

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
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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/>

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# SPECIAL NOTICES

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## 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 August 28, 1998, 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 15th day of June 1999.

(State Seal)

**Michael O. Leavitt**  
Governor

Attest:

**Olene S. Walker**  
Lieutenant Governor

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## DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

### PUBLIC HEARING

#### RULE SUBSECTION R477-8-7(6), RETIREMENT INCENTIVE

The Department of Human Resource Management will hold a public hearing on Wednesday, July 7, 1999, at 1:00 p.m. at the State Office Building (behind the state capitol) in Room 4112.

The purpose of the hearing is to receive public comment on proposed changes to the sick leave retirement incentive program for state employees. These amendments are found in the June 1, 1999, issue of the Utah State Bulletin, Vol. 99, No. 11 under DAR No. 22047.

*Written comments may be submitted in advance to: Con Whipple, Department of Human Resource Management, 2120 State Office Building, Salt Lake City, UT 84114; or via E-mail to: pedhrm.cwhipple@email.state.ut.us.*

**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT  
COMMUNITY DEVELOPMENT, LIBRARY**

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**UTAH STATE PUBLICATIONS**

**List 99-11**

**June 23, 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>**

**1998 Annual report.** 1998. Utah Arts Council.

H 6300.1: Ann/998  
Utah Arts Council--Periodicals.

**Annual Governor's Awards in the Arts: invitation.** 1999. Utah Arts Council.

H 6304.7: Awa/999/Inv  
Governor's Awards in the Arts/Arts, Fine--Awards--Utah--Periodicals.

**Annual Governor's Awards in the Arts: program.** 1999. Utah Arts Council.

H 6304.7: Awa/999  
Governor's Awards in the Arts/Arts, Fine--Awards--Utah--Periodicals.

**Annual inservice & regional training catalog 1999-2000.** 1999. Utah. Division of Peace Officer Standards and Training.

P 3320.T72.57: Ins/999-000  
Police training--Utah--Periodicals/Peace officers--Training of--Utah--Periodicals.

**Calendar years 1994 through 1998 and fourth quarter 1998 taxable retail sales, services and purchases in the state of Utah/Douglas A. Macdonald.** May, 1999. Utah State Tax Commission. Economic & Statistical Unit.

A 5340.S24.13: Tax/994-998  
Sales tax--Utah--Statistics/Retail trade--Utah--Statistics.

**Capitol connections: news for and about people in state government.** Vol. 7, no. 1: June, 1999. Utah. Dept. of Administrative Services [and] Utah. Office of the Governor.

A 4500.81: Cap/7/1  
**<http://www.das.state.ut.us/capconn/>**  
Civil service--Utah/State governments--Officials and employees.

**CPD news.** Vol. 22, no. 2: Winter, 1999. Utah State University. Center for Persons with Disabilities.

E 3190.81: CPD/22/2  
**<http://www.cpd.usu.edu/>**  
Handicapped children--Services for--Utah/Handicapped children--Education/Handicapped children--Development/Rehabilitation.

**Digest of legislation enacted in the 1999 General Session, by the 53<sup>rd</sup> Legislature, convened January 18, 1999 - adjourned March 3, 1999.** April, 1999. Utah. Legislature. Office of Legislative Research and General Counsel.

A 3500 R43.15: Dig/999  
**<http://www.le.state.ut.us/lrgc/lrgc.htm>**  
Legislation--Utah/Utah--Appropriations and expenditures.

**Directions for Utah libraries.** Vol. 11, no. 10: June-July, 1999. Utah State Library.

H 6200.8: Dir/11/10  
**<http://www.state.lib.ut.us/directns/directns.htm>**  
Libraries--Utah--Periodicals.

**Earthquake activity in the Utah region: preliminary epicenters July 1 - September 30, 1998.** January 19, 1999. University of Utah Seismograph Stations.

N 3222.8: Pre/998/07-09

<http://www.seis.utah.edu/HTML/QuarterReport.html>

Earthquake intensity--Utah--Statistics/Earthquakes--Utah/Seismography--Utah.

**Earthquake activity in the Utah region: preliminary epicenters July 1 - September 30, 1998.** January 19, 1999. University of Utah Seismograph Stations.

N 3222.8: Pre/998/10-12

<http://www.seis.utah.edu/HTML/QuarterReport.html>

Earthquake intensity--Utah--Statistics/Earthquakes--Utah/Seismography--Utah.

**Epidemiology newsletter.** April, 1999. Utah. Bureau of Epidemiology.

P 4120.8: New/999/04

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

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

\* **Gas fields in the PR Springs area Grand County, Utah**/Craig D. Morgan. June, 1999. Utah Geological Survey.

N 3300.71: Oil/20

Gas fields--Utah--Grand County/Natural gas--Utah--Grand County.

**Get up & go.** June, 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/999/06

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

**Matters of Alarm.** May, 1999. Utah. Division of Occupational and Professional Licensing.

I 54000.A42.81: Mat/999/05

Burglar alarm industry--Utah--Periodicals/Security systems industry--Utah--Periodicals.

**Networth news.** First quarter, 1999. Utah. Department of Financial Institutions.

I 3200.81: Net/999/1

<http://www.dfi.state.ut.us/Public.htm>

Finance--Utah/Banks and banking--Utah/Financial institutions--Utah Credit--Utah/Debt--Utah.

**Quarterly economic newsletter. Central Region. Salt Lake and Tooele.** Third quarter, 1999. Utah. Dept. of Workforce Services.

I 3112 .S2.8: Eco/999/3

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

Salt Lake County (Utah)--Occupations--Statistics/Tooele County (Utah)--Occupations--Statistics.

**Quarterly economic newsletter. Western Region. Piute County.** Third quarter, 1999. Utah. Dept. of Workforce Services.

I 3112 .P5.8: Eco/999/3

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

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

**Tax bulletin.** 10-99: effective date July 1, 1999. Summary of selected 1999 legislation affecting cigarette stamper and persons responsible for collecting the tobacco products tax. Utah State Tax Commission.

A 5340.9: Tax/(99) 10-99

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

Utah State Tax Commission/Taxation--Law and legislation--Utah Administrative law--Utah.

**Tax bulletin.** 12-99: effective date July 1, 1999. Imposition of highway tax by the city of Gunnison. Utah State Tax Commission.

A 5340.9: Tax/(99) 12-99

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

Utah State Tax Commission/Taxation--Law and legislation--Utah Administrative law--Utah.

**Training schedule: personal computing, mainframe/technical, geographic information systems, AT&T telephone.** August, September & October 1999. Utah. Dept. Of Administrative Services. Division of Information Technology Services.

A 5170.T72.43: Tra/999/08-10

<http://www.its.state.ut.us/training>

Government employees--Training of--Utah.

**Utah courts directory 1998.** 1998. Utah Judicial Council; Utah. Administrative Office of the Courts.

A 6000.5: Cou/998

<http://courtlink.utcourts.gov/dir.htm>

Courts--Utah--Directories/Judges--Utah--Directories.

**Utah economic and business review.** Vol. 58: no. 11-12: November/December, 1998. University of Utah. Bureau of Economic and Business Research.

I 3090.8: UEB/58/11-12

Utah--Economic conditions--Periodicals.

**Utah economic and business review.** Vol. 59: no. 1-2: January/February, 1999. University of Utah. Bureau of Economic and Business Research.

I 3090.8: UEB/59/01-02

Utah--Economic conditions--Periodicals.

**Utah legislative manual 1999-2000.** 1999. Utah. Legislature. Office of Legislative Research and General Counsel.

A 3202.3: Leg/999-000

Utah. Legislature--Handbooks, manuals, etc./Legislators--Utah--Handbooks, manuals, etc.

\* **Utah preservation.** Vol. 3: 1999. Utah. Division of State History.

H 5015.8: Pre/3

Historic buildings--Utah--Conservation and restoration/Historic preservation--Utah--Periodicals/Buildings--Utah/Utah--History

\* **Utah state bulletin.** Number 99-11: June 1, 1999. Utah. Division of Administrative Rules.

A 3025.61: Bul/99-11

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

Delegated legislation--Utah--Periodicals/Administrative procedure--Utah--Periodicals.

\* **Utah state bulletin.** Number 99-12: June 15, 1999. Utah. Division of Administrative Rules.

A 3025.61: Bul/99-12

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

Delegated legislation--Utah--Periodicals/Administrative procedure--Utah--Periodicals.

\* **Utah state digest.** Number 99-9 (corrected copy): May 1, 1999. Utah. Division of Administrative Rules.

A 3026.61: Dig/99-9

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

Delegated legislation--Utah--Periodicals.

\* **Utah state digest.** Number 99-11: June 1, 1999. Utah. Division of Administrative Rules.

A 3026.61: Dig/99-11

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

Delegated legislation--Utah--Periodicals.

\* **Utah state digest.** Number 99-12: June 15, 1999. Utah. Division of Administrative Rules.

A 3026.61: Dig/99-12

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

Delegated legislation--Utah--Periodicals.

**Utah's corporate franchise tax.** June, 1999. Utah State Tax Commission. Economic & Statistical Unit.

A 5340 C67.7: Rev/996-997

Corporations--Taxation--Utah/Franchises (Retail trade)--Utah.



## NOTICES OF PROPOSED RULES

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A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between June 2, 1999, 12:00 a.m., and June 15, 1999, 11:59 p.m., are included in this, the July 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 August 2, 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 October 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.

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**The Proposed Rules Begin on the Following Page.**

Administrative Services, Facilities  
Construction and Management

**R23-1-17**

Procurement of Construction

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22104

FILED: 06/08/1999, 13:53

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Implement provisions of H.B. 338, bidding process on state buildings, passed by the 1998 Legislature.

(DAR Note: H.B. 338 is found at 1998 Utah Laws 142, and was effective on July 1, 1998.)

SUMMARY OF THE RULE OR CHANGE: Establishes parameters for modifying construction bids to reduce them to the level of funding available.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 63A-5-103(4) and 63-56-20(7)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Reduces the cost of some state projects by allowing the most cost effective method to be used in resolving construction bids that are over budget while minimizing the expense of rebidding. An example of this is that the requirements for a portion of a project could be obtained from subcontractors involved with the revised requirements.

❖LOCAL GOVERNMENTS: Does not affect local government.

❖OTHER PERSONS: Reduces the cost for contractors to bid for state building construction projects. The example given under the state budget statement would also limit the number of subcontractors that would have to develop and submit new bids for a project, thereby reducing the private-sector bidding cost.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since the rule provides options for reducing the cost of rebidding construction work that comes in over budget, there are no new costs associated with complying with this rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule is expected to result in limited savings to businesses bidding for state construction projects by giving the Division of Facilities Construction and Management (DFCM) the latitude to resolve bids that are significantly over budget through means other than a total rebid. The allowed alternatives result in lower costs for businesses bidding for work than a total rebid would be.

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 by Internet E-mail at sharo@dfcm.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 08/02/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/03/1999

AUTHORIZED BY: Richard E. Byfield, Director

**R23. Administrative Services, Facilities Construction and Management.**

**R23-1. Procurement of Construction.**

**R23-1-17. Bids Over Budget.**

(1) In the event all bids for a construction project exceed available funds as certified by the appropriate fiscal officer, and the low responsive and responsible bid does not exceed those funds by more than 5%, the Director may, where time or economic considerations preclude resolicitation of work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder in order to bring the bid within the amount of available funds.

(2) As an alternative to the procedure authorized in Subsection R23-1-17(1), when all bids for a construction project exceed available funds as certified by the Director, and the Director finds that due to time or economic considerations the re-solicitation of a reduced scope of work would not be in the interest of the state, the Director may negotiate an adjustment in the bid price using one of the following methods:

(a) reducing the scope of work in specific subcontract areas and supervising the re-bid of those subcontracts by the low responsive and responsible bidder;

(b) negotiating with the low responsive and responsible bidder for a reduction in scope and cost with the value of those reductions validated in accordance with R23-1-50; or

(c) revising the contract documents and soliciting new bids only from bidders who submitted a responsive bid on the original solicitation. This re-solicitation may have a shorter bid response time than otherwise required.

(3) The use of one of the alternative procedures provided for in subsection (2) must provide for the fair and equitable treatment of bidders.

(4) The Director's written determination, including a brief explanation of the basis for the decision shall be included in the contact file.

(5) This section, R23-1-17, does not restrict in any way, the right of the Director to use any emergency or sole source procurement provisions, or any other applicable provisions of State law or rule which may be used to award the construction project.

**KEY: contracts, public buildings, procurement\***  
~~[October 29, 1998]~~1999 63A-5-103 et seq.  
Notice of Continuation July 1, 1997 63-56-14(2)  
63-56-20(7)

Salt Lake City, UT 84119, 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 by Internet E-mail at sharo@dcm.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 08/02/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/03/1999

AUTHORIZED BY: Richard E. Byfield, Director

**Administrative Services, Facilities  
Construction and Management**

**R23-3**

**Authorization of Programs for Capital  
Development Projects**

**NOTICE OF PROPOSED RULE**

(New)  
DAR FILE NO.: 22103  
FILED: 06/08/1999, 13:53  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE:  
Establishes policies and procedures regarding the authorization of architectural programs for capital development projects for state entities.

SUMMARY OF THE RULE OR CHANGE: Requires that the approval of the Legislature or the State Building Board be obtained before initiating an architectural program.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63A-5-103 and 63A-5-104

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: May prevent expenditures for projects that will not be supported by requiring prior approval before developing programs.
- ❖LOCAL GOVERNMENTS: No impact as the rule only affects state government.
- ❖OTHER PERSONS: No impact as the rule only affects state government.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional cost due to rule, because the only additional requirement beyond current procedure is to obtain prior approval.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will not have any impact on businesses as it only establishes approval requirements that must be met before the state contracts for a program. It is expected that the rule will not significantly affect the volume of programs that are procured.

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

Administrative Services  
Facilities Construction and Management  
4110 State Office Building

**R23. Administrative Services, Facilities Construction and Management.**

**R23-3. Authorization of Programs for Capital Development Projects.**

**R23-3-1. Purpose.**

This rule establishes policies and procedures regarding the authorization of programs for capital development projects for agencies.

**R23-3-2. Authority.**

- (1) The Board's authority to make rules for its duties is set forth in Subsection 63A-5-103(1)(e).
- (2) The Board's authority to administer the planning process for state facilities is contained in Sections 63A-5-103 and 63A-5-104.

**R23-3-3. Definitions.**

- (1)(a) "Agency" means each department, agency, institution, commission, board, or other administrative unit of the State of Utah.
- (2) "Board" means the State Building Board established pursuant to Section 63A-5-101.
- (3) "Capital Development" shall have the meaning given in Subsection 63A-5-104(1)(a).
- (4) "Division" means the Division of Facilities Construction and Management established under Title 63A, Chapter 5, Part 2.
- (5)(a) "Non-Appropriated Funds" means funds provided for a project which are not appropriated by the Legislature to the Division for capital projects.
- (b) "Non-appropriated Funds" does not mean proceeds from State General Obligation Bonds or debt issued by the State Building Ownership Authority.
- (6)(a) "Program" means a document containing a detailed description of the scope, the required areas and their relationships, and the estimated cost of a capital development project.
- (b) The term "program" typically refers to an architectural program but, as used in this rule, includes studies which approximate an architectural program in purpose and detail.
- (c) "Program" does not mean general project descriptions prepared for purposes of soliciting funding through donations or grants.

**R23-3-4. Policy.**

(1) Prior to being initiated, all programs for capital development projects must be authorized by either the Legislature or the Board following one of the procedures outlined in this rule.

(2) The Board may choose to treat a project as not having been programmed in its capital budget recommendations if the project was programmed without the authorization required by this rule.

(3) After receiving the required authorization, a program shall be developed under the supervision of the Division unless administration of the project is delegated.

**R23-3-5. Legislative Authorization.**

(1) Except as provided in Sections R23-3-6 and R23-3-7, agencies shall follow the procedure outlined in Section R23-3-5 for obtaining legislative authorization prior to initiating a program for a capital development project.

(a) Each agency shall submit its requests for program authorization in the form and by the date established by the Board and the Division.

(b) The Board will consider requests received for program authorization and submit its recommendations to the Governor and the Legislature.

(c) Legislature authorization will be evidenced by specific legislation authorizing the program.

(2) This rule is not intended to restrict in any way the authority of the Legislature to authorize programs.

**R23-3-6. Board Authorization.**

(1) An agency may request that the Board authorize the development of a program if the agency determines that the urgency of a capital development project requires that construction funding be sought from the Legislature prior to obtaining Legislative authorization for programming.

(2) The procedure for requesting Board authorization to initiate a program is outlined below.

(a) The agency shall submit the request in writing to the Division including the following information:

(i) A general description of the scope and estimated cost of the project;

(ii) Information supporting the critical need and urgent nature of the project; and

(iii) The source of funding for the development of the program which may be agency funds or a request to utilize the Division's Planning Fund.

(b) The Division shall submit its recommendation to the Board after reviewing the information submitted and making other inquiries as needed to evaluate the level of support for funding the project for construction at the next Legislative session.

(c) The Board shall then consider the agency's request and determine whether to authorize the development of a program.

(3) The procedure for requesting Board concurrence that a program is not needed is outlined below.

(a) Prior to the deadline established by the Board, the agency shall submit its request in writing to the Division including the following information:

(i) A general description of the scope and estimated cost of the project; and

(ii) A justification for why a program is not needed.

(b) The Division shall submit its recommendation to the Board after reviewing the information submitted.

(c) The Board shall then consider the agency's request and determine whether to concur that a program is not needed.

(d) The Board may determine that a reduced level of study is required to establish the scope and estimated cost of the project.

**KEY: capital budget, state planning, state buildings****1999****63A-5-103(1)(e)****63A-5-104(1)(a)**

◆ ————— ◆

Commerce, Occupational and  
Professional Licensing

**R156-38**

Residence Lien Restriction and Lien  
Recovery Fund Rules

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22109

FILED: 06/14/1999, 18:06

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To bring the rules into compliance with the Lien Recovery Fund Act's statutory changes that are effective July 1, 1999 due to S.B. 197 passed during the 1999 legislative session; add a provision regarding credit to the claimant's lifetime cap; delete a requirement that went beyond the scope of the enabling Act; codify requirements regarding evidence of amounts owed by non-paying party and evidence that the owner occupied the residence within 180 days of completion. (**DAR Note:** S.B. 197 is found at 1999 Utah Laws 193, and was effective on May 3, 1999.)

SUMMARY OF THE RULE OR CHANGE: Added Section R156-38-203 which provides a credit to the claimant's lifetime cap when monies paid from the Fund have been reimbursed. Deleted Subsection R156-38-204a(6)(d) which required a return of execution of a writ of execution because it went beyond the scope of the Lien Recovery Act's requirements. Added Subsection R156-38-204a(9) codifying a claimant's requirement to prove amounts owed to him by the non-paying party. Clarification of Section R156-38-204b regarding format for the Notice of Commencement of Act (NCA), so that "Case No." in the caption is changed to "NCA No." Added Subsection R156-38-204c(1)(c), codifying a laborer's requirement to obtain an affidavit from the homeowner indicating that he has occupied the residence within 180 days from completion of construction. Amended Section R156-38-204d regarding payment from the Fund in order to conform with Lien Recovery Fund Act changes effective July 1, 1999, such that recoverable interest is limited to 12% APR and

costs are paid as supported by evidence, excluding the claim application fee.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 38-11-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Lien Recovery Fund is a self-funded program, funded by contractor license assessments. Therefore, there is no impact to the state budget.

❖LOCAL GOVERNMENTS: The Lien Recovery Fund is a self-funded program, funded by contractor license assessments. Therefore, there is no impact on local governments.

❖OTHER PERSONS: The Lien Recovery Fund will be impacted by the addition of Section R156-38-203, a credit back to the claimant's lifetime cap. However, it is difficult to estimate the amount of impact. During calendar year 1998, 78 claims were paid, totalling approximately \$450,000 and since inception of the Lien Recovery Fund, approximately 108 claims have been paid, totalling approximately \$690,000. The Fund has not yet received any reimbursement from the non-paying parties for these payments. Approximately 50% of the non-paying parties are discharged in bankruptcy, such that they do not have a duty to reimburse the Fund. Should the Fund receive reimbursements on the remaining paid claims, the amounts received will be credited to the claimant's cap, and the Fund may potentially have to pay more. Given that nothing has been recovered, an estimate is nearly impossible.

COMPLIANCE COSTS FOR AFFECTED PERSONS: (1) Suppliers and subcontractors filing claims with the Fund will be required to provide documentation to support the amounts owed by the non-paying party as a result of the amendment to R156-38-204a(9). The documents, however, should already be in the possession of the claimant, and the only cost to the claimant will be the copying costs. (2) The addition of Subsection R156-38-204c(1)(c) simply codifies a requirement that was not written in the rules, but was enforced by the Division in order to meet the requirements for payment from the Fund. There is no additional expense to claimants because they have always had to provide this information.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment proposes to bring the rules into compliance with the current law, clarify and remove ambiguities from certain provisions, and provides for an increase to participant's lifetime cap when funds are recovered from a non-paying party. The proposal also eliminates a requirement exceeding the authority granted by the statute. The Residence Lien Recovery Fund is self-funded, so any expenses incurred as a result of these proposed changes will be absorbed by the program and will not impact the state budget nor have any effect on local governments. To date there have been no recoveries or reimbursement to the Fund. If there are such recoveries in the future causing an increase of a beneficiary's lifetime cap, these increases will be offset by the recovered amounts--Douglas C. Borba

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

Commerce  
Occupational and Professional Licensing  
Fourth Floor, Heber M. Wells Building  
160 East 300 South  
PO Box 146741  
Salt Lake City, UT 84114-6741, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Masuda Medcalf at the above address, by phone at (801) 530-6049, by FAX at (801) 530-6511, or by Internet E-mail at [brdopl.mmedcalf@email.state.ut.us](mailto:brdopl.mmedcalf@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 08/02/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 07/07/1999, 9:00 a.m., 160 East 300 South, Room 427, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/03/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing. R156-38. Residence Lien Restriction and Lien Recovery Fund Rules.**

**R156-38-203. Credit to Claimant Lifetime Cap.**

Amounts collected by subrogation under Section 38-11-205 subsequent to a payment from the fund shall be credited to the lifetime cap of a qualified beneficiary or laborer under Subsection 38-11-203(4)(a)(ii) less the costs incurred by the Attorney General in subrogation efforts.

**R156-38-204a. Claims Against the Fund by Nonlaborers - Supporting Documents and Information.**

The following supporting documents shall, at a minimum, accompany each nonlaborer claim for recovery from the fund:

(1) one of the following:

(a) a copy of the written contract:

(i) between the owner of the owner-occupied residence or the owner's agent and the original contractor for the performance of qualified services, to obtain the performance of qualified services by others, or for the supervision of the performance by others of qualified services in construction on the residence; or

(ii) between the owner of the owner-occupied residence or the owner's agent and the real estate developer for the purchase of an owner-occupied residence; or

(b) a copy of a civil judgment containing a finding that the owner of the owner-occupied residence entered into a written contract in compliance the requirements of Subsection 38-11-204(3)(a);

(2) if the claim involves an original contractor, documentation that the original contractor is licensed or exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act;

(3) one of the following:

(a) an affidavit from the original contractor or real estate developer acknowledging that the owner of the owner-occupied residence paid the original contractor or real estate developer in full in accordance with the written contract and any amendments to the contract;

(b) a copy of a civil judgment containing a finding that the owner of the owner-occupied residence paid the original contractor or real estate developer in full in accordance with the written contract and any amendments to the contract; or

(c) documentation that the claimant has been prevented from satisfying Subsections (a) and (b), together with independent evidence establishing that the owner of the owner-occupied residence paid the original contractor or real estate developer in full in accordance with the written contract and any amendments to the contract;

(4) one or more of the following as required:

(a) a copy of an action date stamped by a court of competent jurisdiction filed by the claimant against an original contractor, subcontractor or real estate developer described in Subsection 38-11-204(3)(c) to recover monies owed for qualified services performed, filed within 180 days from the date the claimant last provided qualified services; and

(b) a copy of the Notice of Commencement of Action filed with the division; or

(c) documentation that a bankruptcy filing by the original contractor, subcontractor or real estate developer prevented claimant from satisfying Subsections (a) and (b);

(5) one of the following:

(a) a copy of a civil judgment entered in favor of claimant against the original contractor, subcontractor or real estate developer containing a finding that the original contractor, subcontractor or real estate developer failed to pay the claimant pursuant to their contract with the claimant and any amendments to the contract; or

(b) documentation that a bankruptcy filing by the original contractor, subcontractor or real estate developer prevented the claimant from obtaining such a civil judgment, together with independent evidence establishing that the original contractor, subcontractor or real estate developer failed to pay the claimant pursuant to their contract with the claimant and any amendments to the contract;

(6) one or more of the following as required:

(a) a copy of a supplemental order issued following the civil judgment entered in favor of claimant;

(b) a copy of the return of service of the supplemental order indicating either that service was accomplished on the original contractor, subcontractor or real estate developer or that said contractor or developer could not be located or served;

(c) a writ of execution issued if any assets are identified through the supplemental order or other process, which have sufficient value to reasonably justify the expenditure of costs and legal fees which would be incurred in preparing, issuing, and serving execution papers and in holding an execution sale; and

(d) a return of execution of any writ of execution; or

(e) documentation that a bankruptcy filing or other action by the original contractor or real estate developer prevented the claimant from satisfying Subparagraphs (a) through (d);

(7) certification that the claimant is not entitled to reimbursement from any other person at the time the claim is filed and that the claimant will immediately notify the presiding officer if the claimant becomes entitled to reimbursement from any other person after the date the claim is filed; and

(8) one of the following:

(a) an affidavit from the owner establishing that the owner is an owner as defined in Subsection 38-11-102(12) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102(13);

(b) a copy of a civil judgment containing a finding that the owner is an owner as defined by Subsection 38-11-102(12) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102(13); or

(c) documentation that the claimant has been prevented from obtaining an owner-occupied residence affidavit together with independent evidence establishing that the owner is an owner as defined by Subsection 38-11-102(12) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102(13).

(9) one or more of the following:

(a) a copy of invoices supporting the qualified services claimed;

(b) a copy of a civil judgment containing a finding as to the dates the qualified services claimed were provided and the value of the qualified services claimed; or

(c) independent evidence of the dates the qualified services were provided and the value of the claimed qualified services.

~~(9)10~~ In claims in which the presiding officer determines that the claimant has made a reasonable but unsuccessful effort to produce all documentation specified under this rule to satisfy any requirement to recover from the fund, the presiding officer may elect to accept the evidence submitted by the claimant if the requirements to recover from the fund can be established by that evidence.

~~(10)11~~ A separate claim must be filed for each residence, and a separate filing fee must be paid for each claim.

**R156-38-204b. Format for Notice of Commencement of Action.**

The Notice of Commencement required under Subsection R156-38-204a(5)(b) shall be in substantially the following format:

TABLE I

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

John Doe,	:	Notice of Commencement
Plaintiff	:	of Action
	:	
-vs-	:	[ <del>Case</del> ]NCA No.
	:	
Richard Roe,	:	
Defendant	:	

Notice is hereby provided of the filing of Case No. (number) on (date) before (Court).

Brief explanation of nature of case:

Address of defendant:

Name and address of potential fund claimant:

Name and address of original contractor, subcontractor, and/or real estate developer described in Subsection 38-11-204(3)(c):

For each owner-occupied residence included in the civil action:

Name and address of the owner of the owner-occupied residence;

Street address of the owner-occupied residence;

Amount of damages sought against the owner-occupied residence;

Last date qualified services were provided for the owner-occupied residence by the potential fund claimant:

Signature of Claimant or claimant's representative

Date of signature

**R156-38-204c. Claims Against the Fund by Laborers - Supporting Documents.**

(1) The following supporting documents shall, at a minimum, accompany each laborer claim for recovery from the fund:

(a) one of the following:

(i) a copy of a wage claim assignment filed with the Industrial Commission of the Utah Labor Division for the amount of the claim, together with all supporting documents submitted in conjunction therewith; or

(ii) a copy of an action filed by claimant against claimant's employer to recover wages owed;

(b) one of the following:

(i) a copy of a final administrative order for payment issued by the Industrial Commission of Utah Labor Division containing a finding that the claimant is an employee and that the claimant has not been paid wages due for work performed at the site of construction on an owner-occupied residence;

(ii) a copy of a civil judgment entered in favor of claimant against the employer containing a finding that the employer failed to pay the claimant wages due for work performed at the site of construction on an owner-occupied residence; or

(iii) a copy of a bankruptcy filing by the employer which prevented the entry of an order or a judgment against the employer[?];

(c) one of the following:

(i) an affidavit from the owner establishing that the owner is an owner as defined in Subsection 38-11-102(12) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102(13);

(ii) a copy of a civil judgment containing a finding that the owner is an owner as defined by Subsection 38-11-102(12) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102(13); or

(iii) documentation that the claimant has been prevented from obtaining an owner-occupied residence affidavit together with independent evidence establishing that the owner is an owner as defined by Subsection 38-11-102(12) and that the residence is an owner-occupied residence as defined by Subsection 38-11-102(13).

(2) When a laborer makes claim on multiple residences as a result of a single incident of non-payment by the same employer,

the division must require payment of at least one application fee required under Section 38-11-204(1)(b) and at least one registration fee required under Subsection 38-11-204(5), but may waive additional application and registration fees for claims for the additional residences, where no legitimate purpose would be served by requiring separate filings.

**R156-38-204d. ~~Claims Against the Fund by Non-Laborers~~ Calculation of Costs, Attorney Fees and Interest for Payable Claims.**

(1) Payment for qualified services, costs, and interest shall be made as specified in Section 38-11-203.

~~(1)~~<sup>(2)</sup> For informal claims determined by the division to be payable from the fund, the division shall order payment of pre-judgment and post-judgment ~~costs,~~ attorney fees ~~and interest~~ in an amount not exceeding the following:

(a) If a civil judgment ~~makes~~ awards a specific dollar amount ~~or interest rate, or both, awards~~ for ~~costs,~~ attorney fees, ~~or interest, or all of them,~~ the division shall order payment as ordered in the civil judgment, to the extent that the ~~costs,~~ attorney fees; ~~or interest, or all of them~~ are attributable to the owner-occupied residence at issue in the claim.

(b) If a civil judgment awards claimant ~~costs,~~ attorney fees; ~~or interest, or all of them~~ other than in a specific dollar ~~or interest rate~~ amount[s], the division shall ~~award;~~ order payment of reasonable

~~(i) reasonable costs as supported by evidence;~~  
~~(ii) attorney fees, documented according to the provisions of Rule 4-505, Utah Code of Judicial Administration, subject to the following limitations:~~

~~(A) i~~ if the payable amount of qualified services is \$3,000 or less, not more than 33% of the value of the qualified services and not exceeding \$750;

~~(B) ii~~ if the payable amount of qualified services is greater than \$3,000 and \$10,000 or less, not more than 25% of the value of qualified services and not exceeding \$2,000; or

~~(C) iii~~ if the payable amount of qualified services is greater than \$10,000, attorney fees in an amount of not more than 20% of the value of qualified services and not exceeding \$7,000, ~~and~~

~~(iii) interest from the date payment for qualified services became due or the civil judgment was entered to the date the claim was filed with the division at a rate of 5% per annum.]~~

~~(2)~~<sup>(3)</sup> For formal claims determined by the division to be payable from the fund, the division shall order payment of reasonable attorney fees to the extent that they are attributable to the owner-occupied residence at issue in the claim, ~~from the fund in an amount not to exceed reasonable costs, attorney fees and interest required to bring the claim on the owner-occupied residence at issue, subject to the following limitations:~~

~~(a) Reasonable costs as supported by evidence;~~  
~~(b) Attorney fees,~~ documented according to the provisions of Rule 4-505, Utah Code of Judicial Administration, ~~and not exceeding~~ ~~may not exceed~~ \$3,000 or 33% of the value of the payable qualified services.

~~(c) Interest shall be paid from the date the division establishes that payment for qualified services on the residence at issue became due to the date the claim was filed with the division at a rate of 5% per annum.]~~

**KEY: licensing, contractors, liens**  
**[August 20, 1998]1999**

**38-11-101**  
**58-1-106(1)**  
**58-1-202(1)**

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## Commerce, Occupational and Professional Licensing

### **R156-61-302a**

#### Qualifications for Licensure - Education Requirements

##### **NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22102

FILED: 06/03/1999, 10:42

RECEIVED BY: NL

##### **RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needed to update the information regarding approved or accredited programs regarding psychology education.

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-61-302a(1)(a), changed that a degree qualifying an applicant for licensure as a psychologist shall be accredited by the Council for Higher Education Accreditation of the American Council on Education. In Subsection R156-61-302a(1)(e), changed that a degree for a psychologist applicant, if located in the United States or Canada, be from an institution having a doctoral psychology program meeting "Designation" criteria, as recognized by the Association of State and Provincial Psychology Boards/National Register Joint Designation Committee. Both of these changes being made are only updating the name of the accrediting bodies and deleting a particular publication year.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-61-101, and Subsections 58-1-106(1) and 58-1-202(1)

##### ANTICIPATED COST OR SAVINGS TO:

◆THE STATE BUDGET: No costs are anticipated to the state budget. The changes being proposed provide that the approved schools are the same as before. There may be a slight savings to the Division from elimination of the yearly revision of the rule to change the publication date of the accreditation guidebooks.

◆LOCAL GOVERNMENTS: Changes being proposed do not affect local governments; therefore, no costs or savings.

◆OTHER PERSONS: No costs or savings are anticipated to potential applicants for licensure as a psychologist as the changes being made are to simply designate the psychology program as being approved by the appropriate entity.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs or savings are anticipated to potential applicants for licensure as a psychologist as the changes being made are to simply designate the psychology program as being approved by the appropriate entity.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this proposed rule amendment is to eliminate the need to amend the rules yearly to reflect the latest edition of the publication listing accredited institutions accepted by the division as qualifying a graduate for licensure in the education area. The only fiscal impact that would be realized from adoption of this proposed amendment would be a small benefit to the state budget from elimination of the yearly revision of the rule to change the publication date of the accreditation guidebooks. There would be no fiscal impact upon local governments, businesses, the regulated professionals, or the general public--Douglas C. Borba

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

Commerce  
Occupational and Professional Licensing  
Fourth Floor, Heber M. Wells Building  
160 East 300 South  
PO Box 146741  
Salt Lake City, UT 84114-6741, or  
at the Division of Administrative Rules.

##### DIRECT QUESTIONS REGARDING THIS RULE TO:

Laura Poe at the above address, by phone at (801) 530-6789, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.lpoe@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 08/02/1999; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 07/19/1999, 10:00 a.m., 160 East 300 South, Conference Room 428, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 08/03/1999

AUTHORIZED BY: A. Gary Bowen, Division Director

##### **R156. Commerce, Occupational and Professional Licensing.**

##### **R156-61. Psychologist Licensing Act Rules.**

##### **R156-61-302a. Qualifications for Licensure - Education Requirements.**

(1) An institution or program of higher education, or a degree qualifying an applicant for licensure as a psychologist, to be recognized by the division in collaboration with the board under Subsection 58-61-304(1)(d), shall:

(a) if located in the United States or Canada, be accredited by a [regional institutional]professional accrediting body approved by the Council for Higher Education[identified in the "Accredited Institutions of Postsecondary Education", 1996-97 edition, published for the Commission on Recognition of Postsecondary



Accreditation] of the American Council on Education, at the time the applicant received the required earned degree; or

(b) if located outside of the United States or Canada, be equivalent to an accredited program under Subsection (a), and the burden to demonstrate equivalency shall be upon the applicant; and

(c) result from successful completion of a program conducted on or based on a formal campus;

(d) result from a program which includes at least one year of residence at the educational institution;

(e) if located in the United States or Canada, be an institution having a doctoral psychology program meeting "Designation" criteria, as recognized by the Association of State and Provincial Psychology Boards/National Register Joint Designation Committee [as listed in the "Doctoral Psychology Programs Meeting Designation Criteria", 1997 edition], at the time the applicant received the earned degree, or if located outside of the United States or Canada, meet the same criteria by which a program is recognized by the Association of State and Provincial Psychology Boards at the time the applicant received the earned degree;

(f) have an organized sequence of study to provide an integrated educational experience appropriate to preparation for the professional practice of psychology, and shall clearly identify those persons responsible for the program with clear authority and responsibility for the core and specialty areas regardless of whether or not the program cuts across administrative lines in the educational institution;

(g) clearly identify in catalogues or other publications the psychology faculty, demonstrate that the faculty is sufficient in number and experience to fulfill its responsibility to adequately educate and train professional psychologists, and demonstrate that the program is under the direction of a professionally trained psychologist;

(h) grant earned degrees resulting from a program encompassing a minimum of three academic years of full time graduate study with an identifiable body of students who are matriculated in the program for the purpose of obtaining a doctoral degree;

(i) include supervised practicum, internship, and field or laboratory training appropriate to the practice of psychology;

(j) require successful completion of a minimum of two semester/three quarter hour graduate level core courses including:

(i) scientific and professional ethics and standards;

(ii) research design and methodology;

(iii) statistics; and

(iv) psychometrics including test construction and measurement;

(k) require successful completion of a minimum of two graduate level semester hours/three graduate level quarter hours in each of the following knowledge areas. Course work must have a theoretical focus as opposed to an applied, clinical focus:

(i) biological bases of behavior such as physiological psychology, comparative psychology, neuropsychology, psychopharmacology, perception and sensation;

(ii) cognitive-affective bases of behavior such as learning, thinking, cognition, motivation and emotion;

(iii) social and cultural bases of behavior such as social psychology, organizational psychology, general systems theory, and group dynamics; and

(iv) individual differences such as human development, personality theory and abnormal psychology.

(l) require successful completion of specialty course work and professional education courses necessary to prepare the applicant adequately for the practice of psychology.

(2) An applicant who has received a doctoral degree in psychology by completing the requirements of Subsections (1)(a) through (i), without completing the core courses required under Subsection (j), or the specialty course work required in Subsection (l) may be allowed to complete the required course work post-doctorally. The supplemental course work shall consist of formal graduate level work meeting the requirements of Subsections (j) and (l) in regularly offered and scheduled classes. University based directed reading courses may be approved at the discretion of the board.

(3) The date of completion of the doctoral degree shall be the graduation date or the date on which all formal requirements for graduation were met as certified by the university registrar.

**KEY: licensing, psychologists**

**[February 3, 1998]1999**

**58-1-106(1)**

**58-1-202(1)**

**58-61-101**



## Environmental Quality, Water Quality R317-100 Utah State Project Priority System and List for the Utah Wastewater Project Assistance Program

### NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22112

FILED: 06/15/1999, 15:56

RECEIVED BY: NL

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Priority System and List are used to rank wastewater projects for possible state and federal funding assistance. The Priority List is updated annually through rulemaking and incorporated by reference into R317-100-1. The proposed rulemaking action is required in order for the state to be eligible for federal funds.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment changes the date in the incorporation by reference statement to reflect the current FY2000 Wastewater Project Priority List.

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

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 35.915 and 40 CFR 35.2015

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Fiscal Year 2000 Utah State Project Priority List

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--the proposed amendment is an annual update of the Wastewater Project Priority List, incorporated by reference at Section R317-100-1.

❖LOCAL GOVERNMENTS: Loans issued under the program may substantially reduce the cost of wastewater facilities to local governments. Possible interest rate savings on loans issued under the program range from 1 to 6%.

❖OTHER PERSONS: Loans issued under the program may substantially reduce the cost of wastewater services to individuals by lowering the cost to local governments as indicated above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs are expected as a result of the proposed amendment. The annual update of the Wastewater Project Priority List is required in order for the state to be eligible for federal funds.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impacts to businesses will occur as a result of the proposed amendments. The proposed amendment is an annual update to incorporate the current FY2000 Wastewater Project Priority List.

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

Environmental Quality  
Water Quality  
Cannon Health Building  
288 North 1460 West  
PO Box 144870  
Salt Lake City, UT 84114-4870, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

David Wham at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6016, or by Internet E-mail at dwham@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 08/02/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/06/1999

AUTHORIZED BY: Dianne R. Nielson, Director

**R317. Environmental Quality, Water Quality.**

**R317-100. Utah State Project Priority System and List for the Utah Wastewater Project Assistance Program.**

**R317-100-1. Incorporation by Reference.**

The Fiscal Year [~~1999~~2000] Utah State Project Priority List, dated [~~April 5 June 1, 1998~~June 4, 1999] adopted by the Utah Water Quality Board pursuant to Section 19-5-104 and pursuant to 40 CFR 35.915, is hereby incorporated by reference and made a part of these regulations. This rule is necessary to meet

requirements of Federal Water Quality Act. Copies of the Fiscal Year [~~1996-1999~~2000] Utah State Project Priority List are available at the Utah Department of Environmental Quality, Division of Water Quality.

**R317-100-2. General.**

A. The Project Priority System is used to rank municipal water pollution control projects on the Project Priority List to allocate wastewater revolving loan funds which may be available through the state and federal governments. The general criteria used in developing the State Priority System are defined in the Federal Water Pollution Control Act Amendments of 1981 and EPA regulations 40 CFR 35.2015. Criteria which may not be considered in rating projects include a project's location within the state, financial hardship, future population growth, and development needs not related to pollution abatement.

B. The objective in preparing and maintaining the list is to identify, by priority, municipalities in the State with wastewater treatment needs. The priority system is thereby intended to identify those municipalities which currently have the most severe wastewater treatment problems and to provide funds for the most beneficial program of public health protection and water quality improvement.

**R317-100-3. Project Priority Ranking System.**

A. PRIORITY POINT TOTAL

1. A priority number total for a project will be determined by adding the priority points from each of the four priority categories. Total Priority Points = Project Need for Reduction of Water Pollution + Potential for Improvement Factor + Existing Population Affected + Special Consideration. If two or more projects receive an equal number of priority points, such ties shall be broken using the following criteria:

a. The projects shall be ranked in order of the highest "Need for Reduction of Water Pollution."

b. If the tie cannot be broken on the basis of need, the projects shall be ranked in order of the "Potential for Improvement Factor."

c. If the tie cannot be broken on the basis of the above, the project serving the greatest population will be given priority.

B. PROJECT NEED FOR REDUCTION OF WATER POLLUTION

All projects receive the highest applicable point level only.

1. A documented existing substantial health hazard will be eliminated by the project. This may include: (1) discharge of inadequately treated wastewater to an area of immediate public contact where inadequate operation and maintenance is not the primary cause of the condition; (2) an area where a substantial number of failing subsurface disposal systems are causing surfacing sewage in areas of human habitation. The elimination of existing substantial health hazards is of highest priority. The determination of the existence of substantial health hazards shall be based upon the investigation, report, and certification of the local health department and the State Division of Water Quality. Such reports and certifications will be forwarded to EPA with the Priority List. The health hazard designation will normally apply to unsewered communities experiencing widespread septic tank failures and surfacing sewage: 70 points.

2. A raw sewage discharge will be eliminated or prevented: 60 points.

3. The surface water quality standards identified in R317-2 are impaired by an existing discharge. For points to be allotted under this criterion the affected stream segment must be "water quality limited" according to a wasteload analysis and water quality standards. Water quality standards have been established for the waters of Utah according to designated beneficial use classifications. A stream segment is considered to be "water quality limited" if a higher level of treatment than that which is provided by state effluent limitations is required to meet water quality standards. A stream segment is "effluent limited" if water quality standards are met by state imposed effluent limitations: 50 points.

4. The ground water quality standards identified in R317-6 are impaired by an existing discharge. For points to be allotted under this criterion the affected ground water must be impaired according to the numerical criteria outlined in the ground water protection levels established for Class I and II aquifers: 50 points.

5. Construction is needed to provide secondary treatment, or to meet the requirements of a Utah Pollution Discharge Elimination System (UPDES) Permit or Ground Water Discharge Permit, or the Federal Sludge Disposal Requirements: 50 points.

6. Documented water quality degradation is occurring, attributable to failing individual subsurface disposal systems where inadequate operation and maintenance is not the primary cause of the condition: 45 points.

7. Areas not qualifying as an existing substantial health hazard, but where it is evident that inadequate on-site conditions have resulted in the chronic failure of a significant number of individual subsurface disposal systems, causing an ongoing threat to public health or the environment. Points may be awarded in this category only when the Division of Water Quality determines that existing on-site limitations cannot be overcome through the use of approved subsurface disposal practices, or that the cost of upgrading or replacing failed systems to meet the minimum requirements of the local health department are determined to be excessive: 45 points.

8. Treatment plant loading has reached or exceeded 95 percent of design requirements needed to meet conditions of an UPDES Permit or needed to restore designated water use, or design requirements are projected to be exceeded within 5 years by the Division of Water Quality. Points will not be allocated under this criterion where excessive infiltration or inflow is the primary cause for the loading to the system to be at 95 percent or greater of design requirements: 40 points.

9. Existing facilities do not meet the design requirements in R317-3. Points may be allocated under this category only if the design requirements that are not being met are determined to be fundamental to the ability of the facility to meet water quality standards: 40 points.

10. Interceptor sewers, collection systems, pump stations and treatment, where applicable, are needed to solve existing pollution, ground water, or public health concerns: 35 points.

a. Points may be awarded under this category only if they will primarily serve established residential areas and only if they are needed to solve existing pollution or public health problems.

b. Points shall not be awarded under this category where an interceptor is proposed for newly developing recreational communities, resorts, or unincorporated subdivisions.

c. Points may be awarded under this category when the majority of existing septic systems are located in defined well head

protection zones or principal ground water recharge areas to Class I and II aquifers.

11. Interceptor sewers, collection systems, pump stations and treatment, where applicable, are needed to accomplish regionalization or eliminate existing treatment facilities. Points shall not be awarded under this category where an interceptor is proposed for newly developing recreational communities, resorts, or unincorporated subdivisions: 25 points.

12. Communities having future needs for wastewater facilities construction at existing wastewater systems, not included above, which are consistent with the goals of the Federal Water Pollution Control Act: 10 points.

13. Communities having future needs for new treatment plants and interceptors, not included above, which are consistent with the goals of the Federal Water Pollution Control Act: 5 points.

#### C. POTENTIAL FOR IMPROVEMENT FACTOR (PIF)

The PIF priority point sub-total is obtained by adding the points obtained in each of the four subcategories. Total PIF points = Classified Water Use + Discharge Standard Factor + Restoration from Water Quality Standard Violation + Estimated Improvement.

1. Classified Water Use. Priority points under this subcategory are allotted in accordance with segment designations listed in R317-2-13, Classifications of Waters of the State. Points are cumulative for segments classified for more than one beneficial use.

a. Protected as a raw water source of culinary water supply; R317-2-13 Use Classes: 1A, 1B, or 1C: 4 points.

b. Protected for primary contact recreation (swimming); R317-2-13: 2A: 4 points.

c. Protected for secondary contact recreation (water skiing, boating and similar uses); R317-2-13: 2B: 3 points.

d. Protected for cold water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain; R317-2-13: 3A: 3 points.

e. Protected for warm water species of game fish and other warm water aquatic life, including the necessary aquatic organisms in the food chain; R317-2-13: 3B: 3 points.

f. Protected for non-game fish and other aquatic life, including the necessary aquatic organisms in their food chain; R317-2-13: 3C: 2 points.

g. Protected for waterfowl, shore birds and other water-oriented wildlife not included above, including the necessary aquatic organisms in their food chain; R317-2-13: 3D: 2 points.

h. Protected for agricultural, industrial, and "special" uses; R317-2-13: 4, 5, and 6: 1 point.

2. Discharge Standard Factor. Priority points are allotted as follows:

a. Project discharge standards are water quality based: 5 points.

b. Project must meet secondary effluent treatment standards: 2 points.

c. Project does not discharge to surface waters: 0 points.

3. Restoration from Water Quality Standard Violation.

a. Project WILL RESTORE Designated Water Use: 5 points.

b. Project WILL NOT RESTORE Designated Water Use: 0 points.

c. Points under this subcategory are assigned on the basis of whether appropriate water quality standard(s) can be restored if the respective project is constructed and any other water quality

management controls are maintained at present levels. For a project to receive points under this subcategory, data from a State-approved waste load analysis must generally show that the designated water use is substantially impaired by the wastewater discharge and that the proposed project will likely restore the numerical water quality standards and designated use(s) identified in R317-2-12 and R317-2-14 for the waterbody.

d. Points may not be assigned under this subcategory if nonpoint source pollution levels negate water quality improvement from the proposed construction, if numerical standards or actual levels of pollutants being discharged are questionable, if serious consideration is being given to the redesignation of the stream segment to a lower classification, or if numerical standards for specific pollutants are inappropriately low for the classified water use.

4. Estimated Improvement in Stream Quality or Estimated Improvement in Environmental Quality including Presently Unsewered Communities and Sewered Communities with Raw Sewage Discharges. Points in this category shall be allocated based upon the judgment of the Division of Water Quality Staff and on the nature of the receiving water and surrounding watershed. Consideration shall be given to projects which discharge into Utah priority stream segments as identified in the biennial water quality report (305(b)). The criteria used to develop the Stream Segment Priority List may be used to evaluate projects on other streams not on the Stream Segment Priority List. These criteria include the existing use impairment, the overall index from a use impairment analysis, the potential for use impairment, the downstream use affected, the population affected, the amount of local interest and involvement toward improving the stream quality, the presence of endangered species, and the beneficial use classification. Activities within the watershed that are aimed at reducing point and nonpoint sources of pollution may also be considered in the allocation of points. In addition, the effect of a discharge or proposed change in a discharge on the chemical and biological quality of the receiving stream may be considered in the determination of points. Only those projects which will significantly improve water quality or environmental quality and will restore or protect the designated uses or eliminate public health hazards shall be given the maximum points allowable. Fewer points can be given in instances where some significant improvement will be achieved if a project is constructed.

a. The project is essential immediately, and must be constructed to protect public health or attain a high, measurable improvement in water quality: 20 points.

b. The project will likely result in a substantial level of improvement in water quality or public health protection: 10 points.

c. Some level of water quality improvement or public health protection would likely be provided by the construction of the project, but the effect has not yet been well established. Also, present facilities lack unit processes needed to meet required discharge standards: 5 points.

d. No significant improvement of water quality or public health protection would likely be achieved, at present, by a project: 0 points.

**D. EXISTING POPULATION AFFECTED**

For sewerred communities, priority points are based on the population served by a treatment facility. For unsewered areas, points are based on the population of the affected community.

1. Greater than 80,000: 10 points.
2. 40,000 - 80,000: 9 points.
3. 20,000 - 40,000: 8 points.
4. 10,000 - 20,000: 7 points.
5. 5,000 - 10,000: 6 points.
6. 4,000 - 5,000: 5 points.
7. 3,000 - 4,000: 4 points.
8. 2,000 - 3,000: 3 points.
9. 1,000 - 2,000: 2 points.
10. Less than 1,000: 1 point.

**E. SPECIAL CONSIDERATION**

1. The proposed project is an interceptor sewer which is part of a larger regional plan and is necessary to maintain the financial, environmental or engineering integrity of that regionalization plan: 20 points, or

2. The project is needed to preserve high quality waters such as prime cold water fishery and anti-degradation segments: 20 points.

3. The proposed project will change the facility's sludge disposal practice from a non-beneficial use to a beneficial use method: 20 points.

4. The users of the proposed project are subject to a documented water conservation plan: 20 points.

5. The sponsor of the proposed project has completed and submitted the most recent Municipal Wastewater Planning Program (MWPP) questionnaire: 20 points.

**KEY: grants, state assisted loans, wastewater**

~~November 9, 1998~~ 1999

19-5

Notice of Continuation December 12, 1997

19-5-104

40 CFR 35.915 and 40 CFR 35.2015



Public Service Commission,  
Administration  
**R746-200**  
Residential Utility Service Rules for  
Electric, Gas, Water, and Sewer  
Utilities

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 22101

FILED: 06/02/1999, 13:39

RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** To incorporate changes to existing provisions suggested by utilities, consumer advocates and state agencies.

**SUMMARY OF THE RULE OR CHANGE:** The changes include: expansion of the lead sentence in Subsection R746-200-3(A)(2) to clarify that interest rates on security deposits shall

be based on the tariffed rates established for each utility by the Commission; in Subsection R746-200-3(C) wording is changed to require that service, when on a shared meter or appliance, be maintained in the property owner's or the property owner's agent's name so that the property owner and other tenant(s) would not be penalized (by termination of service) if another tenant fails to pay; and in Subsection R746-200-6(G)(4) the first and third sentences have been changed to require notification to occupants at a location in all situations, allowing the occupants to arrange continuation of service without interruption.

(Note: Please identify comments using Docket 99-R200-01.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 54-3-1, 54-4-1, and 54-4-7

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--there are no changes to state government activities.
- ❖LOCAL GOVERNMENTS: None--the rule does not apply to local governments.
- ❖OTHER PERSONS: None--the changes implement resolutions or suggestions submitted by interested parties. The changes do not increase or decrease activities which are already undertaken.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be a change in utility account responsibility where a shared meter or appliance provides service to more than one rental unit. Rather than have one tenant responsible for utility service provided in such shared situations, property owners or their agents will now be responsible for payment of utility service. It is anticipated that the landlord or a landlord's agent will collect the additional sums from tenants directly or include the costs of the utility service in the rent payment. This will not result in actual cost increases. The other changes to the rule do not alter existing activities undertaken by utilities in providing service.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The change to R746-200-3(A)(2) is made to make clear that the security deposit interest rate is determined for each utility rather than a generic rate set by the Commission. There is no fiscal impact from this change. The change to R746-200-3(B)(1) is made to remove a possible conflict with R746-200-4(G)(2) to insure that a four-year limitation on past due amounts is applicable at initiation of service as well as subsequent to the commencement of service. The Commission believes that this will not result in an increase in the amount of unrecovered past due accounts or that any increase will be minimal. However, if this results in an increase greater than anticipated by the Commission, utilities may seek an increase in the recovery of uncollected bad debt costs, which the Commission has historically included in the determination of a utility's revenue needs. The change to R746-200-(3)(C) is made to have property owners recover the costs of shared meter or shared appliance service for multiple tenants, rather than have a single tenant assume such responsibility. This change aids in preventing the property owner and other tenants from suffering a service interruption when, previously, a tenant terminated service or became delinquent in

payment. This change simply changes the collection responsibility to the property owner, who is already collecting rental payments. This should not result in any fiscal impact. The change to R746-200-6(G)(4) is made to ensure that termination notice is made in all residential situations where the account holder is not the occupant. This clarifies a recent rule change which would have been construed as limiting the notification to rental properties only, rather than the preexisting provisions which applied to all residential situations. There will be no fiscal impact as the change mirrors prior practice.

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

Public Service Commission  
Administration  
Fourth Floor, Heber M. Wells Building  
160 East 300 South  
Salt Lake City, UT 84111, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@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 08/02/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/03/1999

AUTHORIZED BY: Barbara Stroud (Designee), Paralegal

**R746. Public Service Commission, Administration.  
R746-200. Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities.  
R746-200-3. Deposits, Eligibility for Service, and Shared Meter or Appliance.**

A. Deposits and Guarantees --

1. Each utility shall submit security deposit policies and procedures to the Commission for its approval before the implementation and use of those policies and procedures. Each utility shall submit third-party guarantor policies and procedures to the Commission.

2. Each utility collecting security deposits shall pay interest thereon at the tariffed rate as established for each individual utility by the Commission. For electric cooperatives and electric service districts, interest rates shall be determined by the governing board of directors of the cooperative or district and filed with the Commission and shall be deemed approved by the Commission unless ten percent or more of the customers file a request for agency action requesting an investigation and hearing. The deposit paid, plus accrued interest, is eligible for return to the customer after the customer has paid the bill on time for 12 consecutive months.

3. A residential customer shall have the right to pay a security deposit in at least three equal monthly installments if the first installment is paid when the deposit is required.

B. Eligibility for Service --

1. Residential utility service is to be conditioned upon payment of deposits, where required, and of any outstanding debts for past utility service which are owed by the applicant to that public utility, subject to Subsections R746-200-3(B)(2), and R746-200-6(B)(2), Reasons for Termination. Service may be denied when unsafe conditions exist, when the applicant has furnished false information to get utility service, or when the customer has tampered with utility-owned equipment, such as meters and lines. An applicant is ineligible for service if at the time of application, the applicant is cohabiting with a delinquent account holder, whose utility service was previously disconnected for non-payment, and the applicant and delinquent account holder also cohabited while the delinquent account holder received the utility's service, whether the service was received at the applicants present address or another address.

2. When an applicant cannot pay an outstanding debt in full, residential utility service shall be provided upon execution of a written, deferred payment agreement as set forth in Section R746-200-5.

C. Shared Meter or Appliance - In rental property where one meter provides service to more than one unit or where appliances provide service to more than one unit or to other occupants at the premises, and this situation is known to the utility, the utility shall only provide~~[will recommend that]~~ service~~[-be]~~ in the property owner's or property owner's agent's name and the property owner will be responsible for the service.~~[However, a qualifying applicant will be allowed to put service in their own name provided the applicant acknowledges that the request for services is entered into willingly and he has knowledge of the account responsibility.]~~

#### **R746-200-6. Termination of Service.**

##### A. Delinquent Account --

1. A residential utility service bill which has remained unpaid beyond the statement due date is a delinquent account.

2. When an account is a delinquent account, a public utility, before termination of service, shall issue a written late notice to inform the account holder of the delinquent status. A late notice or reminder notice must include the following information:

a. A statement that the account is a delinquent account and should be paid promptly;

b. A statement that the account holder should communicate with the public utility's collection department, by calling the company, if he has a question concerning the account;

c. A statement of the delinquent account balance, using a term such as "delinquent account balance."

3. When the account holder responds to a late notice or reminder notice the public utility's collections personnel shall investigate disputed issues and shall try to resolve the issues by negotiation. During this investigation and negotiation no other action shall be taken to disconnect the residential utility service if the account holder pays the undisputed portion of the account subject to the utility's right to terminate utility service pursuant to R746-200-6(F), Termination of Service Without Notice.

4. A copy of the "Statement of Customer Rights and Responsibilities" referred to in Subsection R746-200-1(G) of these rules shall be issued to the account holder with the first notice of impending service disconnection.

##### B. Reasons for Termination of Service --

1. Residential utility service may be terminated for the following reasons:

a. Nonpayment of a delinquent account;

b. Nonpayment of a deposit when required;

c. Failure to comply with the terms of a deferred payment agreement or Commission order;

d. Unauthorized use of, or diversion of, residential utility service or tampering with wires, pipes, meters, or other equipment;

e. Subterfuge or deliberately furnishing false information; or

f. Failure to provide access to meter during the regular route visit to the premises following proper notification and opportunity to make arrangements in accordance with R746-200-4(B), Estimated Billing, Subsection (2).

2. The following shall be insufficient grounds for termination of service:

a. A delinquent account, accrued before a divorce or separate maintenance action in the courts, in the name of a former spouse, cannot be the basis for termination of the current account holder's service;

b. Cohabitation of a current account holder with a delinquent account holder whose utility service was previously terminated for non-payment, unless the current and delinquent account holders also cohabited while the delinquent account holder received the utility's service, whether the service was received at the current account holder's present address or another address;

c. When the delinquent account balance is less than \$25.00, unless no payment has been made for two months;

d. Failure to pay an amount in bona fide dispute before the Commission;

e. Payment delinquency for third party services billed by the regulated utility company, unless prior approval is obtained from the Commission.

##### C. Restrictions upon Termination of Service During Serious Illness --

1. Residential gas, water, sewer and electric utility service may not be terminated and will be restored if terminated when the termination of service will cause or aggravate a serious illness or infirmity of a person living in the residence. Utility service will be restored or continue for one month or less as stated in Subsection R746-200-6(C)(2).

2. Upon receipt of a physician's statement, either on a form obtained from the utility or on the physician's letterhead stationery, identifying the health infirmity or potential health hazard, a public utility will continue or restore residential utility service for the period set forth in the physician's statement or one month, whichever is less; however, the person whose health is threatened or illness aggravated may petition the Commission for an extension of time.

3. During the period of continued service, the account holder is liable for the cost of residential utility service. No action to terminate the service may be undertaken, however, until the end of the period of continued service.

D. Restrictions upon Termination of Service to Residences with Life-Supporting Equipment -- No public utility shall terminate service to a residence in which the account holder or a resident is known by the utility to be using an iron lung, respirator, dialysis machine, or other life-supporting equipment, without specific prior approval by the Commission. Account holders eligible for this protection can get it by filing a written notice with the utility.

Thereupon, a public utility shall mark and identify applicable meter boxes when this equipment is used.

E. Payments for HEAT, Home Energy Assistance Target, Program -- The Commission approves the provision of the Department of Human Service's standard contract with public utility suppliers in Utah that suppliers will not discontinue utility service to a low-income household for at least 30 days after receipt of utility payment from the state program on behalf of the low-income household.

F. Termination of Service Without Notice -- Any provision contained in these rules notwithstanding, a public utility may terminate residential utility service without notice when, in its judgment, a clear emergency or serious health or safety hazard exists for so long as the conditions exist, or when there is unauthorized use or diversion of residential utility service or tampering with wires, pipes, meters, or other equipment owned by the utility. The utility shall immediately try to notify the customer of the termination of service and the reasons therefor.

G. Notice of Proposed Termination of Service --

1. At least 10 calendar days before a proposed termination of residential utility service, a public utility shall give written notice of disconnection for nonpayment to the account holder. The 10-day time period is computed from the date the bill is postmarked. The notice shall be given by first class mail or delivery to the premises and shall contain a summary of the following information:

a. a Statement of Customer Rights and Responsibilities under existing state law and Commission rules;

b. the Commission-approved policy on termination of service for that utility;

c. the availability of deferred payment agreements and sources of possible financial assistance including but not limited to state and federal energy assistance programs;

d. informal and formal procedures to dispute bills and to appeal adverse decisions, including the Commission's address and telephone number;

e. specific steps, printed in a conspicuous fashion, that may be taken by the consumer to avoid termination of service;

f. the date on which payment arrangements must be made to avoid termination of service; and

g. subject to the provision of Subsection R746-200-1(E), Customer Information, a conspicuous statement, in Spanish, that the notice is a termination of service notice and that the utility has a Spanish edition of its customer information pamphlet and whether it has personnel available during regular business hours to communicate with Spanish-speaking customers.

2. At least 48 hours before termination of service is scheduled, the utility shall make good faith efforts to notify the account holder or an adult member of the household, by mail, by telephone or by a personal visit to the residence. If personal notification has not been made either directly by the utility or by the customer in response to a mailed notice, the utility shall leave a written termination of service notice at the residence. Personal notification, such as a visit to the residence or telephone conversation with the customer, is required only during the winter months, October 1 through March 31. Other months of the year, the mailed 48-hour notice can be the final notice before the termination of service.

If termination of service is not accomplished within 15 days following the 48-hour notice, the utility company will follow the same procedures for another 48-hour notice.

3. A public utility shall send duplicate copies of 10-day termination of service notices to a third party designated by the account holder and shall make reasonable efforts to personally contact the third party designated by the account holder before termination of service occurs, if the third party resides within its service area. A utility shall inform its account holders of the third-party notification procedure at the time of application for service and at least once each year.

4. ~~[In rental property situations where the tenant]~~When the occupant is not the account holder and that fact is known to the utility, the utility shall post a notice of proposed termination of service on the premises in a conspicuous place and shall make reasonable efforts to give actual notice to the occupants by personal visits or other appropriate means at least five calendar days before the proposed termination of service. The posted notice shall contain the information listed in Subsection R746-200-6(G)(1). This notice provision applies to residential premises when the account holder has requested termination of service or the account holder has a delinquent bill. If nonpayment is the basis for the termination of service, the utility shall also advise the ~~[tenants]~~occupants that they may continue to receive utility service for an additional 30 days by paying the charges due for the 30-day period just past.

H. Termination of Service -- Upon expiration of the notice of proposed termination of service, the public utility may terminate residential utility service. Except for service diversion or for safety considerations, utility service shall not be disconnected between Thursday at 4:00 p.m. and Monday at 9:00 a.m. or on legal holidays recognized by Utah, or other times the utility's business offices are not open for business. Service may be disconnected only between the hours of 9:00 a.m. and 4:00 p.m.

I. Customer-Requested Termination of Service --

1. A customer shall advise a public utility at least three days in advance of the day on which he wants service disconnected to his residence. The public utility shall disconnect the service within four working days of the requested disconnect date. The customer shall not be liable for the services rendered to or at the address or location after the four days, unless access to the meter has been delayed by the customer.

2. A customer who is not an occupant at the residence for which termination of service is requested shall advise the public utility at least 10 days in advance of the day on which he wants service disconnected and sign an affidavit that he is not requesting termination of service as a means of evicting his tenants. Alternatively, the customer may sign an affidavit that there are no occupants at the residence for which termination of service is requested and thereupon the disconnection may occur within four days of the requested disconnection date.

J. Restrictions Upon Termination of Service Practices -- A public utility shall not use termination of service practices other than those set forth in these rules. A utility shall have the right to use or pursue legal methods to ensure collections of obligations due it.

K. Policy Statement Regarding Elderly and Handicapped -- The state recognizes that the elderly and handicapped may be seriously affected by termination of utility service. In addition, the risk of inappropriate termination of service may be greater for the elderly and handicapped due to communication barriers which may exist by reason of age or infirmity. Therefore, this section is

specifically intended to prevent inappropriate terminations of service which may be hazardous to these individuals. In particular, Subsection R746-200-6(G), requiring adequate notice of impending terminations of service, including notification to third parties upon the request of the account holder, Subsection R746-200-6(C), restricting termination of service when the termination of service will cause or aggravate a serious illness or infirmity of a person living in the residence, and Subsection R746-200-6(D), restricting terminations of service to residences when life-supporting equipment is in use, are intended to meet the special needs of elderly and handicapped persons, as well as those of the public in general.

**L. Load Limiter as a Substitute for Termination of Service, Electric Utilities --**

1. An electric utility may, but only with the customer's consent, install a load limiter as an alternative to terminating electric service for non-payment of a delinquent account or for failure to comply with the terms of a deferred payment agreement or Commission order. Conditions precedent to the termination of electric service must be met before the installation of a load limiter.

2. Disputes about the level of load limitation are subject to the informal review procedure of Subsection R746-200-7.

3. Electric utilities shall submit load limiter policies and procedures to the Commission for their review before the implementation and use of those policies.

**KEY: public utilities, rules, utility service shutoff\***

~~June 1,~~ 1999

Notice of Continuation December 8, 1997

54-4-1

54-4-7

54-7-9

54-7-25



**Public Service Commission,  
Administration**

**R746-320**

**Uniform Rules Governing Natural Gas  
Service**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 22108

FILED: 06/14/1999, 16:36

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To incorporate suggested amendments and comments made by interested persons and submitted in prior rulemaking proceedings.

SUMMARY OF THE RULE OR CHANGE: Amendment to the time limitations for billing adjustments to permit adjustments covering a longer time period if the beginning date for the adjustment can be established and to permit a longer time

period in which to implement an adjustment that may require complex calculation. Extend the use of estimated bills in situations where access to the meter has been denied.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 54-3-1, 54-4-1, 54-4-7, and 54-4-18

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--there are no significant changes to state agency activities. There will be a small reduction in informal complaint activity before the Public Service Commission as the proposed amendments will permit the relief which has typically been requested in the respective circumstances.

❖LOCAL GOVERNMENTS: None--there are no local government activities affected by the rule or proposed changes.

❖OTHER PERSONS: None--While individual customers may benefit from greater refunds for lengthened overbilling periods, the absolute dollar magnitude is anticipated to be relatively very small in relation to the overall revenues received by the affected utilities. The overbilling represents recovery of revenue which is not associated with actual service being rendered, hence the impact is a net zero from the viewpoint of the utility.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--see comments by the department head.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: From the affected utility's perspective, the billing adjustment changes for overbilling have a net zero impact, as noted under state budget, local government, and other persons. The proposed change for implementing complex billing adjustments is intended to eliminate the need to institute subsequent adjustments needed to correct prior adjustments which did not completely rectify a billing error. Costs associated with calculating and implementing the necessary adjustment do not change due to the proposed change in rule. The proposed change simply allows more time to calculate and implement a billing adjustment which will accurately deal with the billing error. The proposed change for the use of estimated bills is to permit the use of an estimated bill if access to a meter is denied over a period of time in which the utility would normally render a bill. This enables the use of an estimated bill until access to the meter and actual reading of the meter occurs in a subsequent billing period. There is no anticipated fiscal impact as the proposed change affects only the timing of the collection of revenues, not the absolute amount of revenues collected. The time value of the revenues collected in this manner is deemed insignificant relative to the overall revenues collected by the utility.

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

Public Service Commission  
Administration  
Fourth Floor, Heber M. Wells Building  
160 East 300 South  
Salt Lake City, UT 84111, or  
at the Division of Administrative Rules.



## DIRECT QUESTIONS REGARDING THIS RULE TO:

Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@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 08/02/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/03/1999

AUTHORIZED BY: Barbara Stroud (Designee), Paralegal

**R746. Public Service Commission, Administration.**  
**R746-320. Uniform Rules Governing Natural Gas Service.**  
**R746-320-1. General Provisions.**

A. Scope and Applicability -- This rule applies to the methods and conditions of service used by utilities furnishing natural gas service in Utah. These rules supersede any conflicting provisions contained in tariffs of natural gas utilities subject to Commission jurisdiction. A utility may petition the Commission for an exemption from specified portions of these rules in accordance with R746-100-16, Deviation from Rules.

B. Definitions --

1. "British Thermal Unit" or "BTU" means the quantity of heat needed to raise the temperature of one pound of water one degree Fahrenheit.

2. "CFR" means the Code of Federal Regulations, April 1, 1994 edition.

3. "Commission" means the Public Service Commission of Utah.

4. "Cubic Foot" means:

a. when gas is supplied and metered to customers at the standard delivery pressure, as defined in Subsection R746-320-2(G), the volume of gas which, at the temperature and pressure existing in the meter, occupies one cubic foot;

b. when gas is supplied to customers through positive displacement meters at other than standard delivery pressure, the volume of gas which occupies one cubic foot after applying a suitable correction factor to simulate delivery and metering at standard delivery pressure; the correction factor shall include allowance for gas temperature when it is reasonably practical to determine that factor;

c. when gas is supplied through other meters, the volume of gas which occupies one cubic foot at a temperature of 60 degrees Fahrenheit and at absolute pressure as provided in utility tariff rates or regulations approved by this Commission.

5. "Customer" means a person, firm, partnership, company, corporation, organization, or governmental agency supplied with gas by a gas utility subject to Commission jurisdiction.

6. "Customer Meter" means the device used to measure the volume of gas transferred from a gas utility to a customer.

7. "Main" means a distribution line that is designed to serve as a common source of supply for more than one service line. The term does not include service lines.

8. "Service Line" means a distribution line that transports gas from a common source of supply to:

a. a customer meter or the connection to a customer's piping, whichever is farther downstream, or

b. the connection to a customer's piping if there is no customer meter.

9. "Therm" means a unit of heating value equalling 100,000 BTU.

10. "Utility" means a gas corporation as defined in Section 54-2-1.

**R746-320-2. Quality Control Equipment, Standards, Records and Reports.**

A. Testing Equipment and Facilities --

1. Utilities shall own and maintain or have access to the testing equipment necessary to make Commission-required tests of the gas sold by the utilities. The Commission may approve arrangements for individual utilities to have their testing done by another utility or competent party.

2. Utilities shall properly maintain testing equipment which shall be subject to Commission inspection. The Commission may inspect the testing equipment at reasonable times.

3. Utilities shall locate and use testing equipment so as to ensure that gas samples taken are fairly representative of the gas being distributed in the portion of the system being tested.

B. Heating Value --

1. Utilities shall file with the Commission, as part of their tariffs, the range within which the average heating value per unit of gas to be sold will fall.

2. Utilities shall maintain the heating value established in their tariffs and in so doing shall regulate the chemical composition and specific gravity of the gas so as to maintain satisfactory combustion in customers' appliances without repeated adjustment of the burners.

3. When utilities distribute supplemental or substitute gas, they shall ensure that it performs satisfactorily regardless of heating value.

C. Heating Value Tests, Records, and Reports --

1. Utilities shall make sufficient tests, or have access to tests made by their suppliers, to accurately determine the heating value of the gas sold.

2. Tests shall be made at a location, or locations, which will ensure the samples taken fairly represent the gas being furnished to the utilities and their customers. Test reports shall be available for review when requested by the Commission.

D. BTU Measurement Equipment --

1. Utilities shall maintain or have access to an approved type calorimeter in an adequate testing station as specified in Subsection R746-320-2(C)(1). Utilities may use an approved recording calorimeter which shall be checked at least once each month with an approved standard calorimeter or against a standard gas.

2. Both calorimeter and method of testing shall be subject to Commission inspection.

3. Utilities may use BTU measuring equipment other than calorimeters upon petition to and approval by the Commission.

E. Gas Odor -- Gas supplied to customers shall be odorized in accordance with 49 CFR 192.625, which is incorporated by this reference.

F. Purity of Gas -- Gas supplied to customers shall contain no more than 75 to 80 parts per million of total sulfur. Gas shall be free of water and hydrocarbons in liquid form at the temperature and pressure at which the gas is delivered.

G. Standard Delivery Pressure -- Standard Delivery Pressure shall be four ounces above local atmospheric pressure. Maximum and minimum low pressure delivery pressures shall conform to 49 CFR 192.623, which is incorporated by reference.

H. Pressure Testing and Maintenance of Standards --

1. Utilities shall make every reasonable effort to maintain adequate gas pressure. Utilities shall make determinations and keep records of pressures adequate to enable the utilities at all times to have accurate current knowledge of the pressure existing in their distribution systems. Pressure records shall be properly identified, dated, and filed in the utilities' records.

2. Utilities shall periodically test and maintain the accuracy of any recording pressure gauges.

3. Pressure limiting and regulator stations shall comply with 49 CFR 192.741, which is incorporated by this reference.

**R746-320-3. Use, Location, and Accuracy Tests of Meters.**

A. Use of Meters -- Gas sold by utilities shall be metered through approved meters except in case of emergency, or when otherwise authorized by the Commission as provided in R746-100-16, Deviation from Rules. Meters shall bear an identifying number and shall be plainly marked to show the units of the meter index. When gas is delivered at higher than standard pressure, the contract, rate schedule, or gas bill shall specify the method to be used to correct the gas volume to standard pressure.

B. Meter Location -- Meters may be located either inside or outside of buildings. The locations selected by utilities and provided by customers shall be convenient for inspection and reading of the meters and shall comply with 49 CFR 192.353, 192.355, 192.357, incorporated by reference.

C. Meter Accuracy at Installation -- New meters and reinstalled meters shall be no more than one percent fast or two percent slow.

D. Initial Tests of Meters -- Meters shall be tested and meet the foregoing accuracy limits before installation. When meters are placed into service, the meter index reading shall be recorded.

E. Periodic Tests of Meters --

1. Utilities shall adopt schedules for periodic tests and repairs of positive displacement meters. Utilities shall keep records of accuracy of meters periodically tested and shall analyze the records to determine meter service life for purposes of adjusting the periods for testing and servicing meters.

2. Unless a time extension or a statistical sampling method is approved by the Commission, meter test intervals for displacement meters of the following rated capacities shall not exceed the following:

TABLE		
a. To 300 cu. ft./hr		10 yrs
b. 300 to 600 cu. ft./hr		5 yrs
c. 600 to 1,500 cu. ft./hr		3 yrs
d. Over 1,500 cu. ft./hr		2 yrs
e. Orifice Meters, inspected and checked for accuracy		1 yr

F. Meter Tests by Request --

1. Upon written request, utilities shall test a customer's meter promptly. If a meter has been tested within 12 months preceding the date of the request, the utility concerned may require the customer to make a deposit to defray the costs of the test. If the

meter is found to be more than three percent inaccurate, either over or under, the deposit shall be refunded; otherwise the deposit may be processed by the utility as a service charge. The deposit shall not exceed the estimated cost of performing the test.

2. The customer shall be entitled to observe the test and the utility shall forward a copy of the written report of the test to the customer.

G. Referee Meter Tests -- If there is a dispute over a test, the customer concerned may request a referee test in writing. The Commission may require the deposit of a testing fee in connection with a referee test to defray costs of the test. Upon filing of the request and receipt of the deposit, if needed, the Commission shall notify the utility and the utility shall not remove the meter until the Commission so instructs. The meter shall be tested in the presence of the Commission's representative, and if the meter is found to be more than three percent inaccurate, the customer's deposit may be refunded; otherwise it may be kept.

H. Billing Adjustments for Meter Variance --

1. If a meter tested pursuant to Subsections R746-320-3(E) and (F) is more than three percent fast, there shall be refunded to the customer the amount billed in error for one-half the period since the last test. The one-half period shall not exceed six months unless it can be shown that the error was due to some cause, the date of which can be fixed. In this instance, the overcharge shall be computed back to, but not beyond, that date.

2. If a meter tested pursuant to Subsections R746-320-3(E) and (F) is more than three percent slow, the utility may bill the customer in an amount equal to the unbilled error for one-half the period since the last test, that one-half period shall not exceed six months.

3. When there is a nonregistering meter, the customer may be billed on an estimate based on previous bills for similar usage. The estimated period shall not exceed three months.

4. When there is unauthorized use, the customer may be billed on a reasonable estimate of the gas consumed.

I. Standard Meter Test Methods -- Meter tests shall be made by trained personnel using approved methods and testing equipment. The methods and apparatus recommended in the Gas Displacement Standard, Second Edition 1985, published by the American Gas Association and incorporated by this reference, may be used to satisfy this rule.

J. Meter Testing Equipment -- Utilities shall own and maintain, or have access to, at least one five-cubic-foot prover of an approved type, as well as other equipment necessary to test meters. Meter testing equipment shall be installed in a meter testing station designed for that purpose.

K. Records of Meter Tests -- Utilities shall record the original data of meter tests on standard forms and preserve the data until the next time meters are tested.

L. Meter Records -- Utilities shall keep permanent records of their meters. Utilities shall start a record for each meter when purchased and include the date of purchase, identification number, manufacturer's name, type, and rating. Utilities shall keep records of any tests, adjustments, and repairs. Utilities shall keep records of meter readings when the meters are installed or removed from service together with the addresses of customers served. The meter records shall be systematically kept and filed until the meters are retired.

**R746-320-5. Design, Construction, and Operation of Plant.**

## A. Generally --

1. Facilities owned or operated by utilities and used in furnishing gas shall be designed, constructed, maintained and operated so as to provide adequate and continuous service. Utilities shall, at all times, use every reasonable effort to protect the public from danger and shall exercise due care to reduce the hazards to which employees, customers, and others may be subjected from their equipment and facilities.

2. Utilities shall use accepted good practice of the gas industry, but in no event shall those practices be construed to require less than required by this rule, R746-409, Pipeline Safety in Utah, Chapter 13 of Title 54, and the federal Natural Gas Pipeline Safety Act, 49 U.S.C. Section 1671 et seq.

B. Regulators -- If the gas pressure maintained in a customer's service line exceeds the standard delivery pressure, the utility concerned shall install an approved service regulator on the service line on the customer's premises. The regulator shall be set to deliver gas within the established delivery pressure range and shall have a vent piped to the outdoors if the regulator is located within a building. If pressure in the service line exceeds 100 p.s.i.g., a primary regulator, in addition, shall be installed on the service line outside the building. Regulators shall not be required for service of industrial or commercial customers served through high pressure meters.

C. Main Extensions -- Utilities shall adopt, with Commission approval, uniform rules and regulations governing main extensions.

## D. Installation and Maintenance of Service Lines and Meters --

1. Utilities shall furnish, install and maintain, free of charge, a gas service line from the gas main adjacent to customers' premises to the customers' property lines or curbs, except that utilities shall not be required to install the piping on the outlet side of meters.

2. Customers may be required by utilities to install or pay in full or in part for gas service lines from property lines to customers' buildings in accordance with approved tariffs.

3. Service lines and meters shall be owned and maintained by utilities.

## E. Service Lines for Temporary Service --

1. Utilities may provide temporary service to customers and may require the customers to bear any costs, in excess of any salvage value realized, of installing and removing service lines.

2. Temporary service shall be considered service provided for emergency or short-term use, as specified in approved tariffs, or service for speculative operations or those of questionable permanency.

## F. Gas Service Line Valves --

1. New gas service lines, entering customers' buildings, which are operating at a pressure greater than 10 p.s.i.g., and other service lines two inches or larger, I.P.S., shall be equipped with a gas service line valve located on the service line outside buildings served. If a service line valve is underground, it shall be located in a durable curb box at an easily-accessible location. The top of the curb box shall be at ground level and shall be kept visible by the customer.

2. Service lines shall be equipped with a gas service line valve near the meter. If a service line is not equipped with an outside shut-off, the inside shut-off shall be a type which can be sealed in the off position.

**R746-320-6. Records.**

## A. Maps and Records --

1. Utilities shall keep suitable maps or records to show size, location, character, and date of installation of major plant items.

2. Upon Commission request, and in form specified by or satisfactory to the Commission, utilities shall file adequate descriptions or maps showing the location of facilities.

## B. Operating Records --

1. Utilities shall keep appropriate operating records for use in statistical and analytical studies for regulatory purposes.

2. Operating records shall be subject to Commission inspection at reasonable times.

C. Availability of Records -- Utilities shall keep any records made mandatory by these rules at the utilities' offices in Utah. Commission representatives may inspect mandatory records at reasonable times and in a reasonable manner during normal operating hours.

D. Reports to the Commission -- Utilities shall furnish to the Commission, at times and in form designated by the Commission, the results of required tests and summaries of mandatory records. At Commission request, utilities shall also furnish the Commission with information concerning facilities or operations.

E. Preservation of Records -- The Commission adopts the standards of 18 CFR 225, incorporated by reference, to govern the preservation of records of natural gas utilities subject to the jurisdiction of the Commission.

**R746-320-7. Accounting.**

A. Uniform System of Accounts -- The Commission adopts 18 CFR 201, incorporated by this reference, as the uniform system of accounts for gas utilities subject to Commission jurisdiction. Utilities shall use this system.

B. Uniform List of Retirement Units of Property -- The Commission adopts 18 CFR 216, incorporated by this reference, as the schedule to be used in conjunction with the uniform system of accounts in accounting for additions to and retirements of gas plant. Utilities subject to Commission jurisdiction shall use this schedule.

**R746-320-8. Billing Adjustments.**

## A. Definitions --

1. A "backbill" is that portion of a bill, other than a leveled bill, which represents charges not previously billed for service that was actually delivered to the customer before the current billing cycle.

2. A "catch-up bill" is a bill based on an actual reading provided after one or more bills based on estimated or customer readings. A catch-up bill which exceeds by 50 percent or more the bill that would have been provided under a utility's standard estimation program is presumed to be a backbill.

B. Notice -- Each backbill shall contain a written explanation of the reason for the backbill that shall be sufficiently detailed to apprise the customer of the circumstances, error or condition that caused the underbilling, and, if the backbill covers more than a 24-month period, a statement setting forth the reasons the utility did not limit the backbill under Subsection R746-320-8(D)[;].

C. Limitations on Providing a Backbill -- A utility shall not provide a backbill more than three months after the utility actually became aware of the circumstance, error, or condition that caused the underbilling and the correct calculation to be used in the

backbill has been determined. This limitation does not apply to fraud, ~~and~~ theft of service, and denial of access to meter situations.

D. Limitations of the Period for Backbilling --

1. A utility shall not bill a customer for service provided more than 24 months before the utility actually became aware of the circumstance, error, or condition that caused the underbilling or that the original billing was incorrect. In the case of a ~~switched~~ crossed meter condition, the period covered by the backbill may not exceed six months.

2. When there is customer fraud, theft of service, or denial of access to the meter, the utility shall estimate a bill for the period over which the fraud or theft was perpetrated or that denial of access occurred. The time limitations of Subsection R746-320-8(D)(1) do not apply to customer fraud or theft situations.

3. In the case of a backbill for Utah sales taxes not previously billed, the period covered by the backbill shall not exceed the period for which the utility is assessed a sales tax deficiency.

E. Payment Period and Interest -- A utility shall permit the customer to make arrangements to pay a backbill without interest over a time period at least equal in length to the time period over which the backbill was assessed. However, interest will be assessed at the rate applied to past due accounts on amounts not timely paid in accordance with the established arrangements. If the utility has demonstrated that the customer knew or reasonably should have known that the original billing was incorrect or in the case where there has been fraud or theft, interest will be assessed from the time the original payment was due.

**R746-320-9. Overbilling.**

A. Standards and Criteria for Overbilling -- Billing under the following conditions constitutes overbilling:

- 1. a meter registering more than three percent fast, or a defective meter;
- 2. use of an incorrect heat value multiplier;
- 3. incorrect service classification, if the information supplied by the customer was not erroneous or deficient;
- 4. billing based on a ~~switched~~ crossed meter condition where the customer is billed on the incorrect meter;
- 5. meter turnover, or billing for a complete revolution of a meter which did not occur;
- 6. a delay in refunding payment to a customer pursuant to rules providing for refunds for line extensions;
- 7. incorrect meter reading or recording by the utility; and
- 8. incorrect estimated demand billings by the utility.

B. Interest Rate --

1. A utility shall provide interest on customer payments for overbilling. The interest rate shall be the greater of the interest rate paid by a utility on customer deposits, or the interest rate charged by a utility for late payments.

2. Interest shall be paid from the date when the customer overpayment is made, until the date when the overpayment is refunded. Interest shall be compounded during the overpayment period.

C. Limitations --

1. A utility shall not be required to pay interest on overpayments if offsetting billing adjustments are made during the next full billing cycle after the receipt of the overpayment.

2. The utility shall be required to offer refunds, in lieu of credit, only when the amount of the overpayment exceeds \$50 or

the sum of two average month's bills, whichever is less. However, the utility shall not be required to offer a refund to a customer having a balance owing to the utility, unless the refund would result in a credit balance in favor of the customer.

3. If a customer is given a credit for an overpayment, interest will accrue only up to the time at which the first credit is made, when credits are applied over two or more bills.

4. A utility shall not be required to make a refund of, or give a credit for, overpayments which occurred more than 24 months before the customer submitted a complaint to the utility or the Commission, or the utility actually became aware of an incorrect billing which resulted in an overpayment. An exception to the 24 month limitation period applies when the overbilling can be shown to be due to some cause, the date of which can be fixed. In this instance the overcharge shall be computed back to that date and the entire overcharge shall be refunded.

5. When a utility can demonstrate before the Commission that a customer knew or reasonably should have known about an overpayment~~[to be incorrect]~~, a utility shall not be required to pay interest on the overpayment.

6. Utilities shall not be required to pay interest on overpayment credits or refunds which were made before the effective date of this rule provision.

7. Disputes regarding the level or terms of the refund or credit are subject to the informal and formal review procedures of the Utah Public Service Commission.

**KEY: rules and procedures, public utilities, utility service shutoff**

<del>[June 5,]</del> 1999	54-2-1
Notice of Continuation December 8, 1997	54-4-1
	54-4-7
	54-4-18
	54-4-23



Workforce Services , Workforce  
 Information and Payment Services  
**R994-403-118c**  
 Work Search

**NOTICE OF PROPOSED RULE**

(Amendment)  
DAR FILE No.: 22111  
FILED: 06/15/1999, 15:53  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After a Division review, it was determined that the requirement to make at least two in-person employer contacts each week to maintain eligibility for unemployment insurance benefits was no longer necessary.

**SUMMARY OF THE RULE OR CHANGE:** To eliminate the general requirement to make at least two in-person employer contacts each week in order to maintain eligibility for unemployment insurance. The rapid changes in technology are having a significant impact on the methodology by which individuals seek work. While there is no intent to relieve a claimant of the obligation to actively seek work each week, the requirement to make a specific number of in-person contacts each week has become obsolete.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 35A-4-403, and Subsections 35A-1-104(1) and 35A-4-502(1)(b).

**ANTICIPATED COST OR SAVINGS TO:**

❖**THE STATE BUDGET:** Unemployment Insurance (UI) contributions (taxes) are collected from employers and are deposited in a trust fund administered under the authority of the Treasury of the United States. UI benefits are paid from this trust fund and, as a result, there are no anticipated costs or savings to state or local government connected with this proposed amendment. However, state and local governments are also employers. The state of Utah, as well as most local governments, has elected "reimbursable coverage" with respect to its participation in the UI system. This means that rather than paying UI taxes on a percentage of payroll, a reimbursable employer pays the fund back directly, on a dollar per dollar basis, for UI benefits that are disbursed to its former employees. Therefore, if some of the audited claimants referenced below happen to have employment with the state or a local government, there could be some costs that these entities would not have otherwise incurred--see response under other persons.

❖**LOCAL GOVERNMENTS:** See response under state budget.

❖**OTHER PERSONS:** The requirement to be available for work and to actively seek work each week is not changing. The proposal only deletes the reference to in-person contacts. Claimants are presently questioned, as part of the weekly certification process, whether they conducted a work search as instructed by the Department. If they respond affirmatively, no issue is raised. However, if they respond "no" the matter is investigated and the claimant is subject to possible disqualification. The Department is presently required by the United States Department of Labor (USDOL) to conduct a thorough audit of at least 360 unemployment insurance claims on an annual basis. For Calendar Year (CY) 1998, 362 audits were completed by the Benefit Accuracy Measurement (BAM) unit, the entity charged with the responsibility of conducting the audits in question. A computer is programmed to download a random sample of UI claimants on a weekly basis and a KEY WEEK is identified with respect to the claim as part of the sample. It is the KEY WEEK in the claims series that is the focus of the audit. One of the audit functions is to verify work search activities during the KEY WEEK. With the adoption of this proposed amendment, it is possible that it will be more difficult to verify certain work search activities in the absence of an in-person requirement. The BAM unit supervisor has indicated that if the proposed amendment is adopted, BAM staff would be more likely to accept the word of the claimant in cases where a work search contact could not be directly verified. One can

therefore speculate that fewer claimants would be disqualified for possible work search deficiencies identified during the KEY WEEK, if this proposal is adopted. For CY 1998, BAM found KEY WEEK payment errors in 54 cases. Of the payment errors, 42%, or 22 cases, were attributed to work search deficiencies. If it is assumed that with the adoption of the proposed rule change, BAM would find only half as many payment errors based on work-search deficiencies, that would represent 11 cases based on the 1998 sample. If it is further assumed that in each case the claimant was entitled to the maximum weekly benefit amount of \$298, the total overpayments the Department would have assessed for work search KEY WEEK payment errors for 22 claimants would be \$6,556. Half of that amount would be \$3,278. For CY 1998, approximately \$83,000,000 in UI benefits were paid to over 70,000 individuals filing against the state of Utah. Although the potential to impact some claimants and employers certainly exists, when viewed in the aggregate, the financial impact of the proposed change would be negligible.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** The Department does not anticipate any compliance costs associated with this proposed amendment. If anything, transportation costs for claimants would be reduced by relieving them of the requirement to make a specific number of in-person employer contacts each week.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** See responses under state budget, local government, and other persons.

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

Workforce Services  
Workforce Information and Payment Services  
Fourth Floor  
140 East 300 South  
PO Box 45277  
Salt Lake City, UT 84145-0277, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Christopher Love at the above address, by phone at (801) 526-9291, by FAX at (801) 526-9394, or by Internet E-mail at wsadmipo.clove@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 08/02/1999.**

**THIS RULE MAY BECOME EFFECTIVE ON: 08/03/1999**

**AUTHORIZED BY: Robert C. Gross, Executive Director**

**R994. Workforce Services, Workforce Information and Payment Services.**

**R994-403. Claim for Benefits.**

**R994-403-118c. Work Search.**

(1) General Requirements.

The Employment Security Act requires, by direct statutory language, that a claimant must act in good faith in an active effort to secure employment each and every week for which benefits are claimed. Efforts to find work must be judged by the standards of the occupation and the community. ~~What constitutes an active good faith search for work for a professional person, may be different from the active good faith search for a non-professional person.]~~ As an example, it[ft] may not be appropriate for professionals to call in person upon prospective employers without first submitting resumes and making an appointment by phone. However, in the case of a non-professional, unannounced personal contacts ~~[are]may be appropriate[and acceptable].~~

(2) Active.

An active effort to look for work is generally interpreted to mean that a claimant should contact, ~~[in person]~~ a minimum of two employers not previously contacted each week who would hire people in the occupation which the claimant has work experience or would otherwise be qualified and willing to accept employment. Although the minimum number of contacts required by the Department without specific instructions is two, individuals genuinely desirous of obtaining employment will generally make a work search in excess of the minimum requirement. Because the primary obligation of the claimant is to become re-employed, not merely to comply with the requirements of the Department, claimants are encouraged to develop a realistic plan for becoming re-employed which may mean making more than the minimum number of contacts. However, Department representatives, after taking into consideration the type of work the claimant is seeking and the opportunities available for contacting employers who could reasonably be expected to hire in those occupations, may individually advise claimants of a specific number of ~~[in person]~~ contacts the claimant is expected to make each week. The Department may not assign varying number or types of contacts for claimants in the same occupation or locality, as work search requirements should be consistent for all claimants in similar occupations unless unique circumstances warrant a reduction in the requirement. Failure of a claimant to make at least the minimum number of ~~[in person]~~ contacts as instructed by a Department representative shall create a rebuttable presumption that the claimant is not making an active work search. The claimant may overcome this presumption by showing that he has pursued a job development action that would be at least as likely to result in employment as the specific minimum number of employer contacts given him by the Department representative. ~~[Reading the classified section of the newspaper, canvassing employers indiscriminately by telephone, writing resumes, contacting friends or church representatives, or looking at the bulletin board in the Employment Center, do not replace the need for in-person contacts because they do not allow the claimant to complete a work application or to be immediately considered for hire.]~~

(3) Good Faith.

Good faith efforts are defined as those methods which a reasonable person, anxious to return to work, would make if sincerely desirous of obtaining employment. A good faith effort is not established simply by making a specific number of contacts to satisfy the Department requirement. A good faith effort requires that the claimant, when contacting employers, emphasize his interest in the job and conduct himself in such a way as to provide the maximum possibility of his being considered for hire. He

should contact employers at the designated time, place and in the manner specified. He should be dressed and groomed appropriate for type of work he is seeking and present no unreasonable restriction on acceptance of the work. Answers on employment applications should be reasonable, honest, show a genuine interest in obtaining employment, and emphasize those skills, experience or aptitudes which the claimant has that are consistent with the job requirements. Contacts should be made directly with persons having the authority to hire.

(4) Union Attachment.

(a) Union attachment is sufficient to meet the requirements of an active work search if the claimant is eligible for a deferral as established under Subsection 35A-4-403(1)(b). When a claimant is deferred, it is because he has reasonable prospects of employment through the union and his union attachment puts him in contact with the majority of the employers he normally would be expected to contact. Therefore, for those claimants who meet the qualification for deferral, the union attachment is an acceptable substitute for a personal work search.

(b) If the claimant is not in a deferred status because he did not earn substantially all his wage credits in employment as a union member or the deferral has ended, he must meet the requirements of an active, good faith search for work by ~~[personally]~~ contacting employers in addition to contacts with the union. This work search is required even though unions may have regulations and rules which penalize members for making independent contacts to try to find work or for accepting non-union employment.

**KEY: filing deadlines\*, registration\*, student eligibility, unemployment compensation**  
**[July 1, 1997]1999** **35A-4-403(1)**

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**End of the Notices of Proposed Rules Section**

## NOTICES OF CHANGES IN PROPOSED RULES

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

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

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

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends August 2, 1999. At its option, the agency may hold public hearings.

From the end of the waiting period through October 29, 1999, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

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**The Changes in Proposed Rules Begin on the Following Page.**

Commerce, Occupational and  
Professional Licensing  
**R156-56**  
Utah Uniform Building Standard Act  
Rules

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 22009  
FILED: 06/15/1999, 07:14  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Following a public hearing and comments received, the Division is adding that the 1999 edition of the National Electrical Code (NEC) will become effective January 1, 2000.

SUMMARY OF THE RULE OR CHANGE: In Section R156-56-701, added that the 1999 edition of the National Electrical Code (NEC) will become effective January 1, 2000.

**(DAR Note:** The original proposed amendment upon which this change in proposed rule is based was published in the May 15, 1999, issue of the *Utah State Bulletin*.)

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

## ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No additional costs will be incurred as a result of this change beyond those that were identified in the original rule filing. The change only delays implementation of the 1999 National Electrical Code until January 1, 2000.

❖LOCAL GOVERNMENTS: No additional costs will be incurred as a result of this change beyond those that were identified in the original rule filing. The change only delays implementation of the 1999 National Electrical Code until January 1, 2000.

❖OTHER PERSONS: No additional costs will be incurred as a result of this change beyond those that were identified in the original rule filing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional costs will be incurred as a result of this change beyond those that were identified in the original rule filing.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This is an amended rule filing for the sole purpose of adding an effective date for the implementation of the National Electrical Code. There will be no fiscal impact on any group other than as might have been indicated in the original filing adopting the National Electrical Code--Douglas C. Borba

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

Commerce  
Occupational and Professional Licensing  
Fourth Floor, Heber M. Wells Building  
160 East 300 South  
PO Box 146741  
Salt Lake City, UT 84114-6741, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or by Internet E-mail at [brdopl.dsjones@email.state.ut.us](mailto:brdopl.dsjones@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 08/02/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/03/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.  
R156-56. Utah Uniform Building Standard Act Rules.  
R156-56-701. Specific Editions of Uniform Building Standards.**

(1) In accordance with Subsection 58-56-4(3), the following Uniform Building Standards are hereby incorporated by reference and adopted as the building standard editions to be applied to construction in the state:

(a) the 1997 edition of the Uniform Building Code (UBC) promulgated by the International Conference of Building Officials (ICBO);

(b) the 1999 edition of the National Electrical Code (NEC) promulgated by the National Fire Protection Association, to become effective January 1, 2000;

(c) the 1997 edition of the International Plumbing Code (IPC) promulgated by the International Code Council;

(d) the 1998 ICC edition of the International Mechanical Code (IMC), as published and promulgated by the International Code Council (ICC);

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

(f) the 1994 edition of NCSBCS A225.1 Manufactured Home Installations promulgated by the National Conference of States on Building Codes and Standards (NCSBCS).

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

(3) The manufacturer, dealer or homeowner shall be permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction or NCSBCS/ANSI 225.1, Manufactured Home Installations,



provided the design is approved in writing by a professional engineer or architect licensed in Utah. Guidelines for Manufactured Housing Installation as promulgated by the International Conference of Building Officials may be used as a reference guide.

**KEY: contractors, building codes, building inspection, licensing**  
**[July 1,]1999** **58-1-106(1)**  
**Notice of Continuation June 3, 1997** **58-1-202(1)**  
**58-56-1**  
**58-56-4(2)**  
**58-56-6(2)(a)**



**Commerce, Occupational and  
 Professional Licensing**  
**R156-56**  
**Utah Uniform Building Standard Act  
 Rules**

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 22010  
 FILED: 06/15/1999, 07:14  
 RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Following a public hearing and comments received, the Division needs to add an exception to an amendment made to Section 608.16.4 regarding connections to automatic fire sprinkler systems and standpipe systems.

SUMMARY OF THE RULE OR CHANGE: Added an exception to the amendment made to Section 608.16.4, found under R156-56-706, of the International Plumbing Code (IPC). Said exception is being added because there are currently no fittings made that are less than 4 inches in diameter with respect to this amendment. The exception will expire on July 1, 2000.

**(DAR Note:** The original proposed amendment upon which this change in proposed rule is based was published in the May 15, 1999, issue of the *Utah State Bulletin*.)

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

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: Amendment being proposed only affects the general public.
- ❖LOCAL GOVERNMENTS: Amendment being proposed only affects the general public.
- ❖OTHER PERSONS: There is a potential for minimal savings due to the use of a less expensive valve as allowed by the exception being added. See DAR No. 22010, published in the May 15, 1999, issue of the *Utah State Bulletin*, for

additional savings that were identified in the original rule filing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is a potential for minimal savings due to the use of a less expensive valve as allowed by the exception being added.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This is an amended rule filing for the purpose of adding an exception to the previous amended rules because the fittings designated in the prior rule do not exist at this time. The exception to the rule will expire on July 1, 2000, when the designated size fittings will be available. There will be no fiscal impact on any group other than as might have been indicated in the original filing adopting the International Plumbing Code amendment--Douglas C. Borba

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

Commerce  
 Occupational and Professional Licensing  
 Fourth Floor, Heber M. Wells Building  
 160 East 300 South  
 PO Box 146741  
 Salt Lake City, UT 84114-6741, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or by Internet E-mail at [brdopl.dsjones@email.state.ut.us](mailto:brdopl.dsjones@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 08/02/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/03/1999

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.  
 R156-56. Utah Uniform Building Standard Act Rules.  
 R156-56-706. Amendments to the IPC.**

- (1) Statewide Amendments
  - Section 103.1 is deleted in its entirety.
  - Section 103.2 is deleted in its entirety.
  - Section 103.3 is deleted in its entirety.
  - Section 103.4 is deleted in its entirety.
  - Section 103.5 is renumbered as Section 103.1.
  - Section 107.1.1 is deleted in its entirety.
  - Section 109 is retitled as "Board of Appeal".
  - Section 109.1 is deleted and replaced with the following:
    - 109.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a local board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The code official shall be an ex officio member of

and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and finding in writing to the appellant with a duplicate copy to the code official.

Sections 109.2 through 109.7 are deleted in their entirety.

Section 202 General Definitions is revised as follows:

The definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

The definition for "Backsiphonage" is deleted and replaced with the following:

**Backsiphonage.** The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

The following definition is added:

**Certified Backflow Preventer Assembly Tester.** A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

The definition for "Code Official" is deleted and replaced with the following:

**Code Official.** The individual official, board, department or agency established and authorized by a state, county, city or other political subdivision created by law to administer and enforce the provisions of the plumbing code as adopted or amended. This definition shall include the code official's duly authorized representative.

The definition for "Cross Connection" is deleted and replaced with the following:

**Cross Connection.** Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow").

The following definition is added:

**Emergency Floor Drain.** A floor drain installed for the primary purpose of collecting water from emergency spills or water line breaks.

The following definition is added:

**Heat Exchanger (Potable Water).** A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

The definition for "Potable Water" is deleted and replaced with the following:

**Potable Water.** Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

The definition for "Water Heater" is deleted and replaced with the following:

**Water Heater.** A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa

(gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

Section 305.10 is added as follows:

**Section 305.10 Improper Connections.** No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

Section 312.9 is deleted in its entirety.

Section 403.1 is deleted and replaced with the following:

**403.1 Minimum number of fixtures.** Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Appendix Chapter 29, Uniform Building Code.

Table 403.1 is deleted in its entirety.

Section 403.2 is deleted and replaced with the following:

**403.2 Hand sink location.** Hand sinks in commercial food establishments shall be located accessible to food preparation areas, food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100-5, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-5(19)(5) a and b, Utah Administrative Code.

Sections 403.4, 403.5 and 403.6 are deleted in their entirety.

Section 409.1 is deleted and replaced with the following:

**409.1 Approval.** Domestic dishwashing machines shall conform to ASSE (American Society of Sanitary Engineering) 1006. Commercial dishwashing machines shall conform to ASSE 1004, NSF (National Sanitary Foundation) 3 or NSF 26.

Section 409.3 is deleted and replaced with the following:

**Section 409.3 Waste connection.** Domestic pump-type dishwashers may be directly connected to the inlet side (top or head) of an approved food waste disposal unit or a branch tailpiece in the tailpiece of the sink, by the drain hose being extended and secured as high as possible under the bottom of the counter top before it is connected to the branch tailpiece located above the trap or to an approved food waste disposal unit.

Section 412.5 is added as follows:

**412.5 Public toilet rooms.** All public toilet rooms shall be equipped with at least one floor drain with a wall mounted hose bibb, or at least one emergency floor drain.

Section 418.1 is deleted and replaced with the following:

**418.1 Approval.** Sinks shall conform to ANSI Z124.6, ASME A112.19.1, ASME A112.19.2, ASME A112.19.3, ASME A112.19.4, ASME A112.19.9, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.

Section 425.1.1 - The following exception is added after the paragraph.

Exception: Multiple urinals with an automatic flushing device.

Section 502.6 is added as follows:

**502.6 Water Heater Seismic Bracing.** In seismic zones 3 and 4, water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

Section 504.8.1 is amended as follows:

The measurement of "1 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".

Section 602.3 is deleted and replaced with the following:

**602.3 Individual water supply.** Where a potable public water supply is not available, individual sources of potable water supply

shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

Sections 602.3.1, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

Section 604.4.1 is added as follows:

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

Section 606.2 is deleted and replaced with the following:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture.

Exception: 1) bath tubs and showers.

Exception: 2) in individual guest rooms that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.

2. On the water supply pipe to each sillcock.

3. On the water supply pipe to each appliance or mechanical equipment.

Section 606.5 is deleted and replaced with the following:

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

Section 606.5.11 is added as follows:

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

Section 608.1 - The following sentence is added at the end of the paragraph: Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.

Table 608.1 is deleted and replaced with the following:

TABLE  
General Methods of Protection

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap	High or Low	Backsiphonage	See Table 608.15.1 (ASME A112.1.2)
Reduced Pressure Principle Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)	High or Low	Backpressure or Backsiphonage	<p>a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor.</p> <p>b. RP assemblies shall NOT be installed in a pit.</p> <p>c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents.</p>

d. The assembly shall be installed in a horizontal position only unless listed or approved for vertical installation.

Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR) or a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.

b. Shall be installed in a horizontal position unless listed or approved for vertical installation.

Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR) High or Low Backsiphonage a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.

b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.

c. Shall not be installed below ground or in a vault or pit.

d. Shall be installed in a vertical position only.

Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR) High or Low Backsiphonage a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.

b. Shall be installed a minimum of 6 inches above all downstream piping and the highest point of use.

c. Shall not be installed below ground or in a vault or pit.

d. Shall be installed in a vertical position only.

Atmospheric Vacuum Breaker (ASSE 1001, USC-FCCCHR, CSA CAN/CSA-B64.1.1) High or Low Backsiphonage a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.

b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.

c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.

d. Shall be installed on the discharge (downstream) side of any valves.

e. The AVB shall be installed in a vertical position only.

The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.

The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.

In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.

Assemblies shall be maintained as an intact assembly.

General Installation Criteria

Dual check valve Backflow Preventer	Low	Backsiphonage or Backpressure	ASSE 1024 1/4" - 1"
Backflow Preventer with Intermediate Atmospheric Vent	Low Residential Boiler	Backsiphonage or Backpressure	ASSE 1012 CSA CAN/ CSA-B64.3 1/4" - 3/4"
Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type	Low	Backsiphonage or Backpressure	ASSE 1032 1/4" - 3/8"
Hose-connection Vacuum Breaker	Low	Backsiphonage	ASSE 1011 CSA CAN/ CSA-B64.2 1/2", 3/4", 1"
Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type	Low	Backsiphonage	ASSE 1019 CSA CAN/ CSA-B64.2.2 3/4", 1"
Laboratory Faucet Backflow Preventer	Low	Backsiphonage	ASSE 1035 CSA CAN/ CSA-B64.7
Hose Connection Backflow Preventer	Low	Backsiphonage	ASSE 1052 1/2" - 1"

Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.

Section 608.3.1 - The following sentence is added at the end of the paragraph: All piping and hoses shall be installed below the atmospheric vacuum breaker.

Section 608.7 is deleted in its entirety.

Section 608.8 - The following sentence is added at the end of the paragraph: In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

Section 608.11 - The following sentence is added at the end of the paragraph: The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

Section 608.13.3 is deleted and replaced with the following:

608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

Section 608.13.4 is deleted in its entirety.

Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only shall be protected by a backflow preventer with an intermediate atmospheric vent.

Section 608.15.4 is deleted and replaced with the following:

608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of

Table 608.1.2 is added as follows:

TABLE 608.1.2  
Specialty Backflow Devices for low hazard use only

Device	Degree of Hazard	Application	Applicable Standard
Antisiphon-type Water Closet Flush Tank Ball Cock	Low	Backsiphonage	ASSE 1002 CSA CAN/ CSA-B125

the fixture or device. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor or device served. No valves shall be installed downstream of the atmospheric vacuum breaker.

Section 608.15.4.2 - The following is added at the end of the paragraph: In climates where freezing temperatures occur, a listed, self-draining frost proof hose bibb with an integral backflow preventer shall be used.

Section 608.16.1 is deleted and replaced with the following:

608.16.1 Beverage dispensers. Potable water supply to carbonators shall be protected by a stainless steel vented dual check valve installed according to the requirements of this chapter.

Section 608.16.2 - The first sentence of the paragraph is deleted and replaced as follows:

608.16.2 The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

Section 608.16.3 is deleted and replaced with the following:

608.16.3 Heat exchangers. Heat exchangers shall be separated from potable water by double-wall construction. An air gap open to the atmosphere shall be provided between the two walls. Heat exchangers shall be permitted to be of single wall construction under one of the following conditions:

1. a. Utilize a heat transfer medium of potable water or only substances which are recognized as safe by the United States Food and Drug Administration (FDA); and

b. The pressure of the heat transfer medium is maintained less than the normal minimum operating pressure of the potable water system; and

Exception: Steam complying with paragraph 1 above; and

c. The equipment is permanently labeled to indicate only approved recognized as safe by the FDA shall be used.

2. Approved listed electrical drinking water coolers.

Section 608.16.4 is deleted and replaced with the following:

Section 608.16.4 Connections to automatic fire sprinkler systems and standpipe systems. The potable water supply to automatic fire sprinkler and standpipe systems shall be protected against backflow by an alarm check valve and spring loaded check valve assembly as shown on the diagram entitled "Riser Detail", dated July 1, 1999, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference.

EXCEPTION: When the service to the building is less than four inches in diameter and a resilient seated spring loaded single check valve, approved and testable for back flow prevention is not available, then an alternate, approved for fire sprinkler system use, spring loaded check valve is allowed. This exception expires on July 1, 2000.

Section 608.16.7 is deleted and replaced with the following:

608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section

608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

Section 608.16.8 is deleted and replaced with the following:

608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.

Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

Section 608.16.10 is added as follows:

608.16.10 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.

Section 608.17 is deleted in its entirety.

Section 608.18 is added as follows:

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

Section 612 is added as follows:

612. Gray Water

Gray Water Recycling Systems, Appendix C of the IPC, cannot be adopted by any jurisdiction until January 1, 2000.

Section 701.2 - The following is added at the end of the paragraph: The sewer is considered as available when within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann. (1953), as amended. Private sewage disposal systems shall conform with Rule R317-501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

Section 802.1.1 is deleted and replaced with the following:

802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food or food equipment shall discharge through an indirect waste pipe by means of an air gap.

Exception: This requirement shall not apply to dishwashing machines and dishwashing sinks. This requires commercial dishwashing machines and dishwashing sinks to discharge through an air gap or an air break.

Section 802.3 is amended as follows:

The term "waste receptors" in the last sentence of the paragraph is replaced with the term "floor sinks".

Section 802.3.2 is deleted in its entirety.

Section 904.6 - The following sentence is added at the end of the paragraph: Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

Section 917.2 is deleted and replaced with the following:

917.2 Installation. The valves may be installed in accordance with the requirements of this section and the manufacturers installation instructions when approved by the code official. Air admittance valves shall be installed after the DWV testing required by Section 312.2 or 312.3 has been performed.

Section 1002.4.1 is added as follows:

1002.4.1 Emergency floor drains. Each emergency floor drain shall be installed with a trap seal primer. Trap seal primer shall conform to ASSE 1018 or ASSE 1044.

Section 1003.3.3 is added as follows:

1003.3.3 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.

Section 1104.2 is deleted and replaced with the following:

1104.2 Combining storm with sanitary drainage. The sanitary and storm drainage systems of a structure shall be entirely separate.

Section 1108 is deleted in its entirety.

Section 1201.2 is deleted and replaced with the following:

1201.2 Fuel piping systems. All fuel piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of the 1998 International Mechanical Code.

Appendix G, Section G110 is deleted, renumbered and replaced with the following:

Section 1202 CNG GAS-DISPENSING SYSTEMS

1202.1 Dispenser protection. The gas dispenser shall have an emergency switch to shut off the power to the dispenser. An approved backflow device that prevents the reverse flow of gas shall be installed on the gas supply pipe or in the gas dispenser.

1202.2 Ventilation. Gas-dispensing systems installed inside the structure shall be ventilated by mechanical means in accordance with the 1998 International Mechanical Code.

1202.3 Compressed natural gas vehicular fuel systems. Compressed natural gas (CNG) fuel-dispensing systems for CNG-fueled vehicles shall be designed and installed in accordance with NFPS 52 and the uniform fire code.

Chapter 14, Referenced Standards, is amended as follows:

NSF - Standard Reference Number 61-95 - The following referenced in code section number is added: 608.11

The following reference standard is added:

TABLE

USC- Foundation for Cross-Connection Control Table 608.1
FCCCHR Control and Hydraulic Research
9th University of Southern California
Edition Kaprielian Hall 300
Manual Los Angeles CA 90089-2531
of Cross
Connection

**KEY: contractors, building codes, building inspection, licensing**  
**[July 1,]1999** **58-1-106(1)**  
**Notice of Continuation June 3, 1997** **58-1-202(1)**  
**58-56-1**  
**58-56-4(2)**  
**58-56-6(2)(a)**

Health, Community Health Services,  
 Chronic Disease  
**R384-100**  
 Cancer Reporting Rule

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 21849  
 FILED: 06/08/1999, 11:21  
 RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed changes are a result of public comment.

SUMMARY OF THE RULE OR CHANGE: This rule change incorporates some of the suggestions received during public comment and adds clarification to the rule. It modifies the definition of "Registrar," allowing for additional ways to qualify as a registrar. The changes also clarify that the report format is prescribed by the Registry. It clarifies the confidentiality provisions that apply to information collected under the rule.

(**DAR Note:** The original proposed new rule upon which this change in proposed rule is based was published in the March 1, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-30 and 26-5-3

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The changes in this filing impose no additional costs to state government because they do not require any additional action by the state.

❖LOCAL GOVERNMENTS: The changes in this filing impose no additional costs to local governments, because they do not require any additional action by any local government.

❖OTHER PERSONS: There may be a cost savings to individuals because the qualifications for a cancer registrar have been liberalized, to conform with current practice in the industry. The amount that will be saved by new applicants will be minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As described under state budget, local government, and other persons, the cost savings resulting from this rule will be minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change recognizes the current industry practice of allowing registrars to qualify through a national exam process. The other clarifications make the rule clearer, but do not impose new requirements on government or businesses regulated by this rule. Costs should be less for regulated businesses as a result of these changes--Rod Betit

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

Health  
 Community Health Services, Chronic Disease

Cannon Health Building  
288 North 1460 West  
PO Box 142107  
Salt Lake City, UT 84114-2107, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kathryn Rowley at the above address, by phone at (801) 538-6233, by FAX at (801) 538-9495, or by Internet E-mail at krowley@doh.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 08/02/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 08/03/1999

AUTHORIZED BY: Rod L. Betit, Executive Director

### **R384. Health, Community Health Services, Chronic Disease.**

#### **R384-100. Cancer Reporting Rule.**

##### **R384-100-1. Purpose Statement.**

(1) The Cancer Reporting Rule is adopted under authority of sections 26-1-30 and 26-5-3.

(2) Cancers constitute a leading cause of morbidity and mortality in Utah and, therefore, pose an important risk to the public health. Through the routine reporting of cancer cases, trends in cancer incidence and mortality can be monitored and prevention and control measures evaluated.

(3) Cancer records are managed by the Utah Cancer Registry (Registry) on behalf of the Utah Department of Health. This Cancer Reporting Rule is adopted to specify the reporting requirements for cases of cancer to the Registry. The Utah Department of Health retains ownership and all rights to the records.

##### **R384-100-2. Definitions.**

As used in this rule:

(1) "Cancer" means all in-situ (with the exception of in-situ cervical cancers) or malignant neoplasms diagnosed by histology, radiology, laboratory testing, clinical observation, autopsy or suggestible by cytology, but excluding basal cell and squamous cell carcinoma of the skin unless occurring in genital sites such as the vagina, clitoris, vulva, prepuce, penis and scrotum.

(2) "Follow-up data" includes date last seen or date of death, status of disease, date of first recurrence, type of recurrence, distant site(s) of first recurrence, and the name of the physician who is following the case.

(3) "Health care provider" includes any person who renders health care or professional services such as a physician, physician assistant, nurse practitioner, registered nurse, licensed practical nurse, dentist, optometrist, podiatric physician, osteopathic physician, osteopathic physician and surgeon, or others rendering patient care.

(4) "Registrar" means a person who

(a) is employed as a registrar and who has attended a [certified] cancer registrar training program;

(b) has two years of experience in medical record discharge analysis, coding, and abstracting, and has successfully completed a course in anatomy, physiology, and medical terminology; or

(c) has successfully passed the Certified Tumor Registrar examination offered by the National Cancer Registrars' Association.

(5) "Reportable benign tumor" means any noncancerous neoplasm occurring in the brain.

##### **R384-100-3. Reportable Cases.**

Each case of cancer or reportable benign tumor, as described in R384-100-2, that is diagnosed or treated in Utah shall be reported to the Utah Cancer Registry, 546 Chipeta Way, Suite 2100, Salt Lake City, Utah 84108, telephone number 801-581-8407, FAX number 801-581-4560.

##### **R384-100-4. Case Report Contents.**

Each report of cancer or reportable benign tumor shall include information on report forms provided by the Registry. These reports shall be made in ~~a standard~~ the format prescribed by the Registry and shall include items such as the name and address of the patient, medical history, environmental factors, date and method of diagnosis, primary site, stage of disease, tissue diagnosis, laboratory data, methods of treatment, recurrence and follow-up data, and physician names.

##### **R384-100-5. Agencies or Individuals Required to Report Cases.**

(1) All hospitals, radiation therapy centers, pathology laboratories licensed to provide services in the state, nursing homes, and other facilities and health care providers involved in the diagnosis or treatment of cancer patients shall report or provide information related to a cancer or reportable benign tumor to the Registry.

(2) Procedures for reporting:

(a) Hospital employed registrars shall report hospital cases.

(b) Registrars employed by radiation therapy centers shall report center cases.

(c) Pending implementation of electronic reporting by pathology laboratories, pathology laboratories shall allow the Registry to identify reportable cases and extract the required information during routine visits to pathology laboratories.

(d) If a health care provider diagnoses a reportable case but does not send a tissue specimen to a pathology laboratory or arrange for treatment of the case at a hospital or radiation therapy center, then the health care provider must report the case to the Registry.

(e) If the Registry has not received complete information on a reportable case from routine reporting sources (hospitals, radiation therapy centers, pathology laboratories), the Registry may contact health care providers and require them to complete a report form.

##### **R384-100-6. Time Requirements.**

(1) New Cases:

(a) Hospitals and radiation therapy facilities shall submit reports to the Registry within six months of the date of diagnosis.

(b) Other facilities and health care providers shall submit reportable data to the Registry upon request.

(2) Follow-up Data:

(a) Hospitals and radiation therapy centers shall submit annual follow-up data to the Registry within 13 months of the date the patient was last contacted by hospital or facility personnel.

(b) Physicians shall submit follow-up data to the Registry upon request.

**R384-100-7. Reporting Format.**

Reports shall be submitted in ~~the~~ standard format designated by the Registry. Report forms can be obtained by contacting the Registry.

**R384-100-8. Data Quality Assurance.**

Records maintained by hospitals, pathology laboratories, cancer clinics, and physicians are subject to review by Registry personnel acting on behalf of the Department of Health to assure the completeness and accuracy of reported data.

**R384-100-9. Confidentiality of Reports.**

All reports required by this rule are confidential under the provisions of Title 26, Chapter 3 and are not open to ~~public~~ inspection except as allowed by Title 26, Chapter 3. The Registry shall maintain all reports according to the provisions of Title 26, Chapter 3.

**R384-100-10. Penalties.**

Enforcement provisions and penalties for the violation or for the enforcement of public health rules, including this Cancer Reporting Rule, are prescribed under Section 26-23-6 and are punishable as a class B misdemeanor on the first offense, a class A misdemeanor on the second offense or by civil money penalty of up to \$5,000 for each violation.

**KEY: cancer, reporting requirements and procedures**

1999

26-1-30

26-5-3



**End of the Changes in Proposed Rules Section**



# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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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).

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## Education, Administration **R277-438** Dual Enrollment

### FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 22105  
FILED: 06/08/1999, 16:18  
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 53A-1-402(1)(b) directs the State Board of Education to establish rules and minimum standards for access to programs and Section 53A-11-102.5 requires the State Board of Education to make rules necessary to permit home school students and private school students to participate in public school extracurricular activities.

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 law still requires the State Board of Education to establish rules for access to programs and to make rules for home school and private school students to participate in public school extracurricular activities.

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

Education  
Administration  
250 East 500 South  
Salt Lake City, UT 84111, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Carol B. Lear at the above address, by phone at (801) 538-7835, by FAX at (801) 538-7768, or Internet E-mail at clear@usoe.k12.ut.us.

AUTHORIZED BY: Carol B. Lear, Acting Coordinator, School Law

EFFECTIVE: 06/08/1999



**End of the Five-Year Notices of Review  
and Statements of Continuation**

## NOTICES OF RULE EFFECTIVE DATES

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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.

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### Abbreviations

AMD = Amendment  
CPR = Change in Proposed Rule  
NEW = New Rule  
R&R = Repeal and Reenact  
REP = Repeal

### Commerce

#### Occupational and Professional Licensing

No. 22008 (AMD): R156-56. Utah Uniform Building Standard Act Rules.  
Published: May 15, 1999  
Effective: July 1, 1999

#### Real Estate

No. 21967 (AMD): R162-2-2. Licensing Procedure.  
Published: May 1, 1999  
Effective: June 3, 1999

No. 21968 (AMD): R162-6. Licensee Conduct.  
Published: May 1, 1999  
Effective: June 3, 1999

No. 21969 (AMD): R162-9. Continuing Education.  
Published: May 1, 1999  
Effective: June 3, 1999

No. 21915 (AMD): R162-102. Licensing Procedures.  
Published: April 1, 1999  
Effective: June 10, 1999

### Education

#### Administration

No. 22025 (REP): R277-458. 70% Utilization of School Buildings.  
Published: May 15, 1999  
Effective: June 15, 1999

No. 21972 (AMD): R277-503. An Alternative Preparation for Teaching Program.  
Published: May 1, 1999  
Effective: June 3, 1999

No. 21973 (AMD): R277-716. Alternative Language Services (ALS).  
Published: May 1, 1999  
Effective: June 3, 1999

### Environmental Quality

#### Air Quality

No. 21727 (CPR): R307-343. Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emission Standards for Wood Furniture Manufacturing Operations.  
Published: May 1, 1999  
Effective: June 2, 1999

#### Radiation Control

No. 21947 (AMD): R313-18-12. Instructions to Workers.  
Published: May 1, 1999  
Effective: June 11, 1999

No. 21948 (AMD): R313-19-30. Reciprocal Recognition of Licenses.  
Published: May 1, 1999  
Effective: June 11, 1999

#### Solid and Hazardous Waste

No. 21953 (AMD): R315-2. General Requirements - Identification and Listing of Hazardous Waste.  
Published: May 1, 1999  
Effective: June 15, 1999

No. 21954 (AMD): R315-3. Application and Plan Approval Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities.  
Published: May 1, 1999  
Effective: June 15, 1999

No. 21955 (AMD): R315-5-10. Accumulation Time.  
Published: May 1, 1999  
Effective: June 15, 1999

No. 21956 (AMD): R315-7. Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities.  
Published: May 1, 1999  
Effective: June 15, 1999

No. 21957 (AMD): R315-8. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.  
Published: May 1, 1999  
Effective: June 15, 1999

No. 21958 (AMD): R315-12. Administrative Procedures.  
Published: May 1, 1999  
Effective: June 15, 1999

No. 21959 (AMD): R315-13-1. Land Disposal Restrictions.  
Published: May 1, 1999  
Effective: June 15, 1999

No. 21960 (AMD): R315-14. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.  
Published: May 1, 1999  
Effective: June 15, 1999

No. 21961 (AMD): R315-16-1. General.  
Published: May 1, 1999  
Effective: June 15, 1999

No. 21962 (AMD): R315-50-9. Basis for Listing Hazardous Wastes.  
Published: May 1, 1999  
Effective: June 15, 1999

Public Service Commission

Administration

No. 21798 (AMD): R746-320. Uniform Rules Governing Natural Gas Service by Gas Utilities.  
Published: February 15, 1999  
Effective: June 5, 1999

Regents (Board of)

University of Utah, Museum of Natural History (Utah)

No. 21966 (NEW): R807-1. Curation of Collections from State Lands.  
Published: May 1, 1999  
Effective: June 3, 1999

Health

Community Health Services, Environmental Services  
No. 21914 (NEW): R392-101. Food Safety Manager Certification.  
Published: April 1, 1999  
Effective: June 10, 1999

**End of the Notices of Rules Effective Dates Section**

Insurance

Administration  
No. 21339 (Second CPR): R590-120. Surety Bond Forms.  
Published: May 1, 1999  
Effective: June 4, 1999

Public Safety

Law Enforcement and Technical Services, Regulatory Licensing

No. 21929 (R&R): R724-7. Undercover Driver's License.  
Published: April 15, 1999  
Effective: June 14, 1999

No. 21934 (AMD): R724-9. Licensing of Private Investigators.  
Published: April 15, 1999  
Effective: June 14, 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 June 15, 1999, the effective dates of which are no later than July 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&amp;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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<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
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<u>Administration</u>					
R51-5	Grazing Advisory Boards	21884	5YR	02/22/99	99-6/27

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R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	21808	AMD	03/18/99	99-4/7
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<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
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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>					
R162-2-2	Licensing Procedure	21967	AMD	06/03/99	99-9/3
R162-6	Licensee Conduct	21968	AMD	06/03/99	99-9/4
R162-9	Continuing Education	21969	AMD	06/03/99	99-9/10
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
R162-102	Licensing Procedures	21915	AMD	06/10/99	99-7/5
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R251-105	Applicant Qualifications for Employment with Department of Corrections	21828	5YR	02/01/99	99-4/65
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RULES INDEX

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R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	21894	5YR	02/26/99	99-6/28
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R277-458	70% Utilization of School Buildings	22024	EMR	04/30/99	99-10/107
R277-458	70% Utilization of School Buildings	22025	REP	06/15/99	99-10/30
R277-470	Distribution of Funds for Charter Schools	21773	NSC	01/27/99	Not Printed
R277-503	An Alternative Preparation for Teaching Program	21972	AMD	06/03/99	99-9/13
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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
R277-716	Alternative Language Services (ALS)	21973	AMD	06/03/99	99-9/15
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
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R280-201	USOR ADA Complaint Procedure	21679	NEW	01/05/99	98-23/8
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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
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R307-343	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emission Standards for Wood Furniture Manufacturing Operations	21727	CPR	06/02/99	99-9/95
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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
<b>DAR Note:</b> 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
R865-7H-3	Environmental Assurance Fee on Exports of Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	21739	NEW	03/16/99	99-1/24
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	AMD	see CPR	98-16/58
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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R884-24P-63	Performance Standards and Training Requirements Pursuant to Utah Code Ann. Section 59-2-406	21676	AMD	03/16/99	98-23/42
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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
<u>Motor Carrier, Ports of Entry</u>					
R912-3	Restriction of Truck Traffic on SR-128. Legal and Permitted Vehicles	21799	NSC	01/27/99	Not Printed
R912-4	Limitation of Special Permit Vehicles in Provo Canyon. Legal and Permitted Vehicles	21819	REP	06/01/99	99-4/58
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	21763	AMD	04/08/99	99-2/64
R986-417	Documentation	21582	AMD	01/20/99	98-22/134
R986-419	Income Limits	21706	AMD	01/20/99	98-24/124
R986-420	Maximum Allotments	21707	AMD	01/20/99	98-24/125
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R986-501	Displaced Homemaker Program	21883	5YR	02/19/99	99-6/32
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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	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

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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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	21932	R850-40-1600	AMD	05/18/99	99-8/58
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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
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	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
	21727	R307-343	NEW	see CPR	98-24/18
	21727	R307-343	CPR	06/02/99	99-9/95
	21852	R307-403	AMD	05/06/99	99-5/16
	21900	R307-415	5YR	03/01/99	99-6/31
	21589	R307-415-3	AMD	01/07/99	98-22/68
	21853	R307-420	NEW	05/06/99	99-5/18
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	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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	21843	R382-10	NSC	02/27/99	Not Printed
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	21917	R495-879	AMD	05/10/99	99-7/28
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	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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	21828	R251-105	5YR	02/01/99	99-4/65
	21829	R251-105	AMD	03/29/99	99-4/15
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	21813	R156-78	REP	03/18/99	99-4/13
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	21782	R307-101-2	AMD	04/08/99	99-3/4
	21851	R307-101-2	AMD	05/06/99	99-5/9
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	21554	R309-113	AMD	01/15/99	98-21/20
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	21698	R307-309	CPR	05/04/99	99-7/46
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	21897	R277-712	5YR	02/26/99	99-6/30
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	22024	R277-458	EMR	04/30/99	99-10/107
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	21695	R426-4	AMD	01/22/99	98-24/67
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	21748	R994-405	AMD	02/17/99	99-2/77
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	21589	R307-415-3	AMD	01/07/99	98-22/68
	21735	R307-417	AMD	03/05/99	99-1/3
	21910	R307-417	5YR	03/05/99	99-7/55
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	21449	R317-10	CPR	02/04/99	99-1/35
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	21727	R307-343	NEW	see CPR	98-24/18
	21727	R307-343	CPR	06/02/99	99-9/95
	21853	R307-420	NEW	05/06/99	99-5/18
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	21819	R912-4	REP	06/01/99	99-4/58
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	21910	R307-417	5YR	03/05/99	99-7/55
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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
<b><u>PETROLEUM</u></b>					
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Health, Health Systems Improvement, Primary Care and Rural Health	21802	R434-10	AMD	03/26/99	99-4/36
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	21973	R277-716	AMD	06/03/99	99-9/15
	21678	R277-735	NEW	01/05/99	98-23/6
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	21794	R746-200	AMD	06/01/99	99-3/41
	21798	R746-320	AMD	06/05/99	99-4/52
	20997	R746-365	NEW	see CPR	98-9/50
	20997	R746-365	CPR	01/13/99	98-18/39
	21774	R746-365	NSC	01/15/99	Not Printed
	21879	R746-365-4	AMD	06/01/99	99-5/42
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	21947	R313-18-12	AMD	06/11/99	99-9/29
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	21819	R912-4	REP	06/01/99	99-4/58
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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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	21813	R156-78	REP	03/18/99	99-4/13
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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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	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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	21697	R307-12 (Changed to R307-205)	CPR	05/04/99	99-7/44
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Tax Commission, Auditing	21760	R865-6F-34	AMD	03/16/99	99-2/58
	21761	R865-6F-35	AMD	03/16/99	99-2/59
<b>DAR Note:</b> 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
Tax Commission, Property Tax	21326	R884-24P-52	AMD	see CPR	98-16/58
	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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	21824	R277-519	AMD	03/22/99	99-4/19
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	20997	R746-365	CPR	01/13/99	98-18/39
	21774	R746-365	NSC	01/15/99	Not Printed
	21879	R746-365-4	AMD	06/01/99	99-5/42
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	21948	R313-19-30	AMD	06/11/99	99-9/30
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	21886	R510-111	NSC	02/27/99	Not Printed
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	21798	R746-320	AMD	06/05/99	99-4/52
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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
<b><u>WASTEWATER TREATMENT</u></b>					
Environmental Quality, Water Quality	21449	R317-10	AMD	see CPR	98-19/70
	21449	R317-10	CPR	02/04/99	99-1/35
<b><u>WATER FUNDING</u></b>					
Natural Resources, Water Resources	21736	R653-2	AMD	02/02/99	99-1/15
<b><u>WATER POLLUTION</u></b>					
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	21449	R317-10	CPR	02/04/99	99-1/35

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<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b><u>WELFARE FRAUD</u></b>					
Human Services, Recovery Services	21675	R527-200	AMD	01/04/99	98-23/33
<b><u>WILDLIFE</u></b>					
Natural Resources, Wildlife Resources	21717	R657-5	AMD	01/15/99	98-24/96
	21827	R657-27	AMD	03/18/99	99-4/51
	21938	R657-33	AMD	05/18/99	99-8/33
	22027	R657-37	5YR	05/03/99	99-11/75
	21939	R657-37	AMD	05/18/99	99-8/39
	21719	R657-38	AMD	01/15/99	98-24/107
	21940	R657-41	AMD	05/18/99	99-8/45
	21720	R657-42	AMD	01/15/99	98-24/109
	21721	R657-43	AMD	01/15/99	98-24/110
<b><u>WILDLIFE LAW</u></b>					
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<b><u>WILDLIFE PERMITS</u></b>					
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<b><u>WOOD FURNITURE</u></b>					
Environmental Quality, Air Quality	21727	R307-343	NEW	see CPR	98-24/18
	21727	R307-343	CPR	06/02/99	99-9/95
<b><u>WOODBURNING</u></b>					
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<b><u>WORKERS' COMPENSATION</u></b>					
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	21846	R602-2-4	AMD	04/05/99	99-5/40
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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

End of the Rules Index Section



## PERMANENT ADMINISTRATIVE RULES REGISTER

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Because of the small number of filings and to meet the minimum number of pages for publication, the Division of Administrative Rules (Division) is including the Rules Register from January 1, 1999, through July 1, 1999, in this issue of the *Utah State Bulletin*.

The Register is the official record of receipt of all administrative rules and rule changes filed with the Division and is always available for inspection at the Division.

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**The Rules Register Begins on the Following Page.**

Filings received for the January 1, 1999, Bulletin

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21728	12/02/98 09:06	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Medicaid Policy for Hospital Emergency Department Copayment Procedures	1	R414-55	01/01/99	12/02/98
21729	12/03/98 16:04	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Nonsubstantive Change-Definitions	5	R156-55b-102	Not Printed	12/30/98
21730	12/07/98 09:12	Helen Goddard	Human Services, Aging and Adult Services	Proposed Rule (Amendment)-Use of Senior Centers by Long Term Care Facility Residents and Senior Citizens' Groups Participating in Activities Outside Their Planning and Service Area	2	R510-103	01/01/99	02/03/99
21449	12/09/98 13:42	Dianne R. Nielson	Environmental Quality, Water Quality	Change in Proposed Rule-Certification of Wastewater Works Operators	3	R317-10	01/01/99	02/04/99
21731	12/10/98 11:17	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Nonsubstantive Change-Landfills	10	R315-7-21	Not Printed	12/30/98
21732	12/10/98 11:17	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Nonsubstantive Change-Groundwater Protection	19	R315-8-6	Not Printed	12/30/98
21339	12/11/98 12:52	Jilene Whitby	Insurance, Administration	Change in Proposed Rule (First)-Surety Bond Forms	2	R590-120	01/01/99	see CPR (Second) May 1, '99 Bulletin
21459	12/11/98 14:46	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Change in Proposed Rule-General Requirements - Identification and Listing of Hazardous Waste	8	R315-2	01/01/99	02/15/99
21733	12/14/98 10:40	Brent R. Halladay	Public Safety, Fire Marshal	Proposed Rule (Amendment)-Liquefied Petroleum Gas Rules	6	R710-6	01/01/99	02/02/99
21734	12/14/98 14:09	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Hospice Rule	12	R432-750	01/01/99	02/25/99
21735	12/15/98 08:52	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Permits: Acid Rain Sources	1	R307-417	01/01/99	03/05/99
21736	12/15/98 10:51	D. Larry Anderson	Natural Resources, Water Resources	Proposed Rule (Amendment)-Financial Assistance from the Board of Water Resources	3	R653-2	01/01/99	02/02/99
21737	12/15/98 19:43	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (New)-Environmental Assurance Fee for Retailers or Consumers Not Participating in the Environmental Assurance Program Pursuant to Utah Code Ann. Section 19-6-410.5	2	R865-7H-1	01/01/99	03/16/99
21738	12/15/98 19:43	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (New)-Environmental Assurance Fee on Packaged Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	1	R865-7H-2	01/01/99	03/16/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21739	12/15/98 19:43	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (New)-Environmental Assurance Fee on Exports of Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	2	R865-7H-3	01/01/99	03/16/99
21740	12/15/98 19:43	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (Amendment)-Environmental Assurance Fee Pursuant to Utah Code Ann. Section 19-6-410.5	2	R865-13G-14	01/01/99	04/28/99

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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21741	12/16/98 14:16	Kevin S. Carter	School and Institutional Trust Lands, Administration	Five-Year Review-Off-Highway Vehicle Designations	1	R850-110	01/15/99	12/16/98
21742	12/16/98 14:30	Brent R. Halladay	Public Safety, Fire Marshal	120-Day (Emergency) Rule-Day Care Rules	3	R710-8	01/15/99	12/16/98 for 120 days
21743	Void			Void				Void
21712	12/16/98 14:30	Brent R. Halladay	Public Safety, Fire Marshal	Change in Proposed Rule-Day Care Rules	2	R710-8	01/15/99	02/23/99
21744	12/16/98 16:02	Richard A. Greenwood	Public Safety, Law Enforcement and Technical Services, Criminal Identification	Five-Year Review-Review and Challenge of Criminal Record	1	R722-2	01/15/99	12/16/98
21745	12/16/98 17:49	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Ineligibility for Benefits	8	R994-405	01/15/99	02/17/99
21746	12/16/98 17:49	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Ineligibility for Benefits	6	R994-405	01/15/99	02/17/99
21747	12/16/98 17:49	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Nonsubstantive Change-Ineligibility for Benefits	6	R994-405	Not Printed	02/20/99
21748	12/16/98 17:49	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Ineligibility for Benefits	7	R994-405	01/15/99	02/17/99
21749	12/16/98 17:49	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Ineligibility for Benefits	4	R994-405	01/15/99	02/17/99
21750	12/17/98 14:37	Ronald W. Daniels	Natural Resources; Oil, Gas and Mining; Administration	Five-Year Review-Applicability	1	R642-200	01/15/99	12/17/98
21751	12/18/98 13:50	Jeffery O. Johnson	Administrative Services, Records Committee	Proposed Rule (New)-State Records Committee Appeal Hearing Procedures	2	R35-1	01/15/99	03/18/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21752	12/21/98 16:37	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Repeal and Reenact)-Nursing Care Facility Rules	32	R432-150	01/15/99	02/25/99
21753	12/21/98 16:57	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Veterinary Practice Act Rules	2	R156-28	01/15/99	02/18/99
21754	12/22/98 09:15	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Nonsubstantive Change-Utah Uniform Building Standard Act Rules	22	R156-56	Not Printed	01/01/99
21755	12/22/98 16:31	Rod L. Betit	Health, Health Data Analysis	Proposed Rule (Amendment)-Health Data Authority Hospital Inpatient Reporting Rule	4	R428-10	01/15/99	03/01/99
21756	12/23/98 07:48	Tamy L. Scott	Transportation, Motor Carrier	Proposed Rule (Amendment)-Safety Regulations for Motor Carriers	3	R909-1	01/15/99	03/15/99
21757	12/23/98 11:22	Ronald W. Daniels	Natural Resources; Oil, Gas and Mining; Non-Coal	Proposed Rule (Amendment)-Exploration	2	R647-2	01/15/99	02/26/99
21758	12/23/98 11:22	Ronald W. Daniels	Natural Resources; Oil, Gas and Mining; Non-Coal	Proposed Rule (Amendment)-Small Mining Operations	2	R647-3	01/15/99	02/26/99
21759	12/23/98 11:22	Ronald W. Daniels	Natural Resources; Oil, Gas and Mining; Non-Coal	Proposed Rule (Amendment)-Large Mining Operations	3	R647-4	01/15/99	02/26/99
21760	12/23/98 16:00	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (Amendment)-Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-7-701	2	R865-6F-34	01/15/99	03/16/99
21761	12/23/98 16:00	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (Amendment)-S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703	2	R865-6F-35	01/15/99	03/16/99
21762	12/23/98 16:00	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment)-1.5 Percent Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Sections 41-1a-202, 59-2-104, 59-2-401, 59-2-402, and 59-2-405	3	R884-24P-61	01/15/99	03/16/99
21763	12/28/98 09:36	Robert C. Gross	Workforce Services, Employment Development	Proposed Rule (Amendment)-Income	2	R986-414	01/15/99	04/08/99
21764	12/28/98 11:59	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment)-Income and Budgeting	7	R414-304	01/15/99	02/25/99
21765	12/28/98 18:31	Jilene Whitby	Insurance, Administration	Proposed Rule (New)-Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism	3	R590-194	01/15/99	03/23/99
21766	12/29/98 17:29	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment)-Rule to Recognize New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities	2	R590-96	01/15/99	03/16/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21767	12/30/98 09:08	Jilene Whitby	Insurance, Administration	Proposed Rule (New)-Unfair Property, Liability and Title Claims Settlement Practices Rule	6	R590-190	01/15/99	see CPR Apr. 15 '99 Bulletin
21768	12/30/98 10:17	Reta Oram	Human Services, Administration, Administrative Services, Licensing	Nonsubstantive Change-General Provisions	8	R501-1	Not Printed	01/27/99
21769	12/31/98 13:19	Rod L. Betit	Health, Health Systems Improvement, Child Care Licensing	Proposed Rule (Amendment)-Infection Control	2	R430-100-13	01/15/99	02/25/99
Filings received for the February 1, 1999, Bulletin								
DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21770	01/04/99 12:56	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Dislocated Workers	4	R994-600	02/01/99	03/05/99
21771	01/06/99 17:22	Chalmers Gail Norris	Regents (Board of), Administration	Nonsubstantive Change-Utah Higher Education Tuition Assistance Program	5	R765-607	Not Printed	01/27/99
21772	01/07/99 11:19	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Nonsubstantive Change-Applicability	3	R315-304-1	Not Printed	01/05/99
21773	01/08/99 16:31	Carol B. Lear	Education, Administration	Nonsubstantive Change-Distribution of Funds for Charter Schools	5	R277-470	Not Printed	01/27/99
21774	01/11/99 16:16	Barbara Stroud	Public Service Commission, Administration	Nonsubstantive Change-Intercarrier Service Quality	20	R746-365	Not Printed	01/15/99
21775	01/11/99 16:59	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-General Licensing Provisions	1	R432-2	02/01/99	01/11/99
21776	01/11/99 16:59	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-General Health Care Facility Rules Inspection and Enforcement	1	R432-3	02/01/99	01/11/99
21777	01/12/99 16:59	Pam Hendrickson	Tax Commission, Property Tax	120-Day (Emergency) Rule-1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	4	R884-24P-53	02/01/99	01/12/99 for 120 days
21778	01/13/99 08:30	Neal F. Christensen	Transportation, Administration	Proposed Rule (New)-Longitudinal and Wireless Access to Interstate Highway Rights-of-way for Installation of Telecommunications Facilities		R907-64		Withdrawn by Agency 01/20/99
21779	01/13/99 13:52	Craig L. Dearden	Public Safety, Administration	Proposed Rule (New)-Certification of the Law Enforcement Agency of a Private College or University	2	R698-4	02/01/99	03/05/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21725	01/14/99 14:49	Jilene Whitby	Insurance, Administration	Change in Proposed Rule-Fiduciary and Trust Account Obligations	2	R590-170	02/01/99	03/18/99
21716	01/14/99 15:20	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Change in Proposed Rule-Physical Therapist Practice Act Rules	2	R156-24a	02/01/99	03/09/99
21780	01/14/99 15:44	Dennis Pennington	Transportation, Motor Carrier	Proposed Rule (Amendment)-Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	3	R909-75	02/01/99	05/04/99
21781	01/14/99 16:57	Jilene Whitby	Insurance, Administration	Proposed Rule (New)-Unfair Life Insurance Claims Settlement Practices Rule	4	R590-191	02/01/99	see CPR Apr. 15 '99 Bulletin
21782	01/14/99 17:19	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Definitions	7	R307-101-2	02/01/99	04/08/99
21591	01/14/99 17:19	Rick Sprott	Environmental Quality, Air Quality	Change in Proposed Rule-Emission Inventories	3	R307-150	02/01/99	03/04/99
21593	01/14/99 17:19	Rick Sprott	Environmental Quality, Air Quality	Change in Proposed Rule-Hazardous Air Pollutant Inventory	2	R307-155	02/01/99	03/04/99
21594	01/14/99 17:19	Rick Sprott	Environmental Quality, Air Quality	Change in Proposed Rule-Emission Statement Inventory	3	R307-158	02/01/99	03/04/99
21783	01/15/99 09:27	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Definitions	5	R315-301-2	02/01/99	03/15/99
21784	01/15/99 09:27	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Landfilling Standards	5	R315-303	02/01/99	see CPR Apr. 1 '99 Bulletin
21785	01/15/99 09:27	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Requirements for Operation	2	R315-305-5	02/01/99	03/15/99
21786	01/15/99 09:27	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-PCB Containing Waste	2	R315-315-6	02/01/99	03/15/99
21787	01/15/99 09:27	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Other Processes, Variances, and Violations	2	R315-317	02/01/99	03/15/99
21788	01/15/99 09:27	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Permit by Rule	2	R315-318	02/01/99	see CPR Apr. 1 '99 Bulletin
21789	01/15/99 14:26	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment)-1999 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	4	R884-24P-53	02/01/99	03/16/99
21790	01/15/99 16:59	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment)-Health Benefit Plans	2	R590-165	02/01/99	03/16/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21791	01/15/99 16:59	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment)-Individual and Small Employer Health Insurance Rule	6	R590-167	02/01/99	03/11/99
21792	01/15/99 16:59	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment)-Basic Health Care Plan Rule	2	R590-175	02/01/99	03/11/99
21793	01/15/99 17:46	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Practice and Procedure Governing Formal Hearings	8	R746-100	02/01/99	05/17/99
21794	01/15/99 17:46	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities	6	R746-200	02/01/99	06/01/99

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21795	01/20/99 14:44	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-General Health Care Facility Rules	1	R432-1	02/15/99	01/20/99
21796	01/20/99 14:53	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Blood Services	2	R432-100-23	02/15/99	04/07/99
21797	01/20/99 14:53	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Repeal)-Intermediate Care Facility	11	R432-149	02/15/99	04/07/99
21798	01/20/99 17:00	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Uniform Rules Governing Natural Gas Service by Gas Utilities	6	R746-320	02/15/99	06/05/99
21799	01/21/99 08:54	Tamy L. Scott	Transportation, Motor Carrier, Ports of Entry	Nonsubstantive Change-Restriction of Truck Traffic on SR-128. Legal and Permitted Vehicles	3	R912-3	Not Printed	01/27/99
21800	01/21/99 10:50	Tamy L. Scott	Transportation, Motor Carrier, Ports of Entry	Nonsubstantive Change-Minimum Tire, Axle and Suspension Ratings for Heavy Vehicles and the Use of Retractable or Variable Load Suspension Axles in Utah	4	R912-8	Not Printed	01/27/99
21801	01/21/99 11:04	Tamy L. Scott	Transportation, Motor Carrier, Ports of Entry	Nonsubstantive Change-Single Tire Configuration	4	R912-76	Not Printed	01/27/99
21579	01/21/99 17:31	David A. Beach	Public Safety, Driver License	Change in Proposed Rule-Commercial Driver Training Schools	4	R708-2	02/15/99	03/18/99
21802	01/22/99 09:19	Rod L. Betit	Health, Health Systems Improvement, Primary Care and Rural Health	Proposed Rule (Amendment)-Physicians and Physician Assistants Grant and Scholarship Program	7	R434-10	02/15/99	03/26/99
21803	01/22/99 12:18	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Working Conditions	6	R477-8	02/15/99	05/04/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21804	01/22/99 16:53	Jilene Whitby	Insurance, Administration	Five-Year Review-Administrative Proceedings	1	R590-160	02/15/99	01/22/99
21805	01/25/99 12:35	William J. Sinclair	Environmental Quality, Radiation Control	Five-Year Review-General Licenses	1	R313-21	02/15/99	01/25/99
21806	01/25/99 12:35	William J. Sinclair	Environmental Quality, Radiation Control	Five-Year Review-Therapeutic Radiation Machines	1	R313-30	02/15/99	01/25/99
21807	01/25/99 12:35	William J. Sinclair	Environmental Quality, Radiation Control	Five-Year Review-Radiation Safety Requirements for Wireline Service Operation and Subsurface Tracer Studies	1	R313-38	02/15/99	01/25/99
21808	01/25/99 14:15	Cary G. Peterson	Agriculture and Food, Plant Industry	Proposed Rule (Amendment)-Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	3	R68-15	02/15/99	03/18/99
21809	01/26/99 12:11	Emma Chacon	Human Services, Recovery Services	Five-Year Review-Guidelines for Setting Child Support Awards	1	R527-210	02/15/99	01/26/99
21810	01/26/99 12:11	Emma Chacon	Human Services, Recovery Services	Nonsubstantive Change-Guidelines for Setting Child Support Awards	4	R527-210	Not Printed	01/27/99
21811	01/27/99 17:04	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Amendment)-Administrative Notice of Lien-Levy Procedures	3	R527-430	02/15/99	03/18/99
21812	01/28/99 10:15	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Proposed Rule (New)-Certified Shorthand Reporters Licensing Act Rules	2	R156-74	02/15/99	03/18/99
21813	01/28/99 10:15	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Proposed Rule (Repeal)-Rules of the Certified Shorthand Reporters Licensing Board	3	R156-78	02/15/99	03/18/99
21814	01/28/99 14:57	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Five-Year Review (120-Day Extension)-Rules of the Certified Shorthand Reporters Licensing Board	1	R156-78	02/15/99	see DAR No. 21813 Repeal
21815	01/29/99 10:17	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-General Construction	1	R432-4	02/15/99	01/29/99
21816	01/29/99 10:17	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Nursing Facility Construction	1	R432-5	02/15/99	01/29/99
21817	01/29/99 10:17	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Assisted Living Facility General Construction	1	R432-6	02/15/99	01/29/99
21818	01/29/99 10:17	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Five-Year Review-Intermediate Care Facility	1	R432-149	02/15/99	01/29/99
21819	01/29/99 11:30	Tamy L. Scott	Transportation, Motor Carrier, Ports of Entry	Proposed Rule (Repeal)-Limitation of Special Permit Vehicles in Provo Canyon. Legal and Permitted Vehicles	2	R912-4	02/15/99	06/01/99



RULES REGISTER

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21820	01/29/99 11:35	Nancy Sanchez	Regents (Board of), Salt Lake Community College	Proposed Rule (New)-Government Records Access and Management Act Rules	2	R784-1	02/15/99	03/18/99
21821	01/29/99 12:06	Reta D. Oram	Human Services, Administration, Administrative Services, Licensing	Proposed Rule (Amendment)-Criminal Background Screening	3	R501-14	02/15/99	03/22/99
21822	02/01/99 12:32	J. Craig Jackson	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Private Probation Provider Licensing Act Rules	4	R156-50	02/15/99	03/18/99
21823	02/01/99 14:33	Carol B. Lear	Education, Administration	Proposed Rule (New)-Accreditation of Secondary Schools, Alternative or Special Purpose Schools	4	R277-413	02/15/99	03/22/99
21824	02/01/99 14:33	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Educator In-service Procedures and Credit	2	R277-519	02/15/99	03/22/99
21825	02/01/99 14:33	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Procedures for the Utah General Educational Development Certificate	3	R277-702	02/15/99	03/22/99
21826	02/01/99 14:33	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Adult Basic Skills and Adult High School Programs	4	R277-733	02/15/99	03/22/99
21827	02/01/99 16:12	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-License Agent Procedures	2	R657-27	02/15/99	03/18/99
21828	02/01/99 16:57	H. L. Haun	Corrections, Administration	Five-Year Review-Applicant Qualifications for Employment with Department of Corrections	1	R251-105	02/15/99	02/01/99
21829	02/01/99 16:57	H. L. Haun	Corrections, Administration	Proposed Rule (Amendment)-Applicant Qualifications for Employment with Department of Corrections	2	R251-105	02/15/99	03/29/99

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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21830	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Protests		R325-1-4		Withdrawn by Agency 02/03/99
21831	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Selection of Exhibitors		R325-2-2		Withdrawn by Agency 02/03/99
21832	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Advertising Material Prohibited Without Lease Agreement		R325-2-4		Withdrawn by Agency 02/03/99
21833	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Admission Charge		R325-3-1		Withdrawn by Agency 02/03/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21834	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment) -Unauthorized Business		R325-3-5		Withdrawn by Agency 02/03/99
21835	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment) -Handling Complaints		R325-3-6		Withdrawn by Agency 02/03/99
21836	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment) -Pets, Bicycles and Miscellaneous		R325-3-8		Withdrawn by Agency 02/03/99
21837	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment) -Fairpark Roads		R325-4-12		Withdrawn by Agency 02/03/99
21838	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment) -Complaints		R325-4-17		Withdrawn by Agency 02/03/99
21839	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment) -Complaint Against Renter		R325-4-18		Withdrawn by Agency 02/03/99
21840	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment) -Written Contracts		R325-5-1		Withdrawn by Agency 02/03/99
21841	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment) -Traffic on Roads		R325-5-9		Withdrawn by Agency 02/03/99
21842	02/02/99 12:57	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment) -Horses		R325-5-11		Withdrawn by Agency 02/03/99
21843	02/03/99 15:21	Kenneth A. Hansen	Health, Children's Health Insurance Program	Nonsubstantive Change-Eligibility	13	R382-10	Not Printed	02/27/99
21844	02/03/99 16:10	Rick Sprott	Environmental Quality, Air Quality	Five-Year Review-National Emission Standards for Hazardous Air Pollutants	1	R307-214	03/01/99	02/03/99
21845	02/04/99 08:04	R. Lee Ellertson	Labor Commission, Adjudication	Proposed Rule (Amendment) -Pleadings and Discovery	2	R602-2-1	03/01/99	04/05/99
21846	02/04/99 08:04	R. Lee Ellertson	Labor Commission, Adjudication	Proposed Rule (Amendment) -Attorney Fees	2	R602-2-4	03/01/99	04/05/99
21847	02/04/99 08:04	R. Lee Ellertson	Labor Commission, Occupational Safety and Health	Proposed Rule (Amendment) -Incorporation of Federal Standards	2	R614-1-4	03/01/99	04/05/99
21848	02/04/99 11:52	Jilene Whitby	Insurance, Administration	Proposed Rule (New) -Rental Car Related Licensing Rule	3	R590-195	03/01/99	04/22/99

RULES REGISTER

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21849	02/08/99 17:15	Rod L. Betit	Health, Community Health Services, Chronic Disease	Proposed Rule (New)-Cancer Reporting Rule	3	R384-100	03/01/99	see CPR Jul. 1 '99 Bulletin
21850	02/08/99 17:30	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-Emission Controls for Existing Municipal Solid Waste Landfills	6	R307-221	Not Printed	02/27/99
21504	02/10/99 15:19	Rick Sprott	Environmental Quality, Air Quality	Change in Proposed Rule-Continuous Emission Monitoring Program	6	R307-170	03/01/99	04/01/99
21851	02/10/99 15:21	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Definitions	7	R307-101-2	03/01/99	05/06/99
21852	02/10/99 15:24	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Permits: New and Modified Sources in Nonattainment Areas and Maintenance Areas	3	R307-403	03/01/99	05/06/99
21853	02/10/99 15:24	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (New)-Permits: Ozone Offset Requirements in Davis and Salt Lake Counties	4	R307-420	03/01/99	05/06/99
21854	02/11/99 09:16	Brent C. Bradford	Environmental Quality, Environmental Response and Remediation	Nonsubstantive Change-Underground Storage Tanks: Certificate Programs	13	R311-201	Not Printed	02/27/99
21855	02/11/99 09:41	Diane J. Blake	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Security Personnel Licensing Act Rules	3	R156-63	03/01/99	04/01/99
21856	02/12/99 09:12	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Definition of Solid Waste	3	R315-2-2	03/01/99	04/15/99
21857	02/12/99 11:34	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Children's Organ Transplants	1	R414-58	03/01/99	02/12/99
21858	02/12/99 15:58	H. L. Haun	Corrections, Administration	Five-Year Review-Undercover Roles of Offenders	1	R251-103	03/01/99	02/12/99
21859	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-General Licensing Provisions	4	R432-2	03/01/99	04/21/99
21860	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-General Construction		R432-4		Withdrawn by Agency 02/18/99
21861	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Nursing Facility Construction		R432-5		Withdrawn by Agency 02/18/99
21862	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Specialty Hospital - Psychiatric Hospital Construction		R432-7		Withdrawn by Agency 02/18/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21863	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Specialty Hospital - Chemical Dependency/Substance Abuse Construction		R432-8		Withdrawn by Agency 02/18/99
21864	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Specialty Hospital - Rehabilitation Construction Rule		R432-9		Withdrawn by Agency 02/18/99
21865	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Specialty Hospital - Chronic Disease Construction Rule		R432-10		Withdrawn by Agency 02/18/99
21866	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Orthopedic Hospital Construction		R432-11		Withdrawn by Agency 02/18/99
21867	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Small Health Care Facility (Four to Sixteen Beds) Construction Rule		R432-12		Withdrawn by Agency 02/18/99
21868	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Freestanding Ambulatory Surgical Center Construction Rule		R432-13		Withdrawn by Agency 02/18/99
21869	02/12/99 16:46	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Birthing Center Construction Rule		R432-14		Withdrawn by Agency 02/18/99
21870	02/16/99 13:02	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Amendment)-Applicant/Recipient Cooperation	3	R527-39	03/01/99	04/05/99
21871	02/16/99 13:02	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Amendment)-In-Kind Support	2	R527-56	03/01/99	04/05/99
21872	02/16/99 15:05	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Utah State Fair Competitive Exhibitor Rules	2	R325-1	03/01/99	04/05/99
21873	02/16/99 15:05	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Utah State Fair Commercial Exhibitor Rules	2	R325-2	03/01/99	04/05/99
21874	02/16/99 15:05	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Utah State Fair Patron Rules	2	R325-3	03/01/99	04/05/99
21875	02/16/99 15:05	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Interim Patrons Rules (Other Than Utah State Fair)	2	R325-4	03/01/99	04/05/99
21876	02/16/99 15:05	Kelly West	Fair Corporation (Utah State), Administration	Proposed Rule (Amendment)-Interim Renters Rules (Other Than Utah State Fair)	2	R325-5	03/01/99	04/05/99
21877	02/16/99 16:48	Emma Chacon	Human Services, Administration	Five-Year Review-Parental Support for Children in Care		R495-879		Withdrawn by Agency 02/18/99
21878	02/16/99 16:48	Emma Chacon	Human Services, Administration	Proposed Rule (Amendment)-Parental Support for Children in Care		R495-879		Withdrawn by Agency 02/18/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21879	02/16/99 17:11	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Service Quality Guidelines	5	R746-365-4	03/01/99	06/01/99
21880	02/16/99 17:11	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Rules Governing the Filing of Tariffs for Gas, Electric, Telephone, Water and Heat Utilities	5	R746-405	03/01/99	
Filings received for the March 15, 1999, Bulletin								
DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21881	02/17/99 17:51	David A. Beach	Public Safety, Driver License	Five-Year Review-Motorcycle Rider Training Schools	1	R708-30	03/15/99	02/17/99
21882	02/18/99 12:23	Richard A. Greenwood	Public Safety, Highway Patrol	Proposed Rule (New)-Performance Standards for Tow-Truck Motor Carriers	2	R714-600	03/15/99	04/15/99
21883	02/19/99 14:43	Robert C. Gross	Workforce Services, Employment Development	Five-Year Review-Displaced Homemaker Program	1	R986-501	03/15/99	02/19/99
21884	02/22/99 10:35	Cary G. Peterson	Agriculture and Food, Administration	Five-Year Review-Grazing Advisory Boards	1	R51-5	03/15/99	02/22/99
21885	02/23/99 12:27	Helen Goddard	Human Services, Aging and Adult Services	Five-Year Review-Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	1	R510-111	03/15/99	02/23/99
21886	02/23/99 12:27	Helen Goddard	Human Services, Aging and Adult Services	Nonsubstantive Change-Policy on Use of State Funding for Travel Expenses to Assist the National Senior Service Corps (NSSC)	4	R510-111	Not Printed	02/27/99
21887	02/24/99 10:48	Kim S. Thorne	Administrative Services, Finance	Nonsubstantive Change-Payment of Per Diem to Boards	3	R25-5	Not Printed	03/05/99
21888	02/24/99 10:48	Kim S. Thorne	Administrative Services, Finance	Nonsubstantive Change-Travel-Related Reimbursements for State Employees	11	R25-7	Not Printed	03/05/99
21889	02/24/99 10:48	Kim S. Thorne	Administrative Services, Finance	Nonsubstantive Change-Meal Allowance	3	R25-8	Not Printed	03/05/99
21890	02/25/99 12:41	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment)-Utah Medicaid Program	6	R414-1	03/15/99	04/23/99
21891	02/25/99 12:41	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Repeal)-Hospital Utilization Review	2	R414-31x	03/15/99	04/23/99
21892	02/25/99 12:41	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment)-Eligibility Determination and Redetermination	3	R414-307	03/15/99	04/23/99
21893	02/26/99 15:15	Carol B. Lear	Education, Administration	Five-Year Review-Adjudicative Proceedings	1	R277-102	03/15/99	02/26/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21894	02/26/99 15:15	Carol B. Lear	Education, Administration	Five-Year Review-Budgeting, Accounting, and Auditing for Utah School Districts	1	R277-425	03/15/99	02/26/99
21895	02/26/99 15:15	Carol B. Lear	Education, Administration	Five-Year Review-Standards and Procedures for Building Plan Review	1	R277-455	03/15/99	02/26/99
21896	02/26/99 15:15	Carol B. Lear	Education, Administration	Five-Year Review-Standards for Utah School Buses and Operations	1	R277-601	03/15/99	02/26/99
21897	02/26/99 15:15	Carol B. Lear	Education, Administration	Five-Year Review-Advanced Placement Programs	1	R277-712	03/15/99	02/26/99
21898	02/26/99 15:15	Carol B. Lear	Education, Administration	Five-Year Review-Standards and Procedures for Adult Education Section 353 Funds	1	R277-734	03/15/99	02/26/99
21899	03/01/99 11:01	Diane J. Blake	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Qualifications for Registration	2	R156-62-302	03/15/99	04/15/99
21900	03/01/99 11:58	Rick Sprott	Environmental Quality, Air Quality	Five-Year Review-Permits: Operating Permit Requirements	1	R307-415	03/15/99	03/01/99
21901	03/01/99 12:06	Brent R. Halladay	Public Safety, Fire Marshal	Proposed Rule (Amendment)-Rules Pursuant to the Utah Fire Prevention Law	5	R710-9	03/15/99	04/19/99
21902	03/01/99 12:52	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Gang Prevention and Intervention Programs in the Schools	2	R277-436	03/15/99	04/15/99
21903	03/01/99 14:12	Diane J. Blake	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Nurse Practice Act Rules	3	R156-31b	03/15/99	04/15/99
21904	03/01/99 15:43	Dan R. Davis	Crime Victim Reparations, Administration	Proposed Rule (Amendment)-Award and Reparation Standards	4	R270-1	03/15/99	04/15/99
21905	03/01/99 16:36	Diane J. Blake	Commerce, Occupational and Professional Licensing	Five-Year Review-Alternative Dispute Resolution Providers Certification Act Rules	1	R156-39a	03/15/99	03/01/99

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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21906	03/02/99 08:50	Rod L. Betit	Health, Health Systems Improvement, Emergency Medical Services	Proposed Rule (Amendment)-Emergency Medical Services Grants Program Rules	3	R426-6	04/01/99	05/14/99
21907	03/02/99 10:31	Diane J. Blake	Commerce, Occupational and Professional Licensing	Five-Year Review-Podiatric Physician Licensing Act Rules	1	R156-5a	04/01/99	03/02/99
21908	03/02/99 10:31	Diane J. Blake	Commerce, Occupational and Professional Licensing	Five-Year Review-Utah Controlled Substance Precursor Act Rules	1	R156-37c	04/01/99	03/02/99
21909	03/03/99 15:00	John W. Andrews	School and Institutional Trust Lands, Administration	Expedited Rule-Coal Leasing of Lands Acquired in Public Law 105-335 Exchange	2	R850-20-175	04/01/99	03/03/99

RULES REGISTER

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21910	03/05/99 12:06	Rick Sprout	Environmental Quality, Air Quality	Five-Year Review-Permits: Acid Rain Sources	1	R307-417	04/01/99	03/05/99
21911	03/05/99 12:13	Rick Sprout	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Section XII, Involvement	2	R307-110-20	04/01/99	
21912	03/05/99 15:05	Meredith Alden	Human Services, Mental Health	Proposed Rule (Amendment)-Prohibited Items and Devices on the Grounds of Public Mental Health Facilities	2	R523-1-19	04/01/99	
21913	03/08/99 08:15	Craig L. Dearden	Public Safety, Administration	Nonsubstantive Change-Certification of the Law Enforcement Agency of a Private College or University	4	R698-4	Not Printed	06/10/99
21914	03/08/99 13:43	Rod L. Betit	Health, Community Health Services, Environmental Services	Proposed Rule (New)-Food Safety Manager Certification	5	R392-101	04/01/99	
21915	03/09/99 12:45	Theodore "Ted" Boyer	Commerce, Real Estate	Proposed Rule (Amendment)-Licensing Procedures	3	R162-102	04/01/99	06/10/99
21916	03/11/99 14:31	Emma L. Chacon	Human Services, Administration	Five-Year Review-Parental Support for Children in Care	1	R495-879	04/01/99	03/11/99
21917	03/11/99 14:31	Emma L. Chacon	Human Services, Administration	Proposed Rule (Amendment)-Parental Support for Children in Care	3	R495-879	04/01/99	05/10/99
21918	03/11/99 15:33	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Mental Retardation Facility	15	R432-152	04/01/99	
21784	03/12/99 15:11	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Change in Proposed Rule-Landfilling Standards	3	R315-303	04/01/99	05/05/99
21919	03/12/99 15:11	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Nonsubstantive Change-Special Waste Requirements	3	R315-315	Not Printed	
21788	03/12/99 15:11	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Change in Proposed Rule-Permit by Rule	2	R315-318	04/01/99	05/05/99
21920	03/12/99 15:11	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Five-Year Review-Waste Tire Transporter and Recycler Requirements	1	R315-320	04/01/99	03/12/99
21697	03/15/99 15:56	Rick Sprout	Environmental Quality, Air Quality	Change in Proposed Rule-Emission Standards: Fugitive Emissions and Fugitive Dust	2	R307-12 (Changed to R307-205)	04/01/99	05/04/99
21698	03/15/99 15:56	Rick Sprout	Environmental Quality, Air Quality	Change in Proposed Rule-Davis, Salt Lake and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	3	R307-309	04/01/99	05/04/99
21921	03/15/99 16:27	Carol B. Lear	Professional Practices Advisory Commission, Administration	Proposed Rule (Amendment)-Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	10	R686-100	04/01/99	05/06/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21922	03/15/99 16:27	Carol B. Lear	Professional Practices Advisory Commission, Administration	Proposed Rule (New)-Professional Practices and Conduct for Utah Educators	3	R686-103	04/01/99	05/06/99
Filings received for the April 15, 1999, Bulletin								
DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21923	03/16/99 09:39	Jilene Whitby	Insurance, Administration	Nonsubstantive Change-Rule to Recognize New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities	4	R590-96	Not Printed	
21924	03/16/99 17:29	David K. Morrow	Natural Resources, Parks and Recreation	Proposed Rule (Amendment)-Carrying Passengers for Hire	3	R651-206	04/15/99	05/18/99
21925	03/17/99 16:43	H.L. Haun	Corrections, Administration	Nonsubstantive Change-Applicant Qualifications for Employment with Department of Corrections	5	R251-105	Not Printed	
21926	03/18/99 10:45	Jilene Whitby	Insurance, Administration	Nonsubstantive Change-Fiduciary and Trust Account Obligations		R590-170		Withdrawn by Agency 04/06/99
21927	03/18/99 11:45	Diane J. Blake	Commerce, Occupational and Professional Licensing	Nonsubstantive Change-Unprofessional Conduct	4	R156-50-502	Not Printed	
21928	03/18/99 12:00	Rod L. Betit	Health, Laboratory Services	Five-Year Review-Rules for the Certification of Institutions to Obtain Impounded Animals in the State of Utah	1	R438-13	04/15/99	03/18/99
21929	03/22/99 09:03	Richard A. Greenwood	Public Safety, Law Enforcement and Technical Services, Regulatory Licensing	Proposed Rule (Repeal and Reenact)-Undercover Driver's License	3	R724-7	04/15/99	06/14/99
21930	03/23/99 12:46	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment)-Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Section 59-2-704.5	3	R884-24P-27	04/15/99	06/21/99
21931	03/23/99 12:46	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment)-Leasehold Improvements Pursuant to Utah Code Ann. Section 59-2-303	2	R884-24P-32	04/15/99	06/21/99
21932	03/26/99 15:35	Kevin S. Carter	School and Institutional Trust Lands, Administration	Proposed Rule (Amendment)-Easement Assignments	2	R850-40-1600	04/15/99	05/18/99
21933	03/26/99 18:48	David A. Beach	Public Safety, Driver License	Proposed Rule (Repeal and Reenact)-Motorcycle Rider Training Schools	7	R708-30	04/15/99	05/18/99
21934	03/31/99 08:32	Richard A. Greenwood	Public Safety, Law Enforcement and Technical Services, Regulatory Licensing	Proposed Rule (Amendment)-Licensing of Private Investigators	3	R724-9	04/15/99	06/14/99



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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21935	03/31/99 13:38	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Five-Year Review-Speech-Language Pathology Services	1	R414-54	04/15/99	03/31/99
21936	03/31/99 13:38	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Nonsubstantive Change-Speech-Language Pathology Services	4	R414-54	Not Printed	
21937	03/31/99 14:50	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Commercial Harvesting of Protected Aquatic Wildlife	9	R657-14	04/15/99	05/18/99
21938	03/31/99 14:50	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Taking Bear	7	R657-33	04/15/99	05/18/99
21939	03/31/99 14:50	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Cooperative Wildlife Management Units for Big Game	7	R657-37	04/15/99	05/18/99
21940	03/31/99 14:50	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Conservation and Sportsman Permits	4	R657-41	04/15/99	05/18/99
21941	04/01/99 14:33	Edward T. Alter	Money Management Council, Administration	Proposed Rule (Amendment)-Investment of Funds of Member Institutions of the State System of Higher Education	3	R628-2	04/15/99	06/01/99
21942	04/01/99 17:11	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment)-Insurance Department Fee Payment Deadlines	3	R590-102	04/15/99	see CPR Jun. 15 '99 Bulletin
21767	04/01/99 17:11	Jilene Whitby	Insurance, Administration	Change in Proposed Rule-Unfair Property, Liability and Title Claims Settlement Practices Rule	6	R590-190	04/15/99	05/26/99
21781	04/01/99 17:11	Jilene Whitby	Insurance, Administration	Change in Proposed Rule-Unfair Life Insurance Claims Settlement Practices Rule	4	R590-191	04/15/99	05/25/99
21943	04/01/99 17:11	Jilene Whitby	Insurance, Administration	Nonsubstantive Change-Rental Car Related Licensing Rule	5	R590-195	Not Printed	

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21944	04/05/99 14:21	R. Lee Ellertson	Labor Commission, Safety	Nonsubstantive Change-Classification of Proceeding for Purposes of Utah Administrative Procedures Act	4	R616-3-18	Not Printed	
21945	04/06/99 09:08	Richard A. Greenwood	Public Safety, Highway Patrol	Nonsubstantive Change-Chemical Analysis Standards and Training	9	R714-500	Not Printed	
21946	04/08/99 09:59	Pam Hendrickson	Tax Commission, Property Tax	Nonsubstantive Change-Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Section 59-2-704.5 (DAR Note: This filing was incorporated into DAR No. 21930 in the April 15, 1999, Bulletin.)		R884-24P-27		Withdrawn by Agency 04/09/99

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21947	04/12/99 10:38	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-Instructions to Workers	2	R313-18-12	05/01/99	06/11/99
21948	04/12/99 10:38	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-Reciprocal Recognition of Licenses	2	R313-19-30	05/01/99	06/11/99
21727	04/12/99 14:21	Rick Sprott	Environmental Quality, Air Quality	Change in Proposed Rule-Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emissions Standards for Wood Furniture Manufacturing Operations	3	R307-343	05/01/99	06/02/99
21949	04/12/99 14:23	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Davis and Salt Lake Counties and Ozone Nonattainment Areas: Gasoline Transfer and Storage	4	R307-328	05/01/99	
21950	04/12/99 14:23	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Davis and Salt Lake Counties and Ozone Nonattainment Areas: Qualification of Contractors, Test Procedures for Testing of Vapor Recovery Systems for Gasoline Delivery Tanks	3	R307-342	05/01/99	
21951	04/12/99 16:20	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-Definitions	6	R313-12-3	05/01/99	
21952	04/12/99 16:20	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-Alternate Feed Materials at Uranium Mills	3	R313-25-36	05/01/99	
21953	04/13/99 08:58	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-General Requirements - Identification and Listing of Hazardous Waste	12	R315-2	05/01/99	06/15/99
21954	04/13/99 08:58	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Application and Plan Approval Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	12	R315-3	05/01/99	06/15/99
21955	04/13/99 08:58	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Accumulation Time	2	R315-5-10	05/01/99	06/15/99
21956	04/13/99 08:58	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	3	R315-7	05/01/99	06/15/99
21957	04/13/99 08:58	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	10	R315-8	05/01/99	06/15/99
21958	04/13/99 08:58	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Administrative Procedures	2	R315-12	05/01/99	06/15/99
21959	04/13/99 08:58	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Land Disposal Restrictions	2	R315-13-1	05/01/99	06/15/99

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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
21960	04/13/99 08:58	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities	2	R315-14	05/01/99	06/15/99
21961	04/13/99 08:58	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-General	4	R315-16-1	05/01/99	06/15/99
21962	04/13/99 08:58	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-Basis for Listing Hazardous Wastes	1	R315-50-9	05/01/99	06/15/99
21963	04/14/99 12:05	Olene S. Walker	Lieutenant Governor, Administration	Proposed Rule (New)-Use of the Great Seal of the State of Utah	3	R622-2	05/01/99	06/22/99
21964	04/14/99 16:05	Jilene Whitby	Insurance, Administration	Proposed Rule (Repeal)-Unfair Claims Settlement Practices Rule	6	R590-89	05/01/99	
21965	04/14/99 16:05	Jilene Whitby	Insurance, Administration	Proposed Rule (New)-Unfair Health Claims Settlement Practices Rule	4	R590-192	05/01/99	see CPR Jun. 15 '99 Bulletin
21966	04/14/99 18:53	Ann Hanniball	Regents (Board of), University of Utah, Museum of Natural History (Utah)	Proposed Rule (New)-Curation of Collections From State Lands	5	R807-1	05/01/99	06/03/99
21339	04/15/99 09:54	Jilene Whitby	Insurance, Administration	Change in Proposed Rule (Second)-Surety Bond Forms	2	R590-120	05/01/99	06/04/99
21967	04/15/99 12:54	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment)-Licensing Procedure	2	R162-2-2	05/01/99	06/03/99
21968	04/15/99 12:54	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment)-Licensee Conduct	6	R162-6	05/01/99	06/03/99
21969	04/15/99 12:54	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment)-Continuing Education	4	R162-9	05/01/99	06/03/99
21970	04/15/99 13:27	Neal F. Christensen	Transportation, Administration	Proposed Rule (New)-Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	4	R907-64	05/01/99	
21971	04/15/99 13:38	Diane J. Blake	Commerce, Occupational and Professional Licensing	Nonsubstantive Change-Qualifications for Registration	4	R156-62-302	Not Printed	
21972	04/15/99 16:23	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-An Alternative Preparation for Teaching Program	3	R277-503	05/01/99	06/03/99
21973	04/15/99 16:23	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Alternative Language Services (ALS)	4	R277-716	05/01/99	06/03/99

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21974	04/16/99 11:16	Pam Hendrickson	Tax Commission, Property Tax	Nonsubstantive Change-Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Section 59-2-704.5	5	R884-24P-27	Not Printed	
21975	04/16/99 11:16	Pam Hendrickson	Tax Commission, Property Tax	Nonsubstantive Change-Leasehold Improvements Pursuant to Utah Code Ann. Section 59-2-303	3	R884-24P-32	Not Printed	
21976	04/19/99 13:47	Ronald W. Daniels	Natural Resources; Oil, Gas and Mining; Coal	Five-Year Review-Restrictions on State Employees	1	R645-101	05/15/99	04/19/99
21977	04/19/99 13:47	Ronald W. Daniels	Natural Resources; Oil, Gas and Mining; Coal	Five-Year Review-Protection of Employees	1	R645-104	05/15/99	04/19/99
21978	04/19/99 13:47	Ronald W. Daniels	Natural Resources; Oil, Gas and Mining; Coal	Five-Year Review-Inspection and Enforcement: Civil Penalties	1	R645-401	05/15/99	04/19/99
21979	04/19/99 13:47	Ronald W. Daniels	Natural Resources; Oil, Gas and Mining; Oil and Gas	Five-Year Review-Gas Processing and Waste Crude Oil Treatment	1	R649-6	05/15/99	04/19/99
21980	04/19/99 14:59	Debbie L. Hann	Human Services, Administration, Administrative Hearings	Proposed Rule (Amendment)-Adjudicative Proceedings		R497-100		Withdrawn by Agency 05/05/99
21981	04/21/99 15:37	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-General Health Care Facility Rules Inspection and Enforcement	5	R432-3	05/15/99	
21982	04/21/99 15:37	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Bureau of Criminal Identification		R432-35-4		Withdrawn by Agency 05/05/99
21983	04/22/99 09:19	R. Lee Ellertson	Labor Commission, Occupational Safety and Health	Nonsubstantive Change-Explosive Materials, General Requirements	6	R614-4-4	Not Printed	
21984	04/22/99 13:31	Rod L. Betit	Health, Administration	Proposed Rule (New)-Submission of Data Through an Electronic Data Interchange	2	R380-25	05/15/99	
21985	04/23/99 12:12	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Nonsubstantive Change-Utah Medicaid Program	11	R414-1	Not Printed	
21986	04/23/99 12:12	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment)-Eligibility Requirements	3	R414-302	05/15/99	
21987	04/26/99 10:55	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-General Construction		R432-4		Withdrawn by Agency 05/05/99
21988	04/26/99 10:55	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Nursing Facility Construction		R432-5		Withdrawn by Agency 05/05/99

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21989	04/26/99 10:55	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Specialty Hospital - Psychiatric Hospital Construction		R432-7		Withdrawn by Agency 05/05/99
21990	04/26/99 10:55	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Specialty Hospital - Chemical Dependency/Substance Abuse Construction		R432-8		Withdrawn by Agency 05/05/99
21991	04/26/99 10:55	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Specialty Hospital - Rehabilitation Construction Rule		R432-9		Withdrawn by Agency 05/05/99
21992	04/26/99 10:55	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Specialty Hospital - Chronic Disease Construction Rule		R432-10		Withdrawn by Agency 05/05/99
21993	04/26/99 10:55	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Orthopedic Hospital Construction		R432-11		Withdrawn by Agency 05/05/99
21994	04/26/99 10:55	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Small Health Care Facility (Four to Sixteen Beds) Construction Rule		R432-12		Withdrawn by Agency 05/05/99
21995	04/26/99 10:55	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Freestanding Ambulatory Surgical Center Construction Rule		R432-13		Withdrawn by Agency 05/05/99
21996	04/26/99 10:55	Rod L. Betit	Health, Health Systems Improvement, Health Facility Licensure	Proposed Rule (Amendment)-Birthing Center Construction Rule		R432-14		Withdrawn by Agency 05/05/99
21997	04/27/99 09:47	Pam Hendrickson	Tax Commission, Motor Vehicle	Proposed Rule (Amendment)-Aircraft Registration Pursuant to Utah Code Ann. Sections 2-1-7, 2-1-7.5, 2-1-7.6, and 2-1-7.7	2	R873-22M-20	05/15/99	06/21/99
21998	04/27/99 09:47	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment)-Determination and Application of Taxable Value for Purposes of the Property Tax Exemption for Disabled Veterans and the Blind Pursuant to Utah Code Ann. Sections 59-2-1104 and 59-2-1106	1	R884-24P-64	05/15/99	06/21/99
21999	04/28/99 11:19	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment)-Medicare Supplement Insurance Minimum Standards	16	R590-146	05/15/99	
22000	04/28/99 16:19	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	120-Day (Emergency) Rule-Authority and Definitions	2	R162-101	05/15/99	05/03/99
22001	04/28/99 16:19	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	120-Day (Emergency) Rule-Licensing Procedures	4	R162-102	05/15/99	05/03/99

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22002	04/28/99 16:19	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	120-Day (Emergency) Rule-Appraisal Education Requirements for Prelicense and Continuing Education Course, School and Instructor Certification	5	R162-103	05/15/99	05/03/99
22003	04/28/99 16:19	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	120-Day (Emergency) Rule-Experience Requirement	3	R162-104	05/15/99	05/03/99
22004	04/28/99 16:19	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	120-Day (Emergency) Rule-Scope of Authority	3	R162-105	05/15/99	05/03/99
22005	04/28/99 16:19	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	120-Day (Emergency) Rule-Professional Conduct	3	R162-106	05/15/99	05/03/99
22006	04/28/99 16:19	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	120-Day (Emergency) Rule-Unprofessional Conduct	2	R162-107	05/15/99	05/03/99
22007	04/28/99 16:19	Theodore "Ted" Boyer, Jr.	Commerce, Real Estate	120-Day (Emergency) Rule-Administrative Proceedings	3	R162-109	05/15/99	05/03/99
22008	04/29/99 16:51	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Utah Uniform Building Standard Act Rules	15	R156-56	05/15/99	07/01/99
22009	04/29/99 16:51	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Utah Uniform Building Standard Act Rules	3	R156-56	05/15/99	see CPR Jul. 1 '99 Bulletin
22010	04/29/99 16:51	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Utah Uniform Building Standard Act Rules	10	R156-56	05/15/99	see CPR Jul. 1 '99 Bulletin
22011	04/30/99 10:48	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Definitions	5	R477-1	05/15/99	06/26/99
22012	04/30/99 10:48	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Administration	4	R477-2	05/15/99	06/26/99
22013	04/30/99 10:48	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Classification	2	R477-4	05/15/99	06/26/99
22014	04/30/99 10:48	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Filling Positions	3	R477-5	05/15/99	06/26/99
22015	04/30/99 10:48	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Employee Status and Probation	3	R477-6	05/15/99	06/26/99
22016	04/30/99 10:48	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Compensation	4	R477-7	05/15/99	06/26/99
22017	04/30/99 10:48	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Working Conditions	6	R477-8	05/15/99	06/26/99
22018	04/30/99 10:48	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Employee Conduct	3	R477-9	05/15/99	06/26/99
22019	04/30/99 10:48	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Employee Development	3	R477-10	05/15/99	06/26/99

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22020	04/30/99 10:48	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Discipline	2	R477-11	05/15/99	06/26/99
22021	04/30/99 10:48	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Separations	4	R477-12	05/15/99	06/26/99
22022	04/30/99 10:48	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Substance Abuse and Drug-Free Workplace	3	R477-14	05/15/99	06/26/99
22023	04/30/99 10:48	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Sexual Harassment Policy and Procedure	2	R477-15	05/15/99	06/26/99
22024	04/30/99 15:34	Carol B. Lear	Education, Administration	120-Day (Emergency) Rule-70% Utilization of School Buildings	3	R277-458	05/15/99	04/30/99
22025	04/30/99 15:34	Carol B. Lear	Education, Administration	Proposed Rule (Repeal)-70% Utilization of School Buildings	3	R277-458	05/15/99	06/15/99

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22026	05/01/99 07:00	Kenneth A. Hansen	Education, Administration	Expired Rule (Legislative Nonreauthorization)-School Building Utilization (DAR Note: A subsection of R277-458-3 was to be removed because of H.B. 193. Education filed an emergency repeal, effective 04/30/99 (DAR No. 22024), which made the removing of this subsection a moot issue. A proposed repeal to permanently remove the rule is under DAR No. 22025.)	1	R277-458-3 (Subsection R277-458-3(C)(3)(a))	05/15/99	Invalid Rule REP 05/01/99
22027	05/03/99 14:48	John Kimball	Natural Resources, Wildlife Resources	Five-Year Review-Cooperative Wildlife Management Units for Big Game	1	R657-37	06/01/99	05/03/99
22028	05/04/99 11:22	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment)-Judgment Levies Pursuant to Utah Code Ann. Section 59-2-1328	2	R884-24P-57	06/01/99	
22029	05/06/99 15:10	Jeffery S. Burks	Natural Resources, Energy and Resource Planning	Proposed Rule (Amendment)-Utah Energy Savings Systems Tax Credit (ESSTC) Rules	3	R637-1	06/01/99	
22030	05/07/99 09:49	Olene S. Walker	Lieutenant Governor, Administration	Nonsubstantive Change-Use of the Great Seal of the State of Utah	6	R622-2	Not Printed	
22031	05/07/99 10:05	Francine A. Giani	Commerce, Consumer Protection	Proposed Rule (Amendment)-Repairs and Service	3	R152-2-5	06/01/99	
22032	05/07/99 10:05	Francine A. Giani	Commerce, Consumer Protection	Proposed Rule (Amendment)-Deposits and Refunds	2	R152-2-10	06/01/99	
22033	05/07/99 13:07	Barbara Stroud	Public Service Commission, Administration	Nonsubstantive Change-General Provisions	3	R746-409-1	Not Printed	Withdrawn by Agency 06/21/99

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22034	05/10/99 10:53	Dale Hatch	Regents (Board of), Administration	Proposed Rule (Amendment)-Utah Educational Savings Plan Trust	4	R765-685	06/01/99	
22035	05/10/99 10:53	Dale Hatch	Regents (Board of), Administration	Proposed Rule (New)-Utah Supplemental Educational Savings Plan Trust	6	R765-785	06/01/99	
22036	05/11/99 08:35	R. Lee Ellertson	Labor Commission, Safety	Proposed Rule (Amendment)-Boiler and Pressure Vessel Rules	4	R616-2	06/01/99	
22037	05/11/99 08:35	R. Lee Ellertson	Labor Commission, Safety	Proposed Rule (Amendment)-Elevator Rules	4	R616-3	06/01/99	
22038	05/11/99 08:38	R. Lee Ellertson	Labor Commission, Occupational Safety and Health	Proposed Rule (Amendment)-Incorporation of Federal Standards	2	R614-1-4	06/01/99	
22039	05/11/99 08:38	R. Lee Ellertson	Labor Commission, Occupational Safety and Health	Proposed Rule (Amendment)-Inspections, Citations, and Proposed Penalties	7	R614-1-7	06/01/99	
22040	05/11/99 09:12	R. Lee Ellertson	Labor Commission, Antidiscrimination and Labor, Labor	Proposed Rule (New)-Employment Agency Licensing	4	R610-4	06/01/99	
22041	05/11/99 17:17	Richard E. Byfield	Administrative Services, Facilities and Construction Management	Five-Year Review-Across the Board Delegation	1	R23-29	06/01/99	05/11/99
22042	05/13/99 11:49	Rick Sprott	Environmental Quality, Air Quality	Nonsubstantive Change-Part 72 Requirements	4	R307-417-1	Not Printed	
22043	05/13/99 13:24	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Permissible Burning - With Permit	2	R307-202-5	06/01/99	
22044	05/13/99 13:24	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Standards of Performance for New Stationary Sources (NSPS)	2	R307-210-1	06/01/99	
22045	05/13/99 13:24	Rick Sprott	Environmental Quality, Air Quality	Proposed Rule (Amendment)-Permits: Operating Permit Requirements	5	R307-415	06/01/99	
22046	05/13/99 15:38	Dennis R. Downs	Environmental Quality, Solid and Hazardous Waste	Proposed Rule (Amendment)-The Manifest	3	R315-4-2	06/01/99	
22047	05/13/99 15:57	Conroy Whipple	Human Resource Management, Administration	Proposed Rule (Amendment)-Working Conditions	6	R477-8	06/01/99	
22048	05/13/99 09:51	Meredith Alden	Human Services, Mental Health	Proposed Rule (Amendment)-Prohibited Items and Devices on the Grounds of Public Mental Health Facilities	2	R523-1-19	06/01/99	
22049	05/14/99 11:03	Kim S. Thorne	Administrative Services, Finance	Proposed Rule (Amendment)-Payment of Per Diem to Boards	2	R25-5	06/01/99	
22050	05/14/99 11:03	Kim S. Thorne	Administrative Services, Finance	Proposed Rule (Amendment)-Travel-Related Reimbursements for State Employees	5	R25-7	06/01/99	



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22051	05/14/99 11:45	Reta D. Oram	Human Services, Administration, Administrative Services, Licensing	Proposed Rule (Amendment) - Foster Care Rules	3	R501-12	06/01/99	
22052	05/14/99 13:20	Harden R. Eyring	Regents (Board of), Administration	Proposed Rule (New) - New Century Scholarship	3	R765-604	06/01/99	
22053	05/14/99 14:11	Karl Kappe	Natural Resources; Forestry, Fire and State Lands	Proposed Rule (Amendment) - Utah Lake Agriculture Leases	2	R652-30-610	06/01/99	
22054	05/14/99 14:11	Karl Kappe	Natural Resources; Forestry, Fire and State Lands	Proposed Rule (Amendment) - Utah Lake Grazing Permits	2	R652-50-610	06/01/99	
22055	05/14/99 15:48	Ken Patterson	Human Services, Child and Family Services	Proposed Rule (New) - Qualifying Adoptive Families and Adoption Placement	4	R512-41	06/01/99	
22056	05/14/99 15:49	Cary G. Peterson	Agriculture and Food, Regulatory Services	Nonsubstantive Change - Water, Plumbing and Waste	13	R70-530-6	Not Printed	
22057	05/14/99 15:49	Cary G. Peterson	Agriculture and Food, Regulatory Services	Proposed Rule (Amendment) - Water Vending Machine	3	R70-630	06/01/99	

Filings received for the June 15, 1999, Bulletin

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22058	05/18/99 10:39	David K. Morrow	Natural Resources, Parks and Recreation	Proposed Rule (Amendment) - Carrying Passengers for Hire	3	R651-206	06/15/99	
22059	05/19/99 10:43	Debbie L. Hann	Human Services, Administration, Administrative Hearings	Proposed Rule (Amendment) - Adjudicative Proceedings	2	R497-100	06/15/99	
22060	05/20/99 08:35	Theodore Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment) - Definitions	2	R162-101-2	06/15/99	
22061	05/20/99 08:35	Theodore Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment) - Licensing Procedures	3	R162-102	06/15/99	
22062	05/20/99 08:35	Theodore Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment) - Appraisal Education Requirements for Prelicense and Continuing Education Course, School and Instructor Certification	5	R162-103	06/15/99	
22063	05/20/99 08:35	Theodore Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment) - Experience Requirement	4	R162-104	06/15/99	
22064	05/20/99 08:35	Theodore Boyer, Jr.	Commerce, Real Estate	Proposed Rule (New) - Scope of Authority	2	R162-105	06/15/99	
22065	05/20/99 08:35	Theodore Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment) - Professional Conduct	3	R162-106	06/15/99	
22066	05/20/99 08:35	Theodore Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment) - Unprofessional Conduct	2	R162-107	06/15/99	

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22067	05/20/99 08:35	Theodore Boyer, Jr.	Commerce, Real Estate	Proposed Rule (Amendment)-Administrative Proceedings	3	R162-109	06/15/99	
21942	05/24/99 16:20	Jilene Whitby	Insurance, Administration	Change in Proposed Rule-Insurance Department Fee Payment Deadlines	2	R590-102	06/15/99	
22068	05/25/99 08:50	Rod L. Betit	Health, Health Care Financing, Coverage and Reimbursement Policy	Proposed Rule (Amendment)-Resources	6	R414-305	06/15/99	
22069	05/25/99 14:14	Jeffery O. Johnson	Administrative Services, Records Committee	Proposed Rule (New)-Declining Appeal Hearings	2	R35-2	06/15/99	
22070	05/25/99 14:14	Jeffery O. Johnson	Administrative Services, Records Committee	Proposed Rule (New)-Prehearing Conferences	2	R35-3	06/15/99	
22071	05/25/99 14:14	Jeffery O. Johnson	Administrative Services, Records Committee	Proposed Rule (New)-Compliance with State Records Committee Decisions and Orders	2	R35-4	06/15/99	
22072	05/25/99 14:14	Jeffery O. Johnson	Administrative Services, Records Committee	Proposed Rule (New)-Subpoenas Issued by the Records Committee	2	R35-5	06/15/99	
22073	05/25/99 14:14	Jeffery O. Johnson	Administrative Services, Records Committee	Proposed Rule (New)-Expedited Hearing	2	R35-6	06/15/99	
22074	05/26/99 12:15	Brent Bradford	Environmental Quality, Environmental Response and Remediation	Proposed Rule (Amendment)-Definitions	4	R311-200-1	06/15/99	
22075	05/26/99 12:15	Brent Bradford	Environmental Quality, Environmental Response and Remediation	Proposed Rule (Amendment)-Site Assessment Protocol	5	R311-205-2	06/15/99	
22076	05/26/99 14:36	John Kimball	Natural Resources, Wildlife Resources	Proposed Rule (Amendment)-Taking Big Game	4	R657-5	06/15/99	
22077	05/26/99 16:01	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines	3	R313-16	06/15/99	
22078	05/26/99 16:01	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-Use of X-Rays in the Healing Arts	8	R313-28	06/15/99	
22079	05/26/99 16:01	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-Therapeutic Radiation Machines	5	R313-30	06/15/99	
22080	05/26/99 16:01	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-Requirements for X-Ray Equipment Used for Non-Medical Applications	3	R313-35	06/15/99	
22081	05/26/99 16:01	William J. Sinclair	Environmental Quality, Radiation Control	Proposed Rule (Amendment)-Payments, Categories and Types of Fees	5	R313-70	06/15/99	

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DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22082	05/26/99 16:17	Jilene Whitby	Insurance, Administration	Proposed Rule (Amendment)-Unfair Property, Liability and Title Claims Settlement Practices Rule	5	R590-190	06/15/99	
22083	05/27/99 08:46	Kevin S. Carter	School and Institutional Trust Lands, Administration	Nonsubstantive Change-Payments	5	R850-5-200	Not Printed	
21965	05/27/99 09:47	Jilene Whitby	Insurance, Administration	Change in Proposed Rule-Unfair Health Claims Settlement Practices Rule	3	R590-192	06/15/99	
22084	05/27/99 10:15	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Utah Construction Trades Licensing Act Rules	12	R156-55a	06/15/99	
22085	05/27/99 10:15	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Social Worker Licensing Act Rules	4	R156-60a	06/15/99	
22086	05/27/99 11:11	Jilene Whitby	Insurance, Administration	Five-Year Review-Replacement of Life Insurance and Annuities	1	R590-93	06/15/99	05/27/99
22087	05/27/99 11:11	Jilene Whitby	Insurance, Administration	Five-Year Review-Unfair Practice in Payment of Life Insurance and Annuity Policy Values	1	R590-98	06/15/99	05/27/99
22088	05/27/99 11:11	Jilene Whitby	Insurance, Administration	Five-Year Review-Health Benefit Plans	1	R590-165	06/15/99	05/27/99
22089	05/27/99 11:11	Jilene Whitby	Insurance, Administration	Five-Year Review-Home Protection Service Contract Rule	1	R590-166	06/15/99	05/27/99
22090	05/28/99 08:53	Emma Chacon	Human Services, Recovery Services	Proposed Rule (Repeal)-State and Federal Parent Locator Services	2	R527-69	06/15/99	
22091	05/28/99 10:22	John Kimball	Natural Resources, Wildlife Resources	Nonsubstantive Change-Dedicated Hunter Program	9	R657-38	Not Printed	
22092	05/28/99 10:22	John Kimball	Natural Resources, Wildlife Resources	Nonsubstantive Change-Conservation and Sportsman Permits	7	R657-41	Not Printed	
22093	05/28/99 15:17	Robert C. Gross	Workforce Services, Employment Development	Proposed Rule (Amendment)-Demonstration Programs	3	R986-221	06/15/99	
22094	06/01/99 08:36	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (Amendment)-Tourism Marketing Performance Fund Pursuant to Utah Code Ann. Section 9-2-1702 and 9-2-1703	2	R865-19S-106	06/15/99	
22095	06/01/99 08:36	Pam Hendrickson	Tax Commission, Auditing	Proposed Rule (Amendment)-Reporting of Exempt Sales or Purchases Pursuant to Utah Code Ann. Section 59-12-105	2	R865-19S-107	06/15/99	
22096	06/01/99 08:36	Pam Hendrickson	Tax Commission, Property Tax	Proposed Rule (Amendment)-Apportioning the Utah Proportion of Commercial Aircraft Valuations Pursuant to Utah Code Ann. Subsection 59-2-201(1)(c) and Section 59-2-801	2	R884-24P-50	06/15/99	

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22097	06/01/99 17:55	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Comprehensive Guidance Program	2	R277-462	06/15/99	
22098	06/01/99 17:55	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Education Programs Serving Youth in Custody	2	R277-709	06/15/99	
22099	06/01/99 17:55	Carol B. Lear	Education, Administration	Proposed Rule (Amendment)-Driver Education Programs for Utah Schools	2	R277-746	06/15/99	
20100	06/01/99 17:55	Carol B. Lear	Education, Administration	Proposed Rule (New)-Technology, Life, and Careers, and Work-Based Learning Programs	2	R277-916	06/15/99	

Filings received for the July 1, 1999, **Bulletin**

DAR File #	Date/Time Filed	Authorized by	Agency	Title of Rule/Section	Pages	Code Citation	Date Published	Effective Date
22101	06/02/99 13:39	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities	5	R746-200	07/01/99	
22102	06/03/99 10:42	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Qualifications for Licensure - Education Requirements	2	R156-61-302a	07/01/99	
21849	06/08/99 11:21	Rod L. Betit	Health, Community Health Services, Chronic Disease	Change in Proposed Rule-Cancer Reporting Rule	3	R384-100	07/01/99	
22103	06/08/99 13:53	Richard E. Byfield	Administrative Services, Facilities Construction and Management	Proposed Rule (New)-Authorization of Programs for Capital Development Projects	2	R23-3	07/01/99	
22104	06/08/99 13:53	Richard E. Byfield	Administrative Services, Facilities Construction and Management	Proposed Rule (Amendment)-Procurement of Construction	2	R23-1-17	07/01/99	
22105	06/08/99 16:18	Carol B. Lear	Education, Administration	Five-Year Review-Dual Enrollment	1	R277-438	07/01/99	06/08/99
22106	06/09/99 17:04	Carol B. Lear	Education, Administration	Nonsubstantive Change-The Elementary and Secondary School Core Curriculum and High School Graduation Requirements	5	R277-700	Not Printed	
22107	06/10/99 08:41	Rod L. Betit	Health, Community Health Services, Environmental Services	Nonsubstantive Change-Food Safety Manager Certification	8	R392-101	Not Printed	
22108	06/14/99 16:36	Barbara Stroud	Public Service Commission, Administration	Proposed Rule (Amendment)-Uniform Rules Governing Natural Gas Service	5	R746-320	07/01/99	
22109	06/14/99 18:06	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Proposed Rule (Amendment)-Residence Lien Restriction and Lien Recovery Fund Rules	5	R156-38	07/01/99	
22009	06/15/99 07:14	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Change in Proposed Rule-Utah Uniform Building Standard Act Rules	2	R156-56	07/01/99	

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22010	06/15/99 07:14	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Change in Proposed Rule-Utah Uniform Building Standard Act Rules	6	R156-56	07/01/99	
22110	06/15/99 07:14	A. Gary Bowen	Commerce, Occupational and Professional Licensing	Nonsubstantive Change-Definitions	3	R156-56-102	Not Printed	
22111	06/15/99 15:53	Robert C. Gross	Workforce Services, Workforce Information and Payment Services	Proposed Rule (Amendment)-Work Search	3	R994-403-118c	07/01/99	
22112	06/15/99 15:56	Dianne R. Nielson	Environmental Quality, Water Quality	Proposed Rule (Amendment)-Utah State Project Priority System and List for the Utah Wastewater Project Assistance Program	3	R317-100	07/01/99	