substitute beneficiary. The request shall accompany evidence, as specified by the program administrator, that the proposed substitute beneficiary is a member of the family of the beneficiary.

7.4. Administrative Fee - No administrative fee shall be charged for the first two substitutions of beneficiary. If a participant substitutes a beneficiary under a participation agreement more than twice, the trust shall require the participant to pay an administrative fee of twenty-five dollars for each subsequent substitution.

R765-685-8. Cancellation and Payment of Refunds.

Purpose - Section 53B-8a-108 provides that any participant may cancel a participation agreement at will. This rule establishes the criteria for canceling participation agreements and providing refunds.

8.1. Cancellation - A participant may at any time cancel a participation agreement, without cause, by submitting to the program administrator notice to terminate agreement.

8.2. Payment of Refund - If the participation agreement is canceled, the participant is entitled to a refund. The refund shall be mailed or otherwise sent to the participant within sixty days after receipt by the program administrator of notice to terminate the participation agreement. The amount of the refund shall be determined according to the following criteria.

8.2.1. If the participation agreement was in effect for less than two years the participant shall receive one-hundred percent of all payments made under the participation agreement less any amount paid by the trust for educational expenses of the beneficiary. Investment income credited to the participant's account shall be forfeited.

8.2.2. If the participation agreement was in effect for two or more years the participant shall receive one-hundred percent of all payments made under the participation agreement plus all investment income which has been credited to the participant's account less any amount paid by the trust for educational expenses of the beneficiary and less an administrative fee equal to the lesser of, 1) fifty dollars, or 2) one-half of the investment income credited to the participant's account.

8.3. Death or Disability of the Beneficiary, Receipt of a Scholarship, or Rollover Distribution - The participant is entitled to a refund of one-hundred percent of all payments made under the participation agreement plus all investment income which has been credited to the participant's account less any amount paid by the trust for educational expenses of the beneficiary upon the occurrence of, 1) death of the beneficiary, [or] 2) permanent disability or mental incapacity of the beneficiary, 3) receipt of a scholarship (or allowance or payment described in section 135(d)(1)(B) or (C) of the Internal Revenue Code) by the designated beneficiary to the extent the amount of the distribution does not exceed the amount of the scholarship, allowance, or payment, or 4) a rollover distribution to another program or account qualifying under Section 529 of the Internal Revenue Code. ~~the participant is entitled to a refund of one-hundred percent of all payments made under the participation agreement plus all investment income which has been credited to the participant's account less any amount paid by the trust for educational expenses of the beneficiary.~~ Under such circumstances, no administrative fee shall be charged.

8.3.1. Before a cancellation and refund due to the death of a beneficiary is made, a participant must provide the trust a copy of the beneficiary's death certificate or other proof of death acceptable under state law.

8.3.2. Before a cancellation and refund due to the disability or mental incapacity of a beneficiary is made, a participant must provide to the trust written certification from a qualified and licensed physician that the beneficiary cannot reasonably attend school.

8.3.3. Before a cancellation and refund due to the receipt of a scholarship, allowance or payment, a participant must provide to the trust written proof of the receipt by the beneficiary of a scholarship, allowance or payment and the amount thereof.

8.4. Refunds Reported - Funds that are refunded to a participant pursuant to this section shall be reported to the appropriate taxing authorities for the tax year in which such refund is made.

R765-685-14. Earnings in Endowment Fund.

Purpose - Section 53B-8a-107 provides that each beneficiary for whom funds are saved under a participation agreement shall receive an interest in a portion of the investment income of the endowment fund of the Trust. This rule provides for implementation of this provision.

14.1. Transfers to Administrative Fund - Upon approval of the board, up to two percentage points of interest earned annually in the endowment fund may be transferred to the administrative fund for administrative purposes.

14.2. Earmarking of Endowment Interest - A portion of the interest earned by the endowment fund that is not transferred to the administrative fund shall be earmarked for use by the beneficiary of each participation agreement.

14.3. Pro-rata Share - Each quarter, a pro-rata amount of endowment fund interest shall be earmarked to each participant account. The pro-rata amount shall be based on the average daily

balance of the account held on behalf of a beneficiary in the program fund compared to the average daily balance of the entire program fund during the quarter, up to an amount equal to .25 percent of the amount saved on behalf of the beneficiary in such account.

14.4. The earmarking of endowment interest for use by a beneficiary shall not constitute ownership of such interest on the part of any beneficiary or participant. Upon cancellation of a participation agreement, endowment interest earmarked to an account shall revert back to the endowment fund.

14.5. Reinvestment of Endowment Interest - Endowment Interest that is not either transferred to the administrative fund or earmarked for use by a beneficiary under a program agreement shall be reinvested in the endowment fund.

14.6. Quarterly Disclosure - The quarterly statement provided to each participant by the Trust shall disclose both the quarterly and cumulative amounts of endowment interest that have been earmarked for use by a beneficiary under a participation agreement.

14.7. Payment of Benefits - When payment of benefits for the beneficiary begin under a participation agreement, interest from the endowment fund that has been earmarked for use by the beneficiary shall be made available for higher education costs, and shall be disbursed with the principal and interest held on behalf of the beneficiary in the program fund according to section 10 of this rule.

KEY: higher education, educational savings trust
[January 4,]1999 **53B-8a**



Regents (Board of), Administration
R765-785
Utah Supplemental Educational
Savings Plan Trust

NOTICE OF PROPOSED RULE
 (New)
 DAR FILE NO.: 22035
 FILED: 05/10/1999, 10:53
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To implement a supplemental trust pursuant to Title 53B, Chapter 8b, as amended by the 1999 passage of H.B. 261.

SUMMARY OF THE RULE OR CHANGE: Implements a supplemental savings trust as a companion to the basic trust operating under Title 53B, Chapter 8a, (R765-685) which will establish a savings option using a more aggressive investment strategy.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 53B, Chapter 8b, as amended by H.B. 261 (1999)
FEDERAL REQUIREMENT FOR THIS RULE: Proposed regulations to Section 529, Internal Revenue Code

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** Costs of the supplemental program (1 full time employee (FTE) and operational expenses) will be covered by fees and non-appropriated funds provided by the Loan Purchase Program. Therefore, there will be no impact on the State budget.

❖**LOCAL GOVERNMENTS:** No impact because the authorizing legislation and the proposed rules do not impact local government.

❖**OTHER PERSONS:** A portion of the operating expenses of the program will be covered by fees specifically authorized by statute and paid by participants who voluntarily agree to pay the fees in exchange for the opportunity to receive the investment and tax saving opportunities provided by the Utah Supplemental Educational Savings Plan Trust. The maximum fees are outlined in Subsection R765-785-3(3.5) of the proposed rule.

(DAR Note: H.B. 261 is found at 1999 Utah Laws 240, and is effective as of May 3, 1999.)

COMPLIANCE COSTS FOR AFFECTED PERSONS: A portion of the operating expenses of the program will be covered by fees specifically authorized by statute and paid by participants who voluntarily agree to pay the fees in exchange for the opportunity to receive the investment and tax saving opportunities provided by the Utah Supplemental Educational Savings Plan Trust. The maximum fees are outlined in Subsection R765-785-3(3.5) of the proposed rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule is to implement a supplemental educational savings plan trust as authorized by Title 53B, Chapter 8b as a companion to the existing educational savings plan trust operating under Title 53B, Chapter 8a. Therefore, the proposed rules should have no fiscal impact on businesses.

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

Regents (Board of)
 Administration
 3 Triad Center, Suite 550
 355 West North Temple
 Salt Lake City, UT 84180-1205, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dale Hatch at the above address, by phone at (801) 321-7251, by FAX at (801) 321-7299, or by Internet E-mail at dhatch@utahsbr.edu.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: Dale Hatch, Deputy Executive Director



R765. Regents (Board of), Administration.**R765-785. Utah Supplemental Educational Savings Plan Trust. R765-785-1. Purpose.**

To provide rules for the administration and operation of the Utah Supplemental Educational Savings Plan Trust established by Title 53B, Chapter 8b, of the Utah Code Annotated 1953.

R765-785-2. References.

- 2.1. Title 53B, Chapter 8b, Utah Code Annotated 1953
- 2.2. Title 67, Chapter 16, Utah Code Annotated 1953
- 2.3. Utah Administrative Code, R614-2. Investment of Funds of Member Institutions of the State System of Higher Education.

R765-785-3. Definitions.

Many terms used in this rule are defined in Section 53B-8b-102. In addition, the following terms are defined by this rule.

3.1. The term "academic period" shall mean one semester or one quarter or an equivalent period for a vocational technical institution.

3.2. The word "account" shall denote the account in the program fund established and maintained under the trust for a beneficiary.

3.3. The term "account balance" shall mean the fair market value of an account as of the accounting date.

3.4. The term "accounting date" shall mean the date, not later than the last business day of each quarter as determined by the program administrator.

3.5.1. The term "administrative charge" shall mean the fee charged by the trust authorized by 53B-8b-105(i), consisting of two parts: (i) the first, an annual administrative charge payable to the administrative fund, assessed against the assets held under the participation agreement, not to exceed \$50 annually; and (ii) the second, a daily charge deducted from the assets of the program fund at a rate equivalent to an annual effective rate of not more than 0.50% ,no more than 0.25% of which shall be payable to the administrative fund, and no more than 0.25% of which shall be payable to the investment advisor for the trust.

3.5.2. The term "administrative fee" shall mean a fee of up to \$75 charged for initial enrollment in the trust, which may be waived if the participant selects direct deposit or annual payment of contributions, the fee charged by the trust on cancellation, or the fee for multiple substitution of beneficiaries.

3.6. The term "dependent person" shall mean a person who is unable to meet all of the criteria listed in subsection 3.8 of this rule.

3.7. The term "domicile" shall mean a person's true, fixed and permanent home. It is the place where the person intends to remain, and to which the person expects to return without intending to establish a new domicile elsewhere.

3.8. The term "independent person" shall mean a person who meets all of the following criteria. An independent person is one:

3.8.1. whose parent has not claimed such person as a dependent on federal or state income tax returns for the tax year preceding the date of a request to establish a vested participation agreement;

3.8.2. who demonstrates no financial dependence upon parent(s); and

3.8.3. whose parents' income is not taken into account by any private or governmental agency furnishing educational financial

assistance to the person, including scholarships, loans, and other assistance.

3.9. "Notice to Delay Trust Benefits" shall mean the form which a participant submits to the program administrator of the trust to delay benefits under a participation agreement.

3.10. "Notice to Adjust Payments" shall mean the form which a participant submits to the program administrator of the trust to change the payment amount or payment schedule of the participation agreement.

3.11. "Request to Substitute Beneficiary" shall mean the form which a participant submits to the program administrator of the trust to request the substitution of a beneficiary.

3.12. "Notice to Terminate Agreement" shall mean the form which a participant submits to the program administrator of the trust to terminate a participation agreement under the trust.

3.13. "Notice to Use Trust Benefits" shall mean the form which a participant submits to the program administrator of the trust to notify the trust of the date benefits are to begin and level of benefits to be paid.

3.14. The term "parent" shall mean one of the following:

3.14.1. A person's father or mother; or

3.14.2. A court-appointed legal guardian. The term "parent" shall not apply if the guardianship has been established primarily for the purpose of conferring the status of resident on a person.

3.15. The word "payments" shall denote the money paid by the participant to the trust under the participation agreement.

3.16. The term "public treasurer" shall mean the Assistant Commissioner for Student Loan Finance who has the responsibility for the safekeeping and investment of all trust funds.

3.17. The term "qualified proprietary school" shall mean a fully accredited proprietary school approved by the Board provided its most recent official cohort default rate published by the U.S. Department of Education is less than 25%.

R765-785-4. Participant Eligibility.

Purpose - Section 53B-8b-105 provides that the trust may enter into participation agreements with participants to effectuate the purposes, objectives and provisions of the trust. This rule establishes the eligibility criteria for a participant.

4.1. Participant Eligibility - A participant may be a resident of any state.

4.2. Participation Agreement - A participant shall execute a participation agreement with the program administrator that specifies the terms and conditions under which the participant shall participate in the trust.

4.3. Valid Social Security Number - A participant shall, on signing a participation agreement, provide the program administrator with his or her valid social security number.

R765-785-5. Beneficiary Eligibility.

Purpose - Section 53B-8b-105 provides for participation agreements for eligible beneficiaries. This rule establishes the eligibility criteria for a beneficiary.

5.1. Beneficiary Eligibility - A beneficiary may be a resident of any state.

5.2. Valid Social Security Number - A participant shall, on signing a participation agreement, provide the program administrator a valid social security number of the beneficiary.

R765-785-6. Payments and Payment Schedules.

Purpose - Section 53B-8b-105 states that participant agreements shall require participants to agree to invest a minimum amount determined by the board. This rule provides for implementation of this provision.

6.1. Payment Schedule - A participant must specify a schedule for making payments according to a participation agreement. Acceptable payment schedules are, 1) weekly, 2) bi-weekly, 3) monthly, 4) annually, and 5) other.

6.2. Payment - A participant must specify a payment amount to be paid according to the payment schedule chosen by the participant. For participants who select a weekly, bi-weekly or monthly payment schedule, the specified payment amount must be at least twenty-five dollars. For participants who select an annual payment schedule, the specified payment amount must be at least three hundred dollars. For participants who select other payment schedule, the specified payment amount must equate to at least three hundred dollars per year. A payment of less than twenty-five dollars shall be returned to the participant.

6.3. Maximum Payments - The total of all payments made on behalf of a beneficiary into this supplemental and the basic trust enacted in 53B-8a may not exceed the cost of qualified higher education expenses for five years of undergraduate enrollment at the highest cost public or private Utah institution. Payments in excess of this maximum shall be returned to the participant.

6.4. Annual Adjustments - Annual adjustments to the maximum amount of payments allowable under a participation agreement in a given calendar year shall be published by the Trust program administrator prior to the beginning of that year.

6.5. Amendments - Payment amounts and payment schedules may be adjusted by submitting to the program administrator notice to adjust payments. No administrative fee may will be charged to participants for such adjustments.

R765-785-7. Substitution of Beneficiary.

Purpose - UCA Section 53B-8b-102 provides that designated beneficiaries are defined in Section 529 of the Code which provides for changing beneficiaries. This rule establishes the criteria for substituting one beneficiary for another.

7.1. Substitution - A participant may substitute a beneficiary at any time prior to the date of admission of any beneficiary of a participation agreement to an institution of higher education and may transfer funds to another beneficiary account at any time. The substitute beneficiary must be eligible for participation pursuant to section 5 of this rule.

7.2. Request - A participant may request that a beneficiary be substituted by submitting to the program administrator a request to substitute beneficiary. The request shall accompany evidence, as specified by the program administrator, that the proposed substitute beneficiary is a member of the family of the beneficiary.

7.4. Administrative Fee - No administrative fee shall be charged for the first two substitutions of beneficiary. If a participant substitutes a beneficiary under a participation agreement more than twice, the trust shall require the participant to pay an administrative fee of twenty-five dollars for each subsequent substitution.

R765-785-8. Cancellation and Payment of Refunds.

Purpose - Section 53B-8b-105 provides that any participant may cancel a participation agreement at will. This rule establishes the criteria for canceling participation agreements and providing refunds.

8.1. Cancellation - A participant may at any time cancel a participation agreement, without cause, by submitting to the program administrator a notice to terminate agreement.

8.2. Payment of Refund - If the participation agreement is canceled, the participant is entitled to a refund. The refund shall be mailed or otherwise sent to the participant within sixty days after receipt by the program administrator of notice to terminate the participation agreement. The amount of the refund shall be the amount in the participant account less an administrative fee of ten percent of any investment income credited to the participant's account.

8.3. Death or Disability of the Beneficiary, Receipt of a Scholarship, or Rollover Distribution - The participant is entitled to a refund of one-hundred percent of all payments made under the participation agreement plus all investment income which has been credited to the participant's account less any amount paid by the trust for educational expenses of the beneficiary upon the occurrence of, 1) death of the beneficiary, 2) permanent disability or mental incapacity of the beneficiary, 3) receipt of a scholarship (or allowance or payment described in section 135(d)(1)(B) or (C) of the Internal Revenue Code) by the designated beneficiary to the extent the amount of the distribution does not exceed the amount of the scholarship, allowance, or payment, or 4) a rollover distribution to another program or account qualifying under Section 529 of the Internal Revenue Code. Under such circumstances, no administrative fee shall be charged.

8.3.1. Before a cancellation and refund due to the death of a beneficiary is made, a participant must provide the trust a copy of the beneficiary's death certificate or other proof of death acceptable under state law.

8.3.2. Before a cancellation and refund due to the disability or mental incapacity of a beneficiary is made, a participant must provide to the trust written certification from a qualified and licensed physician that the beneficiary cannot reasonably attend school.

8.3.3. Before a cancellation and refund due to the receipt of a scholarship, allowance or payment, a participant must provide to the trust written proof of the receipt by the beneficiary of a scholarship, allowance or payment and the amount thereof.

8.4. Refunds Reported - The earnings portion of any funds that are refunded to a participant pursuant to this section shall be reported to the appropriate taxing authorities for the tax year in which such refund is made.

R765-785-9. Vested Participation Agreement.

Purpose - Section 53B-8b-105 does not provide that the beneficiary of a vested participation agreement shall be considered a Utah resident for tuition purposes as under 53B-8a for the Utah Educational Savings Plan Trust. Therefore, supplemental participation agreements cannot vest.

R765-785-10. Payment of Benefits.

Purpose - This rule establishes the procedures for the payment of benefits.

10.1. Distribution of Benefits - For payment of benefits from the trust to begin, the participant shall submit a notice to use trust benefits.

10.2. Payout Schedule - Upon submission of a notice to use trust benefits, the participant shall specify the level of benefits to be paid. The participant may elect distribution of an allotment of the account balance, calculated by dividing the account balance by the number of academic periods in the beneficiary's program of study, or a higher amount, which shall not exceed the beneficiary's higher education costs for each academic period. The participant may adjust the level of benefits paid in any academic period by notifying the program administrator in writing.

10.3. Duration of Payout - Distribution of benefits shall begin after receipt by the program administrator of notice to use trust benefits and shall continue throughout the beneficiary's period of enrollment at an institution of higher education or until the account balance has been exhausted, whichever occurs first.

10.4. Interruption in Attendance - If following the submission of a notice to use trust benefits, the beneficiary interrupts his or her attendance at an institution of higher education, the participant shall submit a notice to delay trust benefits specifying the period for which trust benefits shall be delayed.

10.5. Unused Benefits - If the beneficiary graduates from an institution of higher education, and a balance remains in the beneficiary's account, the program administrator shall refund the balance of the payments and the earnings from the investments in the program fund remaining in the account to the participant unless the participant specifies that the unused funds be transferred into the account of another beneficiary. The program administrator shall make the payment from the program fund within sixty days from the date of the beneficiary's graduation. The refund shall be made unless the beneficiary plans to continue at a higher education institution and the participant submits a completed notice to delay benefits or notice to use trust benefits.

10.6. Refunds Reported - The earnings portion of any funds that are refunded to a participant pursuant to this section shall be reported to the appropriate taxing authorities for the tax year in which such refund is made.

R765-785-11. Higher Education Costs.

Purpose - Section 53B-8b-101 authorizes the establishment of the Utah Supplemental Educational Savings Plan Trust to encourage individuals to save for future higher education costs. This rule established the definition of higher education costs.

11.1. Definition - The term "higher education costs" shall mean charges for tuition, fees, room, board, books, supplies and equipment required for enrollment or attendance of a designated beneficiary at an institution of higher education.

11.2. Payment of Benefits - The payment of benefits pursuant to subsection 10 of this rule may be made only for higher education costs as defined in subsection 11.1.

R765-785-12. Investment Policy.

Purpose - This rule is applicable to all investments by the Utah Supplemental Educational Savings Plan Trust and to Trustees for funds covered by Trust agreements. Despite the following

investment objectives, there are no guarantees regarding moneys in the trust, either as to earnings or as to return of principal. The value of each participant account depends on the performance of the investments selected by the trust.

12.1. Investment Objectives - The primary objectives, in priority order, of investment activities shall be:

12.1.1. to provide compliance with the State Money Management Act and related Rules.

12.1.2. to provide adequate liquidity levels to meet Trust obligations.

12.1.3. to provide guidelines as to the types and maturities of investments while considering: (a) the availability of funds to cover current needs; (b) maximum yields on investments of funds, and (c) reasonable exposure to risk of loss.

12.1.4. All fixed income investments will be suitable to be held to maturity; however, sale prior to maturity may be necessary and warranted in some cases. The Trust's investment portfolio will not be used for speculative purposes.

12.1.5. The public treasurer will consider and meet the following objectives when investing Trust funds:

12.1.5.1. need for liquidity;

12.1.5.2. yield on investments;

12.1.5.3. safety of principal;

12.1.5.4. recognition of the different investment objectives of Program, Endowment and Administrative Funds; and

12.1.5.5. maturity of investments, so that the maturity date of the investment does not exceed the anticipated date of the expenditure of funds.

12.2. Standards of Care - Standards of care include:

12.2.1. Prudence - Selection of investments as authorized by this policy shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which a person of prudence, discretion, and intelligence would exercise in the management of his or her own affairs, not for speculation but for investment, considering the probable safety of capital, as well as the probable benefits to be derived and the probable duration for which such investment may be made, and considering the investment objectives specified in this policy.

12.2.2. Ethics and Conflicts of Interest - Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any personal financial or investment positions that could be related to the performance of the investment in accordance with Utah Code Annotated 67-16-1, Utah Public Officer's and Employees' Ethics Act.

12.2.3. Delegation of Authority - Authority to manage the investment program is granted to the Trust's public treasurer who is responsible for the operation of the investment program and who shall carry out established written procedures and internal controls for the operation of the investment program consistent with this investment policy.

12.3. Safekeeping and Custody - Standards of safekeeping and custody shall include:

12.3.1. Internal Controls - The public treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the Trust are protected from loss, theft or misuse. The internal control structure shall be

designed to provide reasonable assurance that these objectives are met.

12.3.1.1. Accordingly, the public treasurer shall establish a process for an annual independent review as provided by the state auditor to assure compliance with policies and procedures.

12.3.2. Custody -

12.3.2.1. The public treasurer shall have custody of all securities purchased or held and all evidence of deposits and investments of all funds. All securities shall be delivered versus payment to the public treasurer or to the treasurer's safekeeping bank.

12.3.2.2. The public treasurer may deposit any of these securities with a bank or trust company to be held in safekeeping by that custodian.

12.3.2.3. The provisions of this subsection apply to any book-entry-only security the ownership records of which are maintained with a securities depository, in the Federal Book Entry system authorized by the U.S. Department of Treasury, or in the book-entry records of the issuer, as follows:

12.3.2.3.1. the direct ownership of the security by the public treasurer shall be reflected in the book-entry records and represented by a receipt, confirmation, or statement issued to the public treasurer by the custodian of the book-entry system; or

12.3.2.3.2. the ownership of the security held by the public treasurer's custodial bank or trust company shall be reflected in the book-entry records and the public treasurer's ownership shall be represented by a receipt, confirmation, or statement issued by the custodial bank or trust company.

12.3.3. All investments shall be approved by the State Treasurer.

12.4. Authorized Investments - Investment transactions may be conducted only through qualified depositories, certified dealers, or directly with the issuers of the investment securities. The remaining term to maturity of investments may not exceed the period of availability of the funds to be invested. Deposits into the Trust's Administrative Fund and Program Fund may be invested only in the following assets that meet the Trust's investment objectives and criteria and the requirements of the State Money Management Act as amended:

12.4.1. negotiable or nonnegotiable deposits of qualified depositories;

12.4.2. qualifying repurchase agreements and reverse repurchase agreements with certified dealers, permitted depositories, or qualified depositories using collateral consisting of:

12.4.2.1. Government National Mortgage Association mortgage pools;

12.4.2.2. Federal Home Loan Mortgage Corporation mortgage pools;

12.4.2.3. Federal National Mortgage Corporation mortgage pools;

12.4.2.4. Small Business Administration loan pools;

12.4.2.5. Federal Agriculture Mortgage Corporation pools; or

12.4.2.6. other deposits or investments of public funds authorized by the State Money Management Act;

12.4.3. commercial paper that is classified as "first tier" by two nationally recognized statistical rating organizations, one of which must be Moody's Investors Service, Inc. or Standard and Poor's Corporation, which has a remaining term to maturity of 270 days or less;

12.4.4. bankers' acceptances that;

12.4.4.1. are eligible for discount at a Federal Reserve bank; and

12.4.4.2. have a remaining term to maturity of 270 days or less;

12.4.5. fixed rate negotiable deposits issued by a permitted depository that have a remaining term to maturity of 365 days or less;

12.4.6. obligations of the United States Treasury, including United States Treasury bills, United States Treasury notes, and United States Treasury bonds;

12.4.7. obligations other than mortgage pools and other mortgage derivative products issued by, or fully guaranteed as to principal and interest by, the following agencies or instrumentalities of the United States in which a market is made by a primary reporting government securities dealer:

12.4.7.1. Federal Farm Credit banks;

12.4.7.2. Federal Home Loan banks;

12.4.7.3. Federal National Mortgage Association;

12.4.7.4. Student Loan Marketing Association;

12.4.7.5. Federal Home Loan Mortgage Corporation;

12.4.7.6. Federal Agriculture Mortgage Corporation; and

12.4.7.7. Tennessee Valley Authority;

12.4.8. fixed rate corporate obligations that:

12.4.8.1. are rated "A" or higher or the equivalent of "A" or higher, by two nationally recognized statistical rating organizations one of which must be Moody's Investors Service, Inc. or Standard and Poor's Corporation;

12.4.8.2. are publicly traded; and

12.4.8.3. have a remaining term to final maturity of 365 days or less or is subject to a hard put at par value or better, within 365 days;

12.4.9. tax anticipation and general obligation bonds of the state or of any county, incorporated city or town, school district, or other political subdivision of this state, including bonds offered on a when-issued basis.

12.4.10. bonds, notes, or other evidence of indebtedness of any county, incorporated city or town, school district, or other political subdivision of the state that are payable from assessments or from revenues or earnings specifically pledged for payment of the principal and interest on these obligations.

12.4.11. State Public Treasurer's Investment Fund;

12.4.12. shares or certificates in a money market mutual fund as defined in Section 51-7-3, et.seq., of the State Money Management Act;

12.4.13. variable rate negotiable deposits that:

12.4.13.1. are issued by a qualified depositor or a permitted depository;

12.4.13.2. are repriced at least semiannually; and

12.4.13.3. have a remaining term to final maturity not to exceed two years;

12.4.14. variable rate securities that:

12.4.14.1. are rated "A" or higher or the equivalent of "A" or higher by two nationally recognized statistical rating organizations, one of which must be Moody's Investors Service, Inc. or Standard and Poor's Corporation;

12.4.14.2. are publicly traded;

12.4.14.3. are repriced at least semiannually;

Tax Commission, Property Tax
R884-24P-57
 Judgment Levies Pursuant to Utah
 Code Ann. Section 59-2-1328

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22028

FILED: 05/04/1999, 11:22

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Sections 59-2-918.5, 59-2-924, 59-2-1328, and 59-2-1330 impose conditions a taxing entity must satisfy to impose a judgment levy. Some of their conditions are vague, some are contradictory. The proposed amendment clarifies where necessary and resolves statutory conflicts.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment: defines statutory terms; indicates how to determine if a judgment meets the statutory conditions necessary to impose a judgment levy; provides guidance on how a taxing entity satisfies statutory imposed advertisement and hearing conditions necessary for imposition of a judgement levy; and indicates the evidence a taxing entity must provide the Tax Commission to evidence it has met the statutory conditions for imposition of a judgement levy.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-2-918.5, 59-2-924, 59-2-1328, and 59-2-1330

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: The rule amendment has no revenue impact since it implements legislation (1999 H.B. 268) in which revenue impacts were taken into account.
 - ❖LOCAL GOVERNMENTS: The rule amendment has no revenue impact since it implements legislation (1999 H.B. 268) in which revenue impacts were taken into account.
 - ❖OTHER PERSONS: The rule amendment has no revenue impact since it implements legislation (1999 H.B. 268) in which revenue impacts were taken into account.
- (DAR Note: H.B. 268 is found at 1999 Utah Laws 353, and is effective as of May 3, 1999.)

COMPLIANCE COSTS FOR AFFECTED PERSONS: Additional newspaper advertisements and hearings are required of taxing entities. These additional requirements are required by statute. The rule amendment imposes no additional compliance costs beyond the statute.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no fiscal impacts on businesses as a result of this rule.

12.4.14.4. have a remaining term to final maturity not to exceed two years; or are subject to a hard put at par value or better, within 365 days; and

12.4.14.5. are not mortgages, mortgage-backed securities, mortgage derivative products, or any security making unscheduled periodic principal payments other than optional redemptions.

12.5. Reporting - The public treasurer will prepare monthly and quarterly investment reports with appropriate assertions which will be submitted to the Utah State Board of Regents Student Finance Subcommittee for review and approval. The Subcommittee will determine the format and information to be reported.

R765-785-13. Earnings in Program Fund.

Purpose - Section 53B-8b-106 provides the Trust with authority to invest, via the program fund, payments made by a participant under a participation agreement. This rule establishes the terms for the payment of interest to individual participant accounts within the program fund.

13.1. Quarterly Crediting - The trust shall credit interest earnings from the program fund to individual participant accounts on a quarterly basis.

13.2. Pro-rata Share - A pro-rata share of interest earned by the program fund during a given quarter shall be credited to each participant account at the end of the quarter. The pro-rata amount posted to each individual account shall be based on the average daily balance of the individual account compared to the average daily balance of the program fund during the quarter.

13.3. Transfers to Administrative Fund - Authorized administrative charges and fees may be transferred quarterly to the administrative fund for administrative purposes.

13.4. Quarterly Statement - At the close of each quarter, the Trust shall provide for each participant a statement listing the beginning balance, interest earned and closing balance of the participant's account held in the program fund.

R765-785-14. Earnings in Endowment Fund.

Purpose - Section 53B-8b-102 refers to the Endowment Fund under Section 53B-8a-107. Upon approval by the board, funds can be transferred from the Administrative Fund to the Endowment Fund. However, Utah Supplemental Savings Plan Trust accounts shall not be entitled to a share or distribution of the earnings in the Endowment Fund.

R765-785-15. No Pledging of Trust Funds as Security.

15.1. Funds held by the Utah Supplemental Educational Savings Plan Trust may not be used by a participant or a beneficiary under a participation agreement as security for a loan.

KEY: higher education, supplemental educational savings trust 1999 53B-8b



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

Tax Commission
 Property Tax
 Tax Commission Building
 210 North 1950 West
 Salt Lake City, UT 84134, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 07/01/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/1999

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-57. Judgment Levies Pursuant to Utah Code Ann. [Section]Sections 59-2-918.5, 59-2-924, 59-2-1328, and 59-2-1330.

A. [A judgment levy imposed on or after January 1, 1997, is exempt from the requirements of Sections 59-2-918 and 59-2-919; regardless of when the judgment underlying that levy was entered.]Definitions.

1. "Issued" means the date on which the judgment is signed.
2. "One percent of the total ad valorem property taxes collected by the taxing entity in the previous fiscal year" includes any revenues collected by a judgment levy imposed in the prior year.
3. "Unpaid judgment" means the taxpayer awarded the judgment has not received payment of the judgment amount.

B. For purposes of Section 59-2-924(2)(a)(v), a judgment must be unpaid when the taxing entity holds its final meeting for setting property tax rates.

C. To determine whether a judgment is less than the smaller of \$1,000 or one percent of the total ad valorem property taxes collected by the taxing entity in the previous fiscal year, a taxing entity:

1. shall measure its pro rata share of the judgment, including interest, against the measure set forth in C.; and
2. may not aggregate judgments prior to applying the test set forth in C.

D. The judgment levy public hearing required by Section 59-2-918.5 shall be held as follows:

1. For taxing entities operating under a July 1 through June 30 fiscal year, the public hearing shall be held at least 10 days after the Notice of Property Valuation and Tax Changes is mailed.
2. For taxing entities operating under a January 1 through December 31 fiscal year:
 - a) for judgments issued from the prior June 1 through December 15, the public hearing shall be held at the same time as the hearing at which the annual budget is adopted;

b) for judgments issued from the prior December 16 through May 31, the public hearing shall be held at least 10 days after the Notice of Property Valuation and Tax Changes is mailed.

3. If the taxing entity is required to hold a hearing under Section 59-2-919, the judgment levy hearing required by D.1. and D.2.b) shall be held at the same time as the hearing required under Section 59-2-919.

E. If the Section 59-2-918.5 advertisement is combined with the Section 59-2-918 or 59-2-919 advertisement, the combined advertisement shall aggregate the general tax increase and judgment levy information.

F. In the case of taxing entities operating under a January 1 through December 31 fiscal year, the advertisement for judgments issued from the previous December 16 through May 31 shall include any judgments issued from the previous June 1 through December 15 that the taxing entity advertised and budgeted for at its December budget hearing.

G. All taxing entities imposing a judgment levy shall file with the Tax Commission a signed statement certifying that all judgments for which the judgment levy is imposed have met the statutory requirements for imposition of a judgment levy.

1. The signed statement shall contain the following information for each judgment included in the judgment levy:

- a) the name of the taxpayer awarded the judgment;
- b) the appeal number of the judgment; and
- c) the taxing entity's pro rata share of the judgment.

2. Along with the signed statement, the taxing entity must provide the Tax Commission the following:

- a) a copy of all judgment levy newspaper advertisements required;
- b) the dates all required judgment levy advertisements were published in the newspaper;
- c) a copy of the final resolution imposing the judgment levy;
- d) a copy of the Notice of Property Valuation and Tax Changes, if required; and
- e) any other information required by the Tax Commission.

H. The provisions of House Bill 268, Truth in Taxation - Judgment Levy (1999 General Session), do not apply to judgments issued prior to January 1, 1999.

KEY: taxation, personal property, property tax, appraisal
[January 12,]1999 Art. XIII, Sec 2
 Notice of Continuation May 8, 1997 59-2-1328
 59-2-918 through 59-2-924
 59-2-1330

◆ ————— ◆
End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Administrative Services, Facilities Construction and Management **R23-29** Across the Board Delegation

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22041
FILED: 05/11/1999, 17:17
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63A-5-103(1)(e) gives the State Building Board specific rulemaking authority regarding the activities of the Board and of the Division of Facilities Construction and Management (DFCM). Subsection 63A-5-206(3)(a)(ii)(B) provides authority for DFCM to delegate to particular agencies its authority to manage the design and construction of projects within a particular dollar range and project type. This rule implements the provisions of this subsection.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule must be continued in order to provide for the ongoing delegation of the management authority for projects at the University of Utah and Utah State University. If the rule is not continued, this delegation of authority would be rescinded.

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

Administrative Services
Facilities Construction and Management
4110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sylvia Haro at the above address, by phone at (801) 538-3261, by FAX at (801) 538-3267, or Internet E-mail at sharo@dcm.state.ut.us.

AUTHORIZED BY: Richard E. Byfield, Division Director

EFFECTIVE: 05/11/1999



Natural Resources, Wildlife Resources **R657-37** Cooperative Wildlife Management Units for Big Game

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 22027
FILED: 05/03/1999, 14:58
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Under Section 23-23-3, the Wildlife Board is authorized to make rules applicable to cooperative wildlife management units for big game to administer and enforce the provisions of Chapter 23.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Division of Wildlife Resources and the Wildlife Board have received several comments, both in support and opposition to Rule R657-37, Cooperative Wildlife Management Units for Big Game. Written comments received in opposition to the rule are resolved using existing policies and procedures or the issue is placed on the Regional Advisory Council's and Wildlife Board's agenda for review and discussion during the annual process for taking public input. The public is welcome to view the Regional Advisory Council minutes, Wildlife Board minutes, and administrative record for this rule at the Division of Wildlife Resources.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R657-37 provides the procedures, standards, and requirements for the establishment of a cooperative wildlife management unit. The provisions adopted in this rule are effective in providing the standards and requirements for establishing cooperative wildlife management units and providing adequate protection to landowners who open their lands for hunting and provide additional hunting opportunities. Continuation of this rule is necessary for continued success of this program.

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or Internet E-mail at nrdwr.dsundell@email.state.ut.us.

AUTHORIZED BY: John Kimball, Director

EFFECTIVE: 05/03/1999

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End of the Five-Year Notices of Review and Statements of Continuation Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Environmental Quality

Air Quality

No. 21697 (CPR): R307-12 (Changed to R307-205).
Emission Standards: Fugitive Emissions and Fugitive Dust.
Published: April 1, 1999
Effective: May 4, 1999

No. 21851 (AMD): R307-101-2. Definitions.
Published: March 1, 1999
Effective: May 6, 1999

No. 21698 (CPR): R307-309. Davis, Salt Lake, and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust.
Published: April 1, 1999
Effective: May 4, 1999

No. 21852 (AMD): R307-403. Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas.
Published: March 1, 1999
Effective: May 6, 1999

No. 21853 (NEW): R307-420. Permits: Ozone Offset Requirements in Davis and Salt Lake Counties.
Published: March 1, 1999
Effective: May 6, 1999

Solid and Hazardous Waste

No. 21784 (CPR): R315-303. Landfilling Standards.
Published: April 1, 1999
Effective: May 5, 1999

No. 21788 (CPR): R315-318. Permit by Rule.
Published: April 1, 1999
Effective: May 5, 1999

Health

Health Systems Improvement, Emergency Medical Services

No. 21906 (AMD): R426-6. Emergency Medical Services Grants Program Rules.
Published: April 1, 1999
Effective: May 14, 1999

Human Resource Management

Administration

No. 21803 (AMD): R477-8. Working Conditions.
Published: February 15, 1999
Effective: May 4, 1999

Human Services

Administration

No. 21917 (AMD): R495-879. Parental Support for Children in Care.
Published: April 1, 1999
Effective: May 10, 1999

Professional Practices Advisory Commission

Administration

No. 21921 (AMD): R686-100. Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings.
Published: April 1, 1999
Effective: May 6, 1999

No. 21922 (NEW): R686-103. Professional Practices and Conduct for Utah Educators.
Published: April 1, 1999
Effective: May 6, 1999

Public Service Commission

Administration

No. 21793 (AMD): R746-100. Practice and Procedure Governing Formal Hearings.
Published: February 1, 1999
Effective: May 17, 1999

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, 1999, including notices of effective date received through May 14, 1999, the effective dates of which are no later than June 1, 1999. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

<p>AMD = Amendment CPR = Change in proposed rule EMR = Emergency rule (120 day) NEW = New rule 5YR = Five-Year Review EXD = Expired</p>	<p>NSC = Nonsubstantive rule change REP = Repeal R&R = Repeal and reenact * = Text too long to print in <i>Bulletin</i>, or repealed text not printed in <i>Bulletin</i></p>
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CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Facilities Construction and Management</u>					
R23-29	Across the Board Delegation	22041	5YR	05/11/99	99-11/75
<u>Finance</u>					
R25-5	Payment of Per Diem to Boards	21887	NSC	03/05/99	Not Printed
R25-7	Travel-Related Reimbursements for State Employees	21888	NSC	03/05/99	Not Printed
R25-8	Meal Allowance	21889	NSC	03/05/99	Not Printed
<u>Records Committee</u>					
R35-1	State Records Committee Appeal Hearing Procedures	21751	NEW	03/18/99	99-2/2
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-5	Grazing Advisory Boards	21884	5YR	02/22/99	99-6/27

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Plant Industry</u>					
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	21701	AMD	01/15/99	98-24/8
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	21808	AMD	03/18/99	99-4/7
COMMERCE					
<u>Occupational and Professional Licensing</u>					
R156-5a	Podiatric Physician Licensing Act Rules	21907	5YR	03/02/99	99-7/54
R156-24a	Physical Therapist Practice Act Rules	21716	AMD	see CPR	98-24/11
R156-24a	Physical Therapist Practice Act Rules	21716	CPR	03/09/99	99-3/56
R156-28	Veterinary Practice Act Rules	21753	AMD	02/18/99	99-2/3
R156-31b	Nurse Practice Act Rules	21903	AMD	04/15/99	99-6/4
R156-37c	Utah Controlled Substance Precursor Act Rules	21908	5YR	03/02/99	99-7/54
R156-39a	Alternative Dispute Resolution Providers Certification Act Rules	21905	5YR	03/01/99	99-6/27
R156-50	Private Probation Provider Licensing Act Rules	21822	AMD	03/18/99	99-4/9
R156-62-302	Qualifications for Registration	21899	AMD	04/15/99	99-6/6
R156-63	Security Personnel Licensing Act Rules	21855	AMD	04/01/99	99-5/7
R156-74	Certified Shorthand Reporters Licensing Act Rules	21812	NEW	03/18/99	99-4/12
R156-78	Rules of the Certified Shorthand Reporters Licensing Board	21813	REP	03/18/99	99-4/13
<u>Real Estate</u>					
R162-101	Authority and Definitions	22000	EMR	05/03/99	99-10/90
R162-102	Licensing Procedures	22001	EMR	05/03/99	99-10/91
R162-103	Appraisal Education Requirements for Prelicense and Continuing Education Course, School and Instructor Certification	22002	EMR	05/03/99	99-10/94
R162-104	Experience Requirement	22003	EMR	05/03/99	99-10/98
R162-105	Scope of Authority	22004	EMR	05/03/99	99-10/100
R162-106	Professional Conduct	22005	EMR	05/03/99	99-10/102
R162-107	Unprofessional Conduct	22006	EMR	05/03/99	99-10/104
R162-109	Administrative Proceedings	22007	EMR	05/03/99	99-10/105
CORRECTIONS					
<u>Administration</u>					
R251-103	Undercover Roles of Offenders	21858	5YR	02/12/99	99-5/57
R251-105	Applicant Qualifications for Employment with Department of Corrections	21828	5YR	02/01/99	99-4/65
R251-105	Applicant Qualifications for Employment with Department of Corrections	21829	AMD	03/29/99	99-4/15
CRIME VICTIM REPARATIONS					
<u>Administration</u>					
R270-1	Award and Reparation Standards	21904	AMD	04/15/99	99-6/7

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<u>Administration</u>					
R277-102	Adjudicative Proceedings	21893	5YR	02/26/99	99-6/28
R277-413	Accreditation of Secondary Schools, Alternative or Special Purpose Schools	21823	NEW	03/22/99	99-4/16
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	21894	5YR	02/26/99	99-6/28
R277-436	Gang Prevention and Intervention Programs in the Schools	21902	AMD	04/15/99	99-6/12
R277-437	Student Enrollment Options	21677	NEW	01/05/99	98-23/4
R277-455	Standards and Procedures for Building Plan Review	21895	5YR	02/26/99	99-6/29
R277-458	70% Utilization of School Buildings	22024	EMR	04/30/99	99-10/107
R277-470	Distribution of Funds for Charter Schools	21773	NSC	01/27/99	Not Printed
R277-519	Educator In-service Procedures and Credit	21824	AMD	03/22/99	99-4/19
R277-601	Standards for Utah School Buses and Operations	21896	5YR	02/26/99	99-6/29
R277-702	Procedures for the Utah General Educational Development Certificate	21825	AMD	03/22/99	99-4/20
R277-712	Advanced Placement Programs	21897	5YR	02/26/99	99-6/30
R277-733	Adult Basic Skills and Adult High School Programs	21826	AMD	03/22/99	99-4/22
R277-734	Standards and Procedures for Adult Education Section 353 Funds	21898	5YR	02/26/99	99-6/30
R277-735	Standards and Procedures for Corrections Education Programs Serving Inmates of the Utah Department of Corrections	21678	NEW	01/05/99	98-23/6
<u>Applied Technology Education (Board for), Rehabilitation</u>					
R280-201	USOR ADA Complaint Procedure	21679	NEW	01/05/99	98-23/8
R280-202	USOR Procedures for Individuals with the Most Severe Disabilities	21680	NEW	01/05/99	98-23/10
ENVIRONMENTAL QUALITY					
<u>Air Quality</u>					
R307-12 (Changed to R307-205)	Fugitive Emissions and Fugitive Dust	21697	AMD	see CPR	98-24/12
R307-12 (Changed to R307-205)	Emission Standards: Fugitive Emissions and Fugitive Dust	21697	CPR	05/04/99	99-7/44
R307-101-2	Definitions	21588	AMD	01/07/99	98-22/49
R307-101-2	Definitions	21782	AMD	04/08/99	99-3/4
R307-101-2	Definitions	21851	AMD	05/06/99	99-5/9
R307-150	Periodic Inventories	21590	REP	03/04/99	98-22/55
R307-150	Emission Inventories	21591	NEW	see CPR	98-22/56
R307-150	Emission Inventories	21591	CPR	03/04/99	99-3/57
R307-155	Emission Inventories	21592	REP	03/04/99	99-22/60

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R307-155	Hazardous Air Pollutant Inventory	21593	NEW	see CPR	98-22/62
R307-155	Hazardous Air Pollutant Inventory	21593	CPR	03/04/99	99-3/59
R307-158	Emission Statement Inventory	21594	NEW	see CPR	98-22/64
R307-158	Emission Statement Inventory	21594	CPR	03/04/99	99-3/60
R307-170	Continuous Emission Monitoring Program	21504	R&R	see CPR	98-20/5
R307-170	Continuous Emission Monitoring Program	21504	CPR	04/01/99	99-5/51
R307-214	National Emission Standards for Hazardous Air Pollutants	21844	5YR	02/03/99	99-5/57
R307-221	Emission Standards: Emission Controls for Existing Municipal Solid Waste Landfills	21595	AMD	01/07/99	98-22/66
R307-221	Emission Controls for Existing Municipal Solid Waste Landfills	21850	NSC	02/27/99	Not Printed
R307-302-2	No-Burn Periods for PM10	21570	AMD	01/07/99	98-22/67
R307-309	Davis, Salt Lake, and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	21698	NEW	see CPR	98-24/15
R307-309	Davis, Salt Lake, and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	21698	CPR	05/04/99	99-7/46
R307-403	Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas	21852	AMD	05/06/99	99-5/16
R307-415	Permits: Operating Permit Requirements	21900	5YR	03/01/99	99-6/31
R307-415-3	Definitions	21589	AMD	01/07/99	98-22/68
R307-417	Permits: Acid Rain Sources	21735	AMD	03/05/99	99-1/3
R307-417	Permits: Acid Rain Sources	21910	5YR	03/05/99	99-7/55
R307-420	Permits: Ozone Offset Requirements in Davis and Salt Lake Counties	21853	NEW	05/06/99	99-5/18
<u>Drinking Water</u>					
R309-104	Monitoring, Reporting and Public Notification	21553	AMD	01/15/99	98-21/16
R309-113	Drinking Water Source Protection	21554	AMD	01/15/99	98-21/20
<u>Environmental Response and Remediation</u>					
R311-201	Underground Storage Tanks: Certification Program	21854	NSC	02/27/99	Not Printed
<u>Radiation Control</u>					
R313-12-3	Definitions	21684	AMD	03/12/99	98-24/26
R313-15-906	Procedures for Receiving and Opening Packages	21685	AMD	03/12/99	98-24/32
R313-16	General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines	21535	AMD	01/15/99	98-21/27
R313-19	Requirements of General Applicability to Licensing of Radioactive Material	21686	AMD	03/12/99	98-24/33
R313-21	General Licenses	21805	5YR	01/25/99	99-4/65
R313-28	Use of X-rays in the Healing Arts	21682	AMD	03/12/99	98-24/46

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R313-38	Radiation Safety Requirements for Wireline Service Operation and Subsurface Tracer Studies	21807	5YR	01/25/99	99-4/66
<u>Solid and Hazardous Waste</u>					
R315-2	General Requirements - Identification and Listing of Hazardous Waste	21459	AMD	see CPR	98-19/10
R315-2	General Requirements - Identification and Listing of Hazardous Waste	21459	CPR	02/15/99	99-1/28
R315-2-2	Definition of Solid Waste	21856	AMD	04/15/99	99-5/20
R315-301-2	Definitions	21783	AMD	03/15/99	99-3/10
R315-303	Landfilling Standards	21784	AMD	see CPR	99-3/14
R315-303	Landfilling Standards	21784	CPR	05/05/99	99-7/78
R315-304	Industrial Solid Waste Landfill Requirements	21439	AMD	see CPR	98-19/50
R315-304	Industrial Solid Waste Landfill Requirements	21439	CPR	01/05/99	98-23/45
R315-304-1	Applicability	21772	NSC	01/05/99	Not Printed
R315-305-5	Requirements for Operation	21785	AMD	03/15/99	99-3/18
R315-315-6	PCB Containing Waste	21786	AMD	03/15/99	99-3/19
R315-317	Other Processes, Variances, and Violations	21787	AMD	03/15/99	99-3/20
R315-318	Permit by Rule	21788	AMD	see CPR	99-3/22
R315-318	Permit by Rule	21788	CPR	05/05/99	99-7/50
R315-320	Waste Tire Transporter and Recycler Requirements	21920	5YR	03/12/99	99-7/55
<u>Water Quality</u>					
R317-10	Certification of Wastewater Works Operators	21449	AMD	see CPR	98-19/70
R317-10	Certification of Wastewater Works Operators	21449	CPR	02/04/99	99-1/35
FAIR CORPORATION (UTAH STATE)					
<u>Administration</u>					
R325-1	Utah State Fair Competitive Exhibitor Rules	21872	AMD	04/05/99	99-5/22
R325-2	Utah State Fair Commercial Exhibitor Rules	21873	AMD	04/05/99	99-5/23
R325-3	Utah State Fair Patron Rules	21874	AMD	04/05/99	99-5/24
R325-4	Interim Patrons Rules (Other Than Utah State Fair)	21875	AMD	04/05/99	99-5/25
R325-5	Interim Renters Rules (Other Than Utah State Fair)	21876	AMD	04/05/99	99-5/26
HEALTH					
<u>Children's Health Insurance Program</u>					
R382-10	Eligibility	21669	AMD	01/07/99	98-23/12
R382-10	Eligibility	21843	NSC	02/27/99	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Health Care Financing</u>					
R410-14	Division of Health Care Financing Administrative Hearing Procedures for Medicaid/UMAP Applicants, Recipients and Providers, and Non-Medicaid/UMAP Nursing Home Residents as per "OBRA" Preadmission Screening and Annual Resident Review (PASARR) Determinations/Resident Rights Requirements	21668	AMD	01/07/99	98-23/14
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1	Utah Medicaid Program	21890	AMD	04/23/99	99-6/13
R414-29	Client Review/Education and Restriction Policy	21687	AMD	01/21/99	98-24/50
R414-31X	Hospital Utilization Review	21891	REP	04/23/99	99-6/18
R414-54	Speech-Language Pathology Services	21935	5YR	03/31/99	99-8/73
R414-58	Children's Organ Transplants	21857	5YR	02/12/99	99-5/58
R414-303	Coverage Groups	21529	AMD	01/05/99	98-21/31
R414-304	Income and Budgeting	21764	AMD	02/25/99	99-2/4
R414-307	Eligibility Determination and Redetermination	21892	AMD	04/23/99	99-6/19
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-1	Ambulance Rules	21693	AMD	02/26/99	98-24/51
R426-1-8	Maximum Licensed Services Transportation Rates and Charges	21649	AMD	01/07/99	98-23/22
R426-2	Air Medical Service Rules	21688	AMD	01/22/99	98-24/59
R426-3	Utah Mobile Paramedic Rules	21694	AMD	01/22/99	98-24/61
R426-4	Emergency Medical Dispatcher Rules	21695	AMD	01/22/99	98-24/67
R426-6	Emergency Medical Services Grants Program Rules	21657	AMD	03/01/99	98-23/23
R426-6	Emergency Medical Services Grants Program Rules	21906	AMD	05/14/99	99-7/12
<u>Health Data Analysis</u>					
R428-10	Health Data Authority Hospital Inpatient Reporting Rule	21755	AMD	03/01/99	99-2/10
<u>Health Systems Improvement, Child Care Licensing</u>					
R430-100-13	Infection Control	21769	AMD	02/25/99	99-2/13
<u>Health Systems Improvement, Health Facility Licensure</u>					
R432-1	General Health Care Facility Rules	21795	5YR	01/20/99	99-4/67
R432-2	General Licensing Provisions	21775	5YR	01/11/99	99-3/68
R432-2	General Licensing Provisions	21859	AMD	04/21/99	99-5/29
R432-3	General Health Care Facility Rules Inspection and Enforcement	21776	5YR	01/11/99	99-3/68
R432-4	General Construction	21815	5YR	01/29/99	99-4/68
R432-5	Nursing Facility Construction	21816	5YR	01/29/99	99-4/68
R432-6	Assisted Living Facility General Construction	21700	AMD	01/29/99	98-24/69
R432-6	Assisted Living Facility General Construction	21817	5YR	01/29/99	99-4/69

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R432-150	Nursing Care Facility Rules	21752	R&R	02/25/99	99-2/15
R432-250	Residential Health Care Facilities	21528	REP	01/20/99	98-21/42
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R510-111	Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	21886	NSC	02/27/99	Not Printed
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R527-210	Guidelines for Setting Child Support Awards	21810	NSC	01/27/99	Not Printed
R527-378	Garnishment of Social Security Benefits	21726	AMD	01/15/99	98-24/90
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R590-167	Individual and Small Employer Health Insurance Rule	21791	AMD	03/11/99	99-3/24
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R657-42	Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits	21720	AMD	01/15/99	98-24/109
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R865-6F-34	Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-7-701	21760	AMD	03/16/99	99-2/58
R865-6F-35	S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703	21761	AMD	03/16/99	99-2/59
DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
R865-7H-1	Environmental Assurance Fee for Retailers or Consumers Not Participating in the Environmental Assurance Program Pursuant to Utah Code Ann. Section 19-6-410.5	21737	NEW	03/16/99	99-1/22
R865-7H-2	Environmental Assurance Fee on Packaged Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	21738	NEW	03/16/99	99-1/24

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R865-13G-14	Environmental Assurance Fee Pursuant to Utah Code Ann. Section 19-6-410.5	21740	AMD	04/28/99	99-1/25
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R884-24P-52	Criteria for Determining Primary Residence Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-103	21326	CPR	01/12/99	98-23/46
R884-24P-53	1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	21777	EMR	01/12/99	99-3/64
R884-24P-53	1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	21789	AMD	03/16/99	99-3/46
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R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	21780	AMD	05/04/99	99-3/49
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R912-8	Minimum Tire, Axle and Suspension Ratings for Heavy Vehicles and the Use of Retractable or Variable Load Suspension Axles in Utah	21800	NSC	01/27/99	Not Printed
R912-76	Single Tire Configuration	21801	NSC	01/27/99	Not Printed
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R986-414	Income	21581	AMD	01/20/99	98-22/133
R986-414	Income	21763	AMD	04/08/99	99-2/64
R986-417	Documentation	21582	AMD	01/20/99	98-22/134
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R994-405	Ineligibility for Benefits	21745	AMD	02/17/99	99-2/65
R994-405	Ineligibility for Benefits	21746	AMD	02/17/99	99-2/72
R994-405	Ineligibility for Benefits	21748	AMD	02/17/99	99-2/77
R994-405	Ineligibility for Benefits	21749	AMD	02/17/99	99-2/83
R994-405	Ineligibility for Benefits	21747	NSC	02/20/99	Not Printed
R994-600	Dislocated Workers	21770	AMD	03/05/99	99-3/51

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ABBREVIATIONS

AMD = Amendment
 CPR = Change in proposed rule
 EMR = Emergency rule (120 day)
 NEW = New rule
 5YR = Five-Year Review
 EXD = Expired

NSC = Nonsubstantive rule change
 REP = Repeal
 R&R = Repeal and reenact
 * = Text too long to print in *Bulletin*, or repealed text not printed in *Bulletin*

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	21910	R307-417	5YR	03/05/99	99-7/55
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	21846	R602-2-4	AMD	04/05/99	99-5/40
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<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
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	21826	R277-733	AMD	03/22/99	99-4/22
	21898	R277-734	5YR	02/26/99	99-6/30
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	21886	R510-111	NSC	02/27/99	Not Printed
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	21697	R307-12 (Changed to R307-205)	CPR	05/04/99	99-7/44
	21588	R307-101-2	AMD	01/07/99	98-22/49
	21782	R307-101-2	AMD	04/08/99	99-3/4
	21851	R307-101-2	AMD	05/06/99	99-5/9
	21591	R307-150	NEW	see CPR	98-22/56
	21591	R307-150	CPR	03/04/99	99-3/57
	21592	R307-155	REP	03/04/99	98-22/60
	21593	R307-155	NEW	see CPR	98-22/62
	21593	R307-155	CPR	03/04/99	99-3/59
	21594	R307-158	NEW	see CPR	98-22/64
	21594	R307-158	CPR	03/04/99	99-3/60
	21504	R307-170	R&R	see CPR	98-20/5
	21504	R307-170	CPR	04/01/99	99-5/51
	21844	R307-214	5YR	02/03/99	99-5/57
	21595	R307-221	AMD	01/07/99	98-22/66
	21850	R307-221	NSC	02/27/99	Not Printed
	21570	R307-302-2	AMD	01/07/99	98-22/67
	21698	R307-309	NEW	see CPR	98-24/15
	21698	R307-309	CPR	05/04/99	99-7/46
	21852	R307-403	AMD	05/06/99	99-5/16
	21900	R307-415	5YR	03/01/99	99-6/31
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	21853	R307-420	NEW	05/06/99	99-5/18
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	21910	R307-417	5YR	03/05/99	99-7/55

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Administrative Services, Finance	21889	R25-8	NSC	03/05/99	Not Printed
<u>ALTERNATIVE DISPUTE RESOLUTION</u>					
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Health, Laboratory Services	21928	R438-13	5YR	03/18/99	99-8/73
<u>APPLIED TECHNOLOGY EDUCATION</u>					
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	21789	R884-24P-53	AMD	03/16/99	99-3/46
	21762	R884-24P-61	AMD	03/16/99	99-2/60
	21676	R884-24P-63	AMD	03/16/99	98-23/42
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Commerce, Occupational and Professional Licensing	21905	R156-39a	5YR	03/01/99	99-6/27
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<u>BEAM LIMITATION</u>					
Environmental Quality, Radiation Control	21682	R313-28	AMD	03/12/99	98-24/46
<u>BENEFITS</u>					
Workforce Services, Employment Development	21582	R986-417	AMD	01/20/99	98-22/134
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	21721	R657-43	AMD	01/15/99	98-24/110
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Administrative Services, Finance	21887	R25-5	NSC	03/05/99	Not Printed
<u>BUDGETING</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	21764	R414-304	AMD	02/25/99	99-2/4
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Administrative Services, Facilities Construction and Management	22041	R23-29	5YR	05/11/99	99-11/75
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Education, Administration	21896	R277-601	5YR	02/26/99	99-6/29
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<u>CHILD CARE FACILITIES</u>					
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<u>CHILDREN'S HEALTH BENEFITS</u>					
Health, Children's Health Insurance Program	21669	R382-10	AMD	01/07/99	98-23/12
	21843	R382-10	NSC	02/27/99	Not Printed
<u>CHILD SUPPORT</u>					
Human Services, Administration	21916	R495-879	5YR	03/11/99	99-7/56
	21917	R495-879	AMD	05/10/99	99-7/28
Human Services, Recovery Services	21870	R527-39	AMD	04/05/99	99-5/33
	21871	R527-56	AMD	04/05/99	99-5/35
	21675	R527-200	AMD	01/04/99	98-23/33
	21809	R527-210	5YR	01/26/99	99-4/70
	21810	R527-210	NSC	01/27/99	Not Printed
	21726	R527-378	AMD	01/15/99	98-24/90
	21811	R527-430	AMD	03/18/99	99-4/49
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Human Services, Child and Family Services	21465	R512-25	AMD	01/21/99	98-19/78
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School and Institutional Trust Lands, Administration	21909	R850-20-175	EXP	03/03/99	99-7/52
<u>COAL MINES</u>					
Natural Resources; Oil, Gas and Mining; Coal	21976	R645-101	5YR	04/19/99	99-10/110
	21977	R645-104	5YR	04/19/99	99-10/110
	21978	R645-401	5YR	04/19/99	99-10/111
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<u>COMPENSATORY TIME</u>					
Human Resource Management, Administration	21803	R477-8	AMD	05/04/99	99-4/42
<u>COMPLAINTS</u>					
Education, Applied Technology Education (Board for), Rehabilitation	21679	R280-201	NEW	01/05/99	98-23/8
<u>CONDUCT</u>					
Commerce, Real Estate	22005	R162-106	EMR	05/03/99	99-10/102
	22006	R162-107	EMR	05/03/99	99-10/104
Professional Practices Advisory Commission, Administration	21921	R686-100	AMD	05/06/99	99-7/31
<u>CONTAMINATION</u>					
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	21813	R156-78	REP	03/18/99	99-4/13
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	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
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	21874	R325-3	AMD	04/05/99	99-5/24
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	21876	R325-5	AMD	04/05/99	99-5/26
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	21771	R765-607	NSC	01/27/99	Not Printed
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	21697	R307-12 (Changed to R307-205)	CPR	05/04/99	99-7/44
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	21504	R307-170	CPR	04/01/99	99-5/51
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<u>MOTOR VEHICLE SAFETY</u>					
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	21850	R307-221	NSC	02/27/99	Not Printed
<u>NATIONAL SENIOR SERVICE CORPS</u>					
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	21886	R510-111	NSC	02/27/99	Not Printed
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	21853	R307-420	NEW	05/06/99	99-5/18
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	21589	R307-415-3	AMD	01/07/99	98-22/68
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	21910	R307-417	5YR	03/05/99	99-7/55
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	21594	R307-158	CPR	03/04/99	99-3/60
	21853	R307-420	NEW	05/06/99	99-5/18
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	21888	R25-7	NSC	03/05/99	Not Printed
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	21876	R325-5	AMD	04/05/99	99-5/26
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	21579	R708-2	CPR	03/18/99	99-4/61
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	21666	R434-20	NEW	01/07/99	98-23/26
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	21846	R602-2-4	AMD	04/05/99	99-5/40
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	21784	R315-303	CPR	05/05/99	99-7/48
	21439	R315-304	AMD	see CPR	98-19/50
	21439	R315-304	CPR	01/05/99	98-23/45
	21772	R315-304-1	NSC	01/05/99	Not Printed
	21785	R315-305-5	AMD	03/15/99	99-3/18
	21786	R315-315-6	AMD	03/15/99	99-3/19
	21787	R315-317	AMD	03/15/99	99-3/20
	21788	R315-318	AMD	see CPR	99-3/22
	21788	R315-318	CPR	05/05/99	99-7/50
	21920	R315-320	5YR	03/12/99	99-7/55
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	21888	R25-7	NSC	03/05/99	Not Printed
	21889	R25-8	NSC	03/05/99	Not Printed
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	21807	R313-38	5YR	01/25/99	99-4/66
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	21761	R865-6F-35	AMD	03/16/99	99-2/59
DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
	21737	R865-7H-1	NEW	03/16/99	99-1/22
	21738	R865-7H-2	NEW	03/16/99	99-1/24
	21739	R865-7H-3	NEW	03/16/99	99-1/24
	21740	R865-13G-14	AMD	04/28/99	99-1/25
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	21326	R884-24P-52	CPR	01/12/99	98-23/46
	21777	R884-24P-53	EMR	01/12/99	99-3/64
	21789	R884-24P-53	AMD	03/16/99	99-3/46
	21762	R884-24P-61	AMD	03/16/99	99-2/60
	21676	R884-24P-63	AMD	03/16/99	98-23/42
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	20997	R746-365	CPR	01/13/99	98-18/39
	21774	R746-365	NSC	01/15/99	Not Printed
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<u>TOWING</u>					
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	21886	R510-111	NSC	02/27/99	Not Printed
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	21746	R994-405	AMD	02/17/99	99-2/72
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	21749	R994-405	AMD	02/17/99	99-2/83
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Crime Victim Reparations, Administration	21904	R270-1	AMD	04/15/99	99-6/7
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	21886	R510-111	NSC	02/27/99	Not Printed
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	21784	R315-303	AMD	see CPR	99-3/14
	21784	R315-303	CPR	05/05/99	99-7/48
	21439	R315-304	AMD	see CPR	98-19/50
	21439	R315-304	CPR	01/05/99	98-23/45
	21772	R315-304-1	NSC	01/05/99	Not Printed
	21785	R315-305-5	AMD	03/15/99	99-3/18
	21786	R315-315-6	AMD	03/15/99	99-3/19
	21787	R315-317	AMD	03/15/99	99-3/20
	21788	R315-318	AMD	see CPR	99-3/22
	21788	R315-318	CPR	05/05/99	99-7/50
	21920	R315-320	5YR	03/12/99	99-7/55

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	21449	R317-10	CPR	02/04/99	99-1/35
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	21449	R317-10	CPR	02/04/99	99-1/35
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	21827	R657-27	AMD	03/18/99	99-4/51
	22027	R657-37	5YR	05/03/99	99-11/75
	21719	R657-38	AMD	01/15/99	98-24/107
	21720	R657-42	AMD	01/15/99	98-24/109
	21721	R657-43	AMD	01/15/99	98-24/110
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Natural Resources, Wildlife Resources	21827	R657-27	AMD	03/18/99	99-4/51
<u>WOODBURNING</u>					
Environmental Quality, Air Quality	21570	R307-302-2	AMD	01/07/99	98-22/67
<u>WORKERS' COMPENSATION</u>					
Labor Commission, Adjudication	21845	R602-2-1	AMD	04/05/99	99-5/38
	21846	R602-2-4	AMD	04/05/99	99-5/40
<u>X-RAY</u>					
Environmental Quality, Radiation Control	21535	R313-16	AMD	01/15/99	98-21/27
	21682	R313-28	AMD	03/12/99	98-24/46
	21806	R313-30	5YR	01/25/99	99-4/66