

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Nancy L. Lancaster, Editor

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

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Digest* is available by E-mail or over the Internet. Visit <http://www.rules.utah.gov/publicat/digest.htm> for additional information.

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SPECIAL NOTICES

Community and Economic Development Community Development, Library

Public Notice of Available Utah State Publications

The Utah State Library Division has made available Utah State Publications List No. 02-09, dated April 26, 2002 (<http://library.utah.gov/02-09.html>); List No. 02-10, dated May 10, 2002 (<http://library.utah.gov/02-10.html>); and List No. 02-11, dated May 24, 2002 (<http://library.utah.gov/02-11.html>). For copies of the complete lists, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773; or view them on the World Wide Web at the addresses above.

Governor's Proclamation: Calling the Fifty-Fourth Legislature into a Ninth Extraordinary Session (Senate Only)

WHEREAS, since the close of the 2002 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, MICHAEL O. LEAVITT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 54th Legislature of the State of Utah into a Ninth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of June, 2002, at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2002 General Session of the 54th Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 4th day of June, 2002.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

Governor's Executive Order: Declaring a State of Emergency Because of Fire Danger

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

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

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

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

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

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

Do Hereby Order That: It is found, determined and declared that a "State of Emergency" exists statewide due to the threat to public safety, property, natural resources and the environment for thirty days, effective as of May 30, 2002, requiring aid, assistance and relief available pursuant to the provisions of state statutes, and the State Emergency Operations Plan, which is hereby activated.

In Testimony, Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah, this 30th day of May, 2002.

(State Seal)

Michael O. Leavitt
Governor

Attest:

Olene S. Walker
Lieutenant Governor

Governor's Proclamation: Supplemental to the Fourth Special Session for the Fifty-Fourth Legislature

PURSUANT to Item 2 of the Proclamation issued May 21, 2002, calling the Legislature into special session on May 22, 2002, I add the following item to the agenda for the special session:

1. To consider whether and to what extent an electric utility may look to its rate base to recover the cost of new industrial electric infrastructure intended for a particular industrial customer.

(STATE SEAL)

IN TESTIMONY WHEREOF, I have here unto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 22nd day of May, 2002.

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

End of the Special Notices Section

Notices of Proposed Rules Begin on the Following Page

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between May 16, 2002, 12:00 a.m., and May 31, 2002, 11:59 p.m. are included in this, the June 15, 2002, 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 each rule that is too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least July 15, 2002. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through October 13, 2002, 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 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

**Administrative Services, Facilities
Construction and Management
R23-12
Building Code Appeals Process**

NOTICE OF PROPOSED RULE

(New Rule)
DAR FILE NO.: 24880
FILED: 05/29/2002, 15:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Establishes procedures for the appeal of decisions made by the Building Official in regards to the application and interpretation of building codes.

SUMMARY OF THE RULE OR CHANGE: The rule establishes a process for the appeal of decisions made by the Building Official on state facility projects. The final appeal step is an independent appeals board.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 58-56-8(2) and Section 63A-5-206

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The creation of an appeals board will not directly impact the state's budget as each party to the appeal will bear it's own costs and the board members will not be compensated. The impact of decisions made upon appeal could affect the cost of state projects but any impact cannot be estimated.

❖ **LOCAL GOVERNMENTS:** The rule does not affect local government.

❖ **OTHER PERSONS:** The results of an appeal by a contractor, architect, or engineer could have either a positive or negative financial impact on their contracts to perform work for the state. The amount of any impact will vary with the circumstances and cannot be estimated.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Each party to an appeal will be responsible for their costs in pursuing the appeal. In addition, the party that loses the appeal may be assessed any costs incurred by the appeals board in evaluating the appeal. As the board members will be serving on a volunteer basis, the latter costs would consist of items such as travel expenses for the appeals board to examine the construction in dispute, or the costs of additional third party tests and inspections. The need for these additional costs is expected to be infrequent. The amount of the compliance costs will depend on the circumstances of each appeal and cannot be estimated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will provide a process for the resolution of conflicts regarding the interpretation and application of building codes on state facility construction projects. This will be to the benefit of all parties involved.

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

ADMINISTRATIVE SERVICES
FACILITIES CONSTRUCTION AND MANAGEMENT
Room 4110 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kenneth Nye or Priscilla Anderson at the above address, by phone at 801-538-3284 or 801-538-3263, by FAX at 801-538-3378 or 801-538-3378, or by Internet E-mail at knye@utah.gov or phanderson@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 07/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/2002

AUTHORIZED BY: Joseph A. Jenkins, Director

R23. Administrative Services, Facilities Construction and Management.

R23-12. Building Code Appeals Process.

R23-12-1. Purpose and Authority.

(1) In accordance with Subsection 58-56-8(2), this rule establishes procedures for the appeal of decisions made by the Building Official in regards to the application and interpretation of building codes.

(2) The statutory provisions governing the application and enforcement of building codes with state facilities are contained in Title 58, Chapter 56 and in Section 63A-5-206.

(3) The State Building Board's authority to adopt rules for the Division are contained in Subsection 63A-5-103(1)(e).

R23-12-2. Definitions.

(1) Except as otherwise stated in this rule, terms used in this rule are defined in Section 63A-5-206.

(2) The following additional terms are defined for this rule.

(a) "Appeals Board" means Appeals Board convened by the Director pursuant to Section R23-12-4.

(b) "Building Code" has the same meaning as "code" as defined in Section 58-56-3.

(c) "Building Official" means the person designated by the Director or the Delegated Agency as the case may be to be responsible for the enforcement of building codes.

(d) "Day" means calendar day.

(e) "Delegated Agency" means a state entity to which the State Building Board has delegated the responsibility of administering the construction of facilities on state property when the delegated responsibility includes the role of Compliance Agency.

(f) "Director" means the Director of the Division, including, unless otherwise stated, his duly authorized designee.

(g) "Division" means the Division of Facilities Construction and Management established pursuant to Section 63A-5-201.

(h) "State Agency" means the State of Utah and any department, commission, board, council, agency, institution, officer,

fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the State of Utah.

(i) "State Project" means the construction of a Facility on property owned by a State Agency.

R23-12-3. Applicability.

(1) The appeal of decisions of the Building Official for State Projects administered by the Division or a Delegated Agency shall be conducted in accordance with this rule.

(2) Other entities authorized by Subsection 63A-5-206(6) to act as Compliance Agency for a State Project are responsible for providing an appeals process. The appeals process provided for in this rule shall apply if the entity does not provide an appeals process or it fails to hear an appeal duly filed with that entity.

R23-12-4. Designation of Appeals Board.

(1) The Director shall identify a pool of individuals who are knowledgeable of various aspects of the buildings codes and who are willing to serve on the Appeals Board when requested.

(2) When an appeal is duly filed with the Director, the Director shall appoint either three or five individuals, depending on the nature of the appeal, to act as the Appeals Board for that specific appeal. In selecting the members of the Appeals Board, the Director shall consider the portions of the building code that are in dispute.

(3) Each member of the Appeals Board shall certify that he or she does not have a conflict of interest in regards to the matter being heard.

(4) The Director shall designate one of the members to act as presiding officer of the Appeals Board.

(5) The Division shall provide administrative support to the Appeals Board and shall maintain a record of matters submitted to the Appeals Board and the resolution thereof.

R23-12-5. Authority of Appeals Board.

(1) The Appeals Board shall resolve disputes regarding the application or interpretation of the building code as it relates to a specific State Project.

(2) The Appeals Board shall not have the authority to waive requirements of the building codes or to interpret the administrative provisions of the building codes.

(3) Decisions of the Appeals Board shall be by majority vote.

(4) Decisions of the Appeals Board are final.

R23-12-6. Initial Actions for Decisions Prior to Construction.

(1) If the issue being appealed arises prior to its construction, the architect, engineer or contractor, as the case may be, shall submit a written request for interpretation to the Building Official which shall include:

(a) the basis for the requestor's interpretation of the code, and

(b) other decisions related to the application of the code that have an impact on the interpretation in question.

(2) Within 21 days of receipt of the written request, the Building Official shall provide a written decision. If the Building Official does not agree with the requested interpretation, the decision shall include the basis for his interpretation of the code.

R23-12-7. Initial Actions for Inspection Exceptions during Construction.

(1) If the issue being appealed is an inspection exception regarding work constructed, the contractor shall, within 10 days of

receiving the inspection report, submit a request in writing to the Building Official for reconsideration of the inspector's exception.

(2) Within 10 days of receipt of the written request, the Building Official shall provide a written decision either reaffirming the inspector's findings or stating how the inspector's exception is modified.

R23-12-8. Appeal of Delegated Agency's Decision.

For State Projects administered by a Delegated Agency, the following procedure shall be followed before an appeal may be heard by the Appeals Board.

(1) Within 10 days of receipt of the decision of the Building Official representing the Delegated Agency, the entity requesting the appeal shall submit the following to the Division's Building Official:

(a) a copy of the documentation required by Section R23-12-6 or R23-12-7, and

(b) a written statement explaining the basis for the appeal.

(2) Within 10 days of receipt of the appeal, the Division's Building Official shall provide a written decision either reaffirming the Delegated Agency's findings or stating how the Delegated Agency's findings are modified.

R23-12-9. Filing of Appeal and Appeals Board Action.

(1) Within 21 days of receipt of the written decision provided for in Section R23-12-6, R23-12-7, or R23-12-8, the entity appealing the decision shall submit the following documents to the Director:

(a) a letter stating that the entity is appealing a decision regarding the building code including an explanation of the basis for the appeal;

(b) a copy of the documentation required by Sections R23-12-6, R23-12-7 and R23-12-8 as applicable;

(c) other information supporting the appeal.

(2) If the Building Official did not provide a written decision, the entity shall submit an affidavit to this effect in lieu of the written decision.

(3) The Director shall convene an Appeals Board within 21 days after an appeal is duly filed.

(4) Both the entity appealing the decision and the Building Official shall be given an opportunity to present their position.

(5) A written decision of the Appeals Board shall be issued within 7 days after the appeal is heard.

R23-12-10. Time Extensions.

Upon a showing of good cause, the time periods provided for in this rule may be extended by the Director prior to the convening of the Appeals Board or by the presiding officer upon or after the convening of the Appeals Board.

R23-12-11. Forms.

The Division may establish forms to be used in the filing of an appeal.

R23-12-12. Costs of Appeal.

Each party is responsible for its own costs in the appeal process except that the Division may assess the party that loses the appeal for any costs incurred by the Appeals Board in evaluating the appeal.

KEY: appeals, building codes, construction
2002
58-56-8(2)
63A-5-206

▼ ————— ▼

Agriculture and Food, Animal Industry

R58-18

Elk Farming

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 24877

FILED: 05/28/2002, 11:00

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To help prevent the spread of Chronic Wasting Disease (CWD) in domestic elk in the State of Utah.

SUMMARY OF THE RULE OR CHANGE: Will change the health rules to prevent live elk from being imported into Utah before July 1, 2003. (DAR NOTE: A corresponding 120-day (emergency) rule was published in the April 1, 2002, issue of the Utah State Bulletin under DAR No. 24544 and was effective 03/06/2002.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-39-106

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There will be no cost to the state budget associated with the amendments of this rule. The amendments are being made to prevent the spread of CWD of domestic elk within the State of Utah.

❖ **LOCAL GOVERNMENTS:** There will be no cost to the local government associated with the amendments of this rule. The amendments are being made to prevent the spread of CWD of domestic elk within the State of Utah.

❖ **OTHER PERSONS:** There will be no cost associated with the amendments of this rule. The amendments are merely clarifications.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no cost associated with the amendments of this rule. The amendments are merely clarifications.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no cost associated with the amendments of this rules. May result in the reduction of bulls that are available for this business.

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

AGRICULTURE AND FOOD
 ANIMAL INDUSTRY
 350 N REDWOOD RD
 SALT LAKE CITY UT 84116-3087, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mike Marshall, Terry Menlove, or Earl Rogers at the above address, by phone at 801-538-7160, 801-538-7166, or 801-538-7162, by FAX at 801-538-7169, 801-538-7169, or 801-538-7169, or by Internet E-mail at agmain.mmarshall@state.ut.us, agmain.tmenlove@state.ut.us, or agmain.erogers@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 PM on 07/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/2002

AUTHORIZED BY: Cary Peterson, Commissioner

R58. Agriculture and Food, Animal Industry.

R58-18. Elk Farming.

R58-18-11. Health Rules.

(1) Prior to the importation of elk, whether by live animals, gametes, eggs, sperm or other genetic material into the State of Utah, the importing party must obtain an entry permit from the Utah State Veterinarians office. (801-538-7164)

(a) An entry permit number shall be issued only if the destination is licensed as an elk farm by the Utah Department of Agriculture and Food.

(b) The entry permit number for Utah shall be obtained by the local veterinarian conducting the official health inspection by contacting the Utah Department of Agriculture and Food permit desk at 801-538-7164.

(2) All elk imported into Utah must be examined by an accredited veterinarian prior to importation and must be accompanied by a valid certificate of veterinary inspection, health certificate, certifying a disease free status.

(a) Minimum specific disease testing results or health statements must be included on the certificate of veterinary inspection.

(b) A negative tuberculosis test must be completed within 60 days prior to entry into the state. A retest is also optional at the discretion of the state veterinarian.

(c) If animals do not originate from a tuberculosis accredited, qualified or monitored herd, they may be imported only if accompanied by a certificate stating that such domestic cervidae have been classified negative to two official tuberculosis tests that were conducted not less than 90 days apart, that the second test was conducted within 60 days prior to the date of movement. The test eligible age is six months or older, or less than six months of age if not accompanied by a negative testing dam.

(d) All elk being imported shall test negative for brucellosis if six months of age or older, by at least two types of official USDA brucellosis tests, one of which shall be the rivanol test.

(e) The certificate of veterinary inspection must also include the following signed statement: "To the best of my knowledge the elk listed herein are not infected with Johne's Disease (Paratuberculosis), Chronic Wasting Disease or Malignant Catarrhal Fever and have never been east of the 100 degree meridian."

(f) The certificate of veterinary inspection shall also contain the name and address of the shipper and receiver, the number, sex, age and any individual identification on each animal.

(3) Additional disease testing may be required at the discretion of the state veterinarian prior to importation or when there is reason to believe other disease(s), or parasites are present, or that some other health concerns are present.

(4) Imported or existing elk may be required to be quarantined at an elk farm if the state veterinarian determines the need for and the length of such a quarantine.

(5) Any movement of elk outside a licensed elk farm shall comply with standards as provided in the document entitled: "Uniform Methods and Rules (UM and R)", as approved and published by the USDA. The documents, entitled: "Tuberculosis Eradication in Cervidae, Uniform Methods and Rules", the May 15, 1994 edition, and "Brucellosis Eradication, Uniform Methods and Rules", the May 6, 1992 edition as published by the USDA, are hereby incorporated by reference into this rule. These are the standards for tuberculosis and brucellosis eradication in domestic cervidae. Copies of the methods and rules are on file and available for public inspection at the Division of Animal Industry, Department of Agriculture and Food offices located at 350 North Redwood Road, Salt Lake City, Utah.

(6) Treatment of all elk for internal and external parasites is required within 30 days prior to entry.

(7) All elk imported into Utah must originate from a state or province, which requires that all suspected or confirmed cases of Chronic Wasting Disease (CWD), be reported to the State Veterinarian or regulatory authority. The state or province of origin must have the authority to quarantine source herds and herds affected with or exposed to CWD.

(8) Due to the potential risk of the spread of CWD, no live elk shall be imported into Utah until July 1, 2003. Following this period and based on the State Veterinarian's approval all elk~~[Elk]~~ imported into Utah shall ~~[only]~~ originate from states, which have implemented a Program for Surveillance, Control, and Eradication of CWD in Domestic Elk. All elk imported to Utah must originate from herds that have been participating in a verified CWD surveillance program for a minimum of 5 years. Animals will be accepted for movement only if epidemiology based on vertical and horizontal transmission is in place.

(9) No elk originating from a CWD affected herd, trace back herd/source herd, trace forward herd, adjacent herd, or from an area considered to be endemic to CWD, may be imported to Utah.

(10) Elk semen, eggs, or gametes, require a Certificate of Veterinary Inspection verifying the individual source animal has been tested for genetic purity for Rocky Mountain Elk genes and certifying that it has never resided on a premise where Chronic Wasting Disease has been identified or traced. An import Entry Permit obtained by the issuing veterinarian must be listed on the Certificate of Veterinary Inspection. Permits may be obtained by calling 801-538-7164 during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

R58-18-12. Chronic Wasting Disease Surveillance.

(1) The owner, veterinarian, or inspector of any elk which is suspected or confirmed to be affected with Chronic Wasting Disease (CWD) in Utah is required to report that finding to the State Veterinarian.

(2) Each elk farm, licensed in Utah, shall be required to submit the brain stem (obex portion of the medulla) of any elk over 16 months of age that dies or is otherwise slaughtered or destroyed, for testing for Chronic Wasting Disease (CWD) by an official test. The samples shall be collected by an accredited veterinarian, or an

approved laboratory, or person trained and approved by the state veterinarian.

(3) Each hunting park, licensed in Utah, shall be required to submit the brain stem (obex portion of the medulla) of all elk over 16 months of age that die; ~~[and the brain stem from 50% of all elk from each herd of origin]~~ or that are otherwise harvested, slaughtered, killed, or destroyed, for testing for Chronic Wasting Disease with an official test. The samples shall be collected by an accredited veterinarian, approved laboratory, or person trained and approved by the State Veterinarian.

(4) The CWD surveillance samples from elk residing on licensed elk farms and elk hunting parks shall be collected and preserved in formalin within 48 hours following the death of the animal, and submitted within 7 days, to a laboratory approved by the State Veterinarian. Training of approved personnel shall include collection, handling, shipping, and identification of specimens for submission.

(5) Laboratory fees and expenses incurred for collection and shipping of samples shall be the responsibility of the participating elk farm or hunting park.

(6) The disposition of CWD affected herds in Utah shall be determined by the State Veterinarian.

KEY: inspections

~~[October 17, 2000]~~2002

Notice of Continuation February 13, 2002

4-39-106



Commerce, Occupational and Professional Licensing **R156-55a** Utah Construction Trades Licensing Act Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24866

FILED: 05/16/2002, 16:02

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: During the 2002 legislative session, H.B. 133 was enacted requiring all technicians who work on natural gas-fueled appliances to become certified to better ensure the competence of those working with equipment that affects the public's health, safety, and welfare. These rule amendments are being proposed to clarify the provisions of the statute requirements. (DAR NOTE: H.B. 133 is found at UT L 2002 Ch 33 and was effective 05/06/2002.)

SUMMARY OF THE RULE OR CHANGE: Section R156-55a-308 was changed to R156-55a-308a. A new section, R156-55a-308b, was added identifying the standards and requirements of the natural gas technician certification program. Section R156-55a-308b also defines the scope of practice of a natural gas technician, provides course content of an approved training program, identifies programs that are approved to provide

training and to issue certificates or documentation of exemption from certification, identifies qualifying examination, identifies circumstances under which a person would be eligible for exemption from the certification requirement, identifies the content required on certificates of completion that are issued, identifies what documentation is required for exemption from the certification requirement, and provides that each person engaged in the scope of practice as a natural gas technician shall carry in their possession documentation of certification or exemption.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-55-101, and Subsections 58-1-106(1), 58-1-202(1), 58-55-308(1), and 58-55-102(34)

ANTICIPATED COST OR SAVINGS TO:

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

❖ LOCAL GOVERNMENTS: Proposed amendments do not apply to local governments.

❖ OTHER PERSONS: The Division estimates it will cost approximately \$75 - \$100 per person who is required to obtain natural gas technician certification to take the required examination. The Rocky Mountain Gas Association (RMGA) will charge \$75 for the examination. There may be an additional cost of approximately \$300 or more per person for a natural gas technician training course if one is needed by an individual to study for the required examination. The Division is unable to determine how many individuals will be affected by the new statutory requirement regarding natural gas technician certification. Therefore, an aggregate cost is not available. Other persons receiving natural gas technician training may choose to do so as part of an apprentice program either approved by the Federal Bureau of Apprenticeship Training, or other school or union sponsored apprentice training program, which training costs are already included in the apprentice program. It should be noted that those individuals that can successfully pass the required examination without additional training will only incur the cost of the examination.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division estimates it will cost approximately \$75 - \$100 per person who is required to obtain natural gas technician certification to take the required examination. There may be an additional cost of approximately \$300 or more per person for a natural gas technician training course if one is needed by an individual to study for the required examination. Other persons receiving natural gas technician training may choose to do so as part of an apprentice program either approved by the Federal Bureau of Apprenticeship Training, or other school or union sponsored apprentice training program, which training costs are already included in the apprentice program. It should be noted that those individuals that can successfully pass the required examination without additional training will only incur the cost of the examination.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change adds

provisions required by a statutory amendment passed in the 2002 Legislative Session regarding the scope of practice and certification requirements for technicians who work on natural gas-fueled appliances or combustion systems. The cost for the training and certification for each individual is estimated at approximately \$375. However, it is difficult to estimate how many people will seek such a certification, and thus difficult to determine the negative fiscal impact to the industry. The general public and the insurance industry could see a positive fiscal impact from the training and certification requirements, as there should be a decrease in injuries and damages sustained from improper installations or repair of natural gas-fueled systems. Ted Boyer, Executive Director

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig Cottle at the above address, by phone at 801-530-6375, by FAX at 801-530-6511, or by Internet E-mail at ccottle@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 07/15/2002

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 7/12/2002 at 9:00 AM, 160 East 300 South, Conference Room 4A (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/2002

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.
R156-55a. Utah Construction Trades Licensing Act Rules.
R156-55a-308a. Operating Standards for Schools or Colleges Licensed as Contractors.**

(1) Each school licensed as a B100 General Building Contractor or a R100 Residential and Small Commercial Contractor or both shall obtain all required building permits for homes built for resale to the public as part of an educational training program.

(2) Each employee that works as an instructor for a school licensed as a construction trades instructor shall:

(a) have on their person a school photo ID card with the trade they are authorized to teach printed on the card; and

(b) if instructing in the plumbing or electrical trades, they shall also carry on their person their Utah journeyman or residential journeyman plumber license or Utah journeyman, residential journeyman, master, or residential master electrician license.

(3) Each school licensed as a construction trades instructor shall not allow any teacher or student to work on any portion of the

project subcontracted to a licensed contractor unless the teacher or student are lawful employees of the subcontractor.

R156-55a-308b. Natural Gas Technician Certification.

(1) In accordance with Subsection 58-55-308(1), the scope of practice defined in Subsection 58-55-308(2)(a) requiring certification is further defined as the installation, modifications, repair or replacement of the gas piping, combustion air vents, exhaust venting system or derating of gas input for altitude of a residential or commercial gas appliance.

(2) An approved training program shall include the following course content:

- (a) general gas appliance installation codes;
- (b) venting requirements;
- (c) combustion air requirements;
- (d) gas line sizing codes;
- (e) gas line approved materials requirements;
- (f) gas line installation codes; and
- (g) methods of derating gas appliances for elevation.

(3) In accordance with Subsection 58-55-308(2)(c)(i), the following programs are approved to provide natural gas technician training, and to issue certificates or documentation of exemption from certification:

- (a) Federal Bureau of Apprenticeship Training;
- (b) Utah college apprenticeship program; and
- (c) Trade union apprenticeship program.

(4) In accordance with Subsection 58-55-308(2)(e), the approved programs set forth in paragraphs (2)(b) and (2)(c) herein shall require program participants to pass the Rocky Mountain Gas Association Gas Appliance Installers Certification Exam or approved equivalent exams established or adopted by a training program, with a minimum passing score of 80%.

(5) In accordance with Subsection 58-55-308(2)(e), a person who has not completed an approved training program, but has passed the Rocky Mountain Gas Association Gas Exam or approved equivalent exam established or adopted by an approved training program, with a minimum passing score of 80%, or the Utah Journeyman Plumber Exam, with a minimum passing score of 70%, shall be exempt from the certification requirement set forth in Subsection 58-55-308(2)(c)(i).

(6) Content of certificates of completion. An approved program shall issue a certificate, including a wallet certificate, to persons who successfully complete their training program containing the following information:

- (a) name of the program provider;
- (b) name of the approved program;
- (c) name of the certificate holder;
- (d) the date the certification was completed; and
- (e) signature of an authorized representative of the program provider.

(7) Documentation of exemption from registration. The following shall constitute documentation of exemption from certification:

- (a) certification of completion of training issued by the Federal Bureau of Apprenticeship Training;
- (b) current Utah journeyman plumber license; or
- (c) certification from the Rocky Mountain Gas Association or approved equivalent exam which shall include the following:
 - (i) name of the association, school, union, or other organization who administered the exam;
 - (ii) name of the person who passed the exam;

(iii) name of the exam;

(iv) the date the exam was passed; and

(v) signature of an authorized representative of the test administrator.

(8) Each person engaged in the scope of practice defined in Subsection 58-55-308(2)(a) and as further defined in Subsection (1) herein, shall carry in their possession documentation of certification or exemption.

KEY: contractors, occupational licensing, licensing
[March 19,]2002

Notice of Continuation January 15, 2002

58-1-106(1)

58-1-202(1)

58-55-101

58-55-308(1)

[58-55-301(1)]

58-55-102([22]34)

▼ ————— ▼

Commerce, Real Estate
R162-209
Administrative Proceedings

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24894

FILED: 05/31/2002, 11:44

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Informal advice received from the Utah Attorney General's Office indicated that this rule needed to be slightly revised to provide proper procedures for post-revocation hearings following the automatic revocation of a registration for failure to accurately disclose criminal background. Two minor technical corrections are also needed to Subsections R162-209-2(209.2.2) and R162-209-5(209.5.1).

SUMMARY OF THE RULE OR CHANGE: A registration is granted conditionally, subject to the outcome of a criminal background check. Subsection R162-209-2(209.2.6) is revised to reflect that the approval of an application is a conditional approval, subject to the outcome of the criminal background check. Subsection R162-209-4(209.4.1) is also revised to state that the post-revocation hearing must be requested within 30 days of the mailing of the revocation order instead of the mailing of the notice of agency action because it has been determined that a notice of agency action is not the proper document to use in the statutory automatic revocation process.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-46b-1 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: These are technical corrections to the rule which should not result in either costs or savings to the State budget.

❖ LOCAL GOVERNMENTS: None--This rule does not affect local government.

❖ OTHER PERSONS: None--Since these are only technical amendments, there should be no change in compliance costs for affected persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Since these are only technical amendments, there should be no change in compliance costs for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be no fiscal impact because these are technical amendments only.

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

COMMERCE
REAL ESTATE
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Shelley Wismer at the above address, by phone at 801-530-6761, by FAX at 801-530-6749, or by Internet E-mail at swismer@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 07/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/2002

AUTHORIZED BY: Ted Boyer Jr., Executive Director

R162. Commerce, Real Estate.

R162-209. Administrative Proceedings.

R162-209-1. Formal Adjudicative Proceedings.

Any adjudicative proceeding as to the following matters shall be conducted on a formal basis:

209.1.1. A disciplinary action commenced by the Division following investigation of a complaint; and

209.1.2. Any proceedings conducted subsequent to the issuance of a cease and desist order.

R162-209-2. Informal Adjudicative Proceedings.

209.2.1. All adjudicative proceedings as to any other matters not specifically designated as formal adjudicative proceedings shall be conducted as informal adjudicative proceedings.

209.2.2. A hearing will be held in an informal adjudicative proceeding only if required or permitted by the Utah Residential Mortgage Practices Act or by these rules.

209.2.3. A party is not required to file a written answer to a notice of agency action from the Division in an informal adjudicative proceeding.

209.2.4. All proceedings on original or renewal applications for registration will be conducted as informal adjudicative proceedings.

209.2.5. Any application form which is filled out and submitted to the Division for registration or renewal of registration shall be deemed a request for agency action pursuant to the Utah Administrative Procedures Act, Section 64-46b-1, et seq.

209.2.6. Within a reasonable time after receipt of an application, the Division shall:

(a) issue and mail a registration to the applicant, which shall be deemed notification that the application is granted conditionally subject to the outcome of the criminal background check;

(b) notify the applicant that the application is incomplete or that further information is needed;

(c) notify the applicant that a hearing shall be scheduled before the Utah Residential Mortgage Regulatory Commission; or

(d) notify the applicant that the application is denied, and, if the proceeding is one in which a hearing is permitted, that he may request a hearing to challenge the denial.

209.2.7. Other Requests for Agency Action. All other requests for agency action shall be in writing and signed by the requestor, and shall contain the following:

(a) the names and addresses of all persons to whom a copy of the request for agency action is being sent;

(b) the agency's file number or other reference number, if known;

(c) the date of mailing of the request for agency action;

(d) a statement of the legal authority and jurisdiction under which the agency action is requested, if known;

(e) a statement of the relief or action sought from the Division; and

(f) a statement of the facts and reasons forming the basis for relief or agency action.

209.2.8. Within a reasonable time after receipt of a request for agency action other than an application for original or renewal registration, the Division shall:

(a) notify the requestor in writing that the request is granted;

(b) notify the requestor that the request is incomplete or that further information is needed before the Division is able to make a determination on the request;

(c) notify the requestor that the Division does not have the legal authority or jurisdiction to grant the relief requested or the action sought; or

(d) notify the requestor that the request is denied, and, if the proceeding is one in which a hearing is permitted, that he may request a hearing to challenge the denial.

209.2.9. A complaint against a registrant requesting that the Division commence an investigation or a disciplinary action is not a request for agency action pursuant to the Utah Administrative Procedures Act, Section 64-46-1, et seq.

R162-209-3. Hearings Not Required.

A hearing is not required and will not be held in the following informal adjudicative proceedings:

(a) The issuance of an original or renewal registration when the application has been approved by the Division;

(b) The issuance of any interpretation of statute, rule or order, or the issuance of any written opinion or declaratory order determining the applicability of a statute, rule or order, when enforcement or implementation of the statute, rule or order lies within the jurisdiction of the Division; or

(c) The denial of an application for original or renewal registration on the ground that it is incomplete.

R162-209-4. Hearings Permitted.

209.4.1. An informal post-revocation hearing following the revocation of a registration pursuant to Utah Code Section 61-2c-202(4)(d) for the failure of a person to accurately disclose his criminal history will be held only if requested in writing by the person within 30 days from the date the Division's [~~notice of agency action~~]order revoking the registration was mailed.

R162-209-5. Procedures for Hearing in Informal Adjudicative Proceedings.

209.5.1. Notice of hearing. Upon the scheduling of a hearing by the Division on an application for registration or upon receipt of a timely request for a hearing where other hearings are permitted, the Division shall mail written notice of the date, time, and place scheduled for the hearing at least ten days prior to the hearing.

209.5.2. Discovery is prohibited, but the Division may issue subpoenas or other orders to compel production of necessary evidence. All parties shall have access to the Division's files and all materials and information gathered in any investigation to the extent permitted by law.

209.5.3. Intervention is prohibited.

209.5.4. Hearings shall be open to all parties, except that a hearing on an applicant's fitness for registration shall be conducted in a closed session which is not open to the public. The parties named in the notice of agency action or the request for agency action may be represented by counsel and shall have the opportunity to testify, present witnesses and other evidence, and comment on the issues.

209.5.5. Within a reasonable time after the hearing, the presiding officer shall cause to be issued and sent to the parties a signed order based on the facts appearing in the agency's files and on the facts presented in evidence at the hearing. The order shall state the decision and the reasons therefor and a notice of the right of administrative review and judicial review available to the parties including applicable time limits.

KEY: residential mortgage loan origination
~~[April 13, 2001]~~2002
 63-46b-4



Insurance, Administration
R590-154
 Unfair Marketing Practices Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24890

FILED: 05/31/2002, 09:35

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The insurance industry requested changes and clarifications to the individual and agency name requirements.

SUMMARY OF THE RULE OR CHANGE: In Section R590-154-1, an additional code section is cited. In Section R590-154-2, added all licensees to the scope of the rule. In Section R590-154-3, changed the definitions for "Agency" and "Producer." In Section R590-154-5, clarified use of producer or consultant agency licensee name. In Section R590-154-6, added the

use of individual licensee name. Section R590-154-7 is a new section related to sale, solicitation, or negotiation of insurance.

Section R590-154-8 is reformatted. In Section R590-154-9, clarified that bartering is a transaction. In Section R590-154-10, added the word "similar," so "other programs" are included in the enumerated programs. Section R590-154-11 is reformatted. In Sections R590-154-12 and R590-154-13, replaced multiple licensing organization terms with the term "All licensees." In Section R590-154-14, clarified that an individual resident licensee may not sell, solicit, or negotiate insurance in another jurisdiction. Section R590-154-15 is reformatted. Added Section R590-154-17, a new enforcement section providing 45 days after the rule goes into effect to comply with the new provisions of the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-23-203

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The changes to the rule clarify unfair marketing practices and will have no impact on the cost or savings to the state budget.

❖ LOCAL GOVERNMENTS: This rule will not affect local government since the rule applies only to licensees of the department.

❖ OTHER PERSONS: The only change to the rule that may have a fiscal impact on others is that in Sections R590-154-5 and R590-154-7 relating to use of licensee's name in advertising, on business cards, letterheads, etc. Licensees have been advised of this requirement when they are licensed and most comply with it. The cost to those not in compliance will differ from licensee to licensee.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only change to the rule that may have a fiscal impact on others is that in Sections R590-154-5 and R590-154-7 relating to use of licensee's name in advertising, on business cards, letterheads, etc. Licensees have been advised of this requirement when they are licensed and most comply with it. The cost to those not in compliance will differ from licensee to licensee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes to this rule will have no overall cost or savings to businesses.

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

INSURANCE
 ADMINISTRATION
 Room 3110 STATE OFFICE BLDG
 450 N MAIN ST
 SALT LAKE CITY UT 84114-1201, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at 801-538-3803, by FAX at 801-538-3829, or by Internet E-mail at jwhitby@insurance.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 PM on 07/25/2002

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 7/17/2002 at 10:00 AM, State Office Building, Room 5112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/26/2002

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-154. Unfair Marketing Practices Rule.

R590-154-1. Authority.

This rule is adopted pursuant to Subsection 31A-2-201(3) in which the commissioner is empowered to adopt rules to implement the provisions of the Utah Insurance Code and Subsection 31A-23-302(8), [~~Utah Code Annotated (U.C.)~~], which provides that the commissioner may find certain practices to be misleading, deceptive, unfairly discriminatory, provide an unfair inducement, or unreasonably restrain competition, and to prohibit them by rule.

R590-154-2. ~~Definitions~~ Purpose and Scope.

[~~A. Agency means an-~~]The purpose of this rule is to provide guidance to all licensees regarding unfair marketing practices.

R590-154-3. Definitions.

A. "Agency" means

1. A person other than an individual, including a sole proprietorship by which a natural person does business under an assumed name; and

2. An insurance organization licensed or required to be licensed under [~~Utah Code Annotated, -~~]Section 31A-23-~~[212(2)]212(3)~~.

B. "Barter" means the sale of an insurance or annuity contract for anything of value other than cash or other negotiable instruments.

C. [~~Producer means an insurance agent, broker or consultant~~] "Producer" means a person licensed or required to be licensed under [~~Part II, Chapter 23 of Title 31A, U.C.~~]the laws of this state to sell, solicit, or negotiate insurance. With regards to the selling, soliciting, or negotiating of an insurance product to an insurance customer or an insured:

1. "Producer for the insurer" means a producer who is compensated directly or indirectly by an insurer for selling, soliciting, or negotiating any product of that insurer.

2. "Producer for the insured" means a producer who is compensated directly and only by an insurance customer or an insured and receives no compensation directly or indirectly from an insurer for selling, soliciting, or negotiating any product of that insurer to that insurance customer or insured.

R590-154-~~3~~4. Findings.

The commissioner finds that each of the practices prohibited in this rule constitute misleading, deceptive or unfairly discriminatory practices or provide an unfair inducement or unreasonably restrain competition, except as specifically allowed in this rule.

R590-154-~~4~~5. Producer, Limited Lines Producer or Consultant Agency [~~Names~~]Name.

A. [~~No~~]An insurance producer, limited lines producer or consultant agency licensed [~~in the State of Utah may~~]under the laws of this state shall not use any name that is:

(1) misleading or deceptive[~~as to the true nature or purpose of the organization, or which deceptively~~];

(2) likely to be mistaken for another licensee already in business; or

(3) implies association or connection with any other organization where actual bona fide association or connection does not exist.

B. [~~All insurance agencies licensed~~]A producer, limited line producer or consultant agency licensee shall comply with either Subsection 154-6.B.1. or B.2.

1. The agency shall include words such as "insurance agency" or "insurance consultant" or other similar words in the agency's name.

(a) Other similar words such as "insurance services", "insurance benefits", "insurance counselors", or "insurance advisors" may also be used.

(b) "Insurance consulting," "insurance consultants" or similar words shall only be used if the agency is licensed as a consultant.

2. The agency shall state that the licensee is an insurance agency in any letterhead, business cards, advertising, slogan, emblem, or other promotional material used or distributed by the agency in the State of Utah [~~shall include the words "insurance agency" or "insurance brokerage" where applicable, or similar words establishing the status of the agency as an insurance agency or brokerage unless the agency can establish to the satisfaction of the commissioner that the solicitation or sale of insurance is only an incidental part of the function of the agency. This Section shall not be enforced against insurance agencies licensed and doing business in the State of Utah at the time of the adoption of this rule until the agency otherwise alters or changes its name, or the commissioner specifically finds the name to be deceptive and orders the name to be changed.~~

~~C. All agencies licensed in the State of Utah shall use the full and correct name of the agency, as it appears on the agency's license, in any and all advertising or promotional material used or distributed by the agency in the State of Utah].~~

R590-154-6. Individual Licensee Name.

A. An individual shall be licensed using the individual's full legal name - first name or initial, middle name or initial, last name, suffix, jr/sr/II/III/etc.

B. An individual may file with the department a preferred name or nickname to use in combination with the individual's full legal name.

R590-154-7. Sale, Solicitation, or Negotiation of Insurance.

A. An individual licensee and a producer, limited line producer or consultant agency licensee shall not mislead or deceive a person or organization through oral contact or through any letterhead, business cards, advertising, slogan, emblem, or other promotional material used or distributed in Utah by:

1. failing to disclose that the licensee is an individual insurance licensee or a producer, limited line producer or consultant agency licensee in every oral or written contact; or

2. using or implying license classifications not held by the individual licensee or natural persons designated to the producer, limited line producer or consultant agency licensee; or

3. using a name other than the exact name appearing on the producer, limited line producer or consultant agency license; or

4. using a name other than the individual licensee's full legal name exactly as filed with the department; or

5. using an individual's preferred name or nickname when the preferred name or nickname has not been filed with the department; and

6. using the initial rather than the full first or middle name is not a violation of this section.

B. An individual may only use the name of a producer, limited line producer or consultant agency that has its own separate agency license if the individual licensee is designated to act under that agency's license.

C. An individual may not sell, solicit, or negotiate insurance as a producer, limited line producer or consultant agency unless the individual has a separate producer, limited line producer or consultant agency license and the individual is designated to act under the agency's license.

R590-154-[5]8. Claiming or Representing Department Approval.

~~[No]~~A. A licensee may not represent, either directly or indirectly, that the Utah Insurance Department, the ~~[H]~~[I]insurance ~~[C]~~[E]commissioner, or any employee of the department, has approved, reviewed, endorsed, or in any way favorably passed upon any marketing program, insurance product, insurance company, practice or act.

B. A licensee may report the fact of the filing of any form, financial report, or other document with the Insurance Department, or of licensure, examination or other action involving the department, or the commissioner but may not misrepresent their effect or import.

R590-154-[6]9. Bartering for Insurance.

Any licensee bartering for the sale of insurance or an annuity contract shall fully document the receipt of goods, services or other thing of value, establishing the value of the thing received and how the value was established, from whom received, the date received, and the premium cost of the insurance or annuity contract bartered for, and shall retain said documentation for three years following the expiration of the policy period or bartering transaction, whichever is longer. Any licensee bartering for the sale of an insurance or annuity contract shall disclose at the time of application to the insurer said bartering arrangement.

R590-154-[7]10. Prohibited Insurance Sales Tie-Ins.

Multi-level marketing programs, investment programs, memberships, or other similar programs, designed or represented to produce or provide funds to pay all or any part of the cost of insurance constitutes an illegal inducement. This does not preclude the provision of insurance through a bona fide employee benefits program.

R590-154-[8]11. Inducements, Gifts and Merchandise Given in Connection With Solicitation or Sale of Insurance.

A. ~~[No]~~A licensee may not give or offer to give any prizes, goods, wares, merchandise or item of value as an inducement to enter into any insurance or annuity contract or as an inducement to

receive a quote, submit an application or in connection with any other solicitation for the sale of an insurance or annuity contract. However, anything with an acquisition cost of \$3.00 or less shall not be considered an inducement.

B. Subsection A of this section does not prohibit the giving of promotional gifts or merchandise that is generally available to the public and not given in a manner to constitute an inducement to receive a quote or other solicitation or to purchase any insurance or annuity contract, nor does it prohibit insurers from providing sales incentives to producers.

C. This section does not prohibit the usual kinds of social courtesies as long as they are not related to a particular transaction as stated in Subsection 31A-23-302(2)(a)~~[U-C]~~. If the receiving of the social courtesy is dependant on obtaining a quote, submitting an application or purchasing a policy or contract, it is related to a particular transaction.

D. This section does not apply to title insurers or agents. Rule R590-153 is the applicable rule for the marketing of title insurance.

R590-154-[9]12. Commission Contributions.

~~[No insurer, organization, broker or agent shall]~~A licensee shall not give or offer to give a premium reduction by means of commission contribution back to the insurer for any purpose, including competition, unless the reduction is for expense savings and is justified by a reasonable standard and with reasonable accuracy. The insurer's underwriting files must document the savings in order to enable the commissioner to verify compliance. This documentation must demonstrate legitimate expense savings realized by the ~~[company]~~insurer and ~~[the]~~its agent.

R590-154-[10]13. Prohibited Financing Arrangements.

~~[No organization, broker, agent or other person may]~~A licensee may not obtain or arrange for third party financing of premium without the knowledge and consent of the insured.

R590-154-[11]14. Acting as ~~[Agent]~~An Individual or Agency Licensee in Other Jurisdictions.

~~[Any resident agent, broker or agency]~~An individual or agency licensee licensed in the State of Utah under a resident license, may not ~~[operate as an agent, broker or agency in another jurisdiction, or]~~sell, solicit, or negotiate insurance in another jurisdiction unless licensed or permitted by law to do so in that jurisdiction.

R590-154-[12]15. Use of Comparative Information.

A. Every insurer marketing insurance in the State of Utah shall establish written marketing procedures to assure that any comparison of insurance contracts, annuities or insurance companies by its ~~[agents or other]~~ producers will be fair and accurate.

B. ~~[No]~~A licensee may not use any published rating information regarding an insurer in connection with the marketing of any insurance contract or annuity unless that person also provides at the same time an explanation of what the rating means as defined by the rating service.

R590-154-[13]16. Disclosure of Insurer in Group Insurance.

Every certificate of insurance or booklet describing coverage of a group insurance policy shall prominently state on the cover of the certificate or booklet the name of the actual insurer.

R590-154-17. Enforcement Date

The commissioner will begin enforcing the revised provisions of this rule 45 days from the rule's effective date.

R590-154-[14]18. Severability.

If any provision of this rule or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of such provision to other persons or circumstance ~~may~~ shall not be affected thereby.

KEY: insurance

~~1993~~2002

Notice of Continuation June 10, 1998

31A-2-201

31A-23-302

▼ ————— ▼

**Natural Resources, Parks and
Recreation
R651-611-3
Camping Fees**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24881

FILED: 05/30/2002, 11:51

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment is being submitted to better enable the state to address the issue of charging for extra vehicles at Wasatch Mountain State Park, which are those vehicles that are not attached to the primary vehicle at each camp site. State Parks have experienced many who "drop over" to visit with campers and end up staying the night, those who want to just come in for a minute and spend hours utilizing the water, facilities, and taking up space. This amendment will help those who are camping to always have a place to park at their camp site and charge others who enter the park to visit and/or use the facilities while they visit.

SUMMARY OF THE RULE OR CHANGE: State Parks feels that this change in fees for extra vehicles will help alleviate and minimize the amount of vehicles that are constantly operating within Wasatch Mountain State Park and will charge them accordingly, discouraging those who just try to not pay a fee, and encouraging those at the camp site to make sure they have just their vehicle and any attached vehicles in the camp site they have reserved.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 63-11-17(2)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The state budget will be increased by the fees that may be collected. At this point there is no way to estimate that number. The cost for the extra vehicles would be \$4 to \$10 depending on park amenities according to the

fee schedule as it states that normal cost for camping is between \$8 and \$20 and the extra vehicle fee is for half the normal cost.

❖ **LOCAL GOVERNMENTS:** Local government would have no aggregated cost or savings anticipated regarding this rule amendment. It is a state budgetary item.

❖ **OTHER PERSONS:** Those camping who have extra vehicles or friends visiting with extra vehicles will pay one-half of the camping fee for the extra vehicles. Normal cost by fee schedule ranges from \$8 to \$20 per night depending on hookups and toilets/shower availability. Therefore, the charge for extra vehicles would be \$4 to \$10.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule amendment for the public would mean charging them for all extra vehicles they decide to bring into Wasatch Mountain State Park. Fees for those extra vehicles would be \$4 to \$10 depending on the camp sites rented.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Department finds that this rule has no fiscal impact on businesses.

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

NATURAL RESOURCES
PARKS AND RECREATION
Room 116
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-538-7378, or by Internet E-mail at nrdpr.dguess@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 PM on 07/31/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/2002

AUTHORIZED BY: Dave Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.

R651-611. Fee Schedule.

R651-611-3. Camping Fees.

Permits overnight camping and day use for the day of arrival until 2:00 p.m. of the following day or each successive day. Camp sites must be vacated by 12:00 noon following the last camping night at Dead Horse Point. Camping is limited to 14 consecutive days at all campgrounds with the exception of Snow Canyon State Park, with a five (5) consecutive day limit.

A. Individual Sites -- One (1) vehicle with up to eight (8) occupants and any attached recreational equipment as one (1) independent camp unit. Any vehicles in addition to the independent camp unit will be charged the full price for a campsite. Fees for individual sites are based on the following schedule:

1. \$8.00 with pit or vault toilets; \$11.00 with flush toilets; \$14.00 with flush toilets and showers or electrical hookups; \$17.00 with flush toilets, showers and electrical hookups; \$20.00 with full hookups.

2. Primitive camping fees may be decreased at the park manager's discretion dependent upon the developed state of the facilities to be used by park visitors. Notification of the change must be made to the Division's financial manager and reservations manager before the reduced fee can be made effective.

3. Special Fun Tag holders may receive a \$2.00 discount for individual camping sites Monday through Thursday nights, excluding holidays.

4. One-half the campsite fee rounded up to the nearest dollar will be charged per vehicle at all parks and individual camping sites for all additional transportation vehicles that are separate and not attached to the primary vehicle, but are dependent upon that are allowed at any individual camp unite. No more than one additional vehicle is allowed at any individual campsite.

B. Group Sites - (by advance reservation for groups)

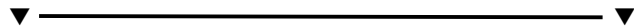
1. \$2.00 per person, age six (6) and over at sites with vault toilets. Minimum \$50.00 fee for each facility.

2. \$3.00 per person, age six (6) and over at sites with flush toilets and/or pavilions. Minimum \$75.00 fee for each facility, except Dead Horse Point with a minimum of \$25.00.

KEY: parks, fees

~~January 1, 2002~~

Notice of Continuation August 7, 2001
63-11-17(2)



Natural Resources, Parks and Recreation **R651-611-4** Special Fees

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24882

FILED: 05/30/2002, 11:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment is to add a surcharge for the booking of golfing tee times at lodging establishments who obtain a block of tee times from Wasatch Mountain State Park (WMSP) and then provide their patrons the opportunity to reserve a tee time from that block. Unfilled tee times are returned to the park for use by the general golfing public. They are returned one week before the tee time is scheduled. This surcharge is \$10 per 18 holes of golf from the reserved list.

SUMMARY OF THE RULE OR CHANGE: Adds a surcharge of \$10 for booking advance tee times from the block of tee times made available to patrons of local lodging establishments. Any tee times remaining will be returned for public use one week prior to tee time schedule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63-11-17

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Every person who stays at a local lodging establishment and wants to golf, then uses the block at that establishment to schedule a tee time at WMSP Golf Course to save the time and effort of setting up their times to golf, will pay a surcharge of \$10 for that service. This will be the first season this amendment is in place so we cannot predict how many will avail themselves of this opportunity to reserve golfing tee times.

❖ LOCAL GOVERNMENTS: Because this is a state service for a state park, cost or savings to local government will not happen. The only possible effect is that local golf courses in the state may at some time set up their own surcharge or may have a surcharge right now with local businesses and lodging establishments.

❖ OTHER PERSONS: Those who wish to reserve a golfing tee time from a block of times given provided to local lodging establishments by WMSP, may do so at their lodging without having to make calls and get in touch with the golf course. They will pay \$10 for that service for each 18 holes they play. There is not way to predict how many will use this service, but the park will be monitoring and keeping reports so there will be a more definitive number after a season using this amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Visitors at lodging establishments who wish to reserve a tee time from a block of tee times set aside by WMSP at that establishment, will pay a fee of \$10 for the reservation.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The department finds there will be no fiscal impact from this rule on businesses.

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

NATURAL RESOURCES
PARKS AND RECREATION
Room 116
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-538-7378, or by Internet E-mail at nrdpr.dguess@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 PM on 07/31/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 08/01/2002

AUTHORIZED BY: Dave Morrow, Deputy Director

R651. Natural Resources, Parks and Recreation.**R651-611. Fee Schedule.****R651-611-4. Special Fees.**

- A. Golf Course Fees
1. Jordan River rental and green fees
 - a. Nine holes general public - weekends and holidays - summer - \$6.50
 - b. Nine holes weekdays (except holidays) - summer - \$5.50
 - c. Nine holes Jr/Sr weekdays (except holidays) - summer) - \$4.50
 - d. Nine holes general public (winter) - \$4.50
 - e. Nine holes Jr/Sr (winter) - \$3.50
 - f. All day rate weekdays (winter) - \$8.00
 - g. All day rate weekends and holidays (winter) - \$10.00
 - h. 20 round card pass - \$75.00
 - i. Promotional pass weekdays (except holidays) - \$250.00
 - j. Companion fee - adult - \$2.00
 - k. Companion fee - child - \$1.00
 - l. Motorized cart (9 holes) - Prohibited
 - m. Pull carts (9 holes) - \$1.00
 - n. Club rental - \$3.00
 - o. Summer season is April through October and the winter season is November through March.
 2. Palisade rental and green fees.
 - a. Nine holes general public - weekends and holidays - \$10.00
 - b. Nine holes weekdays (except holidays) - \$9.00
 - c. Nine holes Jr/Sr weekdays (except holidays) \$8.00
 - d. 20 round card pass - \$140.00
 - e. 20 round card pass (Jr only)- \$100.00
 - f. Promotional pass - single person (any day) - \$400.00
 - g. Promotional pass - single person (weekdays only) - \$275.00
 - h. Promotional pass - couples (any day) - \$650.00
 - i. Promotional pass - family (any day) - \$850.00
 - j. Companion fee - walking, non -player - \$4.00
 - k. Motorized cart (9 holes) - \$8.00
 - l. Motorized cart (9 holes single rider) - \$4.00
 - m. Pull carts (9 holes) - \$2.00
 - n. Club rental (9 holes) - \$5.00
 - o. School teams - No fee for practice rounds with coach and team roster. Tournaments are \$3.00 per player.
 - p. Driving range - small bucket - \$2.50
 - q. Driving range - large bucket - \$3.50
 3. Wasatch Mountain rental and green fees.
 - a. Nine holes general public - \$11.50
 - b. Nine holes general public (weekends and holidays) - \$12.50
 - c. Nine holes Jr/Sr weekdays (except holidays) - \$10.50
 - d. 20 round card pass - \$210.00 - no holidays or weekends
 - e. Companion fee - walking, non-player - \$4.00
 - f. Motorized cart (9 holes - mandatory on Mt. course) - \$11.00
 - g. Motorized cart (9 holes single rider - \$5.50)
 - h. Pull carts (9 holes) - \$2.25
 - i. Club rental (9 holes) - \$6.00
 - j. School teams - No fee for practice rounds with coach and team roster (Wasatch Co. only).
Tournaments are \$3.00 per player.
 - k. Tournament fee (per player) - \$4.00
 - l. Driving range - small bucket - \$2.25
 - m. Driving range - large bucket - \$4.50
 - n. Advance tee time booking surcharge - \$10.00
 4. Green River rental and green fees.
 - a. Nine holes general public - \$9.00

- b. Nine holes Jr/Sr weekdays (except holidays) - \$8.00
 - c. Eighteen holes general public - \$16.00
 - d. 20 round card pass - \$130.00
 - e. Promotional pass - single person (any day) - \$325.00
 - f. Promotional pass - single person (Jr/Sr weekdays) - \$275.00
 - g. Promotional pass - couple (any day) - \$600.00
 - h. Promotional pass - family (any day) - \$750.00
 - i. Companion fee - walking, non-player - \$4.00
 - j. Motorized cart (9 holes) - \$8.00
 - k. Motorized cart (9 holes single rider) - \$4.00
 - l. Pull carts (9 holes) - \$2.25
 - m. Club rental (9 holes) - \$5.00
 - n. School teams - No fee for practice rounds with coach and team roster. Tournaments are \$3.00 per player.
 5. Golf course hours are daylight to dark
 6. No private, motorized golf carts are allowed, except where authorized by existing contractual agreement.
 7. Jr golfers are 17 years and under. Sr golfers are 62 and older.
- B. Boat Mooring and Dry Storage
1. Mooring Fees:
 - a. Day Use - \$5.00
 - b. Overnight Boat Parking - \$7.00 (until 8:00 a.m.)
 - c. Overnight Boat Camping - \$10.00 (until 2:00 p.m.)
 - d. Monthly - \$4.00/ft.
 - e. Monthly with Utilities - (Bear Lake) \$6.00/ft.
 - f. Monthly with Utilities - (Other Parks) \$5.00/ft.
 - g. Monthly Off Season - \$2.00/ft
 - h. Monthly (Off Season with utilities) - \$2.50/ft
 2. Dry Storage Fees:
 - a. Overnight (until 2:00 p.m.) - \$5.00
 - b. Monthly During Season - \$50.00
 - c. Off Season - \$25.00
- C. Meeting Rooms and Buildings
1. Day Use: 1-4 hours between 8:00 a.m. and 6:00 p.m.
 - a. Up to 50 persons - \$50.00
 - b. 51 to 100 persons - \$70.00
 - c. 101 to 150 persons - \$90.00
 - d. Add 50% for after 6:00 p.m.
 - e. Fees include day use fee
 2. Overnight Use 2:00 p.m. until 2:00 p.m., up to 100 people.
 - a. Minimum Fee \$200.00
 - b. November through March - Add 10%
- D. Roller Skating Fees

TABLE 5

Public Hours	Territorial	
	Two Hour Sessions	
1. Adults		\$2.00
2. Children 6 through 11		\$1.00
3. Skate Rental		\$1.00
4. Ice Skate Sharpening		
5. Group Reservations		
a. First Hour		\$30.00
b. Every Hour Thereafter		\$20.00

E. Other Miscellaneous Fees

1. Canoe Rental (includes safety equipment).
 - a. Up to one (1) hour - \$ 5.00
 - b. Up to four (4) hours - \$10.00
 - c. All day to 6:00 p.m. \$20.00
2. Paddle boat Rental (includes safety equipment).
 - a. Up to one (1) hour \$10.00

- b. Up to four (4) hours \$20.00
- c. All day to 6:00 p.m. \$30.00
- 3. Cross Country Skiing Trails.
 - a. \$4.00 per person, twelve (12) and older.
 - b. \$2.00 per person, six (6) through eleven (11).
- 4. Pavilion - 8:00 a.m. - 10:00 p.m. (non -fee areas).
 - a. \$10.00 per day - (single unit).
 - b. \$30.00 per day - (group unit).
- 5. Recreation Field (non-fee areas) - \$25.00.
- 6. Sports Equipment Rental - \$10.00.
- 7. Life Jacket Rental - \$1.00
- 8. Day Use Shower Fee - \$2.00.
(where facilities can accommodate)
- 9. Application Fees - Non -refundable PLUS Negotiated Costs.
 - a. Grazing Permit - \$20.00
 - b. Easement - \$50.00
 - c. Construction/Maintenance - \$50.00
 - d. Special Use Permit - \$50.00
 - e. Commercial Filming - \$50.00
 - f. Waiting List - \$10.00
- 10. Assessment and Assignment Fees.
 - a. Duplicate Document - \$10.00
 - b. Contract Assignment - \$20.00
 - c. Returned checks - \$20.00
 - d. Staff time - \$40.00/hour
 - e. Equipment - \$30.00/hour
 - f. Vehicle - \$20.00/hour
 - g. Researcher - \$5.00/hour
 - h. Photo copy - \$.10/each
 - i. Fee collection - \$10.00
- 11. Curation Fees.
 - a. Annual curation agreement \$50.00
 - b. Curation storage Edge of Cedars \$400.00/cubic foot.
 - c. Curation storage other parks \$250.00/cubic foot
 - d. All curation storage fees are one time only.
- 12. Snowmobile Parking Fee - Monte Cristo Trail head.
 - a. Day use (6:00 a.m. to 10:00 p.m.) - \$3.00
 - b. Overnight (10:00 p.m. to 10:00 p.m.) - \$5.00
 - c. Season Pass (Day use only) - \$30.00
 - d. Season Pass (Overnight) - \$50.00

KEY: parks, fees**[January 1, 2002****Notice of Continuation August 7, 2001****63-11-17-(2)**

▼ ————— ▼

School and Institutional Trust Lands, Administration

R850-100

Trust Land Management Planning

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 24886

FILED: 05/30/2002, 16:07

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: A review of this rule revealed that it was out-dated and could prove a hindrance to appropriate planning as envisioned by the Administration and Board. This rule change should allow for better management planning of trust assets.

SUMMARY OF THE RULE OR CHANGE: The Scope (R850-100-200) and Notification and Public Comment (R850-100-300) sections of this rule are obsolete and present a hindrance to appropriate planning under management objectives. These two sections will be removed and the remaining section renumbered to allow the Administration to better manage trust assets.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 53C-1-302(1)(a)(ii) and 53C-2-201(3)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** It is anticipated that the deletion of these sections will result in a savings to the agency by avoiding costly litigation on planning procedures that would not be effective for prudent trust management. It also removes the obligation for a planning process which would be expensive but ineffective in pursuing the goals and objectives of the trust beneficiaries.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local government associated with this proposed rule change because the only effect it could have is to eliminate time delays in doing business with us.

❖ **OTHER PERSONS:** There are no anticipated costs or savings to other persons associated with this proposed rule change because the only effect on them would be to eliminate any time delays associated with doing business on trust lands.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Deletion of these sections would not create any additional compliance costs for affected persons. Streamlining our planning process will only eliminate any time delays associated with doing business on trust lands.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: It is expected that this rule change will streamline planning efforts on trust lands. It is not anticipated that there would be any fiscal impact on businesses as a result of this change. Arguably, a more streamlined planning process could impose less costs associated with time delays on businesses using trust lands, but the amount would be unquantifiable.

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

SCHOOL AND INSTITUTIONAL TRUST LANDS
ADMINISTRATION
Room 500
675 E 500 S
SALT LAKE CITY UT 84102-2818, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kevin S. Carter at the above address, by phone at 801-538-5160, by FAX at 801-355-0922, or by Internet E-mail at kevincarter@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 07/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/2002

AUTHORIZED BY: Kevin S. Carter, Deputy Director

R850. School and Institutional Trust Lands, Administration.**R850-100. Trust Land Management Planning.****R850-100-100. Authorities.**

This rule implements Sections 6, 8, 10, and 12 of the Utah Enabling Act, Articles X and XX of the Utah Constitution, and Sections 53C-1-302(1)(a)(ii) and 53C-2-201(3) which require that planning procedures be developed for trust lands, and for the opportunity for the public to participate in the planning process.

~~R850-100-200. Scope.~~

~~This rule sets forth the planning procedure for natural and cultural resources, and other assets of the school and institutional trusts.~~

~~1. The agency shall provide for a statewide inventory of assets. The inventory shall include, but shall not be limited to, potential surface and sub-surface uses of trust assets.~~

~~2. Based upon the inventory, the agency shall develop a statewide management plan which shall include the following components:~~

- ~~(a) a five year strategic plan;~~
- ~~(b) one year tactical plans;~~
- ~~(c) identification of appropriate performance measures; and~~
- ~~(d) other items as deemed appropriate by the director.~~

~~3. During the planning process, management actions by the director shall be conducted pursuant to rules specific to that action. No additional planning shall be prerequisite to management actions by the director.~~

~~R850-100-300. Notification and Public Comment.~~

~~The agency shall provide for public input into the development of the statewide management plan by:~~

~~1. (a) Conducting at least one public meeting in each of the seven Associations of Government regions;~~

~~i) at the commencement of the planning process; and~~

~~ii) upon issuance of a draft statewide plan.~~

~~(b) Prior to conducting the public meetings required in R850-100-300(1)(a), the agency shall:~~

~~i) advertise once a week for two consecutive weeks in a paper of general circulation in the area where the meeting is to be held;~~

~~ii) notify any parties who have requested notice; and~~

~~iii) notify the school and institutional trust land beneficiaries;~~

~~(2). Notifying the Resource Development Coordinating Committee (RDCC) of the commencement of the planning process;~~

~~(3). Submitting the draft plan to the RDCC for review and comment; and~~

~~(4). Inviting, at the discretion of the director, participation from commodity interests and users that:~~

~~(a) represent organizations that produce significant trust revenues, and~~

~~(b) which would be expected to provide input beneficial to accomplishing the purpose of the agency as set forth in Section 53C-1-102.]~~

R850-100-[400]200. Simultaneous Use of Trust Land Assets.

The agency shall encourage the simultaneous use of compatible, revenue generating activities on trust lands.

R850-100-[500]300. Joint Planning.

The agency may participate in joint planning with other land management agencies when the director determines that the commitment of agency resources is justified.

R850-100-[600]400. Assessments of Natural and Cultural Resources.

1. The RDCC process provides a natural resource assessment for purposes of trust land management. No other natural resource analysis is required beyond consultation with the RDCC. The public may comment on proposed trust land uses through the RDCC process.

2. Cultural resource analysis on specific actions shall be conducted pursuant to R850-60.

KEY: management, [public meetings,] natural resource assessment, land use

[1995] July 16, 2002

Notice of Continuation August 18, 1997

53C-1-302(1)(a)(ii)

53C-2-201(3)



Tax Commission, Auditing
R865-20T-10
 Procedures for the Renewal and
 Reinstatement of Licenses Issued
 Pursuant to Utah Code Ann. Section
 59-14-202

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 24883

FILED: 05/30/2002, 12:19

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Sections 59-14-203.5 and 59-14-301.5 indicate that if an enforcing agency advises the Tax Commission to revoke a cigarette license, the entity whose license has been revoked may not sell tobacco for one year after the date of the violation for which the license was revoked.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment indicates that the one-year cigarette license revocation for

selling cigarettes to under-age individuals begins on the date the Tax Commission is notified by an enforcing agency to revoke the cigarette license. This mirrors current Tax Commission practice.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 59-14-202, 59-14-203.5, 59-14-301.5, and 59-14-301.5

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--The one-year revocation period is a statutory requirement. The amendment notifies licensees how that one-year period will be determined. This rule mirrors current Tax Commission practice.

❖ LOCAL GOVERNMENTS: None--The one-year revocation period is a statutory requirement. The amendment notifies licensees how that one-year period will be determined. This rule mirrors current Tax Commission practice.

❖ OTHER PERSONS: None--The one-year revocation period is a statutory requirement. The amendment notifies licensees how that one-year period will be determined. This rule mirrors current Tax Commission practice.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The proposed amendment mirrors current Tax Commission practice.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact as a result of this amendment.

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

TAX COMMISSION
AUDITING
210 N 1950 W
SALT LAKE CITY UT 84134, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at cle@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 PM on 07/15/2002.

THIS RULE MAY BECOME EFFECTIVE ON: 07/16/2002

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.

R865-20T. Tobacco Tax.

R865-20T-10. Procedures for the Revocation, Renewal, and Reinstatement of Licenses Issued Pursuant to Utah Code Ann. [Section] Sections 59-14-202, 59-14-203.5, and 59-14-301.5.

A. In order to renew a license issued under Sections 59-14-202 and 59-14-301, a licensee shall file form TC-38B, Cigarette and Tobacco Products License Renewal Application, with the Tax Commission on or before the last day of the month prior to the month in which the license expires.

1. The form shall be accompanied by the statutory renewal fee.

B. A license revoked pursuant to Section 26-42-103 shall be revoked for a period of one year commencing on the date the commission receives notification to revoke by the enforcing agency.

~~[B]C.~~ In order to reinstate a license revoked or suspended, or allowed to expire, a licensee shall file form TC-69, Utah State Business and Tax Registration, with the Tax Commission.

1. The form shall be accompanied by the statutory reinstatement fee.

~~[C]D.~~ A revoked or suspended license may not be reinstated prior to the expiration of the revocation or suspension period.

KEY: taxation, tobacco products

~~[November 1, 2000]2002~~

Notice of Continuation April 17, 2002

59-14-202

59-14-203.5

59-14-301.5



End of the Notices of Proposed Rules Section

Five-Year Notices of Review and Statements of Continuation Begin on the Following Page

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 (1998).

Administrative Services, Administration

R13-2

Access to Records

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 24891
FILED: 05/31/2002, 09:44

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: This rule implements provisions of the Government Records Access and Management Act (GRAMA) as they pertain to the Department of Administrative Services. Subsection 63-2-204(2) permits the department to make rules to specify where and to whom requests for access to records shall be directed. Subsection 63-2-904(2) permits the department to make rules to specify at which level the requirements specified in this chapter shall be undertaken.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received on this rule since its last review.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule informs citizens how they may obtain access to records maintained by the Department of Administrative Services, its divisions, and offices. It allows the public to more easily request access to those records and the department to more efficiently act on those requests. It is essential in the interest of open government.

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

ADMINISTRATIVE SERVICES
ADMINISTRATION
Room 3120 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dave Fletcher at the above address, by phone at 801-538-3310, by FAX at 801-538-1773, or by Internet E-mail at dfletcher@utah.gov

AUTHORIZED BY: Camille Anthony, Executive Director

EFFECTIVE: 05/31/2002



Administrative Services, Fleet Operations

R27-10

Identification Mark for State Motor Vehicles

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 24879
FILED: 05/29/2002, 13:30

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63A-9-401(5) requires the Department of Administrative Services (DAS) to ensure that state-owned vehicles for all departments, universities, and colleges are marked as required by Section 41-1a-407. In addition, Subsection 63A-9-601(1)(c) requires DAS to enact rules relating to the size and design of the identification mark. Fleet Operations is responsible for this.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There have been comments made that the large blue seal on the side of the vehicle was decreasing the resale value of the vehicle. The blue seal is now required on only full-size trucks and heavy-duty vehicles. All other marked vehicles have a transparent seal place in the rearward window. Changes to the rule were made in June 2000.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: State vehicles are still required to be marked as such, therefore this rule is necessary if the Division of Fleet Operations is to enforce an acceptable standard throughout the State of Utah.

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

ADMINISTRATIVE SERVICES
 FLEET OPERATIONS
 Room 4120 STATE OFFICE BLDG
 450 N MAIN ST
 SALT LAKE CITY UT 84114-1201, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Alison Taylor at the above address, by phone at 801-538-3306, by FAX at 801-538-1773, or by Internet E-mail at ataylor@fo.state.ut.us

AUTHORIZED BY: Steve Saltzgiver, Director

EFFECTIVE: 05/29/2002

SUPPORTING OR OPPOSING THE RULE: There have been no comments on this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule covers the process of payment for the sale of state surplus property and the process to pay the surplus program for its services and should be continued.

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

ADMINISTRATIVE SERVICES
 FLEET OPERATIONS, SURPLUS PROPERTY
 Room 4120 STATE OFFICE BLDG
 450 N MAIN ST
 SALT LAKE CITY UT 84114-1201, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Alison Taylor at the above address, by phone at 801-538-3306, by FAX at 801-538-1773, or by Internet E-mail at ataylor@fo.state.ut.us

AUTHORIZED BY: Steve Saltzgiver, Director

EFFECTIVE: 05/29/2002



**Administrative Services, Fleet
 Operations, Surplus Property
 R28-7
 Surplus Property Rate Schedule**

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

DAR FILE NO.: 24878
 FILED: 05/29/2002, 13:14

**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: As allowed in Section 63A-9-807 of the Utah Code, charges and fees are assessed based on the value of the surplus property sold or donated, as well as for services and handling of the property by the Utah State Agency for Surplus Property.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS

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

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

DAR FILE NO.: 24865
 FILED: 05/16/2002, 11:03

**NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 58, Chapter 56, provides for the licensure of building inspectors and for the adoption of building codes and amendments made to those codes. Subsection 58-1-106(1) provides that the Division may adopt and enforce rules to administer Title 58. Subsection 58-56-8.5(3) provides that the Building Inspector Licensing Board's duties and responsibilities shall be in accordance with Section 58-1-202. Subsection 58-1-202(1) provides that one of the duties of each board is to recommend appropriate rules to the division director. Subsections 58-56-5(10)(a) and (b) provide that the Uniform Building Code Commission may recommend to the director of the Division appropriate rules with respect to building codes. This rule was enacted to clarify the provisions of Title 58, Chapter 56, with respect to

the licensing of building inspectors and the adoption of building codes and amendments made thereto.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Since this rule was last reviewed in June 1997, it has been amended at least 10 times. In November 2001, the Division received a written comment with respect to a proposed amendment regarding flexible air duct requirements to the International Mechanical Code (IMC). The amendment that was proposed with respect to the flexible air duct requirements was not made effective by the Division after further review by the Division and Commission and after a public hearing. In May 2001, the Division received written comments from Beth Gray at the Division of Water Rights suggesting that certain technical amendments to Subsection R156-56-701(602.3) include a reference to Sections 73-3-3 and 73-2-20. These statute references were later added to the rule by the Division in amendments filed in November 2001. Also in May 2001, the Division received a letter from Bruce Wilson of the Utah Foam Products suggesting the Uniform Building Code Commission postpone any decision to adopt the 2000 edition of the International Building Code (IBC). The Division adopted the 2000 edition of the IBC on July 1, 2001. In November 2000, the Division received a written comment from Anne vonWeller addressing the potential effective date for implementation of the 2000 edition of the International Mechanical Code (IMC). The Division adopted the 2000 edition of the IMC on January 1, 2002. In May 2000, the Division received an e-mail from Kent Bishop from the Governor's Office of Planning and Budget suggesting some nonsubstantive changes to the proposed amendments. As a result of Mr. Bishop's comments, a nonsubstantive filing was filed by the Division on June 20, 2000. In October 1999, the Division received written comments from Ed Domian, Dan Nance, William Bailey, and Rich Woodworth with respect to amendments being proposed affecting building inspector licensing. As a result of written comments received and comments offered during a public hearing, a change in proposed rule filing was filed by the Division on December 16, 1999, and made effective on February 15, 2000. In November 1999, the Division received one written comment from Ron Ivie from the Department of Health recommending adoption of the proposed rule amendments with change in proposed rule amendments that were identified during the November 15, 1999, hearing. The Division filed a change in proposed rule filing and the amendments were made effective on January 18, 2000. The Division amended this rule again in July/August 1999, January 1999, July 1998, and May 1998. However, no written comments were received by the Division with respect to those proposed rule filings. In November 1997, the Division received an e-mail from Kent Bishop suggesting some nonsubstantive changes to the proposed amendments. As a result of Mr. Bishop's comments, a nonsubstantive filing was filed by the Division on November 6, 1997. In August 1997, the Division received numerous written letters that were submitted regarding the adoption of the 1997 International Plumbing Code (IPC). The written comments received by the Division are too numerous to specifically list here. Despite the numerous comments received by the Division and

Commission, the proposed amendments which included the adoption of the 1997 IPC were made effective on January 1, 1998.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued as it clarifies the provisions of Title 58, Chapter 56, with respect to building inspectors and the regulation of building codes. This rule should also be continued as it enables the state and its jurisdictions to utilize the most current building codes.

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

COMMERCE
OCCUPATIONAL AND PROFESSIONAL LICENSING
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at 801-530-6720, by FAX at 801-530-6511, or by Internet E-mail at dsjones@utah.gov

AUTHORIZED BY: J. Craig Jackson, Director

EFFECTIVE: 05/16/2002



Financial Institutions, Banks
R333-11
Ownership by State-Chartered Banks of
Real Estate Other Than Property Used
for Bank Business or Held as an
Investment

FIVE YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION

DAR FILE NO.: 24884
FILED: 05/30/2002, 15:22

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: General rulemaking authority is granted at Section 7-1-301. Express rulemaking authority as to bank ownership of real estate is granted at Section 7-3-18.

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 supporting or opposing

written comments have been received by the agency concerning this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section 7-3-18 requires that the department promulgate rules prescribing the purposes and manner that banks may hold real estate.

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

FINANCIAL INSTITUTIONS
BANKS
Room 201
324 S STATE ST
SALT LAKE CITY UT 84111-2393, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sonja Long at the above address, by phone at 801-538-8761, by FAX at 801-538-8894, or by Internet E-mail at slong@dfi.state.ut.us

AUTHORIZED BY: Edward Leary, Commissioner

EFFECTIVE: 05/30/2002



Health, Epidemiology and Laboratory Services, Environmental Services

R392-100

Food Service Sanitation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 24867
FILED: 05/17/2002, 11:01

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: This rule is authorized by Subsection 26-1-30(2) and Section 26-15-2. Subsection 26-1-30(2)(u) authorizes the Department to adopt rules and enforce minimum sanitary standards for the operation and maintenance of, restaurants and all other places where food is handled for commercial purposes, sold, or served to the public. Subsection 26-15-2(1) authorizes the Department to establish and enforce, or provide for the enforcement of minimum rules of sanitation necessary to protect the public health. Such rules shall include, but are not limited to, rules necessary for the design, construction, operation, maintenance, or expansion of restaurants and all places where food or drink is handled, sold, or served to the public.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS

SUPPORTING OR OPPOSING THE RULE: While the Bureau has not received comments opposing the entire rule, we have received comments from Local Health Departments, the Utah Restaurant Association, and consumers regarding different sections of the rule. We have responded to these comments as part of our process to develop changes to the rule. Some of the comments involve: 1) bare hand contact with ready-to-eat foods, 2) the pooling of four or more eggs, 3) consumer advisory, 4) demonstration of knowledge, 5) food employee training, 6) cooling of potentially hazardous foods, 7) hot holding of potentially hazardous foods, 8) date marking of potentially hazardous foods, 9) adulterated foods, 10) manual warewashing, sink compartment requirements, 11) hot water temperature for handwashing, 12) training and certification of health inspectors, 13) posting of inspection reports, 14) when inspection reports can become a public document, 15) third party approval of equipment, 16) confidentiality of hearings and proceedings, 17) responsibilities of the regulatory authority, 18) variance and justification, 19) special requirements for highly susceptible populations, 20) ventilation hood systems, 21) backflow prevention devices, and 22) inspection and service for a water device system.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is the statewide rule for the food safety program that is enforced by the local health departments. This rule is the basis for consistent enforcement of food safety standards across all areas of the state. The Food and Drug Administration (FDA) has concluded that foodborne illness in the United States is a major cause of personal distress, preventable death, and avoidable economic burden. An estimated 76,000,000 illnesses, 325,000 hospitalizations, and 5,000 deaths are a direct result of foodborne illness. The annual cost of foodborne illness in terms of pain and suffering, reduced productivity, and medical costs are estimated to be \$10,000,000,000 - \$83,000,000,000. While the Bureau has not received comments in opposition to the rule, we have received comments from Local Health Departments, the Utah Restaurant Association, and our food safety task force that we are using to consider amending and updating the current rule.

A number of changes that will be proposed should make it easier to resolve conflicts between local health departments and industry. We are also revising the current rule so that we may implement the 2001 FDA Food Code. Based on Local Health Department input, this is an important rule for local health departments, industry, and the consumer and should be continued.

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

HEALTH
EPIDEMIOLOGY AND LABORATORY SERVICES,
ENVIRONMENTAL SERVICES
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Tim Lane at the above address, by phone at 801-538-6755,
by FAX at 801-538-6036, or by Internet E-mail at
tlane@doh.state.ut.us

AUTHORIZED BY: Rod Betit, Executive Director

EFFECTIVE: 05/17/2002

Human Services, Youth Corrections

R547-1

Residential and Nonresidential,
Nonsecure Community Program
Standards

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

DAR FILE NO.: 24885
FILED: 05/30/2002, 15:34

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS
UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS
AUTHORIZE OR REQUIRE THE RULE: Subsection 62A-7-116(2)
states the division shall adopt minimum standards for the
organization and operation of community-based corrections
programs for youth offenders.

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: During the course of the
review process, the agency determined that generally the rule
should be continued, but noted that substantial changes
should be made to it. Those changes will be the subject of
later rulemaking actions that this agency will file with the
Division of Administrative Rules.

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

HUMAN SERVICES
YOUTH CORRECTIONS
Room 419
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Judy Hammer at the above address, by phone at 801-538-
4098, by FAX at 801-538-4334, or by Internet E-mail at
jhammer@hs.state.ut.us

AUTHORIZED BY: Blake Chard, Director

EFFECTIVE: 05/30/2002

Human Services, Youth Corrections

R547-2

Juvenile Detention Standards

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

DAR FILE NO.: 24887
FILED: 05/30/2002, 16:08

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS
UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS
AUTHORIZE OR REQUIRE THE RULE: Subsection 62A-7-104(2)
states the division shall establish and maintain all detention
and secure facilities and set minimum standards for those
facilities.

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: During the course of the
five-year review process, the agency determined that the rule
is no longer necessary as it is covered in the Division's Policy
and Procedures. In a subsequent rulemaking, the Division will
repeal this rule.

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

HUMAN SERVICES
YOUTH CORRECTIONS
Room 419
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Judy Hammer at the above address, by phone at 801-538-
4098, by FAX at 801-538-4334, or by Internet E-mail at
jhammer@hs.state.ut.us

AUTHORIZED BY: Blake Chard, Director

EFFECTIVE: 05/30/2002

Human Services, Youth Corrections
R547-3
 Juvenile Jail Standards

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

DAR FILE No.: 24893
 FILED: 05/31/2002, 10:54

**NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 62A-7-201(3) states that in areas of low-density population, the division may approve juvenile holding accommodations within adult facilities for short-term holding purposes.

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: The Division continues to approve juvenile holding accommodations within adult jail facilities.

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

HUMAN SERVICES
 YOUTH CORRECTIONS
 Room 419
 120 N 200 W
 SALT LAKE CITY UT 84103-1500, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Judy Hammer at the above address, by phone at 801-538-4098, by FAX at 801-538-4334, or by Internet E-mail at jhammer@hs.state.ut.us

AUTHORIZED BY: Blake Chard, Director

EFFECTIVE: 05/31/2002

Human Services, Youth Corrections
R547-4
 Youth Detention/Group Shelter
 Standards

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

DAR FILE No.: 24888
 FILED: 05/30/2002, 16:14

**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 62A-7-201 states that there will be specific statute to provide conformity in approved standards with regard to confinement, facilities, and restrictions for children apprehended and brought before the courts under 18 years of age.

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: During the course of the five-year review process, the agency determined that the rule is no longer necessary as it is covered in the Division's Policy and Procedures. In a subsequent rulemaking, the Division will repeal this rule.

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

HUMAN SERVICES
 YOUTH CORRECTIONS
 Room 419
 120 N 200 W
 SALT LAKE CITY UT 84103-1500, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Judy Hammer at the above address, by phone at 801-538-4098, by FAX at 801-538-4334, or by Internet E-mail at jhammer@hs.state.ut.us

AUTHORIZED BY: Blake Chard, Director

EFFECTIVE: 05/30/2002

Human Services, Youth Corrections
R547-7
 Juvenile Holding Room Standards

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

DAR FILE No.: 24892
 FILED: 05/31/2002, 10:49

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 62A-7-201(3) states that the division may approve juvenile holding accommodations within adult facilities, with a maximum confinement of six hours, for children alleged to have committed an act which would be considered a criminal offense if committed by an adult.

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: The Division continues to be responsible for monitoring juvenile holding rooms in adult facilities.

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

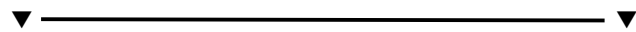
HUMAN SERVICES
 YOUTH CORRECTIONS
 Room 419
 120 N 200 W
 SALT LAKE CITY UT 84103-1500, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Judy Hammer at the above address, by phone at 801-538-4098, by FAX at 801-538-4334, or by Internet E-mail at jhammer@hs.state.ut.us

AUTHORIZED BY: Blake Chard, Director

EFFECTIVE: 05/31/2002



Human Services, Youth Corrections

R547-12

Division of Youth Corrections
 Classification of Records

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 24889
 FILED: 05/30/2002, 16:26

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 62A, Chapter 7; and Section 63-2-103 indicate that the division will comply with the

Government Records Access and Management Act (GRAMA).

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: During the course of the five-year review process, the agency determined that the rule is no longer necessary as it is covered in the Division's Policy and Procedures. In a subsequent rulemaking, the Division will repeal this rule.

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

HUMAN SERVICES
 YOUTH CORRECTIONS
 Room 419
 120 N 200 W
 SALT LAKE CITY UT 84103-1500, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Judy Hammer at the above address, by phone at 801-538-4098, by FAX at 801-538-4334, or by Internet E-mail at jhammer@hs.state.ut.us

AUTHORIZED BY: Blake Chard, Director

EFFECTIVE: 05/30/2002



Workforce Services, Workforce
 Information and Payment Services

R994-102

Purpose of Employment Security Act

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 24868
 FILED: 05/23/2002, 15:13

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 35A-4-102 sets forth the public policy considerations of the Employment Security Act and the creation, under the State's police power, of free public employment offices and the setting aside of reserves for the payment to unemployed individuals. Subsection 35A-4-502(1)(b) authorizes the Department to make rules as necessary for the administration of the Act.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule outlines the mandates of our federal partner's, the U.S. Department of Labor, requirements for the unbiased administration of unemployment compensation including the right to a fair hearing.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 WORKFORCE SERVICES
 WORKFORCE INFORMATION AND PAYMENT SERVICES
 140 E 300 S
 SALT LAKE CITY UT 84111-2333, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@ws.state.ut.us

AUTHORIZED BY: Raylene G. Ireland, Executive Director

EFFECTIVE: 05/23/2002

Workforce Services, Workforce Information and Payment Services
R994-103

Approval of Counsel Fees

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 24869
 FILED: 05/23/2002, 15:23

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 35A-4-103 provides that no person claiming benefits may be charged fees except that an attorney or a claimant's authorized representative can charge a fee if approved by an administrative law judge in accordance with the rules of the Department. Subsection 35A-4-502(1)(b) authorizes the Department to make rules, as necessary, for the administration of the Act.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The State has an interest in insuring that unemployment benefits are received by the person in need and that claimants do not contract away their right to benefits. For that reason, it is necessary for the State to regulate the fees charged by a claimant's attorney or representative. The rule is still necessary to provide for the regulation of those fees.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 WORKFORCE SERVICES
 WORKFORCE INFORMATION AND PAYMENT SERVICES
 140 E 300 S
 SALT LAKE CITY UT 84111-2333, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@ws.state.ut.us

AUTHORIZED BY: Raylene G. Ireland, Executive Director

EFFECTIVE: 05/23/2002

Workforce Services, Workforce Information and Payment Services
R994-104
 Prosecution

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 24874
 FILED: 05/23/2002, 16:44

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 35A-4-104 states that any person who makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain a payment under the Unemployment Compensation Law of any state or the federal government, either for himself or others, is guilty of a misdemeanor or felony, depending on the amount of the money improperly obtained. Subsection 35A-4-502(1)(b) authorizes the Department of Workforce Services to make rules.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides practical guidelines for referring cases of unemployment-insurance fraud to the courts for prosecution and should be continued.

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

WORKFORCE SERVICES
WORKFORCE INFORMATION AND PAYMENT SERVICES
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@ws.state.ut.us

AUTHORIZED BY: Raylene G. Ireland, Executive Director

EFFECTIVE: 05/23/2002



Workforce Services, Workforce Information and Payment Services

R994-106

Combined Wage Claims

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 24873
FILED: 05/23/2002, 16:41

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 35A-4-106 incorporates federal regulations to specify how and when the Department of Workforce Services (DWS) should work with unemployment compensation agencies in other states and the federal government concerning the establishment of unemployment insurance claims for claimants who have wages from covered employment earned in more than one state. Subsection 35A-4-502(1)(b) authorizes DWS to make rules.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: DWS has the responsibility to administer Utah's unemployment insurance program

including combined-wage claims. Combined-wage claims are those where claimants have earned applicable covered wages in more than one state. This rule provides the definitions of terms, instructions, and restrictions for administering combined-wage claims in accordance with interstate agreements and federal regulations and should be continued.

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

WORKFORCE SERVICES
WORKFORCE INFORMATION AND PAYMENT SERVICES
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@ws.state.ut.us

AUTHORIZED BY: Raylene G. Ireland, Executive Director

EFFECTIVE: 05/23/2002



Workforce Services, Workforce Information and Payment Services

R994-303

Contribution Rates and Relief of Charges

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 24875
FILED: 05/23/2002, 16:45

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 35A-4-502(2)(a) of the Utah Employment Security Act grants rulemaking authority to the Department of Workforce Services. This rule is enacted under Section 35A-4-303 of the Act which determines how employer unemployment insurance contribution rates are calculated and assigned.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section 35A-4-303 determines the basic method of calculating and assigning employer's contribution rates. This rule provides definitions

and clarifies procedures used in the calculation and assignment of contribution rates and should be continued.

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

WORKFORCE SERVICES
WORKFORCE INFORMATION AND PAYMENT SERVICES
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@ws.state.ut.us

AUTHORIZED BY: Raylene G. Ireland, Executive Director

EFFECTIVE: 05/23/2002

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Workforce Services, Workforce Information and Payment Services **R994-401** Payment of Benefits

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24876
FILED: 05/23/2002, 16:48

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 35A-4-401 authorizes the payment of benefits, specifies how to calculate the weekly and maximum benefit amounts, authorizes deductions from the weekly benefit amount for pensions, and authorizes the division to prescribe rules to determine eligibility and benefit payment amounts when a claimant leaves or starts work on a regular attachment basis during a claimed week, or other time period. Section 35A-4-401 specifies that the division must notify the claimant's last employer of any eligibility decisions resulting from potentially disqualifying issues. That section also authorizes the division to apportion remuneration for insured work in the form of lump-sum and bonus payments to the calendar quarters in which the remuneration was earned, if the claimant submits a written request to do so. Section 35A-4-502(1)(b) authorizes the Department of Workforce Services to make rules.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE,

INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Rule R994-401 further delineates the procedures and provides the definitions needed to implement the actions authorized in Section 35A-4-401. The rule includes the procedures for making monetary redeterminations, calculating the weekly and maximum benefits when considering pension payments and part-time earnings, determining tax liability for part-time concurrent reimbursable employers, and notifying employers about issues and decisions. The rule defines reportable earnings and base-period wages and should be continued.

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

WORKFORCE SERVICES
WORKFORCE INFORMATION AND PAYMENT SERVICES
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@ws.state.ut.us

AUTHORIZED BY: Raylene G. Ireland, Executive Director

EFFECTIVE: 05/23/2002

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Workforce Services, Workforce Information and Payment Services **R994-402** Extended Benefits

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 24871
FILED: 05/23/2002, 16:36

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 35A-4-402 specifies the eligibility requirements for extended benefits and explains how to determine the amount of benefit entitlement. It defines when the extended-benefit period should begin and end. It requires the division to announce when the extended-benefit period begins and ends. Subsection 35A-4-502(1)(b) authorizes the Department of Workforce Services to make rules.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule incorporates federal requirements and further specifies eligibility requirements for extended benefits. The rule provides definitions of applicable terms and establishes procedures needed to implement the payment of extended benefits and should be continued.

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

WORKFORCE SERVICES
WORKFORCE INFORMATION AND PAYMENT SERVICES
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@ws.state.ut.us

AUTHORIZED BY: Raylene G. Ireland, Executive Director

EFFECTIVE: 05/23/2002

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**Workforce Services, Workforce
Information and Payment Services**
R994-404
**Wage Freeze Following Workers'
Compensation**

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

DAR FILE NO.: 24872
FILED: 05/23/2002, 16:39

**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 35A-4-404 addresses eligibility for unemployment insurance benefits for claimants who have been receiving workers' compensation or occupational disease compensation. Subsection 35A-4-502(1)(b) authorizes the Department of Workforce Services to make rules.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule specifies eligibility

requirements that extend the protection of unemployment insurance to people who might otherwise have insufficient qualifying wages because they were off work due to an injury or illness that was compensated under workers' compensation or occupational disease laws.

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

WORKFORCE SERVICES
WORKFORCE INFORMATION AND PAYMENT SERVICES
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@ws.state.ut.us

AUTHORIZED BY: Rick Allis, Director

EFFECTIVE: 05/23/2002

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**Workforce Services, Workforce
Information and Payment Services**
R994-406
Appeal Procedures

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

DAR FILE NO.: 24870
FILED: 05/23/2002, 16:25

**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 35A-4-406 describes an employer's responsibility to post notices regarding benefit rights, the procedure for appealing adverse Department decisions, the jurisdictional authority of the Department and the consequences of fraud, fault, and nonfault overpayments. Subsection 35A-4-502(1)(b) authorizes the Department to make rules as necessary for the administration of the Act.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary as it sets forth the due process requirements of notice, the right to appeal an adverse Department decision, and the hearing procedure used in appeals. The rule also explains the

Department's jurisdictional authority and how and when it will be exercised. Finally, the rule establishes the elements and consequences of a fraud, fault, or nonfault overpayment.

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

WORKFORCE SERVICES
WORKFORCE INFORMATION AND PAYMENT SERVICES
140 E 300 S
SALT LAKE CITY UT 84111-2333, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@ws.state.ut.us

AUTHORIZED BY: Raylene G. Ireland, Executive Director

EFFECTIVE: 05/23/2002



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

NOTICES OF RULE EFFECTIVE DATES

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

Abbreviations

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

Agriculture and Food

Plant Industry
No. 24654 (R&R): R68-20. Utah Organic Standards.
Published: April 15, 2002
Effective: May 16, 2002

Capitol Preservation Board (State)

Administration
No. 24369 (NEW): R131-3. Use of Magnetometers on Capitol Hill.
Published: February 1, 2002
Effective: May 30, 2002

Community and Economic Development

Community Development, History
No. 24623 (AMD): R212-7. Cultural Resource Management.
Published: April 15, 2002
Effective: May 21, 2002

Education

Administration
No. 24658 (R&R): R277-101. Public Participation in Utah State Board of Education Meetings.
Published: April 15, 2002
Effective: May 17, 2002

No. 24659 (AMD): R277-477. Distribution of Funds from the School Trust Lands Account.
Published: April 15, 2002
Effective: May 17, 2002

No. 24661 (AMD): R277-702. Procedures for the Utah General Educational Development Certificate.
Published: April 15, 2002
Effective: May 17, 2002

Health

Health Systems Improvement, Child Care Licensing
No. 24638 (AMD): R430-100-8. Records.
Published: April 15, 2002
Effective: May 31, 2002

Health Systems Improvement, Licensing
No. 24637 (AMD): R432-2. General Licensing Provisions.
Published: April 15, 2002
Effective: May 31, 2002

Human Services

Recovery Services
No. 24600 (AMD): R527-200-6. Informal Adjudicative Proceedings.
Published: April 15, 2002
Effective: May 16, 2002

Insurance

Administration
No. 24538 (REP): R590-78. Exchange Traded Options.
Published: April 1, 2002
Effective: May 17, 2002

No. 23814 (CPR): R590-203. Health Care Benefits-Grievance Review and Adverse Benefit Determination Procedure Rule.
Published: April 1, 2002
Effective: May 17, 2002

Public Safety

Fire Marshal
No. 24656 (AMD): R710-1. Concerns Servicing Portable Fire Extinguishers.
Published: April 15, 2002
Effective: May 20, 2002

No. 24657 (AMD): R710-7. Concerns Servicing Automatic Fire Suppression Systems.
Published: April 15, 2002
Effective: May 20, 2002

Tax Commission

Administration
No. 24601 (AMD): R861-1A-34. Advisory Opinions Pursuant to Utah Code Ann. Section 63-46b-1.
Published: April 15, 2002
Effective: May 17, 2002

Auditing

No. 24603 (AMD): R865-6F-35. S Corporation Determination of Tax Pursuant to Utah Code Ann. Section 59-7-703.
Published: April 15, 2002
Effective: May 17, 2002

NOTICES OF RULE EFFECTIVE DATES

No. 24602 (AMD): R865-9I-7. Change of Status as Resident or Nonresident Pursuant to Utah Code Ann. Section 59-10-120.
Published: April 15, 2002
Effective: May 17, 2002

No. 24518 (AMD): R865-9I-37. Enterprise Zone Individual Income Tax Credits Pursuant to Utah Code Ann Sections 9-2-401 through 9-2-414.
Published: March 15, 2002
Effective: May 17, 2002

No. 24616 (AMD): R865-19S-8. Bonds and Securities Pursuant to Utah Code Ann. Section 59-12-107.
Published: April 15, 2002
Effective: May 17, 2002

No. 24604 (AMD): R865-19S-55. Hospitals Pursuant to Utah Code Ann. Section 59-12-104.
Published: April 15, 2002
Effective: May 17, 2002

Transportation

Motor Carrier

No. 24665 (AMD): R909-19. Safety Regulations for Tow Truck Operations - Tow Truck Requirements for Equipment, Operation and Certification.
Published: April 15, 2002
Effective: May 21, 2002

Preconstruction, Right-of-Way Acquisition

No. 24666 (AMD): R933-2. Control of Outdoor Advertising Signs.
Published: April 15, 2002
Effective: May 21, 2002

End of the Notices of Rule Effective Dates Section

RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2002, including notices of effective date received through May 31, 2002, the effective dates of which are no later than June 15, 2002. 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.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

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

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
<u>Administration</u>					
R13-2	Access to Records	24891	5YR	05/31/2002	2002-12/23
<u>Debt Collection</u>					
R21-1	Transfer of Collection Responsibility of State Agencies	24813	5YR	05/03/2002	2002-11/133
R21-2	Office of State Debt Collection Administrative Procedures	24814	5YR	05/03/2002	2002-11/134
R21-3	Debt Collection Through Administrative Offset	24815	5YR	05/03/2002	2002-11/134
<u>Facilities Construction and Management</u>					
R23-1-60	Construction Contract Clauses	24594	AMD	05/03/2002	2002-7/3
<u>Finance</u>					
R25-14	Payment of Attorneys Fees in Death Penalty Cases	24691	5YR	04/05/2002	2002-9/63
<u>Fleet Operations</u>					
R27-1	Definitions	24187	R&R	01/23/2002	2001-22/8
R27-3	Vehicle Use Standards	24186	R&R	01/23/2002	2001-22/11
R27-3	Vehicle Use Standards	24578	AMD	05/15/2002	2002-7/4
R27-5	Fleet Tracking	24444	NEW	04/08/2002	2002-4/4
R27-6	Fuel Dispensing Program	24445	NEW	04/08/2002	2002-4/4

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R27-8	State Vehicle Maintenance Program	24446	NEW	04/08/2002	2002-4/7
R27-10	Identification Mark for State Motor Vehicles	24879	5YR	05/29/2002	2002-12/23
<u>Fleet Operations, Surplus Property</u>					
R28-1	State Surplus Property Disposal	24545	5YR	03/05/2002	2002-7/34
R28-7	Surplus Property Rate Schedule	24878	5YR	05/29/2002	2002-12/24
Agriculture and Food					
<u>Animal Industry</u>					
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	24477	5YR	02/13/2002	2002-5/61
R58-6	Poultry	24478	5YR	02/13/2002	2002-5/61
R58-6	Poultry	24486	AMD	04/02/2002	2002-5/3
R58-7-3	Livestock Markets	24194	AMD	02/12/2002	2001-23/4
R58-8	Testing and Vaccination of Bovine Livestock for Brucellosis Control	24479	5YR	02/13/2002	2002-5/62
R58-18	Elk Farming	24480	5YR	02/13/2002	2002-5/62
R58-18	Elk Farming	24544	EMR	03/06/2002	2002-7/28
R58-19	Compliance Procedures	24191	AMD	02/12/2002	2001-23/5
<u>Marketing and Conservation</u>					
R65-7-11	General Conduct	24515	AMD	04/16/2002	2002-6/6
<u>Plant Industry</u>					
R68-20	Utah Organic Standards	24654	R&R	05/16/2002	2002-8/4
<u>Regulatory Services</u>					
R70-320	Minimum Standards for Milk for Manufacturing Purposes, its Production and Processing	24482	5YR	02/13/2002	2002-5/63
R70-350	Ice Cream and Frozen Dairy Foods Standards	24483	5YR	02/13/2002	2002-5/63
R70-360	Procedure for Obtaining a License to Test Milk for Payment	24484	5YR	02/13/2002	2002-5/64
R70-530	Food Protection	24599	5YR	03/18/2002	2002-8/130
R70-910	Voluntary Registration of Servicemen and Service Agencies for Commercial Weighing and Measuring Devices	24200	AMD	02/12/2002	2001-23/7
R70-920	Packaging and Labeling of Commodities	24045	NSC	02/01/2002	Not Printed
R70-930	Method of Sale of Commodities	24047	NSC	02/01/2002	Not Printed
R70-940	Standards and Testing of Motor Fuel	24198	AMD	02/12/2002	2001-23/9
R70-950-2	Definitions	24049	NSC	02/01/2002	Not Printed
Alcoholic Beverage Control					
<u>Administration</u>					
R81-1	Scope of Definitions, and General Provisions	24470	AMD	04/29/2002	2002-5/4
R81-1-19	Emergency Meetings	24352	AMD	03/01/2002	2002-2/4
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ABBREVIATIONS

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

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