

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
Filed August 17, 1999, 12:00 a.m. through September 1, 1999, 11:59 p.m.

Number 99-18
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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

EXECUTIVE ORDER

I, Michael O. Leavitt, Governor of the state of Utah, to enhance Utah's ability to address and respond to the risk of emergency or disaster that could result from terrorism or terrorist use of weapons of mass destruction, do hereby order the following:

I. The Division of Comprehensive Emergency Management within the Department of Public Safety is designated as the single point of contact for, and the state counterpart to, the federal National Domestic Preparedness Office, and in this role the division constitutes the Utah Center for Domestic Preparedness.

II. In accordance with its statutory powers, the division shall do the following with regard to the role of meeting the threat of terrorism and terrorist use of weapons of mass destruction:

- a. coordinate and fulfill the consequence management planning, training, and exercise requirements of the Utah emergency management and first response community;
- b. concentrate, target, and deliver expertise and assets provided through the federal government;
- c. take measures to maximize professional and volunteer emergency management and first response service to the people of Utah;
- d. seek to ensure that federal and state emergency management and first response efforts are in harmony, effective, and cost-efficient; and
- e. take any other action that is appropriate and lawful.

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 30th day of August, 1999.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

Attest:
OLENE WALKER
Lieutenant Governor

PROCLAMATION

WHEREAS, Section 10-2-302, Utah Code Annotated, 1953, as amended, provides as follows:

"10-2-302. Change of Class.

(1) Whenever any city of the second class shall have attained the population of 100,000 or more, or any city of the third class shall have attained a population of 60,000 or more, or any town shall have attained the population of 800 or more, as ascertained and determined by a national, state, or special census conducted by a municipality, it shall be the duty of the mayor

to certify that fact to the lieutenant governor who shall certify that fact to the governor. Upon receipt of the certificate, the governor shall declare by public proclamation that the city or town is now a city of the first, second, or third class, as the case may be. The municipality thus changed will be governed by the provision of this act applicable to municipalities to the class to which such municipality has become."

AND WHEREAS, the Lieutenant Governor of the State of Utah has certified to me, as the Governor of Utah, that according to U.S. Census Bureau estimates of 1998 and extrapolations made by the Governor's Office of Planning and Budget, the following city in the State of Utah has a population as indicated below:

PROVO CITY UTAH COUNTY 102,401

NOW, THEREFORE, I, Michael O. Leavitt, Governor of the State of Utah, by virtue of the power vested in me by the laws and the Constitution of the State of Utah, do hereby declare by this public proclamation that the following named city is hereby constituted as a city of the first class, effective this date:

PROVO CITY

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 12th day of August, 1999.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

PROCLAMATION

WHEREAS, Section 10-2-302, Utah Code Annotated, 1953, as amended, provides as follows:

"10-2-302. Change of Class.

(1) Whenever any city of the second class shall have attained the population of 100,000 or more, or any city of the third class shall have attained a population of 60,000 or more, or any town shall have attained the population of 800 or more, as ascertained and determined by a national, state, or special census conducted by a municipality, it shall be the duty of the mayor to certify that fact to the lieutenant governor who shall certify that fact to the governor. Upon receipt of the certificate, the governor shall declare by public proclamation that the city or town is now a city of the first, second, or third class, as the case may be. The municipality thus changed will be governed by the provision of this act applicable to municipalities to the class to which such municipality has become."

AND WHEREAS, the Lieutenant Governor of the State of Utah has certified to me, as the Governor of Utah, that according to U.S. Census Bureau estimates of 1998 and extrapolations made by the Governor's Office of Planning and Budget, the following city in the State of Utah has a population as indicated below:

SANDY CITY SALT LAKE COUNTY 102,401

NOW, THEREFORE, I, Michael O. Leavitt, Governor of the State of Utah, by virtue of the power vested in me by the laws and the Constitution of the State of Utah, do hereby declare by this public proclamation that the following named city is hereby constituted as a city of the first class, effective this date:

SANDY CITY

IN WITNESS WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 12th day of August, 1999.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between August 17, 1999, 12:00 a.m., and September 1, 1999, 11:59 p.m., are included in this, the September 15, 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 October 15, 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 January 13, 2000, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

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

The Proposed Rules Begin on the Following Page.

Environmental Quality, Solid and Hazardous Waste
R315-2-6
Requirements for Recyclable Materials

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 22331
FILED: 08/23/1999, 08:43
RECEIVED BY: NL

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: This proposed rule change clarifies that wastes identified in 40 CFR 262.80(a) are subject to 40 CFR 262, Subpart H.

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

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e) (1998)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 261.6 (1997)

ANTICIPATED COST OR SAVINGS TO:

- THE STATE BUDGET: Since the changes in the rule do not affect state entities and the enforcement of the rule will not change, there will be no cost or saving impact.
LOCAL GOVERNMENTS: Since the changes in the rule do not affect local governments and the enforcement of the rule will not change, there will be no cost or saving impact.
OTHER PERSONS: The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

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

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

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West

PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

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

R315-2-6. Requirements for Recyclable Materials.

The requirements of 40 CFR 261.6, 1998 ed., [as amended by 63 FR 42110, August 6, 1998,] are adopted and incorporated by reference with the following exception: [-]

(a) Paragraph 40 CFR 261.6(a)(5) shall be as follows:
Hazardous waste as identified in 40 CFR 262.80(a) that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD) (as defined in Section 262.58(a)(1)) for purpose of recovery is subject to the requirements of 40 CFR part 262, subpart H, if it is subject to either the Federal manifesting requirements of 40 CFR Part 262, to the universal waste management standards of 40 CFR Part 273, or to State requirements analogous to 40 CFR Part 273.

KEY: hazardous waste
[June 15,]1999 19-6-105
Notice of Continuation March 12, 1997 19-6-106

Environmental Quality, Solid and Hazardous Waste
R315-3
Application and Plan Approval
Procedures for Hazardous Waste
Treatment, Storage, and Disposal
Facilities

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 22332
FILED: 08/23/1999, 08:43
RECEIVED BY: NL

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: This proposed rule change moves the incorporation by reference of 40 CFR 270.42, Appendix I, from Section R315-50-16 to Section R315-3-15, where 40 CFR 270.42 is incorporated by reference. It also changes the time for public comment on a draft plan approval from 30 to 45 days.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-6-105 and 19-6-106
FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e) (1998)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 270.42 (1998)

ANTICIPATED COST OR SAVINGS TO:

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

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

❖**OTHER PERSONS:** The compliance costs for affected persons will not change since the rule change only moves an incorporation by reference and changes the length of a comment period.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change only moves an incorporation by reference and changes the length of a comment period.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste. R315-3. Application and Plan Approval Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities. R315-3-15. Modification or Revocation and Reissuance of Plan Approvals.

When the Executive Secretary receives any information, for example, inspects the facility, receives information submitted by the permittee as required in the plan approval see R315-3-10, receives a request for modification or revocation and reissuance under R315-3-17 or conducts review of the plan approval file, he may determine whether one or more of the causes listed in R315-3-15(a) and (b) for modification or revocation and reissuance or both exist. If cause exists, the Executive Secretary may modify or revoke and reissue the plan approval accordingly, subject to the limitations of R315-3-17(c), and may request an updated application if necessary. When a plan approval is modified, only the conditions subject to modification are reopened. If a plan approval is revoked and reissued, the entire plan approval is reopened and subject to revision and the plan approval is reissued for a new term. See R315-3-17(c)(2). If cause does not exist under this section, the Executive Secretary shall not modify or revoke and reissue the plan approval, except on request of the permittee. If a plan approval modification is requested by the permittee, the Executive Secretary shall approve or deny the request according to the procedures of R315-3-15(d), which incorporates by reference 40 CFR 270.42. Otherwise, a draft plan approval shall be prepared and other procedures in R315-3-24 followed.

(a) Causes for modification. The following are causes for modification but not revocation and reissuance of plan approvals, and the following may be causes for revocation and reissuance as well as modification under any program when the permittee requests or agrees.

(1) Alterations. There are material and substantial alterations or additions to the approved facility or activity which occurred after plan approval issuance which justify the application of plan approval conditions that are different or absent in the existing plan approval.

(2) Information. The Executive Secretary has received information. Plan approvals may be modified during their terms for this cause only if the information was not available at the time of plan approval issuance, other than revised rules, guidance, or test methods, and would have justified the application of different plan approval conditions at the time of issuance.

(3) New statutory requirements or rules. The standards or rules on which the plan approval was based have been changed by statute, through promulgation of new or amended standards or rules or by judicial decision after the plan approval was issued.

(4) Compliance schedules. The Executive Secretary determined good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy.

(5) Notwithstanding any other provision in this section, when a plan approval for a land disposal facility is reviewed by the

Executive Secretary under R315-3-11(i), the Executive Secretary shall modify the plan approval as necessary to assure that the facility continues to comply with the currently applicable requirements in these rules.

(b) Causes for modification or revocation and reissuance. The following are causes to modify, or, alternatively, revoke and reissue a plan approval;

(1) Cause exists for termination under R315-3-16 and the Executive Secretary determines that modification or revocation and reissuance is appropriate.

(2) The Executive Secretary has received notification as required in the plan approval, see R315-3-10(l)(3) of a proposed transfer of the plan approval.

(c) Facility siting. Suitability of the facility location may not be considered at the time of plan approval modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of plan approval issuance.

(d) Plan Approval Modification at the request of the permittee.

The requirements of 40 CFR 270.42, including Appendix I, 1998 ed., are adopted and incorporated by reference with the following exceptions;

(1) substitute "Executive Secretary" for all Federal regulation references made to "Director" or "Administrator";

(2) substitute "Plan Approval" for all Federal regulation references made to "Permit".

R315-3-26. Public Notice of Plan Approval Actions and Public Comment Period.

(a) Scope.

(1) The Executive Secretary shall give public notice that the following actions have occurred:

(i) The plan approval application has been tentatively denied under R315-3-24(b).

(ii) A draft plan approval has been prepared under R315-3-24(c).

(iii) A hearing has been scheduled under R315-3-28; or

(iv) An appeal has been granted by the Board.

(2) No public notice is required when a request for a plan approval modification, revocation and reissuance, or termination is denied under R315-3-17(b). Written notice of that denial shall be given to the requestor and to the permittee.

(3) Public notices may describe more than one plan approval or plan approval action.

(b) Timing.

(1) Public notice of the preparation of a draft plan approval, including a notice of intent to deny a plan application, required under R315-3-26(a), shall allow at least ~~30~~45 days for public comment.

(2) Public notice of a public hearing shall be given at least 30 days before the hearing. Public notice of the hearing may be given at the same time as public notice of the draft plan approval and the two notices may be combined.

(c) Methods.

Public notices of activities described in R315-3-26(a)(1) shall be given by the following methods:

(1) By mailing a copy of a notice to the following persons:

(i) The applicant;

(ii) Any other agency which the Executive Secretary knows has issued or is required to issue a plan approval, for the same facility or activity including EPA;

(iii) Federal and State agencies with jurisdiction over fish, and wildlife resources, State Historic Preservation Officers, and other appropriate government authorities;

(iv)(A) To any unit of local government having jurisdiction over the area where the facility is proposed to be located;

(B) To each State agency having any authority under State law with respect to the construction or operation of the facility; and

(v) Persons on a mailing list developed by:

(A) Including those who request in writing to be on the list;

(B) Soliciting persons for area lists from participants in past plan approval proceedings in the area of the facility; and

(C) Notifying the public of the opportunity to be put on the mailing list through periodic publication in the public press and in regional- and state-funded newsletters, environmental bulletins, or law journals. The Executive Secretary may update the mailing list by requesting written indication of continued interest from those listed. The Executive Secretary may delete from the list the name of any person who fails to respond to a request from the Executive Secretary to remain on the mailing list.

(2) Publication of a notice in a daily or weekly newspaper within the area affected by the facility or activity and broadcast over local radio stations;

(3) In a manner constituting legal notice to the public under State law; and

(4) Any other method reasonably calculated to give actual notice of the action in question to the person potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(d)(1) All public notices issued under this section shall contain the following minimum information:

(i) Name and address of the permittee or plan approval applicant and, if different, of the facility or activity regulated by the plan approval;

(ii) A brief description of the business conducted at the facility or activity described in the plan approval application or draft plan approval;

(iii) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft plan approval or fact sheet, and the application;

(iv) A brief description of the comment procedures required by R315-3-27 and R315-3-28, and the time and place of any hearing that will be held, including a statement of procedures to request a hearing, unless a hearing has already been scheduled and other procedures by which the public may participate in the final plan approval decision; and

(v) Any additional information considered necessary or proper.

(2) Public notices of hearings. In addition to the general public notice described in R315-3-26(d)(1), the public notice of a hearing under R315-3-28, shall contain the following information:

(i) Reference to the date of previous public notices relating the plan approval;

(ii) Date, time, and place of the hearing;

(iii) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures; and

(e) In addition to the general public notice described in R315-3-26(d)(1), all persons identified in R315-3-26(c)(1)(i), (ii), and (iii) shall be mailed a copy of the fact sheet.

KEY: hazardous waste

~~June 15,~~1999

19-6-105

Notice of Continuation March 12, 1997

19-6-106

◆ ————— ◆

Environmental Quality, Solid and Hazardous Waste

R315-4-4

Off-Site Hazardous Waste Storage, Treatment or Disposal Facilities Manifest Procedures

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22333

FILED: 08/23/1999, 08:43

RECEIVED BY: NL

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: This proposed rule change requires that the owner or operator of a facility that has received a shipment of waste subject to Section R315-5-15 must provide a copy of the tracking document to the state as well as Environmental Protection Agency (EPA).

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

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e) (1998)

ANTICIPATED COST OR SAVINGS TO:

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

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

❖**OTHER PERSONS:** The compliance costs for affected persons will be the price of postage and copying of documents. Most likely less than \$1.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will be the price of postage and copying of documents. Most likely less than \$1.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes in this rule will have very minimal fiscal impact on businesses beyond the current statutory and regulatory impact--Dianne R. Nielson

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste. R315-4. Hazardous Waste Manifest.

R315-4-4. Off-Site Hazardous Waste Storage, Treatment or Disposal Facilities Manifest Procedures.

(a) An owner or operator of a facility which receives hazardous waste accompanied by a manifest shall:

(1) Sign and date each copy of the manifest or shipping paper, if the manifest has not been received, to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) Note any significant discrepancies, as defined in R315-4-4(c), in the manifest or shipping paper, if the manifest has not been received, on each copy of the manifest or shipping paper;

(3) Immediately give the rail or water, bulk shipment, transporter at least one copy of the manifest or shipping paper, if the manifest has not been received;

(4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, shall send a copy of the signed and dated shipping paper to the generator; and

(5) Retain at the facility a copy of the manifest and shipping, if signed in lieu of the manifest at the time of delivery, for at least three years from the date of delivery.

(b) If a facility receives, from a rail or water, bulk shipment, transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest, excluding the EPA Identification Numbers, generator's certification, and signatures, the owner or operator, or his agent, shall:

(1) Sign and date each copy of the manifest or shipping paper, if the manifest has not been received, to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) Note any significant discrepancies, as defined in R315-4-4(c), in the manifest or shipping paper, if the manifest has not been received, on each copy of the manifest or shipping paper;

(3) Immediately give the rail or water, bulk shipment, transporter at least one copy of the manifest or shipping paper, if the manifest has not been received;

(4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, shall send a copy of the signed and dated shipping paper to the generator; and

(5) Retain at the facility a copy of the manifest and shipping paper, if signed in lieu of the manifest at the time of delivery, for at least three years from the date of delivery.

(c) Manifest Discrepancies

(1) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a facility actually receives. Significant discrepancies in quantity are (1) for batch waste, any variation in piece count, such as a discrepancy of one drum in a truckload, and (2) for bulk waste, variations greater than 10 percent in weight. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

(2) Upon discovering a significant discrepancy, the owner or operator shall attempt to reconcile the discrepancy with the waste generator or transporter, e.g., with telephone conversations. If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator shall immediately submit to the Executive Secretary a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. The Executive Secretary does not intend that the owner or operator of a facility should perform the appropriate waste analysis before signing the shipping paper or manifest and giving it to the transporter. However, unreconciled discrepancies discovered during later analysis shall be reported.

(d) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility shall comply with the generator requirements of R315-4-2.

(e) Within three working days of the receipt of a shipment subject to R315-5-15, which incorporates by reference 40 CFR 262 Subpart H, the owner or operator of the facility must provide a copy of the tracking document bearing all required signatures to the notifier, to the Division of Solid and Hazardous Waste, P.O. Box 144880, Salt Lake City, Utah, 84114-4880 and the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, and to all other concerned countries. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature.

KEY: hazardous waste

1999

Notice of Continuation March 12, 1997

19-6-105

19-6-106

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Environmental Quality, Solid and Hazardous Waste **R315-5** Hazardous Waste Generator Requirements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22334

FILED: 08/23/1999, 08:43

RECEIVED BY: NL

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: This proposed rule change clarifies that wastes identified in 40 CFR 262.80(a) are subject to 40 CFR 262, Subpart H.

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

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e) (1998)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 262, Subpart E (1996)

ANTICIPATED COST OR SAVINGS TO:

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

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

❖ **OTHER PERSONS:** The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.

R315-5. Hazardous Waste Generator Requirements.

R315-5-1. Purpose, Scope, and Applicability.

(a) R315-5 establishes standards for generators of hazardous waste.

(b) R315-2-5, which incorporates by reference, 40 CFR 261.5 (c) and (d), must be used to determine the applicability of provisions of this part that are dependent on calculations of the quantity of hazardous waste generated per month.

(c) A generator who treats, stores, or disposes of hazardous waste on-site shall only comply with the following sections of this rule with respect to that waste: R315-5-2 for determining whether or not he has a hazardous waste, R315-5-3 for obtaining an EPA identification number, R315-5-10 for accumulation of hazardous waste, R315-5-5(c) and (d) for recordkeeping, R315-5-8 for additional reporting, and if applicable, R315-5-11 for farmers.

(d) Any person who exports or imports hazardous waste as identified in 40 CFR 262.80(a) and is subject to the manifesting requirements of R315-4, or subject to the ~~universal~~ universal waste management standards as found in R315-16, to or from the countries listed in 40 CFR 262.58(a)(1), which R315-5-13 incorporates by reference, for recovery shall comply with R315-5-15, which incorporates by reference 40 CFR 262 Subpart H.

(e) Any person who imports hazardous waste into the United States shall comply with the standards applicable to generators established in this rule.

(f) A farmer who generates waste pesticides which are hazardous wastes and who complies with all the requirements of R315-5-11 is not required to comply with other standards in this rule or R315-3, R315-7, R315-8, or R315-13, which incorporates by reference 40 CFR 268, with respect to these pesticides.

(g) A person who generates a hazardous waste as defined by R315-2 is subject to the compliance requirements and penalties prescribed in The Utah Solid and Hazardous Waste Act if he does not comply with the requirements of this rule.

A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and plan approval requirements set forth in R315-3, R315-7, and R315-8.

(h) An owner or operator who initiates a shipment of hazardous waste from a treatment, storage or disposal facility shall comply with the generator standards established in this rule. The provisions of R315-5-10, which incorporates by reference 40 CFR 262.34, are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of R315-5-10, which incorporates by reference 40 CFR 262.34, only apply to owners or operators who are shipping hazardous waste which they generated at that facility. A generator who treats, stores, or disposes of hazardous waste on-site shall comply with the applicable standards and permit requirements set forth in R315-3, R315-7, R315-8, and R315-13.

R315-5-13. Exports of Hazardous Waste.

The requirements of 40 CFR 262 Subpart E, 262.50 - 262.58, 1996 ed., are adopted and incorporated by reference with the following exceptions:

(a) Other than in Section 40 CFR 262.53, substitute "Executive Secretary" for all references to "EPA" or "Regional Administrator".

(b) Paragraph 40 CFR 262.58(a) shall be as follows:

Any person who exports or imports hazardous waste as identified in 40 CFR 262.80(a) and is subject to the manifesting requirements of R315-4, or subject to the universal waste management standards as found in R315-16, to or from the countries listed in 40 CFR 262.58(a)(1), which R315-5-13 incorporates by reference, for recovery shall comply with R315-5-15, which incorporates by reference 40 CFR 262 Subpart H. The requirements of Subparts E and F do not apply.

KEY: hazardous waste

~~June 15,~~ 1999

19-6-105

Notice of Continuation March 12, 1997

19-6-106

Environmental Quality, Solid and Hazardous Waste

R315-6-1

Coverage

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22335

FILED: 08/23/1999, 08:43

RECEIVED BY: NL

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: This proposed rule change clarifies that transporters of hazardous waste are subject to the requirements of Sections R315-6-2 and R315-6-7, as well as Section R315-6-1.

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

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e) (1998)

ANTICIPATED COST OR SAVINGS TO:

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

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

❖OTHER PERSONS: The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

**R315. Environmental Quality, Solid and Hazardous Waste.
R315-6. Hazardous Waste Transporter Requirements.
R315-6-1. Coverage.**

(a) These hazardous waste transporter requirements establish standards which apply only to persons transporting hazardous waste

within the State of Utah if the transportation requires a manifest as specified under R315-4 and R315-5.

(b) These rules do not apply to persons that transport hazardous waste on-site if they are either a hazardous waste generator or are owners or operators of an approved hazardous waste management facility.

(c) A transporter shall also comply with R315-4 and R315-5, if he:

(1) Transports hazardous waste from abroad into the State;

(2) Mixes hazardous wastes of different DOT shipping descriptions by placing them into a single container.

(d) A transporter of hazardous waste subject to the manifesting requirements of R315-4, or subject to the waste management standards of R315-16, that is being imported from or exported to any of the countries listed in 40 CFR 262.58(a)(1), which R315-5-13 incorporates by reference, for purposes of recovery is subject to R315-6-1, R315-6-2, and R315-6-7 and to all other relevant requirements of R315-5-15, which incorporates by reference 40 CFR 262 Subpart H, including 40 CFR 262.84 for tracking documents.

KEY: hazardous waste

[February 20, 1998]1999

Notice of Continuation March 12, 1997

19-6-105

19-6-106



**Environmental Quality, Solid and
Hazardous Waste
R315-7-21
Landfills**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22336

FILED: 08/23/1999, 08:43

RECEIVED BY: NL

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: This proposed rule change adds a testing procedure for nonbiodegradable sorbents.

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

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e) (1998)

ANTICIPATED COST OR SAVINGS TO:

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

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

❖OTHER PERSONS: The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

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

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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 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.
R315-7. Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities.
R315-7-21. Landfills.

21.1 APPLICABILITY

The rules in this section apply to owners and operators of facilities that dispose of hazardous waste in landfills, except as R315-7-8.1 provides otherwise. A waste pile used as a disposal facility is a landfill and is governed by this section.

21.2 DESIGN AND OPERATING REQUIREMENTS

(a) The owner or operator of each new landfill unit on which construction commences after January 29, 1992, each lateral expansion of a landfill unit on which construction commences after July 29, 1992, and each replacement of an existing landfill unit that is to commence reuse after July 29, 1992 must install two or more liners and a leachate collection and removal system above and between such liners, and operate the leachate collection and removal systems, in accordance with R315-8-14.2(d), (e), or (f).

"Construction commences" is as defined in R315-1-1(b), which incorporates by reference 40 CFR 260.10, under "existing facility".

(b) The owner or operator of each unit referred to in R315-7-21.2(a) shall notify the Executive Secretary at least 60 days prior to receiving waste. The owner or operator of each facility submitting notice shall file a Part B application within six months of the receipt of the notice.

(c) The owner or operator of any replacement landfill unit is exempt from R315-7-21.2(a) if:

(1) The existing unit was constructed in compliance with the design standards of section 3004(o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act; and

(2) There is no reason to believe that the liner is not functioning as designed.

(d) The double liner requirement set forth in R315-7-21.2(a) may be waived by the Board for any monofill, if:

(1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and the waste does not contain constituents which would render the wastes hazardous for reasons other than the Toxicity Characteristic in R315-2-9(g), with EPA Hazardous Waste Number D004 through D017; and

(2)(i)(A) The monofill has at least one liner for which there is no evidence that the liner is leaking;

(B) The monofill is located more than one-quarter mile from an underground source of drinking water, as that term is defined in 40 CFR and 144.3;

(C) The monofill is in compliance with applicable groundwater monitoring requirements for facilities with plan approvals; or

(ii) The owner or operator demonstrates that the monofill is located, designed and operated so as to assure that there will be no migration of any hazardous constituents into groundwater or surface water at any future time.

(e) In the case of any unit in which the liner and leachate collection system has been installed pursuant to the requirements of R315-7-21.2(a) and in good faith compliance with R315-7-21.2(a) and with guidance documents governing liners and leachate collection systems under R315-7-21.2(a), no liner or leachate collection system which is different from that which was so installed pursuant to R315-7-21.2(a) will be required for the unit by the Board when issuing the first permit to the facility, except that the Board will not be precluded from requiring installation of a new liner when the Board has reason to believe that any liner installed pursuant to the requirements of R315-7-21.10(a) is leaking.

(f) The owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a 25-year storm.

(g) The owner or operator shall design, construct, operate and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.

(h) Collection and holding facilities, e.g., tanks or basins, associated with run-on and run-off control systems shall be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

(i) The owner or operator of a landfill containing hazardous waste which is subject to dispersal by wind shall cover or otherwise

manage the landfill so that wind dispersal of the hazardous waste is controlled.

As required by R315-7-9.4, which incorporates by reference 40 CFR 265.13, the waste analysis plan shall include analysis needed to comply with R315-7-21.5 and R315-7-21.6. As required by R315-7-12.4, which incorporates by reference 40 CFR 265.73, the owner or operator shall place the results of these analyses in the operating record.

21.3 SURVEYING AND RECORDKEEPING

The owner or operator of a landfill shall maintain the following items in the operating record required in R315-7-12.4, which incorporates by reference 40 CFR 265.73:

(a) On a map, the exact location and dimension, including depth, of each cell with respect to permanently surveyed benchmarks; and

(b) The contents of each cell and the approximate location of each hazardous waste type within each cell.

21.4 CLOSURE AND POST-CLOSURE CARE

(a) At final closure of the landfill or upon closure of any cell, the owner or operator shall cover the landfill or cell with a final cover designed and constructed to:

(1) Provide long-term minimization of migration of liquids through the closed landfill;

(2) Function with minimum maintenance;

(3) Promote drainage and minimize erosion or abrasion of the cover;

(4) Accommodate settling and subsidence so that the cover's integrity is maintained; and

(5) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

(b) After final closure, the owner or operator shall comply with all post-closure requirements contained in R315-7-14, which incorporates by reference 40 CFR 265.110 - 265.120, including maintenance and monitoring throughout the post-closure care period. The owner or operator shall:

(1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events.

(2) Maintain and monitor the leak detection system in accordance with R315-8-14.2(c)(3)(iv) and (4) and R315-7-21.12(b), and comply with all other applicable leak detection system requirements of this part;

(3) Maintain and monitor the groundwater monitoring system and comply with all other applicable requirements of R315-7-13;

(4) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and

(5) Protect and maintain surveyed benchmarks used in complying with R315-7-21.3.

21.5 SPECIAL REQUIREMENTS FOR IGNITABLE OR REACTIVE WASTE

(a) Except as provided in R315-7-21.5(b) and in 7.21.9, ignitable or reactive waste shall not be placed in a landfill, unless the waste and landfill meet all applicable requirements of R315-13, which incorporates by reference 40 CFR 268, and:

(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under R315-2-9(d) and (f).

(2) Section R315-7-9.8 is complied with.

(b) Except for prohibited wastes which remain subject to treatment standards in R315-13, which incorporates by reference 40 CFR 268 Subpart D, ignitable wastes in containers may be landfilled without meeting the requirements of R315-7-21.5(a), provided that the wastes are disposed of in a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes shall be disposed of in non-leaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; shall be covered daily with soil or other non-combustible material to minimize the potential for ignition of the wastes; and shall not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

21.6 SPECIAL REQUIREMENTS FOR INCOMPATIBLE WASTES

Incompatible wastes, or incompatible wastes and materials, see 40 CFR 265, Appendix V for examples, shall not be placed in the same landfill cell, unless R315-7-9.8(b) is complied with.

21.7 SPECIAL REQUIREMENTS FOR BULK AND CONTAINERIZED LIQUIDS

(a) Bulk or non-containerized liquid waste or waste containing free liquids may be placed in a landfill prior to May 8, 1985, only if;

(1) The landfill has a liner and leachate collection and removal system that meets the requirements of R315-8-14.2(a); or

(2) Before disposal, the liquid waste or waste containing free liquids is treated or stabilized chemically or physically, e.g., by mixing with a sorbent solid, so that free liquids are no longer present.

(b) Effective May 8, 1985, the placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids, whether or not sorbents have been added, in any landfill is prohibited.

(c) Containers holding free liquids must not be placed in a landfill unless:

(1) All free-standing liquid

(i) has been removed by decanting, or other methods,

(ii) has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or

(iii) had been otherwise eliminated; or

(2) The container is very small, such as an ampule; or

(3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

(4) The container is a lab pack as defined in R315-7-21.8 and is disposed of in accordance with R315-7-21.9.

(d) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095, Paint Filter Liquids Test as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods." EPA Publication No. SW-846, as incorporated by reference in 40 CFR 260.11, see R315-1-2.

(e) The date of compliance with R315-7-21.7(a) is November 19, 1981. The date for compliance with R315-7-21.7(c) is March 22, 1982.

(f) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in R315-7-21.7(f)(1); materials that pass one of the tests in R315-7-21.7(f)(2); or materials that are

determined by EPA to be nonbiodegradable through the R315-2-16, which incorporates by reference 40 CFR 260.22, petition process.

(1) Nonbiodegradable sorbents.

(i) Inorganic minerals, other inorganic materials, and elemental carbon, e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon; or

(ii) High molecular weight synthetic polymers, e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polysobutylene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers. This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

(iii) Mixtures of these nonbiodegradable materials.

(2) Tests for nonbiodegradable sorbents.

(i) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)-Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or

(ii) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)-Standard Practice for Determining Resistance of Plastics to Bacteria.

(iii) The sorbent material is determined to be non-biodegradable under OECD test 301B, CO₂ Evolution, Modified Sturm Test.

(g) Effective November 8, 1985, the placement of any liquid which is not a hazardous waste in a landfill is prohibited unless the owner or operator of the landfill demonstrates to the Board, or the Board determines that;

(1) The only reasonably available alternative to the placement in the landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains, or may reasonably be anticipated to contain hazardous waste; and

(2) Placement in such owner or operator's landfill will not present a risk of contamination of any underground source of drinking water, as that term is defined in 40 CFR 144.3.

21.8 SPECIAL REQUIREMENTS FOR CONTAINERS

Unless they are very small, such as an ampule, containers must be either:

(a) At least 90 percent full when placed in the landfill; or

(b) Crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill.

21.9 DISPOSAL OF SMALL CONTAINERS OF HAZARDOUS WASTE IN OVERPACKED DRUMS, LAB PACKS

Small containers of hazardous waste in overpacked drums, lab packs may be placed in a landfill if the following requirements are met:

(a) Hazardous waste shall be packaged in non-leaking inside containers. The inside containers shall be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the waste held therein. Inside containers shall be tightly and securely sealed. The inside

containers shall be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations, 49 CFR Parts 173, 178, and 179, if those regulations specify particular inside container for the waste.

(b) The inside container shall be overpacked in an open head DOT specification metal shipping container, 49 CFR Parts 178 and 179, of no more than 416-liter, 110 gallon, capacity and surrounded by, at a minimum, a sufficient quantity of sorbent material, determined to be nonbiodegradable in accordance with R315-7-21.7(f), to completely sorb all of the liquid contents of the inside containers. The metal outer container shall be full after it has been packed with inside containers and sorbent material.

(c) The sorbent material used shall not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers, in accordance with R315-7-9.8(b).

(d) Incompatible wastes, as defined in R315-1 shall not be placed in the same outside container.

(e) Reactive waste, other than cyanide or sulfide-bearing waste as defined in R315-2-9(f)(v) shall be treated or rendered non-reactive prior to packaging in accordance with R315-7-21.9(a) through (d). Cyanide and sulfide-bearing reactive waste may be packaged in accordance with R315-7-21.9(a) through (d) without first being treated or rendered non-reactive.

(f) Such disposal is in compliance with the requirements of R315-13, which incorporates by reference 40 CFR 268. Persons who incinerate lab packs according to the requirements in 40 CFR 268.42(c)(1) may use fiber drums in place of metal outer containers. The fiber drums must meet the DOT specifications in 49 CFR 173.12 and be overpacked according to the requirements in R315-7-21.9(b).

21.10 ACTION LEAKAGE RATE

(a) The owner or operator of landfill units subject to R315-7-21.2(a) shall submit a proposed action leakage rate to the Executive Secretary when submitting the notice required under R315-7-21.2(b). Within 60 days of receipt of the notification, the Executive Secretary will: Establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this section; or extend the review period for up to 30 days. If no action is taken by the Executive Secretary before the original 60 or extended 90 day review periods, the action leakage rate will be approved as proposed by the owner or operator.

(b) The Executive Secretary shall approve an action leakage rate for surface impoundment units subject to R315-7-21.2(a). The action leakage rate is the maximum design flow rate that the leak detection system, LDS, can remove without the fluid head on the bottom liner exceeding one foot. The action leakage rate shall include an adequate safety margin to allow for uncertainties in the design, e.g., slope, hydraulic conductivity, thickness of drainage material, construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions, e.g., the action leakage rate shall consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.

(c) To determine if the action leakage rate has been exceeded, the owner or operator shall convert the weekly or monthly flow rate from the monitoring data obtained under R315-7-21.12 to an average daily flow rate, gallons per acre per day, for each sump.

Unless the Executive Secretary approves a different calculation, the average daily flow rate for each sump shall be calculated weekly during the active life and closure period, and monthly during the post-closure care period when monthly monitoring is required under R315-7-21.12(b).

21.11 RESPONSE ACTIONS

(a) The owner or operator of landfill units subject to R315-7-21.2(a) shall submit a response action plan to the Executive Secretary when submitting the proposed action leakage rate under R315-5-21.10. The response action plan shall set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan shall describe the actions specified in R315-7-21.11(b).

(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator shall:

(1) Notify the Executive Secretary in writing of the exceedence within seven days of the determination;

(2) Submit a preliminary written assessment to the Executive Secretary within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

(3) Determine to the extent practicable the location, size, and cause of any leak;

(4) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;

(5) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and

(6) Within 30 days after the notification that the action leakage rate has been exceeded, submit to the Executive Secretary the results of the analyses specified in R315-7-21.11(b)(3)-(5), the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator shall submit to the Executive Secretary a report summarizing the results of any remedial actions taken and actions planned.

(c) To make the leak and/or remediation determinations in R315-7-21.11(b)(3)-(5), the owner or operator shall:

(1)(i) Assess the source of liquids and amounts of liquids by source,

(ii) Conduct a fingerprint, hazardous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and

(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

(2) Document why such assessments are not needed.

21.12 MONITORING AND INSPECTION

(a) An owner or operator required to have a leak detection system under R315-7-21.2(a) shall record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.

(b) After the final cover is installed, the amount of liquids removed from each leak detection system sump shall be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps shall be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two

consecutive quarters, the amount of liquids in the sumps shall be recorded at least semi-annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semi-annual recording schedules, the owner or operator shall return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.

(c) "Pump operating level" is a liquid level proposed by the owner or operator and approved by the Executive Secretary based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump. The timing for submission and approval of the proposed "pump operating level" will be in accordance with R315-7-21.10(a).

KEY: hazardous waste

~~June 15,~~ 1999

Notice of Continuation March 12, 1997

19-6-105

19-6-106



**Environmental Quality, Solid and
Hazardous Waste
R315-8-10
Tanks**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22337

FILED: 08/23/1999, 08:43

RECEIVED BY: NL

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: This proposed rule change adds one section that is incorporated by reference from 40 CFR 264.199 to 40 CFR 264.200.

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

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e) (1998)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 264.190 to 40 CFR 264.200 (1996), as amended by 61 FR 59931 (November 25, 1996)

ANTICIPATED COST OR SAVINGS TO:

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

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

❖OTHER PERSONS: The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

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

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

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

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.
R315-8. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.
R315-8-10. Tanks.

The requirements as found in 40 CFR 264, Subpart J, 264.190 - 264.199, 1996 ed., as amended by 61 FR 59931, November 25, 1996, are adopted and incorporated by reference with the following exceptions:

(a) Substitute "Executive Secretary" for all references to "Administrator" or "Regional Administrator" found in subpart J except paragraph 264.193(g) which should have "Regional Administrator" replaced by "Board".

(b) Add, following January 12, 1988, in 40 CFR 265.191(a), "or by December 16, 1988 for non-HSWA existing tank systems."

(c) Replace 40 CFR 265.193(a)(2) to (4) with the following corresponding paragraphs:

(1) For all HSWA existing tank systems used to store or treat EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027, within two years after January 12, 1987, or within two years after December 16, 1988 for non-HSWA existing tank systems;

(2) For those HSWA existing tank systems of known and documented age, within two years after January 12, 1987, or within

two years after December 16, 1988 for non-HSWA existing tank systems, or when the tank system has reached 15 years of age, whichever comes later;

(3) For those HSWA existing tank systems for which the age cannot be documented, within eight years of January 12, 1987, or within eight years of December 16, 1988 for non-HSWA existing tank systems; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches 15 years of age, or within two years of January 12, 1987, or within two years of December 16, 1988 for non-HSWA existing tank systems, whichever comes later; and

(d) Add, following the last January 12, 1987, in 40 CFR 265-193(a)(5), "or December 16, 1988 for non-HSWA tank systems."

KEY: hazardous waste

~~[June 15,]~~1999

Notice of Continuation March 12, 1997

19-6-105

19-6-106

◆ ————— ◆

**Environmental Quality, Solid and
Hazardous Waste
R315-13-1
Land Disposal Restrictions**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22338

FILED: 08/23/1999, 08:43

RECEIVED BY: NL

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: This proposed rule change adds Appendix XI of 40 CFR 268, which is incorporated by reference.

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

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e) (1998)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 268, Appendices IV, VI, VII, VIII, IX, and XI (1997) as amended by 62 FR 37694 (July 14, 1997), 62 FR 45568 (August 28, 1997), 62 FR 64504 (December 5, 1997), 63 FR 24596 (May 4, 1998), and 63 FR 28555 (May 26, 1998)

ANTICIPATED COST OR SAVINGS TO:

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

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

❖OTHER PERSONS: The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change implements current statutory and regulatory requirements.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.

R315-13. Land Disposal Restrictions.

R315-13-1. Land Disposal Restrictions.

The requirements as found in 40 CFR 268, [~~1998 ed., as amended by 63 FR 42110, August 6, 1998, 63 FR 46332, August 31, 1998, 63 FR 47409, September 4, 1998, 63 FR 48124, September 9, 1998, and 63 FR 51254, September 24, 1998.~~] are adopted and incorporated by reference including Appendices IV, VI, VII, VIII, IX, and XI with the exclusion of Sections 268.5, 268.6, 268.42(b), and 268.44(a) - (g) and with the following exceptions:

(a) Substitute "Board" for all federal regulation references made to "Administrator" or "Regional Administrator" except for 40 CFR 268.40(b).

(b) Substitute the words "plan approval" for all federal references made to "permit".

(c) All references made to "EPA Hazardous Waste Number" will include P999, and F999.

(d) Substitute Utah Code Annotated, Title 19, Chapter 6 for all references to RCRA.

(e) The universal wastes listed at 40 CFR 268.1(f) are exempted from the requirements under 40 CFR 268.7 and 268.50, including mercury-containing wastes, as described in R315-16-1.6.

KEY: hazardous waste

1999

Notice of Continuation November 4, 1996

19-6-106

19-6-105



Environmental Quality, Solid and Hazardous Waste

R315-14-7

Hazardous Waste Burned in Boilers and Industrial Furnaces

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22339

FILED: 08/23/1999, 08:43

RECEIVED BY: NL

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: This proposed rule change moves the appendices of 40 CFR 266, Subpart H, which are incorporated by reference, from this section to Section R315-50-16.

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

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e) (1998)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 266 (1998), as amended by 63 FR 42110 (August 6, 1998)

ANTICIPATED COST OR SAVINGS TO:

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

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

❖OTHER PERSONS: The compliance costs for affected persons will not change since the rule change is only moving the rules from one part to another.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change is only moving the rules from one part to another.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes in this rule will have no fiscal impact on businesses--Dianne R. Nielson

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

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

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.
R315-14. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.
R315-14-7. Hazardous Waste Burned in Boilers and Industrial Furnaces.

The requirements as found in 40 CFR 266, Subpart H, 266.100 - 266.112, 1998 ed., [including Appendices I - XIII, 1998 ed.,] as amended by 63 FR 42110, August 6, 1998, are adopted and incorporated by reference.

KEY: hazardous waste
~~June 15, 1999~~ **19-6-105**
Notice of Continuation March 12, 1997 **19-6-106**



Environmental Quality, Solid and
Hazardous Waste
R315-50
Appendices

NOTICE OF PROPOSED RULE
(Amendment)
DAR File No.: 22340
FILED: 08/23/1999, 08:43
RECEIVED BY: NL

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: This proposed rule change eliminates sections where there are no longer equivalent federal regulations and moves the appendices of 40 CFR 266, Subpart H, to Section R315-50-16, and moves Appendix I of 40 CFR 270.42 to Section R315-3-15.

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

FEDERAL REQUIREMENT FOR THIS RULE: 40 CFR 271.21(e) (1998)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR 266, Appendices I-IX and XI-XIII (1998), as amended by 63 FR 42110 (August 6, 1998)

ANTICIPATED COST OR SAVINGS TO:

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

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

❖OTHER PERSONS: The compliance costs for affected persons will not change since the rule change is only moving the rules from one part to another.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The compliance costs for affected persons will not change since the rule change is only moving the rules from one part to another.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed changes in this rule will have no fiscal impact on businesses--Dianne R. Nielson

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

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

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 11/01/1999

AUTHORIZED BY: Dennis R. Downs, Executive Secretary

R315. Environmental Quality, Solid and Hazardous Waste.

R315-50. Appendices.

R315-50-12. [~~Toxic Characteristic Leaching Procedure (TCLP)]Reserved.~~

[The requirements of Appendix I of 40 CFR 268, the Toxicity Characteristic Leaching Procedure (TCLP), 1994 ed., are adopted and incorporated by reference.]Reserved.

R315-50-13. [~~Treatment Standards.]Reserved.~~

[The requirements of 40 CFR 268, Appendix H, Treatment Standards, 1987 ed., are adopted and incorporated by reference.]Reserved.

R315-50-15. [~~Halogenated Organic Compounds.]Reserved.~~

[The requirements of 40 CFR 268, Appendix III, Halogenated Organic Compounds, 1988 ed., are adopted and incorporated by reference.]Reserved.

R315-50-16. [~~Classification of Permit Modifications.] Appendices to 40 CFR 266.~~

[The requirements of Appendix I of 40 CFR 270.42, Permit Modification at the Request of the Permittee, 1993 ed., are adopted and incorporated by reference.]The requirements of 40 CFR 266, Appendices I - IX and XI - XIII, 1998 ed., as amended by 63 FR 42110, August 6, 1998, are adopted and incorporated by reference.

KEY: hazardous waste

~~[June 15,]1999~~

19-6-106

Notice of Continuation March 12, 1997

19-6-108

19-6-105



Human Services, Recovery Services
R527-231
Review and Adjustment of Child Support Order

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22348

FILED: 08/31/1999, 09:33

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The complete name of the agency and/or its acronym is needed to replace the generic term "office" where it appears in the rule. A clarification is needed to show that the Office of Recovery Services/Child Support Services (ORS/CSS) is not required to review an award until the whereabouts of both parents are known. Under federal directive, OCSE-PIQ-94-03 dated April 13, 1994, states are given the option to

establish procedures for dealing with requests from parents who ask to withdraw a request for review of a child support order after the review process has begun. It also requires that such procedures include notice to both parents, giving the other parent the opportunity to request that the process continue. In addition, it allows the state to impose certain restrictions on the withdrawal process, which may include an appropriate waiting period during which a subsequent review request will not be accepted. Accordingly, language needs to be added to this rule that when the requestor provides inadequate information to proceed, or relocates without providing a forwarding address, ORS/CSS may view such action as a request to terminate the review process and may cease that process, after providing appropriate notice to both parents, unless the nonrequesting parent asks that it continue. In addition, to prevent situations in which the review process is repeatedly started and stopped, language is needed which will allow ORS/CSS to wait one year after the review process has been terminated before another request for review of the award is acted upon.

SUMMARY OF THE RULE OR CHANGE: In Subsection R527-231-1(1), "office" has been replaced with the complete agency name, "Office of Recovery Services/Child Support Services (ORS/CSS)." In Subsection R527-231-1(2), "the office" has been replaced with "ORS/CSS" and, to clarify that a review is required when both parents become located, the words "until both parents are located" have been added. In the first and second sentences of Subsection R527-231-1(3), "[T]he office" has been replaced with "ORS/CSS." A new Subsection R527-231-1(4) has been added to allow ORS/CSS to terminate the review process, after providing notice to both parents, when the requesting parent cannot be located or provides insufficient information, except when the nonrequesting parent asks that the review process continue. A new Subsection R527-231-1(5) has also been added which specifies that ORS/CSS may wait one year to review the order after actions by both parents result in the termination of the review process.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 78-45-7(2), 62A-11-320(5), and 62A-11-320(6)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed rule changes are expected to better focus the efforts of ORS Agents responsible for review and adjustments of child support awards and reduce the amount of agent time and ORS/CSS resources expended in reviewing awards for adjustment and associated activities. Because the number of reviews requested varies with the number of eligible cases coming up for three-year review, and with the number of cases that may need to be reviewed due to an exceptional change in circumstances, and because the percentage of reviews which may be terminated is entirely dependent upon the actions of the parents involved, the amount of savings to the state cannot be accurately estimated. Furthermore, the implementation of the rule changes may prompt some parents involved in review requests to avoid actions which would cause termination of the review process. This should

also result in a savings to the state because there would be no interruption in the review process for those cases and a review closure action would be unnecessary.

❖LOCAL GOVERNMENTS: None--administrative rules of the Office of Recovery Services do not apply to local governments.

❖OTHER PERSONS: When child support awards are reviewed and subsequently adjusted in a timely manner, without unnecessary interruption after the process has begun, the families involved benefit. If the award is raised, the obligee and children benefit financially. If the award is lowered, the obligor receives a financial benefit which should also enable him to continue to meet the ongoing support obligation without interruption. When current support continues on a regular basis, even if the amount has been lowered through adjustment, the obligee and children benefit.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the proposed change requires the parent requesting a review to provide necessary information to conduct a review in order to avoid termination of the review process, he may incur various costs associated with gathering all of the information deemed necessary. There may also be another possible compliance cost during the year following termination of the review process if a request for review of an award is denied by ORS/CSS under Subsection R527-231-1(5) of the rule. The requesting parent, who might otherwise benefit from a change in the amount of the award based on current circumstances, may have to delay the request until the year waiting period is over, at which time circumstances could be different. Actual compliance costs for an individual will vary based on specific circumstances.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Because this rule and the proposed changes deal exclusively with the requirements for initiating and terminating the child support order review process, those affected are the families involved with that process and the Office of Recovery Services/Child Support Services. There is, therefore, no direct fiscal impact on businesses.

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

Human Services
 Recovery Services
 Fourteenth Floor, Eaton/Kenway Building
 515 East 100 South
 PO Box 45011
 Salt Lake City, UT 84145-0011, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Wayne Braithwaite at the above address, by phone at (801) 536-8986, by FAX at (801) 536-8509, or by Internet E-mail at hsdadmin.hsorssl.c.wbraithw@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 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1999

AUTHORIZED BY: Emma Chacon, Director

R527. Human Services, Recovery Services.

R527-231. Review and Adjustment of Child Support Order.

R527-231-1. Review and Adjustment of Child Support Order.

1. If the child is within one year of emancipation, the ~~[office]~~Office of Recovery Services/Child Support Services (ORS/CSS) shall not be required to review the award for potential adjustment.

2. If the location of either parent is unknown, ~~[the office]~~ORS/CSS shall not be required to review the support award for possible adjustment until both parents are located.

3. ~~[The office]~~ORS/CSS shall pursue adjustment of a court order only for child support or medical support provisions. ~~[The office]~~ORS/CSS shall not pursue modification of a court order for custody, visitation, property division or other non-child support related provisions.

4. If the parent requesting the review does not provide the necessary information for ORS/CSS to conduct the review, ORS/CSS shall send notice to the address on record for the requesting and non-requesting parents that the review process will be terminated unless the non-requesting parent requests that the review process continue.

5. If the review process is terminated, ORS/CSS shall not be required to review the order for a period of one year.

KEY: child support

~~[August 15, 1997]~~1999

Notice of Continuation December 9, 1996

78-45-7.2

62A-11-320.5

62A-11-320.6



Natural Resources, Wildlife Resources

R657-5-16

Areas with Special Restrictions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22349

FILED: 08/31/1999, 13:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to clarify that big game hunting is not allowed on Domesticated Elk Hunting Parks.

SUMMARY OF THE RULE OR CHANGE: This amendment adds the provision that Domesticated Elk Facilities and Domesticated Elk Hunting Parks, as defined in Subsection 4-39-102(2), and Rules R58-18 and R58-20, are closed to big game hunting.

This restriction does not apply to the lawful harvest of domesticated elk as defined and allowed pursuant to Rule R58-20.

AUTHORIZED BY: John Kimball, Director

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment clarifies that big game hunting is not allowed on Domesticated Elk Facilities or Domesticated Elk Parks, which allow harvest of domesticated elk. This clarification may reduce law enforcement costs associated with the potential harvest of big game on the Domesticated Facilities and Parks because the amendment clearly closes these areas to the hunting of big game. However, other than the reduced cost of law enforcement efforts, the Division of Wildlife Resources (DWR) determines that this amendment will not create any cost or savings impact to the state budget or the DWR's budget.

❖LOCAL GOVERNMENTS: None--this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

❖OTHER PERSONS: No impact--this amendment clarifies that big game hunting is not allowed on Domesticated Elk Facilities or Domesticated Elk Parks, which allow harvest of domesticated elk. Therefore, this amendment does not impose any requirements on persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment clarifies the closing of big game hunting on Domesticated Elk Parks, which allow harvest of domesticated elk. Therefore, the amendment does not create compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendment to this rule does not create an impact on businesses.

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdrw.dsundell@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 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1999

R657. Natural Resources, Wildlife Resources.

R657-5. Taking Big Game.

R657-5-16. Areas With Special Restrictions.

(1)(a) Hunting of any wildlife is prohibited within the boundaries of all park areas, except those designated by the Division of Parks and Recreation in Rule R651-603-5.

(b) Hunting with rifles and handguns in park areas designated open is prohibited within one mile of all park area facilities, including buildings, camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches.

(c) Hunting with shotguns or archery equipment is prohibited within one-quarter mile of the areas provided in Subsection (b).

(2) Hunting is closed within the boundaries of all national parks and monuments unless otherwise provided by the governing agency.

(3) Hunters obtaining a Utah license, permit or tag to take big game may not be authorized to hunt on Indian reservation and trust lands. Hunters must observe tribal regulations concerning wildlife while hunting on Indian reservation and trust lands.

(4) Military installations, including Camp Williams, are closed to hunting and trespassing unless otherwise authorized.

(5) In Salt Lake County, a person may not:

(a) hunt big game or discharge a shotgun or archery equipment within 600 feet of a road, house, or any other building; or

(b) discharge a rifle, handgun, shotgun firing slug ammunition, or muzzleloader within one mile of a cabin, house, or other building regularly occupied by people, except west of I-15 a muzzleloader may not be discharged within one-half mile of a cabin, house, or other building regularly occupied by people.

(6) Hunting is closed within a designated portion of the town of Alta. Hunters may refer to the town of Alta for boundaries and other information.

(7) Domesticated Elk Facilities and Domesticated Elk Hunting Parks, as defined in Section 4-39-102(2) and Rules R58-18 and R58-20, are closed to big game hunting. This restriction does not apply to the lawful harvest of domesticated elk as defined and allowed pursuant to Rule R58-20.

KEY: wildlife, game laws, big game seasons*

[July 16,]1999 23-14-18
Notice of Continuation June 23, 1997 23-14-19
23-16-5
23-16-6



Natural Resources, Wildlife Resources
R657-9
Taking Waterfowl, Wilson's Snipe and
Coot

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22350

FILED: 08/31/1999, 13:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to federal regulations and Wildlife Board meetings conducted annually for taking public input and reviewing the division's waterfowl program.

SUMMARY OF THE RULE OR CHANGE: Provisions of this rule are being amended to comply with federal regulations in taking migratory game birds on or over lands or areas that are not otherwise baited areas. The amendment adds tungsten and tin shot to the definition of nontoxic shot. Provisions of this rule are being amended to clarify and make consistent application and drawing procedures for swan permits. The closed-area provision is amended to include the Great Salt Lake Marina and adjacent areas posted as closed to hunting. Provisions are added to clarify that falconers must obtain an annual Wildlife Habitat Authorization and small game or combination license and migratory bird stamp, in addition to the falconry license to hunt waterfowl. Also, the amendment allows a person to register online to obtain their Migratory Game Bird Harvest Information Program registration number. Other changes are made for consistency and clarity.

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

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 50 CFR 20 (1999)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment clarifies existing requirements and complies with federal regulations, specifically baiting regulations, which are now less restrictive and, as a result, may require less monitoring and enforcement. The amendment to close the adjacent areas of the Great Salt Lake Marina will cost the Division for the development and placement of closure signs. This cost is slight and will be less than \$500.

❖LOCAL GOVERNMENTS: None--this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

❖OTHER PERSONS: The amendments are for clarification and complying with federal regulations. Therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--the amendments clarify existing requirements and comply with federal regulations, which are less restrictive. The amendments also provide another means of registering for a Migratory Game Bird Harvest Information Program registration number, adding convenience to affected persons.

However, there are not any additional compliance costs associated with this amendment.

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

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@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 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1999

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources.**R657-9. Taking Waterfowl, Wilson's Snipe and Coot.****R657-9-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19, and in accordance with 50 CFR 20, [~~1996~~1999] edition, which is incorporated by reference, the Wildlife Board has established this rule for taking waterfowl, Wilson's snipe, and coot.

(2) Specific dates, areas, limits, requirements and other administrative details which may change annually are published in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

R657-9-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Aggregate daily bag limit" means the maximum number of migratory game birds permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area and/or for more than one species for which a combined daily bag limit is prescribed.

(b) "Aggregate possession limit" means the maximum number of migratory game birds of a single species or combination of species taken in the United States permitted to be possessed by any one person when taking and possession occurs in more than one specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the species or specified geographic areas in which taking and possession occurs.

(c) "Bait" means shelled, shucked or unshucked corn, wheat or other grain, salt or other feed that lures, attracts or entices birds.

(d) "Baited area" means any area ~~where~~ on which shelled, shucked or unshucked corn, wheat or other grain, salt or other feed ~~[whatsoever capable of luring, attracting or enticing migratory game birds is directly or indirectly]has been~~ placed, exposed, deposited, distributed or scattered~~[, and such area shall]~~, if that shelled, shucked or unshucked corn, wheat or other grain, salt or other feed could serve as a lure or attraction for migratory game birds to, on, or over areas where hunters are attempting to take migratory game birds. Any such area will remain a baited area for ten days following the complete removal of all such shelled, shucked or unshucked corn, wheat or other grain, salt or other feed.

(e) "Baiting" means the direct or indirect placing, depositing, exposing, distributing or scattering of shelled, shucked or unshucked corn, wheat or other grain, salt or other feed ~~[so as to constitute]that could serve as a lure[;] or attraction [or enticement]for migratory game birds to, on, or over any [area]areas~~ where hunters are attempting to take migratory game birds.

(f) "CFR" means the Code of Federal Regulations.

(g) "Closed season" means, for purposes of this rule, the days on which migratory game birds shall not be taken.

(h) "Daily bag limit" means the maximum number of migratory game birds of a single species or combination (aggregate) of species permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

(i) "Live decoys" means tame or captive ducks, geese or other live birds.

(j) "Migratory game birds" means those migratory birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed in this part and belong to the following families:

(i) Anatidae (ducks, geese, including brant, and swans);

(ii) Columbidae (doves and pigeons);

(iii) Gruidae (cranes);

(iv) Rallidae (rails, coots, and gallinules); and

(v) Scolopocidae (woodcock and snipe).

(k) "Nontoxic shot" means soft iron, steel, copper-plated steel, nickel-plated steel, zinc-plated steel, bismuth-~~tin~~, tungsten-iron, tungsten-polymer, tungsten-matrix, tin and any other shot types approved by the U.S. Fish and Wildlife Service. Lead, nickel-plated lead, copper-plated lead, copper and lead/copper alloy shot have not been approved.

(l) "Off-highway vehicle" means any motor vehicle designed for or capable of travel over unimproved terrain.

(m) "Open season" means, for purposes of this rule, the days on which migratory game birds may lawfully be taken. Each period prescribed as an open season shall be construed to include the first and last days thereof.

(n) "Personal abode" means one's principal or ordinary home or dwelling place, as distinguished from one's temporary or transient place of abode or dwelling, such as a hunting club, or any cabin, tent or trailer house used as a hunting club or any hotel, motel or rooming house used during a hunting, pleasure or business trip.

(o) "Possession limit" means the maximum number of migratory game birds of a single species or a combination of species

permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

(p) "Sinkbox" means any type of low floating device, having a depression, affording the hunter a means of concealment beneath the surface of the water.

(q) "Transport" means to ship, export, import or receive or deliver for shipment.

(r) "Waterfowl" means ducks, mergansers, geese, brant and swans.

(s) "Youth" means a person 12 to 15 years of age.

R657-9-3. Stamp Requirements.

(1) Any person 16 years of age or older may not hunt waterfowl without first obtaining a federal migratory bird stamp, and having the stamp in possession.

(2) The stamp must be validated by the hunter's signature in ink across the face of the stamp.

(3) A federal migratory bird stamp is not required for any person 12 through 15 years of age.

R657-9-4. Permit Applications for Swan.

(1) Applications for swan permits are available from license agents and division offices. Residents and nonresidents may apply.

(2)(a) Applications must be mailed by the date prescribed in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot. Late applications will be returned unopened.

(b) If an error is found on the application, the applicant may be contacted for correction.

(c) The division reserves the right to correct applications.

(3) A person may obtain only one swan permit each year

(4) A person may not apply more than once annually.

(5)~~(a)~~ Group applications are not accepted.

~~[(b) Applications mailed in the same envelope will be accepted, but will be processed and drawn individually.~~

~~—](6) A Wildlife Habitat Authorization and small game or combination license may be purchased before applying, or the Wildlife Habitat Authorization and small game or combination license will be issued to the applicant upon successfully drawing a permit. [Fees]The Wildlife Habitat Authorization number or the fee must be submitted with the application.~~

(7) ~~[Applications must be sent to: TUNDRA SWAN PERMITS, P.O. Box 168888, Salt Lake City, Utah 84116-8888.]Each application must include:~~

~~[(8) A](a) a \$5 nonrefundable handling fee[must be submitted with the application];~~

(b) the Wildlife Habitat Authorization fee, if it has not yet been purchased; and

(c) the small game or combination license fee, if it has not yet been purchased.

(9)(a) Personal checks, cashier's checks, money orders and credit cards are accepted~~[from residents].~~

~~[(b) Cashier's checks, money orders and credit cards are accepted from nonresidents.](b) Personal checks drawn on an out-of-state account are not accepted.~~

(c) All payments must be made payable to the Utah Division of Wildlife Resources.

(10) Credit cards must be valid at least 30 days after the drawing results are posted.

(11) Handling fees are charged to the credit card when the application is processed.

(12)(a) An application is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused.

(b) The division charges a returned check collection fee for any checks returned unpaid from the bank.

(10)(a) A license or permit shall be legally deemed invalid if payment is not received for that license or permit, or a check is returned unpaid from the bank or the credit card is invalid or refused and a person has received the license or permit.

(b) Hunting with a license or permit where payment has not been received for that license or permit constitutes a violation of hunting without a valid license or permit.

R657-9-5. Drawing.

(1)(a) Drawing results are posted at the Lee Kay Center for Hunter Education, Cache Valley Hunter Education Center and division offices on the date published in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe, and coot.

(b) Any remaining permits are available by mail-in request ~~and~~ or over the counter at the Salt Lake division office beginning on the date specified in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

(2) ~~The handling fee is not~~ Licenses and permits are mailed to successful applicants.

(3) An applicant may withdraw their application for the swan permit drawing by requesting such in writing by the date published in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe, and coot.

(4) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to the Salt Lake Division office.

(5) An applicant may not amend a withdrawn application, nor reapply after the application has been withdrawn.

(6) Handling fees will not be refunded.

R657-9-6. Tagging Swans.

(1) The carcass of a swan must be tagged before the carcass is moved from or the hunter leaves the site of kill as provided in Section 23-20-30.

(2) A person may not hunt or pursue a swan after the notches have been removed from the tag or the tag has been detached from the permit.

R657-9-7. Return Questionnaire with Hunt Information.

(1) Within ten days of the conclusion of the prescribed hunting season, the questionnaire included with the permit must be filled out with the required information and mailed to the division.

(2) This questionnaire must be returned regardless of success.

(3) The division requires hunters to submit swan parts or other biological data.

(4) Failure to return information, swan parts or biological data may affect eligibility to apply for permits next year.

R657-9-8. Purchase of License and Wildlife Habitat Authorization by Mail.

(1) A ~~nonresident~~ person may purchase a Wildlife Habitat Authorization and license by mail by sending the following information to the Salt Lake division office: full name, complete mailing address, phone number, date of birth, weight, height, sex, color of hair and eyes, Social Security number, driver license number (if available), proof of hunter education certification, and fees.

~~(2) Nonresidents must send either a cashier's check or money order payable to Utah Division of Wildlife. Personal checks are not accepted from nonresidents.~~ (a) Personal checks, money orders and cashier's checks are accepted.

(b) Personal checks drawn on an out-of-state account are not accepted.

(c) Checks must be made payable to the Utah Division of Wildlife Resources.

R657-9-9. Firearms.

(1) Migratory game birds may be taken with a shotgun or archery tackle.

(2) Migratory game birds may not be taken with a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machine gun, fish hook, crossbow, poison, drug, explosive or stupefying substance.

(3) Migratory game birds may not be taken with a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells.

R657-9-10. Nontoxic Shot.

(1) Only nontoxic shot may be in possession or used while hunting waterfowl and coot.

(2) A person may not possess or use lead shot:

(a) while hunting waterfowl or coot in any area of the state;

(b) on federal refuges;

(c) on the following waterfowl management areas: Bicknell Bottoms, Blue Lake, Brown's Park, Clear Lake, Desert Lake, Farmington Bay, Harold S. Crane, Howard Slough, Locomotive Springs, Manti Meadow, Mills Meadows, Ogden Bay, Powell Slough, Public Shooting Grounds, Salt Creek, Stewart Lake, Timpie Springs; or

(d) on the Scott M. Matheson wetland preserve.

R657-9-11. Use of Firearms on State Waterfowl Management Areas.

(1) A person may not possess a firearm or archery tackle on the following waterfowl management areas any time of the year except during the specified waterfowl hunting seasons or as authorized by the division:

(a) Box Elder County - Harold S. Crane, Locomotive Springs, Public Shooting Grounds, and Salt Creek;

(b) Daggett County - Brown's Park;

(c) Davis County - Farmington Bay, Howard Slough, and Ogden Bay;

- (d) Emery County - Desert Lake;
- (e) Millard County - Clear Lake;
- (f) Tooele County - Timpie Springs;
- (g) Uintah County - Stewart Lake;
- (h) Utah County - Powell Slough;
- (i) Wayne County - Bicknell Bottoms; and
- (j) Weber County - Ogden Bay and Harold S. Crane.

(2) During the waterfowl hunting seasons, a shotgun is the only firearm that may be in possession.

R657-9-12. Airborne, Terrestrial, and Aquatic Vehicles.

Migratory game birds may not be taken:

(1) from or by means of any motorboat or other craft having a motor attached, or sailboat unless the motor has been completely shut off or sails furled and its progress has ceased: provided, that a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power; or

(2) by means or aid of any motor driven land, water or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying or stirring up of any migratory bird.

R657-9-13. Airboats.

(1) Air-thrust or air-propelled boats and personal watercraft are not allowed in designated parts of the following waterfowl management or federal refuge areas:

(a) Box Elder County: Box Elder Lake, Bear River, that part of Harold S. Crane within one-half mile of all dikes and levees, Locomotive Springs, Public Shooting Grounds and Salt Creek, that part of Bear River Migratory Bird Refuge north of "D" line as posted.

(b) Daggett County: Brown's Park

(c) Davis County: Howard Slough, Ogden Bay and Farmington Bay within diked units.

(d) Emery County: Desert Lake

(e) Millard County: Clear Lake

(f) Tooele County: Timpie Springs

(g) Uintah County: Stewart Lake

(h) Utah County: Powell Slough

(i) Wayne County: Bicknell Bottoms

(j) Weber County: Ogden Bay within diked units or as posted and all of Harold S. Crane Waterfowl Management Area.

(2) "Personal watercraft" means a motorboat that is:

(a) less than 16 feet in length;

(b) propelled by a water jet pump; and

(c) designed to be operated by a person sitting, standing or kneeling on the vessel, rather than sitting or standing inside the vessel.

R657-9-14. Motorized Vehicle Access.

(1) Motorized vehicle travel is restricted to county roads, improved roads and parking areas.

(2) Off-highway vehicles are confined to those areas open to the use of airboats, and as marked and posted.

(3) Off-highway vehicles are not permitted on Bear River Migratory Bird Refuge.

(4) Motorized boat use is restricted on waterfowl management areas as specified in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

R657-9-15. Sinkbox.

A person may not take migratory game birds from or by means, aid, or use of any type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water.

R657-9-16. Live Decoys.

A person may not take migratory game birds with the use of live birds as decoys or from an area where tame or captive live ducks or geese are present unless such birds are and have been, for a period of ten consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl.

R657-9-17. Amplified Bird Calls.

A person may not use recorded or electrically amplified bird calls or sounds or recorded or electronically amplified imitations of bird calls or sounds.

R657-9-18. Baiting.

(1) A person may not take migratory game birds by the aid of baiting, or on or over any baited area where a person knows or reasonably should know that the area is or has been baited. This section does not prohibit:

(a) the taking of any migratory game bird on or over the following lands or areas that are not otherwise baited areas:

(i) standing crops or flooded~~[(1) the taking of migratory game birds on or over]~~ standing crops (including aquatics), standing, flooded or manipulated natural vegetation, flooded harvested croplands, [grain crops properly shocked on the field where grown; or grains found] or lands or areas where seeds or grains have been scattered solely as the result of a normal agricultural planting [or harvesting; and], harvesting, post-harvest manipulation or normal soil stabilization practice;

~~[(2) the taking of migratory game birds, except waterfowl, on or over any lands where bait]~~ (ii) from a blind or other place of concealment camouflaged with natural vegetation;

(iii) from a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed; or

(iv) standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys or retrieving downed birds.

(b) The taking of any migratory game bird, except waterfowl, coots and cranes, on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered [as the result of bona fide agricultural operations or procedures, or as a result of manipulation of a] solely as the result of manipulation of an agricultural crop or other feed on the land

where grown [~~for wildlife management purposes, provided that, manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown.]or solely as the result of a normal agricultural operation.~~

R657-9-19. Possession During Closed Season.

No person shall possess any freshly killed migratory game birds during the closed season.

R657-9-20. Live Birds.

(1) Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become part of the daily bag limit.

(2) No person shall at any time, or by any means possess or transport live migratory game birds.

R657-9-21. Waste of Migratory Game Birds.

(1) A person may not waste or permit to be wasted or spoiled any protected wildlife or any part of them.

(2) No person shall kill or cripple any migratory game bird pursuant to this rule without making a reasonable effort to immediately retrieve the bird and include it in that person's daily bag limit.

R657-9-22. Termination of Possession.

Subject to all other requirements of this part, the possession of birds taken by any hunter shall be deemed to have ceased when the birds have been delivered by the hunter to another person as a gift; to a post office, a common carrier, or a migratory bird preservation facility and consigned for transport by the Postal Service or common carrier to some person other than the hunter.

R657-9-23. Tagging Requirement.

(1) No person shall put or leave any migratory game bird at any place other than at that person's personal abode, or in the custody of another person for picking, cleaning, processing, shipping, transporting or storing, including temporary storage, or for the purpose of having taxidermy services performed unless there is attached to the birds a disposal receipt, donation receipt or transportation slip signed by the hunter stating the hunter's address, the total number and species of birds, the date such birds were killed and the Utah hunting license number under which they were taken.

(2) Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

R657-9-24. Donation or Gift.

No person may receive, possess or give to another, any freshly killed migratory game birds as a gift, except at the personal abodes of the donor or donee, unless such birds have a tag attached, signed by the hunter who took the birds, stating such hunter's address, the total number and species of birds taken, the date such birds were taken and the Utah hunting license number under which taken.

R657-9-25. Custody of Birds of Another.

No person may receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required by Section R657-9-23.

R657-9-26. Species Identification Requirement.

No person shall transport within the United States any migratory game birds unless the head or one fully feathered wing remains attached to each bird while being transported from the place where taken until they have arrived at the personal abode of the possessor or a migratory bird preservation facility.

R657-9-27. Marking Package or Container.

(1) No person shall transport by the Postal Service or a common carrier migratory game birds unless the package or container in which such birds are transported has the name and address of the shipper and the consignee and an accurate statement of the numbers and kinds of species of birds contained therein clearly and conspicuously marked on the outside thereof.

(2) A Utah shipping permit obtained from the division must accompany each package shipped within or from Utah.

R657-9-28. Migratory Bird Preservation Facilities.

(1) No migratory bird preservation facility shall:

(a) receive or have in custody any migratory game bird unless accurate records are maintained that can identify each bird received by, or in the custody of, the facility by the name of the person from whom the bird was obtained, and show:

- (i) the number of each species;
- (ii) the location where taken;
- (iii) the date such birds were received;
- (iv) the name and address of the person from whom such birds were received;
- (v) the date such birds were disposed of; and
- (vi) the name and address of the person to whom such birds were delivered; or

(b) destroy any records required to be maintained under this section for a period of one year following the last entry on record.

(2) Record keeping as required by this section will not be necessary at hunting clubs that do not fully process migratory birds by removal of the head and wings.

(3) No migratory bird preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried out.

R657-9-29. Importation.

A person may not:

(1) import migratory game birds belonging to another person; or

(2) import migratory game birds in excess of the following importation limits:

(a) From any country except Canada and Mexico, during any one calendar week beginning on Sunday, not to exceed 10 ducks, singly or in the aggregate of all species, and five geese including brant, singly or in the aggregate of all species;

(b) From Canada, not to exceed the maximum number to be exported by Canadian authorities;

(c) From Mexico, not to exceed the maximum number permitted by Mexican authorities in any one day: provided that if the importer has his Mexican hunting permit date-stamped by appropriate Mexican wildlife authorities on the first day he hunts in Mexico, he may import the applicable Mexican possession limit corresponding to the days actually hunted during that particular trip.

R657-9-30. Use of Dogs.

(1) Dogs may be used to locate and retrieve migratory game birds during open hunting seasons.

(2) Dogs are not allowed on state wildlife management or waterfowl management areas, except during open hunting seasons or as posted by the division.

R657-9-31. Season Dates and Bag and Possession Limits.

(1) Season dates and bag and possession limits are specified in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

(2) A youth duck hunting day may be allowed for any person 15 years of age or younger as provided in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

R657-9-32. Closed Areas.

(1) A person may not trespass on state waterfowl management areas except during prescribed seasons, or for other activities as posted without prior permission from the division.

(2) A person may not participate in activities that are posted as prohibited.

(3) A person may not trespass, take, hunt, shoot at, or rally any waterfowl, snipe, or coot in the following specified areas:

- (a) Brown's Park - That part adjacent to headquarters.
- (b) Clear Lake - Spring Lake.
- (c) Desert Lake - That part known as "Desert Lake."

(d) Farmington Bay - Headquarters area, within 600 feet of dikes and roads accessible by motorized vehicles and the waterfowl rest area in the northwest quarter of unit one as posted.

(e) Ogden Bay - Headquarters area [~~and part of Unit three as posted. The closed area in unit three includes a 100-yard wide retrieval zone that is designated closed to shooting.~~]

(f) Public Shooting Grounds - That part as posted lying above and adjacent to the Hull Lake Diversion Dike known as "Duck Lake."

(g) Salt Creek - That part as posted known as "Rest Lake."

(h) Bear River Migratory Bird Refuge - For information contact the refuge manager, U.S. Fish and Wildlife Service, at (435) 723-5887. The entire refuge is closed to the hunting of snipe. Bear River Refuge will not be open for the special youth hunting day.

(i) Fish Springs and Ouray National Wildlife Refuges - Waterfowl hunters must register at Fish Springs refuge headquarters prior to hunting. Both refuges are closed to the hunting of swans, and Fish Springs is closed to the hunting of geese.

(j) State Parks

Hunting of any wildlife is prohibited within the boundaries of all state park areas except those designated open by appropriate signing (R651-603-5).

(k) Great Salt Lake Marina and adjacent areas as posted.

(l) Millard County

Gunnison Bend Reservoir and that part of the inflow area as marked and posted.

(m) Salt Lake International Airport - Hunting and shooting prohibited as posted.

R657-9-33. Shooting Hours.

(1) A person may not hunt, pursue, or take wildlife, or discharge any firearm or archery tackle on state-owned lands adjacent to the Great Salt Lake, on division-controlled waterfowl management areas, or on federal refuges between official sunset and one-half hour before official sunrise.

(2) Legal shooting hours for taking or attempting to take waterfowl, Wilson's snipe, and coot are provided in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

R657-9-34. Falconry.

(1) Falconers must obtain an annual Wildlife Habitat Authorization, a small game or combination license, a federal migratory bird stamp and a falconry license to hunt waterfowl.

(2) Areas open and bag and possession limits for falconry are specified in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot.

R657-9-35. Migratory Game Bird Harvest Information Program (HIP).

(1) A person must obtain ~~an~~ an annual Migratory Game Bird Harvest Information Program (HIP) registration number to hunt migratory game birds.

(2)(a) A person must call 1-800-WETLAND (1-800-938-5263) or register online at the address published in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe and coot to obtain their HIP registration number. Use of a public pay phone will not allow access to 1-800-WETLAND.

(b) A person must write their HIP registration number on their current year's hunting license.

(3) Any person obtaining a HIP registration number will be required to provide their:

- (a) hunting license number;
- (b) hunting license code key;
- (c) name;
- (d) address;
- (e) birth date; and

(f) information about the previous year's migratory bird hunts.

(4) Lifetime license holders will receive a sticker every three years from the Division to write their HIP number on and place on their lifetime license card.

(5) Any person hunting migratory birds will be required, while in the field, to prove that they have registered and provided information for the HIP program.

KEY: wildlife, birds, migratory birds, waterfowl*

[~~October 16, 1998~~1999

Notice of Continuation August 25, 1997

23-14-18

23-14-19

50 CFR part 20



Natural Resources, Wildlife Resources

R657-10

Taking Cougar

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22351

FILED: 08/31/1999, 13:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Wildlife Board meetings conducted annually for taking public input and reviewing the division's cougar program and the taking and pursuit of cougar.

SUMMARY OF THE RULE OR CHANGE: Provisions of this rule are being amended to eliminate the cougar/bear pursuit permit, which is replaced by a cougar- only pursuit permit. Provisions are also amended to eliminate the requirement that a person must obtain a small game license to take cougar in accordance with the 1999 Utah Legislature, H.B. 196. Clarification that a person must be 12 years of age or older prior to the last day of the application period to apply in the drawing for a cougar permit. Provide clarification of the application procedures and requirements, and drawing procedures for obtaining limited entry cougar permits. This filing also makes other technical changes for consistency and clarity.

(DAR Note: H.B. 196 is found at 1999 Utah Laws 209, and was effective March 18, 1999.)

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

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The cost of a cougar/bear pursuit permit was \$25. The cost of the cougar only pursuit permit is \$25. Thus, the rule may impact the Division of Wildlife Resources (DWR) budget by increasing revenue due to a person purchasing both a bear pursuit permit and a cougar pursuit permit separately. The DWR sold 1,268 limited entry, harvest objective, and pursuit cougar permits to residents; and 511 to nonresidents. The DWR estimates that 25 percent of the resident permit holders purchased a small game license to only hunt or pursue cougar; and 75 percent of nonresidents purchased a small game license to only hunt or pursue cougar. The cost of the resident small game license is \$13, and the cost of the nonresident small game license is \$41. Therefore, the DWR's revenue in license sales will decrease by \$19,121 due to eliminating the small game license requirement.

❖**LOCAL GOVERNMENTS:** None--this filing does not create any direct cost or saving impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖**OTHER PERSONS:** A total of 644 cougar/bear pursuit permits were issued in 1998-1999 for a total cost of \$16,100 to persons. The DWR is unable to determine the aggregated cost to persons for the cougar only pursuit permits because the DWR does not know how many of the 644 cougar/bear pursuit permits issued to persons only pursued cougars. A savings overall to persons of \$19,121 is a result of eliminating the small game license requirement.

COMPLIANCE COSTS FOR AFFECTED PERSONS: A person may purchase a cougar-only pursuit permit for a fee of \$25. The compliance cost is less for taking or pursuing cougar because a person is no longer required to purchase a small game license in addition to a cougar permit.

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

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@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 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1999

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources.

R657-10. Taking Cougar.

R657-10-1. Purpose and Authority.

(1) Under authority of Sections 23-14-18 and 23-14-19 of the Utah Code, the Wildlife Board has established this rule for taking and pursuing cougar.

(2) Specific dates, areas, number of permits, limits, and other administrative details which may change annually are published in the proclamation of the Wildlife Board for taking cougar.

R657-10-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Canned hunt" means that a cougar is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the cougar.

(b) "Cougar" means *Felis concolor*, commonly known as mountain lion, lion, puma, panther or catamount.

(c) "Cougar pursuit permit" means a permit that authorizes a person to pursue cougar during designated seasons. ~~Information regarding bear pursuit is published in the proclamation of the Wildlife Board for taking bear.~~

(d) "Evidence of sex" means the sex organs of a cougar, including a penis, scrotum or vulva.

(e) "Green pelt" means the untanned hide or skin of any cougar.

(f) "Kitten" means a cougar less than one year of age.

(g) "Pursue" means to chase, tree, corner or hold a cougar at bay.

(h) "Waiting period" means a specified period of time that a person who has obtained a cougar permit must wait before applying for any other cougar permit.

R657-10-3. Permits for Taking Cougar.

(1)(a) To harvest a cougar, a person must first obtain an annual Wildlife Habitat Authorization ~~[a valid small game or combination license;]~~ and a limited entry cougar permit or a harvest objective cougar permit for a specified management unit as provided in the proclamation of the Wildlife Board for taking cougar.

(b) Any person who obtains a limited entry cougar permit or a harvest objective cougar permit may pursue cougar on the unit for which the permit is valid.

(2) To pursue cougar, a person must first obtain an annual Wildlife Habitat Authorization ~~[a valid small game or combination license, and a 1998 cougar/bear pursuit permit or 1999]~~ and a cougar pursuit permit from a division office. A ~~[1998 cougar/bear pursuit permit or 1999]~~ cougar pursuit permit does not allow a person to kill a cougar.

(3) A person may not apply for or obtain more than one cougar permit for the same ~~[year]~~ season, except:

(a) as provided in Subsection R657-10-27(3); or

(b) if the person is unsuccessful in the limited entry drawing, the person may purchase a harvest objective permit.

(4) Any cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

R657-10-4. Permit Exchanges.

(1)(a) Any person who has obtained a harvest objective cougar permit may exchange that permit for any other harvest objective unit provided the unit objective has not been met and the unit is still open.

(b) Limited entry cougar permits may not be exchanged.

(2)(a) A \$5 handling fee will be charged for the exchange of a harvest objective permit.

(b) Any person who exchanges a harvest objective permit must complete a questionnaire at the time the exchange is made.

(3)(a) Any harvest objective permit exchanged is not valid until the day after the exchange is made.

(b) Harvest objective permits may be exchanged only at division offices.

R657-10-5. Purchase of ~~[License]~~ Wildlife Habitat Authorization or Permit by Mail and Duplicates.

(1) A person may obtain a ~~[license and]~~ wildlife habitat authorization, cougar pursuit permit or cougar harvest objective permit by mail by sending the following information to the Salt Lake division office: full name, complete mailing address, phone number, date of birth, weight, height, sex, color of hair and eyes, driver's license number (if available), proof of hunter education certification, and fee.

(2) ~~[A person may purchase a permit by mail by sending the following information to the Salt Lake division office: full name, complete mailing address, phone number, hunting license number, and fee.]~~ (a) Personal checks, cashier's checks, or money orders are accepted.

~~[(3)(a) Residents may send a personal check, cashier's check, or money order.~~

~~[(b) Nonresidents must send either a cashier's check or money order.]~~ (b) Personal checks drawn on an out-of-state account are not accepted.

(c) Checks must be made payable to the Utah Division of Wildlife Resources.

R657-10-6. Hunting Hours.

Cougar may be taken or pursued only between one-half hour before official sunrise through one-half hour after official sunset.

R657-10-7. Firearms and Archery Tackle.

A person may use the following to take cougar:

(1) any firearm not capable of being fired fully automatic; and

(2) a bow and arrows, except a crossbow may not be used.

R657-10-8. Traps and Trapping Devices.

(1) Cougar may not be taken with a trap, snare or any other trapping device, except as authorized by the Division of Wildlife.

(2) Cougar accidentally caught in any trapping device must be released unharmed.

(3)(a) Written permission must be obtained from a division representative to remove the carcass of a cougar from any trapping device.

(b) The carcass shall remain the property of the state of Utah and must be surrendered to the division.

R657-10-9. State Parks.

(1) Hunting of any wildlife is prohibited within the boundaries of all state park areas except those designated by the Division of Parks and Recreation in Section R651-603-5.

(2) Hunting with a rifle, handgun or muzzleloader in park areas designated open is prohibited within one mile of all park facilities including buildings, camp or picnic sites, overlooks, golf courses, boat ramps and developed beaches.

(3) Hunting with shotguns and archery tackle is prohibited within one quarter mile of the above stated areas.

R657-10-10. Prohibited Methods.

(1) Cougar may be taken or pursued only during open seasons and using methods prescribed in this rule and the proclamation of

the Wildlife Board for taking cougar. Otherwise, under the Wildlife Resources Code, it is unlawful for any person to possess, capture, kill, injure, drug, rope, trap, snare or in any way harm or transport cougar.

(2) After a cougar has been pursued, chased, treed, cornered or held at bay, a person may not, in any manner, restrict or hinder the animal's ability to escape.

(3) A person may not engage in a canned hunt.

(4) A person may not take any wildlife from an airplane or any other airborne vehicle or device or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles.

R657-10-11. Spotlighting.

(1) Except as provided in Section 23-13-17:

(a) a person may not use or cast the rays of any spotlight, headlight or other artificial light to locate protected wildlife while having in possession a firearm or other weapon or device that could be used to take or injure protected wildlife; and

(b) the use of a spotlight or other artificial light in a field, woodland or forest where protected wildlife are generally found is prima facie evidence of attempting to locate protected wildlife.

(2) The provisions of this section do not apply to the use of the headlights of a motor vehicle or other artificial light in a usual manner where there is no attempt or intent to locate protected wildlife.

R657-10-12. Party Hunting.

A person may not take a cougar for another person.

R657-10-13. Use of Dogs.

(1) Dogs may be used to take or pursue cougar only during open seasons as provided in the proclamation of the Wildlife Board for taking cougar.

(2) The owner and handler of dogs used to take or pursue cougar must have a valid cougar permit or ~~[1998 cougar/bear pursuit permit or 1999]~~ cougar pursuit permit in possession while engaged in taking or pursuing cougar.

(3) When dogs are used in the pursuit of a cougar, the licensed hunter intending to take the cougar must be present when the dogs are released and must continuously participate in the hunt thereafter until the hunt is completed.

(4) When dogs are used to take cougar and there is not an open pursuit season, the owner and handler of the dogs must have a valid pursuit permit and be accompanied by a licensed hunter as provided in Subsection (3), or have a valid pursuit permit and a cougar permit.

R657-10-14. Tagging Requirements.

(1) The carcass of a cougar must be tagged with a temporary possession tag before the carcass is moved from or the hunter leaves the site of kill as provided in Section 23-20-30.

(2) A person may not hunt or pursue a cougar after any of the notches have been removed from the tag or the tag has been detached from the permit.

(3) The temporary possession tag:

(a) must remain attached to the pelt or unskinned carcass until the permanent possession tag is attached; and

(b) is only valid for 48 hours after the date of kill.

(4) A person may not possess a cougar pelt or unskinned carcass without a valid permanent possession tag affixed to the pelt or unskinned carcass. This provision does not apply to a person in possession of a properly tagged carcass or pelt within 48 hours after the kill, provided the person was issued and is in possession of a valid permit.

R657-10-15. Evidence of Sex and Age.

(1) Evidence of sex must remain attached to the carcass or pelt of each cougar until a permanent tag has been attached by the division.

(2) The pelt and skull must be presented to the division in an unfrozen condition to allow the division to gather management data.

(3) It is mandatory that a tooth (PM1) be removed by the division at the time of permanent tagging to be used for aging purposes.

(4) The division may seize any pelt not accompanied by its skull or not having sufficient evidence of biological sex designation attached.

R657-10-16. Permanent Tag.

(1) Each cougar must be taken by the permit holder to a conservation officer or division office within 48 hours after the date of kill to have a permanent possession tag affixed to the pelt or unskinned carcass and for the removal of a tooth.

(2) A person may not possess a green pelt after the 48-hour check-in period, or ship a green pelt out of Utah, or present a green pelt to a taxidermist if the green pelt does not have a permanent possession tag attached.

R657-10-17. Transporting Cougar.

Cougar that have been legally taken may be transported by the permit holder provided the cougar is properly tagged and the permittee possesses ~~[a valid small game or combination license and]~~ the appropriate permit.

R657-10-18. Exporting Cougar from Utah.

(1) A person may export a legally taken cougar or its parts if that person has a valid ~~[license and]~~ permit and the cougar is properly tagged with a permanent possession tag.

(2) A person may not ship or cause to be shipped from Utah, a cougar pelt without first obtaining a shipping permit issued by an authorized division representative.

R657-10-19. Donating.

(1) A person may donate protected wildlife or their parts to another person as provided in Section 23-20-9.

(2) A green pelt of any cougar donated to another person must have a permanent possession tag affixed.

(3) The written statement of donation must be retained with the pelt.

R657-10-20. Purchasing or Selling.

(1) Legally obtained, tanned cougar hides may be purchased or sold.

(2) A person may not purchase, sell, offer for sale, or barter a tooth, claw, paw, or skull of any cougar.

R657-10-21. Waste of Wildlife.

(1) A person may not waste or permit to be wasted or spoiled any protected wildlife or their parts.

(2) The skinned carcass of a cougar may be left in the field and does not constitute waste of wildlife.

R657-10-22. Livestock Depredation and Human Health and Safety.

(1) If a cougar is harassing, chasing, disturbing, harming, attacking or killing livestock, or has committed such an act within the past 72 hours:

(a) in depredation cases, the livestock owner, an immediate family member or an employee of the owner on a regular payroll, and not hired specifically to take cougar, may kill the cougar;

(b) a landowner or livestock owner may notify the division of the depredation or human health and safety concerns, who shall authorize a local hunter to take the offending cougar or notify a USDA, Wildlife Services specialist; or

(c) the livestock owner may notify a USDA, Wildlife Services specialist of the depredation who may take the depredating cougar.

(2) Depredating cougar may be taken at any time by a USDA, Wildlife Services specialist, supervised by the Wildlife Services program, while acting in the performance of the person's assigned duties and in accordance with procedures approved by the division.

(3) A depredating cougar may be taken with any weapon authorized for taking cougar.

(4)(a) Any cougar taken pursuant to this section must be delivered to a division office or employee within 72 hours.

(b) In accordance with Subsection (1)(a) the cougar shall remain the property of the state, except the division may issue a cougar damage permit to a person who has killed a depredating cougar in accordance with this section, if that person wishes to maintain possession of the cougar.

(c) A person may acquire only one cougar annually.

(5)(a) Hunters interested in taking depredating cougar as provided in Subsection (1)(b) may contact the division.

(b) Hunters will be contacted by the division to take depredating cougar as needed.

R657-10-23. Questionnaire.

Each permittee who receives a questionnaire should return the questionnaire to the division regardless of success. Returning the questionnaire helps the division evaluate population trends, harvest success and other valuable information.

R657-10-24. Taking Furbearers.

(1) Furbearers, including badger, beaver, black-footed ferret, bobcat, fisher, red fox, gray fox, kit fox, lynx, marten, mink, otter, ringtail, skunk, weasel, wolf and wolverine may be taken only in accordance with the furbearer proclamation.

(2) A person may not disturb, remove or possess a trap, trapping device or any wildlife held in a trap without first obtaining written permission from the trap owner.

R657-10-25. Taking Cougar.

(1)(a) A person may take only one cougar during the season and from the area specified on the permit.

(b) Limited entry permits may be obtained by following the application procedures provided in this rule and the proclamation of the Wildlife Board for taking cougar.

(c) Harvest objective permits may be purchased over-the-counter at division offices.

(2) A person may not:

(a) take or pursue a female cougar with kittens; or

(b) repeatedly pursue, chase, tree, corner, or hold at bay, the same cougar during the same day after the cougar has been released.

(3) Any cougar may be taken during the prescribed seasons, except a kitten with spots or any cougar accompanied by young.

(4) The division may authorize hunters who have obtained a limited entry cougar permit to take cougar in a specified area of the state in the interest of protecting wildlife from depredation.

(5) Season dates, closed areas, harvest objective permit areas and limited entry permit areas are published in the proclamation of the Wildlife Board for taking cougar.

R657-10-26. Extended and Preseason Hunts.

(1) An extended or preseason hunt may be authorized by the division on selected cougar management units to control depredation or nuisance problems.

(2) The director may authorize only those hunters who drew a limited entry permit or have purchased a harvest objective permit to hunt on that management unit and participate in a preseason or extended season hunt.

R657-10-27. Cougar Pursuit.

(1) Cougar may be pursued only by persons who have obtained an annual Wildlife Habitat Authorization [~~a valid small game or combination license and a 1998 cougar/bear pursuit permit or 1999~~] and a cougar pursuit permit. The [~~1998 cougar/bear pursuit permit or 1999~~] cougar pursuit permit does not allow a person to kill a cougar.

(2) A person may not:

(a) take or pursue a female cougar with kittens;

(b) repeatedly pursue, chase, tree, corner or hold at bay, the same cougar during the same day; or

(c) possess a firearm or any device that could be used to kill a cougar while pursuing cougar.

(3) If eligible, a person who has obtained a [~~1998 cougar/bear pursuit permit or 1999~~] cougar pursuit permit may also obtain a limited entry cougar permit or harvest objective cougar permit.

(4) Cougar may be pursued only on limited entry units or harvest objective units during the dates provided in the proclamation of the Wildlife Board for taking cougar.

(5) [~~The 1998 cougar/bear pursuit permits and 1999~~] permitted cougar pursuit permitted is valid on a calendar year basis.

R657-10-28. General Application Information.

(1) A person must obtain or apply for an annual Wildlife Habitat Authorization [~~and either a 1998 or 1999 small game or combination license~~] before the division may issue a cougar permit.

(2) A person may not apply for or obtain more than one cougar permit for the same year, except as provided in Section R657-10-4.

(3) A person must be 12 years of age or older prior to the last day of the application period to apply for a limited entry cougar permit.

(4) Limited entry cougar permits are valid only for the management unit and for the specified season designated on the permit.

R657-10-29. Waiting Period.

(1) Any person who obtained a limited entry permit valid for the [1996 or 1997]current season[-] may not apply for a permit [in the 1998/1999 drawing]for a period of two years.

(2) Any person who [obtains]draws a limited entry permit for the [1998]current season may not apply for a permit for [the 1999 or 2000]a period of two years[-drawings].

(3) Waiting periods are not incurred as a result of purchasing harvest objective permits.

R657-10-30. Application Procedure.

(1) Applications are available from license agents and division offices.

(2)(a) Group applications are not accepted. A person may not apply more than once annually.

(b) Applicants may select up to three management unit choices [of areas-]when applying for limited entry cougar permits. [Areas]Management unit choices must be listed in order of preference.

(3) [~~(a)~~]A Wildlife Habitat Authorization may be purchased before applying, or the Wildlife Habitat Authorization will be issued to the applicant upon successfully drawing a permit. The Wildlife Habitat Authorization number or fee must be submitted with the application.

(4)(a) Applications must be [received through the mail no later than 5 p.m., on]mailed by the date published in the proclamation of the Wildlife Board for taking [cougar-]and pursuing cougar. Applications filled out incorrectly or received later than the date published in the cougar proclamation may be rejected. Late applications will be returned unopened.

(b) If an error is found on the application, the applicant may be contacted for correction.

[~~(4)~~]Applications must be sent to: Utah Cougar Permit Applications, P.O. Box 168888, Salt Lake City, Utah 84116-8888-].

(5) Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. To avoid disappointment and wasting the permit and fee if access is not obtained, hunters should get written permission before applying. The division does not guarantee access and does not have the names of landowners where hunts occur.

[~~(5)~~]A person may obtain only one cougar permit each year.

[~~(6)~~](a) Group applications are not accepted. A person may not apply more than once annually.

[~~(b)~~]Applications mailed in the same envelope will be accepted, but will be processed individually.

[~~(7)~~](a) A 1999 Wildlife Habitat Authorization and small game or combination license will be issued upon successfully drawing a permit. Fees must be submitted with the application.

[~~(b)~~]Any person who successfully draws a permit must obtain a 1998 Wildlife Habitat Authorization and small game or combination license if planning to hunt December 16 through

~~December 31, 1998]~~(6) Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Section R657-10-32.

R657-10-31. Fees.

(1) [~~(a)~~]Each application must include:

(a) the permit fee, which includes the nonrefundable handling fee; and

(b) the Wildlife Habitat Authorization fee, if it has not yet been purchased.

(2)(a) Personal checks, cashier's checks, money orders and credit cards are accepted[from residents].

[~~(b)~~]Cashier's checks, money orders or credit cards are accepted from nonresidents. Personal checks are not accepted from nonresidents-].(b) Personal checks drawn on an out-of-state account are not accepted.

[~~(2)~~](c) All payments must be made payable to the Utah Division of Wildlife Resources.

(3)(a) Credit cards must be valid at least 30 days after the drawing results are posted.

(b) Handling fees are charged to the credit card when the application is processed. Permit fees are charged after the drawing, if successful.

[~~(3)~~]A handling fee is added to the price of the permit on the application form. The handling fee must be included and is nonrefundable.

[~~(4)~~](4)(a) An application is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused.

(b) The division charges a returned check collection fee for any checks returned unpaid from the bank.

(5)(a) A permit shall be legally deemed invalid if payment is not received for that permit, or a check is returned unpaid from the bank or a credit card is invalid or refused, and a person has received the permit.

(b) Hunting with a permit where payment has not been received for that permit constitutes a violation of hunting without a valid permit.

(6) Permits[~~(5)~~] Licenses and permits] are mailed to successful applicants.

[~~(6)~~](7)(a) Unsuccessful applicants, who applied in the drawing and who applied with a check or money order, will receive a refund in December.

(b) Unsuccessful applicants, who applied with a credit card, will not be charged for a permit.

(c) The handling fees are nonrefundable.

R657-10-32. Drawing and Remaining Permits.

(1) Drawing results will be posted on the date published in the proclamation of the Wildlife Board for taking cougar at division offices, Lee Kay Center for Hunter Education and Cache Valley Hunter Education Center.

(2)(a) Beginning on the date published in the proclamation of the Wildlife Board for taking cougar, any resident limited entry permits remaining after the drawing are available to residents and any nonresident limited entry permits remaining after the drawing are available to nonresidents from the Salt Lake division office by mail-in application. These permits are sold on a first-come, first-served basis.

(b) Beginning on the date published in the proclamation of the Wildlife Board for taking cougar, residents or nonresidents may purchase any of the remaining permits by mail-in application from the Salt Lake division office.

(3) Any limited entry cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

(4) Waiting periods do not apply to the purchase of remaining limited entry permits after the drawing. However, waiting periods are incurred as a result of purchasing remaining permits after the drawing. Therefore, if a remaining permit is purchased in the current year, waiting periods will be in effect when applying for limited entry permits in the drawing in following years.

(5)(a) An applicant may withdraw their application for the limited entry cougar permit drawing by requesting such in writing by the date published in the proclamation of the Wildlife Board for taking cougar.

(b) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to the Salt Lake division office.

(c) An applicant may not amend a withdrawn application, nor reply after the application has been withdrawn.

(d) Handling fees will not be refunded.

R657-10-33. Bonus Points.

(1) A bonus point is awarded for a valid unsuccessful application in the drawing.

(2) Bonus points are forfeited if the person [~~skips three consecutive years in applying or the person~~] obtains a permit.

(3) The purchase of a harvest objective permit will not affect bonus points.

(4) Bonus points are not transferable.

(5) Bonus points are tracked by using the applicant's social security number or division-issued hunter identification number.

R657-10-34. Harvest Objective General Information.

(1) A person must obtain an annual Wildlife Habitat Authorization [~~and a 1998 or 1999 small game or combination license~~] before the division may issue a cougar permit.

(2) Harvest objective permits are valid only for the management unit and for the specified season designated on the permit.

(3) Harvest objective permits are not valid after the harvest objective has been met for the specified management unit.

R657-10-35. Harvest Objective Permit Sales.

(1) Harvest objective permits are available to residents and nonresidents over-the-counter beginning on the date published in the proclamation of the Wildlife Board for taking cougar from division offices.

(2) Any cougar permit purchased after the season opens is not valid until seven days after the date of purchase.

(3) Any harvest objective permit exchanged is not valid until the day after the exchange is made.

R657-10-36. Harvest Objective Unit Closures.

(1) To hunt in a harvest objective unit, a hunter must call 1-888-668-LION to verify that the cougar management unit is still open. The phone line will be updated each day by 8 p.m.

(2) Harvest objective units are open to hunting until:

(a) the female cougar sub-objective for that unit is met;

(b) the cougar harvest objective for that unit is met; or

(c) the end of the hunting season as provided in the proclamation of the Wildlife Board for taking cougar.

(3) Upon closure of a harvest objective unit, a hunter may not take or pursue cougar except as provided in Section R657-10-27.

(4) Any person who obtains a harvest objective cougar permit may exchange that permit as provided in Section R657-10-3.

KEY: wildlife, cougar*, game laws

~~October 16, 1998~~ 1999

23-14-18

Notice of Continuation August 25, 1997

23-14-19



Natural Resources, Wildlife Resources
R657-37-3
 Requirements for the Establishment of
 a Cooperative Wildlife Management
 Unit

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22352

FILED: 08/31/1999, 13:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to clarify that land comprising Domesticated Elk Hunting Facilities and Domesticated Elk Hunting Parks shall not be included as part of any big game Cooperative Wildlife Management Unit (CWMU).

SUMMARY OF THE RULE OR CHANGE: This amendment deletes the provision that a Cooperative Wildlife Management Unit (CWMU) shall not contain a domestic elk farming operation within, next to, or adjacent to the CWMU boundaries; and adds the provision that the land comprising Domesticated Elk Facilities and Domesticated Elk Hunting Parks, as defined in Subsection 4-39-102(2) and Rules R58-18 and R58-20, shall not be included as part of any big game CWMU.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-23-3

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment allows landowners who operate a Domesticated Elk Facility or Domesticated Elk Park to qualify for a CWMU, provided the land comprising the Domesticated Elk Facility or Park is not included in the CWMU. This amendment may increase cost to the Division of Wildlife Resources (DWR) in administering the CWMU program. However, the increased cost associated is unknown because the DWR does not know at this time how many landowners may opt to operate a CWMU in addition to a Domesticated Elk Facility or Park. In addition, the Division

may generate a savings in making big game depredation payments because landowners may opt to operate a CWMU. However, the dollar amount is unknown.

❖LOCAL GOVERNMENTS: None--this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

❖OTHER PERSONS: This amendment allows landowners who operate a Domesticated Elk Facility or Domesticated Elk Park to qualify for a CWMU, provided the land comprising the Domesticated Elk Facility or Park is not included in the CWMU. There are no cost or savings impacts to other persons as a result of this amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment allows landowners who operate a Domesticated Elk Facility or Domesticated Elk Park to qualify for a CWMU, provided the land comprising the Domesticated Elk Facility or Park is not included in the CWMU. Therefore, the amendment does not create compliance costs for affected persons. However, if a landowner chose to apply for a CWMU, if approved, the landowner is required to purchase a CWMU certificate of registration.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendment to this rule does not create an impact on businesses. However, if a landowner opts to operate a CWMU, the landowner could potentially generate revenue and perhaps reduce costs associated with big game depredation.

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

Natural Resources
Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdrwr.dsundell@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 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1999

AUTHORIZED BY: John Kimball, Director

R657. Natural Resources, Wildlife Resources.

R657-37. Cooperative Wildlife Management Units for Big Game.

R657-37-3. Requirements for the Establishment of a Cooperative Wildlife Management Unit.

(1)(a) The minimum allowable acreage for a CWMU is 10,000 contiguous acres, except as provided in Subsection (2).

(b) ~~[A CWMU shall not contain a domestic elk farming operation within, next to, or adjacent to the CWMU boundaries.]~~The land comprising Domesticated Elk Facilities and Domesticated Elk Hunting Parks, as defined in Section 4-39-102(2) and Rules R58-18 and R58-20, shall not be included as part of any big game CWMU.

(2) The Wildlife Board may renew a CWMU that is less than 10,000 acres provided the CWMU legally possessed a 1999 CWMU Certificate of Registration, allowing for acreage less than 10,000 contiguous acres or allowing noncontiguous land parcels.

(3)(a) Cooperative Wildlife Management Units organized for hunting big game, shall consist of private land to the extent practicable.

(b) The Wildlife Board may approve a CWMU containing public land only if:

(i) the public land is completely surrounded by private land or is otherwise inaccessible to the general public;

(ii) the public land is necessary to establish an enforceable boundary clearly identifiable to both the general public and public and private permit holders; or

(iii) the public land is necessary to achieve statewide and unit management objectives.

(c) If any public land is included within a CWMU, the landowner association member shall meet applicable federal and state land use requirements on the public land.

(d) The Wildlife Board shall increase the number of permits or hunting opportunities made available to the general public to reflect the proportional habitat on public land to private land within the CWMU.

KEY: wildlife, cooperative wildlife management unit
~~[May 18,]~~1999 23-23-3
Notice of Continuation May 3, 1999



Natural Resources, Wildlife Resources

R657-46

The Use of Game Birds in Dog Field Trials and Training

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 22355
FILED: 09/01/1999, 15:39
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Wildlife Board adopted Rule R657-46 on June 16, 1999, after Regional Advisory Council recommendations and public input. On July 30, 1999, the Division of Wildlife Resources received 19 requests from individuals requesting that the Wildlife Board hold a hearing in regard to Rule R657-46. A hearing was held on August 17, 1999. These amendments are a result of the public input made to the Wildlife Board at the hearing.

(DAR Note: The original new rule was published under DAR No. 22170 in the July 15, 1999, issue of the *Utah State Bulletin* and was effective August 18, 1999.)

SUMMARY OF THE RULE OR CHANGE: This amendment adds specific statutory authority to Rule R657-46, Section 23-17-9, which was inadvertently omitted in the original text. Provisions of this rule are being amended to include that game birds must be marked with a permanent marking or an aluminum leg band. Subsection R657-46-5(5) is added, which exempts a person training dogs on official dog training areas from complying with Subsection R657-46-5(1)(a)(iii) or Subsection R657-46-5(2).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-14-18, 23-14-19, and 23-17-9

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment clarifies statutory authority, the marking of game birds and exempts a person training dogs on official dog training areas from complying with Subsection R657-46-5(1)(a)(iii) or Subsection R657-46-5(2). The Division of Wildlife Resources (DWR) determines that these amendments will not create a cost or savings impact to the state budget or the DWR's budget.

❖LOCAL GOVERNMENTS: None--this filing does not create any direct cost or savings impact to local governments because they are not directly affected by the amendment. Nor are local governments indirectly impacted because the amendment does not create a situation requiring services from local governments.

❖OTHER PERSONS: This amendment clarifies statutory authority, the marking of game birds, and exempts a person training dogs on official dog training areas from complying with Subsection R657-46-5(1)(a)(iii) or Subsection R657-46-5(2). DWR determines that these amendments will not create a cost or savings impact to persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment clarifies statutory authority, the marking of game birds, and exempts a person training dogs on official dog training areas from complying with Subsection R657-46-5(1)(a)(iii) or Subsection R657-46-5(2). Therefore, this amendment does not create compliance costs for affected persons.

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

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

Natural Resources

Wildlife Resources
Suite 2110
1594 West North Temple
PO Box 146301
Salt Lake City, UT 84114-6301, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@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 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1999

AUTHORIZED BY: John Kimball, Director

**R657. Natural Resources, Wildlife Resources.
R657-46. The Use of Game Birds in Dog Field Trials and Training.**

R657-46-1. Purpose and Authority.

Under authority of Sections 23-14-18[~~and~~], 23-14-19 and 23-17-9 this rule provides the requirements, standards, and application procedures for the use of game birds in dog field trials and training.

R657-46-2. Definitions.

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
 - (a) "Field trial" means an organized event where the abilities of dog handlers and their dogs and are evaluated, including the ability of the dogs to hunt or retrieve game birds.
 - (b) "Game bird" means:
 - (i) crane;
 - (ii) blue, ruffed, sage, sharp-tailed, and spruce grouse;
 - (iii) chukar, red-legged, and Hungarian partridges;
 - (iv) pheasant;
 - (v) band-tailed pigeon;
 - (vi) bobwhite, California, Gambel's, harlequin, mountain, and scaled quail;
 - (vii) waterfowl;
 - (viii) common ground, Inca, mourning, and white-winged dove;
 - (ix) wild or pen-reared wild turkey of the following subspecies:
 - (A) Eastern;
 - (B) Florida or Osceola;
 - (C) Gould's;
 - (D) Merriam's;
 - (E) Ocellated; and
 - (F) Rio Grande; and
 - (x) ptarmigan.
 - (c) "Train" or "training" means the informal handling, exercising, teaching, instructing, and disciplining of dogs in the skills and techniques of hunting and retrieving game birds characterized by absence of fees, judging, or awards.

R657-46-3. Application for a Field Trial Certificate of Registration.

(1)(a) A person may conduct a field trial using pen-reared game birds provided that person applies for and obtains a certificate of registration from the Division of Wildlife Resources, except as provided in Subsection (b).

(b) A person may conduct a field trial using pen-reared game birds on a commercial hunting area without obtaining a certificate of registration.

(2) Applications are available at any division office.

(3) The application must include written permission from the owner, lessee, or land management agency of the property where the field trial is to be conducted.

(4)(a) Applications must be submitted to the appropriate regional division office where the field trial is being held.

(b) Applications must be received at least 45 days prior to the date of the field trial.

(5) The division will not approve any application for an area where, in the opinion of the division, the field trial or the release of pen-reared game birds interferes with wildlife, wildlife habitat or wildlife nesting periods.

(6) Field trials may be held only during the dates and within the area specified on the field trial certificate of registration.

R657-46-4. Use of Pen-Reared Game Birds for Field Trials.

(1) Legally acquired pen-reared game birds may be possessed or used for field trials.

(2) Any person using pen-reared game birds must have an invoice or bill of sale in their possession showing lawful personal possession or ownership of such birds.

(3) Pen-reared game birds may not be imported into Utah without a valid veterinary health certificate as required in Rules R58-1 and R657-4.

(4)(a) Each pen reared game bird must be marked with an aluminum leg band or other permanent marking before being released in the field trial, except as provided in Subsection (d).

(b) Aluminum leg bands may be purchased at any division office.

(c) The aluminum leg band or other permanent marking must remain attached to the pen-reared game bird.

(d) Each pen-reared game bird used in a field trial that is conducted on a commercial hunting area may be released without marking each pen-reared game bird, as with an aluminum leg band.

(5) Pen-reared game birds used for a field trial may be released only on the property specified in the certificate of registration where the field trial is conducted.

(6) After release, pen-reared game birds may be taken:

(a) by the person who released the pen-reared game birds, or by any person participating in the field trial; and

(b) only during the dates of the field trial event as specified in the certificate of registration.

(7) Wild game birds may be taken only during legal hunting seasons as specified in the Upland Game or Waterfowl proclamations of the Wildlife Board.

(8) Pen-reared game birds acquired for a field trial that are not released may be held in possession:

(a) no longer than 60 days; or

(b) longer than 60 days provided the person possessing the pen-reared game birds first obtains a private aviculture certificate of registration as provided in Rule R657-4.

(9) Pen-reared game birds that leave the property where the field trial is held at the end of the field trial shall become the property of the state of Utah and may not be taken, except during legal hunting seasons as specified in the Upland Game or Waterfowl proclamations of the Wildlife Board.

R657-46-5. Use of Pen-Reared Game Birds for Dog Training.

(1)(a) A person may train a dog using legally acquired pen-reared game birds provided:

(i) the person using the pen-reared game birds has an invoice or bill of sale in their possession showing lawful personal possession or ownership of the pen-reared game birds;

(ii) each pen-reared game bird ~~[is]~~ must be marked with an aluminum leg band or other permanent marking before being released for training, except as provided in Subsection (c); and

(iii) any pheasant, which is intended to be killed during training, must be marked with a visible streamer or tape at least 24 inches in length while in the field.

(b) Aluminum leg bands may be purchased at any division office.

(c) Each pen-reared game bird used for dog training that is conducted on a commercial hunting area may be released without marking each pen-reared game bird with an aluminum leg band or other permanent marking.

(2)(a) The training may not consist of more than four dogs in the field at any time.

(b) A person or group of persons may not release more than ten pen-reared game birds per day, except a professional dog trainer may release more than ten pen-reared game birds per day provided that person applies for and obtains a certificate of registration from the Division of Wildlife Resources.

(c) A person or group of persons may not use more than two firearms in the field at any time.

(3) Pen-reared game birds acquired for training that are not released may be held in possession:

(a) no longer than 60 days; or

(b) longer than 60 days provided the person possessing the pen-reared game birds first obtains a private aviculture certificate of registration as provided in Rule R657-4.

(4) Pen-reared game birds that are not recovered on the day of the training or pen-reared game birds that escape shall become property of the state of Utah and may not be recaptured or taken, except during legal hunting seasons as specified in the Upland Game and Waterfowl proclamations of the Wildlife Board.

(5) A person training dogs on official dog training areas, designated by the division, is not required to comply with Subsection (1)(a)(iii) or Subsection (2).

R657-46-6. Use of Wild Game Birds for Dog Training.

(1) A person may train a dog on wild game birds provided:

(a) the dog, or the person training the dog, may not harass, catch, capture, kill, injure, or at any time, possess any wild game birds, except during legal hunting seasons as provided in the Upland Game or Waterfowl proclamations of the Wildlife Board;

(b) the dogs are not on any state wildlife management or waterfowl management areas as specified in Rule R657-6, except during open hunting seasons or as posted by the division;

(c) the person training a dog on wild game birds, except during legal hunting seasons:

(i) must not possess a firearm, except a pistol firing blank cartridges;

(ii) must comply with city and county ordinances pertaining to the discharge of any firearm;

(iii) must obtain written permission from the landowner for training on properly posted private property.

KEY: wildlife, birds, dogs, training
~~[August 18,]1999~~

23-14-18
23-14-19



School and Institutional Trust Lands,
Administration
R850-40-1600
Easement Assignments

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 22344
FILED: 08/30/1999, 08:22
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the change is to clarify who is responsible to make easement assignment-of-interest payments, and to modify the method used to establish easement assignment fees by essentially placing a cap of \$10,000 on the cost imposed upon the applicant.

SUMMARY OF THE RULE OR CHANGE: Changes to this rule are being made in order to clarify: 1) that payment of the fees is a condition of approval and it is not important who pays them; and 2) the discretion the director has in allowing for any alternate fee.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 53C-1-302 and 53C-4-203, and Subsection 53C-2-201(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The change may result in diminished fee payments when easement grantees request permission to assign an easement to another entity. The amount of diminished revenues is not determinable. There is no way of ascertaining when in the future an easement grantee will desire to transfer an easement to another party. However, in

the preceding five years, the instances where the provisions of this rule would have applied have been rare. Only one instance can be verified. In that case, it is possible that the assignment fee which would have been charged under the unmodified rule could have been in excess of \$150,000. Because of the high cost, the applicant chose not to proceed. The proposed modification would cap assignment fees at \$10,000.

❖**LOCAL GOVERNMENTS:** It is unlikely that this modification would have any impact on local government. Its application is triggered when easements are assigned to other parties. Rarely do local governments assign easements (a cursory examination of Trust Lands Administration records failed to uncover an instance). Even if they were to assign an easement, the provisions of the proposed modification would only be triggered in the unlikely event of easement values exceeding \$10,000.

❖**OTHER PERSONS:** Rarely would a person maintain easement interests of such value or magnitude to trigger the provisions of this proposed rule as modified. The exception would be large energy distribution companies (hydrocarbon producers or utilities). In the rare event that one of these affected entities desired to transfer a significant number of easements, it is possible that the fee to complete the transfer under the unmodified rule could exceed the proposed cap of \$10,000. In that event, the applicant would see a cost savings from the proposed rule change.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Under the existing rule, there is no limit to the amount that an affected person could be charged in order to receive approval to transfer an easement to another party. The proposed rule would put a cap of \$10,000 on any easement transfer.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule positively impacts businesses by diverting investment capital to business investment and away from government regulation, resulting in increased royalty revenue to the school trust.

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

School and Institutional Trust Lands
Administration
Suite 500
675 East 500 South
Salt Lake City, UT 84102-2828, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kevin S. Carter at the above address, by phone at (801) 538-5100, by FAX at (801) 355-0922, or by Internet E-mail at tlmain.kcarter@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 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/1999

AUTHORIZED BY: Kevin S. Carter, Assistant Director / Surface

**R850. School and Institutional Trust Lands, Administration.
R850-40. Easements.
R850-40-1600. Easement Assignments.**

1. An easement may be assigned to any person, firm, association, or corporation qualified under R850-3-200, provided that:

- (a) the assignment is approved by the agency;
- (b) if the easement term is perpetual, the easement shall be amended so that the term is 30 years beginning as of the original effective date. However, if the remaining number of years on an easement so amended is less than 15 years, the ending date of the easement shall be set so that there will be 15 years remaining in the easement; and

(c) ~~the assignor agrees to pay~~ payment is made of either:

- (i) the difference between what was originally paid for the easement and what the agency would charge for the easement at the time the application for assignment is submitted, or
- (ii) an alternate fee established by, and at the discretion of, the director. In allowing for any alternate fee the director ~~may~~ shall consider the following factors:

(A) the fee established under 1(c)(i) would exceed \$10,000, or would otherwise create an undue financial burden upon the applicant, or

(B) the assignment facilitates an agency objective.

2. An assignment shall take effect the date of the approval of the assignment. On the effective date of any assignment, the assignee is bound by the terms of the easement to the same extent as if the assignee were the original grantee, any conditions in the assignment to the contrary notwithstanding.

3. An assignment must be a sufficient legal instrument, properly executed and acknowledged, and should clearly set forth the easement number, land involved, and the name and address of the assignee and, for the purpose of this rule shall include any agreement which transfers control of the easement to a third party.

4. An assignment shall be executed according to agency procedures.

5. An assignment is not effective until approval is given by the agency. Any assignment made without such approval is void.

KEY: natural resources, management, surveys, administrative procedure

~~May 18, 1999~~ October 18, 1999

Notice of Continuation June 30, 1997

53C-1-302

53C-2-201(1)(a)

53C-4-203

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 22353

FILED: 09/01/1999, 15:06

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-701 requires persons who perform appraisals for the purpose of establishing fair market value for the assessment rolls to be certified or registered. Section 59-2-702 requires the Tax Commission to conduct a program of education and training for individuals required to be certified under Section 59-2-701.

SUMMARY OF THE RULE OR CHANGE: Amendment inserts "state licensed appraiser" designation (created by 1999 H.B. 149) as an appraiser status; adds a course to appraiser training taught by the Tax Commission.

(DAR Note: H.B. 149 is found at 1999 Utah Laws 117, and was effective March 17, 1999.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-2-701 and 59-2-702

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--although a course is added to the list of courses taught by the Tax Commission, the Tax Commission prior to this amendment, provided for another entity to teach this course to local officials.

❖LOCAL GOVERNMENTS: None--there is no charge to local officials for the cost of courses required for certification or registration.

❖OTHER PERSONS: None--this rule regulates education provided by the Tax Commission for local officials.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--local officials incur no costs for courses required for certification or registration. The amendment provides that the Tax Commission, rather than another entity, shall teach the course at issue.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--the Tax Commission will be providing the Uniform Standard of Professional Practice (USPAP) course to state and county appraisers.

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

Tax Commission
Property Tax
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

◆ **Tax Commission, Property Tax**
R884-24P-19
Appraiser Designation Program
Pursuant to Utah Code Ann. Sections
59-2-701 and 59-2-702

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 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1999

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-19. Appraiser Designation Program Pursuant to Utah Code Ann. Sections 59-2-701 and 59-2-702.

A. "State Registered Appraiser," "State Licensed Appraiser," "State Certified General Appraiser," and "State Certified Residential Appraiser" are as defined in Section 61-2b-2.

B. The ad valorem training and designation program consists of several courses and practicums.

1. Certain courses must be sanctioned by either the International Association of Assessing Officers (IAAO) or the Western States Association of Tax Administrators (WSATA).

2. Most courses are one week in duration, with an examination held on the final day. The courses comprising the basic designation program are:

- a) Course A - Assessment Practice in Utah;
- b) Course B - Fundamentals of Real Property Appraisal (IAAO);
- c) Course C - Mass Appraisal of Land;
- d) Course D - Building Analysis and Valuation;
- e) Course E - Income Approach to Valuation (IAAO);
- f) Course G - Development and Use of Personal Property Schedules;~~and~~
- g) Course H - Appraisal of Public Utilities and Railroads (WSATA)~~[-]; and~~
- h) Course I - Uniform Standard of Professional Practice (USPAP).

C. There are four recognized ad valorem designations: Ad Valorem Residential Appraiser, Ad Valorem General Real Property Appraiser, Ad Valorem Personal Property Auditor/Appraiser, and Ad Valorem Centrally Assessed Valuation Analyst. The designations are granted only to individuals working as appraisers, review appraisers, valuation auditors, or analysts/administrators providing oversight and direction to appraisers and auditors. An assessor, county employee, or state employee must hold the appropriate designation listed below to gain the authority to value property for ad valorem taxation purposes.

1. Ad Valorem Residential Appraiser:

a) Requires the successful completion of Courses A, B, C, D, and I, and a comprehensive residential field practicum, and attainment of state registered, state licensed, or state certified appraiser status.

b) Upon designation, the appraiser may value residential, vacant, and agricultural property for ad valorem taxation purposes.

2. Ad Valorem General Real Property Appraiser:

a) Requires the successful completion of Courses A, B, C, D, ~~and E~~, and I, and a comprehensive field practicum including both residential and commercial properties, and attainment of state registered, state licensed, or state certified appraiser status.

b) Upon designation, the appraiser may value all types of locally assessed real property for ad valorem taxation purposes.

3. Ad Valorem Personal Property Auditor/Appraiser:

a) Requires the successful completion of Courses A, B, ~~and~~ G, and I, and a comprehensive auditing practicum.

b) Upon designation, the auditor/appraiser may value locally assessed personal property for ad valorem taxation purposes.

4. Ad Valorem Centrally Assessed Valuation Analyst:

a) Requires the successful completion of Courses A, B, E, ~~and H~~, and I, and a comprehensive valuation practicum, and attainment of state registered, state licensed, or state certified appraiser status.

b) Upon designation, the analyst may value centrally assessed property for ad valorem taxation purposes.

D. Candidates must pass the final examination for each course with a grade of 70 points or more to be successful.

E. If a candidate fails to receive a passing grade on a final examination, one re-examination is allowed. If the re-examination is not successful, the individual must retake the failed course. The cost to retake the failed course will not be borne by the Tax Commission.

F. A practicum involves the appraisal or audit of selected properties. The candidate's supervisor must formally request that the Property Tax Division administer a practicum.

1. Emphasis is placed on those types of properties the candidate will most likely encounter on the job.

2. ~~[A trainer, assigned by the Tax Commission, will oversee and administer the practicum.]~~ The practicum will be administered by a designated appraiser assigned from the Property Tax Division.

G. An individual holding a specified designation can qualify for other designations by meeting the additional requirements outlined above.

H. Maintaining designated status requires completion of 28 hours of Tax Commission approved classroom work every two years.

I. Upon termination of employment from any Utah assessment jurisdiction, or if the individual~~[-is]~~ no longer ~~[working]~~ works primarily as an appraiser, review appraiser, valuation auditor, or analyst/administrator in appraisal matters, designation is automatically revoked.

1. Ad valorem designation status may be reinstated if the individual secures employment in any Utah assessment jurisdiction within four years from the prior termination.

2. If more than four years elapse between termination and rehire, and

a) the individual has been employed in a closely allied field, then the individual may challenge the course examinations. Upon successfully challenging all required course examinations, the prior designation status will be reinstated; or

b) if the individual has not been employed in real estate valuation or a closely allied field, the individual must retake all required courses and pass the final examinations with a score of 70 or more.

J. All appraisal work performed by Tax Commission designated appraisers shall meet the current requirements of ~~the Uniform Standards of Professional Appraisal Practice (USPAP)~~ as promulgated by the Appraisal Foundation.

K. If appropriate Tax Commission designations are not held by assessor's office personnel, the appraisal work must be contracted out to qualified private appraisers. An assessor's office may elect to contract out appraisal work to qualified private appraisers even if personnel with the appropriate designation are available in the office. If appraisal work is contracted out, the following requirements must be met.

1. The private sector appraisers contracting the work must hold the State Certified Residential Appraiser or State Certified General Appraiser license issued by the Division of Real Estate of the Utah Department of Commerce. Only ~~[-appraisers with the]~~ State Certified General ~~[Appraiser license]~~ Appraisers may appraise nonresidential properties.

2. All appraisal work shall meet the current requirements of USPAP.

L. The completion and delivery of the assessment roll required under Section 59-2-311 is an administrative function of the elected assessor.

1. There are no specific registration or educational requirements related to this function.

2. An elected assessor may complete and deliver the assessment roll as long as the valuations and appraisals included in the assessment roll were completed by persons having the required designations.

KEY: taxation, personal property, property tax, appraisal
~~[January 12, 1999]~~ **Art. XIII, Sec 2**
Notice of Continuation May 8, 1997 **59-2-701**
59-2-702



Tax Commission, Property Tax
R884-24P-33
1999 Personal Property Valuation
Guides and Schedules Pursuant to
Utah Code Ann. Section 59-2-301

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 22354
 FILED: 09/01/1999, 15:06
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-301 requires each assessor to value property. This amendment updates the valuation schedules for the year 2000. It is required to maintain market value assessments.

SUMMARY OF THE RULE OR CHANGE: The amendment updates personal property percent good schedules; indicates that the Class 24 schedule for leasehold improvements is to be used only with leasehold improvements that are assessed to the lessee of the real property pursuant to Tax Commission Section R884-24P-32.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-3-301

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The amount of savings or cost to state government is undetermined. The state receives tax revenue for assessing and collecting, and for the uniform school fund based on increased or decreased personal property value. Without knowing the acquisitions and deletions of personal property during 1999, any increase or decrease in 2000 tax revenue, even with no percent good schedule changes, could not be determined. The proposed personal property schedules in Section R884-24P-33 are raised, lowered, or remain the same for 2000, based on the type and age of the property assessed. Three of the personal property percent good schedules remain the same as the previous year. One schedule is eliminated: Class 4, Service Equipment. The amount of savings or cost resulting from this deletion is undetermined. Property included in this class will continue to be assessed by other personal property class schedules. Schedules used to value business personal property decrease as much as three percentage points between the revised rule and the previous rule. A couple of schedules used for valuing registered motor vehicles decrease as much as five percentage points in the revised rule compared to the previous rule. However, there may be no percent good change from the previous rule, depending on the assessment year. Schedules used to value registered recreational vehicles do not change more than two percentage points in any assessment year compared to the previous rule. In aggregate, for all personal property schedules, it is anticipated that the change in the annual tax rate will have a larger impact on revenue than will the schedule changes due to amendments to Section R884-24P-33.

❖ **LOCAL GOVERNMENTS:** The amount of savings or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased personal property value. Without knowing the acquisitions and deletions of personal property during 1999, any increase or decrease in 2000 tax revenue, even with no percent good schedule changes, could not be determined. The proposed personal property schedules in Section R884-24P-33 are raised, lowered, or remain the same for 2000, based on the type and age of the property. Three schedules remain the same. One schedule is eliminated: Class 4, Service Equipment. The amount of savings or cost resulting from this deletion is undetermined. Property included in this class will continue to be assessed by other personal property class schedules. Schedules used to value business personal property decrease as much as three percentage points between the revised rule and the previous rule. A couple of schedules used for valuing registered motor vehicles decrease as much as five percentage points in the revised rule compared to the previous rule. However, there may be no percent good change from the previous rule depending on the assessment year. Schedules used to value registered recreational vehicles do not change more than two percentage points in any assessment year compared to the previous rule. In aggregate, for all personal property schedules, it is anticipated that the change in the annual tax rate will have a larger impact on revenue than will the

schedule changes due to amendments to Section R884-24P-33.

❖OTHER PERSONS: In the aggregate, the amount of savings or cost to individuals and businesses is undetermined. Affected persons pay taxes based on increased or decreased personal property value. Without knowing the acquisitions and deletions of personal property during 1999, any increase or decrease in 2000 tax liability, even with no percent good schedule changes, could not be determined. The proposed personal property schedules in Section R884-24P-33 are raised, lowered, or remain the same for 2000, based on the type and age of the property. Since some schedules are increased and some decreased, it is not possible to determine the change to affected persons without knowing the 2000 property mix compared to the 1999 historical totals. COMPLIANCE COSTS FOR AFFECTED PERSONS: Local business owners and property tax practitioners will once again be required to be aware of new percent good figures as personal property taxes are assessed and billed. However, this is no different than previous years and therefore the compliance cost in completing the assessment process will not change. The change in taxes charged for these businesses depends entirely on the mix of property since some percent good schedules are increasing and others decreasing. For example, the owner of a commercial trailer may see a decrease in taxes since the 2000 proposed percent good schedule for this class drops by as much as seven percentage points compared to the previous rule, depending on the model year of the trailer. On the other hand, the owner of a boat could see only a small decrease in property taxes since the 2000 proposed percent good schedule may only decrease one percentage point in a particular year from the previous rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As indicated above, the fiscal impact to businesses will vary depending on the type of business and property mix. In the aggregate, the fiscal impact, though estimated to be minimal, cannot be determined without first knowing the total acquisitions and deletions of personal property during 1999, even if no percent good schedules were changed for 2000.

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

Tax Commission
Property Tax
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1999

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-33. [1999]2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301.

A. Definitions.

1. "Acquisition cost" means all costs required to put an item into service, including purchase price, freight and shipping costs; installation, engineering, erection or assembly costs; and excise and sales taxes.

a) Indirect costs such as debugging, licensing fees and permits, insurance or security are not included in the acquisition cost.

b) Acquisition cost may correspond to the cost new for new property, or cost used for used property.

2. "Actual cost" includes the value of components necessary to complete the vehicle, such as tanks, mixers, special containers, passenger compartments, special axles, installation, engineering, erection, or assembly costs.

a) Actual cost does not include sales or excise taxes, maintenance contracts, registration and license fees, dealer charges, tire tax, freight, or shipping costs.

3. "Cost new" means the manufacturer's suggested retail price or the actual cost of the property when purchased new. For property purchased used the cost new may be estimated by the taxing authority.

4. "Percent good" means an estimate of value, expressed as a percentage, based on a property's acquisition cost or cost new, adjusted for depreciation and appreciation of all kinds.

a) The percent good factor is applied against the acquisition cost or the cost new to derive taxable value for the property.

b) Percent good schedules are derived from an analysis of the Internal Revenue Service Class Life, the Marshall and Swift Cost index, and vehicle valuation guides such as NADA.

B. Each year the Property Tax Division shall update and publish percent good schedules for use in computing personal property valuation.

1. Proposed schedules shall be transmitted to county assessors and interested parties for comment before adoption.

2. A public comment period will be scheduled each year and a public hearing will be scheduled if requested by ten or more interested parties or at the discretion of the Commission.

3. County assessors may deviate from the schedules when warranted by specific conditions affecting an item of personal property. When a deviation will affect an entire class or type of personal property, a written report, substantiating the changes with verifiable data, must be presented to the Commission. Alternative schedules may not be used without prior written approval of the Commission.

4. The assessor and the Commission may rely on other publications listing costs new or market values when valuing motor vehicles not found in the source guide recommended by the Commission.

C. Other taxable personal property that is not included in the listed classes includes:

1. Supplies on hand as of January 1 at 12:00 noon, including office supplies, shipping supplies, maintenance supplies, replacement parts, lubricating oils, fuel and consumable items not held for sale in the ordinary course of business. Supplies are assessed at total cost, including freight-in.

2. Equipment leased or rented from inventory is subject to ad valorem tax. Refer to the appropriate property class schedule to determine taxable value.

3. Property held for rent or lease is taxable, and is not exempt as inventory. For entities primarily engaged in rent-to-own, inventory on hand at January 1 is exempt and property out on rent-to-own contracts is taxable.

D. Personal property valuation schedules may not be appealed to, or amended by, county boards of equalization.

E. All taxable personal property is classified by expected economic life as follows:

1. Class 1 - Short Life Property. Property in this class has a typical life of more than one year and less than four years. It is fungible in that it is difficult to determine the age of an item retired from service.

a) Examples of property in the class include:

- (1) barricades/warning signs;
- (2) library materials;
- (3) patterns, jigs and dies;
- (4) pots, pans, and utensils;
- (5) canned computer software;
- (6) hotel linen;
- (7) wood and pallets; and
- (8) video tapes.

b) With the exception of video tapes, taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

c) Video tapes are valued at \$15.00 per tape for the first year and \$3.00 per tape thereafter.

TABLE 1

Year of Acquisition	Percent Good of Acquisition Cost
[98]99	70%
[97]98	40%
[96]97 and prior	10%

2. Class 2 - Computer Dependent Machinery.

a) Machinery shall be classified as computer dependent machinery if all of the following conditions are met:

(1) The equipment is sold as a single unit. If the invoice(s) break out the computer separately from the machine, the computer must be valued as Class 12 property and the machine as Class 8 property.

(2) The machine cannot operate without the computer and the computer cannot perform functions outside the machine.

(3) The machine can perform multiple functions and is controlled by a programmable central processing unit.

(4) The total cost of the machine and computer combined is depreciated as a unit for income tax purposes.

(5) The capabilities of the machine cannot be expanded by substituting a more complex computer for the original.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 2

Year of Acquisition	Percent Good of Acquisition Cost
[98]99	87%
[97]98	[72%] 71%
[96]97	60%
[95]96	[53%] 51%
[94]95	[46%] 44%
[93]94	[37%] 36%
[92]93	27%
[91]92 and prior	17%

3. Class 3 - Short Life Trade Fixtures. Property in this class generally consists of electronic types of equipment and includes property subject to rapid functional and economic obsolescence or severe wear and tear.

a) Examples of property in this class include:

- (1) office machines;
- (2) alarm systems;
- (3) shopping carts;
- (4) ATM machines;
- (5) small equipment rentals;
- (6) ~~property subject to a rent-to-own agreement~~ rent-to-own merchandise;
- (7) telephone equipment and systems;
- (8) music systems;
- (9) vending machines; and
- (10) video game machines.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 3

Year of Acquisition	Percent Good of Acquisition Cost
[98]99	83%
[97]98	67%
[96]97	51%
[95]96	[35%] 34%
[94]95 and prior	18%

~~4. Class 4 - Service Equipment. Class 4 property is used by service industries and is subject to a high degree of functional obsolescence.~~

~~a) Examples of property in this class include:~~

- ~~(1) service station equipment;~~
- ~~(2) car wash equipment;~~
- ~~(3) bulk and holding tanks;~~
- ~~(4) tire and wheel service equipment;~~
- ~~(5) dry cleaning machines;~~
- ~~(6) mechanical and electrical signs;~~
- ~~(7) clothes washers and dryers;~~
- ~~(8) tanks; and~~
- ~~(9) pumps.~~

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 4

Year of Acquisition	Percent Good of Acquisition Cost
98	88%
97	79%
96	68%
95	58%
94	48%
93	37%
92	25%
91 and prior	13%

5.]4. Class 5 - Long Life Trade Fixtures. Class 5 property is subject to functional obsolescence in the form of style changes.

a) Examples of property in this class include:

- (1) furniture;
- (2) bars and sinks;
- (3) booths, tables and chairs;
- (4) beauty and barber shop fixtures;
- (5) cabinets and shelves;
- (6) displays, cases and racks;
- (7) office furniture;
- (8) theater seats; ~~and~~
- (9) water slides; ~~and~~
- (10) signs, mechanical and electrical.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 5

Year of Acquisition	Percent Good of Acquisition Cost
98 99	90%
97 98	81% 80%
96 97	72% 71%
95 96	63% 62%
94 95	54% 53%
93 94	45% 44%
92 93	34%
91 92	23%
90 91 and prior	12% 11%

~~6.]5.~~ Class 6 - Heavy and Medium Duty Trucks.

a) Examples of property in this class include:

- (1) heavy duty trucks; and
- (2) medium duty trucks.

b) Taxable value is calculated by applying the percent good factor against the actual cost of the property when purchased new or 75 percent of the manufacturer's suggested retail price. The taxable value for vehicles purchased used will be determined by applying the percent good factor to the value determined by the assessing authority. For state assessed vehicles, the value of attached equipment will be included in the total vehicle valuation.

c) The ~~1999~~ 2000 percent good applies to ~~1999~~ 2000 models purchased in ~~1998~~ 1999.

d) Trucks weighing two tons or more have a minimum value of \$1,750 and a minimum tax of \$26.25.

TABLE 6

Year of Model	Percent Good of Cost New
99 00	90%
98 99	60% 64%
97 98	63% 59%
96 97	58% 55%
95 96	53% 50%
94 95	49% 46%
93 94	44% 42%
92 93	39% 37%
91 92	34% 33%
90 91	30% 29%
89 90	25% 24%
88 89	20%
87 88	15%
86 87 and prior	10% 11%

~~7.]6.~~ Class 7 - Medical and Dental Equipment. Class 7 property is subject to a high degree of technological development by the health industry.

a) Examples of property in this class include:

- (1) medical and dental equipment and instruments;
- (2) exam tables and chairs;
- (3) high-tech hospital equipment;
- (4) microscopes; and
- (5) optical equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 7

Year of Acquisition	Percent Good of Acquisition Cost
98 99	91% 92%
97 98	84% 83%
96 97	77% 76%
95 96	70% 69%
94 95	64% 62%
93 94	56% 55%
92 93	47%
91 92	38%
90 91	29%
89 90	20% 19%
88 89 and prior	10%

~~8.]7.~~ Class 8 - Machinery and Equipment. Property in this class is subject to considerable functional and economic obsolescence created by competition as technologically advanced and more efficient equipment becomes available.

a) Examples of property in this class include:

- (1) manufacturing machinery;
- (2) amusement rides;
- (3) bakery equipment;
- (4) distillery equipment;
- (5) refrigeration equipment;
- (6) ~~nonpetroleum drill rigs~~ laundry and dry cleaning equipment;
- (7) machine shop equipment;
- (8) processing equipment;
- (9) ~~leased farm equipment~~ auto service and repair equipment;

- (10) mining equipment;
- (11) ski lift machinery;
- (12) printing equipment; and
- (13) bottling or cannery equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 8

Year of Acquisition	Percent Good of Acquisition Cost
[98]99	[91%] 92%
[97]98	[84%] 83%
[96]97	[77%] 76%
[95]96	[70%] 69%
[94]95	[64%] 62%
[93]94	[56%] 55%
[92]93	47%
[91]92	38%
[90]91	29%
[89]90	[26%] 19%
[88]89 and prior	10%

[9-]8. Class 9 - Off-Highway Vehicles.

a) Examples of property in this class include:

- (1) dirt and trail motorcycles;
- (2) all terrain vehicles;
- (3) golf carts; and
- (4) snowmobiles.

b) Taxable value is calculated by applying the percent good factor against the cost new or suggested list price from the January-April NADA Motorcycle/Snowmobile/ATV Appraisal Guide.

c) The [1999]2000 percent good applies to [1999]2000 models purchased in [1998]1999.

d) Off-Highway Vehicles have a minimum value of \$500 and a minimum tax of \$7.50.

TABLE 9

Year of Model	Percent Good of Cost New
[99]00	90%
[98]99	61%
[97]98	58%
[96]97	55%
[95]96	[52%] 51%
[94]95	[49%] 48%
[93]94	45%
[92]93	42%
[91]92	39%
[90]91	[36%] 35%
[89]90	[33%] 32%
[88]89	[30%] 29%
[87]88	[27%] 26%
[86]87 and prior	23%

[10-]9. Class 10 - Railroad Cars. The Class 10 schedule was developed to value the property of railroad car companies. Functional and economic obsolescence is recognized in the developing technology of the shipping industry. Heavy wear and tear is also a factor in valuing this class of property.

a) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 10

Year of Acquisition	Percent Good of Acquisition Cost
[98]99	93%
[97]98	[88%] 87%
[96]97	[82%] 81%
[95]96	[77%] 75%
[94]95	[73%] 70%
[93]94	[67%] 66%
[92]93	60%
[91]92	53%
[90]91	46%
[89]90	[40%] 39%
[88]89	[33%] 32%
[87]88	[26%] 25%
[86]87	18%
[85]86 and prior	10%

[11-]10. Class 11 - Street Motorcycles.

a) Examples of property in this class include:

- (1) street motorcycles;
- (2) scooters; and
- (3) mopeds.

b) Taxable value is calculated by applying the percent good factor against the original cost new or the suggested list price from the January-April edition of the NADA Motorcycle/Snowmobile/ATV Appraisal Guide.

c) The [1999]2000 percent good applies to [1999]2000 models purchased in [1998]1999.

d) Street motorcycles have a minimum value of \$500 and a minimum tax of \$7.50.

TABLE 11

Year of Model	Percent Good of Cost New
[99]00	90%
[98]99	[72%] 70%
[97]98	[69%] 68%
[96]97	[67%] 65%
[95]96	[64%] 63%
[94]95	61%
[93]94	[59%] 58%
[92]93	56%
[91]92	[53%] 54%
[90]91	[50%] 51%
[89]90	[48%] 49%
[88]89	[45%] 46%
[87]88	[42%] 44%
[86]87	[40%] 42%
[85]86	[37%] 39%
[84]85	[34%] 37%
84	34%
83 and prior	[31%] 32%

[12-]11. Class 12 - Computer Hardware.

a) Examples of property in this class include:

- (1) data processing equipment;
- (2) personal computers;
- (3) main frame computers;
- (4) computer equipment peripherals; and
- (5) cad/cam systems.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 12

Year of Model	Percent Good of Acquisition Cost
[90] 99	[85%] 86%
[97] 98	57%
[96] 97	36%
[95] 96	23%
[94] 95	14%
[93] 94 and prior	9%

[13-]12. Class 13 - Heavy Equipment.

a) Examples of property in this class include:

- (1) construction equipment;
- (2) excavation equipment;
- (3) loaders;
- (4) batch plants;
- (5) snow cats; and
- (6) power sweepers.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

c) [1999]2000 model equipment purchased in [1998]1999 is valued at 100 percent of acquisition cost.

TABLE 13

Year of Acquisition	Percent Good of Acquisition Cost
[98] 99	[64%] 62%
[97] 98	[61%] 59%
[96] 97	[57%] 56%
[95] 96	[54%] 52%
[94] 95	[51%] 49%
[93] 94	[48%] 46%
[92] 93	[44%] 43%
[91] 92	[41%] 39%
[90] 91	[38%] 36%
[89] 90	[35%] 33%
[88] 89	[31%] 30%
[87] 88	[28%] 26%
[86] 87	[25%] 23%
[85] 86 and prior	[22%] 20%

[14-]13. Class 14 - Motor Homes.

a) Taxable value is calculated by applying the percent good against the cost new derived from the January-April edition of the NADA Recreational Vehicle Appraisal Guide.

b) The [1999]2000 percent good applies to [1999]2000 models purchased in [1998]1999.

TABLE 14

Year of Model	Percent Good of Cost New
[99] 00	90%
[98] 99	[72%] 73%
[97] 98	[69%] 70%
[96] 97	[65%] 66%
[95] 96	62%
[94] 95	[58%] 59%
[93] 94	[54%] 55%
[92] 93	51%
[91] 92	[47%] 48%
[90] 91	44%
[89] 90	[40%] 41%
[88] 89	37%

[87] 88	33%
[86] 87	30%
[85] 86	26%
[84] 85	[22%] 23%
[83] 84 and prior	19%

[15-]14. Class 15 - Semiconductor Manufacturing Equipment. Class 15 applies only to equipment used in the production of semiconductor products.

a) Examples of property in this class include:

- (1) crystal growing equipment;
- (2) die assembly equipment;
- (3) wire bonding equipment;
- (4) encapsulation equipment;
- (5) semiconductor test equipment;
- (6) clean room equipment;
- (7) chemical and gas systems related to semiconductor manufacturing;
- (8) deionized water systems;
- (9) electrical systems; and
- (10) photo mask and wafer manufacturing dedicated to semiconductor production.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 15

Year of Acquisition	Percent Good of Acquisition Cost
[98] 99	74%
[97] 98	54%
[96] 97	38%
[95] 96	24%
[94] 95 and prior	10%

[16-]15. Class 16 - Long-Life Property. Class 16 property has a long physical life with little obsolescence.

a) Examples of property in this class include:

- (1) billboards;
- (2) sign towers;
- (3) radio towers;
- (4) ski lift and tram towers;
- (5) non-farm grain elevators; and
- (6) bulk storage tanks.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 16

Year of Acquisition	Percent Good of Acquisition Cost
[98] 99	95%
[97] 98	[91%] 90%
[96] 97	[87%] 86%
[95] 96	[84%] 82%
[94] 95	[82%] 79%
[93] 94	[78%] 77%
[92] 93	[74%] 73%
[91] 92	68%
[90] 91	[64%] 63%
[89] 90	[60%] 58%
[88] 89	[57%] 54%
[87] 88	[52%] 50%
[86] 87	[47%] 46%

[05]86	40%
[04]85	34%
[03]84	[20%] 27%
[02]83	21%
[01]82	[15%] 14%
[00]81 and prior	[0%] 7%

[17-]16. Class 17 - Boats.

a) Examples of property in this class include:

- (1) boats;
- (2) boat motors; and
- (3) personal watercraft.

b) Taxable value is calculated by applying the percent good factor against the original cost new or the F.O.B. or P.O.E. price from the ABOS Marine Blue Book.

c) The [1999]2000 percent good applies to [1999]2000 models purchased in [1998]1999.

d) Boats have a minimum value of \$500 and a minimum tax of \$7.50.

TABLE 17

Year of Model	Percent Good of Cost New
[99]00	90%
[98]99	69%
[97]98	67%
[96]97	[64%] 65%
[95]96	62%
[94]95	60%
[93]94	[57%] 58%
[92]93	55%
[91]92	53%
[90]91	[50%] 51%
[89]90	48%
[88]89	46%
[87]88	[43%] 44%
[86]87	41%
[85]86	39%
[84]85	[36%] 37%
[83]84	34%
[82]83	[31%] 32%
[81]82	[29%] 30%
[80]81	27%
[79]80 and prior	[24%] 25%

[18-]17. Class 18 - Travel Trailers/Truck Campers.

a) Examples of property in this class include:

- (1) travel trailers;
- (2) truck campers; and
- (3) tent trailers.

b) Taxable value is calculated by applying the percent good factor against the original cost new or, for travel trailers, from the January-April edition of the NADA Recreational Vehicle Appraisal Guide.

c) The [1999]2000 percent good applies to [1999]2000 models purchased in [1998]1999.

d) Trailers and truck campers have a minimum value of \$500 and a minimum tax of \$7.50.

TABLE 18

Year of Model	Percent Good of Cost New
[99]00	90%
[98]99	[69%] 70%
[97]98	[66%] 67%
[96]97	[63%] 64%
[95]96	[59%] 60%
[94]95	[56%] 57%
[93]94	[52%] 53%
[92]93	[49%] 50%
[91]92	[45%] 46%
[90]91	[42%] 43%
[89]90	[39%] 40%
[88]89	[35%] 36%
[87]88	[32%] 33%
[86]87	[28%] 29%
[85]86	[25%] 26%
[84]85	[21%] 22%
[83]84 and prior	[10%] 19%

[20-]18. Class 20 - Petroleum and Natural Gas Exploration and Production Equipment. Class 20 property is subject to significant functional and economic obsolescence due to the volatile nature of the petroleum industry.

a) Examples of property in this class include:

- (1) oil and gas exploration equipment;
- (2) distillation equipment;
- (3) wellhead assemblies;
- (4) holding and storage facilities;
- (5) drill rigs;
- (6) reinjection equipment;
- (7) metering devices;
- (8) cracking equipment;
- (9) well-site generators, transformers, and power lines;
- (10) equipment sheds;
- (11) pumps;
- (12) radio telemetry units; and
- (13) support and control equipment.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 20

Year of Acquisition	Percent Good of Acquisition Cost
[98]99	[92%] 93%
[97]98	[87%] 86%
[96]97	[81%] 80%
[95]96	[76%] 74%
[94]95	[70%] 69%
[93]94	63%
[92]93	56%
[91]92	48%
[90]91	[41%] 40%
[89]90	[34%] 33%
[88]89	[27%] 26%
[87]88	18%
[86]87 and prior	[9%] 10%

~~[21-]~~19. Class 21 - Commercial and Utility Trailers.

a) Examples of property in this class include:

- (1) commercial trailers;
- (2) utility trailers;
- (3) cargo utility trailers;
- (4) boat trailers;
- (5) converter gears;
- (6) horse and stock trailers; and
- (7) all trailers not included in Class 18.

b) Taxable value is calculated by applying the percent good factor against the cost new of the property. For state assessed vehicles, the value of attached equipment will be included in the total vehicle valuation.

c) The ~~[1999]~~2000 percent good applies to ~~[1999]~~2000 models purchased in ~~[1998]~~1999.

d) Commercial and utility trailers have a minimum value of \$500 and a minimum tax of \$7.50.

TABLE 21

Year of Model	Percent Good of Cost New
[99] 00	95%
[98] 99	[75%] 70%
[97] 98	[71%] 67%
[96] 97	[67%] 63%
[95] 96	[63%] 59%
[94] 95	[60%] 55%
[93] 94	[56%] 51%
[92] 93	[52%] 47%
[91] 92	[48%] 44%
[90] 91	[44%] 40%
[89] 90	[40%] 36%
[88] 89	[36%] 32%
[87] 88	[32%] 28%
[86] 87	[28%] 25%
[85] 86	[24%] 21%
[84] 85	[20%] 17%
[83] 84 and prior	[16%] 13%

~~[22-]~~20. Class 22 - Passenger Cars, Light Trucks/Utility Vehicles, and Vans.

a) Class 22 vehicles fall within four subcategories: domestic passenger cars, foreign passenger cars, light trucks, including utility vehicles, and vans.

b) Because Section 59-2-405.1 subjects Class 22 property to an age-based uniform fee, a percent good schedule is not necessary for this class.

~~[23-]~~21. Class 23 - Aircraft Not Listed in the Bluebook Price Digest Subject to the Uniform Tax.

a) Examples of property in this class include:

- (1) kit-built aircraft;
- (2) experimental aircraft;
- (3) gliders;
- (4) hot air balloons; and
- (5) any other aircraft requiring FAA registration.

b) Aircraft subject to the uniform tax, but not listed in the Aircraft Bluebook Price Digest, are valued by applying the percent good factor against the acquisition cost of the aircraft.

c) Aircraft requiring Federal Aviation Agency registration and kept in Utah must be registered with the Motor Vehicle Division of the Tax Commission.

TABLE 23

Year of Acquisition	Percent Good of Acquisition Cost
[98] 99	75%
[97] 98	71%
[96] 97	67%
[95] 96	63%
[94] 95	59%
[93] 94	55%
[92] 93	51%
[91] 92	47%
[90] 91	43%
[89] 90	39%
[88] 89	35%
[87] 88 and prior	31%

~~[24-]~~22. Class 24 - Leasehold Improvements.

a) This class includes ~~[short life]~~ leasehold improvements to real property installed by a tenant~~[-including-]~~. The Class 24 schedule is to be used only with leasehold improvements that are assessed to the lessee of the real property pursuant to Tax Commission rule R884-24P-32. Leasehold improvements include:

- (1) walls and partitions;
- (2) plumbing and roughed-in fixtures;
- (3) floor coverings other than carpet;
- (4) store fronts;
- (5) decoration;
- (6) wiring;
- (7) suspended or acoustical ceilings;
- (8) heating and cooling systems; and
- (9) iron or millwork trim.

b) Taxable value is calculated by applying the percent good factor against the cost of acquisition, including installation.

c) The Class 3 schedule is used to value short life leasehold improvements.

TABLE 24

Year of Installation	Percent of Installation Cost
[98] 99	94%
[97] 98	88%
[96] 97	82%
[95] 96	77%
[94] 95	71%
[93] 94	65%
[92] 93	59%
[91] 92	54%
[90] 91	48%
[89] 90	42%
[88] 89	36%
[87] 88 and prior	30%

F. The provision of this rule shall be implemented and become binding on taxpayers beginning January 1, ~~[1999]~~2000.

KEY: taxation, personal property, property tax, appraisal
~~[January 12-]~~1999 Art. XIII, Sec 2
Notice of Continuation May 8, 1997 59-2-301



**Workforce Services, Employment
Development
R986-218
Financial Assistance General
Assistance/Self-Sufficiency Program**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 22347

FILED: 08/30/1999, 17:14

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Budgetary projections indicate the General Assistance Program will expend its allocation of funds before the end of the State Fiscal Year 2000. By enacting the proposed rule amendment, the Department of Workforce Services will realize some savings and be able to continue the program to the end of the fiscal year. Without changes to the rule, the Department will have to either terminate or significantly reduce benefits to all recipients before the end of Fiscal Year 2000.

SUMMARY OF THE RULE OR CHANGE: On May 5, 1999, the Statewide Committee on General Assistance Reform proposed changes to the State's General Assistance Program. The Department of Workforce Services proposes to adopt the recommendations of the Statewide Committee by making the following changes: 1) to update the language of the rule to be consistent with the other financial assistance programs administered by the Department; 2) to provide financial support on a time-limited basis not to exceed 24 months out of any 60-month period. The Department proposes that the time limit be effective retroactively to March 1, 1998. This will replace the ambiguous language "short term basis"; 3) to change the determination of employability to presume all applicants are determined employable, unless they meet the unemployable criteria, and eliminates the age exemption of 60 years or older; 4) to clarify the criteria of unemployable. The reference of substantial work is deleted; 5) to add occupational skills training and adult basic education towards a General Equivalency Diploma (GED) or high school completion to the list of allowable participation activities; 6) to limit the level of Supplemental Security Income (SSI) appeals, while the recipient continues to receive financial support, to the Social Security Administrative Law Judge Level; 7) to delete language on sanctions and define the consequences of nonparticipation; 8) to remove reference to and brief description of the Emergency Work Program. The Emergency Work Program is described in detail in Rule R986-216.

(DAR Note: A corresponding 120-day (emergency) rule that is effective as of August 17, 1999, is under DAR No. 22330 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 35A-1-104 and 35A-3-401

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** It is estimated that approximately 150 to 200 cases may close by the end of Fiscal Year 2000 as a result of the proposed defined time limits. The financial support lost by a single individual for a full year is \$3,132. The financial support lost by a couple for a full year is \$4,344. This may result an estimated aggregate savings of \$487,980 to \$650,640 due to case closure by March 2000. There is also a potential savings to the state as a result of a decrease in the number of cases being reopened after closure under the non-participation consequences. The aggregate impact is impossible to predict, due to the unknown number of actual cases that may remain closed. Upon case closure, individuals who are receiving food stamps may receive an increase in their Food Stamp allocation. The direct administrative cost incurred by the Department as a result of this increase in food stamp allocations will be absorbed through the normal administration of the Food Stamp Program.

❖**LOCAL GOVERNMENTS:** Local governments are not involved in the administration of the State General Assistance Program. There are no anticipated cost or savings to local governments because the amendment has no direct impact on local governments. However, cities and counties providing services to senior citizens, i.e., Senior Employment, Aging Services, could see an increase in the number of requests for services. The aggregate impact is impossible to predict, due to the unknown number of people that will apply for services.

❖**OTHER PERSONS:** Individuals who apply for or currently receive General Assistance financial support may have their case closed due to nonparticipation in employment activities or upon reaching the newly defined time limit of assistance. Upon case closure, it will cost the individuals their financial support benefits. The financial support lost by a single individual for a full year is \$3,132. The financial support lost by a couple for a full year is \$4,344. The exact aggregate cost to these individuals is impossible to predict, due to the unknown number of cases that may actually close. However, it is estimated that approximately 150 to 200 cases may close by the end of Fiscal Year 2000 as a result of the proposed defined time limits. This may result an estimated aggregate cost of \$487,980 to \$650,640 due to case closure. Upon case closure, individuals who are receiving food stamps may receive an increase in their Food Stamp allocation. The exact aggregate impact to these individuals is impossible to predict, due to the unknown number of cases that may actually close and number of permutations of food stamp households that may exist. Nonprofit agencies which provide food, shelter, or other limited support services could see an increase in the number of requests for services. The aggregate impact is impossible to predict, due to the unknown number of people that will apply for these services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The major compliance cost for the adoption of this amended rule is the dissemination and training of the rule to the Department of Workforce Services employment counselors. This anticipated compliance cost is the direct administrative cost incurred by the Department through its normal training practices and policies. There are no anticipated compliance costs for other affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The direct fiscal impact on businesses is expected to be negligible. The loss of cash benefits by individuals affected by case closure will reduce discretionary income of the individual's household.

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

Workforce Services
Employment Development
Second Floor
1385 South State Street
Salt Lake City, UT 84115, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Norman Nakamura at the above address, by phone at (801) 468-0127, by FAX at (801) 468-0160, or by Internet E-mail at wscfam.nnakamu@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 10/15/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/16/1999

AUTHORIZED BY: Robert C. Gross, Executive Director

R986. Workforce Services, Employment Development.

R986-218. Financial Assistance General Assistance/Self-Sufficiency Program.

R986-218-800. Incorporation by Reference.

Unless otherwise indicated, all references to 45 CFR refer to the Code of Federal Regulations, 45, Parts 200 through 499, revised as of October 1, 1990. All referenced Federal Regulation are available for public review at the Division of Employment Development, 140 East 300 South, Salt Lake City, Utah 84103.

R986-218-801. Authority.

The department requires compliance with Section 35A-3-401, Utah Code Annotated, 1953.

R986-218-802. Description.

1. The General Assistance Self-Sufficiency Program (GASSP) provides temporary ~~[cash assistance]~~ financial support to single persons and couples while they are overcoming the condition making them unemployable or while they are qualifying for SSI. The GASSP Program provides financial ~~[assistance]~~ support on a ~~[short term]~~ time limited basis, not to exceed 24 months out of any 60 month period, retroactive to March 1, 1998, while participants are involved in medical and/or mental health treatment to overcome the limitations keeping them from employment.

2. ~~[The program]~~ This financial supportive service is based on the concept of mutual responsibility. The client has the responsibility to make efforts to overcome the condition making him or her unemployable and to move towards ~~[self-sufficiency]~~ increasing their income or to qualify for other benefits.

3. Less capable clients ~~[will]~~ may receive special help from department staff in applying for these other benefits and participating in ~~[Self-Sufficiency]~~ employment activities.

4. Department staff have the responsibility to assist clients in ~~[becoming self-sufficient]~~ increasing their income through employment ~~[and]~~ and/or in securing other benefits.

5. To qualify, individuals must:

a. Be at least 18 years old or emancipated.

b. Be unemployable because of a ~~[medical]~~ physical or psychological ~~[problem]~~ impairment or they must be unable to work at a job at least 23 hours weekly at minimum wage ~~[-(gainful employment of \$500 per month)]~~.

c. Participate in rehabilitation and employment services and follow through on efforts to qualify for other benefits for which they may be eligible. This includes SSI, Social Security Disability, Veterans Benefits, Workers' Compensation.

6. A person eligible for Bureau of Indian Affairs (BIA) assistance is not eligible for GASSP.

7. ~~[AFDC]~~ TANE rules R986-211 through R986-215 apply unless a different rule is stated below.

R986-218-810. Program Standards.

1. The following definitions apply to this section:

a. "Bona fide offer of employment" means an offer of employment was given and was made in good faith.

b. "Good cause for refusing employment" means a definite job offer was not made; the wages did not meet minimum wage requirements; the employment was a risk to the health or safety of the worker; the employment lacked workmen's compensation benefits; the position offered is vacant due to a strike, lockout or other bona fide labor dispute; or the individual is unable to work for physical reasons or for lack of transportation.

2. Age and Factually Emancipated Child:

a. The individual must be at least eighteen years of age or emancipated.

b. A person who is not legally emancipated may claim to be factually emancipated. ~~[He]~~ The person must live independently from his or her parents or guardian and have been economically self-supporting for the past six months.

c. If the parents are available the local department office shall contact them.

i. The child is ineligible if the parents will support him or her.

ii. If the parents refuse to support the child or are unavailable, child support enforcement procedures must be followed.

iii. If the applicant refuses without good cause to cooperate in locating the parents, he or she is ineligible.

3. ~~[Determination of Employability]:~~

~~— A person must work less than 100 hours per month and must meet one of the following three criteria:~~

~~— i. Unemployable, or~~

~~— or~~

~~— ii. 60 years of age or older]~~ All applicants are determined employable unless they meet the unemployable criteria.

4. Unemployable criteria:

~~[a-]~~ The applicant must provide current medical evidence that he or she is not employable due to a physical or mental impairment. [The impairment must be so severe that the person cannot do his previous work. In addition, he could not reasonably hope to find any other kind of "substantial work" considering his age, education,

and work experience. "Substantial work" is work paying \$500 or more a month.

~~—b.—~~ The local department office may accept a ~~[physician's]~~ licensed Medical Doctor (MD) or a Doctor of Osteopathy (DO) statement, a licensed/certified psychologist statement, a Utah Medical Assistance Program statement, or a statement from another agency involved in disability determination, such as, the Veterans Administration or the Division of Rehabilitation Services. The local department office may require a second opinion by a specific person or agency. The cost of a physical examination requested by the department will be paid by the local department office.

[i]a. If the medical report says the client can work with no limitations or that the limitations will last less than 30 days from the date of the onset of the physical or mental impairment, the case will be denied.

[ii]b. If the medical report indicates the applicant is unable to work at least 23 hours weekly for 30 days or more from the date of the onset of physical or mental impairment, he or she is considered unemployable.

[iii. If limitations supported by medical evidence prevent the applicant from participating in his previous line of work and he cannot reasonably hope to find any other work, he is considered unemployable.

~~—iv. If the available medical/psychological data is incomplete or conflicting, a regional department director's policy decision may be used to establish employable/unemployable. This decision must be documented based on available medical/psychological data and case history.~~

~~—v.]c. If the illness or incapacity may last longer than a year, then the person must apply for SSDI/SSI benefits.~~

5. ~~[Emergency Work Program Alternative:~~

~~—When open to singles and couples, the EWP can be an alternative to the GA Self-Sufficiency program for some clients. The client must be able to meet the EWP 40 hour a week performance requirement. The 40 hours performance requirement could be a combination of participation at the work site, medical/mental health treatment and job search.~~

~~—6. Self-Sufficiency]Employment Focused Case Management:~~

a. All ~~[GA]~~ applicants and their spouses, at time of application, and recipients ~~[at time of review,]~~ must be interviewed by ~~[a GA self-sufficiency worker]~~ an employment counselor and complete ~~[a self-sufficiency]~~ an employment plan ~~[unless exempted. If a recipient at review, has a self-sufficiency plan, an interview by the self-sufficiency worker is not required]~~ before financial benefits can be authorized. Recipients must actively follow through on the plan.

b. A person is exempt from these requirements if:

~~—i.]~~ the person has qualified for SSI and is waiting for the first check ~~[, or~~

~~—ii. the regional department director or designee so decides].~~

~~[—c. For applicants who have not been exempted, eligibility cannot be determined until a self-sufficiency plan is developed.~~

~~—d. If a GA self-sufficiency worker is not available, a non-exempted applicant must be referred to the Division of Rehabilitation Services (DRS) and follow through with DRS.]~~

[7]6. SSI and Other Benefits:

a. To be eligible for GA, applicants/recipients must apply for and follow through with any other programs and benefits for which

they may be eligible. These include Supplemental Security Income, Social Security, Veterans Benefits, and Worker Compensation.

b. If applicant/recipient seems to meet SSI requirements, the department follows the instructions in paragraphs 7 and 8~~–9~~ below. If an applicant/recipient appears to meet Worker Compensation requirements, the Department follows the instructions in item number ~~[+]~~10 below.

[8]7. Interim Aid for SSI Applicants:

The person must complete Form 75, Agreement to Repay Interim Assistance, before he or she applies for SSI.

i. The case is closed when the Office of Recovery Services (ORS) reports the receipt of the first SSI check.

ii. If ~~[A]~~ an individual ~~[may]~~ receives a three month presumptive eligibility SSI payment~~[-The]~~, the GA case is closed when this begins.

iii. The case is closed if the client fails to follow through on the SSI application.

iv. The date of SSI ~~[eligibility]~~ recoupment is also the date the Department receives the signed Authorization Form 75 from the client.

v. The Department will recover, from either the initial SSI check or from the recipient, the interim assistance paid to an individual for the period of time taken to determine eligibility for SSI. This will be done in both initial claims and post-eligibility situations.

[9]8. SSI Denials and Appeals:

Recipients must appeal, at least to the Social Security Administrative Law Judge (ALJ) level, an SSI denial decision~~[-if the local department worker feels there is a reasonable chance for a successful appeal. Assistance in making the appeal is available through the local department office].~~ Any individual who has received an Unfavorable Decision by the Administrative Law Judge (ALJ) from Social Security is not eligible for financial support, unless an unrelated physical/mental health condition develops and is verified.

[10]9. SSI/SSDI Terminations due to Drug and Alcohol Abuse (DAA):

The GASSP Program will mirror the rules and regulations from the Social Security Administration as outlined in Public Law 104-121:

i. Drug addiction and/or alcoholism alone are not considered as conditions for unemployment under the General Assistance Program.

ii. Proof on another disabling impairment(s) substantiated with medical evidence, must be provided and all other factors of eligibility met in order to qualify for financial benefits under the General Assistance Program.

iii. Individual with DAA should be referred to resource agencies which would assist them with treatment.

[11]10. Lien Agreement for Worker Compensation Applicants:

The person must complete Form 75w, Repayment of General Assistance and Lien Agreement, before he or she can be approved for General Assistance.

i. The Department will recover ~~[form]~~ from either the insurance carrier or from the recipient, the lesser of the General Assistance paid to the client or the Temporary Total Disability Compensation less Attorney's fees paid to an individual for each

month that the client received both General Assistance and Temporary Total Disability Compensation.

ii. Recipients must appeal a Worker Compensation denial decision if the local department office worker feels there is a reasonable chance for a successful appeal. ~~Assistance in making the appeal is available through the local department office.~~

~~[42]~~11. Rehabilitation and Employment Performance Requirements:

a. To promote rehabilitation and employment, the ~~[GA self-sufficiency worker]~~ employment counselor or designated staff may require a GA recipient to meet one or more ~~[self-sufficiency]~~ employment activity requirements. ~~[Self-sufficiency requirements]~~ Employment activities include:

i. Participation in Division of Rehabilitation (DRS) services.
ii. Participation in medical or mental health care or an alcoholism or drug treatment program ~~[if available at no cost to the recipient]~~ may be required as appropriate.

iii. Satisfactory participation on a WEAT project. The ~~[GA self-sufficiency worker]~~ employment counselor may establish with the client the hours of participation for each performance period.

iv. Participation in job search and job search training.

v. Enrollment and participation in self-sufficiency groups, adult education, ~~[or]~~ skill training programs, or appropriate workshops.

vi. Registration for employment with the department. The registration must remain current and continuous.

vii. Other activities leading towards ~~[self-sufficiency or]~~ increased income as agreed upon in the ~~[self-sufficiency]~~ employment plan.

b. An individual may not refuse a bona fide offer of employment without good cause.

c. If a recipient is required, but fails, to meet one or more of the above rehabilitation or employment standards without good cause, the GA financial case is closed at the end of the current month. Verified illness, incapacity, lack of transportation, arrest, or extenuating circumstances as approved by the ~~[regional department director or designee]~~ employment counselor may be good cause for not meeting an employment or rehabilitation requirement. The ~~[GA]~~ financial case remains closed until the client participates in the required ~~[self-sufficiency]~~ employment activity and demonstrates that he or she continue satisfactory participation.

d. ~~[If the sanctioned client wants to reduce the sanction by participating in community work, the client may sign a statement that he understands that the GA grant and WEAT allowance will not be initiated until 24 hours of satisfactory participation have been completed. Satisfactory participation and case reopening is determined by the GA self-sufficiency worker. Once the sanctioned client has satisfactorily participated, the case is reopened back to the date of participation and the WEAT allowance is added.]~~ The consequences for non-participation are as follows:

i. First Occurrence - financial case closes with 10 day notice and cannot be reopened until the individual demonstrates a willingness to participate. Reopen case back to the date of participation as negotiated with Employment Counselor.

ii. Second Occurrence - financial case closes with 10 day notice and will remain closed for 30 days and until participation has been demonstrated.

iii. Third Occurrence - case must be staffed with supervisor or designee and if non-participation is verified after staffing, financial case closes with 10 day notice and remains closed for 6 months.

~~[43]~~12. The ~~[GA self-sufficiency]~~ employment counselor may provide help to clients for up to six months after termination. ~~[On a case by case basis, the]~~ The services may include help in getting needed services, job placement services, counseling, GASSP medical services and GASSP Z fund assistance.

~~[44]~~13. ~~[Residents of Institutions, Group Homes, and Alcoholism and Drug Treatment Centers:~~

~~—]~~ Residents of Institutions, group homes, and alcoholism and drug treatment centers are not eligible if the facility receives funding for residential treatment under government contract or if the facility is administered by a government unit or is administered under contract with a government unit.

R986-218-820. Income Standards, Eligibility and Grant Determination.

1. ~~[AFDC]~~ TANF rules apply unless a different rule is stated below. Financial responsibility is limited to spouse for spouse. The income and assets of people with financial responsibility for a GA client is counted in determining eligibility and grant amount if they are living with the client.

2. The only people included in the grant are those who:

a. Live together, and

b. Have financial responsibility for one another.

3. The SSI income of financially responsible household members is counted. A person receiving SSI is not eligible for GA. This ineligibility includes persons whose SSI is in suspense status, pursuant to 20 CFR Part 416.1321 through 416.1330.

4. The only earned income disregard are

a. The first \$100 of earnings and 50% of the remaining earned income

b. Participants who have received a GASSP financial payment in one of the past four months will also have the \$100 and 50% disregard subtracted from their earnings for the Net Needs Test calculations.

c. The \$100 and 50% earned income disregard is applied to each individuals' earnings and is not time limited.

5. The household is eligible if the available income is less than the standard grant. The minimum grant shall not be less than one dollar.

R986-218-830. Assets.

1. The value of countable real and personal assets cannot exceed \$2000. The size of the household does not change the amount of this asset limitation.

2. Do not count the equity value up to \$8000 per household of one car or other motor vehicle. If the one car the household applies this exclusion to is equipped to transport a disabled household member, the entire equity value is excluded. Count the equity value of any additional cars. ~~[AFDC]~~ TANF rules in R986-213-304 apply unless otherwise listed.

R986-218-840. GA Medical Benefit.

A person eligible for GA financial assistance is eligible for medical assistance without completing a separate application.

R986-218-850. Reviews.

If the recipient is actively involved in following through on self-sufficiency activities, a review every 12 months may be required. Otherwise, a review of the case takes place at least every six months. Each individual must have developed a self-sufficiency plan and be following through on that plan unless exempted. If exempted, a review is completed to see if the reason for the exemption still applies. Also, a review for SSI eligibility is completed.

R986-218-860. Special General Assistance Program For Transient Persons.

1. Transient persons are non-residents of Utah who are temporarily stranded and do not intend to stay in Utah.
2. The regional department director or designee may approve assistance to cover the emergency need under the GA category.

KEY: public assistance programs, resources*

~~January 1, 1997~~ 1999 35A-3-103
Notice of Continuation February 10, 1997 35A-3-401

◆ ————— ◆

End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

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

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

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) 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 October 15, 1999. At its option, the agency may hold public hearings.

From the end of the waiting period through January 13, 2000, 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.

The Changes in Proposed Rules Begin on the Following Page.

Insurance, Administration
R590-146
Medicare Supplement Insurance
Minimum Standards

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 21999
 FILED: 09/01/1999, 16:54
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This is the second change in the proposed rule, which comes as a result of comments made during the second comment period.

SUMMARY OF THE RULE OR CHANGE: This section is being changed back to the way it is in the current rule. Instead of requiring the open-enrollment period on those under 65 years of age, we are going back to the current requirement of open enrollment for those 65 years of age or older.

(DAR Note: This is the second change in proposed rule (CPR) for R590-146. The original amendment upon which the first CPR was based was published in the May 15, 1999, issue of the *Utah State Bulletin*. The first CPR upon which this CPR is based was published in the August 1, 1999, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 31A-22-620

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The changes will not increase or decrease the fees coming into the department nor require a change in personnel. Therefore, there are no additional costs from the original proposed amendment.

❖LOCAL GOVERNMENTS: This rule will not affect local government. The rule is regulated by a state government agency to which all fees are paid by its licensees. Therefore, there are no additional costs from the original proposed amendment.

❖OTHER PERSONS: Since the changes noted will return the rule to its original form, there will be no additional costs from the original proposed amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since the changes noted will return the rule to its original form, there will be no additional costs from the original proposed amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fact that we are going back to the way this section is currently written will guarantee no additional costs from the original proposed amendment.

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

Insurance
 Administration
 3110 State Office Building
 Salt Lake City, UT 84114, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@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 10/16/1999.

THIS RULE MAY BECOME EFFECTIVE ON: 10/18/1999

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-146. Medicare Supplement Insurance Minimum Standards.

R590-146-11. Open Enrollment.

A. An issuer shall not deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this state, nor discriminate in the pricing of a policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant in the case of an application for a policy or certificate that is submitted prior to or during the six month period beginning with the first day of the first month in which an individual is both 65 years of age or older and is enrolled for benefits~~[-under Medicare Part B. If an individual is enrolled for benefits under Medicare Part B prior to September 9, 1999, the open enrollment period shall begin with the first day of the first month in which the individual turns 65 years of age and continues to be enrolled]~~ under Medicare Part B. Each Medicare supplement policy and certificate currently available from an insurer shall be made available to all applicants who qualify under this section without regard to age.

B. Except as provided in Section ~~[23]~~22, Subsection A shall not be construed as preventing the exclusion of benefits under a policy, during the first six months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the six months before the coverage became effective.

KEY: insurance
1999

31A-22-620

Notice of Continuation May 7, 1997



NOTICES OF 120-DAY (EMERGENCY) RULES

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

- (a) cause an imminent peril to the public health, safety, or welfare;
- (b) cause an imminent budget reduction because of budget restraints or federal requirements; or
- (c) place the agency in violation of federal or state law (*Utah Code* Subsection 63-46a-7(1) (1996)).

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

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

Because 120-DAY RULES are effective immediately, the law does not require a public comment period. However, when an agency files a 120-DAY RULE, it usually files a PROPOSED RULE at the same time, to make the requirements permanent. Comment may be made on the proposed rule. Emergency or 120-DAY RULES are governed by *Utah Code* Section 63-46a-7 (1996); and *Utah Administrative Code* Section R15-4-8.

Workforce Services, Employment Development **R986-218** Financial Assistance General Assistance/Self-Sufficiency Program

NOTICE OF 120-DAY (EMERGENCY) RULE

DAR FILE NO.: 22330
FILED: 08/17/1999, 16:51
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Budgetary projections indicate the General Assistance Program will expend its allocation of funds before the end of the State Fiscal Year 2000. By enacting the proposed rule amendment, the Department of Workforce Services will realize some savings and be able to continue the program to the end of the fiscal year. Without changes to the rule, the Department will have to either terminate or significantly reduce benefits to all recipients before the end of Fiscal Year 2000.

SUMMARY OF THE RULE OR CHANGE: On May 5, 1999, the Statewide Committee on General Assistance Reform proposed changes to the State's General Assistance Program. The Department of Workforce Services proposes to adopt the recommendations of the Statewide Committee by making the following changes: 1) to update the language of the rule to be consistent with the other financial assistance programs administered by the Department; 2) to provide

financial support on a time-limited basis not to exceed 24 months out of any 60-month period. The Department proposes that the time limit be effective retroactively to March 1, 1998. This will replace the ambiguous language "short term basis"; 3) to change the determination of employability to presume all applicants are determined employable, unless they meet the unemployable criteria, and eliminates the age exemption of 60 years or older; 4) to clarify the criteria of unemployable. The reference of substantial work is deleted; 5) to add occupational skills training and adult basic education towards a General Equivalency Diploma (GED) or high school completion to the list of allowable participation activities; 6) to limit the level of Supplemental Security Income (SSI) appeals, while the recipient continues to receive financial support, to the Social Security Administrative Law Judge Level; 7) to delete language on sanctions and define the consequences of nonparticipation; 8) to remove reference to and brief description of the Emergency Work Program. The Emergency Work Program is described in detail in Rule R986-216.

(DAR Note: A corresponding proposed amendment is under DAR No. 22347 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 35A-1-104 and 35A-3-401
FEDERAL REQUIREMENT FOR THIS RULE:

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL:

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: It is estimated that approximately 150 to 200 cases may close by the end of Fiscal Year 2000 as a result of the proposed defined time limits. The financial

support lost by a single individual for a full year is \$3,132. The financial support lost by a couple for a full year is \$4,344. This may result an estimated aggregate savings of \$487,980 to \$650,640 due to case closure by March 2000. There is also a potential savings to the state as a result of a decrease in the number of cases being reopened after closure under the nonparticipation consequences. The aggregate impact is impossible to predict, due to the unknown number of actual cases that may remain closed. Upon case closure, individuals who are receiving food stamps may receive an increase in their food stamp allocation. The direct administrative cost incurred by the Department as a result of this increase in food stamp allocations will be absorbed through the normal administration of the Food Stamp Program.

❖LOCAL GOVERNMENTS: Local governments are not involved in the administration of the State General Assistance Program. There are no anticipated cost or savings to local governments because the amendment has no direct impact on local governments. However, cities and counties providing services to senior citizens, i.e., Senior Employment, Aging Services, etc., could see an increase in the number of requests for services. The aggregate impact is impossible to predict, due to the unknown number of people that will apply for services.

❖OTHER PERSONS: Individuals who apply for or currently receive General Assistance financial support may have their case closed due to nonparticipation in employment activities or upon reaching the newly defined time limit of assistance. Upon case closure, it will cost the individuals their financial support benefits. The financial support lost by a single individual for a full year is \$3,132. The financial support lost by a couple for a full year is \$4,344. The exact aggregate cost to these individuals is impossible to predict, due to the unknown number of cases that may actually close. However, it is estimated that approximately 150 to 200 cases may close by the end of Fiscal Year 2000 as a result of the proposed defined time limits. This may result an estimated aggregate cost of \$487,980 to \$650,640 due to case closure. Upon case closure, individuals who are receiving food stamps may receive an increase in their food stamp allocation. The exact aggregate impact to these individuals is impossible to predict, due to the unknown number of cases that may actually close and number of permutations of food stamp households that may exist. Nonprofit agencies which provide food, shelter, or other limited support services could see an increase in the number of requests for services. The aggregate impact is impossible to predict, due to the unknown number of people that will apply for these services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The major compliance cost for the adoption of this amended rule is the dissemination and training of the rule to the Department of Workforce Services employment counselors. This anticipated compliance cost is the direct administrative cost incurred by the Department through its normal training practices and policies. There are no anticipated compliance costs for other affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The direct fiscal impact on businesses is expected to be negligible. The loss of cash

benefits by individuals affected by case closure will reduce discretionary income of the individual's household.

EMERGENCY RULE REASON AND JUSTIFICATION: REGULAR RULEMAKING PROCEDURES WOULD cause an imminent budget reduction because of budget restraints or federal requirements.

Budgetary projections indicate the General Assistance Program will expend its allocation of funds before the end of the State Fiscal Year 2000. By enacting the proposed rule amendment, the Department of Workforce Services will realize some savings and be able to continue the program to the end of the fiscal year. Without changes to the rule, the Department will have to either terminate or significantly reduce benefits to all recipients before the end of Fiscal Year 2000.

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

Workforce Services
Employment Development
Second Floor
1385 South State Street
Salt Lake City, UT 84115, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Norman Nakamura at the above address, by phone at (801) 468-0127, by FAX at (801) 468-0160, or by Internet E-mail at wscfam.nnakamu@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE.

THIS RULE IS EFFECTIVE ON: 08/17/1999

AUTHORIZED BY: Robert C. Gross, Executive Director

R986. Workforce Services, Employment Development.

R986-218. Financial Assistance General Assistance/Self-Sufficiency Program.

R986-218-800. Incorporation by Reference.

Unless otherwise indicated, all references to 45 CFR refer to the Code of Federal Regulations, 45, Parts 200 through 499, revised as of October 1, 1990. All referenced Federal Regulation are available for public review at the Division of Employment Development, 140 East 300 South, Salt Lake City, Utah 84103.

R986-218-801. Authority.

The department requires compliance with Section 35A-3-401, Utah Code Annotated, 1953.

R986-218-802. Description.

1. The General Assistance Self-Sufficiency Program (GASSP) provides temporary [~~cash assistance~~]financial support to single persons and couples while they are overcoming the condition making them unemployable or while they are qualifying for SSI. The GASSP Program provides financial [~~assistance~~]support on a [~~short term~~]time limited basis, not to exceed 24 months out of any

60 month period, retroactive to March 1, 1998, while participants are involved in medical and/or mental health treatment to overcome the limitations keeping them from employment.

2. ~~[The program]~~ This financial supportive service is based on the concept of mutual responsibility. The client has the responsibility to make efforts to overcome the condition making him or her unemployable and to move towards ~~[self-sufficiency]~~ increasing their income or to qualify for other benefits.

3. Less capable clients ~~[will]~~ may receive special help from department staff in applying for these other benefits and participating in ~~[Self-Sufficiency]~~ employment activities.

4. Department staff have the responsibility to assist clients in ~~[becoming self-sufficient]~~ increasing their income through employment ~~[and/or]~~ in securing other benefits.

5. To qualify, individuals must:

a. Be at least 18 years old or emancipated.

b. Be unemployable because of a ~~[medical]~~ physical or psychological ~~[problem]~~ impairment or they must be unable to work at a job at least 23 hours weekly at minimum wage ~~[-(gainful employment of \$500 per month)].~~

c. Participate in rehabilitation and employment services and follow through on efforts to qualify for other benefits for which they may be eligible. This includes SSI, Social Security Disability, Veterans Benefits, Workers' Compensation.

6. A person eligible for Bureau of Indian Affairs (BIA) assistance is not eligible for GASSP.

7. ~~[AFDC]~~ TANF rules R986-211 through R986-215 apply unless a different rule is stated below.

R986-218-810. Program Standards.

1. The following definitions apply to this section:

a. "Bona fide offer of employment" means an offer of employment was given and was made in good faith.

b. "Good cause for refusing employment" means a definite job offer was not made; the wages did not meet minimum wage requirements; the employment was a risk to the health or safety of the worker; the employment lacked workmen's compensation benefits; the position offered is vacant due to a strike, lockout or other bona fide labor dispute; or the individual is unable to work for physical reasons or for lack of transportation.

2. Age and Factually Emancipated Child:

a. The individual must be at least eighteen years of age or emancipated.

b. A person who is not legally emancipated may claim to be factually emancipated. ~~[He]~~ The person must live independently from his or her parents or guardian and have been economically self-supporting for the past six months.

c. If the parents are available the local department office shall contact them.

i. The child is ineligible if the parents will support him or her.

ii. If the parents refuse to support the child or are unavailable, child support enforcement procedures must be followed.

iii. If the applicant refuses without good cause to cooperate in locating the parents, he or she is ineligible.

3. ~~[Determination of Employability]:~~

~~A person must work less than 100 hours per month and must meet one of the following three criteria:~~

~~i. Unemployable, or~~

~~or~~

~~ii. 60 years of age or older]~~ All applicants are determined employable unless they meet the unemployable criteria.

4. Unemployable criteria:

~~[a-]~~ The applicant must provide current medical evidence that he or she is not employable due to a physical or mental impairment. [The impairment must be so severe that the person cannot do his previous work. In addition, he could not reasonably hope to find any other kind of "substantial work" considering his age, education, and work experience. "Substantial work" is work paying \$500 or more a month.

~~—b.—]~~ The local department office may accept a [physician's] licensed Medical Doctor (MD) or a Doctor of Osteopathy (DO) statement, a licensed/certified psychologist statement, a Utah Medical Assistance Program statement, or a statement from another agency involved in disability determination, such as, the Veterans Administration or the Division of Rehabilitation Services. The local department office may require a second opinion by a specific person or agency. The cost of a physical examination requested by the department will be paid by the local department office.

~~[i]a.~~ If the medical report says the client can work with no limitations or that the limitations will last less than 30 days from the date of the onset of the physical or mental impairment, the case will be denied.

~~[ii]b.~~ If the medical report indicates the applicant is unable to work at least 23 hours weekly for 30 days or more from the date of the onset of physical or mental impairment, he or she is considered unemployable.

~~[iii. If limitations supported by medical evidence prevent the applicant from participating in his previous line of work and he cannot reasonably hope to find any other work, he is considered unemployable:~~

~~—iv. If the available medical/psychological data is incomplete or conflicting, a regional department director's policy decision may be used to establish employable/unemployable. This decision must be documented based on available medical/psychological data and case history:~~

~~—v.]c.~~ If the illness or incapacity may last longer than a year, then the person must apply for SSDI/SSI benefits.

5. ~~[Emergency Work Program Alternative:~~

~~—When open to singles and couples, the EWP can be an alternative to the GA Self-Sufficiency program for some clients. The client must be able to meet the EWP 40 hour a week performance requirement. The 40 hours performance requirement could be a combination of participation at the work site, medical/mental health treatment and job search:~~

~~—6. Self-Sufficiency] Employment Focused Case Management:~~

a. All ~~[GA-]~~ applicants and their spouses, at time of application, and recipients ~~[at time of review,]~~ must be interviewed by ~~[a GA self-sufficiency worker]~~ an employment counselor and complete ~~[a self-sufficiency]~~ an employment plan ~~[unless exempted: If a recipient at review, has a self-sufficiency plan, an interview by the self-sufficiency worker is not required]~~ before financial benefits can be authorized. Recipients must actively follow through on the plan.

b. A person is exempt from these requirements if[-:

~~—i-]~~ the person has qualified for SSI and is waiting for the first check[-, or

~~—ii. the regional department director or designee so decides].~~

~~[] c. For applicants who have not been exempted, eligibility cannot be determined until a self-sufficiency plan is developed.~~

~~[] d. If a GA self-sufficiency worker is not available, a non-exempted applicant must be referred to the Division of Rehabilitation Services (DRS) and follow through with DRS.]~~

[7]6. SSI and Other Benefits:

a. To be eligible for GA, applicants/recipients must apply for and follow through with any other programs and benefits for which they may be eligible. These include Supplemental Security Income, Social Security, Veterans Benefits, and Worker Compensation.

b. If applicant/recipient seems to meet SSI requirements, the department follows the instructions in paragraphs 7 and 8[-9] below. If an applicant/recipient appears to meet Worker Compensation requirements, the Department follows the instructions in item number [+1]10 below.

[8]7. Interim Aid for SSI Applicants:

The person must complete Form 75, Agreement to Repay Interim Assistance, before he or she applies for SSI.

i. The case is closed when the Office of Recovery Services (ORS) reports the receipt of the first SSI check.

ii. ~~If [A]n individual[] may~~ receives a three month presumptive eligibility SSI payment[~~] The~~, the GA case is closed when this begins.

iii. The case is closed if the client fails to follow through on the SSI application.

iv. The date of SSI [~~eligibility~~]recoupment is also the date the Department receives the signed Authorization Form 75 from the client.

v. The Department will recover, from either the initial SSI check or from the recipient, the interim assistance paid to an individual for the period of time taken to determine eligibility for SSI. This will be done in both initial claims and post-eligibility situations.

[9]8. SSI Denials and Appeals:

Recipients must appeal, at least to the Social Security Administrative Law Judge (ALJ) level, an SSI denial decision[~~if the local department worker feels there is a reasonable chance for a successful appeal. Assistance in making the appeal is available through the local department office~~]. Any individual who has received an Unfavorable Decision by the Administrative Law Judge (ALJ) from Social Security is not eligible for financial support, unless an unrelated physical/mental health condition develops and is verified.

[+0]9. SSI/SSDI Terminations due to Drug and Alcohol Abuse (DAA):

The GASSP Program will mirror the rules and regulations from the Social Security Administration as outlined in Public Law 104-121:

i. Drug addiction and/or alcoholism alone are not considered as conditions for unemployment under the General Assistance Program.

ii. Proof on another disabling impairment(s) substantiated with medical evidence, must be provided and all other factors of eligibility met in order to qualify for financial benefits under the General Assistance Program.

iii. Individual with DAA should be referred to resource agencies which would assist them with treatment.

[+1]10. Lien Agreement for Worker Compensation Applicants:

The person must complete Form 75w, Repayment of General Assistance and Lien Agreement, before he or she can be approved for General Assistance.

i. The Department will recover [form]from either the insurance carrier or from the recipient, the lesser of the General Assistance paid to the client or the Temporary Total Disability Compensation less Attorney's fees paid to an individual for each month that the client received both General Assistance and Temporary Total Disability Compensation.

ii. Recipients must appeal a Worker Compensation denial decision if the local department office worker feels there is a reasonable chance for a successful appeal.[~~Assistance in making the appeal is available through the local department office.~~]

[+2]11. Rehabilitation and Employment Performance Requirements:

a. To promote rehabilitation and employment, the [~~GA self-sufficiency worker~~]employment counselor or designated staff may require a GA recipient to meet one or more [~~self-sufficiency~~]employment activity requirements. [~~Self-sufficiency requirements~~]Employment activities include:

i. Participation in Division of Rehabilitation (DRS) services.

ii. Participation in medical or mental health care or an alcoholism or drug treatment program [~~if available at no cost to the recipient~~]may be required as appropriate.

iii. Satisfactory participation on a WEAT project. The [~~GA self-sufficiency worker~~]employment counselor may establish with the client the hours of participation for each performance period.

iv. Participation in job search and job search training.

v. Enrollment and participation in self-sufficiency groups, adult education,~~[] or~~ skill training programs, or appropriate workshops.

vi. Registration for employment with the department. The registration must remain current and continuous.

vii. Other activities leading towards [~~self-sufficiency or~~]increased income as agreed upon in the [~~self-sufficiency~~]employment plan.

b. An individual may not refuse a bona fide offer of employment without good cause.

c. If a recipient is required, but fails, to meet one or more of the above rehabilitation or employment standards without good cause, the GA financial case is closed at the end of the current month. Verified illness, incapacity, lack of transportation, arrest, or extenuating circumstances as approved by the [~~regional department director or designee~~]employment counselor may be good cause for not meeting an employment or rehabilitation requirement. The[~~GA~~] financial case remains closed until the client participates in the required [~~self-sufficiency~~]employment activity and demonstrates that he or she continue satisfactory participation.

d. [~~If the sanctioned client wants to reduce the sanction by participating in community work, the client may sign a statement that he understands that the GA grant and WEAT allowance will not be initiated until 24 hours of satisfactory participation have been completed. Satisfactory participation and case reopening is determined by the GA self-sufficiency worker. Once the sanctioned client has satisfactorily participated, the case is reopened back to the date of participation and the WEAT allowance is added~~]The consequences for non-participation are as follows:

i. First Occurrence - financial case closes with 10 day notice and cannot be reopened until the individual demonstrates a

willingness to participate. Reopen case back to the date of participation as negotiated with Employment Counselor.

ii. Second Occurrence - financial case closes with 10 day notice and will remain closed for 30 days and until participation has been demonstrated.

iii. Third Occurrence - case must be staffed with supervisor or designee and if non-participation is verified after staffing, financial case closes with 10 day notice and remains closed for 6 months.

~~[13]~~12. The ~~[GA self sufficiency]~~employment counselor may provide help to clients for up to six months after termination. ~~[On a case by case basis, the]~~The services may include help in getting needed services, job placement services, counseling, GASSP medical services and GASSP Z fund assistance.

~~[14]~~13. ~~[Residents of Institutions, Group Homes, and Alcoholism and Drug Treatment Centers:~~

~~—]~~Residents of Institutions, group homes, and alcoholism and drug treatment centers are not eligible if the facility receives funding for residential treatment under government contract or if the facility is administered by a government unit or is administered under contract with a government unit.

R986-218-820. Income Standards, Eligibility and Grant Determination.

1. ~~[AFDC]~~TANF rules apply unless a different rule is stated below. Financial responsibility is limited to spouse for spouse. The income and assets of people with financial responsibility for a GA client is counted in determining eligibility and grant amount if they are living with the client.

- 2. The only people included in the grant are those who:
 - a. Live together, and
 - b. Have financial responsibility for one another.

3. The SSI income of financially responsible household members is counted. A person receiving SSI is not eligible for GA. This ineligibility includes persons whose SSI is in suspense status, pursuant to 20 CFR Part 416.1321 through 416.1330.

- 4. The only earned income disregard are
 - a. The first \$100 of earnings and 50% of the remaining earned income

b. Participants who have received a GASSP financial payment in one of the past four months will also have the \$100 and 50% disregard subtracted from their earnings for the Net Needs Test calculations.

c. The \$100 and 50% earned income disregard is applied to each individuals' earnings and is not time limited.

5. The household is eligible if the available income is less than the standard grant. The minimum grant shall not be less than one dollar.

R986-218-830. Assets.

1. The value of countable real and personal assets cannot exceed \$2000. The size of the household does not change the amount of this asset limitation.

2. Do not count the equity value up to \$8000 per household of one car or other motor vehicle. If the one car the household applies this exclusion to is equipped to transport a disabled household member, the entire equity value is excluded. Count the equity value of any additional cars. ~~[AFDC]~~TANF rules in R986-213-304 apply unless otherwise listed.

R986-218-840. GA Medical Benefit.

A person eligible for GA financial assistance is eligible for medical assistance without completing a separate application.

R986-218-850. Reviews.

If the recipient is actively involved in following through on self-sufficiency activities, a review every 12 months may be required. Otherwise, a review of the case takes place at least every six months. Each individual must have developed a self-sufficiency plan and be following through on that plan unless exempted. If exempted, a review is completed to see if the reason for the exemption still applies. Also, a review for SSI eligibility is completed.

R986-218-860. Special General Assistance Program For Transient Persons.

1. Transient persons are non-residents of Utah who are temporarily stranded and do not intend to stay in Utah.

2. The regional department director or designee may approve assistance to cover the emergency need under the GA category.

KEY: public assistance programs, resources*

August 17, 1999 **35A-3-103**
Notice of Continuation February 10, 1997 **35A-3-401**



**End of the Notices of 120-Day
(Emergency) Rules Section**

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Commerce, Occupational and Professional Licensing

R156-46a

Hearing Instrument Specialist Licensing Act Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 22341
FILED: 08/26/1999, 10:03
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: Title 58, Chapter 46a, provides for the licensing of hearing instrument specialists and hearing instrument interns. Subsection 58-1-106(1) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-46a-201(3)(a) provides that the Hearing Instrument Specialist Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) provides that one of the duties of each board is to recommend to the division director appropriate rules. These rules were enacted to clarify the provisions of Title 58, Chapter 46a, with respect to hearing instrument specialists and hearing instrument interns.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was originally enacted in 1994, no written comments have been received by the Division.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58,

Chapter 46a, with respect to hearing instrument specialists and hearing instrument interns.

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:

Clyde Ormond at the above address, by phone at (801) 530-6254, by FAX at (801) 530-6511, or Internet E-mail at brdopl.cormond@email.state.ut.us.

AUTHORIZED BY: A. Gary Bowen, Director

EFFECTIVE: 08/26/1999



Commerce, Occupational and Professional Licensing

R156-62

Health Care Assistant Registration Act Rules

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 22342
FILED: 08/26/1999, 10:03
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: Title 58, Chapter 62, provides for the registration of health care assistants. Subsection 58-1-106(1) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-62-201(3) provides that the Health Care Assistant Registration Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) provides that one of the duties of each board is to recommend to the division director appropriate rules. These rules were enacted to clarify the provisions of Title 58, Chapter 62, with respect to health care assistants.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since the rule was originally enacted in 1994, no written comments from the public have been received by the Division. In April 1999, Kent Bishop from the Governor's Office of Planning and Budget submitted several comments to Laura Poe regarding the wording of the proposed rule. As a result of those comments, a nonsubstantive change was filed with Division of Administrative Rules (DAR) in April 1999.

(DAR Note: The nonsubstantive change was filed April 15, 1999, under DAR No. 21971 and was effective May 1, 1999.)

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58, Chapter 62, with respect to health care assistants.

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 Internet E-mail at brdopl.lpoe@email.state.ut.us.

AUTHORIZED BY: A. Gary Bowen, Director

EFFECTIVE: 08/26/1999



Transportation, Motor Carrier
R909-3
Standards for Utah School Buses

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 22346
FILED: 08/30/1999, 16:50
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: Section 41-6-115 of the Utah Code annotated states "[t]he Department of Transportation by and with the advice of the State Board of Education and the Department of Public Safety shall adopt and enforce regulations not inconsistent with this chapter to govern the design and operation of all school buses when owned and operated by any school district or privately owned and operated under contract with any school district in this state, and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Under Title 41 of the Utah Code annotated, it states the Department of Transportation will adopt and enforce regulations concerning school buses. To be in compliance with this law, this rule is still required. We have received no comments in opposition of this rule.

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

Transportation
Motor Carrier
Calvin Rampton
4501 South 2700 West
PO Box 148240
Salt Lake City, UT 84114-8240, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Tamy L. Scott at the above address, by phone at (801) 965-4752, by FAX at (801) 965-4899, or Internet E-mail at tscott@dot.state.ut.us.

AUTHORIZED BY: Tamy L. Scott, Safety Investigator

EFFECTIVE: 08/30/1999



**NOTICES OF
NONSUBSTANTIVE CHANGES
MADE BY THE
DIVISION OF ADMINISTRATIVE RULES**

Under authority of UTAH CODE Subsections 63-46a-10(2) and (3) the Division of Administrative Rules may make nonsubstantive changes to the text of the *Utah Administrative Code*. Specifically:

(2) The division may after notifying the agency make nonsubstantive changes to rules filed with the division or published in the bulletin or code by:

- (a) implementing a uniform system of formatting, punctuation, capitalization, organization, numbering, and wording;
- (b) correcting obvious errors and inconsistencies in punctuation, capitalization, numbering, referencing, and wording;
- (c) changing a catchline to more accurately reflect the substance of each section, part, rule, or title;
- (d) updating or correcting annotations associated with a section, part, rule, or title; and
- (e) merging or determining priority of any amendment, enactment, or repeal to the same rule or section made effective by an agency.

(3) In addition, the division may make the following nonsubstantive changes with the concurrence of the agency:

- (a) eliminate duplication within rules;
- (b) eliminate obsolete and redundant words; and
- (c) correcting defective or inconsistent section and paragraph structure in arrangement of the subject matter of rules.

UTAH CODE Subsection 63-46a-10(4) requires the Division to publish a list of all such changes made after publication of the rule in the *Utah State Bulletin*, giving the affected code citation, a brief description of the change, and the date the change was made. The table below also indicates whether the correction was made under authority of UTAH CODE Subsection 63-46a-10(2) or 63-46a-10(3).

CODE REF.	FILE NO.	DESCRIPTION OF CHANGE	DATE	AUTHORITY
R392-101	22356	The title catchline is being changed to reflect the current agency name in the Department of Health. The old title catchline was: "Community Health Services, Environmental Services." The new title catchline is: "Epidemiology and Laboratory Services, Environmental Services."	09/01/99	63-46a-10(2)

End of the Notices of Nonsubstantive Changes Made by the Division of Administrative Rules Section

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

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

Administrative Services

Finance

No. 22050 (CPR): R25-7. Travel-Related Reimbursements for State Employees.
Published: August 1, 1999
Effective: September 1, 1999

Agriculture

Animal Industry

No. 22122 (AMD): R58-17. Aquaculture and Fish Health.
Published: July 15, 1999
Effective: August 17, 1999

No. 22123 (NEW): R58-20. Domesticated Elk Hunting Parks.
Published: July 15, 1999
Effective August 17, 1999

Commerce

Occupational and Professional Licensing

No. 22166 (AMD): R156-26. Certified Public Accountant Licensing Act Rules.
Published: July 15, 1999
Effective: August 24, 1999

Fair Corporation (Utah State)

Administration

No. 22114 (AMD): R325-1. Utah State Fair Competitive Exhibitor Rules.
Published: July 15, 1999
Effective: August 19, 1999

No. 22115 (AMD): R325-2. Utah State Fair Commercial Exhibitor Rules.
Published: July 15, 1999
Effective: August 19, 1999

No. 22116 (AMD): R325-3. Utah State Fair Patron Rules.
Published: July 15, 1999
Effective: August 19, 1999

No. 22118 (AMD): R325-5. Interim Renters Rules (Other Than Utah State Fair).
Published: July 15, 1999
Effective: August 19, 1999

Human Services

Administration, Administrative Services, Licensing

No. 22164 (AMD): R501-7. Rules for Child Placing Agencies.
Published: July 15, 1999
Effective: September 1, 1999

No. 22051 (AMD): R501-12. Foster Care Rules.
Published: June 1, 1999
Effective: September 1, 1999

Child and Family Services

No. 22055 (NEW): R512-41. Qualifying Adoptive Families and Adoption Placement.
Published: June 1, 1999
Effective: September 1, 1999

Recovery Services

No. 22158 (AMD): R527-450. Federal Tax Refund Intercept.
Published: July 15, 1999
Effective: August 17, 1999

Insurance

Administration

No. 21964 (REP): R590-89. Unfair Claims Settlement Practices Rule.
Published: May 1, 1999
Effective: August 27, 1999

No. 21965 (CPR): R590-192. Unfair Health Claims Settlement Practices Rule.
Published: June 15, 1999
Effective: August 27, 1999

Natural Resources

Wildlife Resources

No. 22167 (AMD): R657-4. Possession of Live Game Birds.
Published: July 15, 1999
Effective: August 17, 1999

NOTICES OF RULE EFFECTIVE DATES

No. 22186 (AMD): R657-6. Taking Upland Game.
Published: July 15, 1999
Effective: August 17, 1999

No. 22183 (AMD): R657-14. Commercial Harvesting of Protected Aquatic Wildlife.
Published: August 1, 1999
Effective: September 1, 1999

No. 22169 (AMD): R657-22. Commercial Hunting Areas.
Published: July 15, 1999
Effective: August 17, 1999

No. 22170 (NEW): R657-46. The Use of Game Birds in Dog Field Trials and Training.
Published: July 15, 1999
Effective: August 18, 1999

Public Safety

Comprehensive Emergency Management

No. 22163 (NEW): R704-1. Search and Rescue Financial Assistance Program.
Published: July 15, 1999
Effective: August 19, 1999

Fire Marshal

No. 22184 (AMD): R710-9. Rules Pursuant to the Utah Fire Prevention Law.
Published: August 1, 1999
Effective: September 1, 1999

Tax Commission

Auditing

No. 22161 (AMD): R865-19S-79. Tourist Home, Hotel, Motel, or Trailer Court Accommodations and Services Defined Pursuant to Utah Code Ann. Section 59-12-103.
Published: July 15, 1999
Effective: September 2, 1999

No. 22094 (AMD): R865-19S-106. Tourism Marketing Performance Fund Pursuant to Utah Code Ann. Section 9-2-1702 and 9-2-1703.
Published: June 15, 1999
Effective September 2, 1999

No. 22095 (AMD): R865-19S-107. Reporting of Exempt Sales or Purchases Pursuant to Utah Code Ann. Section 59-12-105.
Published: June 15, 1999
Effective: September 2, 1999

No. 22162 (AMD): R865-19S-108. User Fee Defined Pursuant to Utah Code Ann. Section 59-2-103.
Published: July 15, 1999
Effective: September 2, 1999

No. 22185 (AMD): R884-24P-27. Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Section 59-2-704.5
Published: August 1, 1999
Effective: September 2, 1999

No. 22186 (AMD): R884-24P-32. Leasehold Improvements Pursuant to Utah Code Ann. Section 59-2-303.
Published: August 1, 1999
Effective: September 2, 1999

No. 22096 (AMD): R884-24P-50. Apportioning the Utah Proportion of Commercial Aircraft Valuations Pursuant to Utah Code Ann. Subsection 59-2-201(1)(c) and Section 59-2-801.
Published: June 15, 1999
Effective: September 2, 1999

No. 22028 (AMD): R884-24P-57. Judgment Levies Pursuant to Utah Code Ann. Section 59-2-1328.
Published: June 1, 1999
Effective: September 2, 1999

Transportation

Administration

No. 22165 (NEW): Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities.
Published: July 15, 1999
Effective: August 17, 1999

Workforce Services

Employment Development

No. 22093 (AMD): Demonstration Programs.
Published: June 15, 1999
Effective: August 31, 1999

End of the Notices of Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 1999, including notices of effective date received through September 1, 1999, the effective dates of which are no later than September 15, 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

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	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Facilities Construction and Management</u>					
R23-1-17	Procurement of Construction	22104	AMD	08/09/99	99-13/6
R23-3	Authorization of Programs for Capital Development Projects	22103	NEW	08/09/99	99-13/7
R23-29	Across the Board Delegation	22041	5YR	05/11/99	99-11/75
<u>Finance</u>					
R25-5	Payment of Per Diem to Boards	21887	NSC	03/05/99	Not Printed
R25-5	Payment of Per Diem to Boards	22049	AMD	07/13/99	99-11/14
R25-7	Travel-Related Reimbursements for State Employees	21888	NSC	03/05/99	Not Printed
R25-7	Travel-Related Reimbursements for State Employees	22050	AMD	see CPR	99-11/15
R25-7	Travel-Related Reimbursements for State Employees	22050	CPR	09/01/99	99-15/55
R25-8	Meal Allowance	21889	NSC	03/05/99	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Records Committee</u>					
R35-1	State Records Committee Appeal Hearing Procedures	21751	NEW	03/18/99	99-2/2
R35-2	Declining Appeal Hearings	22069	NEW	07/16/99	99-12/6
R35-3	Prehearing Conferences	22070	NEW	07/16/99	99-12/7
R35-4	Compliance with State Records Committee Decisions and Orders	22071	NEW	07/16/99	99-12/8
R35-5	Subpoenas Issued by the Records Committee	22072	NEW	07/16/99	99-12/9
R35-6	Expedited Hearing	22073	NEW	07/16/99	99-12/10
AGRICULTURE AND FOOD					
<u>Administration</u>					
R51-5	Grazing Advisory Boards	21884	5YR	02/22/99	99-6/27
<u>Animal Industry</u>					
R58-17	Aquaculture and Fish Health	22122	AMD	08/17/99	99-14/7
R58-20	Domesticated Elk Hunting Parks	22123	NEW	08/17/99	99-14/16
<u>Plant Industry</u>					
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	21701	AMD	01/15/99	98-24/8
R68-15	Quarantine Pertaining to Japanese Beetle, (Popillia Japonica)	21808	AMD	03/18/99	99-4/7
<u>Regulatory Services</u>					
R70-530-6	Water, Plumbing and Waste	22056	NSC	06/01/99	Not Printed
R70-630	Water Vending Machine	22057	AMD	07/06/99	99-11/19
COMMERCE					
<u>Consumer Protection</u>					
R152-2-10	Deposits and Refunds	22032	AMD	08/02/99	99-11/23
R152-16	Motor Fuel Marketing Act Rules	22211	5YR	07/29/99	99-16/49
R152-21	Credit Services Organizations Act Rules	22212	5YR	07/29/99	99-16/49
<u>Occupational and Professional Licensing</u>					
R156-5a	Podiatric Physician Licensing Act Rules	21907	5YR	03/02/99	99-7/54
R156-24a	Physical Therapist Practice Act Rules	21716	AMD	see CPR	98-24/11
R156-24a	Physical Therapist Practice Act Rules	21716	CPR	03/09/99	99-3/56
R156-26	Certified Public Accountant Licensing Act Rules	22166	AMD	08/24/99	99-14/18
R156-28	Veterinary Practice Act Rules	21753	AMD	02/18/99	99-2/3
R156-31b	Nurse Practice Act Rules	21903	AMD	04/15/99	99-6/4
R156-37c	Utah Controlled Substance Precursor Act Rules	21908	5YR	03/02/99	99-7/54
R156-39a	Alternative Dispute Resolution Providers Certification Act Rules	21905	5YR	03/01/99	99-6/27
R156-44a	Nurse Midwife Practice Act Rules	22200	5YR	07/22/99	99-16/50
R156-46a	Hearing Instrument Specialist Licensing Act Rules	22341	5YR	08/26/99	99-18/60

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-50	Private Probation Provider Licensing Act Rules	21822	AMD	03/18/99	99-4/9
R156-50-502	Unprofessional Conduct	21927	NSC	03/29/99	Not Printed
R156-55a	Utah Construction Trades Licensing Act Rules	22084	AMD	07/19/99	99-12/11
R156-56	Utah Uniform Building Standard Act Rules	22008	AMD	07/01/99	99-10/5
R156-56	Utah Uniform Building Standard Act Rules	22009	AMD	see CPR	99-10/19
R156-56	Utah Uniform Building Standard Act Rules	22009	CPR	08/05/99	99-13/28
R156-56	Utah Uniform Building Standard Act Rules	22010	AMD	see CPR	99-10/21
R156-56	Utah Uniform Building Standard Act Rules	22010	CPR	08/05/99	99-13/29
R156-60a	Social Worker Licensing Act Rules	22085	AMD	07/19/99	99-12/12
R156-61	Psychologist Licensing Act Rules	22201	5YR	07/22/99	99-16/51
R156-61-302a	Qualifications for Licensure - Education Requirements	22102	AMD	08/05/99	99-13/12
R156-62	Health Care Assistant Registration Act Rules	22342	5YR	08/26/99	99-18/60
R156-62-302	Qualifications for Registration	21899	AMD	04/15/99	99-6/6
R156-62-302	Qualifications for Registration	21971	NSC	05/01/99	Not Printed
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
R162-101-2	Definitions	22060	AMD	07/16/99	99-12/25
R162-102	Licensing Procedures	22001	EMR	05/03/99	99-10/91
R162-102	Licensing Procedures	21915	AMD	06/10/99	99-7/5
R162-102	Licensing Procedures	22061	AMD	07/16/99	99-12/27
R162-103	Appraisal Education Requirements for Prelicense and Continuing Education Course, School and Instructor Certification	22002	EMR	05/03/99	99-10/94
R162-103	Appraisal Education Requirements for Prelicense and Continuing Education Course, School and Instructor Certification	22062	AMD	07/16/99	99-12/29
R162-104	Experience Requirement	22003	EMR	05/03/99	99-10/98
R162-104	Experience Requirement	22063	AMD	07/16/99	99-12/33
R162-105	Scope of Authority	22004	EMR	05/03/99	99-10/100
R162-105	Scope of Authority	22064	NEW	07/16/99	99-12/36
R162-106	Professional Conduct	22005	EMR	05/03/99	99-10/102
R162-106	Professional Conduct	22065	AMD	07/16/99	99-12/37
R162-107	Unprofessional Conduct	22006	EMR	05/03/99	99-10/104
R162-107	Unprofessional Conduct	22066	AMD	07/16/99	99-12/39
R162-109	Administrative Proceedings	22007	EMR	05/03/99	99-10/105
R162-109	Administrative Proceedings	22067	AMD	07/16/99	99-12/40

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
CORRECTIONS					
<u>Administration</u>					
R251-103	Undercover Roles of Offenders	21858	5YR	02/12/99	99-5/57
R251-105	Applicant Qualifications for Employment with Department of Corrections	21828	5YR	02/01/99	99-4/65
R251-105	Applicant Qualifications for Employment with Department of Corrections	21829	AMD	03/29/99	99-4/15
R251-105	Applicant Qualifications for Employment with Department of Corrections	21925	NSC	03/29/99	Not Printed
CRIME VICTIM REPARATIONS					
<u>Administration</u>					
R270-1	Award and Reparation Standards	21904	AMD	04/15/99	99-6/7
EDUCATION					
<u>Administration</u>					
R277-102	Adjudicative Proceedings	21893	5YR	02/26/99	99-6/28
R277-105	Recognizing Constitutional Freedoms in the Schools	22173	5YR	07/06/99	99-15/58
R277-413	Accreditation of Secondary Schools, Alternative or Special Purpose Schools	21823	NEW	03/22/99	99-4/16
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	21894	5YR	02/26/99	99-6/28
R277-436	Gang Prevention and Intervention Programs in the Schools	21902	AMD	04/15/99	99-6/12
R277-437	Student Enrollment Options	21677	NEW	01/05/99	98-23/4
R277-438	Dual Enrollment	22105	5YR	06/08/99	99-13/37
R277-455	Standards and Procedures for Building Plan Review	21895	5YR	02/26/99	99-6/29
R277-458	70% Utilization of School Buildings	22024	EMR	04/30/99	99-10/107
R277-458	70% Utilization of School Buildings	22025	REP	06/15/99	99-10/30
R277-462	Comprehensive Guidance Program	22097	AMD	07/19/99	99-12/42
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
R277-519	Educator In-service Procedures and Credit	21824	AMD	03/22/99	99-4/19
R277-601	Standards for Utah School Buses and Operations	21896	5YR	02/26/99	99-6/29
R277-609	Standards for School District Discipline Plans	22313	5YR	08/13/99	99-17/128
R277-702	Procedures for the Utah General Educational Development Certificate	21825	AMD	03/22/99	99-4/20
R277-709	Education Programs Serving Youth in Custody	22098	AMD	07/19/99	99-12/44
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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R277-746	Driver Education Programs for Utah Schools	22099	AMD	07/19/99	99-12/45
R277-800	Administration of the Utah School for the Deaf and the Utah School for the Blind	22314	5YR	08/13/99	99-17/128
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R307-12 (Changed to R307-205)	Emission Standards: Fugitive Emissions and Fugitive Dust	21697	CPR	05/04/99	99-7/44
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R307-150	Emission Inventories	21591	NEW	see CPR	98-22/56
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R307-221	Emission Controls for Existing Municipal Solid Waste Landfills	21850	NSC	02/27/99	Not Printed
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R307-309	Davis, Salt Lake, and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	21698	CPR	05/04/99	99-7/46
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R307-342	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Qualification of Contractors, Test Procedures for Testing of Vapor Recovery Systems for Gasoline Delivery Tanks	21950	AMD	07/15/99	99-9/21
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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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R307-415	Permits: Operating Permit Requirements	22045	AMD	07/15/99	99-11/26
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R307-417	Permits: Acid Rain Sources	21910	5YR	03/05/99	99-7/55
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R313-28	Use of X-Rays in the Healing Arts	22078	AMD	08/13/99	99-12/57
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R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule	21767	CPR	05/26/99	99-8/64
R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule	22082	AMD	07/28/99	99-12/81
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R590-191	Unfair Life Insurance Claims Settlement Practices Rule	21781	CPR	05/25/99	99-8/69
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R614-1-4	Incorporation of Federal Standards	22038	AMD	07/02/99	99-11/46
R614-1-7	Inspections, Citations, and Proposed Penalties	22039	AMD	07/02/99	99-11/47
R614-4-4	Explosive Materials, General Requirements	21983	NSC	05/13/99	Not Printed
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R616-2	Boiler and Pressure Vessel Rules	22036	AMD	07/02/99	99-11/53
R616-3	Elevator Rules	21454	AMD	01/28/99	98-19/84
R616-3	Elevator Rules	22037	AMD	07/02/99	99-11/56
R616-3-18	Classification of Proceeding for Purposes of Utah Administrative Procedures Act	21944	NSC	05/01/99	Not Printed
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<u>Administration</u>					
R622-2	Use of the Great Seal of the State of Utah	21963	NEW	06/22/99	99-9/84
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R628-2	Investment of Funds of Member Institutions of the State System of Higher Education	21941	AMD	06/01/99	99-8/21
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R645-104	Protection of Employees	21977	5YR	04/19/99	99-10/110
R645-401	Inspection and Enforcement: Civil Penalties	21978	5YR	04/19/99	99-10/111
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R651-206	Carrying Passengers for Hire	21924	AMD	05/18/99	99-8/23
R651-407	Off-Highway Vehicle Advisory Council	22125	5YR	06/29/99	99-14/81
R651-408	Off-Highway Vehicle Education Curriculum Standards	22126	5YR	06/29/99	99-14/81
R651-601	Definitions as Used in These Rules	22127	5YR	06/29/99	99-14/82
R651-602	Aircraft and Powerless Flight	22128	5YR	06/29/99	99-14/82
R651-603	Animals	22129	5YR	06/29/99	99-14/83
R651-604	Audio Devices	22130	5YR	06/29/99	99-14/83
R651-605	Begging and Soliciting	22131	5YR	06/29/99	99-14/84
R651-606	Camping	22132	5YR	06/29/99	99-14/84
R651-607	Disorderly Conduct	22133	5YR	06/29/99	99-14/85
R651-608	Events of Special Uses	22134	5YR	06/29/99	99-14/85
R651-609	Explosives and Fireworks	22135	5YR	06/29/99	99-14/86
R651-610	Expulsion	22136	5YR	06/29/99	99-14/86
R651-612	Firearms, Traps and Other Weapons	22137	5YR	06/29/99	99-14/87
R651-613	Fires	22138	5YR	06/29/99	99-14/87
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R651-615	Motor Vehicle Use	22140	5YR	06/29/99	99-14/88
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R651-617	Permit Violation	22142	5YR	06/29/99	99-14/89
R651-618	Picnicking	22143	5YR	06/29/99	99-14/90
R651-619	Possession of Alcoholic Beverages or Controlled Substances	22144	5YR	06/29/99	99-14/90
R651-620	Protection of Public Property, Features and Resources	22145	5YR	06/29/99	99-14/91
R651-621	Reports of Injury or Damage	22146	5YR	06/29/99	99-14/91
R651-622	Rock Climbing	22147	5YR	06/29/99	99-14/92
R651-623	Sale or Distribution of Printed Material	22148	5YR	06/29/99	99-14/92
R651-624	Sanitation	22149	5YR	06/29/99	99-14/93
R651-625	Shirts and Shoes	22150	5YR	06/29/99	99-14/93
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R651-632	Enforcement	22157	5YR	06/29/99	99-14/97
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R652-70-2300	Management of Bear Lake Sovereign Lands	21672	AMD	01/14/99	98-23/36

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R657-4	Possession of Live Game Birds	22167	AMD	08/17/99	99-14/45
R657-5	Taking Big Game	21717	AMD	01/15/99	98-24/96
R657-5	Taking Big Game	22076	AMD	07/16/99	99-12/87
R657-6	Taking Upland Game	22186	AMD	08/17/99	99-14/47
R657-14	Commercial Harvesting of Protected Aquatic Wildlife	21937	AMD	05/18/99	99-8/25
R657-14	Commercial Harvesting of Protected Aquatic Wildlife	22183	AMD	09/01/99	99-15/36
R657-22	Commercial Hunting Area	22169	AMD	08/17/99	99-14/54
R657-27	License Agent Procedures	21827	AMD	03/18/99	99-4/51
R657-33	Taking Bear	21938	AMD	05/18/99	99-8/33
R657-37	Cooperative Wildlife Management Units for Big Game	22027	5YR	05/03/99	99-11/75
R657-37	Cooperative Wildlife Management Units for Big Game	21939	AMD	05/18/99	99-8/39
R657-38	Dedicated Hunter Program	21719	AMD	01/15/99	98-24/107
R657-41	Conservation and Sportsman Permits	21940	AMD	05/18/99	99-8/45
R657-42	Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits	21720	AMD	01/15/99	98-24/109
R657-43	Landowner Permits	21721	AMD	01/15/99	98-24/110
R657-46	The Use of Game Birds in Dog Field Trials and Training	22170	NEW	08/18/99	99-14/57
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R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	21921	AMD	05/06/99	99-7/31
R686-103	Professional Practices and Conduct for Utah Educators	21922	NEW	05/06/99	99-7/40
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R698-4	Certification of the Law Enforcement Agency of a Private College or University	21779	NEW	03/05/99	99-3/33
R698-4	Certification of the Law Enforcement Agency of a Private College or University	21913	NSC	04/01/99	Not Printed
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R708-2	Commercial Driver Training Schools	21579	R&R	see CPR	98-22/115
R708-2	Commercial Driver Training Schools	21579	CPR	03/18/99	99-4/61
R708-30	Motorcycle Rider Training Schools	21881	5YR	02/17/99	99-6/32
R708-30	Motorcycle Rider Training Schools	21933	R&R	05/18/99	99-8/48
<u>Fire Marshal</u>					
R710-1	Concerns Servicing Portable Fire Extinguishers	21708	AMD	01/15/99	98-24/112
R710-3	Assisted Living Facilities	21709	AMD	01/15/99	98-24/116
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	21710	AMD	01/15/99	98-24/117
R710-6	Liquefied Petroleum Gas Rules	21733	AMD	02/02/99	99-1/17
R710-8	Day Care Rules	21712	AMD	see CPR	98-24/120
R710-8	Day Care Rules	21712	CPR	02/23/99	99-2/88
R710-9	Rules Pursuant to the Utah Fire Prevention Law	21901	AMD	04/19/99	99-6/21
R710-9	Rules Pursuant to the Utah Fire Prevention Law	22184	AMD	09/01/99	99-15/41
<u>Highway Patrol</u>					
R714-500	Chemical Analysis Standards and Training	21945	NSC	05/01/99	Not Printed
R714-600	Performance Standards for Tow-Truck Motor Carriers	21882	NEW	04/15/99	99-6/25
<u>Law Enforcement and Technical Services, Regulatory Licensing</u>					
R724-7	Undercover Driver's License	21929	R&R	06/14/99	99-8/54
R724-9	Licensing of Private Investigators	21934	AMD	06/14/99	99-8/56
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R746-100	Practice and Procedure Governing Formal Hearings	21793	AMD	05/17/99	99-3/34
R746-200	Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities	21794	AMD	06/01/99	99-3/41
R746-320	Uniform Rules Governing Natural Gas Service by Gas Utilities	21798	AMD	06/05/99	99-4/52
R746-365	Intercarrier Service Quality	20997	NEW	see CPR	98-9/50
R746-365	Intercarrier Service Quality	20997	CPR	01/13/99	98-18/39
R746-365	Intercarrier Service Quality	21774	NSC	01/15/99	Not Printed
R746-365-4	Service Quality Guidelines	21879	AMD	06/01/99	99-5/42
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<u>Administration</u>					
R765-607	Utah Higher Education Tuition Assistance Program	21673	NEW	01/04/99	98-23/38
R765-607	Utah Higher Education Tuition Assistance Program	21771	NSC	01/27/99	Not Printed
R765-685	Utah Educational Savings Plan Trust	21674	AMD	01/04/99	98-23/40

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R784-1	Government Records Access and Management Act Rules	21820	NEW	03/18/99	99-4/57
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R807-1	Curation of Collections from State Lands	21966	NEW	06/03/99	99-9/86
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<u>Administration</u>					
R850-20-175	Coal Leasing of Lands Acquired in Public Law 105-335 Exchanges	21909	EXP	03/03/99	99-7/52
R850-40-1600	Easement Assignments	21932	AMD	05/18/99	99-8/58
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<u>Auditing</u>					
R865-6F-34	Qualified Subchapter S Subsidiaries Pursuant to Utah Code Ann. Section 59-7-701	21760	AMD	03/16/99	99-2/58
R865-6F-35	S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703	21761	AMD	03/16/99	99-2/59
DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
R865-7H-1	Environmental Assurance Fee for Retailers or Consumers Not Participating in the Environmental Assurance Program Pursuant to Utah Code Ann. Section 19-6-410.5	21737	NEW	03/16/99	99-1/22
R865-7H-2	Environmental Assurance Fee on Packaged Petroleum Products Pursuant to Utah Code Ann. Section 19-6-410.5	21738	NEW	03/16/99	99-1/24
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
R865-19S-79	Tourist Home, Hotel, Motel, or Trailer Court Accommodations and Services Defined Pursuant to Utah Code Ann. Section 59-12-103	22161	AMD	09/02/99	99-14/63
R865-19S-106	Tourist Marketing Performance Fund Pursuant to Utah Code Ann. Section 9-2-1702 and 9-2-1703	22094	AMD	09/02/99	99-12/91
R865-19S-107	Reporting of Exempt Sales or Purchases Pursuant to Utah Code Ann. Section 59-12-105	22095	AMD	09/02/99	99-12/92
R865-19S-108	User Fee Defined Pursuant to Utah Code Ann. Section 59-2-103	22162	AMD	09/02/99	99-14/64
<u>Motor Vehicle</u>					
R873-22M-20	Aircraft Regulation Pursuant to Utah Code Ann. Sections 2-1-7, 2-1-7.5, 2-1-7.6, and 2-1-7.7	21997	AMD	06/21/99	99-10/88

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R884-24P-27	Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Section 59-2-704.5	22185	AMD	09/02/99	99-15/49
R884-24P-32	Leasehold Improvements Pursuant to Utah Code Ann. Section 59-2-303	21931	AMD	06/21/99	99-8/61
R884-24P-32	Leasehold Improvements Pursuant to Utah Code Ann. Section 59-2-303	22186	AMD	09/02/99	99-15/51
R884-24P-50	Apportioning the Utah Proportion of Commercial Aircraft Valuations Pursuant to Utah Code Ann. Subsection 59-2-201(1)(c) and Section 59-2-801	22096	AMD	09/02/99	99-12/93
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
R884-24P-57	Judgment Levies Pursuant to Utah Code Ann. Section 59-2-1328	22028	AMD	09/02/99	99-11/73
R884-24P-61	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	21762	AMD	03/16/99	99-2/60
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
R884-24P-64	Determination and Application of Taxable Value for Purposes of the Property Tax Exemption for Disabled Veterans and the Blind Pursuant to Utah Code Ann. Section 59-2-1104 and 59-2-1106	21998	AMD	06/21/99	99-10/89
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R907-64	Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	22124	EMR	06/28/99	99-14/76
R907-64	Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	22165	NEW	08/17/99	99-14/65
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R909-1	Safety Regulations for Motor Carriers	21756	AMD	03/15/99	99-2/62
R909-3	Standards for Utah School Buses	22346	5YR	08/30/99	99-18/61

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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
R912-14	Changes in Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet Length	22171	5YR	07/06/99	99-15/58
R912-76	Single Tire Configuration	21801	NSC	01/27/99	Not Printed
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R986-413	Program Standards	21705	AMD	01/20/99	98-24/122
R986-414	Income	21581	AMD	01/20/99	98-22/133
R986-414	Income	21763	AMD	04/08/99	99-2/64
R986-417	Documentation	21582	AMD	01/20/99	98-22/134
R986-419	Income Limits	21706	AMD	01/20/99	98-24/124
R986-420	Maximum Allotments	21707	AMD	01/20/99	98-24/125
R986-421	Demonstration Programs	21585	AMD	01/20/99	98-22/136
R986-501	Displaced Homemaker Program	21883	5YR	02/19/99	99-6/32
<u>Workforce Information and Payment Services</u>					
R994-309	Nonprofit Organizations	22197	5YR	07/20/99	99-16/51
R994-310	Coverage	22192	5YR	07/20/99	99-16/52
R994-311	Governmental Units	22199	5YR	07/20/99	99-16/52
R994-312	Employment Units Records - Confidential	22220	5YR	07/30/99	99-16/53
R994-405	Ineligibility for Benefits	21745	AMD	02/17/99	99-2/65
R994-405	Ineligibility for Benefits	21746	AMD	02/17/99	99-2/72
R994-405	Ineligibility for Benefits	21748	AMD	02/17/99	99-2/77
R994-405	Ineligibility for Benefits	21749	AMD	02/17/99	99-2/83
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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
5YR = Five-Year Review	repealed text not printed in <i>Bulletin</i>
EXD = Expired	

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<u>ACCREDITATION</u>					
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	21735	R307-417	AMD	03/05/99	99-1/3
	21910	R307-417	5YR	03/05/99	99-7/55
	22042	R307-417-2	NSC	06/01/99	Not Printed
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	22021	R477-12	AMD	06/26/99	99-10/66
	22023	R477-15	AMD	06/26/99	99-10/71
	22059	R497-100	AMD	08/17/99	99-12/79
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Labor Commission, Adjudication	21845	R602-2-1	AMD	04/05/99	99-5/38
	21846	R602-2-4	AMD	04/05/99	99-5/40
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	21932	R850-40-1600	AMD	05/18/99	99-8/58
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Environmental Quality, Radiation Control	21807	R313-38	5YR	01/25/99	99-4/66
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	21826	R277-733	AMD	03/22/99	99-4/22
	21898	R277-734	5YR	02/26/99	99-6/30
Workforce Services, Employment Development	21883	R986-501	5YR	02/19/99	99-6/32
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	21886	R510-111	NSC	02/27/99	Not Printed
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<u>AIR POLLUTION</u>					
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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
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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
	22043	R307-202-5	AMD	07/15/99	99-11/24
	22044	R307-210-1	AMD	07/15/99	99-11/25
	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
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	21852	R307-403	AMD	05/06/99	99-5/16
	21900	R307-415	5YR	03/01/99	99-6/31
	22045	R307-415	AMD	07/15/99	99-11/26
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	21853	R307-420	NEW	05/06/99	99-5/18
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	21735	R307-417	AMD	03/05/99	99-1/3
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	22042	R307-417-1	NSC	06/01/99	Not Printed
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	21688	R426-2	AMD	01/22/99	98-24/59
	21694	R426-3	AMD	01/22/99	98-24/61
	21695	R426-4	AMD	01/22/99	98-24/67
	21657	R426-6	AMD	03/01/99	98-23/23
	21906	R426-6	AMD	05/14/99	99-7/12
	21906	R426-6	AMD	05/14/99	99-7/12
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	22045	R307-415	AMD	07/15/99	99-11/26
	21589	R307-415-3	AMD	01/07/99	98-22/68
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	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
	21747	R994-405	NSC	02/20/99	Not Printed
<u>EMPLOYEE TERMINATION</u>					
Workforce Services, Workforce Information and Payment Services	21745	R994-405	AMD	02/17/99	99-2/65
	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
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	21829	R251-105	AMD	03/29/99	99-4/15
	21925	R251-105	NSC	03/29/99	Not Printed
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	22015	R477-6	AMD	06/26/99	99-10/50
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	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
	21749	R994-405	AMD	02/17/99	99-2/83
	21747	R994-405	NSC	02/20/99	Not Printed
21770	R994-600	AMD	03/05/99	99-3/51	
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<u>ENROLLMENT OPTIONS</u>					
Education, Administration	21677	R277-437	NEW	01/05/99	98-23/4
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DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
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	21738	R865-7H-2	NEW	03/16/99	99-1/24
	21739	R865-7H-3	NEW	03/16/99	99-1/24
	21740	R865-13G-14	AMD	04/28/99	99-1/25
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Environmental Quality, Air Quality	21900	R307-415	5YR	03/01/99	99-6/31
	22045	R307-415	AMD	07/15/99	99-11/26
	21589	R307-415-3	AMD	01/07/99	98-22/68
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	21948	R313-19-30	AMD	06/11/99	99-9/30
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	22114	R325-1	AMD	08/19/99	99-14/28
	21873	R325-2	AMD	04/05/99	99-5/23
	22115	R325-2	AMD	08/19/99	99-14/30
	21874	R325-3	AMD	04/05/99	99-5/24
	22116	R325-3	AMD	08/19/99	99-14/31
	21875	R325-4	AMD	04/05/99	99-5/25
	21876	R325-5	AMD	04/05/99	99-5/26
	22118	R325-5	AMD	08/19/99	99-14/32
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	21712	R710-8	CPR	02/23/99	99-2/88
	21901	R710-9	AMD	04/19/99	99-6/21
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	21771	R765-607	NSC	01/27/99	Not Printed
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	21582	R986-417	AMD	01/20/99	98-22/134
	21706	R986-419	AMD	01/20/99	98-24/124
	21707	R986-420	AMD	01/20/99	98-24/125
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	21761	R865-6F-35	AMD	03/16/99	99-2/59
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	21697	R307-12 (Changed to R307-205)	CPR	05/04/99	99-7/44
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	21717	R657-5	AMD	01/15/99	98-24/96
	22076	R657-5	AMD	07/16/99	99-12/87
	22186	R657-6	AMD	08/17/99	99-14/47
	21937	R657-14	AMD	05/18/99	99-8/25
	22183	R657-14	AMD	09/01/99	99-15/36
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	22070	R35-3	NEW	07/16/99	99-12/7
	22071	R35-4	NEW	07/16/99	99-12/8
	22072	R35-5	NEW	07/16/99	99-12/9
	22073	R35-6	NEW	07/16/99	99-12/10
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	22020	R477-11	AMD	06/26/99	99-10/65
	22021	R477-12	AMD	06/26/99	99-10/66
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	21953	R315-2	AMD	06/11/99	99-9/33
	21856	R315-2-2	AMD	04/15/99	99-5/20
	21954	R315-3	AMD	06/15/99	99-9/44
	22046	R315-4-2	AMD	07/15/99	99-11/30
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	21971	R156-62-302	NSC	05/01/99	Not Printed
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	21818	R432-149	5YR	01/29/99	99-4/69
	21797	R432-149	REP	04/07/99	99-4/26
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	21528	R432-250	REP	01/20/99	98-21/42
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	21561	R432-300	R&R	01/11/99	98-22/73
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	21790	R590-165	AMD	03/16/99	99-3/23
	22088	R590-165	5YR	05/27/99	99-12/104
	22089	R590-166	5YR	05/27/99	99-12/104
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	21725	R590-170	NEW	see CPR	98-24/95
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	21923	R590-96	NSC	03/29/99	Not Printed
	22087	R590-98	5YR	05/27/99	99-12/103
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	21767	R590-190	NEW	see CPR	99-2/47
	21767	R590-190	CPR	05/26/99	99-8/64
	22082	R590-190	AMD	07/28/99	99-12/81
	21781	R590-191	NEW	see CPR	99-3/30
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	21765	R590-194	NEW	03/23/99	99-2/52
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	21879	R746-365-4	AMD	06/01/99	99-5/42
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	21591	R307-150	NEW	see CPR	98-22/56
	21591	R307-150	CPR	03/04/99	99-3/57
	21592	R307-155	REP	03/04/99	98-22/60
	21593	R307-155	NEW	see CPR	98-22/62
	21593	R307-155	CPR	03/04/99	99-3/59
	21594	R307-158	NEW	see CPR	98-22/64
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	22184	R710-9	AMD	09/01/99	99-15/41
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<u>LEAVE</u>					
Human Resource Management, Administration	21803	R477-8	AMD	05/04/99	99-4/42
	22017	R477-8	AMD	06/26/99	99-10/55
	22047	R477-8	AMD	07/19/99	99-11/32
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	21948	R313-19-30	AMD	06/11/99	99-9/30
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	21716	R156-24a	AMD	see CPR	98-24/11
	21716	R156-24a	CPR	03/09/99	99-3/56
	22166	R156-26	AMD	08/24/99	99-14/18
	21753	R156-28	AMD	02/18/99	99-2/3
	21903	R156-31b	AMD	04/15/99	99-6/4
	21908	R156-37c	5YR	03/02/99	99-7/54
	21905	R156-39a	5YR	03/01/99	99-6/27
	22200	R156-44a	5YR	07/22/99	99-16/50
	22341	R156-46a	5YR	08/26/99	99-18/60
	21822	R156-50	AMD	03/18/99	99-4/9
	21927	R156-50-502	NSC	03/29/99	Not Printed
	22084	R156-55a	AMD	07/19/99	99-12/11
	20008	R156-56	AMD	07/01/99	99-10/5
	22009	R156-56	AMD	see CPR	99-10/19
	22009	R156-56	CPR	08/05/99	99-13/28
	22010	R156-56	AMD	see CPR	99-10/21
	22010	R156-56	CPR	08/05/99	99-12/29
	22085	R156-60a	AMD	07/19/99	99-12/12
	22201	R156-61	5YR	07/22/99	99-16/51
	22102	R156-61-302a	AMD	08/05/99	99-13/12
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	21899	R156-62-302	AMD	04/15/99	99-6/6
	21971	R156-62-302	NSC	05/01/99	Not Printed
	21855	R156-63	AMD	04/01/99	99-5/7
	21812	R156-74	NEW	03/18/99	99-4/12
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	21947	R313-18-12	AMD	06/11/99	99-9/29
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	22164	R501-7	AMD	09/01/99	99-14/33
	22051	R501-12	AMD	09/01/99	99-11/37
	21821	R501-14	AMD	03/22/99	99-4/47
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	21985	R414-1	NSC	05/05/99	Not Printed
	21687	R414-29	AMD	01/21/99	98-24/50
	21891	R414-31X	REP	04/23/99	99-6/18
	21935	R414-54	5YR	03/31/99	99-8/73
	21936	R414-54	NSC	05/01/99	Not Printed
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	21504	R307-170	CPR	04/01/99	99-5/51
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<u>MOTORCYCLE RIDER TRAINING SCHOOLS</u>					
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	21850	R307-221	NSC	02/27/99	Not Printed
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	21886	R510-111	NSC	02/27/99	Not Printed
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	21853	R307-420	NEW	05/06/99	99-5/18
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	21900	R307-415	5YR	03/01/99	99-6/31
	22045	R307-415	AMD	07/15/99	99-11/26
	21589	R307-415-3	AMD	01/07/99	98-22/68
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	21910	R307-417	5YR	03/05/99	99-7/55
	22042	R307-417-1	NSC	06/01/99	Not Printed
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	21449	R317-10	CPR	02/04/99	99-1/35
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	21949	R307-328	AMD	07/15/99	99-9/18
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	22049	R25-5	AMD	07/13/99	99-11/14
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	21931	R884-24P-32	AMD	06/21/99	99-8/61
	22186	R884-24P-32	AMD	09/02/99	99-15/51
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	21789	R884-24P-53	AMD	03/16/99	99-3/46
	22028	R884-24P-57	AMD	09/02/99	99-11/73
	21762	R884-24P-61	AMD	03/16/99	99-2/60
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	21789	R884-24P-53	AMD	03/16/99	99-3/46
	22028	R884-24P-57	AMD	09/02/99	99-11/73
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	22105	R277-438	5YR	06/08/99	99-13/37
	22097	R277-462	AMD	07/19/99	99-12/42
	21973	R277-716	AMD	06/03/99	99-9/15
	21678	R277-735	NEW	01/05/99	98-23/6
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	22100	R277-916	NEW	07/19/99	99-12/46
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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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	22079	R313-30	AMD	08/13/99	99-12/64
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	21806	R313-30	5YR	01/25/99	99-4/66
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	21947	R313-18-12	AMD	06/11/99	99-9/29
	21805	R313-21	5YR	01/25/99	99-4/65
	21807	R313-38	5YR	01/25/99	99-4/66
	22081	R313-70	AMD	08/13/99	99-12/68
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	22049	R25-5	AMD	07/13/99	99-11/14
	21889	R25-8	NSC	03/05/99	Not Printed
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	22001	R162-102	EMR	05/03/99	99-10/91
	21915	R162-102	AMD	06/10/99	99-7/5
	22061	R162-102	AMD	07/16/99	99-12/27
	22002	R162-103	EMR	05/03/99	99-10/94
	22062	R162-103	AMD	07/16/99	99-12/29
	22003	R162-104	EMR	05/03/99	99-10/98
	22063	R162-104	AMD	07/16/99	99-12/33
	22004	R162-105	EMR	05/03/99	99-10/100
	22064	R162-105	NEW	07/16/99	99-12/36
	22005	R162-106	EMR	05/03/99	99-10/102
	22065	R162-106	AMD	07/16/99	99-12/37
	22006	R162-107	EMR	05/03/99	99-10/104
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	22007	R162-109	EMR	05/03/99	99-10/105
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	21978	R645-401	5YR	04/19/99	99-10/111
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	22070	R35-3	NEW	07/16/99	99-12/7
	22071	R35-4	NEW	07/16/99	99-12/8
	22072	R35-5	NEW	07/16/99	99-12/9
	22073	R35-6	NEW	07/16/99	99-12/10
<u>RECREATION</u>					
Natural Resources, Wildlife Resources	21719	R657-38	AMD	01/15/99	98-24/107
<u>REGISTRATION</u>					
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	22094	R865-19S-106	AMD	09/02/99	99-12/91
	22095	R865-19S-107	AMD	09/02/99	99-12/92
	22162	R865-19S-108	AMD	09/02/99	99-14/64
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	22114	R325-1	AMD	08/19/99	99-14/28
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	22115	R325-2	AMD	08/19/99	99-14/30
	21874	R325-3	AMD	04/05/99	99-5/24
	2116	R325-3	AMD	08/19/99	99-14/31
	21875	R325-4	AMD	04/05/99	99-5/25
	21876	R325-5	AMD	04/05/99	99-5/26
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	21579	R708-2	CPR	03/18/99	99-4/61
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	22038	R614-1-4	AMD	07/02/99	99-11/46
	22039	R614-1-7	AMD	07/02/99	99-11/47
	21983	R614-4-4	NSC	05/13/99	Not Printed
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	22037	R616-3	AMD	07/02/99	99-11/56
	21944	R616-3-18	NSC	05/01/99	Not Printed
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	22095	R865-19S-107	AMD	09/02/99	99-12/92
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	21666	R434-20	NEW	01/07/99	98-23/26
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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
	21919	R315-315-6	NSC	03/15/99	Not Printed
	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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	22049	R25-5	AMD	07/13/99	99-11/14
	21888	R25-7	NSC	03/05/99	Not Printed
	22050	R25-7	AMD	see CPR	99-11/15
	22050	R25-7	CPR	09/01/99	99-15/55
	21889	R25-8	NSC	03/05/99	Not Printed
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	22069	R35-2	NEW	07/16/99	99-12/6
	22070	R35-3	NEW	07/16/99	99-12/7
	22071	R35-4	NEW	07/16/99	99-12/8
	22072	R35-5	NEW	07/16/99	99-12/9
	22073	R35-6	NEW	07/16/99	99-12/10
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	22079	R313-30	AMD	08/13/99	99-12/64
	22080	R313-35	AMD	08/13/99	99-12/66
	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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	21761	R865-6F-35	AMD	03/16/99	99-2/59
DAR Note: The following three sections will be combined to create one new rule, "R865-7H. Environmental Assurance Fee."					
	21737	R865-7H-1	NEW	03/16/99	99-1/22
	21738	R865-7H-2	NEW	03/16/99	99-1/24
	21739	R865-7H-3	NEW	03/16/99	99-1/24
	21740	R865-13G-14	AMD	04/28/99	99-1/25
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	22185	R884-24P-27	AMD	09/02/99	99-15/49
	21931	R884-24P-32	AMD	06/21/99	99-8/61
	22186	R884-24P-32	AMD	09/02/99	99-15/51
	22096	R884-24P-50	AMD	09/02/99	99-12/93
	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
	22028	R884-24P-57	AMD	09/02/99	99-11/73
	21762	R884-24P-61	AMD	03/16/99	99-2/60
	21676	R884-24P-63	AMD	03/16/99	98-23/42
21998	R884-24P-64	AMD	06/21/99	99-10/89	
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	22095	R865-19S-107	AMD	09/02/99	99-12/92
	22162	R865-19S-108	AMD	09/02/99	99-14/64
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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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<u>TRAINING PROGRAMS</u>					
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<u>TRANSPORTATION</u>					
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	22050	R25-7	AMD	see CPR	99-11/15
	22050	R25-7	CPR	09/01/99	99-15/55
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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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	22199	R994-311	5YR	07/20/99	99-16/52
	22220	R994-312	5YR	07/30/99	99-16/53
	21745	R994-405	AMD	02/17/99	99-2/65
	21746	R994-405	AMD	02/17/99	99-2/72
	21748	R994-405	AMD	02/17/99	99-2/77
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