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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 December 16, 2000, 12:00 a.m., and January 2, 2001, 11:59 p.m., are included in this, the January 15, 2001, 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 Rules being repealed are completely struck out.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 February 14, 2001. 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 May 15, 2001, 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.

Commerce, Occupational and
Professional Licensing
R156-73
Chiropractic Physician Practice Act
Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23390

FILED: 12/21/2000, 08:34

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needed to amend the rule to allow chiropractic physician to provide acupuncture services and to define indirect supervision.

SUMMARY OF THE RULE OR CHANGE: In Section R156-73-102, Definitions: Added a definition of "clinical acupuncture" that allows a chiropractic physician to practice acupuncture once the chiropractic physician has completed 200 hours of postgraduate acupuncture training from an approved course and successfully passed a certification examination. Added a definition of "indirect supervision" which clarifies the type of supervision required between a licensed chiropractic physician and a chiropractic intern, temporarily licensed individual or an unlicensed person being supervised. In Section R156-73-303 Temporary License: Added to paragraph (1), that the supervision required is "indirect". In Section R156-73-501 Unprofessional Conduct: Added two additional unprofessional conduct definitions which prohibit chiropractic physicians from advertising acupuncture services or practicing clinical acupuncture techniques beyond the scope of the certification held; and advertising as an "acupuncturist" either verbally or in print.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-73-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The Division will only incur minimal costs, less than \$100, to reprint the rule once the proposed changes are made effective. Any costs involved will be absorbed in the Division's current budget.

❖**LOCAL GOVERNMENTS:** Proposed amendments to the rule does not apply to local governments.

❖**OTHER PERSONS:** Licensed chiropractic physicians: Since the practice of clinical acupuncture by chiropractic physicians is voluntary, the costs to obtain the required training and passing the certification examination would only apply to those chiropractic physicians who wanted to provide acupuncture services as a part of their practice. The Division anticipates that the cost of the 200 postgraduate hours of required training and certification examination would be approximately \$3,400 (\$17 per hour of instruction). It should be noted that the acupuncture training hours would count

towards a chiropractic physician's continuing education hours that are required every two years. Public consumer: Additional costs incurred by the chiropractic physician to obtain the required acupuncture training may or may not be passed on to the consumer as higher fees. The consumer would benefit as they will have the option to receive acupuncture treatment from a trained, certified chiropractic physician, thus increasing access to health care.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Licensed chiropractic physicians: Since the practice of clinical acupuncture by chiropractic physicians is voluntary, the costs to obtain the required training and passing the certification examination would only apply to those chiropractic physicians who wanted to provide acupuncture services as a part of their practice. The Division anticipates that the cost of the 200 postgraduate hours of required training and certification examination would be approximately \$3,400 (\$17 per hour of instruction). It should be noted that the acupuncture training hours would count towards a chiropractic physician's continuing education hours that are required every two years. Public consumer: Additional costs incurred by the chiropractic physician to obtain the required acupuncture training may or may not be passed on to the consumer as higher fees.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this proposed amendment is to authorize chiropractic physicians with postgraduate training to engage in acupuncture within their scope of practice. The rule further clarifies the term "indirect supervision". Since certification to perform acupuncture is voluntary, there will be no expense to professionals choosing not to become so certified. For those seeking to practice acupuncture, the cost will be approximately \$15-\$17 per hour for the 200 hour requirement, or an expense of \$3,000-\$3,400. However, the true cost will not be that great as the hours will count against the practitioner's continuing education requirements. Klarice A. Bachman, Interim Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Daniel T. Jones at the above address, by phone at (801) 530-6767, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.djones@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 02/14/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 01/25/2001, 9:00 a.m., 160 East 300 South, Conference Room 205, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 02/15/2001

AUTHORIZED BY: A. Gary Bowen, Director

R156. Commerce, Occupational and Professional Licensing.

R156-73. Chiropractic Physician Practice Act Rules.

R156-73-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 73, as used in Title 58, Chapters 1 and 73, or these rules:

(1) "Clinical acupuncture" means the application of mechanical, thermal, manual, and/or electrical stimulation of acupuncture points and meridians, including the insertion of needles, by a chiropractic physician that has demonstrated competency and training by completing a recognized course that is sponsored by an institution or organization approved to sponsor continuing education, as defined in Section R156-73-303b, that consists of at least 200 postgraduate classroom hours of instruction and passing a certifying examination.

(2) "Indirect supervision" means the supervising licensed chiropractic physician shall be available for immediate voice contact by telephone, radio, or other means and shall provide daily face to face consultation and review of cases at the chiropractic facility for the chiropractic intern, temporarily licensed or unlicensed person being supervised.

(~~3~~) "Preceptorship" means a supervised training program established by a written contract between a chiropractic college or university whose program or institution is accredited by the Council on Chiropractic Education, Inc., and a licensee for the purpose of providing chiropractic training to a student enrolled in the chiropractic college or university while under the supervision of a licensee.

(~~4~~) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 73, is further defined in accordance with Subsection 58-1-203(5), in Section R156-73-501.

R156-73-303. Temporary License.

In accordance with Subsections 58-1-303(1)(a) and 58-73-302(2), an endorsement applicant may be issued a temporary license under the following conditions:

- (1) The licensee shall work under the indirect supervision of a chiropractic physician approved by the division.
- (2) The supervising chiropractic physician shall:
 - (a) be available at all times to provide advice, instruction and consultation;
 - (b) assume responsibility for all chiropractic activities and services performed by the temporary licensee; and
 - (c) supervise no more than two persons at any given time.
- (3) The temporary license may not be renewed or extended for any purpose.
- (4) Any change in supervising chiropractic physician shall be preapproved by the division.

R156-73-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) keeping the office, instruments, laboratory, equipment, appliances or supplies in an unsafe or unsanitary condition;

(2) engaging in advertising which is misleading because of omission of necessary material information, which contains false or misleading statements, or which otherwise operates to deceive;

(3) engaging in or abetting deceptive or fraudulent billing practices;

(4) engaging in sexual contact with a patient, with or without patient consent, within 12 months of last treatment;

(5) engaging in sexual activities or contact with a former patient, with or without consent, after 12 months of last treatment if there is a risk of exploitation or potential harm to the former patient;

(6) engaging in behaviors in a patient/doctor relationship, including verbal, intended to sexually arouse any person or encourage sexual activity;[~~and~~]

(7) failing to keep the division informed of a current address and telephone number;

(8) advertising acupuncture services or practicing clinical acupuncture techniques beyond the scope of the certification held; and

(9) advertising as an "acupuncturist" either verbally or in print.

KEY: chiropractors, licensing, chiropractic physician*
~~[November 16, 1999]~~2001 **58-73-101**
58-1-106(1)
58-1-202(1)



Environmental Quality, Drinking Water
R309-208
(Changed to R309-535)
Facility Design and Operation:
Miscellaneous Treatment Methods

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 23394
FILED: 12/29/2000, 09:22
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose for this rule is to provide specific design requirements for miscellaneous water treatment methods which are primarily intended to remove chemical contaminants from drinking water. This change is primarily a re-numbering of R309-208 to conform with a re-numbering scheme approved by the Drinking Water Board to allow for forthcoming rule changes mandated by the federal Safe Drinking Water Act (SDWA).

SUMMARY OF THE RULE OR CHANGE: This primarily is a re-numbering of existing rule R309-208 to R309-535 with some minor corrections to bring clarity and re-stating the wording

formerly incorporated by reference that deals with adding fluoride to drinking water systems.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Part 4, Section 4.9, Taste and Odor Control; Part 4, Section 4.8, Stabilization; Part 4, Section 4.5, Aeration; Part 4, Section 4.4, Softening. All found within the Recommended Standards for Water Works, 1997 Edition, published by: Health Education Services, A Division of Health Research, Inc., P.O. Box 7126, Albany, NY 12224

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--Because this is primarily a re-numbering of existing rule R309-208, there will be no increased work load to staff nor any change to the State budget as a result of this proposed change.

❖LOCAL GOVERNMENTS: None--For the same reasons as in Aggregate anticipated cost or savings to State Budget.

❖OTHER PERSONS: None--For the same reasons as in Aggregate anticipated cost or savings to State Budget.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--Because this rule change deals only with minor clarification and re-numbering of an existing rule there will be no additional cost to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department agrees that the proposed rule change will not have any fiscal impact on public water systems or affiliated businesses such as engineering firms which provide services to these systems.

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

Environmental Quality
Drinking Water
Second
150 North 1950 West
PO Box 144830
Salt Lake City, UT 84114-4830, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Michael B. Georgeson or William B. Birkes at the above address, by phone at (801) 536-4197 or 801-536-4201, by FAX at (801) 536-4211, or by Internet E-mail at mgeorges@deq.state.ut.us or bbirkes@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 02/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 02/15/2001

AUTHORIZED BY: Kevin W. Brown, Director and Executive Secretary of Board

R309. Environmental Quality, Drinking Water.

R309-535[208]. Facility Design and Operation: Miscellaneous Treatment Methods.

R309-535[208]-1. Purpose.

The purpose of this rule is to provide specific requirements for miscellaneous water treatment methods which are primarily intended to remove chemical contaminants from drinking water; or, adjust the chemical composition of drinking water. It is intended to be applied in conjunction with other rules, specifically R309-500[201] through R309-550[212]. Collectively, these rules govern the design, construction, operation and maintenance of public drinking water system facilities. These rules are intended to assure that such facilities are reliably capable of supplying adequate quantities of water which consistently meet applicable drinking water quality requirements and do not pose a threat to general public health.

R309-535[208]-2. Authority.

This rule is promulgated by the Drinking Water Board as authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Subsection 104(1)(a)(ii) of the Utah Code [Annotated] and in accordance with 63-46a of the same, known as the Administrative Rulemaking Act.

R309-535[208]-3. Definitions.

Definitions for certain terms used in this rule are given in R309-110[200] but may be further clarified herein.

R309-535[208]-4. General.

For each process described in this section pertinent rules are given. The designer must also, however, incorporate the relevant rules given in other sections into the plans and specifications for any of these specialized treatment methods. Where applicable, the following topics must be addressed:

- (1) Plant Siting (see R309-525[206]-6).
- (2) Plant Reliability (see R309-525[206]-7).
- (3) Color Coding and Pipe Marking (see R309-525[206]-8).
- (4) Chemical Addition (see R309-525[206]-11).
- (5) Miscellaneous Plant Facilities (see R309-525[206]-17, particularly sub-section R309-525[206]-17(1), Laboratory).
- (6) Operation and Maintenance Manuals (see R309-525[206]-19).
- (7) Safety (see R309-525[206]-21).
- (8) Disposal of Treatment Plant Waste (see R309-525[206]-23).
- (9) Disinfection (see R309-520[205]).

R309-535[208]-5. Fluoridation.

[Part 4, Section 4.7, Fluoridation, in the Recommended Standards for Water Works (commonly known as "Ten State Standards"), 1992 edition is hereby incorporated by reference and shall govern the design and operation of fluoridation facilities. This document is published by the Great Lakes-Upper Mississippi River Board of Public Health and Environmental Managers. A copy is available in the office of the Division for reference.] Sodium fluoride, sodium silicofluoride and fluorosilicic acid shall conform to the applicable AWWA standards and/or ANSI/NSF Standard 60. Other fluoride compounds which may be available must be approved by the Executive Secretary.

(1) Fluoride compound storage.

Fluoride chemicals should be isolated from other chemicals to prevent contamination. Compounds shall be stored in covered or unopened shipping containers and should be stored inside a building. Unsealed storage units for fluorosilicic acid should be vented to the atmosphere at a point outside any building. Bags, fiber drums and steel drums should be stored on pallets.

(2) Chemical feed equipment and methods.

In addition to the requirements in R309-525-11 "Chemical Addition", fluoride feed equipment shall meet the following requirements:

(a) scales, loss-of-weight recorders or liquid level indicators, as appropriate, accurate to within five percent of the average daily change in reading shall be provided for chemical feeds,

(b) feeders shall be accurate to within five percent of any desired feed rate,

(c) fluoride compound shall not be added before lime-soda softening or ion exchange softening,

(d) the point of application of fluorosilicic acid, if into a horizontal pipe, shall be in the lower half of the pipe,

(e) a fluoride solution shall be applied by a positive displacement pump having a stroke rate not less than 20 strokes per minute,

(f) a spring opposed diaphragm type anti-siphon device shall be provided for all fluoride feed lines and dilution water lines,

(g) a device to measure the flow of water to be treated is required,

(h) the dilution water pipe shall terminate at least two pipe diameters above the solution tank,

(i) water used for sodium fluoride dissolution shall be softened if hardness exceeds 75 mg/l as calcium carbonate,

(j) fluoride solutions shall be injected at a point of continuous positive pressure or a suitable air gap provided,

(k) the electrical outlet used for the fluoride feed pump should have a nonstandard receptacle and shall be interconnected with the well or service pump,

(l) saturators should be of the upflow type and be provided with a meter and backflow protection on the makeup water line.

(3) Secondary controls.

Secondary control systems for fluoride chemical feed devices shall be provided as a means of reducing the possibility for overfeed; these may include flow or pressure switches or other devices.

(4) Protective equipment.

Personal protective equipment as outlined in R309-525-11(10) shall be provided for operators handling fluoride compounds. Deluge showers and eye wash devices shall be provided at all fluorosilicic acid installations.

(5) Dust control.

(a) Provision must be made for the transfer of dry fluoride compounds from shipping containers to storage bins or hoppers in such a way as to minimize the quantity of fluoride dust which may enter the room in which the equipment is installed. The enclosure shall be provided with an exhaust fan and dust filter which place the hopper under a negative pressure. Air exhausted from fluoride handling equipment shall discharge through a dust filter to the outside atmosphere of the building.

(b) Provision shall be made for disposing of empty bags, drums or barrels in a manner which will minimize exposure to

fluoride dusts. A floor drain should be provided to facilitate the hosing of floors.

(6) Testing equipment.

Equipment shall be provided for measuring the quantity of fluoride in the water. Such equipment shall be subject to the approval of the Executive Secretary.

R309-535[208]-6. Taste and Odor Control.

Part 4, Section 4.9, Taste and Odor Control, in the Recommended Standards for Water Works (commonly known as "Ten State Standards"), 1997[+992] edition is hereby incorporated by reference and shall govern the design and operation of taste and odor control facilities. This document is published by the Great Lakes-Upper Mississippi River Board of Public Health and Environmental Managers. A copy is available in the office of the Division for reference.

R309-535[208]-7. Stabilization.

Part 4, Section 4.8, Stabilization, in the Recommended Standards for Water Works (commonly known as "Ten State Standards"), 1997[+992] edition is hereby incorporated by reference and it shall govern the design and operation of stabilization facilities. This document is published by the Great Lakes-Upper Mississippi River Board of Public Health and Environmental Managers. A copy is available in the office of the Division for reference.

R309-535[208]-8. Deionization.

Current practical methods of deionization include Ion Exchange, Reverse Osmosis and Electrodialysis. Additional methods of deionization may be approved subject to the presentation of evidence of satisfactory reliability.

All properly developed groundwater sources having water quality exceeding 2,000 mg/l Total Dissolved Solids and/or 500 mg/l Sulfate shall be either properly diluted or treated by the methods outlined in this section. Deionization cannot be considered a substitute process for conventional complete treatment outlined in R309-525[206].

(1) Ion Exchange.(a) General.

Great care shall be taken by the designer to avoid loading the media with water high in organics.

(b) Design.

(i) Pretreatment shall be provided per the manufacturer's recommendation.

(ii) Upflow or down flow units are acceptable.

(iii) Exchangers shall have at least a three foot media depth.

(iv) Exchangers shall be designed to meet the recommendations of the media manufacturer with regard to flow rate or contact time. In any case, flow shall not exceed seven gpm/sf of bed area. The plant shall be provided with an influent or effluent meter as well as a meter on any bypass line.

(v) Chemical feeders used shall conform with R309-525[206]-8. All solution tanks shall be covered.

(vi) Regenerators added shall be uniformly distributed over the entire media surface of upflow or downflow units. Regeneration shall be according to the media manufacturer's recommendations.

(vii) The wash rate capability shall be in excess of the manufacturers recommendation and should be at least six to eight gpm/sf of bed area.

(viii) Disinfection (see R309-~~520~~[205]) shall be required ahead of the exchange units where this does not interfere with the media.

Where disinfection interferes with the media, disinfection shall follow the treatment process.

(c) Waste Disposal.

Waste generated by ion exchange treatment shall be disposed of in accordance with R309-~~525~~[206]-23.

(2) Reverse Osmosis.

(a) General.

The design shall permit the easy exchange of modules for cleaning or replacement.

(b) Design Criteria.

(i) Pretreatment shall be provided per the manufacturer's recommendation.

(ii) Required equipment includes the following items: pressure gauges on the upstream and downstream side of the filter; a conductivity meter present at the site; taps for sampling ~~permeate~~[~~remate~~], concentrate and blended flows (if practiced). If a continuous conductivity meter is permanently installed, piping shall be such that the meter can be disconnected and calibrated with standard solutions at a frequency as recommended by the manufacturer.

(iii) Aeration, if practiced, shall conform with provisions of R309-~~535~~[208]-9.

(iv) Cleaning shall be routinely done in accordance with the manufacturer's recommendations.

(v) Where the feed water pH is altered, stabilization of the finished water is mandatory.

(c) Waste Disposal.

Waste generated by reverse osmosis treatment shall be disposed of in accordance with R309-~~525~~[206]-23.

(3) Electrodialysis.

(a) General.

(b) Design.

(i) Pretreatment shall be provided per the manufacturers recommendation.

(ii) The design shall include ability to: measure plant flow rates; measure feed temperature if the water is heated (a high temperature automatic cutoff is required to prevent membrane damage); measure D.C voltage at the first and second stages as well as on each of the stacks. Sampling taps shall be provided to measure the conductivity of the feed water, blowdown water, and product water. D.C. and A.C. kilowatt-hour meters to record the electricity used shall also be provided.

(c) Waste Disposal.

Waste generated by electrodialysis treatment shall be disposed of in accordance with R309-~~525~~[206]-23.

R309-~~535~~[208]-9. Aeration.

Part 4, Section 4.5, Aeration, in the Recommended Standards for Water Works (commonly known as "Ten State Standards"), ~~1997~~[~~1992~~] edition, is hereby incorporated by reference and shall govern the design and operation of aeration facilities. This document is published by the Great Lakes-Upper Mississippi River

Board of Public Health and Environmental Managers. A copy is available in the office of the Division for reference.

R309-~~535~~[208]-10. Softening.

Part 4, Section 4.4, Softening, in the Recommended Standards for Water Works (commonly known as "Ten State Standards"), ~~1997~~[~~1992~~] edition, is hereby incorporated by reference and shall govern the design and operation of softening facilities. This document is published by the Great Lakes-Upper Mississippi River Board of Public Health and Environmental Managers. A copy is available in the office of the Division for reference.

R309-~~535~~[208]-11. Iron and Manganese Control.

Iron and manganese control, as used herein, refers solely to treatment processes designed specifically for this purpose. The treatment process used will depend upon the character of the source water. The selection of one or more treatment processes shall meet specific local conditions as determined by engineering investigations, including chemical analyses of representative samples of water to be treated, and receive approval of the Executive Secretary. It may be necessary to operate a pilot plant in order to gather all information pertinent to the design. Consideration should be given to adjust the pH of the raw water to increase the rate of the chemical reactions involved.

Removal or treatment of iron and manganese are normally by the following methods:

(1) Removal by Oxidation, Detention and Filtration.

(a) Oxidation.

Oxidation may be by aeration, or by chemical oxidation with chlorine, potassium permanganate, ozone or chlorine dioxide.

(b) Detention.

(i) Reaction time - A minimum detention time of twenty minutes shall be provided following aeration in order to insure that the oxidation reactions are as complete as possible. This minimum detention may be omitted only where a pilot plant study indicates no need for detention. The detention basin shall be designed as a holding tank with no provisions for sludge collection but with sufficient baffling to prevent short circuiting.

(ii) Sedimentation - Sedimentation basins shall be provided when treating water with high iron and/or manganese content, or where chemical coagulation is used to reduce the load on the filters. Provisions for sludge removal shall be made.

(c) Filtration.

(i) General - Minimum criteria relative to number, rate of filtration, structural details and hydraulics, filter media, etc., provided for rapid rate gravity filters shall apply to pressure filters where appropriate, and may be used in this application but cannot be used in the filtration of surface waters or following lime-soda softening.

(ii) Details of Design for Pressure Filter - The filters shall be designed to provide for:

(A) Loss of head gauges on the inlet and outlet pipes of each filter,

(B) An easily readable meter or flow indicator on each battery of filters,

(C) Filtration and backwashing of each filter individually with an arrangement of piping as simple as possible to accomplish these purposes,

(D) The top of the washwater collectors to be at least twenty-four (24) inches above the surface of the media,

(E) The underdrain system to efficiently collect the filtered water and to uniformly distribute the backwash water at a rate capable of not less than 15 gpm/sf of filter area,

(F) Backwash flow indicators and controls that are easily readable while operating the control valves,

(G) An air release valve on the highest point of each filter,

(H) An accessible manhole to facilitate inspections and repairs,

(I) Means to observe the wastewater and filters during backwashing, and

(J) Construction to prevent cross-connection.

(2) Removal by the Lime-soda Softening Process.

For removal by the lime-soda softening process refer to Part 4, Section 4.4, Softening, in the Recommended Standards for Water Works (commonly known as "Ten State Standards"), 1997[+992] edition as indicated in R309-535[208]-10.

(3) Removal by Manganese Greensand Filtration.

This process, consisting of the continuous feed of potassium permanganate to the influent of a manganese greensand filter, is more applicable to the removal of manganese than the removal of iron.

(a) Provisions shall be made to apply the permanganate as far ahead of the filter as practical and at a point immediately before the filter.

(b) An anthracite media cap of at least six inches shall be provided over manganese greensand.

(c) The normal filtration rate is three gpm/sf.

(d) The normal wash rate is 8 to 10 gpm/sf.

(e) Air washing shall be provided.

(f) Sample taps shall be provided:

(i) prior to application of permanganate,

(ii) immediately ahead of filtration,

(iii) at a point between the anthracite media and the manganese greensand,

(iv) halfway down the manganese greensand, and

(v) at the filter effluent.

(4) Removal by Ion Exchange.

This process is not acceptable where either the source water or wash water contains dissolved oxygen.

(5) Sequestration by Polyphosphates.

This process shall not be used when iron, manganese or a combination thereof exceeds 1.0 milligram per liter. The total phosphate applied shall not exceed 10 milligrams per liter as PO₄. Where phosphate treatment is used, satisfactory chlorine residuals shall be maintained in the distribution system and the following required:

(a) feeding equipment shall conform to the requirements of R309-525[206]-11(7),

(b) stock phosphate solution shall be kept covered and disinfected by carrying approximately 10 mg/l free chlorine residual,

(c) polyphosphates shall not be applied ahead of iron and manganese removal treatment. If no iron or manganese removal treatment is provided, the point of application shall be prior to any aeration, oxidation or disinfection steps, and

(d) phosphate chemicals must comply with ANSI/NSF Standard 60.

Sampling taps shall be provided for control purposes. Taps shall be located on each raw water source, and on each treatment unit influent and effluent.

Waste generated by iron and manganese control treatment shall be disposed of in accordance with R309-525[206]-23.

R309-535[208]-12. New Treatment Processes or Equipment.

The policy of the Board is to encourage, rather than to obstruct, the development of new methods and equipment for the treatment of water. Nevertheless, any new processes or equipment must have been thoroughly tested in full-scale, comparable installations, before approval of plans can be issued. The U.S. Environmental Protection Agency (EPA) has created the Environmental Technology Verification (ETV) Program to facilitate the deployment of innovative or improved environmental technologies through performance verification and dissemination of information. NSF International (NSF) in cooperation with the EPA operates the Package Drinking Water Treatment Systems (PDWTS) pilot, one of 12 technology areas under ETV. Engineers and Manufacturers are referred to Bruce Bartley, Manager, ETV project, NSF International, P.O. Box 130140, Ann Arbor, Michigan 48113-0140[Refer to Guidelines for Pilot Plant Protocol, 10/82, published by the Division].

No new treatment process will be approved for use in Utah unless the designer or supplier can present evidence satisfactory to the Executive Secretary that the process will insure the delivery of water of safe, sanitary quality, without imposing undue problems of supervision, operation and/or control.

KEY: drinking water, miscellaneous treatment, stabilization, iron and manganese control

[January 1, 1998]2001

19-4-104



Human Services, Recovery Services **R527-928** Lost Checks

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23389

FILED: 12/19/2000, 15:23

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Department of Workforce Services (DWS) has requested that the section of the rule regarding the replacement of DWS-issued child care checks be removed from the rule.

SUMMARY OF THE RULE OR CHANGE: The current rule has a section which addresses the replacement of lost checks for the Department of Human Services and a section for the Department of Workforce Services (DWS). The proposed amendment updates the rule at the request of DWS so that the section referencing the replacement of DWS lost checks

is removed from the rule. DWS states that they will conduct the replacement process in accordance with the Uniform Commercial Code, Title 70A.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 70A, Chapter 3; and Sections 35A-1-502, 62A-11-104, 62A-11-107, and 62A-11-201

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: None--The proposed amendment does not affect the current process for the replacement of lost checks. Therefore, the proposed amendment does not add any cost or create any savings in regards to that process.

❖LOCAL GOVERNMENTS: None--Rule does not apply to local governments.

❖OTHER PERSONS: None--The proposed amendment will not change the current process for replacing lost checks. Because of this, there are no anticipated added costs or savings for a cashing establishment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment is cost neutral. No costs have been added or removed from the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment to this rule should have no fiscal impacts to businesses. The proposed amendment does not change the current process or add any cost into the process.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Laurie Wittwer at the above address, by phone at (801) 536-8947, by FAX at (801) 536-8509, or by Internet E-mail at lwwittwer@hs.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 02/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 02/15/2001

AUTHORIZED BY: Emma Chacon, Director

R527. Human Services, Recovery Services.

R527-928. Lost Checks.

R527-928-1. Responsibility for Collection and Investigation.

ORS shall be responsible for the collection and investigation of lost or stolen Department of Human Services checks, [and Department of Workforce Services child care checks.] The term check and warrant are used interchangeably.

.....

[R527-928-3. Cashing Department of Workforce Services Issued Checks.

The Department of Workforce Services has specific policy concerning the replacement of department issued child care checks which have been reported as lost or stolen and on which a stop payment has been placed or where the check has been returned as a forged check to the financial institution or store.

The Department will only replace a department issued child care check for any cashing establishment if all of the following conditions have been met:

1. The check has been endorsed by each payee listed on the front of the check:

2. An employee of the cashing establishment personally observed the endorsement of the check by the payee whose name is listed as the second name on the front of the check:

3. An employee of the cashing establishment did examine a picture bearing governmental issued media presented by that payee and was satisfied that the person presenting the check is in fact the payee that is listed as the second name on the check. Examples of acceptable identification are, a Utah Motor Vehicle Operator's License or a Utah Identification card. Identification must be obtained for all payees endorsing the check. The employee must note the source of the identification and the identification number on the check:

4. The employee who approved the cashing of the check must make an identifying mark, such as initials, which will identify the employee in the event legal action is initiated at a later date:

5. The replacement check to the cashing establishment must be requested within 120 days of the date of notification of the stop payment.]

KEY: public assistance programs, banks and banking, fraud
[August 1, 2000]2001 70A-3
Notice of Continuation December 15, 1997 35A-1-502
62A-11-104
62A-11-107
62A-11-201



Natural Resources, Wildlife Resources
R657-33
Taking Bear

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23393

FILED: 12/28/2000, 11:42

RECEIVED BY: NL

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: Provisions of this rule are being amended to clarify and make consistent application and drawing procedures for limited entry bear permits. Provisions are being added to require any person who draws a permit for a spring bear hunt must attend an orientation course. The definition of "evidence of sex" is being amended to include the teats. This amendment also eliminates the Wildlife Habitat Authorization, pursuant to S.B. 248, 2000 Legislative Session. Other changes are made for consistency and clarity.

(DAR Note: S.B. 248 is found at 2000 Utah Laws 195 and was effective January 1, 2001.)

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

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment clarifies existing requirements and adds requirements as a result of the adoption of the experimental spring bear hunt. The Division of Wildlife Resources (DWR) has determined that there may be a minimal cost impact to the DWR as a result of administering the mandatory orientation course for spring bear hunt permittees. Otherwise, these amendments do not create a cost or savings impact to the division's budget or the state budget.

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

❖OTHER PERSONS: The amendments are for clarification and the additional requirements of a mandatory orientation course for spring bear hunt permittees, as a result of the adoption of the experimental spring bear hunt. The amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendments clarify existing requirements and add requirements as a result of the adoption of the experimental spring bear hunt. An affected person must comply be attending a mandatory orientation course if that person drew a permit to participate in the spring bear hunt. However, there are not any additional compliance costs associated with this amendment.

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

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 02/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 02/15/2001

AUTHORIZED BY: John Kimball, Director

**R657. Natural Resources, Wildlife Resources.
R657-33. Taking Bear.**

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R657-33-2. Definitions.

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
 - (a) "Bait" means any lure containing animal, mineral or plant materials.
 - (b) "Baiting" means the placing, exposing, depositing, distributing or scattering of bait to lure, attract or entice bear on or over any area.
 - (c) "Bear" means *Ursus americanus*, commonly known as black bear.
 - (d) "Canned hunt" means that a bear is treed, cornered, held at bay or its ability to escape is otherwise restricted for the purpose of allowing a person who was not a member of the initial hunting party to arrive and take the bear.
 - (e) "Cub" means a bear less than one year of age.
 - (f) "Evidence of sex" means the teats, and sex organs of a bear, including a penis, scrotum or vulva.
 - (g) "Green pelt" means the untanned hide or skin of a bear.
 - (h) "Pursue" means to chase, tree, corner or hold a bear at bay.
 - (i) "Waiting period" means a specified period of time that a person who has obtained a bear permit must wait before applying for any other bear permit.

R657-33-3. Permits for Taking Bear.

- (1)(a) To take a bear, a person must first obtain [~~an annual Wildlife Habitat Authorization, and a~~ a valid limited entry bear permit for a specified management unit as provided in the proclamation of the Wildlife Board for taking bear.
- (b) To pursue bear, a person must first obtain [~~an annual Wildlife Habitat Authorization, and a~~ a valid bear pursuit permit from a division office.
- (2) Any limited entry bear permit purchased after the season opens is not valid until seven days after the date of purchase.
- (3) Residents and nonresidents may apply for limited entry bear permits and purchase bear pursuit permits.

R657-33-4. Purchase of License or Permit by Mail.

- (1) A person may purchase a [~~Wildlife Habitat Authorization or~~] bear pursuit permit by mail by sending the following information to the Salt Lake division office: full name, complete

mailing address, phone number, date of birth, weight, height, sex, color of hair and eyes, driver's license number (if available), proof of hunter education certification and fee.

(2)(a) Personal checks, cashier's check or money orders will be accepted.

(b) Personal checks drawn on an out-of-state will not be accepted.

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

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R657-33-26. Taking Bear.

(1) A person may take only one bear during the season and from the limited entry area specified on the permit.

(2)(a) A person may not take or pursue a female bear with cubs.

(b) Any bear, except a cub or a sow accompanied by cubs, may be taken during the prescribed seasons.

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

(4)(a) A mandatory orientation course is required for hunters who draw a permit for a spring bear hunt.

(b) Hunters will be notified of the orientation date, time and location.

(c) Permits for spring bear hunts will be distributed to successful applicants at the orientation.

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

.....

R657-33-28. General Application Information.

~~(1) A person must apply for or obtain an annual wildlife habitat authorization before the division may issue a bear permit.~~

~~(2)~~ (2) A person may not apply for or obtain more than one bear permit for the same year, except as provided in Subsection R657-33-27(3).

~~(3)~~ (2) A person must be 12 years of age or older by the posting date of the drawing to apply for a bear permit.

~~(4)~~ (3) Limited entry bear permits are valid only for the management unit and for the specified season designated on the permit.

.....

R657-33-30. Application Procedure.

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

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

(b) Applicants may select up to ~~three~~ five management unit choices when applying for limited entry bear permits. Management unit choices must be listed in order of preference.

(c) Applicants must specify on the application whether they want a limited entry bear permit or a limited entry bear archery permit.

(i) The application may be rejected if the applicant does not specify either a limited entry bear permit or limited entry bear archery permit.

(ii) Any person obtaining a limited entry bear archery permit must also obtain a certificate of registration if intending to use bait as provided in Section R657-33-14.

~~(3)(a) A wildlife habitat authorization may be purchased before applying, or the wildlife habitat authorization will be issued to the applicant upon successfully drawing a permit.~~

~~(b) The wildlife habitat authorization number or fee must be submitted with the application.~~

~~(4)(a)~~ Applications must be mailed by the date prescribed in the proclamation of the Wildlife Board for taking and pursuing bear. Applications filled out incorrectly or received later than the date prescribed in the bear proclamation may be rejected. ~~Late applications will be returned unopened.~~

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

(c) The opportunity to correct an error is not guaranteed.

(4)(a) Late applications received by the date published in the proclamation of the Wildlife Board for taking bear ~~(5)(a) Late applications~~ will not be considered in the drawing, but will be processed for the purpose of entering data into the division's draw database to provide:

(i) future preprinted applications;

(ii) notification by mail of late application and other draw opportunities; and

(iii) re-evaluation of division or third-party errors.

(b) The \$5 handling fee will be used to process the late application. Any permit fees submitted with the application will be refunded.

(c) Late applications received after the date published in the proclamation of the Wildlife Board for taking bear, will not be processed and will be returned.

~~(5)~~ ~~(6)~~ Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. To avoid disappointment and wasting the permit and fee if access is not obtained, hunters should get permission before applying. The division does not guarantee access and does not have the names of landowners where hunts occur.

~~(7)~~ (6) Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Section R657-33-32(6)(b).

~~(8)~~ (7) To apply for a resident permit, a person must establish residency at the time of purchase.

~~(9)~~ (8) The posting date of the drawing shall be considered the purchase date of a permit.

R657-33-31. Fees.

(1) Each application must include: ~~(a)~~ the permit fee, which includes the nonrefundable handling fee ~~and~~ ~~(b) the wildlife habitat authorization fee, if it has not yet been purchased.~~

(2)(a) Personal checks, money orders, cashier's checks and credit cards will be accepted.

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

(c) Third-party checks will not be accepted.

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

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

(b) Checks and credit cards will not be accepted as combined payment.

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

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

(b) The division shall charge a returned check collection fee for any check returned unpaid.

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

R657-33-32. Drawings and Remaining Permits.

(1) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.

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

~~[(2) A list of remaining permits will be available on the date published in the proclamation of the Wildlife Board for taking and pursuing bear.~~

~~—(3) Permits remaining after the [initial] drawing [are] will be sold only by mail or on a first-come, first-served basis beginning and ending on the dates provided in the proclamation of the Wildlife Board for taking and pursuing bear. These permits may be purchased by either residents or nonresidents.~~

~~[(4) Applications are available from division offices and license agents.~~

~~—(5) The same application form used for the initial drawing must be used when applying for remaining permits by mail. The handling fees are nonrefundable.~~

~~—(6)(a) Permits remaining after both drawings will be sold over-the-counter, in person or through the mail on a first-come, first-served basis only from the Salt Lake division office on the date published in the proclamation of the Wildlife Board for taking and pursuing bear.~~

~~—(b) Residents or nonresidents may purchase any of the remaining permits.~~

~~—(7)(4) Waiting periods do not apply to the purchase of remaining permits. However, waiting periods are incurred as a result of purchasing remaining permits.~~

~~[(8)(a)](5)(a) A person may withdraw their application for the bear drawing by requesting such in writing by the date published in the proclamation of the Wildlife Board for taking and pursuing bear.~~

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

(c) A person may not amend a withdrawn application, nor reapply after the application has been withdrawn.

(d) Handling fees will not be refunded.

.....

R657-33-34. Refunds.

(1)~~[(a)]~~ Unsuccessful applicants, who applied in the initial drawing and who applied with a check or money order, will receive a refund in May~~[July]~~.

~~—(b) Unsuccessful applicants, who applied for remaining permits and who applied with a check or money order, will receive a refund in August.]~~

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

(3) The handling fees are nonrefundable.

R657-33-35. Duplicate License, Wildlife Habitat Authorization and Permit.

(1) Whenever any unexpired license,~~[wildlife habitat authorization]~~ permit, tag or certificate of registration is destroyed, lost or stolen, a person may obtain a duplicate from a division office, for five dollars or half of the price of the original license,~~[wildlife habitat authorization]~~ or permit, whichever is less.

(2) The division may waive the fee for a duplicate unexpired license, permit, tag or certificate of registration provided the person did not receive the original license, permit, tag or certificate of registration.

KEY: wildlife, bear*, game laws
~~[May 17, 2000]~~2001 23-14-18
Notice of Continuation March 24, 1998 23-14-19
23-13-2



Tax Commission, Property Tax
R884-24P-62
Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 23395
FILED: 01/02/2001, 13:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 59-2-201(1) requires the Tax Commission to assess utilities and transportation companies that operate as a unit across county lines. The amendments result in a rule that better implements these assessment responsibilities.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment would allow appraisers greater flexibility in determining the fair market values of centrally assessed utility and transportation companies for property tax purposes. This amendment's provisions would be retrospective to January 1, 2001.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-201

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: It is unknown whether the amendment will have any effect on the number of appeals. Additional appeal costs or savings could result depending upon a change in the number of appeals.

❖LOCAL GOVERNMENTS: It is unknown whether the amendment will have any effect on the number of appeals. Additional appeal costs or savings could result depending upon a change in the number of appeals.

❖OTHER PERSONS: It is unknown whether the amendment will have any effect on the number of appeals. Additional appeal costs or savings could result depending upon a change in the number of appeals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No additional compliance costs are anticipated as the state assessed companies' reporting procedures remain the same.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The amendment allows more discretion for appraisers in preparing valuations of utility and transportation companies. It is unknown whether the amendment will cause property values to increase or decrease.

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

Tax Commission
Property Tax
Tax Commission Building
210 North 1950 West
Salt Lake City, UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 02/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 02/15/2001

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-62. Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201.

A. Definitions:

1. "Attributes" of property include all defining characteristics inseparable from real property and tangible personal property, such as size, location and other attributes inherent in the property itself.

2. "Cost regulated utility" means any public utility assessable by the Commission pursuant to Section 59-2-201, whose allowed rates are determined by a state or federal regulatory commission by reference to a rate of return applied to rate base where the rate of return and rate base are set by the regulatory body.

3. "Depreciation" is the loss in value from any cause. There are two distinct types of depreciation encountered in the appraisal of properties subject to this rule: accounting depreciation and appraisal depreciation. Accounting depreciation is often called "book depreciation" and is generally calculated in accordance with generally accepted accounting principles or regulatory guidelines. Appraisal depreciation is the total loss in property value from any cause. There are three recognized types of appraisal depreciation: physical deterioration, functional obsolescence and external obsolescence. Physical deterioration is the physical wearing out of the property evidenced by wear and tear, decay and structural defects. Physical deterioration includes the loss in value due to normal aging. Functional obsolescence includes the loss in value due to functional deficiencies or inadequacies within the property depicted as the inability of the property to perform adequately the functions for which it was originally designed. External (economic) obsolescence is the loss in value from causes outside the boundaries of the property and is generally incurable. Appraisal depreciation is often called "accrued depreciation."

4. "Fair market value" means the amount at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts. Fair market value reflects the value of property at its highest and best use, subject to regulatory constraints.

5. "Property which operates as a unit" or "unitary property" means property that is functionally or physically integrated in operation or construction and functions as an economic unit or "one thing."

6. "Rate Base" means the aggregate account balances reported as such by the cost regulated utility to the applicable state or federal regulatory commission.

7. "State Assessed Utility and Transportation Properties" include all property which operates as a unit across county lines, if the values must be apportioned among more than one county or state; all operating property of an airline, air charter service, and air contract service; and all property of public utilities as defined in Utah Code Ann. Section 59-2-102(21). For property tax valuation purposes, these properties may generally be classified as telecommunication properties, energy properties, and transportation properties, some of which may be cost regulated utilities.

a. "Telecommunication properties" means all telephone properties, including local exchange carriers, local access providers, long distance carriers, cellular telephone or personal communication service (PCS) providers and pagers, and other similar type properties that operate as a unit across county lines and are assessable by the Commission pursuant to Section 59-2-201.

b. "Energy properties" include the operating property of natural gas pipelines, natural gas distribution companies, liquid petroleum products pipelines, and electric corporations, including electric generation, transmission, and distribution companies, and other similar type entities and are assessable by the Commission pursuant to Section 59-2-201.

c. "Transportation properties" means all airlines, air charter services, air contract services, including major and small passenger carriers and major and small air freighters, long haul and short line railroads, and other similar type properties that operate as a unit across county lines and are assessable by the Commission pursuant to Section 59-2-201.

8. "Taxable Property" means property that is subject to assessment and taxation according to its value but does not include intangible property. Intangible property is property that is capable of private ownership separate from tangible property and includes moneys, credits, bonds, stocks, representative property, franchises, licenses, trade names, copyrights, and patents.

B. General Valuation Principles. State assessed utility and transportation properties shall be assessed at fair market value for property tax purposes based on generally accepted appraisal theory and the provisions of this rule.

1. Taxable Property and Unit Methodologies. All taxable property, as defined in this rule, is subject to assessment, and if the property operates together as a unit, the assemblage or enhanced value attributable to the taxable property operating together should be included in the assessed value. The value attributable to intangible property must, when possible, be identified and removed from value when using any valuation method and before that value is used in the correlation process.

a. The preferred methods to determine the fair market value for all state assessed utility and transportation property are a cost indicator and a yield capitalization income indicator.

b. Other generally accepted appraisal methods may also be used when it can be demonstrated that such methods are necessary in order to more accurately estimate the fair market value, which includes assemblage or enhanced value, of properties that operate together as a unit.

c. The direct capitalization income method and the stock and debt market method may tend to capture the value of intangible property, as defined in this rule, at higher levels than other methods. To the extent such intangible property cannot be identified and removed, relatively less weight shall be given to such methods in the correlation process, as set forth in Section B.5.

d. No final estimate of value will be imposed or considered unless the weighting percentages of the various value indicators used to correlate the final estimate of value are disclosed in writing. Disclosure of the weighting percentages also includes a written explanation describing why a party weighted the particular indicators of value by the percentages so indicated.

e. A party may challenge a final estimate of value by proposing changes to the application of a methodology, by proposing a different valuation methodology or weighting formula,

or by presenting any other evidence or argument that establishes a more accurate final estimate of value. A challenge to a final estimate of value will be considered effective only if the proposed valuation methodology or weighting formula demonstrates, by a preponderance of the evidence, that it establishes a more accurate estimate of fair market value.

2. Cost Indicator. Cost is relevant to value under the principle of substitution, which states that no prudent investor would pay more for a property than the cost to construct a substitute property of equal desirability and utility without undue delay. Generally a cost indicator may be developed under one or more of the following approaches; replacement cost new less depreciation ("RCNLD"), reproduction cost less depreciation ("Reproduction Cost"), and historic cost less depreciation ("HCLD").

a. RCNLD. Replacement cost is the estimated cost to construct, at current prices, a property with utility equivalent to that being appraised, using modern materials, current technology and current standards, design, and layout.

b. Reproduction Cost. Reproduction cost is the estimated cost to construct, at current prices, an exact duplicate or replica of the property being assessed, using the same materials, construction standards, design, layout and quality of workmanship, and embodying all the deficiencies, superadequacies, and obsolescence of the subject property. Reproduction cost shall be adjusted for appropriate depreciation.

c. HCLD. The HCLD approach is the historic cost less depreciation. Depending upon the industry, it may be appropriate to trend HCLD to current costs. Only trending indexes commonly recognized by the industry may be used as a trending adjustment to HCLD.

d. In the mass appraisal environment for state assessed utility and transportation property, RCNLD is impractical to implement. The preferred cost indicator of value is HCLD. A party may challenge the use of HCLD by proposing a different cost indicator that establishes a more accurate cost estimate of value. A challenge to the use of HCLD as the cost indicator of value will be considered effective only if the proposed cost indicator of value demonstrates, by a preponderance of the evidence, that it establishes a more accurate cost estimate of value.

3. Income Indicator. An income indicator recognizes that value is created by the expectation of future benefits to be derived from the property.

a. Yield Capitalization Approach. This income indicator shall be determined by converting future cash flows to present value as of the lien date by capitalizing future estimated cash flows at an appropriate discount rate. The yield capitalization formula is $CF/(k-g)$, where "CF" is cash flow, "k" is the nominal, risk adjusted discount rate, and "g" is the expected future growth of the cash flow in the numerator. Each of these terms is defined below. A discounted cash flow method in which (i) individual years' cash flow are projected, (ii) the formula $CF/(k-g)$ is used to compute terminal value, and (iii) the projected cash flows and terminal value are discounted back to present value; may be used as a substitute income valuation approach for the above yield capitalization approach when the use of a single representative annual cash flow is clearly inappropriate.

(1) Cash Flow ("CF"). Cash flow is restricted to cash flows provided by the operating property in existence on the lien date, together with any replacements intended to maintain, and not

expand or modify, the existing capacity or function thereof. Cash flow is calculated as net operating income (NOI) plus noncash charges (e.g., depreciation and deferred income taxes), less capital expenditures and additions to net working capital necessary to achieve the expected growth "g". The cash flows should reflect the cash flows available to pay sources of financing for the assets in existence on the lien date or an equivalent pool of assets. The capital expenditures should include only those expenditures necessary to replace or maintain existing plant and should not include any expenditures intended for expansion or productivity and capacity enhancements. If a taxpayer is unable to separate replacement capital expenditures with reasonable accuracy from expansion capital expenditures, the taxpayer must provide the Property Tax Division sufficient data to adjust the "g" in the yield capitalization formula appropriately. If the taxpayer is unable to provide data to adjust the "g", the Property Tax Division will estimate an adjustment to cash flows or "g" based on the best information available, including industry specific cost indices. Information necessary for the Property Tax Division to calculate the appropriate cash flow shall be summarized and submitted to the Property Tax Division by March 1 on a form provided by the Property Tax Division. The calculation of Cash Flow may be illustrated by the following formula: $CF = NOI + \text{Noncash Charges} - \text{Replacement Capital Expenditures} - \text{Additions to Net Working Capital}$

(a) Cash flow is the projected cash flow for the next year and may be estimated by reviewing the last five years' cash flows, forecasting future cash flows, or a combination of both.

(b) If cash flows for a subsidiary company are not available or are not allocated between subsidiary companies on the parent company's cash flow statements, then a method of allocating total cash flows must be developed based on sales, fixed assets, or other reasonable criteria. Whichever criterion is chosen, the subsidiary's total is divided by the parent's total to produce a percentage that is applied to the parent's total cash flow to estimate the subsidiary's cash flow.

(c) If the subject company does not provide the Commission with its most recent cash flow statements by March 1 of the assessment year, Property Tax Division may estimate cash flow using the best information available.

(2) Discount Rate ("k"). The discount rate shall be based upon a weighted average cost of capital considering current market debt rates and equity yields determined by recognized market measurements such as capital asset pricing model ("CAPM"), Risk Premium, Dividend Growth models, or other recognized models. The weighting of debt and equity should reflect the market value weightings of comparable companies in the industry.

(a) Cost of Debt. The cost of debt should reflect the current market rate (yield to maturity) of debt with the same credit rating as the subject company.

(b) Cost of Equity. In the discount rate, the CAPM is the preferred method to estimate the cost of equity. More than one method may be used to correlate a cost of equity, but only if the CAPM method is weighted at least [75%]50% in the correlation.

(c) CAPM. The CAPM formula is $k(e) = R(f) + (\text{Beta} \times \text{Risk Premium})$, where $k(e)$ is the cost of equity and $R(f)$ is the risk free rate.

(i) Risk Free Rate ("R(f)"). The risk free rate shall be the current market rate on 20 year Treasury bonds.

(ii) Beta. The beta should reflect an average or value-weighted average of comparable companies. The beta of the comparable companies should be drawn from Value Line or a comparable source. Once a source is chosen, beta should be drawn consistently from this source. However, the beta of the specific assessed property should also be considered.

(iii) Risk Premium. The risk premium shall be the arithmetic average of the spread between the return on stocks and the income return on long term bonds for the entire historical period contained in the Ibbotson study that summarizes information for the calendar year immediately preceding the lien date.

(3) Growth Rate ("g"). The growth rate "g" is the expected future growth of the cash flow in the numerator of the formula given in $CF/(k-g)$. If insufficient information is available to the Property Tax Division, either from public sources or from the taxpayer, to determine an appropriate "g", then "g" will be the expected inflationary rate as given by the Gross Domestic Product Price Deflator obtained in Value Line. The inflationary rate and the methodology used to produce it shall be disclosed in a capitalization rate study published by the Commission by February 15 of the assessment year.

b. Direct Capitalization Approach. This is an income approach that converts an estimate of a single year's income expectancy into an indication of value in one direct step, either by dividing the normalized income estimate by an appropriate income capitalization rate or by multiplying the normalized income estimate by an appropriate factor.

4. Market Indicator. The market value of property is directly related to the prices of comparable, competitive properties; or the sale of the specific assessed property when such information is available. The market or sales comparison approach is estimated by comparing the subject property to similar properties that have recently sold. Because sales of state assessed utility and transportation properties are infrequent, the stock and debt approach may be used as a surrogate to the market approach. The stock and debt method is based on the accounting principle which holds that the market value of assets equals the market value of liabilities plus shareholder's equity.

5. Correlation. When reconciling value indicators into a final estimate of value, the appraiser shall take into consideration the availability, and quality or reliability of data and the strength and weaknesses of each value indicator. The percentage weight assigned to each indicator in the correlation process shall be established, disclosed and explained as set forth in Section B.1.

6. Non-operating property. Property that is not necessary to the operation of the state assessed utility or transportation properties and is assessed by the local county assessor, and property separately assessed by the Property Tax Division, such as registered motor vehicles, shall be removed from the correlated unit value or from the state allocated value.

7. Leased property. All tangible operating property owned, leased, or used by state assessed utilities and transportation companies is subject to assessment.

8. Property Specific Considerations. The Commission recognizes that because of unique differences between certain types of properties and industries, modifications or alternatives to these general cost and yield income indicators, as set forth in Sections C., D., and E., may be required for the following industries: (a) cost

regulated utilities, (b) telecommunications properties, and (c) transportation properties.

C. Cost regulated utilities:

1. Cost Indicator. The HCLD approach is the preferred cost indicator of value for cost regulated utilities because it represents an approximation of the basis upon which the investor can earn a return. The HCLD approach is calculated by taking the historic cost less depreciation as reflected in the state assessed utility's net plant accounts, and by then (1) subtracting intangible property, (2) subtracting any items not included in the state assessed utility's rate base (e.g., deferred federal income taxes ("DFIT") and, if appropriate, acquisition adjustments), and (3) adding any taxable items not included in the state assessed utility's net plant account or in rate base.

a. Deferred Federal Income Taxes. DFIT is an accounting entry that reflects a timing difference for reporting income and expenses. Accumulated DFIT reflects the difference between the use of accelerated depreciation for income tax purposes and the use of straight-line depreciation for financial statements. For traditional rate base regulated companies, regulators generally exclude DFIT from rate base, recognizing it as ratepayer contributed capital. Where rate base is reduced by DFIT for rate base regulated companies, DFIT may be removed from HCLD as one type of economic obsolescence.

b. DFIT can be one type of economic obsolescence. If a study is prepared that authenticates actual economic obsolescence and is approved by the Commission, the amount of the actual economic obsolescence will be subtracted from HCLD to develop the cost indicator of value.

2. Income indicator. The yield capitalization approach set forth in Section B.3. is the preferred method to derive the income indicator of value.

D. Telecommunications Properties:

1. Cost Indicator. The HCLD approach, which may, if appropriate, be trended as set forth in Section B.2., is the preferred method to derive the cost indicator of value.

2. Income Indicator. The yield capitalization approach set forth in Section B.3. is the preferred method to derive the income indicator of value.

E. Transportation Properties.

1. Railroads.

a. Cost Indicator. The Railroad industry is not rate base regulated and does not typically have a majority of its investment in property of recent vintage. Accordingly, for Railroads, the cost indicator should generally be given little or no weight because there is no observable relationship between cost and fair market value. Cost valuation should be based on trended historical costs less depreciation. Additions should be made for material and supplies and operating leased equipment. Deductions should be made for all capitalized intangible property such as customized computer software. All forms of depreciation should be measured and appropriately deducted.

b. Income Indicator. The yield capitalization approach set forth in Section B.3. is the preferred method to derive the income indicator of value.

2. Commercial airlines.

a. Cost Indicator. The HCLD approach, appropriately trended as set forth in Section B.2., is the preferred method to derive the cost indicator of value.

b. Income Indicator. The yield capitalization approach set forth in Section B.3. is the preferred method to derive the income indicator of value.

F. ~~[This rule shall have an effective date of]~~The provisions of this rule are retrospective to January 1, 2001.

KEY: taxation, personal property, property tax, appraisal
~~[December 19, 2000]~~2001 Art. XIII, Sec 2
Notice of Continuation May 8, 1997 59-2-201



End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

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

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

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

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends February 14, 2001. At its option, the agency may hold public hearings.

From the end of the waiting period through May 15, 2001, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

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

The Changes in Proposed Rules Begin on the Following Page.

Commerce, Occupational and
Professional Licensing
R156-69
Dentist and Dental Hygienist Practice
Act Rules

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 23141
FILED: 12/21/2000, 08:46
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Following a public hearing and additional Division and Board review, changes needed to be made in the proposed rule.

SUMMARY OF THE RULE OR CHANGE: In Section R156-69-202, added back in that an applicant for a Class III anesthesia permit must submit evidence of having successfully completed comprehensive predoctoral or post doctoral training in the administration of parenteral conscious sedation which conforms to the Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry, Part III, of the American Dental Association, July 1993, and a letter from the course director documenting competency in performing parenteral conscious sedation. This is in addition to the 60 hours of didactic education in sedation and successful completion of 20 cases which was added in the original proposed rule filing. In Section R156-69-601, changes were made with respect to Class III permit holders. Deleted that the dental facility must have electrocardiographic monitoring and a defibrillator. Changes were also made requiring a minimum of two persons, with one person constantly monitoring the patient during the administration of parenteral conscious sedation.

(DAR Note: This change in proposed rule has been filed to make additional changes to an amendment that was published in the October 1, 2000, issue of the *Utah State Bulletin*, on page 10. Underlining in the rule below indicates text that has been added since the publication of the proposed amendment mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed amendment together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-69-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be minimal costs, no more than \$100, to the Division to reprint the rule once the proposed changes are made effective. Any costs involved will be absorbed in the Division's current budget.

❖LOCAL GOVERNMENTS: Proposed rule does not apply to local governments.

❖OTHER PERSONS: Licensed dentist: As a result of these proposed changes, dentists will no longer need to purchase electrocardiographic monitoring equipment or a defibrillator and therefore may save that cost, which was estimated between \$4,000 to \$20,000, as was identified in the Division's previous rule filing. Public consumer: In the Division's prior rule filing with respect to this rule, it was identified that there may be an increased cost of compliance on the part of the dentist that may be passed on to the consumer. As a result of these proposed changes, the Division no longer anticipates there to be much increased cost on the part of the dentist since he no longer is needed to purchase equipment identified above.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division does not anticipate any compliance costs associated with this change in proposed rule filing. Only savings are anticipated as identified above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This change in the proposed rule previously filed eliminates the requirement for a dentist to obtain and maintain certain emergency equipment and also reduced the number of persons required to be present during procedures performed under parenteral conscious sedation. As a result of the changes made in the proposed rule, the fiscal impact upon the regulated profession will be reduced from substantial to minimal, with the expenses of implementation being primarily in the area of training of support personnel and continuing education, which is already a requirement of license maintenance. Klarice A. Bachman, Interim Executive Director

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Daniel T. Jones at the above address, by phone at (801) 530-6767, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.djones@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 02/14/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 02/15/2001

AUTHORIZED BY: A. Gary Bowen, Director

R156. Commerce, Occupational and Professional Licensing.
R156-69. Dentist and Dental Hygienist Practice Act Rules.
R156-69-202. Qualifications for Anesthesia and Analgesia Permits - Dentist.

In accordance with Subsection 58-69-301(4)(b), the qualifications for anesthesia and analgesia permits are:

- (1) for a class I permit:
 - (a) current licensure as a dentist in Utah; and
 - (b) documentation of current CPR or BCLS certification;
- (2) for a class II permit:
 - (a) current licensure as a dentist in Utah;
 - (b) documentation of current BCLS certification;
 - (c) evidence of having successfully completed training in the administration of nitrous oxide conscious sedation which conforms to the Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry, Parts I, II, or III, of the American Dental Association, July 1993, which is incorporated by reference; and
 - (d) certification that the applicant will comply with the scope of practice as set forth in Subsection R156-69-601(2);
- (3) for a class III permit:
 - (a) compliance with Subsections (1)(a) and (2) above;
 - (b) evidence of current Advanced Cardiac Life Support (ACLS) certification;
 - (c) evidence of holding a current Utah controlled substance license in good standing and a current Drug Enforcement Administration (DEA) Registration in good standing;
 - (d) evidence of having successfully completed comprehensive predoctoral or post doctoral training in the administration of parenteral conscious sedation which conforms to the Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry, Part III, of the American Dental Association, July 1993, and a letter from the course director documenting competency in performing parenteral conscious sedation; and 60 hours of didactic education in sedation and successful completion of 20 cases; and
 - (e) certification that the applicant will comply the scope of practice as set forth in Subsection R156-69-601(3); and
- (4) for a class IV permit:
 - (a) compliance with Subsections (1), (2), and (3) above;
 - (b) evidence of current ACLS certification;
 - (c) evidence of having successfully completed advanced training in the administration of general anesthesia and deep sedation consisting of not less than one year in a program which conforms to the Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry, Part II, of the American Dental Association, July 1993, and a letter from the course director documenting competency in performing general anesthesia and deep sedation;
 - (d) documentation of successful completion of advanced training in obtaining a health history, performing a physical examination and diagnosis of a patient consistent with the administration of general anesthesia or deep sedation; and
 - (e) certification that the applicant will comply with the scope of practice as set forth in Subsection R156-69-601(4).

R156-69-601. Scope of Practice - Anesthesia and Analgesia Permits.

In accordance with Subsection 58-69-301(4)(a), the scope of practice permitted under each classification of anesthesia and analgesia permit includes the following:

- (1) A dentist with a class I permit:
 - (a) may administer or supervise the administration of any legal form of non-drug induced conscious sedation or drug induced conscious sedation except:
 - (i) that which employs the administration of inhalation agents including nitrous oxide; and
 - (ii) the administration of any drug for sedation by any parenteral route; and
 - (b) shall maintain and ensure that all patient care staff maintain current CPR certification.
- (2) A dentist with a class II permit:
 - (a) may administer or supervise the administration of nitrous oxide induced conscious sedation in addition to the privileges granted one holding a Class I permit; and
 - (b) shall ensure that:
 - (i) every patient under nitrous oxide administration is under continuous in-operative observation by a member of the dental patient care staff;
 - (ii) nitrous oxide and oxygen flow rates and sedation duration and clearing times are appropriately documented in patient records;
 - (iii) reasonable and prudent controls are in place and followed in regard to nitrous oxide to ensure the health and safety of patients, dental office personnel, and the general public;
 - (iv) the dental facility is equipped with adequate and appropriate equipment, in good working order, to assess vital signs; and
 - (v) equipment used in the administration of nitrous oxide has a scavenging system and that all gas delivery units have an oxygen fail-safe system.
- (3) A dentist with a class III permit:
 - (a) may administer or supervise the administration of parenteral conscious sedation in addition to the privileges granted one holding a Class I and Class II permit; and
 - (b) shall ensure that:
 - (i) the dental facility has adequate and appropriate monitoring equipment, including pulse oximetry, ~~[electrocardiographic monitoring,]~~ current emergency drugs, and equipment capable of delivering oxygen under positive pressure;
 - (ii) the patient's heart rate, blood pressure, respirations and responsiveness are checked at specific intervals during the anesthesia and recovery period and that these observations are appropriately recorded in the patient record;
 - (iii) the dental facility is equipped to treat emergencies providing immediate access to advanced airway equipment, and resuscitation medications~~[, and defibrillator]~~;
 - (iv) the above equipment is inspected annually by a certified technician and is calibrated and in good working order;
 - (v) inhalation agents' flow rates and sedation duration and clearing times are appropriately documented in patient records; and
 - (vi) a minimum of ~~[three]~~two persons, with one person constantly monitoring the patient, are present during the administration of parenteral conscious sedation as follows:
 - (A) an operating permittee dentist~~[, an assistant to the dentist]~~ and a ~~[n]~~ BCLS certified assistant trained and qualified to monitor appropriate and required physiologic parameters;
 - (B) an operating dentist~~[, an assistant to the dentist]~~ and a permittee dentist; or

(C) an operating permittee dentist[~~an assistant to the dentist~~] and another licensed professional qualified to administer this class of anesthesia.

(4) A dentist with a class IV permit;

(a) may administer or supervise the administration of general anesthesia or deep sedation in addition to the privileges granted one holding a class I, II and III permit; and

(b) shall ensure that:

(i) the dental facility is equipped with precordial stethoscope for continuous monitoring of cardiac function and respiratory work, electrocardiographic monitoring and pulse oximetry, means of monitoring blood pressure, and temperature monitoring; the preceding or equivalent monitoring of the patient will be used for all patients during all general anesthesia or deep sedation procedures; in addition, temperature monitoring will be used for children;

(ii) the dental facility is equipped to treat emergencies providing immediate access to advanced airway equipment, resuscitation medications, and defibrillator;

(iii) the above equipment is inspected annually by a certified technician and is calibrated and in good working order; and

(iv) three qualified and appropriately trained individuals are present during the administration of general anesthesia or deep sedation as follows:

(A) an operating dentist holding a permit under this classification, an anesthesia assistant trained to observe and monitor the patient using the equipment required above, and an individual to assist the operating dentist;

(B) an operating dentist, an assistant to the dentist and a dentist holding a permit under this classification; or

(C) another licensed professional qualified to administer this class of anesthesia and an individual to assist the operating dentist.

(5) Any dentist administering any anesthesia to a patient which results in, either directly or indirectly, the death or adverse event resulting in hospitalization of a patient shall submit a complete report of the incident to the board within 30 days.

KEY: licensing, dentists, dental hygienists*

[~~2000~~2001

58-69-101

58-1-106(1)

58-1-202(1)



End of the Notices of Changes in 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).

Health, Health Care Financing, Coverage and Reimbursement Policy **R414-40** Nursing Service

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23391
FILED: 12/22/2000, 13:01
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 26-18-2.1 creates the Division, which shall be responsible for implementing, organizing, and maintaining the Medicaid program and the Utah Medical Assistance Program established in Section 26-18-10, in accordance with the provisions of this Chapter and applicable federal law. Section 26-18-2.3 notes that the Division shall establish, on a statewide basis, a program to safeguard against unnecessary or inappropriate use of Medicaid services, excessive payments, or unnecessary or inappropriate hospital services or lengths of stay. Section 26-1-5 notes that the Department shall have the power to adopt, amend, or rescind rules necessary to carry out the provisions of this Title.

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.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule must be continued because it establishes guidelines for the provision of nursing services for Medicaid eligible individuals.

It establishes procedural safeguards and requirements that apply to an identified group of individuals. The rule establishes the right to the service as well as limitations on the service. No opposing comments were received.

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

Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
PO Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Urla Jeane Maxfield at the above address, by phone at (801) 538-9144, by FAX at (801) 538-6099, or Internet E-mail at umaxfiel@email.state.ut.us.

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 12/22/2000



Health, Health Care Financing, Coverage and Reimbursement Policy **R414-59** Audiology-Hearing Services

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23392
FILED: 12/22/2000, 13:01
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 26-18-2.1 creates the Division, which shall be responsible for implementing, organizing, and maintaining the Medicaid program and the Utah Medical Assistance Program established in Section 26-28-10, in accordance with the provisions of this Chapter and applicable federal law. Section 26-18-2.3 notes that the Division shall establish, on a statewide basis, a program to safeguard against unnecessary or inappropriate use of Medicaid services, excessive payments, or unnecessary or inappropriate hospital services or lengths of stay. Section 26-1-5 notes that the Department shall have the power to adopt, amend, or rescind rules necessary to carry out the provisions of this Title.

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.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule must be continued because it establishes guidelines for the provision of audiology-hearing services for Medicaid eligible individuals. It establishes procedural safeguards and requirements that apply to an identified group of individuals. The rule establishes the right to the service as well as limitations on the service. No opposing comments were received.

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

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

Health
Health Care Financing,
Coverage and Reimbursement Policy
Cannon Health Building
288 North 1460 West
PO Box 143102
Salt Lake City, UT 84114-3102, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Don Hawley at the above address, by phone at (801) 538-6483, by FAX at (801) 538-6099, or Internet E-mail at dhawley@email.state.ut.us.

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 12/22/2000

◆ ————— ◆

NOTICES OF RULE EFFECTIVE DATES

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

Abbreviations

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

Administrative Services

Administrative Rules

No. 23290 (REP): R15-6. Rulemaking Decision and Administrative Record.
Published: November 15, 2000
Effective: December 30, 2000

Agriculture and Food

Animal Industry

No. 23250 (AMD): R58-7-2. Definitions.
Published: November 15, 2000
Effective: December 18, 2000

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Published: November 15, 2000
Effective: December 18, 2000

No. 23265 (AMD): R156-55a. Utah Construction Trades Licensing Act Rules.
Published: November 15, 2000
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No. 23266 (AMD): R156-56. Utah Uniform Building Standard Act Rules.
Published: November 15, 2000
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Published: November 15, 2000
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Published: November 15, 2000
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Published: November 15, 2000
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Published: November 15, 2000
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Published: November 15, 2000
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Published: November 15, 2000
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Published: November 15, 2000
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No. 23269 (AMD): R612-4-2. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund.
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Published: November 15, 2000
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Published: October 1, 2000
Effective: January 1, 2001

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Published: November 1, 2000
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Published: November 15, 2000
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No. 23274 (AMD): R865-19S-80. Printers, Typesetters, Typographers, Engravers, and Related Graphic Arts Industries Pursuant to Utah Code Ann. Section 59-12-103.
Published: November 15, 2000
Effective: December 19, 2000

No. 23187 (AMD): R865-19S-109. Sales Tax Nature of Veterinarians' Purchases and Sales Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104.
Published: October 15, 2000
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No. 23276 (AMD): R865-19S-111. Graphic Design Services Pursuant to Utah Code Ann. Section 59-12-103.
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Published: November 15, 2000
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Published: November 1, 2000
Effective: December 19, 2000

No. 23278 (AMD): R884-24P-49. Calculating the Utah Apportioned Value of a Rail Car Fleet Pursuant to Utah Code Ann. Section 59-2-201.
Published: November 15, 2000
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Published: November 15, 2000
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Published: November 1, 2000
Effective: December 19, 2000

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Published: November 15, 2000
Effective: January 1, 2001

No. 23286 (AMD): R986-400-409. Time Limits.
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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 *2000 Index* lists changes made effective from January 2, 2000, through January 1, 2001. 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/>).

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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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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
R708-37	Certification of Licensed Instructors of Commercial Driver Training Schools to Administer Driving Skills Tests	22980	NEW	08/15/2000	2000-14/25
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R710-2	Rules Pursuant to the Utah Fireworks Act	22558	AMD	02/01/2000	2000-1/50
R710-2	Rules Pursuant to the Utah Fireworks Act	22981	AMD	08/16/2000	2000-14/27
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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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R724-10	Regulation of Bail Bond Agents	23033	CPR	11/16/2000	2000-20/59
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R728-408	Reserve and Auxiliary Officer Standards	23107	REP	10/30/2000	2000-18/83
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R746-310-8	Billing Adjustments	22988	AMD	09/22/2000	2000-14/35
R746-320-8	Billing Adjustments	22989	AMD	11/01/2000	2000-14/36
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R746-341	Lifeline Rule	23326	5YR	11/15/2000	2000-23/67
R746-343-15	Surcharge	22798	AMD	07/01/2000	2000-10/38
R746-360-2	Definitions	22530	NSC	01/25/2000	Not Printed
R746-401	Rules Governing Reporting of Construction, Purchase, Acquisition, Sale, Transfer or Disposition of Assets by Certain Utilities	22550	NSC	01/25/2000	Not Printed
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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R765-171	Postsecondary Proprietary School Act Rules	22951	CPR	10/03/2000	2000-17/74
R765-604	New Century Scholarship	22052	NEW	see CPR	99-11/63
R765-604	New Century Scholarship	22052	CPR	02/04/2000	99-20/53
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R850-40-300	Easements Acquired by Application	22795	NSC	08/01/2000	Not Printed
R850-80-850	Methods of Sale	23204	AMD	12/04/2000	2000-21/30
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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-16	Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207	23154	AMD	11/01/2000	2000-19/151
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
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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
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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
R865-6F-26	Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-7-608	22895	NSC	06/27/2000	Not Printed

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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	Income Tax	22992	NSC	08/01/2000	Not Printed
R865-9I-6	Returns by Husband and Wife, Either or Both of Whom is a Nonresident Pursuant to Utah Code Ann. Section 59-10-119	22984	AMD	08/31/2000	2000-14/37
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
R865-13G	Motor Fuel Tax	22993	NSC	08/01/2000	Not Printed
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R865-19S-80	Printers, Typesetters, Typographers, Engravers and Related Graphic Arts Industries Pursuant to Utah Code Ann. Section 59-12-103	23274	AMD	12/19/2000	2000-22/52
R865-19S-103	Municipal Energy Sales and Use Tax Pursuant to Utah Code Ann. Sections 10-1-303 and 10-1-306	22758	AMD	06/21/2000	2000-9/181
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R865-19S-110	Advertisers' Purchases and Sales Pursuant to Utah Code Ann. Section 59-12-103	23275	AMD	12/19/2000	2000-22/54
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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	06/21/2000	2000-10/47
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R884-24P-33	2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	23101	AMD	10/03/2000	2000-17/22
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R884-24P-33	2001 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	23368	NSC	12/19/2000	Not Printed
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-49	Calculating the Utah Apportioned Value of Rail Car Fleet Pursuant to Utah Code Ann. Section 59-2-201	23278	AMD	12/19/2000	2000-22/59
R884-24P-53	2001 Valuation Guides for Valuation of Land Subject to the Farmland Assessment Act Pursuant to Utah Code Ann. Section 59-2-515	23279	AMD	12/19/2000	2000-22/60
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
R884-24P-60	Age-Based Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Section 59-2-405.1	22903	NSC	06/27/2000	Not Printed

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R884-24P-62	Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201	22522	AMD	01/20/2000	99-24/40
R884-24P-62	Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201	23127	AMD	12/19/2000	2000-21/39
R884-24P-65	Proportional Assessment of transitory Personal Property Pursuant to Utah Code Ann. Section 59-2-402	23044	AMD	11/01/2000	2000-16/38
R884-24P-65	Proportional Assessment of Transitory Personal Property Pursuant to Utah Code Ann. Section 59-2-402	23300	NSC	12/01/2000	Not Printed
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R986-213	Financial Assistance Need and Amount of Assistance	23057	REP	10/02/2000	2000-16/70
R986-214	Financial Assistance Applications, Redeterminations, and Change Reporting	23058	REP	10/02/2000	2000-16/74
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R986-300	Refugee Resettlement Program	23192	NSC	11/01/2000	Not Printed
R986-400	General Assistance and Working Toward Employment	23050	NEW	10/02/2000	2000-16/90
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R994-102	Purpose of Employment Security Act	22823	NSC	05/25/2000	Not Printed
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R994-202-103	Employee Leasing Companies	22824	NSC	05/25/2000	Not Printed
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R994-204-303	Factors Determining Independent Contractor Status	22825	NSC	05/25/2000	Not Printed
R994-205	Exempt Employment	22722	5YR	04/04/2000	2000-9/188
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R994-308-106	Interest Earned on Cash Deposits	22827	NSC	05/25/2000	Not Printed
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
R994-405-503	Evidence and Burden of Proof	22800	AMD	06/16/2000	2000-10/49
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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	23005	R277-472	NSC	08/01/2000	Not Printed
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	23228	R15-4	5YR	10/16/2000	2000-21/69
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	23290	R15-6	REP	12/30/2000	2000-22/4
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	23127	R156-46b	AMD	10/17/2000	2000-18/39
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	22838	R307-102-1	NSC	08/03/2000	Not Printed
	23093	R307-103	NEW	12/07/2000	2000-17/5
Environmental Quality, Drinking Water	23099	R309-150	5YR	08/10/2000	2000-17/87
	23342	R313-17-4	NSC	12/01/2000	Not Printed
	23159	R309-301 (Changed to R309-300)	AMD	11/20/2000	2000-19/17
	23337	R309-300	NSC	11/28/2000	Not Printed
	22730	R309-302	5YR	04/10/2000	2000-9/185
	22604	R309-405	NEW	04/17/2000	2000-3/25
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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
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	23092	R307-102-3	AMD	12/07/2000	2000-17/4
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	22605	R307-150	AMD	04/06/2000	2000-3/21
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	23039	R307-220-1	NSC	09/01/2000	Not Printed
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	22508	R884-24P-44	AMD	01/20/2000	99-23/107
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	23273	R865-19S-65	AMD	12/19/2000	2000-22/51
	23274	R865-19S-80	AMD	12/19/2000	2000-22/52
	22758	R865-19S-103	AMD	06/21/2000	2000-9/181
	23187	R865-19S-109	AMD	12/19/2000	2000-20/56
	23275	R865-19S-110	AMD	12/19/2000	2000-22/54
	23276	R865-19S-111	AMD	12/19/2000	2000-22/55
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	23287	R986-700	AMD	01/01/2001	2000-22/65
	23078	R986-701	REP	10/02/2000	2000-16/119
	23079	R986-702	REP	10/02/2000	2000-16/121
	23080	R986-703	REP	10/02/2000	2000-16/123
	23081	R986-704	REP	10/02/2000	2000-16/124
	23082	R986-705	REP	10/02/2000	2000-16/126
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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
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	22754	R527-200	NSC	05/01/2000	Not Printed
	22937	R527-332	NEW	08/01/2000	2000-13/44
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	23031	R527-450	AMD	09/18/2000	2000-16/22
	22488	R527-475	AMD	01/10/2000	99-23/87
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	22838	R307-102-1	NSC	08/03/2000	Not Printed
	23092	R307-102-3	AMD	12/07/2000	2000-17/4
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	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
	22398	R156-56	AMD	see CPR	99-20/15
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	22967	R156-56	NSC	08/01/2000	Not Printed
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	22765	R606-3-2	NSC	03/20/2000	Not Printed
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	23023	R277-475	NEW	09/01/2000	2000-15/13
	23215	R277-752	5YR	10/13/2000	2000-21/72
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	22889	R861-1A-12	NSC	06/27/2000	Not Printed
	23154	R861-1A-16	AMD	11/01/2000	2000-19/151
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	22997	R606-3	5YR	07/07/2000	2000-15/28
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	23159	R309-301 (Changed to R309-300)	AMD	11/20/2000	2000-19/17
	22730	R309-302	5YR	04/10/2000	2000-9/184
	22604	R309-405	NEW	04/17/2000	2000-3/25
	22704	R309-605	NEW	06/12/2000	2000-7/8
	22927	R309-605	NSC	06/27/2000	Not Printed
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	22910	R156-55b-304	NSC	06/26/2000	Not Printed
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	22674	R606-2-2	NSC	03/20/2000	Not Printed
	22998	R606-4	5YR	07/07/2000	2000-15/29
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	22825	R994-204-303	NSC	05/25/2000	Not Printed
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	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
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	23359	R657-38	5YR	11/30/2000	2000-24/158
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	23074	R986-419	REP	10/02/2000	2000-16/108
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	22538	R315-2	NSC	01/25/2000	Not Printed
	22773	R315-2	AMD	07/15/2000	2000-9/45
	22653	R315-2-9	NSC	02/25/2000	Not Printed
	22794	R315-2-9	NSC	05/25/2000	Not Printed
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	23263	R315-3-6	NSC	11/01/2000	Not Printed
	22654	R315-3-20	NSC	02/25/2000	Not Printed
	22775	R315-4	R&R	see CPR	2000-9/76
	22775	R315-4	CPR	10/20/2000	2000-17/45
	22541	R315-5	NSC	01/25/2000	Not Printed
	22776	R315-5	R&R	see CPR	2000-9/84
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	22544	R315-13	NSC	01/25/2000	Not Printed
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	22780	R315-16	AMD	07/15/2000	2000-9/147
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	22976	R432-100-33	AMD	08/31/2000	2000-14/8
	22655	R432-270	5YR	02/09/2000	2000-5/64
	22743	R432-270	NSC	05/01/2000	Not Printed
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	22816	R765-605	AMD	06/15/2000	2000-10/39
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	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
	22992	R865-9I	NSC	08/01/2000	Not Printed
	22984	R865-9I-6	AMD	08/31/2000	2000-14/37
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	23046	R590-148-14	NSC	09/01/2000	Not Printed
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	22489	R590-170	AMD	see CPR	99-23/88
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	23035	R590-171	5YR	07/28/2000	2000-16/133
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	22416	R590-197	NEW	01/25/2000	99-20/30
	22621	R590-197	NSC	02/25/2000	Not Printed
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	22734	R156-24a-503	NSC	05/01/2000	Not Printed
	22887	R156-26 (Changed to R156-26a)	AMD	07/18/2000	2000-12/7
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	22663	R156-31b-304	NSC	02/24/2000	Not Printed
	22577	R156-31c-201	AMD	02/15/2000	2000-2/11
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	22740	R156-55b	AMD	06/01/2000	2000-9/20
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	22967	R156-56	NSC	08/01/2000	Not Printed
	23266	R156-56	AMD	01/01/2001	2000-22/17
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	22791	R156-56-706	AMD	07/01/2000	2000-10/18
	22482	R156-57	AMD	01/04/2000	99-23/13
	22701	R156-57-302a	AMD	05/02/2000	2000-7/6
	22677	R156-59	AMD	04/17/2000	2000-6/11
	22786	R156-59	NSC	07/10/2000	Not Printed
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	22588	R156-61	AMD	02/15/2000	2000-2/12
	22735	R156-61-302e	NSC	05/01/2000	Not Printed
	22801	R156-63	AMD	06/15/2000	2000-10/24
	23182	R156-63	5YR	09/28/2000	2000-20/67
	22736	R156-63-302a	NSC	05/01/2000	Not Printed
	22737	R156-65	NSC	05/01/2000	Not Printed
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	22589	R156-66	AMD	02/15/2000	2000-2/14
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	22700	R156-71-202	AMD	05/02/2000	2000-7/7
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	23267	R162-102	AMD	12/18/2000	2000-22/28
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	22813	R501-11	AMD	06/19/2000	2000-10/30
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	22661	R501-13	R&R	04/15/2000	2000-5/32
	23318	R501-14	NSC	12/01/2000	Not Printed
	22695	R501-19	NEW	05/02/2000	2000-6/28
	22696	R501-20	NEW	05/02/2000	2000-6/31
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	23250	R58-7-2	AMD	12/18/2000	2000-22/4
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	23086	R414-33	5YR	08/02/2000	2000-17/88
	23087	R414-33A	5YR	08/02/2000	2000-17/89
	23391	R414-40	5YR	12/22/2000	2001-2/20
	22956	R414-45	NSC	08/01/2000	Not Printed
	22957	R414-54	NSC	08/01/2000	Not Printed
	23392	R414-59	5YR	12/22/2000	2001-2/20
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	22724	R307-320	5YR	04/05/2000	2000-9/184
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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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	22987	R877-23V-18	AMD	08/31/2000	2000-14/41
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	23127	R156-46b	AMD	10/17/2000	2000-18/39
	23265	R156-55a	AMD	12/18/2000	2000-22/11
	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
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	22660	R307-110-19	NSC	02/25/2000	Not Printed
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	22968	R651-601	NSC	08/01/2000	Not Printed
	22873	R651-606	AMD	09/28/2000	2000-11/98
	22969	R651-606	NSC	09/28/2000	Not Printed
	22474	R651-611	AMD	01/03/2000	99-22/17
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	22874	R651-634	NEW	07/04/2000	2000-11/99
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	22835	R652-120	5YR	05/09/2000	2000-11/102
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	22508	R884-24P-44	AMD	01/20/2000	99-23/107
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	22844	R477-6	AMD	07/05/2000	2000-11/62
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	22963	R251-710	NSC	08/01/2000	Not Printed
	23261	R251-710	AMD	12/27/2000	2000-22/31
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	23242	R595-1-11	AMD	12/18/2000	2000-22/40
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	23006	R277-514	NSC	08/01/2000	Not Printed
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	22786	R156-59	NSC	07/10/2000	Not Printed
	23028	R156-59	AMD	09/18/2000	2000-16/9
	22863	R156-59-302a	AMD	07/10/2000	2000-11/9
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	23277	R884-24P-27	AMD	12/19/2000	2000-22/56
	22627	R884-24P-33	AMD	03/28/2000	2000-4/56
	23101	R884-24P-33	AMD	10/03/2000	2000-17/22
	23216	R884-24P-33	AMD	12/19/2000	2000-21/31
	23368	R884-24P-33	NSC	12/19/2000	Not Printed
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	23278	R884-24P-49	AMD	12/19/2000	2000-22/59
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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
	23156	R884-24P-60	AMD	11/01/2000	2000-19/154
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	23179	R392-402	NSC	10/01/2000	Not Printed
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	23136	R277-926	NSC	12/18/2000	Not Printed
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	22989	R746-320-8	AMD	11/01/2000	2000-14/36
	22530	R746-360-2	NSC	01/25/2000	Not Printed
	22550	R746-401	NSC	01/25/2000	Not Printed
	22784	R746-405	NSC	05/01/2000	Not Printed
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	23241	R595-1-6	AMD	12/18/2000	2000-22/40
	22789	R595-1-9	AMD	06/15/2000	2000-10/34
	23242	R595-1-11	AMD	12/18/2000	2000-22/40
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	22052	R765-604	CPR	02/04/2000	99-20/53
<u>SCHOOL ENROLLMENT</u>					
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	23020	R277-445	AMD	09/01/2000	2000-15/8
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Education, Administration	23018	R277-107	NEW	09/01/2000	2000-15/4
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Education, Administration	23022	R277-474	NEW	09/01/2000	2000-15/11
	23209	R277-474	AMD	12/02/2000	2000-21/5
	23210	R277-477	NEW	12/02/2000	2000-21/7
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	22668	R307-801	CPR	08/01/2000	2000-13/67
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	23261	R251-710	AMD	12/27/2000	2000-22/31
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	22052	R765-604	CPR	02/04/2000	99-20/53
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	22643	R164-4	AMD	03/20/2000	2000-4/20
	22644	R164-14	AMD	03/20/2000	2000-4/29
	22866	R164-14	NSC	05/25/2000	Not Printed
Financial Institutions, Banks	22831	R333-10	NSC	05/25/2000	Not Printed
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<u>SECURITIES REGULATION</u>					
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	22643	R164-4	AMD	03/20/2000	2000-4/20
	22864	R164-11	NSC	05/25/2000	Not Printed
	22865	R164-12	NSC	05/25/2000	Not Printed
	22644	R164-14	AMD	03/20/2000	2000-4/29
	22866	R164-14	NSC	05/25/2000	Not Printed
	22867	R164-26	NSC	05/25/2000	Not Printed
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	22801	R156-63	AMD	06/15/2000	2000-10/24
	23182	R156-63	5YR	09/28/2000	2000-20/67
	22736	R156-63-302a	NSC	05/01/2000	Not Printed
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	23163	R317-4	AMD	12/01/2000	2000-19/26
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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
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	22889	R861-1A-12	NSC	06/27/2000	Not Printed
	23154	R861-1A-16	AMD	11/01/2000	2000-19/151
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	22891	R865-6F-14	NSC	06/27/2000	Not Printed
	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
	22710	R865-12L-9	AMD	06/21/2000	2000-8/29
	22803	R865-12L-16	AMD	06/21/2000	2000-10/45
	22993	R865-13G	NSC	08/01/2000	Not Printed
	22996	R865-16R	5YR	07/07/2000	2000-15/30
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	22901	R873-22M-27	NSC	06/27/2000	Not Printed
	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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	23277	R884-24P-27	AMD	12/19/2000	2000-22/56
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	22508	R884-24P-44	AMD	01/20/2000	99-23/107
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	22896	R865-6F-27	NSC	06/27/2000	Not Printed
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	22824	R994-202-103	NSC	05/25/2000	Not Printed
	22721	R994-204	5YR	04/04/2000	2000-9/187
	22825	R994-204-303	NSC	05/25/2000	Not Printed
	22722	R994-205	5YR	04/04/2000	2000-9/188
	22723	R994-206	5YR	04/04/2000	2000-9/188
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	22827	R994-308-106	NSC	05/25/2000	Not Printed
	22828	R994-403	NSC	05/25/2000	Not Printed
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	23291	R655-4	NSC	01/01/2001	Not Printed
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	22392	R657-13	AMD	01/03/2000	99-20/31
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	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
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	23269	R612-4-2	AMD	12/19/2000	2000-22/43	
	23151	R612-6 (Changed to R612-7)	NSC	10/01/2000	Not Printed	
	23150	R612-6	NEW	11/06/2000	2000-19/117	
	22592	R612-8	5YR	01/03/2000	2000-3/91	
	23153	R612-8 (Changed to R612-9)	NSC	10/01/2000	Not Printed	
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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, 2001, including notices of effective date received through January 2, 2001, the effective dates of which are no later than January 15, 2001. 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/>).

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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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