

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

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

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

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EDITOR'S NOTES

DEPARTMENT OF ADMINISTRATIVE SERVICES ADMINISTRATIVE RULES

UTAH REGULATORY INFORMATION BY E-MAIL

Salt Lake City, Utah, July 11, 2000: The Utah Division of Administrative Rules is pleased to announce a new public access service. Beginning with the July 1, 2000, issue, the *Utah State Digest*—a summary of administrative rules changes proposed by state agencies along with other rules-related information, public notices, hearings notices, executive orders, and proclamations—is available by E-mail. The Division uses a Listserv—an automated E-mail system on the Internet—to distribute issues of the Digest on the 1st and 15th of each month.

Added Flexibility: The Listserv gives citizens the flexibility of controlling their own subscription. Anyone with an Internet E-mail address may subscribe to the *Utah State Digest*. Likewise, subscribers may cancel their own subscription at any time. This allows the Division to distribute the *Utah State Digest* to a broader audience—well beyond the scope of traditional subscribers.

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Only the Digest and Related Messages: While anyone may join the Listserv and receive messages posted to the Listserv, only the list administrators may send messages to the list. The Listserv is solely for the purpose of distributing the *Digest* or *Digest*-related information by E-mail, ensuring that subscribers receive only those messages they expect and need.

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Using the Utah State Digest Listserv Is Easy:

* Anyone with an Internet E-mail address may subscribe to, or join, the *Utah State Digest* Listserv, simply by sending a blank E-mail message to: join-admin_rules_digest@list.state.ut.us

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* Anyone may view historical messages sent to the *Utah State Digest* Listserv on-line, by visiting:
http://list.state.ut.us/shellcgi/lyris.pl?enter=admin_rules_digest

* Finally, the *Utah State Digest* Listserv is also available as a secure newsgroup at:
news://list.state.ut.us/admin_rules_digest

More Information Is Available: If you need more information about Utah administrative rules—such as the full text of proposed changes or emergency rules—visit Utah Administrative Rules OnLine at <http://www.rules.state.ut.us/>. The Division distributes free of charge all of its publications over Utah Administrative Rules OnLine.

Still Available on Paper: Persons who prefer to receive the *Utah State Digest* on paper may subscribe by contacting the printer: the Office of Legislative Printing, (801) 538-1103 (annual subscription is \$48 for 24 issues, first class US Mail delivery).

Questions: If you have questions about the *Utah State Digest* Listserv or any of the Division's publications, please contact Ken Hansen at khansen@das.state.ut.us or at (801) 538-3777.

End of the Editor's Notes Section

SPECIAL NOTICES

DEPARTMENT OF PUBLIC SAFETY DRIVER LICENSE

PUBLIC HEARING RULE R708-37, CERTIFICATION OF LICENSED INSTRUCTORS OF COMMERCIAL DRIVER TRAINING SCHOOLS TO ADMINISTER DRIVING SKILLS TESTS

The Driver License Division of the Department of Public Safety will hold a public hearing on Tuesday, August 8, 2000, at 9:30 a.m. at the Calvin L. Rampton building located at 4501 S 2700 W in Salt Lake City, UT, in the large Utah Department of Transportation (UDOT) conference room on the main ground level.

The purpose of the hearing is to receive public comment on the proposed new rule, R708-37, Certification of Licensed Instructors of Commercial Driver Training Schools to Administer Driving Skills Tests. This proposed new rule was published in the July 15, 2000, issue of the *Utah State Bulletin*, Vol. 2000, No. 14 under DAR No. 22980.

If there are questions regarding this new rule or the hearing, please contact Richard Peterson at (801) 964-4485 or Vinn Roos at (801) 965-4456, or by FAX at (801) 965-4496, or by Internet E-mail at vroos@email.state.ut.us.

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 July 1, 2000, 12:00 a.m., and July 14, 2000, 11:59 p.m., are included in this, the August 1, 2000, issue of the *Utah State Bulletin*.

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

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

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least August 31, 2000. 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 November 29, 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.

Education, Administration
R277-107
 Educational Services Outside of
 Educator's Regular Employment

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 23018

FILED: 07/14/2000, 15:42

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: H.B. 156 from the 2000 Legislative General Session required the State Board of Education to make rules that establish basic ethical conduct standards for employees who provide public education-related services or activities outside of their regular employment.

(DAR Note: H.B. 156 is found at 2000 Utah Laws 276, and was effective May 1, 2000.)

SUMMARY OF THE RULE OR CHANGE: The rule provides criteria for educators to provide paid education-related services outside of their regular employment. The rule discusses advertisement of the services and provides for clear disclosure to parents if activities are not district sponsored.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-1-402.5

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No anticipated cost or savings as the services are offered outside of the public employment of the individual.

❖LOCAL GOVERNMENTS: No anticipated cost or savings. Services are offered by individuals beyond their public employment.

❖OTHER PERSONS: School patrons may pay educators reasonable costs for services ranging from tutoring to athletic clinics to various lessons. Rates for services would be set by educators offering the services and may vary from community depending upon availability.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule requires no compliance costs for educators who may have employment outside of their education jobs because this only allows them to accept employment if community members choose to use services if provided.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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

Education
 Administration
 250 East 500 South
 Salt Lake City, UT 84111, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2000

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

R277. Education, Administration.

R277-107. Educational Services Outside of Educator's Regular Employment.

R277-107-1. Definitions.

A. "Activity sponsor" means a private or public individual or entity that employs an employee in any program in which public school students participate.

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

C. "Extracurricular activities" means those activities for students recognized or sanctioned by an educational institution which may supplement or compliment, but are not part of, its required program or regular curriculum.

D. "Public education employee (employee)" means a person who is employed on a full-time, part-time, or contract basis by any public school, public school district or entity.

E. "Private, but public education-related activity" means any type of activity by an employee in which the principal clients are current or prospective students of the employee and for which the employee receives compensation. Such activities include:

(1) tutoring;

(2) lessons;

(3) clinics;

(4) camps; or

(5) travel opportunity.

R277-107-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-402.5 which directs the Board to make rules that establish basic ethical conduct standards for employees who provide public education-related services or activities outside of their regular employment, and 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide direction and parameters for employees who provide or participate in public education-related services or activities outside of their public education employment.

C. The Board recognizes that public school educators have expertise and training in various subjects and skills and should have the opportunity to enrich the community with their skills and

expertise while still respecting the unique public trust that public educators have.

R277-107-3. Local School Board Responsibility.

A school or district may have policies providing for sponsorship or specific non-sponsorship of extracurricular activities or opportunities for students consistent with the provisions of this rule and the law.

R277-107-4. School or District Relationship to Activities Involving Educators.

A. A school or district may sponsor extracurricular activities or opportunities for students. Extracurricular activities are subject to Utah's school fee laws and rules, fee waivers, procurement and all other applicable laws and rules.

B. An employee that participates in a private, but public education-related activity is subject to the following:

(1) the employee's participation in the activity shall be separate and distinguishable from the employee's public employment as required by this rule;

(2) the employee may not, in promoting the activity:

(a) contact students at the public schools except as permitted by this rule; or

(b) use education records or information obtained through their public employment unless the records or information are readily available to the general public.

(3) the employee may not use school time to discuss, promote, or prepare for any private activity;

(4) the employee may:

(a) offer public education-related services, programs or activities to students provided that they are not advertised or promoted during school time.

(b) discuss the private but public education-related activity with students or parents outside of the classroom and the regular school day;

(c) use student directories which are available to the general public; and

(d) use student or school publications in which commercial advertising is allowed, to advertise and promote the activity.

C. Credit and participation in a public school program or activity may not be conditioned on a student's participation in such activities as clinics, camps, private programs, or travel activities not equally and freely available to all students.

D. No employee may state or imply to any person that participation in a regular school activity or program is conditioned on participation in a private activity.

E. No provision of this rule shall preclude a student from requesting or petitioning a teacher or school for approval of credit based on an extracurricular educational experience consistent with school/district policy.

R277-107-5. Advertising.

A. An employee may purchase advertising space to advertise an activity or service in a publication, whether or not sponsored by the public schools, that accepts paid advertising.

B. The advertisement may identify the activity participants and leaders or service providers by name, provide non-school telephone numbers, and provide details of the employee's employment experience and qualification.

C. Posters or brochures may be posted or distributed in the same manner as could be done by a member of the general public, advertising an employee's services, consistent with school and district policy.

D. Unless an activity is sponsored by the school or district, the advertisement shall state clearly and distinctly that the activity is NOT sponsored by the school or district.

E. The name of schools or districts shall not be named in the advertisement except as they may relate to the employee's employment history or if school facilities have been rented for the activity.

F. If the name of the employee offering the service or participating in the activity is stated in any advertisement sent to the employee's students, or is posted, distributed, or otherwise made available in the employee's school, the advertisement shall state that the activity is not school sponsored.

R277-107-6. Public Education Employee/Sponsor Agreements or Contracts.

A. An agreement between an employee and an activity sponsor shall be signed by the employee and include a statement that reads substantially: I understand that this activity is not sponsored by any school or school district, that my responsibilities to the activity sponsor are outside the scope of and unrelated to any public duties or responsibilities I may have as a public education employee, and I agree to comply with laws and rules of the state and policies regarding my advertising and participation.

B. The employee shall provide the district business administrator or superintendent with a signed copy of all contracts between the employee and a private activity sponsor. The school district shall maintain a copy in the employee's personnel file.

KEY: school personnel
2000

Art X Sec 3
53A-1-402.5
53A-1-401(3)



Education, Administration
R277-438
Dual Enrollment

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 23019
FILED: 07/14/2000, 15:42
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to make changes in terminology, and to provide for home/private school students' participation in extracurricular activities in coordination with the Utah High School Activities Association. The rule also provides for dual enrollment for students with disabilities.

SUMMARY OF THE RULE OR CHANGE: The amendment changes "accredited" school to "regularly established" and provides criteria for participation in dual enrollment for students with disabilities.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-402(1)(b)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: All adjustments that may be required by individual schools will be accomplished within existing budgets.

❖LOCAL GOVERNMENTS: Most school districts have been offering dual enrollment for students with disabilities using the same criteria for students without disabilities.

❖OTHER PERSONS: Individuals will not experience costs or savings with these amendments because all costs related to this rule are included within existing budgets.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Individuals will have no compliance costs with these amendments because all costs related to this rule are included within existing budgets.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2000

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

R277. Education, Administration.

R277-438. Dual Enrollment.

R277-438-1. Definitions.

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

B. "Private school" means a school satisfying the following criteria:

- (1) maintained by private individuals or corporations;
- (2) maintained and operated not at public expense;
- (3) generally supported, in part at least, by tuition fees or charges;

(4) operated as a substitute for, and giving the equivalent of, instruction required in public schools;

(5) employing teachers able to provide the same quality of education as public school teachers;

(6) established to operate indefinitely and independently, not dependent upon age of the students available or upon individual family situations; and

(7) licensed as a business by the Utah Department of Business Regulations.

C. "Home school" means a school comprised of one or more students officially excused from compulsory public school attendance under Section 53A-11-102.

D. "Full-time student" means a student earning the school district designated number(s) and type(s) of credits required for participation in extracurricular or interscholastic activities in the school district in which [his]the student's parent or legal guardian resides.

E. "Utah High School Activities Association (UHSAA)" means the organization designated by the state to administer and supervise interscholastic activities among its member schools according to its constitution and by-laws.

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

G. "Accredited" means evaluated and approved under the standards of the Northwest Accrediting Association or the accreditation standards of the Board, available from the USOE Accreditation Specialist.

H. "Previous academic grading period" means the most recent period as defined by the school district for which a student received a recorded grade.

I. "Dual enrollment student" means a student who is enrolled simultaneously in public school and in a home school or a [n] [accredited]regularly established private school.

J. "Eligibility" means a student's fitness and availability to participate in school activities governed by this rule. Eligibility is determined by a number of factors including residency (of student and legal guardian), scholarship, age, and number of semesters of participation in a particular activity.

K. "Transfer Committee" means a committee consisting of four principals, one UHSAA staff member, and two UHSAA Board of Trustees members, authorized and functioning under UHSAA by-laws.

R277-438-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which places general control and supervision of the public school system under the board, by 53A-1-402(1)(b) which directs the Board to establish rules and minimum standards for access to programs and by Section 53A-11-102.5 directing the Board to make rules for transferability of credits toward graduation that are earned in a private or home school and to make rules necessary to permit home school students and private school students to participate in public school[~~extracurricular~~] activities.

B. The purpose of this rule is to provide consistent statewide procedures and criteria for home school and private school students' participation in public school activities.

.....

R277-438-4. Private and Home School Student Participation in Public School Extracurricular Activities.

A. Students exempted from compulsory public school education by the local board for instruction in private or home schools may be eligible for participation in extracurricular public school activities provided they are taking courses comparable to traditional school courses or earning credit under options outlined in R277-700-6 in at least as many of the designated courses as required by the local board of students for participation in that activity.

B. The private or home school student may only participate in extracurricular or school day activities at the school within whose boundaries the student's custodial parent(s) or legal guardian resides.

C. Any public or [accredited]regularly established private school student who has not maintained scholastic eligibility shall be ineligible to participate in extracurricular activities as a dual enrollment student consistent with eligibility standards for all students as defined in the Utah High School Activities Association by-laws. The Utah High School Activities Association by-laws are available from the Utah State Office of Education Deputy Superintendent, the Utah High School Activities Association and most school district offices.

~~[D. Eligibility of transfer students, with the exception of R277-438-4C students, shall be decided consistent with Utah High School Activities Association Handbook, Transfer Students, 1993-94 pages 28 and 29 which provides:~~

~~— (1) If a student's parents move, the student may remain at the high school where he or she has established eligibility. However, once this decision is made the student may not at a later date transfer to the school where his/her parents reside without loss of eligibility.~~

~~— (2) The Transfer Committee shall rule on requests for waiver of such requirements on a case-by-case basis. The Transfer Rule does not apply to speech and music. All transfers from public schools or private schools shall be viewed in the same manner, that is, no distinction shall be made in any case with regard to public or private nature of any school involved in such transfers. Further, in reviewing all requests for waiver by the Transfer Committee the following criteria will apply singly to each request:~~

~~— (a) In transfers which involve a perceived greater educational opportunity in a new school situation, the request shall be denied unless it can be demonstrated that the student is continuing an educational program or sequence of courses which was or became unavailable at the former school. In such demonstration, the student shall have attained significant progress and demonstrated proficiency or accomplishment in pre-requisite courses:~~

~~— (b) In transfers made under an open enrollment district policy which are of a voluntary nature, the request shall be denied (exceptions (d) and (e) below):~~

~~— (c) In transfers from private to public schools made as a result of stated financial hardship, requests shall be denied unless the student had applied for and been denied sufficient financial assistance by the private school which would have resolved the stated financial hardship:~~

~~— (d) In transfers made upon a district voluntary desegregation policy, requests shall be approved if certified appropriately by district office personnel:~~

~~— (e) In transfers made as a result of a school discontinuing opportunity for a student to compete in an activity in which that student had previously competed at the former school, the request shall be approved.~~

~~— (f) In transfers made as a result of a change of legal guardianship as determined by a court having jurisdiction to do so, the request shall be approved provided the student attend the school in which attendance area the new legal guardian resides, and provided the Transfer Committee shall have determined the guardianship change was not for the purpose of establishing eligibility in the new school:~~

~~— (g) In transfers which are specifically mandated by Court Order of any court having jurisdiction to so order, the request shall be approved:~~

~~— (h) In transfers which are based upon a student's obligation to provide medical, financial, or household support for a family member, the request shall be approved provided that the student's obligation can be sustained:~~

~~— (i) In transfers which are based upon medical considerations related to the student, the request shall be approved provided that a medical practitioner substantiate the need for such transfer as an integral part of medical therapy or prevention of aggravation of an existing condition:~~

~~— (j) In transfers made from a private school as a result of a bona fide change of residence of the student's parents, the request shall be approved provided:~~

~~— (i) the student enters the public school in which attendance area the new residence is located; or~~

~~— (ii) the student enters a comparable (see below) private school which is located closest to the new residence; or~~

~~— (iii) the student enters a comparable private school to which he/she may commute via public transportation in an obviously more satisfactory manner than to the closest comparable private school. Comparable shall be defined as school having similar religious affiliation or non affiliation, curriculum and scope of opportunity to participate in activity competition:~~

~~— (k) In transfers which have been mandated by a school or school district for DISCIPLINARY REASONS, whether intradistrict, interdistrict, or between private and/or public schools, including legal expulsion or private school dismissal, the request shall be denied. Such mandatory transfer shall not be considered to be a matter of hardship:~~

~~E. The Utah High Schools Activities Association Handbook, pages 29 through 30, provides illustrative case examples: [D. Eligibility of transfer students, with the exception of R277-438-4C students, shall be decided consistent with the Utah High School Activities Association Handbook which provides:~~

~~(1) If a student's parents move, the student may remain at the high school where the student has established eligibility. Once this decision is made, the student may not at any later date transfer to another school without being considered a transfer student.~~

~~(2) The transfer rule does not apply to activities other than athletics.~~

~~(3) All transfers from public or private schools shall be considered the same. No distinction shall be made with regard to public or private nature of any school involved with any such transfer.~~

(4) If a school discontinues the sport or activity in which the student had previously participated while attending that school, eligibility in transferring to a different school which offers that sport or activity shall not be challenged. The student shall meet all other UHSAA eligibility requirements.

(5) In transfers which are specifically mandated by court order of any court having jurisdiction to so order, the eligibility of that student shall not be challenged, provided that the student meets all other UHSAA eligibility requirements.

(6) Dormitory students and Indian Placement Program students are immediately eligible if they are in school the first day of the school year. After the first day, such students are to be considered as transfers.

(7) Foreign students are to be considered as any other transfer student. In assessing the UHSAA by-law requirements, principals shall attempt to determine from appropriate officials if the transfer was motivated by athletic reasons or if any undue influence affected the transfer.

(8) The exception created for guardians is intended to apply only to those situations in which a bona fide guardian has been appointed for the best interests of the student. Should it appear that a guardian has been appointed or established for the purpose of avoiding the transfer rule, the school administration, consistent with UHSAA by-laws, may ignore the guardianship and examine the transfer as if no guardian existed.

(9) When a given sport or activity is not available at a student's high school of eligibility, the student may become eligible for that specific sport or activity at another member high school. In order to activate that eligibility, the student shall:

- (a) transfer and gain full time status at the new school; and
- (b) secure written approval of both principals.

After the conclusion of that sport season, the student may not remain at the new school without loss of eligibility in sports that are offered at the original school for up to one year as stipulated in the UHSAA by-laws. Upon re-enrolling at the original school of eligibility, the student is immediately eligible for other sports within that school. All other eligibility rules apply.

(10) If a principal determines a transfer was sought for impermissible reasons, the principal may limit the student's athletic participation to sub-varsity levels.

(11) Initial eligibility is established when a student enters high school for the first time regardless of whether or not that entrance is in Utah or out of state.

[F]E. Eligibility shall be established in the previous academic grading period, as defined by the school within whose boundaries the student lives.

.....

R277-438-6. Miscellaneous Issues.

A. A student attending activities or a portion of the school day under the provisions of Section 53A-11-102.5 shall be subject to the same behavior and discipline rights and requirements of a full-time student.

B. A student who attends an activity or a portion of the school day shall be subject to administrative scheduling and teacher discretion of the traditional school.

C. A student with disabilities may participate as a dual enrollment student consistent with Utah law, this rule and Code of Federal Regulations (CFR) Vol. 64, No. 48, Section 300.450 through 300.455.

(1) The student shall have a services plan in place prior to participation in dual enrollment using comparable procedures to those required for identifying and evaluating public school students;

(2) Students with disabilities seeking dual enrollment shall be entitled to services only in the same proportional amount that the number of private school students residing in the district is to the total number of students with disabilities in the district.

(3) Decisions about the scheduling and manner of services provided shall be the responsibility of school and district personnel.

(4) Schools and districts are not prohibited from providing services to students who are not enrolled full time in excess of those required by R277-438-6.

KEY: public education, dual enrollment*

[1994]2000

Notice of Continuation June 8, 1999

Art X Sec 3

53A-1-402(1)(b)

53A-11-102.5



Education, Administration
R277-445
Classifying Small Schools as
Necessarily Existent

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23020

FILED: 07/14/2000, 15:42

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule was amended to update terminology and to provide a clearer explanation for schools seeking to maintain the necessarily existent small school status.

SUMMARY OF THE RULE OR CHANGE: The amendment to this rule changes "high school" to "three-year secondary school" to provide for more precision in determining necessarily existent small school status. The rule provides a clearer explanation of the formula for maintaining a necessarily existent small school status.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-17a-109(2)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rule was amended to make terminology and clarifying changes that will be addressed within existing district budgets.

❖LOCAL GOVERNMENTS: There should be no additional costs for school districts. Criteria and accounting should be clearer as a result of this rule.

❖OTHER PERSONS: Individual persons will not have costs under this rule because there are no compliance costs for individuals; all costs relate only to school districts and the State Office of Education.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Districts have complied with the substance of this rule. The changes should make compliance more consistent and easier to review.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2000

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

R277. Education, Administration.

R277-445. Classifying Small Schools as Necessarily Existent.

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R277-445-2. Authority and Purpose.

A. This rule is authorized by Article X, Section 3 of the Utah Constitution which vests general control and supervision of public education in the Board, Section 53A-1-401(3)[, U.C.A. 1953,] which allows the Board to adopt rules in accordance with its responsibilities, and Section 53A-17a-109(2)[, U.C.A. 1953,] which directs the Board to adopt standards to classify schools as necessarily existent small rural schools.

B. The purpose of this rule is to specify the standards by which the Board classifies schools as necessarily existent. Schools so classified may receive state funds which are in addition to those received on the basis of the regular WPU formula.

R277-445-3. Standards.

A. A school may be classified as necessarily existent if it meets the following standards:

(1) the average daily membership for the school does not exceed:

(a) 160 for elementary schools, including kindergarten at a weighting of .55 per average daily membership; or

(b) ~~400 for junior high and qualified middle schools as outlined in Subsection 3(A)(3) below~~ 300 for one or two-year secondary schools; or

(c) 450 for ~~senior high~~ three-year secondary schools; or

(d) ~~600 for six year high schools containing grades seven through twelve~~ 550 for four-year secondary schools; or

(e) 600 for six-year secondary schools.

(2) the school meets the criteria of Subsection 3(A)(1) and one-way bus travel over Board approved bus routes from the school to the nearest school within the district of the same type requires:

(a) students in kindergarten through grade six to travel more than 45 minutes;

(b) students in grades seven through twelve to travel more than one hour and 15 minutes.

(3) the school meets the criteria of Subsection 3(A)(1) for grades K-6 if it is an elementary school or grades 7-12 if it is a secondary school except as provided below:

(a) schools with less than six grades are not recognized as necessarily existent small schools if it is feasible in terms of school plant to consolidate them into larger schools and if consolidated would not meet the criteria listed in Subsections 3(A)(1) and 3(A)(2) above;

(b) a secondary complex or attendance area which when analyzed on a 7-12 grade basis, meets the criteria of necessarily existent, shall not have its qualifying status invalidated by a reorganization pattern determined by a ~~local~~ district;

(c) in unusual circumstances, where in the judgment of a panel of at least five USOE staff members designated by the Superintendent, the existing conditions warrant approval of a middle school, such a school may be designated by the Superintendent as a necessarily existent small school, provided it meets the criteria listed in Subsection 3(A)(1) above or 3(A)(4) below.

(4) the school meets the criteria of Subsection 3(A)(1), may not meet the criteria of Subsection 3(A)(2), but is in a district which has been consolidated to the maximum extent possible, and activities in cooperation with neighboring districts within or across county boundaries are appropriately combined;

(5) the school meets the criteria of Subsection 3(A)(1), does not meet the criteria of Subsections 3(A)(2), but there is evidence acceptable to the Superintendent of increased growth in the school sufficient to take it out of the small school classification within a period of three years.

(a) The school may be classified as necessarily existent until its ADM surpasses the size standard for small schools of the same type.

(b) The school's ADM shall be annually compared to the school's projected ADM to determine increases or decreases in enrollment.

(c) An increase in the school's ADM shall be 80 percent of the projected annual increase. If the assessment for the first or second year shows the increase in the ADM is less than 80 percent, the school shall no longer be classified as necessarily existent;

(6) the school meets both the criteria of Subsection 3(A)(1) and at least the accredited with comment level of Board

accreditation standards (as provided in R277-410, R277-411, and R277-412), does not meet the criteria of Subsections 3(A)(2), 3(A)(3), 3(A)(4), or 3(A)(5), but there is evidence as determined by the Superintendent that consolidation may result in undesirable social, cultural, and economic changes in the community, and:

(a) the school has a safe and educationally adequate school ~~plant~~ facility with a life expectancy of at least ten years, as judged, at least every five years, by the USOE after consultation with the ~~local~~ district; or

(b) ~~the district will incur capital costs, in accommodating in another school which has a life expectancy of ten years students from a small school declared not necessarily existent on the basis of other criteria, which exceed the costs of an adequate school plant at the present small school location by 30 percent or more as judged by the USOE after consultation with the local district.]the district shall incur construction costs by combining a school seeking necessarily existent small school status with an existing school and such construction and land costs exceed the insurance replacement value of the exiting school by 30 percent. The existing school shall have a life expectancy of at least ten years. In the event that the ADM from the school seeking necessarily existent small school status when combined with the ADM at the existing school exceed criteria in R277-445-3A(1), the existing school would be disqualified.~~

(c) schools qualifying under standard (b) above shall be evaluated every five years.

(7) the school meets the criteria of Subsection 3(A)(1), does not meet the criteria of Subsections 3(A)(2), 3(A)(3), 3(A)(4), 3(A)(5), or 3(A)(6), and the removal of the necessarily existent status results in capital costs which the school district cannot meet within three years when utilizing all funds available from local, state, or federal sources or a combination of the sources.

B. Additional WPU funds allocated to school districts for necessarily existent small schools shall be utilized for programs at the school for which the units were allocated. The funds must supplement and not supplant other funds allocated to special schools by the local board of education.

C. Schools shall be classified after consultation with the ~~local~~ district and in accordance with applicable state statutes and Board standards.

KEY: school enrollment, educational facilities
~~[1992]2000~~ **Art X Sec 3**
Notice of Continuation September 12, 1997 **53A-1-401(3)[**
53A-17-112(3)]

Education, Administration
R277-459
Teachers' Supplies and Materials
Appropriation

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE No.: 23021
FILED: 07/14/2000, 15:42
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule was amended to provide clearer definitions of individual educators entitled to receive money under the appropriation for teacher supplies. The rule was changed to reflect actual and appropriate uses of supply money by educators.

SUMMARY OF THE RULE OR CHANGE: The rule provides a clearer definition of "teaching position," identifying intended recipients of teacher supply funds; adds counselors to intended recipients; and further explains approved uses of teacher supply money.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-402(1)(b)

ANTICIPATED COST OR SAVINGS TO:
❖THE STATE BUDGET: No changes in total funding available for teachers' supplies/materials.
❖LOCAL GOVERNMENTS: No costs or savings to school district, only redistribution of the money available.
❖OTHER PERSONS: None--the rule now clarifies that counselors should receive their share of teacher supply money.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance costs, as an existing appropriation is the only source of funding. Many educators continue to spend hundreds of dollars of their own money, beyond this stipend, for classroom materials and supplies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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

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

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2000

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

Education, Administration
R277-474
School Instruction and Human Sexuality

R277. Education, Administration.

R277-459. Teachers' Supplies and Materials Appropriation.

R277-459-1. Definitions.

- A. "Board" means the Utah State Board of Education.
B. "Field trip" means a district, ATC or school authorized excursion for educational purposes.
C. "Full-time equivalent teaching position" [means a permanent teacher position filled by one teacher or two or more job-sharing teachers who is/are employed by the school district for an entire contract period] means a permanent teacher position filled by one or more job-sharing teachers employed by a school district and paid on the teachers' salary schedule. Teachers shall be employed for an entire contract period and shall provide instructional or counseling services to students.
D. "Teaching supplies and materials" means both expendable and nonexpendable items that are used for educational purposes by teachers in classroom activities and may include such items as:
(1) paper, pencils, workbooks, notebooks, supplementary books and resources;
(2) laboratory supplies, e.g. photography materials, chemicals, paints, bulbs (both light and flower), thread, needles, bobbins, wood, glue, sandpaper, nails and automobile parts;
(3) laminating supplies, chart paper, art supplies, and mounting or framing materials;
(4) This definition should be broadly construed in so far as the materials are used by the teacher for instructional purposes in classrooms, lab settings, or in conjunction with field trips.
E. "USOE" means the Utah State Office of Education.

R277-459-2. Authority and Purpose.

- A. This rule is authorized under Utah Constitution Article X, Section 3 which gives general control and supervision of the public school system to the Board, by Section 53A-1-40[+](1)(b) which directs the Board to establish rules and minimum standards for school programs, and by state legislation which provides a designated appropriation for teacher classroom supplies and materials.
B. The purpose of this rule is to distribute money to school districts, ATCs and the Utah Schools for the Deaf and the Blind to allocate to classroom teachers and counselors for school materials and supplies and field trips.

.....

KEY: teachers, supplies*

[July 16, 1996]2000

Notice of Continuation July 12, 2000

Art X Sec 3
53A-1-40[+](1)(b)

NOTICE OF PROPOSED RULE

(New)

DAR FILE No.: 23022

FILED: 07/14/2000, 15:42

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule provides definitions for educators who will teach about human sexuality issues and identifies Utah State Office of Education, school district, and educator responsibility in teaching students about human sexuality issues.

SUMMARY OF THE RULE OR CHANGE: The rule provides definitions and identifies Utah State Office of Education, school district, and educator responsibilities in teaching students about human sexuality issues.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-1-40(3)

ANTICIPATED COST OR SAVINGS TO:

THE STATE BUDGET: There will be expenses to develop materials and provide training for appropriate educators, which may cost up to \$200 a day per school for staff and \$5 for each set of training materials. This could result in \$2,000 to \$3,000 for educator training sessions in a large urban school district.

LOCAL GOVERNMENTS: School districts could provide meals to training participants and staff time equaling perhaps \$2,000 per training session.

OTHER PERSONS: There should be no cost to other persons. The state and school districts would be responsible for costs associated with training.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Expenses to develop materials and provide training for appropriate educators may cost up to \$200 a day each for school staff and \$5 for each set of training materials. This could equal \$2,000 to \$3,000 to provide staff training in a large urban school district. Costs to school districts to provide meals to training participants and staff time equaling to perhaps \$2,000 per training session.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2000

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

R277. Education, Administration.

R277-474. School Instruction and Human Sexuality.

R277-474-1. Definitions.

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

B. "Curriculum materials review committee (committee)" means a committee formed at the district or school level, as determined by the local board of education, that includes parents, health professionals, school health educators, and administrators, with at least as many parents as school employees. The membership of the committee shall be appointed and reviewed annually by August 1 of each year by the local board, shall meet on a regular basis as determined by the membership, shall select its own officers and shall be subject to Sections 52-4-1 through 52-4-10.

C. "Family Educational Rights and Privacy Act" is a state statute, Sections 53A-13-301 and 53A-13-302, that protects the privacy of students, their parents, and their families, and supports parental involvement in the public education of their children.

D. "Human sexuality instruction or instructional programs" means any course, unit, class, activity or presentation that provides instruction or information to students about sexual abstinence, human reproduction, reproductive anatomy, physiology, pregnancy, marriage, childbirth, parenthood, contraception, sexual abuse, sexual assault and rape, or HIV/AIDS and other sexually transmitted diseases. While these topics are most likely discussed in such courses as health education, health occupations, human biology, physiology, parenting, adult roles, psychology, sociology, child development, and biology, this rule applies to any course or class in which these topics are discussed.

E. "Inservice" means training in which Utah educators may participate to renew a license, receive information or training in a specific subject area, teach in another subject area or teach at another grade level.

F. "Medically accurate" means verified or supported by a body of research conducted in compliance with scientific methods and published in journals that have received peer-review, where

appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the Centers for Disease Control and Prevention.

G. "Parental notification form" means a form developed by the USOE and used exclusively by Utah public school districts or Utah public schools for parental notification of subject matter identified in this rule. The form:

(1) shall explain a parent's right to review proposed curriculum materials in a timely manner;

(2) shall request the parent's permission to instruct the parent's student in identified course material related to human sexuality;

(3) shall allow the parent to exempt the parent's student from attendance for class period(s) while identified course material related to human sexuality is presented and discussed;

(4) shall be specific enough to give parents fair notice of topics to be covered;

(5) shall include a brief explanation of the topics and materials to be presented and provide a time, place and contact person for review of the identified curricular materials;

(6) shall be on file with affirmative parental response for each student present in discussion of issues protected under Section 53A-13-101; and

(7) shall be maintained at the school for a reasonable period of time.

H. "State Textbook Commission" means an advisory commission authorized under Section 53A-14-101.

I. "Utah educator" means an individual such as an administrator, teacher, counselor, teacher's assistant, or coach, who is employed by a unit of the Utah public education system and who provides teaching or counseling to students.

J. "Utah Professional Practices Advisory Commission (Commission)" means a Commission authorized under 53A-6-301 and designated to review allegations against educators and recommend action against educators' licenses to the Board.

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

R277-474-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide requirements for the Board, school districts and individual educators consistent with legislative intent and the Board Resolution of March 14, 2000 which addresses instruction about and materials used in discussing human sexuality in the public schools.

R277-474-3. General Provisions.

A. The following may not be taught in Utah classrooms through the use of instructional materials or live instruction:

(1) the intricacies of intercourse, sexual stimulation or erotic behavior;

(2) the advocacy of homosexuality;

(3) the advocacy or encouragement of the use of contraceptive methods or devices; or

(4) the advocacy of sexual activity outside of marriage.

B. Educators are responsible to teach the values and information identified under Section 53A-13-101(4).

C. Utah educators shall follow state law regarding parent notification under Sections 76-7-322 and 76-7-323 in teaching any aspect of human sexuality.

D. Course materials and instruction shall be free from religious, racial, ethnic, and gender bias.

R277-474-4. State Board of Education Responsibilities.

The Board shall:

A. develop and provide inservice programs and assistance with training for educators on law and rules specific to human sexuality instruction and related issues.

B. develop and provide a parental notification form and timelines for use by school districts.

C. establish a review process for human sexuality instructional materials and programs using the State Textbook Commission and requiring final Board approval of the State Textbook Commission's recommendations prior to use of those materials and programs in the public schools.

D. approve only medically accurate human sexuality instructional programs.

E. receive and track parent and community complaints and comments received from school districts related to human sexuality instructional materials and programs.

R277-474-5. School District Responsibilities.

A. Annually each school district shall require all newly hired or newly assigned Utah educators with responsibility for any aspect of human sexuality instruction to attend a state-sponsored inservice outlining the human sexuality curriculum and the criteria for human sexuality instruction in any courses offered in the public education system.

B. Each school district shall provide training consistent with R277-474-5A at least once during every three years of employment for Utah educators.

C. Local school boards shall form curriculum materials review committees (committee) at the district or school level as follows:

(1) The committee shall be organized consistent with R277-474-1B.

(2) Each committee shall designate a chair and procedures.

(3) The committee shall review and approve all guest speakers and guest presenters and their respective materials relating to human sexuality instruction in any course prior to their presentations.

(4) The committee shall not authorize the use of any human sexuality instructional program not previously approved by the Board.

(5) The district superintendent shall report educators who willfully violate the provisions of this rule to the Commission for investigation and possible discipline.

(6) The district shall use a parental notification form and comply with timelines approved by the Board.

(7) Each district shall develop a logging and tracking system of parental and community complaints and comments resulting from student participation in human sexuality instruction, to include the disposition of the complaints, and provide that information to the USOE upon request.

D. If a student is exempted from course material required by the Board-approved Core Curriculum, the parent shall take responsibility, in cooperation with the teacher and the school, for

the student learning the required course material consistent with Sections 53A-13-101.2(1), (2) and (3).

R277-474-6. Utah Educator Responsibilities.

A. Utah educators shall participate in training provided under R277-474-5A.

B. Utah educators shall use the common parental notification form and timelines approved by the Board.

C. Utah educators shall individually record parent and community complaints, comments, and the educators' responses regarding human sexuality instructional programs.

D. Utah educators may respond to spontaneous student questions for the purposes of providing accurate data or correcting inaccurate or misleading information or comments made by students in class regarding human sexuality.

KEY: schools, sex education 2000

Art X Sec 3 53A-1-401(3)



Education, Administration

R277-475

Patriotic Education

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 23023

FILED: 07/14/2000, 15:42

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 2000 Legislature, in S.B. 21, directed the State Board of Education to develop a rule outlining a program of instruction about the flag of the United States.

(DAR Note: S.B. 21 is found at 2000 Utah Laws 155, and was effective July 1, 2000.)

SUMMARY OF THE RULE OR CHANGE: The rule provides an abbreviated curriculum for teaching about the flag consistent with the social studies curriculum and provides for the repeating of the Pledge of Allegiance by students.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-13-101.6

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The study of the flag will be integrated into the social studies curriculum without additional cost to the state.

❖LOCAL GOVERNMENTS: School districts will integrate the study of the flag into social studies courses without additional costs.

❖OTHER PERSONS: There will be no costs to individuals as the study of the flag is integrated into public school classes because adding new curriculum issues do not add to the general school budget or affect individuals within the school. COMPLIANCE COSTS FOR AFFECTED PERSONS: There should be no costs to anyone as study of the flag is integrated into public school courses because adding new curriculum issues do not add to the general school budget or affect individuals within the school.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Education
Administration
250 East 500 South
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2000

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

R277. Education, Administration.

R277-475. Patriotic Education.

R277-475-1. Definitions.

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

B. "Patriotic" means having love of and dedication to one's country.

C. "Patriotic education" means the educational and systematic process to help students identify, acquire, and act upon a dedication to one's country.

R277-475-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public school system under the Board, by Section 53A-13-101.6 which directs the Board to provide a rule for a program of instruction within the public schools relating to the flag of the United States, and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to specify standards for patriotic education programs in the public schools.

R277-475-3. Patriotic Education.

Patriotic education shall be included and primarily taught in the social studies curricula of kindergarten through grade twelve. All educators shall have responsibility for patriotic education.

R277-475-4. Subject Matter.

A. Patriotic education programs shall meet the requirements of Sections 53A-13-101.6.

B. Students shall be taught the history of the flag, etiquette, customs pertaining to the display and use of the flag, and other patriotic exercises as provided in Sections 36 U.S.C. 170 to 177.

C. The school shall provide the setting and opportunities to teach by example and role modeling the following patriotic values associated with the flag of the United States:

- (1) the history of the flag;
- (2) etiquette surrounding the use of the flag;
- (3) customs pertaining to the display and use of the flag;
- (4) the Pledge of Allegiance;
- (5) etiquette surrounding the Pledge of Allegiance;
- (6) that each individual has the right to personal liberties associated with the flag so long as the rights of others are not violated; and

(7) that individuals shall have freedom to exercise their values as they relate to the flag of the United States consistent with the law.

R277-475-5. Methods.

A. Education about the flag and the Pledge of Allegiance to the Flag shall be taught and modeled following the plan of the social studies Core Curriculum in grades kindergarten through six.

B. The Pledge of Allegiance to the Flag shall be recited by students at the beginning of the day in each elementary public school in the state.

C. Local school boards are encouraged to provide for the reciting of the Pledge of Allegiance to the Flag at least once a week at the beginning of the school day in secondary schools.

D. Students and parents shall be adequately notified of lawful exemptions to the requirement to participate in reciting the Pledge.

E. A student shall be excused from reciting the Pledge upon written request to the school from the student's parent or legal guardian.

KEY: education, curricula, patriotic education*
2000

Art X Sec 3
53A-13-101.6
53A-1-401(3)



Education, Administration
R277-476
Incentives for Elementary Reading
Program

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 23024

FILED: 07/14/2000, 15:42

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The 2000 Legislature, in H.B. 397, directed the State Board of Education to define a "reading endorsement" and to distribute scholarship funds to teachers seeking reading endorsements.

(DAR Note: H.B. 397 is found at 2000 Utah Laws 341, and was effective July 1, 2000.)

SUMMARY OF THE RULE OR CHANGE: The rule defines "reading endorsement" and provides criteria and timelines for teachers working toward reading endorsements to receive scholarship reimbursements.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53A-3-402.11(4)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Scholarship reimbursements will be made to educators within the limits of the 2000 legislative appropriation. No additional costs.

❖LOCAL GOVERNMENTS: School districts will not incur costs in facilitating scholarships for educators seeking reading endorsements.

❖OTHER PERSONS: Educators will receive compensation up to a maximum of \$1,000 per person as they take classes toward reading endorsements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Individual educators may have to pay to earn reading endorsements if costs exceed the \$500 scholarship, which is unlikely.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact on businesses--Steven O. Laing

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2000

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

R277. Education, Administration.**R277-476. Incentives for Elementary Reading Program.****R277-476-1. Definitions.**

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

B. "Documentation of reading endorsement classes shall be the applicant teacher's responsibility.

C. "Reading endorsement" means a basic or advanced reading endorsement/reading specialist as determined by:

(1) a major or minor from a USOE-approved college/university program; or

(2) satisfaction of requirements identified in the USOE Checklist for reading endorsements available from the USOE Educator Licensure Section.

D. "Scholarship" means a Reading Performance Improvement Scholarship entitling full time teachers currently teaching in the Utah public school system to receive up to \$500 in reimbursements towards reading endorsement class costs incurred during the 2000-2001 school year.

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

R277-476-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of the public school system under the Board, by Section 53A-3-402.11(4) which directs the Board to provide a rule for the application procedures for the Scholarship and to identify what constitutes a reading endorsement at the elementary school (K-6) level, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to specify standards and procedures for applicants for the Reading Performance Improvement Scholarship.

R277-476-3. Application Process and Distribution of Funds.

A. Funds shall be distributed to school districts to reimburse individual teachers for class costs incurred in courses taken towards reading endorsements in the 2000-2001 school year.

B. Teachers shall make application for Scholarships using grant applications provided by the USOE.

C. In the application, a teacher shall document any previous or current courses completed towards satisfaction of reading endorsements.

D. Applications shall be collected at the district office and signed by the teacher, the teacher's school principal, and district staff with reading supervision responsibility.

E. Applications shall be forwarded to the USOE by the district.

F. Applications shall be reviewed by the USOE staff to ensure that application requirements have been met and priority for Scholarships shall be given to teachers:

(1) within K-3 grade levels;

(2) in rural areas of the state; and

(3) who are designated by their schools or seeking USOE reading endorsements.

G. The USOE shall select Scholarship recipients, to the extent of funds available.

H. Recipients and recipients' school districts shall be notified of their selection by November 17, 2000.

I. Recipients shall submit documentation of course completion with satisfactory grades to the district before May 31, 2001.

J. Districts shall request payment from the USOE for Scholarship funds paid to Scholarship recipients.

K. The USOE may require documentation of Scholarship reimbursements made by districts or may conduct random audits of documentation provided to districts by Scholarship recipients.

**KEY: teachers, reading, scholarship*
2000**

**Art X Sec 3
53A-13-101.6
53A-1-401(3)**



**Environmental Quality, Air Quality
R307-137
(Option 1)
Credible Evidence**

**NOTICE OF PROPOSED RULE
(New)**

DAR FILE NO.: 23012
FILED: 07/14/2000, 11:10
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To bring Utah rules and state implementation plan (SIP) into agreement with the federal credible evidence rule promulgated at 62 FR 8314 on February 24, 1997.

SUMMARY OF THE RULE OR CHANGE: Utah's air rules do not explicitly state that credible evidence that is not specified by rule is admissible to determine whether a source is in or out of compliance. The EPA (Environmental Protection Agency) has a rule that requires such evidence to be admissible for that purpose and, therefore, the EPA has determined that an addition to Utah's rules is necessary to meet the federal requirement. The Utah Air Quality Board proposes for public comment two different options for a credible evidence rule (see separate filing in this issue). These options were developed by a work group that included representatives of the AQB (Air Quality Board), regulated industries, and the environmental community. Option 1 below follows the language the EPA has provided and finds adequate. Option 2 (see separate filing) says more about situations which may be encountered in administering the rule. The main difference between the two versions is that Option 2, in Section R307-137-3, creates a presumption of compliance if the rule-specified evidence shows compliance, and specifies that only credible evidence which is clear and convincing may be admitted to overcome that presumption. In contrast,

Option 1 leaves in place the usual civil evidence standard that credible evidence is admissible in any proceeding to show compliance or noncompliance, that only a preponderance of the evidence is necessary to prove or disprove a violation, and that nonreference-method test evidence need not rise to the level of clear and convincing to be admissible.

(DAR Note: The other version of the proposed new rule of R307-137 (Option 2) is under DAR No. 23013 in this Bulletin.)

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

FEDERAL REQUIREMENT FOR THIS RULE: 62 FR 8314 (1997)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Utah Air Quality Board proposes for public comment two different options for a credible evidence rule (see separate filing in this issue). Neither option is likely to add much in cost, as credible evidence is used generally as an indicator of a variety of problems which may result in notices of violation without a charge that the source is has violated a standard in the state implementation plan.

❖LOCAL GOVERNMENTS: Local governments own some sources and their costs would be similar to any other source's costs.

❖OTHER PERSONS: The Utah Air Quality Board proposes for public comment two different options for a credible evidence rule. It is impossible to determine the total costs, though not much change in costs is expected because sources are not generally charged with being in violation of rules based on credible evidence alone.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Utah Air Quality Board proposes for public comment two different options for a credible evidence rule. Neither option is likely to add in cost because sources generally are not found to be in violation of rules based on credible evidence alone. However, allowing nonreference method evidence to be considered may slightly increase the likelihood that a source would be found out of compliance and pay a penalty and the costs of coming into compliance. Option 2 (see separate filing), because it is lengthier and more specific, may lead to higher legal costs in determining whether credible evidence is clear and convincing if a presumption of compliance must be overcome. The source would be responsible for legal costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Utah rules have never precluded the use of credible evidence, and we do not see a change as a result of either version of this rule--Dianne R. Nielson

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

Environmental Quality
Air Quality
150 North 1950 West
PO Box 144820
Salt Lake City, UT 84114-4820, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/24/2000, 1:30 p.m., Room 101, DEQ (Debarment of Environmental Quality Building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2000

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-137. Credible Evidence.

R307-137-1. Credible Evidence.

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in the state implementation plan or these rules, nothing in the state implementation plan or these rules shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. As an enforceable method, the following may be used:

(1) Any of the appropriate methods in 40 CFR Part 51, appendix M;

(2) An alternative method following review and approval of that method by the executive secretary; or

(3) Any appropriate method in 40 CFR Part 60, appendix A.

KEY: air pollution, evidence, compliance 2000

19-2-104(3)(b)

19-2-104(3)(p)



**Environmental Quality, Air Quality
R307-137
(Option 2)
Credible Evidence**

**NOTICE OF PROPOSED RULE
(New)**

DAR FILE NO.: 23013
FILED: 07/14/2000, 11:11
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To bring Utah rules and state implementation plan (SIP) into

agreement with the federal credible evidence rule promulgated at 62 FR 8314 on February 24, 1997.

SUMMARY OF THE RULE OR CHANGE: Utah's air rules do not explicitly state that credible evidence that is not specified by rule is admissible to determine whether a source is in or out of compliance. The EPA (Environmental Protection Agency) has a rule that requires such evidence to be admissible for that purpose and, therefore, the EPA has determined that an addition to Utah's rules is necessary to meet the federal requirement. The Utah Air Quality Board proposes for public comment two different options for a credible evidence rule (see separate filing in this issue). These options were developed by a work group that included representatives of the AQB (Air Quality Board), regulated industries, and the environmental community. Option 1 (see separate filing) follows the language the EPA has provided and finds adequate. Option 2 below says more about situations which may be encountered in administering the rule. The main difference between the two versions is that Option 2, in Section R307-137-3, creates a presumption of compliance if the rule-specified evidence shows compliance, and specifies that only credible evidence which is clear and convincing may be admitted to overcome that presumption. In contrast, Option 1 leaves in place the usual civil evidence standard that credible evidence is admissible in any proceeding to show compliance or noncompliance, that only a preponderance of the evidence is necessary to prove or disprove a violation, and that nonreference-method test evidence need not rise to the level of clear and convincing to be admissible.

(DAR Note: The other version of the proposed new rule of R307-137 (Option 1) is under DAR No. 23012 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-2-104
FEDERAL REQUIREMENT FOR THIS RULE: 62 FR 8314 (1997)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Utah Air Quality Board proposes for public comment two different options for a credible evidence rule (see separate filing in this issue). Neither option is likely to add much in cost, as credible evidence is used generally as an indicator of a variety of problems which may result in notices of violation without a charge that the source is has violated a standard in the state implementation plan.

❖LOCAL GOVERNMENTS: Local governments own some sources and their costs would be similar to any other source's costs.

❖OTHER PERSONS: The Utah Air Quality Board proposes for public comment two different options for a credible evidence rule. It is impossible to determine the total costs, though not much change in costs is expected because sources are not generally charged with being in violation of rules based on credible evidence alone.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Utah Air Quality Board proposes for public comment two different options for a credible evidence rule (see separate filing in this issue). Neither option is likely to add in cost because

sources generally are not found to be in violation of rules based on credible evidence alone. However, allowing nonreference method evidence to be considered may slightly increase the likelihood that a source would be found out of compliance and pay a penalty and the costs of coming into compliance. Option 2, because it is lengthier and more specific, may lead to higher legal costs in determining whether credible evidence is clear and convincing if a presumption of compliance must be overcome. The source would be responsible for legal costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Utah rules have never precluded the use of credible evidence, and we do not see a change as a result of either version of this rule--Dianne R. Nielson

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/24/2000, 1:30 p.m., Room 101, DEQ (Department of Environmental Quality) Building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 09/07/2000

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-137. Credible Evidence.

R307-137-1. General Principle.

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in the state implementation plan, nothing in the state implementation plan shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

R307-137-2. Enforceable Methods.

As an enforceable method, the following may be used:

(1) Any of the appropriate methods in appendix M to 40 CFR Part 51, Recommended Test Methods for State Implementation Plans;

(2) An alternative method following review and approval of that method by the executive secretary;

(3) Any appropriate method in appendix A to 40 CFR Part 60;

(4) A method specified by the state implementation plan;

(5) A method specified by an approval order issued pursuant to R307-401; or

(6) A method specified by an operating permit issued pursuant to R307-415.

R307-137-3. Presumption Based on Enforceable Methods.

When compliance is demonstrated by one of the enforceable methods specified in R307-137-2, the owner or operator shall be presumed to be in compliance unless that presumption is overcome by other relevant credible evidence that is clear and convincing.

R307-137-4. Benchmark.

When evidence other than the enforceable methods specified in R307-137-2 is to be used for purposes of establishing whether or not a person has violated or is in violation of any standard in the state implementation plan, such evidence must be relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed. To be considered relevant under this paragraph, evidence must relate to those criteria established by the enforceable methods. Such criteria include but are not limited to measuring the parameter for which violation or compliance is to be demonstrated, sampling or observation locations and duration of sampling or observations.

R307-137-5. Severability.

Credible evidence may be used only to the extent that its use is allowed by the federal Clean Air Act (42 U.S.C. 7401). If EPA's Credible Evidence Rule (40 C.F.R. 51.212, 52.12, 52.33, 60.11, and 61.12 in effect on July 1, 2000) or any state equivalent credible evidence rule or state implementation plan provision are held to be invalid by a state or federal court, the board shall commence rulemaking within 60 days of any such judicial decision to determine whether or not this rule shall be rescinded based on such decision.

**KEY: air pollution, evidence, compliance
2000**

**19-2-104(3)(b)
19-2-104(3)(p)**

Environmental Quality, Air Quality

R307-214

National Emission Standards for Hazardous Air Pollutants

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23014

FILED: 07/14/2000, 11:14

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To incorporate by reference recent federal emission standards so that sources will be regulated by the state, not the EPA (Environmental Protection Agency).

SUMMARY OF THE RULE OR CHANGE: This amendment adds Maximum Achievable Technology Standards (MACTs) for 22 source categories to Utah's rule. 42 U.S.C. 7412 requires reductions of emissions of 188 listed hazardous air pollutants (HAPs) by requiring additional pollution controls or operating practices to bring all plants within an industry up to the level of emission reductions of the best-performing plants. In addition to reductions of HAPs emissions noted with each subpart, reductions of emissions of other pollutants also occur in many cases, and ozone formation also will be reduced because many of the HAPs are volatile organic compounds which contribute to formation of ozone. Subparts to be incorporated are as follows: Subpart AA, Phosphoric Acid Manufacturing Plants, and Subpart BB, Phosphate Fertilizer Production Plants, together will reduce HAPs by 49%. Subpart HH, Oil and Natural Gas Production Facilities, will reduce HAPs by 77%. Subparts SS - YY regulate various components of source categories having <5 major sources/categories. The kinds of sources included are resins production, acrylic and modacrylic fiber production, hydrogen fluoride production, and polycarbonate(s) production. Subpart SS regulates Closed Vent Systems, Control Devices, Recovery Devices, and Routing to a Fuel Gas System or Process; Subpart TT regulates Equipment Leaks-Control Level I; Subpart UU regulates Equipment Leaks-Control Level II; Subpart WW regulates Storage Vessels (Tanks)-Control Level 2; and Subpart YY is Generic MACT standards-NESHAPs (National Emissions Standards for Hazardous Air Pollutants) for Source Categories. Subpart CCC, Steel Pickling-HCl Process Facilities and Hydrochloric Regeneration Plants, will reduce HAPs emissions by 76%. Subpart DDD is Source Categories and for Mineral Wool Production. Subpart EEE, Hazardous Waste Combustors, harmonizes MACT requirements with provisions of RCRA (Resource Conservation and Recovery Act) (42 U.S.C. 6921); compliance due September 30, 2002. Subpart GGG, Pharmaceuticals Production, includes a common technology basis with a new rule under the Clean Water Act, and will reduce HAPs by 65%. Subpart HHH, Natural Gas Transmission and Storage Facilities, will reduce HAPs emissions by 95%; only 7 sources nationally are affected and no new sources are expected in the next three years. Subpart III, Flexible Polyurethane Foam Production, will reduce HAPs emissions by 70%. Subpart JJJ, Group IV Polymers and Resins, will reduce HAPs emissions about 20%. Subpart LLL, Portland Cement Manufacturing, will reduce HAPs emissions by 24%-39% depending upon the pollutant and type of source. Subpart MMM, Pesticide Active Ingredient Production, will reduce HAPs by 65%. Subpart NNN, Wool Fiberglass Manufacturing, will reduce HAPs emissions by 30% from 70 regulated sources nationally. Subpart OOO, Manufacture of Amino/Phenolic Resins, will reduce HAPs emissions by 51%; no new facilities are expected. Subpart PPP, Polyether Polyols Production, will reduce HAPs emissions by about 47%; no new sources are

expected in the next five years. Subpart RRR, Secondary Aluminum Production, will reduce HAPs emissions by 2/3 at a minimum. Subpart TTT, Primary Lead Smelting, regulates only three smelters and no new smelters are expected in the next five years.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 19-2-104(1)(a)
FEDERAL REQUIREMENT FOR THIS RULE: 42 U.S.C. 7412; and 40 CFR Part 63 (2000)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 40 CFR Part 63 (July 1, 2000)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** All sources regulated by MACTs are required to obtain operating permits and the cost of regulation is built into the operating permit fee each year.

❖**LOCAL GOVERNMENTS:** No local governments are subject to these requirements; therefore, no cost or savings.

❖**OTHER PERSONS:** For 14 of the 22 categories, there may be no sources in Utah. The total costs are unknown because it is not known how many sources are located in Utah nor exactly what control measures would have to be applied for each one. However, the sources already are subject to the federal rule and no new costs are incurred by being regulated by the state rather than the federal government.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs listed are national estimates; costs for Utah sources will be a portion of the national costs.

AA and BB: 0-15 sources in Utah. Capital cost = \$1.4 million, annual cost = \$62,000. Expected price increases are <0.75%. No plant closures are expected.

HH: 0-21 sources in Utah. 440 existing sources will have maximum capital costs of \$6.5 million and annual costs of \$4.0 million. Approximately 40 new sources would expect capital costs of \$700,000 and annual costs of \$400,000. This rule affects only 5% of U.S. crude oil production and therefore has no impact on prices or production levels.

SS-YY: 0-6 sources in Utah. There are insignificant or minimal cost and economic impacts because the sources are presently controlled to the level required by these MACT standards.

CCC: 0-5 sources in Utah. There are 70 affected facilities. Capital costs will total approximately \$20 million, and annual costs will be about \$1.9 million. Economic impacts will be <1% and no plant closures are expected.

DDD: 0-2 sources in Utah. Capital costs are expected to be \$2.6 million and annual costs will be approximately \$1.4 million. Prices may increase 0.5%-2.1% and output may decline 0.59%-1.71%. No plant closures are expected.

EEE: There are two commercial hazardous waste incinerators in Utah, as well as eight units at Deseret Chemical and one at the Tooele Army Depot. Compliance costs vary widely across sectors, with costs lowest for commercial hazardous waste incinerators; annualized costs range from \$0.16 - \$0.72 million. No closures are expected. Price increases range from 0.5%-11% with commercial hazardous waste combustors at the low end.

GGG: 0-2 sources in Utah. 101 major sources nationally. With capital costs annualized over 10 years, annualized

costs are \$64 million for existing sources and \$11 million for new sources. Prices are estimated to rise 1.1% and output is expected to decline 1.9%. No plant closures are expected.

HHH: 0-1 sources in Utah. Only seven existing sources are affected and no new sources are expected in the next three years. The capital cost for all existing facilities will be approximately \$280,000 and annual costs will be about \$300,000. Prices and output changes will be <0.0005%.

III: 0-4 sources in Utah. 70 sources subject to this rule. Capital costs are expected to be \$74 million, and the expected annual costs are \$8.5 million. Cost/ton reduced is about \$591. Price increases range from 1%-2.2% and output is likely to decline 0.56%-1.0% in various subcategories of sources. Job loss may be as high as 136. However, the industry is currently in the midst of mergers, buyouts, and shutdowns, and the effects of this rule are likely to be minimal.

JJJ: 0-10 sources in Utah. Capital costs will be approximately \$10.7 million and annual costs approx \$6.5 million. For new sources, capital costs approx \$3.3 million and annual savings approx \$5.2 million.

LLL: 0-4 sources in Utah. Capital costs for new and existing sources are expected to be about \$108 million, and annual costs will be about \$37 million. Price increases will be <1.1%; by region, price increases range from 0.3% to 2.3%. Production is expected to decline <2.2%. No plant closures are expected.

MMM: 1 source in Utah. For existing sources, capital costs are expected to be \$71.6 million and annual costs \$39.4 million. For new sources, capital costs will be \$10.3 million and annual costs \$5.4 million. Price increases will be <1% and output will be down <1%. No plant closures are expected.

NNN: 0-2 sources in Utah. There are 70 facilities; capital costs will be \$19.5 million and annual costs \$6.3 million. Prices will increase <0.5% and output will decline 0.17%-0.22%. No plant closures are expected.

OOO: 0-10 sources in Utah. No new facilities are expected. For existing facilities, maximum capital costs are expected to be \$2.3 million and annual costs will be \$3.3 million. Both prices and production will change <0.1%.

PPP: 0-1 sources in Utah. No new sources are expected in the next five years. For existing facilities, maximum capital costs will be about \$10.2 million and annual costs will be about \$7.7 million. Only 1 of 78 facilities had a cost-to-sales ratio >1%; for that single facility, the ratio is 1.5% but it is unlikely the owner will close it.

RRR: 0-8 sources in Utah. Capital costs are expected to be \$105 million and annual costs are expected to be \$77 million. Prices are expected to increase 0.64%, output will decline about 0.4%, and revenues will increase about 0.24%. The cost-to-sales ratio range is 0.01%-1.08% for different kinds of factories.

TTT: 0-1 sources in Utah. There are only three smelters and no new ones are expected in the next five years. No new emission controls are required but improved operating procedures will reduce emissions somewhat. The only costs are for testing, monitoring, and reporting, and there are no significant economic impacts.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The costs are minimal compared with the benefits of reducing hazardous air pollutants. Affected sources are subject to the federal rules already; by incorporating them into Utah's rules, they can be written into each source's operating permit and Utah is responsible for enforcement--Dianne R. Nielson

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at (801) 536-4042, by FAX at (801) 536-4099, or by Internet E-mail at jmillier@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 08/31/2000; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 08/23/2000, 1:30 p.m., Room 201, DEQ (Department of Environmental Quality) Building, 168 North 1950 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 09/06/2000

AUTHORIZED BY: Rick Sprott, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-214. National Emission Standards for Hazardous Air Pollutants.

R307-214-2. Part 63 Sources.

The provisions listed below of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, effective as of [~~January 1, 1998~~;July 1, 2000] are incorporated into these rules by reference. References in 40 CFR Part 63 to "the Administrator" shall refer to the [E]xecutive [S]ecretary, unless by federal law the authority is specific to the Administrator and cannot be delegated.

- (1) 40 CFR Part 63, Subpart A, General Provisions.
- (2) 40 CFR Part 63, Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with 42 U.S.C. 7412(g) and (j).
- (3) 40 CFR Part 63, Subpart F, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.
- (4) 40 CFR Part 63, Subpart G, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.
- (5) 40 CFR Part 63, Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.

(6) 40 CFR Part 63, Subpart I, National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.

(7) 40 CFR Part 63, Subpart L, National Emission Standards for Coke Oven Batteries.

(8) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.

(9) 40 CFR Part 63, Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

(10) 40 CFR Part 63, Subpart O, National Emission Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations.

(11) 40 CFR Part 63, Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.

(12) 40 CFR Part 63, Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

(13) 40 CFR Part 63, Subpart T, National Emission Standards for Halogenated Solvent Cleaning.

(14) 40 CFR Part 63, Subpart AA, National Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing.

(15) 40 CFR Part 63, Subpart BB, National Emission Standards for Hazardous Air Pollutants for Phosphate Fertilizer Production.

(1[4]6) 40 CFR Part 63, Subpart CC, National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

(1[5]7) 40 CFR Part 63, Subpart DD, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

(1[6]8) 40 CFR Part 63, Subpart EE, National Emission Standards for Magnetic Tape Manufacturing Operations.

(1[7]9) 40 CFR Part 63, Subpart GG, National Emission Standards for Aerospace Manufacturing and Rework Facilities.

(20) 40 CFR Part 63, Subpart HH, National Emission Standards for Hazardous Air Pollutants for Oil and Natural Gas Production.

([18]21) 40 CFR Part 63, Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.

([19]22) 40 CFR Part 63, Subpart KK, National Emission Standards for the Printing and Publishing Industry.

(2[0]3) 40 CFR Part 63, Subpart OO, National Emission Standards for Tanks - Level 1.

(2[1]4) 40 CFR Part 63, Subpart PP, National Emission Standards for Containers.

(2[2]5) 40 CFR Part 63, Subpart QQ, National Emission Standards for Surface Impoundments.

(2[3]6) 40 CFR Part 63, Subpart RR, National Emission Standards for Individual Drain Systems.

(27) 40 CFR Part 63, Subpart SS, National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (Generic MACT)

(28) 40 CFR Part 63, Subpart TT, National Emission Standards for Equipment Leaks- Control Level 1 (Generic MACT).

(29) 40 CFR Part 63, Subpart UU, National Emission Standards for Equipment Leaks-Control Level 2 Standards (Generic MACT).

([24]30) 40 CFR Part 63, Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.

(31) 40 CFR Part 63, Subpart WW, National Emission Standards for Storage Vessels (Tanks)-Control Level 2 (Generic MACT).

(32) 40 CFR Part 63, Subpart YY, National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic MACT.

(33) 40 CFR Part 63, Subpart CCC, National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants.

(34) 40 CFR Part 63, Subpart DDD, National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.

(35) 40 CFR Part 63, Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.

(36) 40 CFR Part 63, Subpart GGG, National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production.

(37) 40 CFR Part 63, Subpart HHH, National Emission Standards for Hazardous Air Pollutants for Natural Gas Transmission and Storage.

(38) 40 CFR Part 63, Subpart III, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.

(39) 40 CFR Part 63, Subpart JJJ, National Emission Standards for Hazardous Air Pollutants for Group IV Polymers and Resins.

(40) 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants for Portland Cement Manufacturing Industry.

(41) 40 CFR Part 63, Subpart MMM, National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.

(42) 40 CFR Part 63, Subpart NNN, National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.

(43) 40 CFR Part 63, Subpart OOO, National Emission Standards for Hazardous Air Pollutants for Amino/Phenolic Resins Production (Resin III).

(44) 40 CFR Part 63, Subpart PPP, National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production.

(45) 40 CFR Part 63, Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

(46) 40 CFR Part 63, Subpart TTT, National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting.

**KEY: air pollution, hazardous air pollutant*, MACT*
[September 15, 1998]2000 19-2-104(1)(a)
Notice of Continuation February 3, 1999**

◆ _____ ◆

Public Service Commission,
Administration
R746-100-3
Pleadings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23015

FILED: 07/14/2000, 13:50

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To provide the means by which the Division of Public Utilities may participate in consumer complaint proceedings and to set the filing date of a responsive pleading in consumer complaint proceedings.

SUMMARY OF THE RULE OR CHANGE: The amendment permits the Division of Public Utilities to participate in consumer complaint proceedings as determined by the division or as directed by the Commission. The amendment also requires that a responsive pleading be filed in consumer complaint proceedings in the same manner as in a formal proceeding.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 54-3-1, 54-4-1, and 54-7-9

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--this change does not require the state to make any financial expenditure changes. The affected agencies will perform the same activities they are currently performing.

❖LOCAL GOVERNMENTS: None--this change does not require local government to make any changes.

❖OTHER PERSONS: Estimated to be none--the complaining customer and service provider are already making efforts to resolve complaints under existing rule provisions. The filing of a responsive pleading to a customer's written complaint is already done in most instances. Any additional filings required by the rule change is believed to be de minimis.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is not anticipated that the rule change will require the expenditure of any additional funds.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is being made to establish the filing date for responsive pleadings in consumer complaint proceedings before the Commission. The procedural change is not anticipated to require the expenditure of any additional funds.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2000

AUTHORIZED BY: Barbara Stroud (Designee), Paralegal

R746. Public Service Commission, Administration.**R746-100. Practice and Procedure Governing Formal Hearings. R746-100-3. Pleadings.**

A. Pleadings Enumerated -- Applications, petitions, complaints, orders to show cause, and other traditional initiatory pleadings may be filed with the Commission. Traditional pleadings will be considered requests for agency action, pursuant to Section 63-46b-3, concerning adjudicative proceedings. Answers, protests, and other traditional responsive pleadings may be filed with the Commission and will be considered responses, subject to the requirements of Section 63-46b-6.

1. The following filings are not requests for agency action or responses, pursuant to Sections 63-46b-3 and 63-46b-6:

- a. motions, oppositions, and similar filings in existing Commission proceedings;
- b. informational filings which do not request or require affirmative action, such as Commission approval.

B. Docket Number and Title --

1. Docket number -- Upon the filing of an initiatory pleading, or upon initiation of a generic proceeding, the Commission shall assign a docket number to the proceeding which shall consist of the year in which the pleading was filed, a code identifying the public utility appearing as applicant, petitioner, or respondent, or generic code designation and another number showing its numerical position among the filings involving the utility or generic proceeding filed during the year.

2. Headings and titles -- Pleadings shall bear a heading substantially as follows:

TABLE

Name of Attorney preparing or Signer of Pleading
 Address
 Telephone Number
 Date Submitted

 BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the)	
Application, petition,)	Docket Number
etc.-- for complaints,)	
names of both complainant)	Type of Pleading
and respondent should)	
appear)	

C. Form of Pleadings -- With the exception of consumer complaints, pleadings shall be double-spaced and typewritten, which may include a computer or word processor, if the type is easily legible and in the equivalent of at least 12 pitch elite type. Pleadings shall be presented on paper 8-1/2 x 11 inches, shall include the docket number, if known, and shall be dated and time stamped upon receipt by the Commission. Pleadings shall also be presented as an electronic word processing document, an exact copy of the paper version filed, and may be on a 3-1/2" floppy disk, using a Commission-approved format. Pleadings over five pages shall be double sided and three-hole punched.

D. Amendments to Pleadings -- The Commission may allow pleadings to be amended or corrected at any time. Initiatory pleadings may be amended without leave of the Commission at any time before a responsive pleading has been filed or the time for filing the pleading has expired. Defects in pleadings which do not affect substantial rights of the parties shall be disregarded.

E. Signing of Pleadings -- Pleadings shall be signed by the party, or by the party's attorney or other authorized representative if the party is represented by an attorney or other authorized representative, and shall show the signer's address. The signature shall be considered a certification by the signer that he has read the pleading and that, to the best of his knowledge and belief, there is good ground to support it.

F. Consumer Complaints --

1. Alternative dispute resolution, informal procedures -- Before a proceeding on a consumer complaint is initiated before the Commission, the Commission shall try to resolve the matter through referral first to the customer relations department, if any, of the public utility complained of and then to the Division for investigation and mediation. Only after these resolution efforts have failed will the Commission entertain a proceeding on the matter.

2. Request for agency action -- Persons requesting Commission action shall be required to file a complaint in writing, requesting agency action. The Commission shall not act on illegible or incomplete complaints and shall return those complaints to the complainant with instructions for correction or completion.

3. The Division of Public Utilities may participate in a consumer complaint proceeding as determined by the Division or as requested by the Commission.

G. Content of Pleadings --

1. Pleadings filed with the Commission shall include the following information as applicable:

a. if known, the reference numbers, docket numbers, or other identifying symbols of relevant tariffs, rates, schedules, contracts, applications, rules, or similar matter or material;

b. the name of each participant for whom the filing is made or, if the filing is made for a group of participants, the name of the group, if the name of each member of the group is set forth in a previously filed document which is identified in the filing being made;

c. if statute, rule, regulation, or other authority requires the Commission to act within a specific time period for a matter at issue, a specific section the the pleading, located after the heading or caption, entitled "Proceeding Time Period," which shall include: reference or citation to the statute, rule, regulation, or other authority; identification of the time period; and the expiration date of the time period identified by day, month, and year

d. the specific authorization or relief sought;

e. copies of, or references to, tariff or rate sheets relevant to the pleading;

f. the name and address of each person against whom the complaint is directed;

g. the relevant facts, if not set forth in a previously filed document which is identified in the filing being made;

h. the position taken by the participant filing a pleading, to the extent known when the pleading is filed, and the basis in fact and law for the position;

i. the name, address, and telephone number of an individual who, with respect to a matter contained in the filing, represents the person for whom the filing is made;

j. additional information required to be included by Section 63-46b-3, concerning commencement of adjudicative proceedings, or other statute, rule, or order.

H. Motions -- Motions may be submitted for the Commission's decision on either written or oral argument, and the filing of affidavits in support or contravention of the motion is permitted. If oral argument is sought, the party seeking oral argument shall place the matter on the Commission's Law and Motion calendar and provide at least five days written notice to affected parties.

I. Responsive Pleadings -- Responsive pleadings shall be filed in formal proceedings in accordance with Section 63-46b-6. Responsive pleadings shall be required in informal proceedings and shall be filed in accordance with the provisions of Section 63-46b-6.

KEY: government hearings, public utilities, rules and procedures

May 17, 1999 2000	54-1-6
Notice of Continuation December 8, 1997	54-4-1
	54-7-17
	63-46b



Public Service Commission,
Administration
R746-200-7
Informal Review

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 23016
FILED: 07/14/2000, 13:50
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To revise the procedures for informal review and mediation of service complaints, and provide consistent dispute resolution procedures identified in Rules R746-200 and R746-240.

SUMMARY OF THE RULE OR CHANGE: The amendment describes the informal review procedures to be followed by the complainant, the service provider, and the Division of Public Utilities in attempting to resolve customer complaints. The amendment also makes word changes to obtain consistency in the informal review procedures specified in Rules R746-200 and R746-240.

(DAR Note: The proposed amendment to R746-240 is under DAR No. 23017 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 54-3-1, 54-3-7, 54-4-1, 54-4-7, and 54-7-9

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--this change does not require the state to make any financial expenditure changes. The effected agencies will perform the same activities they are currently doing, albeit in a different sequence.

❖LOCAL GOVERNMENTS: None--this change does not require local government to make any changes.

❖OTHER PERSONS: Estimated to be none--the complaining customer and service provider are already making efforts to resolve complaints under existing rule provisions and provide information to the regulatory agencies on their activities. The amendments provide time frames for reporting the complaint process activities and results.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is not anticipated that the rule change will require the expenditure of any additional funds.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is being made to remove existing rule language which technically required the Division of Public Utilities to perform activities prior to a time period in which complaints could likely be resolved. The rule change now identifies a procedural process in which most complaints may be resolved and then provides for the Division of Public Utilities to attempt to mediate unresolved complaints. Complaint resolution is an activity in which all service providers are already engaged and which is currently covered by existing rule language.

The procedural changes are not anticipated to require the expenditure of any additional funds.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2000

AUTHORIZED BY: Barbara Stroud (Designee), Paralegal

R746. Public Service Commission, Administration.**R746-200. Residential Utility Service Rules for Electric, Gas, Water, and Sewer Utilities.****R746-200-7. Informal Review.**

A. [Subject to Subsection R746-100-3(F)(1), Consumer Complaints, a] A person who cannot resolve a dispute with the utility concerning a matter subject to Public Service Commission jurisdiction [addressed in these rules] may obtain informal review of the dispute by a designated employee within the Division of Public Utilities. Upon receipt of a request for informal review, the Division employee shall, within one business day, notify the utility that an informal complaint has been filed. Absent unusual circumstances, the utility shall respond to the complainant and propose a solution to the complaint within five business days. The utility shall make reasonable efforts to resolve the complaint within 30 calendar days. The utility shall inform the Division employee of the utility's response to the complaint, their proposed solution and the complainant's acceptance or rejection of the proposed solution within one business day after this information becomes available. If, after 30 calendar days from the receipt of a request for informal review, the Division employee has received no information that the complainant has accepted the proposed solution or otherwise completely resolved the complaint with the utility, the complaint shall be presumed to be unresolved. [This employee] If the complainant is not satisfied with the proposed solution or the complaint continues to be unresolved 30 calendar days after receipt, the Division employee shall further investigate and evaluate the dispute, considering both the customer's complaint and the utility's response, and try to mediate a resolution between the complainant and the utility. The utility shall provide documents, data or other information requested by the Division, to evaluate the complaint, within five business days of the Division request. [resolve it, and inform both the utility and the consumer of his findings within five business days from receipt of the informal review request.]

B. The Division of Public Utilities in all cases shall inform the complainant~~[consumer]~~ of his right to petition the Commission for a ~~[format]~~ review of the dispute, and shall make available to the complainant~~[consumer]~~ a standardized complaint form with instructions approved by the Commission. While a ~~[n-account holder]~~ complainant is proceeding with an informal review by the Division or a ~~[format]~~ Commission review of a dispute, no termination of service shall be permitted, provided any amounts not disputed are paid when due, subject to the utility's right to terminate service pursuant to R746-200-6(F), Termination of Service Without Notice.

KEY: public utilities, rules, utility service shutoff*
~~[June 1, 1999]~~ **2000**
Notice of Continuation December 8, 1997

54-4-1
54-4-7
54-7-9
54-7-25



Public Service Commission,
Administration
R746-240
Telecommunication Service Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 23017
FILED: 07/14/2000, 13:50
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To reflect statutory changes that have added to the telecommunication service issues which must be resolved by the Public Service Commission; establish the procedures for informal review and mediation of service complaints; and provide consistent dispute resolution procedures identified in Rules R746-200 and R746-240.

SUMMARY OF THE RULE OR CHANGE: The amendment describes the informal review procedures to be followed by the complainant, the service provider, and the Division of Public Utilities in attempting to resolve customer complaints. The amendment also makes word changes to obtain consistency in the informal review procedures specified in Rules R746-200 and R746-240.

(DAR Note: The proposed amendment to R746-200 is under DAR No. 23016 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 54-8b-18, 54-4-37, 54-3-1, 54-3-7, 54-4-1, 54-4-7, and 54-7-9

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--this change does not require the state to make any financial expenditure changes. The effected agencies will perform the same activities they are currently doing, albeit in a different sequence.

❖LOCAL GOVERNMENTS: None--this change does not require local government to make any changes.

❖OTHER PERSONS: Estimated to be none--the complaining customer and service provider are already making efforts to resolve complaints under existing rule provisions and provide information to the regulatory agencies on their activities. The amendments provide time frames for reporting the complaint process activities and results.

COMPLIANCE COSTS FOR AFFECTED PERSONS: It is not anticipated that the rule change will require the expenditure of any additional funds.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change is being made to remove existing rule language which technically required the Division of Public Utilities to perform activities prior to a time period in which complaints could likely be resolved. The rule change now identifies a procedural process in which most complaints may be resolved and then provides for the Division of Public Utilities to attempt to mediate unresolved complaints. Complaint resolution is an activity in which all service providers are already engaged and which is currently covered by existing rule language. The procedural changes are not anticipated to require the expenditure of any additional funds.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at pupsc.bstroud@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 08/31/2000.

THIS RULE MAY BECOME EFFECTIVE ON: 09/01/2000

AUTHORIZED BY: Barbara Stroud (Designee), Paralegal

R746. Public Service Commission, Administration.

R746-240. Telecommunication Service Rules.

R746-240-1. General Provisions.

A. Authorization--The Utah Public Utility Code Sections 54-1-1, 54-4-4, 54-4-7, 54-4-8, and 54-4-14.

B. Title--These rules shall be known and may be cited as the Utah Service Rules for Telecommunication Corporations.

C. Purpose--The purpose of these rules is to establish and enforce uniform ~~[utility]~~telecommunications service practices and procedures governing eligibility, deposits, account billing, termination and deferred payment agreements.

D. Objective--The objective of these rules is to assure the adequate provision of residential and business ~~[utility]~~telecommunications service, to restrict unreasonable termination of or refusal to provide residential and business ~~[utility]~~telecommunications service, to provide functional alternatives to termination or refusal to provide residential or business ~~[utility]~~telecommunications service, and to establish and enforce fair and equitable procedures governing eligibility, deposits, account billing, termination and deferred payment agreements.

E. Nondiscrimination--~~[Utility]~~Telecommunications service shall be provided to qualified persons without regard to employment, occupation, race, handicap, creed, sex, national origin, marital status, or number of dependents.

F. Requirement of Good Faith--Every agreement or obligation within these rules imposes an obligation of good faith, honest, and fair dealings in its performance and enforcement.

G. Application of Rules--These telecommunications service rules shall apply to each ~~[local—exchange carrier]~~telecommunications corporation operating within Utah under the jurisdiction of the Public Service Commission.

1. A ~~[local exchange carrier]~~telecommunications corporation may petition the Commission for an exemption from specified portions of these rules in accordance with R746-100-16, Deviation from Rules.

2. The adoption of these rules by the Commission shall in no way preclude it from altering or amending a specific rule pursuant to applicable statutory procedures.

H. Customer's Statement of Rights and Responsibilities--When ~~[utility]~~telecommunications service is extended to an account holder, and annually thereafter, a local exchange carrier shall provide a copy of the "Customer's Statement of Rights and Responsibilities" as approved by the Public Service Commission. This statement shall be a single page document. It shall be prominently displayed in each customer service center.

R746-240-7. Informal Review.

A. A person who is unable to resolve a dispute with ~~[an local exchange carrier]~~a telecommunications corporation concerning a matter ~~[addressed in these regulations]~~subject to Public Service Commission jurisdiction may obtain informal review of the dispute by a designated employee within the Division of Public Utilities. Upon receipt of a request for informal review, the Division employee shall, within one business day, notify the telecommunications corporation that an informal complaint has been filed. Absent unusual circumstances, the telecommunications corporation shall respond to the complainant and propose a solution to the complaint within five business days. In no circumstance shall the telecommunications corporation fail to respond to the complainant within 30 calendar days. The telecommunications corporation shall inform the Division employee of the telecommunications corporation's response to the complaint, their proposed solution and the complainant's acceptance or rejection of the proposed solution within one business day after this information

becomes available. If, after 30 calendar days from the receipt of a request for informal review, the Division employee has received no information that the complainant has accepted the proposed solution or otherwise completely resolved the complaint with the telecommunications corporations, the complaint shall be presumed to be unresolved. If the complaint is not satisfied with the proposed solution or the complaint continues to be unresolved 30 calendar days after receipt, ~~[F]~~the Division employee shall ~~[with]~~further investigate and evaluate the dispute, considering both the customer's complaint and the telecommunications corporation's response, and ~~try to~~make an attempt to resolve it, and inform both the local exchange carrier and the consumer of its findings within five business days, or propose a solution to the company and have the company advise the complainant of the solution within five business days from receipt of the informal review request] mediate a resolution between the complainant and the telecommunications corporation. The telecommunications corporation shall provide documents, data or other information requested by the Division, to evaluate the complaint, within five business days of the Division request.

B. The Division in all cases shall inform the complainant of their right to petition the Commission for a ~~[formal]~~ review of the dispute, and shall make available to the ~~[consumer]~~complainant a standardized complaint form with instructions approved by the Commission. While ~~[an account holder]~~a complainant is proceeding with an informal review by the Division or a Commission review of a dispute, no termination of ~~[local access]~~telecommunications service shall be permitted, if amounts not disputed are paid when due, subject to the ~~[local exchange carrier's]~~telecommunications corporation's right to terminate service pursuant to R746-240-6(D), Termination Without Notice.

R746-240-8. Formal Review.

The Commission, upon its own motion, the petition of the Division of Public Utilities, or any person, may initiate formal hearings or investigative proceedings upon a matter arising out of an informal complaint.~~[- While an account holder is proceeding with a formal review of a dispute, no termination of local access service shall be permitted, provided that amounts not disputed are paid when due, subject to the local exchange carrier's right to terminate service pursuant to R746-240-6(D), Termination Without Notice.]~~

KEY: procedure*, telecommunications, telephone
~~[March 14, 1997]~~2000 54-4-1
Notice of Continuation November 1, 1995 54-4-7
 54-7-9



End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Education, Administration
R277-459
Teachers' Supplies and Materials
Appropriation

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

DAR FILE NO.: 23007
FILED: 07/12/2000, 14:35
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(1)(b) directs the State Board of Education to establish rules and minimum standards for school programs.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law directs the State Board of Education to establish rules and minimum standards for school programs.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

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

EFFECTIVE: 07/12/2000



Education, Administration
R277-464
Highly Impacted Schools

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

DAR FILE NO.: 23008
FILED: 07/12/2000, 14:35
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-17a-121(2) directs the State Board of Education to develop rules to implement programs for at risk students and distribute funds for at risk programs.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law directs the State Board of Education to develop rules to implement

programs for at risk students and distribute funds for at risk programs.

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

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

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

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

EFFECTIVE: 07/12/2000



Education, Administration
R277-520
Rule on Appropriate Assignment of Teachers

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 23009
FILED: 07/12/2000, 14:35
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 53A-1-401(3) gives the State Board of Education authority to adopt rules in accordance with its responsibilities, and Subsection 53A-6-104(2)(a) authorizes the State Board of Education to rank, endorse, or classify licenses.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is essential that the State Board of Education ensures that teachers have the appropriate training and content background when being assigned to a teacher-specific subject matter.

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

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

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

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

EFFECTIVE: 07/12/2000



Labor Commission, Antidiscrimination
and Labor, Antidiscrimination
R606-3
Nondiscrimination Clause to be used in
Contracts Entered into by the State of
Utah and its Agencies

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 22997
FILED: 07/07/2000, 14:45
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 34A-5-104 gives the Commission jurisdiction over employment practices and discrimination made unlawful by Chapter 34A. It also gives the Commission power to make rules for the enforcement of the chapter.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No 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: Rule R606-3 continues to be necessary as it establishes the requirements a contractor must follow, when in a contract with the state of Utah and its agencies, to be in compliance with the Utah Antidiscrimination Act.

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

Labor Commission
Antidiscrimination and Labor, Antidiscrimination
Third Floor, Heber M. Wells Office Building
160 East 300 South
PO Box 146630
Salt Lake City, UT 84114-6630, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Joseph Gallegos, Jr. at the above address, by phone at (801) 530-6921, by FAX at (801) 530-7609, or Internet E-mail at icmain.jgallego@email.state.ut.us.

AUTHORIZED BY: R. Lee Ellertson, Commissioner

EFFECTIVE: 07/07/2000

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

Labor Commission
Antidiscrimination and Labor, Antidiscrimination
Third Floor, Heber M. Wells Office Building
160 East 300 South
PO Box 146630
Salt Lake City, UT 84114-6630, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Joseph Gallegos, Jr. at the above address, by phone at (801) 530-6921, by FAX at (801) 530-7609, or Internet E-mail at icmain.jgallego@email.state.ut.us.

AUTHORIZED BY: R. Lee Ellertson, Commissioner

EFFECTIVE: 07/07/2000



Labor Commission, Antidiscrimination
and Labor, Antidiscrimination
R606-4
Advertising

Labor Commission, Antidiscrimination
and Labor, Antidiscrimination
R606-5
Employment Agencies

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 22998
FILED: 07/07/2000, 14:45
RECEIVED BY: NL

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 22999
FILED: 07/07/2000, 14:45
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 34A-5-104 gives the Commission jurisdiction over employment practices and discrimination made unlawful by Chapter 34A. It also gives the Commission power to make rules for the enforcement of the chapter.

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: Sections 34A-5-104 gives the Commission jurisdiction over employment practices and discrimination made unlawful by Chapter 34A. It also give the Commission power to make rules for the enforcement of the chapter.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

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: Rule R606-4 continues to be necessary as it establishes the requirements for "help wanted" advertising with regard to discrimination based on sex.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R606-5 continues to be necessary as it establishes that employment agencies shall share in the responsibility with the employer for undertaking to fill a job order containing a discriminatory specification.

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

Labor Commission
Antidiscrimination and Labor, Antidiscrimination
Thirrd Floor, Heber M. Wells Office Building
160 East 300 South
PO Box 146630
Salt Lake City, UT 84114-6630, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Joseph Gallegos, Jr. at the above address, by phone at (801) 530-6921, by FAX at (801) 530-7609, or Internet E-mail at icmain.jgallego@email.state.ut.us.

AUTHORIZED BY: R. Lee Ellertson, Commissioner

EFFECTIVE: 07/07/2000

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

Labor Commission
Antidiscrimination and Labor, Antidiscrimination
Third Floor, Heber M. Wells Office Building
160 East 300 South
PO Box 146630
Salt Lake City, UT 84114-6630, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Joseph Gallegos, Jr. at the above address, by phone at (801) 530-6921, by FAX at (801) 530-7609, or Internet E-mail at icmain.jgallego@email.state.ut.us.

AUTHORIZED BY: R. Lee Ellertson, Commissioner

EFFECTIVE: 07/07/2000

**Labor Commission, Antidiscrimination
and Labor, Antidiscrimination
R606-6
Regulation of Practice and Procedure
on Employer Reports and Records**

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

DAR FILE NO.: 23000
FILED: 07/07/2000, 14:45
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 34A-5-104 gives the Commission jurisdiction over employment practices and discrimination made unlawful by Chapter 34A. It also gives the Commission power to make rules necessary for enforcement of the chapter.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No 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: Rule R606-6 continues to be necessary as it establishes the reporting requirements for employers as well as the length of time employers must keep records so as to be in compliance with the Utah Antidiscrimination Act. The length of time records must be kept is six months, which is the time within which an employee must file a charge of discrimination.

**Tax Commission, Auditing
R865-16R
Severance Tax**

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

DAR FILE NO.: 22996
FILED: 07/07/2000, 07:11
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 59-2-203 indicates how taxable value shall be determined for purposes of imposing the mining severance tax of 2.6% of taxable value. The section requires the Tax Commission to establish a rule setting forth: 1) an established authority for market prices of metals; and 2) a process for determining the value of metals sold between affiliates where a bona fide sale has not taken place.

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 were received in the last five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes authority and promulgates processes both required by statute and necessary in the determination of fair market value.

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

Tax Commission
Auditing
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 Internet E-mail at
phendrick@tax.state.ut.us.

AUTHORIZED BY: Pam Hendrickson, Commissioner

EFFECTIVE: 07/07/2000



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

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

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

Commerce

Occupational and Professional Licensing

No. 22861 (AMD): R156-46b. Division Utah Administrative Procedures Act Rules.

Published: June 1, 2000
Effective: July 6, 2000

No. 22862 (REP): R156-56a. Recreational Vehicle Rules.

Published: June 1, 2000
Effective: July 6, 2000

No. 22863 (AMD): R156-59-302a. Qualifications for Licensure.

Published: June 1, 2000
Effective: July 10, 2000

Environmental Quality

Environmental Response and Remediation

No. 22762 (AMD): R311-201-4. Eligibility for Certification.

Published: May 1, 2000
Effective: July 17, 2000

Solid and Hazardous Waste

No. 22772 (AMD): R315-1-1. Definitions.

Published: May 1, 2000
Effective: July 15, 2000

No. 22773 (AMD): R315-2. General Requirements - Identification and Listing of Hazardous Waste.

Published: May 1, 2000
Effective: July 15, 2000

No. 22778 (AMD): R315-7. Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities.

Published: May 1, 2000
Effective: July 15, 2000

No. 22780 (AMD): R315-16. Standards for Universal Waste Management.

Published: May 1, 2000
Effective: July 15, 2000

No. 22781 (AMD): R315-101. Cleanup Action and Risk-Based Closure Standards.

Published: May 1, 2000
Effective: July 15, 2000

No. 22856 (AMD): R315-311. Permit Approval For Solid Waste Disposal, Energy Recovery, And Incinerator Facilities.

Published: June 1, 2000
Effective: July 15, 2000

No. 22857 (AMD): R315-312-1. Applicability.

Published: June 1, 2000
Effective: July 15, 2000

No. 22859 (AMD): R315-320. Waste Tire Transporter and Recycler Requirements.

Published: June 1, 2000
Effective: July 15, 2000

Health

Epidemiology and Laboratory Services, Epidemiology

No. 22785 (NEW): R386-800. Immunization Coordination.

Published: May 1, 2000
Effective: July 14, 2000

Human Resource Management

Administration

No. 22839 (AMD): R477-1. Definitions.

Published: June 1, 2000
Effective: July 5, 2000

No. 22840 (AMD): R477-2. Administration.

Published: June 1, 2000
Effective: July 5, 2000

No. 22842 (AMD): R477-4. Classification.

Published: June 1, 2000
Effective: July 5, 2000

No. 22843 (AMD): R477-5. Filling Positions.

Published: June 1, 2000
Effective: July 5, 2000

No. 22844 (AMD): R477-6. Employee Status and Probation.

Published: June 1, 2000
Effective: July 5, 2000

No. 22845 (AMD): R477-7. Compensation.
Published: June 1, 2000
Effective: July 5, 2000

No. 22846 (AMD): R477-8. Working Conditions.
Published: June 1, 2000
Effective: July 5, 2000

No. 22847 (AMD): R477-9. Employee Conduct.
Published: June 1, 2000
Effective: July 5, 2000

No. 22848 (AMD): R477-10. Employee Development.
Published: June 1, 2000
Effective: July 5, 2000

No. 22849 (AMD): R477-11. Discipline.
Published: June 1, 2000
Effective: July 5, 2000

No. 22850 (AMD): R477-12. Separations.
Published: June 1, 2000
Effective: July 5, 2000

No. 22851 (AMD): R477-13. Volunteer Programs.
Published: June 1, 2000
Effective: July 5, 2000

No. 22853 (AMD): R477-14. Substance Abuse and
Drug-Free Workplace.
Published: June 1, 2000
Effective: July 5, 2000

No. 22854 (AMD): R477-15. Unlawful Harassment
Policy and Procedure.
Published: June 1, 2000
Effective: July 5, 2000

No. 22871 (NEW): R651-409. Minimum Amounts of
Liability Insurance Coverage for an Organized Practice
or Sanctioned Race.
Published: June 1, 2000
Effective: July 4, 2000

No. 22872 (AMD): R651-601. Definitions as Used in
These Rules.
Published: June 1, 2000
Effective: July 4, 2000

No. 22874 (NEW): R651-634. Snowmobile User Fee -
Non-Residents.
Published: June 1, 2000
Effective: July 4, 2000

Forestry, Fire and State Lands
No. 22680 (AMD): R652-30-610. Utah Lake
Agricultural Leases.
Published: March 15, 2000
Effective: July 13, 2000

No. 22681 (AMD): R652-50-610. Utah Lake Grazing
Permits.
Published: March 15, 2000
Effective: July 13, 2000

Human Services

Recovery Services

No. 22868 (REP): R527-100. Uniform Interstate
Family Support Act.
Published: June 1, 2000
Effective: July 5, 2000

End of the Notices of Rule Effective Dates Section

Natural Resources

Parks and Recreation

No. 22869 (AMD): R651-301. State Recreation Fiscal
Assistance Programs.
Published: June 1, 2000
Effective: July 4, 2000

No. 22870 (AMD): R651-408. Off-Highway Vehicle
Education Curriculum Standards.
Published: June 1, 2000
Effective: July 4, 2000

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, 2000, including notices of effective date received through July 14, 2000, the effective dates of which are no later than August 1, 2000. 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>					
R23-2	Procurement of Architectural and Engineering Services	22821	5YR	05/04/2000	2000-11/101
<u>Fleet Operations</u>					
R27-1 (Changed to R27-10)	Identification Mark for State Motor Vehicles	22728	AMD	06/01/2000	2000-9/2
R27-2	Fleet Operations Adjudicative Proceedings	22807	NSC	05/23/2000	Not Printed
R27-10	Identification Mark for State Motor Vehicles	22808	NSC	06/26/2000	Not Printed
<u>Fleet Operations, Surplus Property</u>					
R28-1	State Surplus Property Disposal	22729	AMD	06/01/2000	2000-9/3
R28-3	Utah State Agency for Surplus Property Adjudicative Proceedings	22809	NSC	05/23/2000	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Purchasing and General Services</u>					
R33-3	Source Selection and Contract Formation	22678	AMD	06/15/2000	2000-6/3
R33-5	Construction and Architect-Engineer Selection	22679	AMD	06/15/2000	2000-6/10
<u>Records Committee</u>					
R35-2	Declining Appeal Hearings	22787	NSC	05/23/2000	Not Printed
AGRICULTURE AND FOOD					
<u>Animal Industry</u>					
R58-17	Aquaculture and Aquatic Animal Health	22931	5YR	06/15/2000	2000-13/73
R58-17-2	Definitions	22879	NSC	06/26/2000	Not Printed
<u>Plant Industry</u>					
R68-2	Utah Commercial Feed Act Governing Feed	22753	NSC	05/01/2000	Not Printed
R68-8-7	Labeling of Agricultural Seed Varieties	22646	AMD	05/30/2000	2000-5/4
<u>Regulatory Services</u>					
R70-310	Grade A Pasteurized Milk	22657	5YR	02/10/2000	2000-5/64
R70-310	Grade A Pasteurized Milk	22658	AMD	04/03/2000	2000-5/5
R70-310-2	Adoption of USPHS Ordinance	22707	NSC	05/01/2000	Not Printed
R70-630	Water Vending Machine	22596	5YR	01/11/2000	2000-3/91
R70-630	Water Vending Machine	22597	AMD	03/03/2000	2000-3/5
ALCOHOLIC BEVERAGE CONTROL					
<u>Administration</u>					
R81-1-7	Disciplinary Hearings	22639	AMD	03/27/2000	2000-4/4
R81-1-12	Alcohol Training and Education Seminar	22752	NSC	05/01/2000	Not Printed
R81-1-12	Alcohol Training and Education Seminar	22812	AMD	07/03/2000	2000-10/4
CAPITOL PRESERVATION BOARD (STATE)					
<u>Administration</u>					
R131-1	Procurement of Architectural and Engineering Services	22572	NEW	03/13/2000	2000-2/5
R131-2	Capitol Hill Facility Use	22568	NEW	03/13/2000	2000-2/4
R131-7	State Capitol Preservation Board Master Planning Policy	22574	NEW	03/13/2000	2000-2/7
COMMERCE					
<u>Occupational and Professional Licensing</u>					
R156-1-205	Advisory Peer Committees - Direct to Appoint with Concurrence of Board - Terms of Office - Vacancies in Office - Removal from Office - Quorum Requirements - Appointment of Chairman - Division to Provide Secretary - Compliance with Open and Public Meetings Act - Compliance with Utah Administrative Procedures Act - No Provision for Per Diem and Expenses	22587	AMD	02/15/2000	2000-2/8

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-1-308a	Renewal Dates	22645	AMD	03/20/2000	2000-4/12
R156-17a	Pharmacy Practice Act Rules	22318	AMD	see CPR	99-17/10
R156-17a	Pharmacy Practice Act Rules	22318	CPR	02/15/2000	2000-2/17
R156-17a-602	Operating Standards - Pharmacy Intern - Scope of Practice	22738	NSC	05/01/2000	Not Printed
R156-24a-503	Physical Therapist Supervisory Authority and Responsibility	22734	NSC	05/01/2000	Not Printed
R156-31b-304	Quality Review Program	22576	AMD	02/15/2000	2000-2/10
R156-31b-304	Quality Review Program	22663	NSC	02/24/2000	Not Printed
R156-31c-201	Issuing a License	22577	AMD	02/15/2000	2000-2/11
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	22725	5YR	04/06/2000	2000-9/183
R156-46b	Department of Commerce Administrative Procedures Act Rules	22761	AMD	06/01/2000	2000-9/4
R156-46b	Department of Commerce Administrative Procedures Act Rules	22861	AMD	07/06/2000	2000-11/6
R156-55b	Electricians Licensing Rules	22740	AMD	06/01/2000	2000-9/20
R156-55b-304	Continuing Education	22910	NSC	06/26/2000	Not Printed
R156-56	Utah Uniform Building Standard Act Rules	22398	AMD	see CPR	99-20/15
R156-56	Utah Uniform Building Standard Act Rules	22398	CPR	02/15/2000	2000-2/21
R156-56	Utah Uniform Building Standard Act Rules	22790	AMD	07/01/2000	2000-10/5
R156-56-602	Factory Built Housing Dealer Bonds	22478	AMD	see CPR	99-22/7
R156-56-602	Factory Built Housing Dealer Bonds	22478	CPR	02/15/2000	2000-2/24
R156-56-706	Amendments to the IPC	22449	AMD	see CPR	99-21/7
R156-56-706	Amendments to the IPC	22449	CPR	01/18/2000	99-24/47
R156-56-706	Amendments to the IPC	22791	AMD	07/01/2000	2000-10/18
R156-56a	Recreational Vehicle Rules	22862	REP	07/06/2000	2000-11/7
R156-57	Respiratory Care Practices Act Rules	22482	AMD	01/04/2000	99-23/13
R156-57-302a	Qualifications for Licensure - Examination Requirements	22701	AMD	05/02/2000	2000-7/6
R156-59	Employee Leasing Company Act Rules	22677	AMD	04/17/2000	2000-6/11
R156-59	Professional Employer Organization Act Rules	22786	NSC	07/10/2000	Not Printed
R156-59-302a	Qualifications for Licensure	22863	AMD	07/10/2000	2000-11/9
R156-60c	Professional Counselor Licensing Act Rules	22726	5YR	04/06/2000	2000-9/183
R156-61	Psychologist Licensing Act Rules	22588	AMD	02/15/2000	2000-2/12
R156-61-302e	Duties and Responsibilities of a Supervisor of Psychology Training and Mental Health Therapist Training	22735	NSC	05/01/2000	Not Printed
R156-63	Security Personnel Licensing Act Rules	22801	AMD	06/15/2000	2000-10/24
R156-63-302a	Qualifications for Licensure - Application Requirements	22736	NSC	05/01/2000	Not Printed
R156-65	Burglar Alarm Security and Licensing Act Rules	22737	NSC	05/01/2000	Not Printed
R156-66	Utah Professional Boxing Regulation Act Rules	22589	AMD	02/15/2000	2000-2/14
R156-71	Naturopathic Physician Practice Act Rules	22507	AMD	01/04/2000	99-23/14
R156-71-202	Naturopathic Physician Formulary	22700	AMD	05/02/2000	2000-7/7
R156-71-202	Naturopathic Physician Formulary	22792	AMD	06/15/2000	2000-10/26

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Real Estate</u>					
R162-6	Licensee Conduct	22514	AMD	01/27/2000	99-24/10
R162-10	Administrative Procedures	22624	AMD	03/20/2000	2000-4/14
R162-103	Appraisal Education Requirements	22768	AMD	06/01/2000	2000-9/21
R162-104	Experience Requirement	22769	AMD	06/01/2000	2000-9/23
R162-105	Scope of Authority	22770	AMD	06/01/2000	2000-9/25
R162-106	Professional Conduct	22626	AMD	03/20/2000	2000-4/16
R162-107	Unprofessional Conduct	22771	AMD	06/01/2000	2000-9/27
<u>Securities</u>					
R164-2	Investment Adviser - Unlawful Acts	22642	NEW	03/20/2000	2000-4/18
R164-4	Licensing Requirements	22643	AMD	03/20/2000	2000-4/29
R164-11	Registration Statement	22864	NSC	05/25/2000	Not Printed
R164-12	Sales Commission	22865	NSC	05/25/2000	Not Printed
R164-14	Exemptions	22644	AMD	03/20/2000	2000-4/20
R164-14	Exemptions	22866	AMD	05/25/2000	Not Printed
R164-26	Consent to Service of Process	22867	NSC	05/25/2000	Not Printed
EDUCATION					
<u>Administration</u>					
R277-404	Year-Round School and Effective Facility Use Program	22563	REP	02/01/2000	2000-1/8
R277-430	Capital Outlay Equalization Qualification	22564	REP	02/01/2000	2000-1/10
R277-459	Teachers' Supplies and Materials Appropriation	23007	5YR	07/12/2000	2000-15/27
R277-462	Comprehensive Guidance Program	22669	AMD	04/03/2000	2000-5/6
R277-464	Highly Impacted Schools	23008	5YR	07/12/2000	2000-15/27
R277-472	Reading Performance Improvement Awards Program	22593	NSC	01/25/2000	Not Printed
R277-473	Testing Procedures	22717	NEW	05/16/2000	2000-8/3
R277-501	Educator Licensing Renewal	22609	NEW	03/03/2000	2000-3/8
R277-501	Educator Licensing Renewal	22718	AMD	05/16/2000	2000-8/4
R277-507	Driver Education Endorsement	22528	AMD	02/01/2000	2000-1/11
R277-514	Board Procedures: Sanctions for Misconduct	22670	AMD	04/03/2000	2000-5/8
R277-520	Rule on Appropriate Assignment of Teachers	23009	5YR	07/12/2000	2000-15/28
R277-607	Truancy Prevention	22610	AMD	03/03/2000	2000-3/11
R277-702	Procedures for the Utah General Educational Development Certificate	22719	AMD	05/16/2000	2000-8/8
R277-904	Applied Technology Center and Service Region Standards and Operating Procedures	22611	AMD	03/03/2000	2000-3/13
ENVIRONMENTAL QUALITY					
<u>Air Quality</u>					
R307-110	General Requirements: State Implementation Plan	22623	NSC	02/25/2000	Not Printed
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R657-47	Trust Fund Permits	22562	NEW	02/01/2000	2000-1/40
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R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	22671	AMD	04/03/2000	2000-5/53
R686-103	Professional Practices and Conduct for Utah Educators	22505	AMD	01/05/2000	99-23/105
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R708-32	Uninsured Motorist Database	22908	5YR	06/01/2000	2000-12/60
R708-32	Uninsured Motorist Database	22909	NSC	06/20/2000	Not Printed
R708-36	Disclosure of Personal Identifying Information in MVRs	22756	NEW	06/01/2000	2000-9/180
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R710-2	Rules Pursuant to the Utah Fireworks Act	22558	AMD	02/01/2000	2000-1/50
R710-6	Liquefied Petroleum Gas Rules	22559	AMD	02/01/2000	2000-1/52
R710-7	Concerns Servicing Automatic Fire Suppression Systems	22560	AMD	02/01/2000	2000-1/54
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R746-405	Rules Governing the Filing of Tariffs for Gas Electric, Telephone, Water and Heat Utilities	22784	NSC	05/01/2000	Not Printed
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R765-605	Utah Centennial Opportunity Program for Education	22816	AMD	06/15/2000	2000-10/39
R765-626	Lender-of-Last-Resort Program	22822	5YR	05/05/2000	2000-11/103
R765-685	Utah Educational Savings Plan Trust	22793	AMD	07/01/2000	2000-10/43
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R850-40-300	Easements Acquired by Application	22795	NSC	05/01/2000	Not Printed
R850-130-400	Application Procedures	22664	NSC	02/25/2000	Not Printed
R850-140-100	Authorities	22796	NSC	05/01/2000	Not Printed
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R861-1A-12	Policies and Procedures Regarding Public Disclosure Pursuant to Utah Code Ann. Section 59-1-210	22889	NSC	06/27/2000	Not Printed
R861-1A-20	Time of Appeal Pursuant to Utah Code Ann. Sections 59-1-301, 59-1-401, 59-1-501, 59-2-1007, 59-7-517, 59-10-533, 59-12-144, 59-13-210, and 63-46b-3	22890	NSC	06/27/2000	Not Printed
R861-1A-36	Signatures on Tax Return Information Pursuant to Utah Code Ann. Sections 59-10-512 and 59-12-107	22802	AMD	06/21/2000	2000-10/44
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R865-6F-14	Extent to Which Federal Income Tax Provisions Are Followed for Corporation Franchise Tax Purposes Pursuant to Utah Code Ann. Sections 59-7-106, 59-7-108, 59-7-118, and 59-7-121	22891	NSC	06/27/2000	Not Printed
R865-6F-16	Apportionment of Income of Long-Term Construction Contractors Pursuant to Utah Code Ann. Section 59-7-118	22892	NSC	06/27/2000	Not Printed
R865-6F-18	Corporations Exempt From The Franchise Tax Pursuant to Utah Code Ann. Section 59-7-105	22893	NSC	06/27/2000	Not Printed
R865-6F-19	Taxation of Trucking Companies Pursuant to Utah Code Ann. Sections 59-7-301 through 59-7-321	22894	NSC	06/27/2000	Not Printed

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R865-6F-27	Order of Credits Applied Against Utah Corporate Franchise Tax Due Pursuant to Utah Code Ann. Sections 9-2-413, 59-6-102, 59-7-104, 59-7-109, 59-7-109.5, 59-7-110, 59-7-110.5, 59-7-110.7, 59-7-110.8, 59-10-603, and 59-13-202	22896	NSC	06/27/2000	Not Printed
R865-6F-29	Taxation of Railroads Pursuant to Utah Code Ann. Sections 59-7-301 through 59-7-321	22897	NSC	06/27/2000	Not Printed
R865-9I-46	Medical Savings Account Tax Deduction Pursuant to Utah Code Ann. Sections 31A-32-106 and 59-10-114	22898	NSC	06/27/2000	Not Printed
R865-9I-48	Adoption Expenses Deduction Pursuant to Utah Code Ann. Section 59-10-114	22899	NSC	06/27/2000	Not Printed
R865-11Q-1	Time Period Within Which an Employer Must Obtain an Experience Modification Factor Pursuant to Utah Code Ann. Section 35A-3-202	22900	NSC	06/27/2000	Not Printed
R865-12L-9	Sellers With No Fixed Place of Business Pursuant to Utah Code Ann. Section 59-12-207	22710	AMD	06/21/2000	2000-8/29
R865-12L-16	Notification to Tax Commission Upon County, City, or Town Imposition of Certain Taxes Pursuant to Utah Code Ann. Sections 59-12-118, 59-12-302, 59-12-501, 59-12-502, 59-12-603, 59-12-703, 59-12-802, and 59-12-804	22803	AMD	06/21/2000	2000-10/45
R865-16R	Severance Tax	22996	5YR	07/07/2000	2000-15/30
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R873-22M-36	Access to Protected Motor Vehicle Records Pursuant to Utah Code Ann. Section 41-1a-116	22902	NSC	06/27/2000	Not Printed
R873-22M-38	Procedure for Reinstatement of Registration Revoked for Lack of Owner's or Operator's Security Pursuant to Utah Code Ann. Section 41-1a-1220	22804	AMD	06/20/2000	2000-10/47
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R884-24P-44	Farm Machinery and Equipment Exemption Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-1101	22508	AMD	01/20/2000	99-23/107
R884-24P-57	Judgement Levies Pursuant to Utah Code Ann. Sections 59-2-918.5, 59-2-924, 59-2-1328, and 59-2-1330	22805	AMD	06/21/2000	2000-10/47
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R909-1	Safety Regulations for Motor Carriers	22652	AMD	06/01/2000	200-5/62
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R994-202-103	Employee Leasing Companies	22548	AMD	02/02/2000	2000-1/60
R994-202-103	Employee Leasing Companies	22824	NSC	05/25/2000	Not Printed
R994-204	Included Employment	22721	5YR	04/04/2000	2000-9/187
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R994-205	Exempt Employment	22722	5YR	04/04/2000	2000-9/188
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R994-315-105	Waiver of Penalty for Failure to Report	22614	AMD	04/21/2000	2000-4/66
R994-403	Claim for Benefits	22828	NSC	05/25/2000	Not Printed
R994-404	Wage Freeze Following Workers' Compensation	22829	NSC	05/25/2000	Not Printed
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R994-700	Licensing and Regulation of Private Employment Agencies	22705	REP	06/16/2000	2000-7/16

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ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

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	22850	R477-12	AMD	07/05/2000	2000-11/82
	22854	R477-15	AMD	07/05/2000	2000-11/87
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	22428	R652-40-300	NSC	05/25/2000	Not Printed
	22681	R652-50-610	AMD	07/13/2000	2000-6/40
	22819	R652-70-2400	AMD	02/29/2000	99-21/47
	22835	R652-120	5YR	05/09/2000	2000-11/102
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	22795	R850-40-300	NSC	05/01/2000	Not Printed
	22664	R850-130-400	NSC	02/25/2000	Not Printed
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	22611	R277-904	AMD	03/03/2000	2000-2/13
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	22659	R510-302	AMD	05/16/2000	2000-5/43
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	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
	22688	R307-115	NSC	03/20/2000	Not Printed
	22686	R307-121-2	NSC	03/20/2000	Not Printed
	22687	R307-122-2	NSC	03/20/2000	Not Printed
	22605	R307-150	AMD	04/06/2000	2000-3/21
	22724	R307-320	5YR	04/05/2000	2000-9/184
	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
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	22752	R81-1-12	NSC	05/01/2000	Not Printed
	22812	R81-1-12	AMD	07/03/2000	2000-10/4
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	22691	R317-4	NSC	03/20/2000	Not Printed
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	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
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	22811	R914-2	NSC	05/23/2000	Not Printed
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	22651	R657-46	AMD	04/04/2000	2000-5/51
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	22782	R616-2-3	AMD	06/02/2000	2000-9/176
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	22790	R156-56	AMD	07/01/2000	2000-10/5
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
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	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
	22791	R156-56-706	AMD	07/01/2000	2000-10/18
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	22692	R527-10	5YR	03/01/2000	2000-6/48
	22487	R527-24	REP	01/10/2000	99-23/86
	22628	R527-34-1	AMD	03/24/2000	2000-4/42
	22656	R527-40	5YR	02/10/2000	2000-5/65
	22820	R527-67	5YR	05/03/2000	2000-11/102
	22868	R527-100	REP	07/05/2000	2000-11/90
	22556	R527-200	AMD	02/01/2000	2000-1/37
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Human Services, Recovery Services	22755	R527-800	NSC	05/01/2000	Not Printed
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	22214	R645-301-500	AMD	see CPR	99-16/32
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	22907	R645-400	5YR	06/01/2000	2000-12/58
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	22771	R162-107	AMD	06/01/2000	2000-9/27
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	22910	R156-55b-304	NSC	06/26/2000	Not Printed
	22398	R156-56	AMD	see CPR	99-20/15
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	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
	22791	R156-56-706	AMD	07/01/2000	2000-10/18
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	22889	R861-1A-12	NSC	06/27/2000	Not Printed
	22890	R861-1A-20	NSC	06/27/2000	Not Printed
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	22890	R861-1A-20	NSC	06/27/2000	Not Printed
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	22675	R606-3-2	NSC	03/20/2000	Not Printed
	22997	R606-3	5YR	07/07/2000	2000-15/28
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	22999	R606-5	5YR	07/07/2000	2000-15/29
	22676	R606-5-2	NSC	03/20/2000	Not Printed
	23000	R606-6	5YR	07/07/2000	2000-15/30
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	22709	R309-114 (Changed to R309-710)	AMD	06/12/2000	2000-8/9
	22730	R309-302	5YR	04/10/2000	2000-9/184
	22604	R309-405	NEW	04/17/2000	2000-3/25
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	22636	R432-13	5YR	02/01/2000	2000-4/73
	22637	R432-14	5YR	02/01/2000	2000-4/74
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	22874	R651-634	NEW	07/04/2000	2000-11/99
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Environmental Quality, Air Quality	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
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	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
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	22844	R477-6	AMD	07/05/2000	2000-11/62
	22845	R477-7	AMD	07/05/2000	2000-11/64
	22847	R477-9	AMD	07/05/2000	2000-11/76
	22851	R477-13	AMD	07/05/2000	2000-11/84
	22853	R477-14	AMD	07/05/2000	2000-11/85
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	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
<u>PHARMACISTS</u>					
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	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
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	22786	R156-59	NSC	07/10/2000	Not Printed
	22863	R156-59-302a	AMD	07/10/2000	2000-11/9
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	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
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	22574	R131-7	NEW	03/13/2000	2000-2/7
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	22769	R162-104	AMD	06/01/2000	2000-9/23
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	22626	R162-106	AMD	03/20/2000	2000-4/16
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	22851	R477-13	AMD	07/05/2000	2000-11/84
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	22925	R614-1-5	NSC	06/27/2000	Not Printed
	22672	R614-1-10	NSC	03/20/2000	Not Printed
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	22644	R164-14	AMD	03/20/2000	2000-4/29
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	22890	R861-1A-20	NSC	06/27/2000	Not Printed
	22802	R861-1A-36	AMD	06/21/2000	2000-10/44
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	22892	R865-6F-16	NSC	06/27/2000	Not Printed
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	22897	R865-6F-29	NSC	06/27/2000	Not Printed
	22710	R865-12L-9	AMD	06/21/2000	2000-8/29
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	22902	R873-22M-36	NSC	06/27/2000	Not Printed
	22804	R873-22M-38	AMD	06/21/2000	2000-10/47
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	22804	R884-24P-57	AMD	06/21/2000	2000-10/47
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	22674	R606-2-2	NSC	03/20/2000	Not Printed
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	22892	R865-6F-16	NSC	06/27/2000	Not Printed
	22893	R865-6F-18	NSC	06/27/2000	Not Printed
	22894	R865-6F-19	NSC	06/27/2000	Not Printed
	22895	R865-6F-26	NSC	06/27/2000	Not Printed
	22896	R865-6F-27	NSC	06/27/2000	Not Printed
	22897	R865-6F-29	NSC	06/27/2000	Not Printed
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	22548	R994-202-103	AMD	02/02/2000	2000-1/60
	22824	R994-202-103	NSC	05/25/2000	Not Printed
	22721	R994-204	5YR	04/04/2000	2000-9/187
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	22827	R994-308-106	NSC	05/25/2000	Not Printed
	22828	R994-403	NSC	05/25/2000	Not Printed
	22829	R994-404	NSC	05/25/2000	Not Printed
	22800	R994-405-503	AMD	06/16/2000	2000-10/49
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	22492	R317-502	REP	02/16/2000	99-23/48
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	22648	R657-13-12	AMD	04/04/2000	2000-5/45
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	22733	R657-19	NSC	05/01/2000	Not Printed
	22713	R657-19	AMD	05/17/2000	2000-8/20
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