

UTAH STATE BULLETIN

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TABLE OF CONTENTS

1. SPECIAL NOTICES

Commerce, Occupational and Professional Licensing: Public Notice of 2003 Board and Committee Meeting Schedule.....	1
Governor, Administration: Governor's Proclamation: Calling the Fifty-Fourth Legislature into a Sixth Special Session.....	4

2. NOTICES OF PROPOSED RULES

Alcoholic Beverage Control

Administration

No. 25650 (Amendment): R81-7-3. Guidelines for Issuing Permits for Outdoor or Large-Scale Public Events	6
---	---

Commerce

Administration

No. 25649 (Amendment): R151-33. Pete Suazo Utah Athletic Commission Act Rule	7
--	---

No. 25724 (New Rule): R151-35. Powersport Vehicle Franchise Act Rule.....	9
---	---

Occupational and Professional Licensing

No. 25651 (Amendment): R156-47b-302a. Qualifications for Licensure as a Massage Therapist - Massage School Curriculum Standards - Equivalent Education and Training	10
---	----

Real Estate

No. 25663 (Amendment): R162-8-9. Disclosure Requirements.....	11
---	----

Education

Administration

No. 25726 (Amendment): R277-470. Charter Schools	12
--	----

Human Services

Administration, Administrative Services, Licensing

No. 25652 (Amendment): R501-1. General Provisions.....	15
--	----

No. 25707 (Amendment): R501-8. Outdoor Youth Programs	19
---	----

No. 25660 (Amendment): R501-11. Social Detoxification Programs	25
--	----

Insurance

Administration

No. 25670 (New Rule): R590-218. Permitted Language for Reservation of Discretion Clauses	28
--	----

Natural Resources

Wildlife Resources

No. 25720 (Amendment): R657-5. Taking Big Game	29
--	----

No. 25721 (Amendment): R657-17. Lifetime Hunting and Fishing License	46
--	----

No. 25722 (Amendment): R657-38. Dedicated Hunter Program	48
--	----

No. 25723 (Amendment): R657-42. Accepted Payment of Fees, Late Fees, Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits	52
--	----

TABLE OF CONTENTS

Regents (Board Of)

Administration

No. 25704 (Repeal): R765-171. Postsecondary Proprietary School Act Rules55

3. FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Administrative Services

Purchasing and General Services

No. 25714: R33-1. Utah State Procurement Rules Definitions63

No. 25715: R33-2. Procurement Organization63

No. 25716: R33-3. Source Selection and Contract Formation.....64

No. 25717: R33-4. Specifications64

No. 25718: R33-5. Construction and Architect-Engineer Selection65

No. 25719: R33-8. Property Management.....65

Commerce

Corporations and Commercial Code

No. 25692: R154-1. Central Filing System for Agriculture Product Liens66

Community and Economic Development

Community Development, Community Services

No. 25681: R202-100. Community Services Block Grant Rules.....66

Health

Administration

No. 25682: R380-50. Local Health Department Funding Allocation Formula66

Health Care Financing

No. 25686: R410-14. Administrative Hearing Procedures67

Health Care Financing, Coverage and Reimbursement Policy

No. 25678: R414-2A. Inpatient Hospital Services67

No. 25680: R414-2B. Inpatient Hospital Intensive Physical Rehabilitation Services68

No. 25679: R414-3A. Outpatient Hospital Services.....68

No. 25677: R414-29. Client Review / Education and Restriction Policy69

Health Systems Improvement, Emergency Medical Services

No. 25687: R426-2. Air Medical Service Rules70

No. 25685: R426-6. Emergency Medical Services Competitive Grants Program Rules.....70

Center for Health Data, Vital Records and Statistics

No. 25702: R436-1. Duties of the Department71

No. 25688: R436-2. Infants of Unknown Parentage; Foundling Registration71

No. 25689: R436-3. Amendment of Vital Records.....72

No. 25690: R436-4. Delayed Registration of Birth.....	72
No. 25691: R436-7. Death Registration.....	73
No. 25693: R436-8. Authorization for Final Disposition of Deceased Persons.....	73
No. 25694: R436-9. Persons and Institutions Required to Keep Monthly Listings of Vital Statistical Events.....	74
No. 25695: R436-10. Birth and Death Certificates.....	74
No. 25696: R436-12. Certified Copies of Vital Statistics Records.....	75
No. 25697: R436-13. Disclosure of Records.....	75
No. 25698: R436-14. Copies of Data From Vital Records.....	76
No. 25699: R436-15. Fees.....	76
No. 25700: R436-16. Violation of Rules.....	77
No. 25701: R436-17. Review and Approval of Research Requests.....	77
 <u>Human Services</u>	
Administration, Administrative Services, Licensing	
No. 25662: R501-1. General Provisions.....	78
No. 25664: R501-2. Core Rules.....	78
No. 25665: R501-7. Child Placing Agencies.....	78
No. 25668: R501-11. Social Detoxification Programs.....	79
 <u>Insurance</u>	
Administration	
No. 25708: R590-131. Accident and Health Coordination of Benefits Rule.....	79
No. 25709: R590-141. Individual and Agency License Lapse and Reinstatement Rule.....	80
No. 25710: R590-152. Medical Discount Programs Rule.....	80
No. 25711: R590-153. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.....	81
 <u>Labor Commission</u>	
Occupational Safety and Health	
No. 25655: R614-1. General Provisions.....	81
No. 25658: R614-2. Drilling Industry.....	82
No. 25669: R614-3. Farming Operations Standards.....	82
No. 25667: R614-4. Hazardous Materials.....	83
No. 25659: R614-5. Materials Handling and Storage.....	83
No. 25656: R614-6. Other Operations.....	84
No. 25657: R614-7. Construction Standards.....	84

TABLE OF CONTENTS

Public Safety

Driver License

No. 25671: R708-2. Commercial Driver Training Schools85

No. 25672: R708-7. Functional Ability in Driving: Guideline for Physicians85

No. 25673: R708-8. Review Process: Driver License Medical Section86

No. 25674: R708-21. Third-Party Testing.....86

No. 25675: R708-25. Commercial Driver License Applicant Fitness Certification87

No. 25676: R708-27. Certification of Driver Education Teachers in the Public Schools to Administer Knowledge and Driving Skills Tests87

Regents (Board Of)

Administration

No. 25705: R765-134. Informal Adjudicative Proceedings Under the Utah Administrative Procedures Act88

No. 25706: R765-993. Records Access and Management.....88

4. NOTICES OF FIVE-YEAR REVIEW EXTENSIONS89

5. NOTICES OF NONSUBSTANTIVE CHANGES MADE BY THE DIVISION OF ADMINISTRATIVE RULES90

6. NOTICES OF RULE EFFECTIVE DATES91

7. RULES INDEX92

SPECIAL NOTICES

COMMERCE OCCUPATIONAL AND PROFESSIONAL LICENSING

PUBLIC NOTICE OF 2003 BOARD AND COMMITTEE MEETING SCHEDULE

NOTE: Meetings are subject to change - contact the Division at (801) 530-6628 to confirm meetings. Most meetings are held in the Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.

January

01/06/2003 Psychologist Licensing Board, 9:00 a.m.; 01/08/2003 Residence Lien Recovery Fund Board, 8:00 a.m.; 01/08/2003 Physicians Licensing Board, 9:00 a.m.; 01/08/2003 Professional Counselors Licensing Board, 9:00 a.m.; 01/08/2003 UBCC Architectural Advisory Committee, 1:30 p.m.; 01/09/2003 Chiropractic Physician Licensing Board, 9:00 a.m.; 01/09/2003 UBCC Structural Advisory Committee, 12:00 noon; 01/10/2003 Plumbers Licensing Board, 8:30 a.m.; 01/14/2003 Professional Engineers/Professional Land Surveyors Licensing Board, 9:00 a.m.; 01/14/2003 Podiatric Physician Board, 8:00 a.m.; 01/14/2003 Osteopathic Physicians Licensing Board, 9:00 a.m.; 01/14/2003 UBCC Plumbing Advisory Committee, 9:00 a.m.; 01/15/2003 Hearing Instrument Specialist Board, 9:00 a.m.; 01/16/2003 Electricians Licensing Board, 9:00 a.m.; 01/17/2003 Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 01/17/2003 Uniform Building Code Commission, 9:00 a.m.; 01/21/2003 Occupational Therapy Licensing Board, 9:00 a.m.; 01/21/2003 UBCC Education Advisory Committee, 1:00 p.m.; 01/22/2003 UBCC Mechanical Advisory Committee, 9:00 a.m.; 01/22/2003 Utah Board of Accountancy, 1:00 p.m.; 01/24/2003 Board of Nursing, 8:00 a.m.; 01/28/2003 State Board of Pharmacy, 9:00 a.m.; 01/28/2003 UBCC Unified Code Analysis Council, 10:00 a.m.; 01/29/2003 Construction Services Commission, 8:30 a.m.; 01/29/2003 Optometrist Licensing Board, 9:00 a.m.

February

02/05/2003 Alarm System Security and Licensing Board, 9:00 a.m.; 02/06/2003 Security Services Licensing Board, 9:00 a.m.; 02/07/2003 Architects Licensing Board, 9:00 a.m.; 02/11/2003 Professional Geologists Licensing Board, 9:00 a.m.; 02/11/2003 Utah Board of Massage Therapy, 9:00 a.m.; 02/11/2003 UBCC Plumbing Advisory Committee, 9:00 a.m.; 02/12/2003 Residence Lien Recovery Fund Board, 8:00 a.m.; 02/12/2003 Physicians Licensing Board, 9:00 a.m.; 02/12/2003 Professional Counselors Licensing Board, 9:00 a.m.; 02/12/2003 UBCC Architectural Advisory Committee, 1:30 p.m.; 02/13/2003 UBCC Structural Advisory Committee, 12:00 noon; 02/14/2003 Plumbers Licensing Board, 8:30 a.m.; 02/20/2003 Physician Assistant Licensing Board, 8:00 a.m.; 02/20/2003 Electricians Licensing Board, 9:00 a.m.; 02/21/2003 Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 02/21/2003 Uniform Building Code Commission, 9:00 a.m.; 02/25/2003 Prescriptive Practice Peer Committee, 8:00 a.m.; 02/25/2003 State Board of Pharmacy, 9:00 a.m.; 02/25/2003 UBCC Unified Code Analysis Council, 10:00 a.m.; 02/26/2003 Construction Services Commission, 8:30 a.m.; 02/26/2003 UBCC Mechanical Advisory Committee, 9:00 a.m.; 02/26/2003 Utah Board of Accountancy, 1:00 p.m.; 02/27/2003 Funeral Service/Preneed Boards, 9:00 a.m.; 02/28/2003 Board of Nursing, 8:00 a.m.

March

03/03/2003 Cosmetology/Barbering, Esthetics, Electrology and Nail Technology Licensing Board, 9:00 a.m.; 03/06/2003 Veterinary Board, 9:00 a.m.; 03/11/2003 Professional Engineers/Professional Land Surveyors Licensing Board, 9:00 a.m.; 03/11/2003 UBCC Plumbing Advisory Committee, 9:00 a.m.; 03/12/2003 Residence Lien Recovery Fund Board, 8:00 a.m.; 03/12/2003 Physicians Licensing Board, 9:00 a.m.; 03/12/2003 Professional Counselors Licensing Board, 9:00 a.m.; 03/12/2003 UBCC Architectural Advisory Committee, 1:30 p.m.; 03/13/2003 Social Worker Licensing Board, 8:00 a.m.; 03/13/2003 Private Probation Provider Board, 9:00 a.m.; 03/13/2003 UBCC Structural Advisory Committee, 12:00 noon; 03/14/2003 Plumbers Licensing Board, 8:30 a.m.; 03/18/2003 Landscape Architect Licensing Board, 9:00 a.m.; 03/18/2003 Controlled Substance Database Advisory Comm., 9:00 a.m.; 03/18/2003 Building Inspector Licensing Board, 11:00 a.m.; 03/18/2003 UBCC Education Advisory Committee, 1:00 p.m.; 03/19/2003 Controlled Substance Precursor Board, 2:00 p.m.; 03/20/2003 Genetic Counselor Licensing Board, 8:00 a.m.; 03/20/2003 Electricians Licensing Board, 9:00 a.m.; 03/21/2003 Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 03/21/2003 Uniform Building Code Commission, 9:00 a.m.; 03/25/2003 State Board of Pharmacy, 9:00 a.m.; 03/25/2003 UBCC Unified Code Analysis Council, 10:00 a.m.; 03/26/2003 Construction Services Commission, 8:30 a.m.; 03/26/2003 UBCC Mechanical Advisory Committee, 9:00 a.m.; 03/26/2003 Utah Board of Accountancy, 1:00 p.m.; 03/27/2003 Professional Employer Organization Board, 9:00 a.m.; 03/28/2003 Board of Nursing, 8:00 a.m.; 03/28/2003 Marriage and Family Therapist Board, 9:00 a.m.

April

04/03/2003 Security Services Licensing Board, 9:00 a.m.; 04/04/2003 Architects Licensing Board, 9:00 a.m.; 04/07/2003 Psychologist Licensing Board, 9:00 a.m.; 04/08/2003 Osteopathic Physicians Licensing Board, 9:00 a.m.; 04/08/2003 UBCC

SPECIAL NOTICES

Plumbing Advisory Committee, 9:00 a.m.; 04/09/2003 Residence Lien Recovery Fund Board, 8:00 a.m.; 04/09/2003 Physicians Licensing Board, 9:00 a.m.; 04/09/2003 Hearing Instrument Specialist Board, 9:00 a.m.; 04/09/2003 Professional Counselors Licensing Board, 9:00 a.m.; 04/09/2003 UBCC Architectural Advisory Committee, 1:30 p.m.; 04/10/2003 Chiropractic Physician Licensing Board, 9:00 a.m.; 04/10/2003 UBCC Structural Advisory Committee, 12:00 noon; 04/11/2003 Plumbers Licensing Board, 8:30 a.m.; 04/11/2003 Radiology Technologist Licensing Board, 9:00 a.m.; 04/15/2003 UBCC Electrical Advisory Committee, 9:00 a.m.; 04/15/2003 UBCC Education Advisory Committee, 1:00 p.m.; 04/16/2003 Optometrist Licensing Board, 9:00 a.m.; 04/17/2003 Electricians Licensing Board, 9:00 a.m.; 04/18/2003 Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 04/18/2003 Uniform Building Code Commission, 9:00 a.m.; 04/22/2003 Health Facility Administrators Board, 9:00 a.m.; 04/22/2003 UBCC Unified Code Analysis Council, 10:00 a.m.; 04/23/2003 UBCC Mechanical Advisory Committee, 9:00 a.m.; 04/23/2003 Utah Board of Accountancy, 1:00 p.m.; 04/25/2003 Board of Nursing, 8:00 a.m.; 04/28/2003 State Board of Pharmacy, 9:00 a.m.; 04/30/2003 Construction Services Commission, 8:30 a.m.

May

05/07/2003 Alarm System Security and Licensing Board, 9:00 a.m.; 05/08/2003 Naturopathic Physician Licensing Board, 9:00 a.m.; 05/08/2003 UBCC Structural Advisory Committee, 12:00 noon; 05/09/2003 Plumbers Licensing Board, 8:30 a.m.; 05/13/2003 Professional Engineers/Professional Land Surveyors Licensing Board, 9:00 a.m.; 05/13/2003 Utah Board of Massage Therapy, 9:00 a.m.; 05/13/2003 UBCC Plumbing Advisory Committee, 9:00 a.m.; 05/14/2003 Residence Lien Recovery Fund Board, 8:00 a.m.; 05/14/2003 Physicians Licensing Board, 9:00 a.m.; 05/14/2003 Acupuncture Licensing Board, 9:00 a.m.; 05/14/2003 Professional Counselors Licensing Board, 9:00 a.m.; 05/14/2003 UBCC Architectural Advisory Committee, 1:30 p.m.; 05/15/2003 Physician Assistant Licensing Board, 8:00 a.m.; 05/15/2003 Uniform Building Code Commission, 9:00 a.m.; 05/15/2003 Electricians Licensing Board, 9:00 a.m.; 05/16/2003 Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 05/20/2003 Prescriptive Practice Peer Committee, 8:00 a.m.; 05/20/2003 UBCC Education Advisory Committee, 1:00 p.m.; 05/22/2003 Funeral Service/Preneed Boards, 9:00 a.m.; 05/27/2003 Dietitian Board, 9:00 a.m.; 05/27/2003 State Board of Pharmacy, 9:00 a.m.; 05/27/2003 UBCC Unified Code Analysis Council, 10:00 a.m.; 05/28/2003 Construction Services Commission, 8:30 a.m.; 05/28/2003 UBCC Mechanical Advisory Committee, 9:00 a.m.; 05/28/2003 Utah Board of Accountancy, 1:00 p.m.; 05/30/2003 Board of Nursing, 8:00 a.m.

June

06/02/2003 Cosmetology/Barbering, Esthetics, Electrology and Nail Technology Licensing Board, 9:00 a.m.; 06/05/2003 Veterinary Board, 9:00 a.m.; 06/05/2003 Security Services Licensing Board, 9:00 a.m.; 06/06/2003 Architects Licensing Board, 9:00 a.m.; 06/10/2003 Professional Geologists Licensing Board, 9:00 a.m.; 06/10/2003 UBCC Plumbing Advisory Committee, 9:00 a.m.; 06/11/2003 Residence Lien Recovery Fund Board, 8:00 a.m.; 06/11/2003 Physicians Licensing Board, 9:00 a.m.; 06/11/2003 Professional Counselors Licensing Board, 9:00 a.m.; 06/11/2003 UBCC Architectural Advisory Committee, 1:30 p.m.; 06/12/2003 Social Worker Licensing Board, 8:00 a.m.; 06/12/2003 UBCC Structural Advisory Committee, 12:00 noon; 06/13/2003 Plumbers Licensing Board, 8:30 a.m.; 06/17/2003 Building Inspector Licensing Board, 11:00 a.m.; 06/17/2003 UBCC Education Advisory Committee, 1:00 p.m.; 06/19/2003 Genetic Counselor Licensing Board, 8:00 a.m.; 06/19/2003 Electricians Licensing Board, 9:00 a.m.; 06/19/2003 Athlete Agents Licensing Board, 9:00 a.m.; 06/20/2003 Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 06/20/2003 Uniform Building Code Commission, 9:00 a.m.; 06/24/2003 State Board of Pharmacy, 9:00 a.m.; 06/24/2003 UBCC Unified Code Analysis Council, 10:00 a.m.; 06/25/2003 Construction Services Commission, 8:30 a.m.; 06/25/2003 UBCC Mechanical Advisory Committee, 9:00 a.m.; 06/25/2003 Utah Board of Accountancy, 1:00 p.m.; 06/26/2003 Professional Employer Organization Board, 9:00 a.m.; 06/27/2003 Board of Nursing, 8:00 a.m.; 06/27/2003 Marriage and Family Therapist Board, 9:00 a.m.

July

07/07/2003 Psychologist Licensing Board, , 9:00 a.m.; 07/08/2003 Professional Engineers/Professional Land Surveyors Licensing Board, 9:00 a.m.; 07/08/2003 Podiatric Physician Board, 8:00 a.m.; 07/08/2003 Osteopathic Physicians Licensing Board, 9:00 a.m.; 07/08/2003 UBCC Plumbing Advisory Committee, 9:00 a.m.; 07/09/2003 Residence Lien Recovery Fund Board, 8:00 a.m.; 07/09/2003 Physicians Licensing Board, 9:00 a.m.; 07/09/2003 Professional Counselors Licensing Board, 9:00 a.m.; 07/09/2003 UBCC Architectural Advisory Committee, 1:30 p.m.; 07/10/2003 Chiropractic Physician Licensing Board, 9:00 a.m.; 07/10/2003 UBCC Structural Advisory Committee, 12:00 noon; 07/11/2003 Plumbers Licensing Board, 8:30 a.m.; 07/15/2003 Occupational Therapy Board, 9:00 a.m.; 07/15/2003 UBCC Education Advisory Committee, 1:00 p.m.; 07/16/2003 Hearing Instrument Specialist Board, 9:00 a.m.; 07/18/2003 Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 07/18/2003 Board of Nursing, 8:00 a.m.; 07/18/2003 Uniform Building Code Commission, 9:00 a.m.; 07/18/2003 Electricians Licensing Board, 9:00 a.m.; 07/22/2003 Physical Therapy Licensing Board, 9:00 a.m.; 07/22/2003 Certified Shorthand Reporters Licensing Board, 9:00 a.m.; 07/22/2003 State Board of Pharmacy, 9:00 a.m.; 07/22/2003 UBCC Unified Code Analysis Council, 10:00 a.m.; 07/23/2003 UBCC Mechanical Advisory Committee, 9:00 a.m.; 07/23/2003 Utah Board of Accountancy, 1:00 p.m.; 07/30/2003 Construction Services Commission, 8:30 a.m.

August

08/06/2003 Alarm System Security and Licensing Board, 9:00 a.m.; 08/07/2003 Security Services Licensing Board, 9:00 a.m.; 08/08/2003 Plumbers Licensing Board, 8:30 a.m.; 08/08/2003 Architects Licensing Board, 9:00 a.m.; 08/12/2003 Utah Board of

Massage Therapy, 9:00 a.m.; 08/12/2003 UBCC Plumbing Advisory Committee, 9:00 a.m.; 08/13/2003 Residence Lien Recovery Fund Board, 8:00 a.m.; 08/13/2003 Physicians Licensing Board, 9:00 a.m.; 08/13/2003 Professional Counselors Licensing Board, 9:00 a.m.; 08/13/2003 UBCC Architectural Advisory Committee, 1:30 p.m.; 08/14/2003 UBCC Structural Advisory Committee, 12:00 noon; 08/15/2003 Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 08/15/2003 Uniform Building Code Commission, 9:00 a.m.; 08/19/2003 Environmental Health Scientist Board, 9:00 a.m.; 08/19/2003 UBCC Electrical Advisory Committee, 9:00 a.m.; 08/19/2003 UBCC Education Advisory Committee, 1:00 p.m.; 08/21/2003 Physician Assistant Licensing Board, 8:00 a.m.; 08/21/2003 Electricians Licensing Board, 9:00 a.m.; 08/22/2003 Board of Nursing, 8:00 a.m.; 08/26/2003 Prescriptive Practice Peer Committee, 8:00 a.m.; 08/26/2003 Recreational Therapy Board, 9:00 a.m.; 08/26/2003 State Board of Pharmacy, 9:00 a.m.; 08/26/2003 UBCC Unified Code Analysis Council, 10:00 a.m.; 08/27/2003 Construction Services Commission, 8:30 a.m.; 08/27/2003 UBCC Mechanical Advisory Committee, 9:00 a.m.; 08/27/2003 Utah Board of Accountancy, 1:00 p.m.; 08/28/2003 Funeral Service/Preneed Boards, 9:00 a.m.

September

09/01/2003 Cosmetology/Barbering, Esthetics, Electrology and Nail Technology Licensing Board, 9:00 a.m.; 09/04/2003 Veterinary Board, 9:00 a.m.; 09/04/2003 Alternative Dispute Resolution Providers Certification Board, 9:00 a.m.; 09/09/2003 Professional Engineers/Professional Land Surveyors Licensing Board, 9:00 a.m.; 09/09/2003 UBCC Plumbing Advisory Committee, 9:00 a.m.; 09/10/2003 Residence Lien Recovery Fund Board, 8:00 a.m.; 09/10/2003 Physicians Licensing Board, 9:00 a.m.; 09/10/2003 Professional Counselors Licensing Board, 9:00 a.m.; 09/10/2003 UBCC Architectural Advisory Committee, 1:30 p.m.; 09/11/2003 Social Worker Licensing Board, 8:00 a.m.; 09/11/2003 UBCC Structural Advisory Committee, 12:00 noon; 09/11/2003 Controlled Substance Precursor Board, 2:00 p.m.; 09/12/2003 Plumbers Licensing Board, 8:30 a.m.; 09/16/2003 Landscape Architect Licensing Board, 9:00 a.m.; 09/16/2003 Controlled Substance Database Advisory Comm., 9:00 a.m.; 09/16/2003 Building Inspector Licensing Board, 11:00 a.m.; 09/16/2003 UBCC Education Advisory Committee, 1:00 p.m.; 09/17/2003 Deception Detection Examiners Board, 9:00 a.m.; 09/18/2003 Genetic Counselor Licensing Board, 8:00 a.m.; 09/18/2003 Electricians Licensing Board, 9:00 a.m.; 09/19/2003 Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 09/19/2003 Uniform Building Code Commission, 9:00 a.m.; 09/23/2003 Speech-Language Pathology/Audiology Board, 9:00 a.m.; 09/23/2003 State Board of Pharmacy, 9:00 a.m.; 09/23/2003 UBCC Unified Code Analysis Council, 10:00 a.m.; 09/24/2003 Construction Services Commission, 8:30 a.m.; 09/24/2003 UBCC Mechanical Advisory Committee, 9:00 a.m.; 09/24/2003 Utah Board of Accountancy, 1:00 p.m.; 09/25/2003 Professional Employer Organization Board, 9:00 a.m.; 09/26/2003 Board of Nursing, 8:00 a.m.; 09/26/2003 Marriage and Family Therapist Board, 9:00 a.m.

October

10/02/2003 Security Services Licensing Board, 9:00 a.m.; 10/03/2003 Architects Licensing Board, 9:00 a.m.; 10/06/2003 Psychologist Licensing Board, 9:00 a.m.; 10/08/2003 Residence Lien Recovery Fund Board, 8:00 a.m.; 10/08/2003 Physicians Licensing Board, 9:00 a.m.; 10/08/2003 Acupuncture Licensing Board, 9:00 a.m.; 10/08/2003 Professional Counselors Licensing Board, 9:00 a.m.; 10/08/2003 Hearing Instrument Specialist Board, 9:00 a.m.; 10/08/2003 UBCC Architectural Advisory Committee, 1:30 p.m.; 10/09/2003 Chiropractic Physician Licensing Board, 9:00 a.m.; 10/09/2003 UBCC Structural Advisory Committee, 12:00 noon; 10/10/2003 Plumbers Licensing Board, 8:30 a.m.; 10/10/2003 Radiology Technologist Licensing Board, 9:00 a.m.; 10/14/2003 Professional Geologists Licensing Board, 9:00 a.m.; 10/14/2003 Osteopathic Physicians Licensing Board, 9:00 a.m.; 10/14/2003 UBCC Plumbing Advisory Committee, 9:00 a.m.; 10/14/2003 UBCC Education Advisory Committee, 1:00 p.m.; 10/16/2003 Electricians Licensing Board, 9:00 a.m.; 10/17/2003 Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 10/17/2003 Uniform Building Code Commission, 9:00 a.m.; 10/22/2003 Optometrist Licensing Board, 9:00 a.m.; 10/22/2003 UBCC Mechanical Advisory Committee, 9:00 a.m.; 10/22/2003 Utah Board of Accountancy, 1:00 p.m.; 10/24/2003 Board of Nursing, 8:00 a.m.; 10/27/2003 Health Facility Administrators Board, 9:00 a.m.; 10/28/2003 State Board of Pharmacy, 9:00 a.m.; 10/28/2003 UBCC Unified Code Analysis Council, 10:00 a.m.; 10/29/2003 Construction Services Commission, 8:30 a.m.

November

11/05/2003 Alarm System Security and Licensing Board, 9:00 a.m.; 11/05/2003 Respiratory Care Licensing Board, 9:00 a.m.; 11/06/2003 Licensed Substance Abuse Counselors Board, 9:00 a.m.; 11/11/2003 UBCC Plumbing Advisory Committee, 9:00 a.m.; 11/12/2003 Residence Lien Recovery Fund Board, 8:00 a.m.; 11/12/2003 Physicians Licensing Board, 9:00 a.m.; 11/12/2003 Professional Counselors Licensing Board, 9:00 a.m.; 11/12/2003 UBCC Architectural Advisory Committee, 1:30 p.m.; 11/13/2003 Naturopathic Physician Licensing Board, 9:00 a.m.; 11/13/2003 UBCC Structural Advisory Committee, 12:00 noon; 11/14/2003 Plumbers Licensing Board, 8:30 a.m.; 11/14/2003 Uniform Building Code Commission, 9:00 a.m.; 11/18/2003 Prescriptive Practice Peer Committee, 8:00 a.m.; 11/18/2003 Professional Engineers/Professional Land Surveyors Licensing Board, 9:00 a.m.; 11/18/2003 Utah Board of Massage Therapy, 9:00 a.m.; 11/18/2003 UBCC Electrical Advisory Committee, 9:00 a.m.; 11/18/2003 UBCC Education Advisory Committee, 1:00 p.m.; 11/20/2003 Physician Assistant Licensing Board, 8:00 a.m.; 11/20/2003 Funeral Service/Preneed Boards, 9:00 a.m.; 11/20/2003 Electricians Licensing Board, 9:00 a.m.; 11/21/2003 Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 11/21/2003 Board of Nursing, 8:00 a.m.; 11/25/2003 State Board of Pharmacy, 9:00 a.m.; 11/25/2003 UBCC Unified Code Analysis Council, 10:00 a.m.; 11/26/2003 Construction Services Commission, 8:30 a.m.; 11/26/2003 UBCC Mechanical Advisory Committee, 9:00 a.m.; 11/26/2003 Utah Board of Accountancy, 1:00 p.m.

SPECIAL NOTICES

December

12/01/2003 Cosmetology/Barbering, Esthetics, Electrology and Nail Technology Licensing Board, 9:00 a.m.; 12/04/2003 Security Services Licensing Board, 9:00 a.m.; 12/05/2003 Architects Licensing Board, 9:00 a.m.; 12/09/2003 UBCC Plumbing Advisory Committee, 9:00 a.m.; 12/10/2003 Residence Lien Recovery Fund Board, 8:00 a.m.; 12/10/2003 Physicians Licensing Board, 9:00 a.m.; 12/10/2003 Professional Counselors Licensing Board, 9:00 a.m.; 12/10/2003 UBCC Architectural Advisory Committee, 1:30 p.m.; 12/11/2003 Social Worker Licensing Board, 8:00 a.m.; 12/11/2003 UBCC Structural Advisory Committee, 12:00 noon; 12/12/2003 Plumbers Licensing Board, 8:30 a.m.; 12/15/2003 UBCC Education Advisory Committee, 1:00 p.m.; 12/16/2003 State Board of Pharmacy, 9:00 a.m.; 12/16/2003 Building Inspector Licensing Board, 11:00 a.m.; 12/17/2003 Utah Board of Accountancy, 1:00 p.m.; 12/18/2003 Genetic Counselor Licensing Board, 8:00 a.m.; 12/18/2003 Professional Employer Organization Board, 9:00 a.m.; 12/18/2003 Electricians Licensing Board, 9:00 a.m.; 12/19/2003 Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 12/19/2003 Board of Nursing, 8:00 a.m.; 12/19/2003 Uniform Building Code Commission, 9:00 a.m.; 12/19/2003 Marriage and Family Therapist Board, 9:00 a.m.; 12/23/2003 UBCC Unified Code Analysis Council, 10:00 a.m.; 12/31/2003 Construction Services Commission, 8:30 a.m.

GOVERNOR'S PROCLAMATION: CALLING THE FIFTY-FOURTH LEGISLATURE INTO A SIXTH SPECIAL SESSION

WHEREAS, since the adjournment of the 2002 General Session of the Fifty-Fourth Legislature of the State of Utah, 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 into Special 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 Fifty-Fourth Legislature of the State of Utah into a Sixth Special Session at the State Capitol at Salt Lake City, Utah, on the 18th day of December, 2002, at 10:00 a.m., for the following purposes:

1. To fund the Fiscal Year 2003 budget shortfall.
2. And, to consider such other measures as may be brought to the attention of the Legislature by supplemental communication from the Governor before or during the Special Session hereby called.

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 9th day of December, 2002.

(STATE SEAL)

MICHAEL O. LEAVITT
Governor

OLENE S. WALKER
Lieutenant Governor

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 November 16, 2002, 12:00 a.m., and December 2, 2002, 11:59 p.m. are included in this, the December 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 January 14, 2003. 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 April 14, 2003, 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.

Alcoholic Beverage Control,
Administration
R81-7-3
Guidelines for Issuing Permits for
Outdoor or Large-Scale Public Events

NOTICE OF PROPOSED RULE
(Amendment)

DAR FILE NO.: 25650
FILED: 11/20/2002, 15:59

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: As written, the rule gives the Alcoholic Beverage Control Commission (ABC) discretion in imposing controls when issuing single-event permits to be held at outdoor venues. The amendment extends the controls to other large-scale venues, whether held indoors or outdoors.

SUMMARY OF THE RULE OR CHANGE: This amendment: 1) extends ABC's authority to require that certain controls be in place at large-scale, single-event permit venues; 2) defines the term "large-scale public event"; and 3) makes the requirement of having alcoholic beverages distinguishable in appearance from nonalcoholic beverages an optional requirement rather than a mandatory one.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63-46-3, 32A-1-107, 32A-7-101, and 32A-7-104

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: None--This amendment only expands the current rule to include placing certain control requirements on those holding single-event permits that involve a large number of attendees. It involves no additional costs to the state budget.
- ❖ LOCAL GOVERNMENTS: None--This rule involves the issuance of single-event permits by the State Alcoholic Beverage Control Commission, and does not affect local governments.
- ❖ OTHER PERSONS: The additional control requirements imposed by ABC for holders of single-event permits may require the added costs of staff training and/or other expenses.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment would require that some staff involved in large-scale events holding single-event permits be alcohol-server trained. This training is provided by authorized instructors at a cost (varies) to the students. Promoters of these events may also be required to construct alcohol consumption and identification verification areas and purchase unique cups or glasses to hold beverages containing alcoholic beverages.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The fiscal impact of this rule on businesses holding single event permits will be minimal when compared to the rule's deterrent effect on safeguarding our

youth from being served alcoholic beverages and adults from being over-served at specified events.

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

ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATION
1625 S 900 W
SALT LAKE CITY UT 84104-1630, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sharon Mackay at the above address, by phone at 801-977-6800, by FAX at 801-977-6889, or by Internet E-mail at smackay@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 01/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: Kenneth F. Wynn, Director

R81. Alcoholic Beverage Control, Administration.

R81-7. Single Event Permit.

R81-7-3. Guidelines for Issuing Permits for Outdoor or Large-Scale Public Events.

(1) Purpose. ~~[Outdoor public events such as street festivals, fairs, concerts, and rodeos are often attended by large numbers of people, many of whom may be under the age of 21. The sale of alcohol at such events poses special control issues for event organizers and law enforcement officials.]~~ The sale of alcohol at outdoor public events such as street festivals, fairs, concerts, and rodeos poses special control issues for event organizers and law enforcement officials. Furthermore, the sale of alcohol at public events attended by large numbers of people, many of whom may be under the age of 21, also poses special control issues. In deciding whether to issue a single event permit for such ~~an~~ events, the commission must be satisfied that sufficient controls will be in place to minimize the possibility of minors being sold or furnished alcohol or adults being over-served alcohol at the event. This rule identifies control measures that must be in place before the commission will issue a single event permit for an outdoor or a large-scale public event. However, this rule gives the commission discretion not to require specific control measures under certain circumstances after considering the facts and circumstances of a particular event.

(2) Definitions.

(a) For purposes of this rule, "large-scale public event" includes any event that is open to the general public and the estimated attendance at the event is in excess of 1000 people.

~~[(2)](3)~~ Authority. This rule is enacted under the authority of Sections 63-46A-3, 32A-1-107 and 32A-7-101 and -104.

~~[(3)](4)~~ Policy.

(a) Before a single event permit will be issued by the commission to allow the sale of alcoholic beverages at an outdoor or a large-scale public event, the following control measures must be present at the event:

(i) There must be at least one location at the event where those wanting to purchase alcoholic beverages must show proof of age and either have their hand stamped or be issued a non-transferable wristband.

(A) The proof of age location(s) shall be separate from the alcoholic beverage sales and dispensing location(s).

(B) Proof of age may be established by:

(I) a current valid driver's license that includes date of birth and has a picture affixed and is issued in this state under Title 53, Chapter 3, Uniform Driver License Act, or in accordance with the laws of another state;

(II) a current valid identification card that includes date of birth and has a picture affixed issued by this state under Title 53, Chapter 3, Part 8, identification Card Act, or issued by another state that is substantially similar to this state's identification card;

(III) a current valid military identification that includes date of birth and has a picture affixed; or

(IV) a current valid passport.

(C) Any person assigned to check proof of age shall have completed the alcohol server-training seminar outlined in 62A-8-103.5.

(D) The use of hand stamps or issuance of wristbands does not relieve those selling and dispensing alcoholic beverages from asking for proof of age if they suspect a person attempting to purchase an alcoholic beverage is under the age of 21 years.

(ii) Alcoholic sales and dispensing location(s) shall be separate from food and non-alcoholic beverage concession locations. However, if the consumption of alcohol at the event is limited to a confined, restricted area such as a "beer garden", then alcoholic beverages, food and non-alcoholic beverages may be sold at the same sales locations within the confined, restricted area.

(iii) Alcoholic beverages shall be served in readily identifiable cups or containers distinct from those used for non-alcoholic beverages.

(iv) No more than two alcoholic beverages shall be sold to a customer at a time.

(v) At least one person who has completed the alcohol server training seminar outlined in 62A-8-103.5 shall be at each location where alcoholic beverages are sold and dispensed to supervise the sale and dispensing of alcoholic beverages.

~~[(vi) Alcoholic beverages must be distinguishable in appearance from non-alcoholic beverages.~~

~~—(vii) All](vi) If minors may attend the event, all dispensing and consumption of alcoholic beverages shall be in a designated, confined, and restricted area where minors are not allowed without being accompanied by a parent or guardian, and where alcohol consumption may be closely monitored.~~

(b) Notwithstanding Subsection (a), the commission, after reviewing the facts and circumstances of a particular outdoor or large-scale public event, may in its discretion relax any of the control measures outlined in Subsection (a) above.

(c) After reviewing the facts and circumstances of the outdoor or large-scale public event, the commission may in its discretion require additional control measures as a condition of issuing a single event permit. These can include but are not limited to the following:

(i) Placing limits on the variety of alcoholic beverages served at the event.

(ii) Requiring that alcoholic beverages be distinguishable in appearance from non-alcoholic beverages.

(iii) Requiring a certain minimum number of law enforcement and/or security personnel at the event.

~~[(4)](5) Procedure.~~ The following procedure shall govern applications for single event permits for outdoor or large-scale public events:

(a) In addition to providing a description of the times, dates, location, nature and purpose of the event, the applicant shall include in the single event permit application a summary of all control measures that will be taken at the event to reduce the possibility of minors being furnished alcohol and adults being over-served alcohol at the event.

(b) Department staff shall provide this information to the commissioners prior to the commission's consideration of the single event permit application.

(c) The commission shall review the application to determine if all statutory requirements are in place, to determine ~~that~~ if all ~~mandatory~~ controls listed in Subsections (4)(a)(i) through (vi) are in place, to consider any request to waive ~~the requirements of~~ any of the controls listed in Subsections ~~(4)(a)(vi) and (vii)](4)(a)(i) through (vi), and to assess whether any additional control measures such as those ~~contained~~ listed in Subsection ~~(4)](4)(c) should be required prior to issuing the single event permit.~~~~

KEY: alcoholic beverages

~~2002]2003~~

Notice of Continuation December 18, 2001

32A-1-107

Commerce, Administration

R151-33

Pete Suazo Utah Athletic Commission
Act Rule

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 25649

FILED: 11/19/2002, 10:08

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To identify the standards and procedures applied by the Commission in determining how grants for amateur boxing will be awarded.

SUMMARY OF THE RULE OR CHANGE: To implement the provisions of Section 13-33-304 regarding the distribution of grant monies for amateur boxing.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 13, Chapter 33; and Section 13-33-304

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Commission will incur additional employee time and costs related to the administration and distribution of grant monies. However, these costs will be covered by the Commission's existing budget.

❖ LOCAL GOVERNMENTS: No impact is anticipated, because local government is not involved in the regulation or enforcement of the boxing industry.

❖ OTHER PERSONS: This rule change has no anticipated impact to other persons or licensees, as the grant monies only affect amateur boxing.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change has no anticipated impact to other persons or licensees, as the grant monies only affect amateur boxing.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule change, which adds standards and procedures regarding amateur boxing grants, is required by Subsection 13-33-304(4). The amateur boxing industry will have a positive business impact in that it will be able to apply for and perhaps receive reimbursement for some of the costs relating to boxing events, equipment, etc. It is difficult to estimate the amount of the positive fiscal impact, as that will depend upon the number of professional contests held within the state.

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

COMMERCE
ADMINISTRATION
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:

Masuda Medcalf at the above address, by phone at 801-530-7663, by FAX at 801-530-6446, or by Internet E-mail at mmedcalf@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 01/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: Klare Bachman, Deputy Director

R151. Commerce, Administration.

R151-33. Pete Suazo Utah Athletic Commission Act Rule.

R151-33-202. Scope and Organization.

Pursuant to Title 13, Chapter 33, general provisions codified in Sections R151-33-101 through R151-33-512 apply to all contests or exhibitions of "unarmed combat," as that term is defined in Subsection 13-33-102(19). The provisions of Sections R151-33-601 through R151-33-623 shall apply only to contests of boxing, as defined in Subsection R151-33-102(1). The provisions of Sections R151-33-701 through R151-33-702 shall apply only to elimination tournaments, as defined in R151-33-102(4). The provisions of Section R151-33-801 shall apply only to martial arts contest and exhibitions. The provisions of Sections R151-33-901 through R151-33-904 shall apply only to grants for amateur boxing.

R151-33-901. Authority - Purpose.

These rules are adopted to enable the Commission to implement the provisions of Section 13-33-304 to facilitate the distribution of

General Fund monies to Organizations Which Promote Amateur Boxing in the State.

R151-33-902. Definitions.

Pursuant to Section 13-33-304, the Commission adopts the following definitions:

(1) "Amateur Boxing" means a live boxing contest where the contestants participate for a non-cash prize of nominal value as defined in the Pete Suazo Utah Athletic Commission Act.

(2) "Applicant" means an Organization Which Promotes Amateur Boxing in the State as defined in this section.

(3) "Grant" means the Commission's distribution of monies as authorized under Section 13-33-304(3).

(4) "Organization Which Promotes Amateur Boxing in the State" means an amateur boxing club located within the state, registered with USA Boxing Incorporated.

(5) "State Fiscal Year" means the annual financial reporting period of the State of Utah, beginning July 1 and ending June 30.

R151-33-903. Qualifications for Applications for Grants for Amateur Boxing.

(1) In accordance with Section 13-33-304, each applicant for a grant shall:

(a) submit an application in a form prescribed by the Commission;

(b) provide documentation that the applicant is an "organization which promotes amateur boxing in the State";

(c) Upon request from the Commission, document the following:

(i) the financial need for the grant;

(ii) how the funds requested will be used to promote amateur boxing; and

(iii) receipts for expenditures for which the applicant requests reimbursement.

(2) Reimbursable Expenditures - The applicant may request reimbursement for the following types of eligible expenditures:

(a) costs of travel, including meals, lodging and transportation associated with

participation in an amateur boxing contest for coaches and contestants;

(b) Maintenance costs; and

(c) Equipment costs.

(3) Eligible Expenditures - In order for an expenditure to be eligible for reimbursement, an applicant must:

(a) submit documentation supporting such expenditure to the Commission showing that the expense was incurred during the State Fiscal Year at issue; and

(b) submit such documentation no later than June 30 of the current State Fiscal Year at issue.

(4) the Commission will review applicants and make a determination as to which one(s) will best promote amateur boxing in the State of Utah.

R151-33-904. Criteria for Awarding Grants.

The Commission may consider any of the following criteria in determining whether to award a grant:

(1) whether any funds have been collected for purposes of amateur boxing grants under Section 13-33-304;

(2) the applicant's past participation in amateur boxing contests;

(3) the scope of the applicant's current involvement in amateur boxing;

(4) demonstrated need for the funding; or

(5) the involvement of adolescents including rural and minority groups in the applicant's amateur boxing program.

KEY: licensing, boxing, contests

[2002|2003

13-33-101 through 13-33-[596|904



Commerce, Administration

R151-35

Powersport Vehicle Franchise Act Rule

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE NO.: 25724

FILED: 12/02/2002, 10:40

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Powersport Vehicle Franchise Act (Act), Title 13, Chapter 35, which was passed in the 2002 Legislative Session, required the Powersport Vehicle Franchise Advisory Board to adopt rules to administer the Act and to adopt procedures for administrative proceedings before the Board. (DAR NOTE: H.B. 167 is found at UT L 2002 Ch 234, effective May 6, 2002.)

SUMMARY OF THE RULE OR CHANGE: This rule adopts procedures regarding registration of regulated industry and administrative proceedings before the Board.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 63-46b-1, 13-35-104, and 13-35-105

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This rule filing does not add any costs to the State Budget, other than those already foreseen through the passage of the Act in 2002. The administrative costs associated with enforcing the Act will be handled through registration fees for regulated industry, adopted in accordance with Section 63-38-3.2 of the Utah Code.

❖ LOCAL GOVERNMENTS: This rule does not affect local government.

❖ OTHER PERSONS: This rule filing does not create any costs to the regulated individual or regulated industry, other than those already foreseen through the passage of the Act in 2002.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule filing does not create any costs to the regulated individual or regulated industry, other than those already foreseen through the passage of the Act in 2002.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No business fiscal impact is anticipated as a result of this rule filing that was not already foreseen through the passage of the Powersport Vehicle Franchise Act, Title 13, Chapter 35. This rule is procedural in nature, and is required by the language of the Act.

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

COMMERCE

ADMINISTRATION

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:

Masuda Medcalf at the above address, by phone at 801-530-7663, by FAX at 801-530-6446, or by Internet E-mail at mmedcalf@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 01/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: Ted Boyer Jr., Executive Director

R151. Commerce, Administration.

R151-35. Powersport Vehicle Franchise Act Rule.

R151-35-1. Title.

This rule shall be known as the "Powersport Vehicle Franchise Act Rule".

R151-35-2. Authority - Purpose.

In accordance with the Powersport Vehicle Franchise Act, Title 13, Chapter 35, this rule governs administrative proceedings before the Utah Powersport Vehicle Franchise Advisory Board, and is adopted under the authority of Subsection 13-35-104(1).

R151-35-3. Adjudicative Proceedings.

(1) Pursuant to Section 13-35-104, administrative and adjudicative proceedings conducted before the Board shall be conducted informally.

(2) In addition to Title 63, Chapter 46b, Utah Administrative Procedures Act, any adjudicative proceedings required by the Powersport Vehicle Franchise Act shall be conducted in accordance with the Department of Commerce Administrative Procedures Act Rule, R151-46b.

(3) In accordance with Sections 63-46b-2(1)(h) and 13-35-104, an administrative law judge is designated as the presiding officer to determine questions of law in adjudicative proceedings before the Board, and to conduct or assist the Board Chair in conducting such proceedings. The Board shall act as finder of fact at any evidentiary hearings conducted in adjudicative proceedings before the Board.

(4) Except as otherwise expressly required or permitted in this Rule or in the Powersport Vehicle Franchise Act, all correspondence or other submissions shall be directed to the Chair of the Utah Powersport Vehicle Franchise Advisory Board at the Utah Department of Commerce.

(5) A request for approval of an act regulated by the Powersport Vehicle Franchise Act shall be commenced by the filing of a pleading headed "BEFORE THE DEPARTMENT OF COMMERCE" and captioned "Request for Agency Action." The pleading shall be substantially in compliance with the Utah Administrative Procedures

Act, Section 63-46b-3, and the Department of Commerce Administrative Procedures Act Rule, R151-46b-7.

R151-35-4. Registration.

(1) Initial Registration. Each franchisor and franchisee doing business in this state shall request an initial registration form from the Board. The Board will provide an initial registration form to each known franchisor and franchisee.

(2) Annual Renewals. The Board will provide a renewal form to each registered franchisor and franchisee at least 30 and not more than 60 days prior to the expiration of the current registration.

(3) A registrant may use the form provided by the Board as its initial or renewal registration or may submit a registration or renewal request in another format so long as that request contains the following information:

- (a) Name of dealership/manufacturer;
- (b) Address of dealership/manufacturer;
- (c) Owners or stockholders and percentage of holding (5% or above only);
- (d) Line-makes manufactured, distributed, or sold;
- (e) If applicable, dealer number; and
- (f) Name and address of person designated for the purpose of receiving notices or process pursuant to the provisions of the Powersport Vehicle Franchise Act.

(4) At the option of the Board chair, the processing of an application for registration by the Department staff may be delayed for a reasonable time to give the registrant an opportunity to cure technical defects in an application for registration.

KEY: motorcycles, dirt bikes, off road vehicles, franchises 2003 13-35-101 et seq.

(DAR NOTE: H.B. 111 is found at UT L 2002 Ch 222, and was effective July 1, 2002.)

SUMMARY OF THE RULE OR CHANGE: Subsection R156-47b-302a(1)(a) is amended to reflect that massage school curriculums must be registered with the Department of Commerce, Division of Consumer Protection, rather than the Utah State Board of Regents.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-47b-101, and Subsections 58-1-106(1) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: The Division will incur minimal costs, less than \$50, to reprint this rule once this proposed amendment is made effective. Any costs incurred will be absorbed in the Division's current budget.
- ❖ LOCAL GOVERNMENTS: Proposed amendment does not apply to local governments.
- ❖ OTHER PERSONS: The Division anticipates no costs or savings to massage schools as a result of this proposed amendment since the amendment clarifies which state agency a massage school must be registered with to meet the curriculum standards established pursuant to Section R156-47b-302a.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division anticipates no costs to massage schools as a result of this proposed amendment since the amendment clarifies which state agency a massage school must be registered with to meet the curriculum standards established pursuant to Section R156-47b-302a.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule change brings the rule into compliance with a statutory change by the 2002 Legislature requiring massage schools to be registered with the Utah Division of Consumer Protection. Therefore, this change will not create any fiscal impact to businesses beyond those already created by the Post Secondary and Proprietary School Act passed by the Legislature. 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:

Clyde Ormond at the above address, by phone at 801-530-6254, by FAX at 801-530-6511, or by Internet E-mail at cormond@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 01/14/2003.



Commerce, Occupational and
Professional Licensing
R156-47b-302a
Qualifications for Licensure as a
Massage Therapist - Massage School
Curriculum Standards - Equivalent
Education and Training

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 25651
FILED: 11/21/2002, 15:39

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to change Subsection R156-47b-302(1)(a) regarding massage school curriculum to meet the requirements of the Post Secondary and Proprietary School Act pursuant to Section 13-34-107 which was amended during the 2002 legislative session. The legislative amendments changed the responsibility of registering private post-secondary schools from the Utah State Board of Regents to the Department of Commerce, Division of Consumer Protection (see H.B. 111).

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-47b. Massage Therapy Practice Act Rules.
R156-47b-302a. Qualifications for Licensure as a Massage Therapist - Massage School Curriculum Standards - Equivalent Education and Training.

(1) In accordance with Subsection 58-47b-302(2)(e)(i)(A), an applicant must graduate from a school of massage with a curriculum, which at the time of graduation, meets the following standards:

(a) curriculums must be registered with the Utah ~~[State Board of Regents]~~ Department of Commerce, Division of Consumer Protection or an accrediting agency recognized by the United States Department of Education.

(b) Curriculums shall be not less than 600 hours and including the following:

- (i) anatomy, physiology and pathology;
- (ii) massage theory including the five basic strokes;
- (iii) ethics;
- (iv) safety and sanitation;
- (v) clinic or practicum; and
- (vi) other related massage subjects as approved by the Division in collaboration with the Board.

(2) In accordance with Subsection 58-47b-302(2)(e)(i)(B), an applicant who completes equivalent education and training must document that the education and training was approved by NCBTMB as evidenced by current NCBTMB certification.

KEY: licensing, massage[?] therapy

~~[August 16, 2001]~~ 2003

Notice of Continuation February 26, 2001

58-1-106(1)

58-1-202(1)(a)

58-47b-101



Commerce, Real Estate
R162-8-9
 Disclosure Requirements

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 25663

FILED: 11/25/2002, 13:04

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Real Estate Commission is concerned that the real estate prelicensing schools are not disclosing to students that if they have a criminal history, they may not qualify for a license. The concern is that the applicant may not realize his criminal history may be a problem until after he has already incurred substantial expenditures for the prelicensing education and examination and the license application fee.

SUMMARY OF THE RULE OR CHANGE: The Commission will require the prelicensing schools certified by the Division to make a written disclosure to a prospective student that he may not qualify for a license if he has a criminal history, obtain a signature from the student acknowledging receipt of the disclosure, and retain the disclosure form for inspection by the Division.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2-5.5(1)(a)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This rule would require some minimal expenditure of staff time to audit a school's disclosure forms, but it is anticipated that this cost would be outweighed by a savings in staff time expended to review applications from persons with a criminal history serious enough to disqualify them from licensure.

❖ LOCAL GOVERNMENTS: This rule would not affect local government.

❖ OTHER PERSONS: Currently some applicants spend their time and money on prelicensing education and the exam registration fee only to find out when they take the exam that their criminal history may disqualify them from licensure. This rule would insure that such persons are given a warning that their applications may not be successful and allow them to make a reasoned decision about their chances and whether they want to risk their money on the real estate prelicensing classes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There would be slightly increased costs for the real estate prelicensing schools because they would have to have an additional form signed by each student and maintain the forms for a specified period of time. However, preliminary feedback from prelicensing schools on the proposed rule has been positive. The form would protect the schools from the current situation where a disappointed applicant demands a refund based on a claim that the school never told him his criminal history might keep him from becoming licensed.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The schools will bear the additional cost of providing the written notice. The cost should be nominal.

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 01/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: Ted Boyer Jr., Executive Director

R162. Commerce, Real Estate.
R162-8. Prelicensing Education.
R162-8-9. Disclosure Requirements.

8.9 Criminal History. For the purposes of this rule, criminal history is defined as any felony or misdemeanor convictions, any pleas in abeyance or diversion agreements, or any pending any criminal charges.

8.9.1 Prior to accepting payment from a prospective student for a pre-licensing education course, a certified school shall provide a written disclosure to the prospective student stating that: a) a student with a criminal history may possibly not qualify for a license; b) an applicant with a criminal history may be required to appear at a hearing before the Utah Real Estate Commission and the Director of the Division of Real Estate to seek approval to license, and there is no guarantee that such an applicant will be approved; and c) all applicants for a sales agent license will be required to submit to the division with their applications fingerprint cards that will be used in criminal background checks.

8.9.2 The school shall be required to obtain the student's signature on the written disclosure required by Section 8.9 acknowledging receipt of the disclosure. The disclosure form and acknowledgement shall be retained in the school's records and made available for inspection by the division for a minimum of two years following the date upon which the student completes the pre-licensing course.

KEY: real estate business
[October 17, 2000]2003
Notice of Continuation June 3, 2002
61-2-5.5



Education, Administration
R277-470
Charter Schools
NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 25726
FILED: 12/02/2002, 16:17

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to provide for a timeline for charter schools to apply for sponsorship to local boards and the State board of Education, to provide a formula for funding charter schools as required by law.

SUMMARY OF THE RULE OR CHANGE: The changes include providing a timeline for charter schools to apply for

sponsorship to local boards and providing a formula for funding charter schools.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-1a-513

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is a cost of \$420,000 from the state budget to fund provisions of this rule, funded by the 2002 Legislature.

❖ LOCAL GOVERNMENTS: There is a cost of \$420,000 from local boards to charter schools in districts where charter school exist.

❖ OTHER PERSONS: There is no anticipated cost or savings to other persons because charter schools are public schools that provide public school services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for affected persons because charter schools are public schools that provide public school services.

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

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

EDUCATION
ADMINISTRATION
250 E 500 S
SALT LAKE CITY UT 84111-3272, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation



R277. Education, Administration.

R277-470. Charter Schools.

R277-470-1. Definitions.

- A. "ADM" means average daily membership.
- B. "Board" means the Utah State Board of Education.

C. "Charter schools" means schools acknowledged as charter schools by local boards of education under Section 53A-1a-515 and this rule or by the Board under Section 53A-1a-505. Charter schools may:

- (1) be created and ~~sponsored~~ chartered by a local board, be recognized as a district school, cooperate in providing student

services with the local board, and receive state and federal funding through the local board; or

(2) have a charter granted by a local board and receive state and federal funding directly from the Board; or

(3) have a charter granted by the Board and receive state and federal funding directly from the Board.

D. "Charter school application" means the official chartering document by which a prospective charter school seeks recognition and funding under Section 53A-1a-505. The application includes the basic elements of the charter [that establishes the relationship between] with the charter school and the chartering board consistent with R277-470-4.

E. "Founding member" means an individual who has had a significant role in the development of the charter school application.

F. "Local education agency (LEA)" means a local board of education, combination of school districts, other legally constituted local school authority having administrative control and direction of free public education within the state, or other entities as designated by the Board, and includes any entity with state-wide responsibility for directly operating and maintaining facilities for providing free public education.

G. "On-going funds" means funds that are appropriated annually with the expectation that the funds [will]shall continue to be appropriated annually.

H. "One-time funds" means funds that are appropriated with the expectation that they may not be appropriated in subsequent years.

I. "Resident district" means a student's school district of residence under Section 53A-2-201.

J. "Resident district per student expenditure" means the dollar amount of district revenue spent per pupil as calculated in R277-470-6.

~~[H]K.~~ "USOE" means the Utah State Office of Education.

~~[J]L.~~ "Weighted Pupil Unit (WPU)" means the unit of measure that is computed in accordance with the Minimum School Program Act for the purpose of distributing revenue on a uniform basis for each pupil.

R277-470-2. Authority and Purpose.

A. This rule is authorized under Utah Constitution, Article X, Section 3 which vests general control and supervision over public education in the Board, Section 53A-1a-513(1)(b)(i) which directs the Board to adopt rules to provide a funding formula to pay school districts for charter school students, Section 53A-1a-513(2)(a) which directs the Board to adopt rules relating to the transportation of students to and from charter schools, Section 53A-1a-502 which directs the Board to provide a timeline allowing prospective charter schools to seek sponsorship first from local boards and then from the Board, Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and 20 U.S.C., Section 8063(3) which directs the Board to submit specific information before charter schools are eligible to receive federal funds.

B. The purpose of this rule is to establish procedures for authorizing and funding charter schools, and to establish a timeline for the application process, ~~and to establish a timeline for remedying charter school deficiencies and remediation procedures~~.

R277-470-3. Charter School Approval Timeline.

A. Applicants desiring to be recognized as charter schools under Section 53A-1a-502 et seq. shall first apply to the local school

board ~~[in]of the district in~~ which the charter school ~~[will]shall~~ be located for approval.

~~B.~~ New Century High Schools as defined under Section 53A-1a-502(1)(a)(ii) shall not be required to apply to a local board of education prior to applying to the Board. New Century High Schools shall only be subject to Board application deadlines.

~~[B]C.~~ Prospective charter schools [shall apply in writing to the local school board before March 1]may make application to the local school board:

(1) on or before March 1; or

(2) before July 15.

~~[C]D.~~ Upon receiving a completed application from a prospective charter school, a local board shall have 45 calendar days to provide written acceptance or rejection of the charter school application. A prospective charter school may submit a revised application consistent with Section 53A-1a-515(5)(b) and (c).

~~[D]E.~~ If a local board rejects the application of a prospective charter school using the March 1 deadline and the charter school desires Board approval for the school year following application and approval, the prospective charter school [may]shall make written application to the Board by April 16.

~~[E]E.~~ The Board shall accept or reject the charter school application in writing as soon as possible after receipt of the application, but no later than the Board's regularly scheduled June meeting for applications submitted by the April 16 deadline.

~~G.~~ If a local board rejects the application of a prospective charter school submitted after March 1 and before the July 15 deadline, the prospective charter school shall make written application to the Board by September 15 if:

(1) the applicant desires Board sponsorship; and

(2) its charter identifies a date to begin operation beyond the immediate school semester.

~~H.~~ The Board shall accept or reject the charter school application in writing as soon as possible after receipt of the application, but no later than the Board's regularly scheduled November meeting if the application is submitted by the September 1 deadline.

~~[F]I.~~ Local boards and the Board may take additional time to work with a prospective charter school to help the school meet outlined criteria and allow the school to begin operating in a subsequent school year.

~~[G]J.~~ It is the intent of the Board that charter schools seek the support of local boards in the chartering process.

R277-470-4. Applications.

A. The charter school application form shall be approved and provided by the Board.

B. The charter school application shall designate the type of charter granted and the anticipated LEA status of the charter school.

C. A charter school application shall include the following:

(1) a description of the criteria or contributions or both used by the applicants to designate parents as founding members and a certified list of founding members;

(2) a description of the methods the applicants shall use to comply with its obligations as an LEA;

(3) a description of the methods the applicants shall use to notify all eligible students that the charter school is open for enrollment:

(a) A charter school shall provide notice that the school is open for enrollment to parents of potential students for a minimum of ~~[45]30~~ days from the date the charter is granted by the Board or for a

minimum of ~~[45]~~30 days before the first day the school opens for classes. ~~[Schools chartered by the Board on September 7, 2001 shall provide notice to parents of open enrollment by January 15, 2002.]~~

(b) The charter school shall provide for written notice of rejection or acceptance of a student's application within 30 days after the notice period closes.

(c) The charter school shall follow additional requirements and timelines for student enrollment options consistent with Sections 53A-2-207 and 53A-2-208.

(4) All other information required under 20 U.S.C., Section 8063(3), Section 53A-1a-508(3), and the application, complete with Assurances, submitted to the Board.

R277-470-5. Funding~~[Through WPU]~~.

A. State Funds: State funding for ~~[Board sponsored]~~ charter school students shall be paid by the USOE directly to charter schools.

~~[B. School districts shall distribute to local board sponsored charter schools, upon request and verification of data, the WPU and other state funds for each eligible charter school student. (1) A public school that becomes a charter school shall receive funding on the same basis as it did prior to its conversion to a charter school.~~

(2) A charter school, chartered by a district, operating in a facility owned by a district, and not paying reasonable rent to that district shall, for funding purposes, be treated as a public school that has converted to a charter school.

(3) Charter schools are not eligible for Necessarily Existent Small Schools funding.

(4) Charter schools shall be considered collectively as a single school district when state program funding is distributed as a base amount to districts. The base amount for charter schools shall then be distributed among the charter schools on a per-pupil or per-WPU basis, depending on the formula.

[R277-470-6. Federal Funds:

~~— If the charter school provides requisite services, then the charter school shall receive proportional funds for eligible students, upon application to the Board, for the following programs:~~

~~— (1) Individuals with Disabilities Act (students with IEP's only);~~

~~— (2) Title I Basic Grant (free and reduced lunch eligible students);~~

~~— (3) Title II Professional Development (total students and disadvantaged students);~~

~~— (4) Impact Aid (students who qualify);~~

~~— (5) Title VI (total number of students);~~

~~— (6) Safe and Drug Free Schools (students who qualify);~~

~~— (7) Bilingual Education Subpart I (based on the number of students receiving services);~~

~~— (8) School Dropout Demonstration Act; and~~

~~— (9) Goals 2000.]~~

B. Federal Funds: Charter schools are eligible for federal funding if they meet all applicable federal requirements and comply with relevant federal regulations.

[R277-470-7. Start Up Funds:]

C. Start Up Funds:

(1) Upon application, [F]the Board may allocate start-up funds to eligible charter schools from monies appropriated by the Legislature or received from the federal government for that purpose;

(2) Approved charter schools shall be eligible to receive available state or federal start up funds 30 days after the charter application is approved by the local board or the Board.

[R277-470-9. Ongoing Funds:]

~~[A]D. Ongoing Funds:~~

(1) Ongoing funds shall be distributed [to charter schools] based on data submitted by [the] charter schools consistent with the format and deadlines required of school districts. ~~[Data shall include names of students, addresses, resident districts, grades, birth dates, immunization data, and special program applications, as necessary. The Board shall distribute these funds consistent with distribution policies to school districts.]~~

(2) For its first school year, a charter school's funding shall begin two months prior to the opening date specified in its contract or, funding shall begin in July if its opening date is prior to September 1. No charter school shall receive more than two months of funding prior to opening.

(a) Funding for the first two months of operation shall be based upon projected enrollment figures provided in the charter school's contract.

(b) Following the first two months of operations, funding for schools opening on or prior to September 1 shall be based on enrollment as of October 1. For schools opening after September 1, funding shall be based on actual enrollment as of the first school day of the month following the first full month of operation.

(c) Allocations for the first operating year shall be adjusted for the difference in funding generated by projected and actual enrollments.

(3) For its second and subsequent years of operation, charter schools shall be funded in the same manner as districts (prior year average daily membership plus growth.)

~~[B. Distributions for September and October shall be made to charter schools based on data submitted to the Board five school days after the beginning of the school year, as determined by the approved charter. If school begins later than September, the distribution for the first two months will be based on data submitted for the first five days of school.~~

~~— C. Charter schools that provide verification of appropriate professional staff as defined under Section 53A-1a-512(3) by November 14 shall receive designated professional staff funding.~~

~~— D. The remaining distributions shall be made based on enrollment data as of the charter school's first school day of the preceding month.~~

~~— E. Charter schools shall receive their annual entitlement in 12 payments.~~

~~— F. Monthly payments shall be adjusted entitling the charter school to the appropriate percentage of its eligible funding for the school year, based on projected ADM for the year.~~

~~— G. Necessary final calculations and adjustments shall be made by June 30 of each year.~~

R277-470-10. Funding for Transportation.

~~— A]E. Transportation Funds:~~

(1) Charter schools are not eligible for to-and-from school transportation funds.

~~[B.]~~(2) A charter school that provides transportation to students [is subject to] shall comply with Utah law under Section 41-6-115.

~~[C-]~~(3) A school district may provide transportation for charter school students on a space-available basis on approved routes.

~~(1)~~a Districts may not incur increased costs or displace eligible students to transport charter school students.

~~(2)~~b A charter school student shall board and leave the bus only at existing designated stops on approved bus routes or at identified destination schools.

~~(3)~~c A charter school student shall board and leave the bus at the same stop each day.

R277-470-~~18~~6. ~~[Residency for Funding Purposes] Resident District Per Student Expenditure.~~

~~A. [For purposes of state and federal funding, a charter school student is considered a resident of the district in which the charter school is located if the school was chartered by a local board. Schools chartered by the Board shall receive WPU funds directly from the Board.~~

~~B.]~~ The ~~local~~ resident district per student ~~portion~~ expenditure ~~[is allocated]~~ shall be calculated as follows:

~~(1) For students who are residents of the district and attend schools chartered by the district, the district shall pay the local per student portion to the school.~~

~~(2) Funds shall be paid by the Board to supplement the local per student portion to both district chartered and Board chartered schools to the extent of funds available.~~

~~(3) For students who are NOT residents of the district and attend a district chartered school, the student's resident district shall pay 1/2 of the local per student portion; the state shall pay the remaining 1/2 of the local district per student portion to the charter school.~~

~~(4) For students who enroll in Board chartered schools, the student's resident district shall pay 1/2 of the local per student portion to the charter school; the state shall pay the remaining 1/2 of the local per student portion directly to the charter school.~~ (1) Using data found in the most recent State Superintendent's Annual Report, take the resident district's total expenditures before interfund transfers for:

(a) maintenance and operations; and

(b) capital projects.

(2) Subtract from the sum of the above (1):

(a) resident district's taxes collected under the Minimum School Program;

(b) state revenue;

(c) federal revenue; and

(d) expenditures for site acquisition and new facility construction (new facility square footage or other major remodeling, if approved by the USOE.)

(3) Divide the difference of (1) and (2) above by the average daily membership of the charter school student's resident district as reported in the most recent State Superintendent's Annual Report.

B. Charter schools shall submit on a monthly basis, to the USOE and the resident district, a financial report of revenue, expenditures, and student enrollment as requested by the USOE. Within 30 days of receipt of the monthly report by the charter school to the resident district, the resident district shall pay to the charter school an amount equal to 1/2 of the resident district per student expenditure.

C. The state shall also pay to charter schools the lesser of an amount equal to 1/2 of the resident district per student expenditure or the state average of the district per student expenditure.

~~[C]~~D. The amount paid by the USOE under this section shall be consistent with Section 53A-2-210 and R277-437 as follows:

~~(1) [Each charter school shall on October 1 provide a list of students and their district(s) of residence to the USOE as part of the charter school's fall enrollment report.]~~ The state's match of the resident district per student expenditure shall be based upon a charter school's October 1 enrollment or its enrollment after the first full month of its school year.

~~(2) The 1/2 of the previous year's resident district per student expenditure [per student] shall determine the current fiscal year's state match of local expenditures.~~

~~(3) If the total state funding appropriated is less than the amount determined in subsection (2), the amount shall be paid on a percentage of the amount that was determined for each charter school.~~

[

~~R277-470-11. Remediation Procedures and Timelines.~~

~~A. The local board or the Board under which a school is chartered shall review a school's compliance with its charter and applicable state law and district policies.~~

~~B. Following the review process, the chartering board shall:~~

~~(1) provide written notice within 20 school days of the review to the charter school of operational inconsistencies with the school's charter or of evidence of noncompliance with state law, rules or district policies.~~

~~(2) allow the charter school 20 school days following notice of inconsistencies or violations to present documentation of an action plan to remedy the identified inconsistencies or violations.~~

~~C. If the same problem is identified in a second review, the school shall be notified that unless evidence of compliance is presented within 10 school days, the school shall be placed on probation until the next scheduled review.~~

~~D. If the problem exists at the next review, the charter school shall receive written notification that its charter will not be renewed for the next semester or school year, whichever is possible considering the need to reassign students and employees.~~

~~E. The chartering board shall provide whatever resources or assistance are possible to assist the charter school in remedying deficiencies and successfully serving students.]~~

KEY: education, charter schools

~~[March 21, 2002] 2003~~

Art X, Sec 3

53A-1a-513(1)(b)(i)

53A-1a-513(2)(a)

53A-1a-502

53A-1-401(3)



Human Services, Administration,
Administrative Services, Licensing
R501-1
General Provisions

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 25652

FILED: 11/22/2002, 15:10

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Clarification of the rule for better understanding by the programs, and changes in types of licenses and their definitions.

SUMMARY OF THE RULE OR CHANGE: Rule reorganization to make the content clearer. Portions have been rewritten or deleted to eliminate duplication and correct other changes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-2-101 through 62A-2-121

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will be no cost for the changes made in this rule other than the cost of printing updated materials.

❖ LOCAL GOVERNMENTS: The "General Provisions" is an internal rule for use within the department and does not involve local governments other than the programs we license comply with the regulations established by local governments, therefore, there is no cost or savings to the local entities.

❖ OTHER PERSONS: Because the changes in this rule were more in the manner of clarification and better definition of the terms in the rules, there is no additional cost or savings as a result of these changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes made in this rule were made for a better understanding and clearer definition of regulations already in the existing rule so there are no anticipated costs or savings incurred by the affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There should be no fiscal impact on businesses as a result of the changes made in the rule.

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

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Bohi at the above address, by phone at 801-538-4153, by FAX at 801-538-4553, or by Internet E-mail at jbohi@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 01/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: Ken Stettler, Director

R501. Human Services, Administration, Administrative Services, Licensing.**R501-1. General Provisions.****R501-1-1. Definition.**

The general provisions are the procedures for the administration and issuance of a license.

A. Legal Authority

1. The Utah State Department of Human Services, hereinafter referred to as DHS, does hereby adopt and promulgate the following rules governing licensure of human service programs in accordance with 62A-2-101 through 62A-2-121.

2. This act provides for issuance of a license by DHS, Office of Licensing, ~~hereinafter referred to as Office,~~ u Upon compliance with the Rules, which include General Provisions, Core, Categorical and single service Rules.

B. Purpose

1. The purpose of licensing under these rules is to authorize a public or private agency or a home to provide a defined human service program. The license designates that the program has the ability to provide the service.

2. A license indicates that the governing body of the program has demonstrated or has provided assurance that services shall be provided in accordance with these rules.

R501-1-2. License Procedure.**A. Application**

A program seeking an initial or renewal license shall make application on forms provided by the Office of Licensing.

B. The licensure fee, as determined by the Utah State Legislature, shall be submitted. The fee will be assessed for the maximum license capacity of the facility.

C. A program seeking a license to provide ~~direct~~ service to minors or vulnerable adults shall submit identifying information to the Office of Licensing for a criminal background screening in accordance with 62A-4a-413 and 62A-2-120, and abuse and neglect background screening in accordance with 62A-3-311.1 and 62A-2-121.

D. On-Site Review

1. Each initial or renewal applicant shall permit a representative or representatives of the Office of Licensing to conduct an on-site review of the physical facility, program operation, consumer records, and to interview staff and consumers to determine compliance.

2. Annually an on-site review shall be carried out by a ~~designated~~ representative or representatives of the Office of Licensing by appointment, as pre-arranged with the program.

3. The findings shall be shared with the program at the conclusion of the review. A written report will be filed in the Office of Licensing by the representative.

4. If the report indicates non-compliance with Rules, ~~the Office and~~ the program shall develop a written plan of action to achieve compliance with the Rules as approved by the Office of Licensing.

E. The license shall state name and address of the program facility, category of service, maximum consumer capacity when appropriate, and period during which license is in effect.

~~F. A license may be extended by the Office of Licensing for a designated period of time not to exceed twelve months.~~

~~G. License expiration: A license that is expired is null and void. A program shall follow the licensing procedures in R501-1-2 to re-apply for a license.~~

R501-1-3. Types of License.

A. Initial License

~~The Office of Licensing shall issue an Initial License for a probationary period to be determined by the Office of Licensing, which shall not exceed twelve months.~~

~~[A]B. Annual License~~

~~1. The Office of Licensing shall issue an annual license after determination has been made that the applicant is in compliance with the requirements of the Initial License and are in compliance with Rules of the Office of Licensing.~~

~~[2. The license shall state name and address of the program facility, category of service, maximum consumer capacity when appropriate, and period during which license is in effect.~~

~~3. The license shall be posted in a conspicuous place on the premises.~~

~~4. A license is automatically void if there is any change in the ownership, management, or address of the program.~~

~~B]C. Renewal License]~~

~~A license must be renewed annually, upon application and payment of applicable fee, providing the Office finds that the service program and facility has complied with Rules of the Office.]~~

~~The Office of Licensing shall issue a renewal license to a program annually, upon receipt of an application, payment of applicable fees, and a completed site visit to verify full compliance with the Rules of the Office of Licensing.~~

~~D. Extended License~~

~~The Office of Licensing may extend a license for a designated period of time not to exceed twelve months, and shall state in writing the terms of the extension.~~

~~[C. License Extension~~

~~1. A license may be extended by the Office for a designated period of time not to exceed twelve months.~~

~~2. The Office shall state in writing the terms of the extension in a letter to the program.~~

~~D. Conditional License~~

~~1. The Office may issue a conditional license for the following:~~

~~a. a new conditional program which is temporarily unable to comply with Rules of the Office, or~~

~~b. due cause.~~

~~2. The non-compliance or violation shall not present an immediate threat to the health or safety of the consumer.~~

~~3. The duration of the conditional license shall be determined by the Office.~~

~~4. The Office shall identify in writing the specific areas of non-compliance including a timetable for resolution.~~

~~E. Accreditation~~

~~1. The Office may accept accreditation by a nationally recognized organization, e.g., Joint Commission on Accreditation of Health Care Organizations, Commission on Accreditation of Rehabilitation Facilities, as compliance with these Rules for licensure.~~

~~2. The standards of the reciprocal organization shall fulfill the intent of these Rules.~~

~~3. The program shall request reciprocity in writing.~~

~~4. The reciprocity agreement will be formalized by written agreement, signed by the Program Director, Office Director and Division Director if appropriate.~~

~~5. The Office may conduct periodic on-site reviews and respond to any consumer complaint or concern of a program licensed through reciprocity.]~~

R501-1-4. Monitoring.

A. Office of Licensing staff shall investigate reports of unlicensed programs and ~~[attempt to-]~~license all who require a license by statute. If the program fails to become licensed, a notice of the violation shall be referred to the Offices of the Attorney General and the appropriate County Attorney.

B. Office of Licensing staff shall investigate complaints regarding a licensed program.

C. Unannounced visits may be conducted at any time, and if an unannounced visit indicates non-compliance or a license violation, the Office of Licensing staff will document the non-compliance or license violation while on-site and the program shall develop a written plan ~~[of action]~~approved by the Office of Licensing to achieve compliance or correct the violation. If the violation is a threat to the health or safety of consumers, a license sanction may be immediate.

R501-1-5. Corrective Action Plan for Non-Compliance With Rules.

A. If an evaluation indicates non-compliance with Rules of the Office of Licensing, then within thirty days of notice the program ~~[and Office staff-]~~shall develop a plan of action approved by the Office of Licensing to achieve compliance while continuing to care for minors or adults.

B. The plan of action shall include the following:

1. a statement of each violation as identified by the Office of Licensing,

2. a method and date for resolution, and

3. all plans of action shall be documented in writing and signed by the appropriate program staff.]

~~C. Technical assistance shall be offered to assist a program to comply with a plan of action.]~~

~~[D]C. If a program fails or refuses to comply with the plan of action, a Notice of Agency Action shall be sent to the program from the Office of Licensing.~~

~~[E]D. If the program fails or refuses to meet requirements or the Notice of Agency Action, the license may be suspended or revoked.~~

~~[F]E. Directors of programs shall be required to post the Notice of Agency Action indicating the violation of Rules. This notice shall be posted in an obvious and conspicuous place where it can be easily[for] reviewed by consumers or parents or guardians of consumers. [The plan of action shall be reviewed by Office staff.] When compliance is achieved, [it shall be recorded in the program's record. A]a letter showing compliance shall be sent to the program to post for review by consumers or parents or guardians of consumers[-], and a copy placed in the programs file.~~

R501-1-6. License Violation.

A. When a program violates the terms of the license, the Office of Licensing, with notification to the appropriate Division, may deny, condition, suspend, or revoke a license for the following:

1. violation of the Rules of the Office of Licensing,

2. conduct in the provision of service that is or may be harmful to the health or safety of persons receiving services, or

3. exercise of professional judgment of license specialist in coordination with Office Director.

B. The license is automatically void, if there is a change in ownership or address of the program. The program license shall also become void if there is a change in the program's management, administration, or policies, unless the program has submitted written notification to the Office of Licensing prior to such changes, and the Office of Licensing has reviewed the changes and had determined that they are in compliance with Licensing rules. If a license become void, the program may re-apply for a license in accordance with R501-2.

C. Sanctions

1. Denial: The Office of Licensing shall give written notice of the denial of an ~~[initial]~~ annual or renewal application within 30 days of the date of decision. The notice shall contain a statement of the basis of the denial and shall inform the applicant of the right to request an administrative hearing as provided by DHS policy. The applicant must make written request to the Office Director for a hearing within ten days of the receipt of the Notice of Agency Action.

2. Conditional: The Office of Licensing shall give written Notice of Agency Action of the conditional status of an existing license. The notice shall contain a statement of cause for the action, including identification of the program's specific non-compliance with Office of Licensing rules and shall inform licensee of the right to an administrative hearing for appeal.

a. A conditional status allows a program to continue operation, if there is no immediate threat to the health or safety of consumers.

b. The duration of the conditional status shall be determined by the Office of Licensing. The period shall allow sufficient time for correction of the noted deficiencies ~~[and the completion of an investigation of abuse or neglect.]~~

3. Suspension: The Office of Licensing shall give written Notice of Agency Action of a suspension of an existing license. The notice shall contain a statement of cause for action and shall inform the licensee of the right to an administrative hearing ~~[or]~~ and appeal. A suspension of a license prohibits the operation of the program and State payment for consumers.

a. The duration of the suspension shall be determined by the Office of Licensing. The suspension period shall allow sufficient time for correction of the noted deficiencies or the completion of an investigation.

~~[b. A license may be suspended a maximum of two times. A third time violation of rules of the Office, which would normally result in a suspension will result in revocation.]~~ b. During the Administrative Hearing or appeal process the program shall not accept any new consumers or receive state payment for new consumers.

c. A license may only be suspended one time. A second violation of the rules, which would result in a suspension, will result in revocation.

~~[—c. The suspension shall be in force until an administrative hearing has been conducted and a final decision has been made, or the program has complied with issues leading to suspension.]~~

4. Revocation: The Office of Licensing shall give written Notice of Agency Action of a revocation of an existing license. The notice shall contain a statement of cause for action and shall inform the licensee of the right to a hearing or appeal.

a. A revocation of a license prohibits the operation of the program and state payments for consumers. The revocation shall be final.

~~[b. The program will be allowed to apply for a new license, after a minimum of one year. However, after two revocations, an application for a license shall not be considered.]~~ b. During the appeal process the program shall not accept any new consumers or receive state payment for new consumers.

~~[C. The sanctions may be one of the following:~~

~~— 1. Prospective: A licensee whose license may be suspended or revoked, shall receive written Notice of Agency Action at least 30 days before the effective action of such suspension or revocation. The notice of suspension or revocation shall state the basis for action.~~

~~— a. The licensee shall meet the requirements set forth in the notice, or the suspension or revocation shall automatically become final. The notice shall also advise the licensee of the right to an administrative hearing.~~

~~— b. DHS shall not place any consumer in a facility which has been notified of prospective suspension or revocation.~~

~~— 2. Immediate:]~~

D. If the Office Director finds that the health or safety of the consumers so require, the immediate suspension or revocation of a license shall be ordered. The Notice of Agency Action shall contain a statement of the basis for the order and shall inform licensee of the right to an administrative hearing. The final decision to suspend or revoke a license shall be made by the Office Director with notification to the appropriate Division.

~~— D. Notice: All written Notices of Agency Action shall be sent by certified mail or hand delivered to the address shown on the license or application.]~~

R501-1-7. [Program Appeal.] Due Process for License Actions.

A. ~~[Request for] Administrative Hearing:~~ A licensee whose license is being ~~[denied, suspended or revoked]~~ sanctioned as defined in R501-1-6(C) may request an informal administrative hearing. The request must be in writing, contain a statement of the problem, and be sent to the Office of Licensing Director within ten days of ~~[the report of the adverse]~~ action. The Office of Licensing will follow the procedure for ~~[program]~~ administrative hearings according to Utah Administrative Practice Act and in accordance with DHS policy.

B. ~~[A hearing shall be conducted by the Office Director when the Office staff has initiated the cause for action.]~~ Alternative Dispute Resolution: A licensee who is in disagreement with a decision made by the Director of the Office of Licensing or by an Office of Licensing staff person may request to have their disagreement handled in an alternative dispute resolution setting as established by Department of Human Services policy in accordance with the State of Utah Alternative Dispute Resolution Act.

C. Grievances: If the licensee has ~~[other]~~ grievances that ~~[result in a written request for a hearing not related to suspension, revocation, or denial of a license, but which]~~ are related to the operation or licensure of the program, and which the licensee believes may be resolved administratively within the Office of Licensing the licensee may request ~~[should be for]~~ a conference with the Office of Licensing Director.

R501-1-8. Variances.

A variance is a ~~[a]~~ time limited authorized deviation from the specifics of a Rule.

A. The Office Director, or designee, may grant a variance to rules of the Office of Licensing, if it is in the best interests of the consumer and maintains basic health and safety requirements[with notice to the appropriate Division].

B. The licensee must submit a written request for a variance, describing the method of fulfilling the intent of the Rules of the Office of Licensing to maintain the health and safety of the consumer.

C. The Office of Licensing shall notify the licensee of the approval or denial of the conditions of the variance, in writing, within 30 days.

D. The Office of Licensing shall maintain a record, and submit a copy to the appropriate Division.

R501-1-9. [Allegations of] Abuse or Neglect, or Exploitation.

A. When the Office of Licensing finds evidence of abuse, neglect, or exploitation, or are provided with allegations of abuse, neglect, or exploitation[, pursuant to Sections 62A-4a-413, 62A-3-311.1, 62A-2-120, or 62A-2-121 of the Utah Code are made against a program, the following shall apply:]

[A.] Office of Licensing staff shall immediately notify the appropriate investigative agency, according to State of Utah[the] Abuse and Neglect Reporting Requirements.

[B.] During the investigation the Office staff may, after consultation with the Director or designee, place a license on conditional status.

1. The Office staff shall inform the program with a written Notice of Agency Action.

2. The notice shall include the following:
 a. a statement that the license will be placed on conditional status during the investigation of abuse, neglect, or exploitation, and
 b. a statement of cause for conditional status and a plan of corrective action for the program.

3. The Notice of Agency Action shall be sent by certified mail or hand delivered.

4. A copy of the Notice of Agency Action shall be sent to the appropriate Division representative.

[C]B. When notified of the results of an abuse[the] investigation by the investigating agency, the Office of Licensing staff shall take the following action:

1. If substantiated, the license may be suspended or revoked.

2. If unsubstantiated, the license [shall return to its former] status shall not be effected.

KEY: licensing, human services
[October 16, 1998]2003
Notice of Continuation September 2, 1997
62A-2-101 et seq.



Human Services, Administration,
 Administrative Services, Licensing
R501-8
 Outdoor Youth Programs

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 25707

FILED: 11/27/2002, 12:27

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment defines the standards and procedures by which the Office of Licensing shall license outdoor youth programs.

SUMMARY OF THE RULE OR CHANGE: The amendment clarifies and refines the rule and definitions of terms and procedures.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-2-101

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Other than the cost of printing of the amendment, there is no additional cost or savings to the state budget.

❖ LOCAL GOVERNMENTS: Local governments are not involved with the outdoor youth programs other than with the youth programs complying with the regulations established by local governments; therefore, the changes in this rule will not impact local governments.

❖ OTHER PERSONS: Because the changes in this rule were more in clarification and better definition of the terms in the rules, there is no additional cost or savings as a result of these changes.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The changes made in this rule were made for a better understanding and clearer definition of regulations already in the existing rule so there are no anticipated costs or savings to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will not be a fiscal impact made by this rule on businesses.

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

HUMAN SERVICES
 ADMINISTRATION, ADMINISTRATIVE SERVICES,
 LICENSING
 120 N 200 W
 SALT LAKE CITY UT 84103-1500, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Bohi at the above address, by phone at 801-538-4153, by FAX at 801-538-4553, or by Internet E-mail at jbohi@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 01/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: Ken Stettler, Director



R501. Human Services, Administration, Administrative Services, Licensing.**R501-8. Outdoor Youth Programs.****R501-8-1. Outdoor Youth Programs.**

The Office of Licensing in the Department of Human Services, shall license outdoor youth programs according to standards and procedures established by this rule.

R501-8-2. Authority and Purpose.

Pursuant to 62A-2-101 et seq., the purpose of this rule is to define standards and procedures by which the Office of Licensing shall license outdoor youth programs. Programs designed to provide rehabilitation services to adjudicated minors shall adhere to these rules as established by the Division of Youth Corrections, in accordance with 62A-7-104-11.

R501-8-3. Definitions.

In addition to terms defined and used in Section 62A-2-101(20), Utah Code:

A. "Consumer" means the minor being provided the service by the program, not the parent or contracting agent that has enrolled the minor in the program.

B. ~~["Escort" means transportation of youth consumers from their home to the program or from the program back to their home or other pre-determined destination by paid adult chaperones.]~~ "Field Office" means the office where all coordination of field operations take place.

C. "Administrative Office" means the office where business operations, public relations, and the management procedures take place.

R501-8-4. Administration.

A. In addition to the following standards and procedures, all outdoor youth programs shall comply with R501-2, Core Standards.

B. Records of enrollment of all consumers shall be on file at the field office at all times.

C. Information provided to parents, community, and media shall be accurate and factual.

D. Programs shall provide an educational component as determined by the Utah State Board of Education for consumers up to 18 years of age who have been removed from their educational opportunities for more than one month. The administrators of the program shall meet and cooperate with the local Board of Education.

E. Programs which advertise as providing educational credit to consumers shall be approved by the Utah State Board of Education.

F. The program shall have written procedures for handling any suspected incident of child abuse or Department of Human Services, hereinafter referred to as DHS, Provider Code of Conduct violation, including the following:

1. a procedure for ensuring that the staff member involved does not work directly with the youth involved or any other youth in the program until the investigation is completed or formal charges filed and adjudicated,

2. a procedure for ensuring that a director or member of the governing body involved in or suspected of abuse shall be relieved of their responsibility and authority over the policies and activities of the program, or any other youth program, as well as meet the sanctions as described in 1. above, until the investigation is completed or formal charges are filed and adjudicated, and

3. a procedure for disciplining any staff member or director involved in an incident of child abuse or DHS Provider Code of Conduct violation, including termination of employment if found guilty

of felony child abuse, or loss of position, including directorship if found guilty of misdemeanor child abuse.

G. If any director or person in a management position is involved in or suspected of child abuse or neglect, the program shall submit to an extensive review by DHS or law enforcement officials to determine or establish the continued safe operation or possible termination of the program. The licensing review shall be completed within 72 hours.

H. Failure to implement and comply with 1., 2., 3., and G. above will be grounds for immediate suspension or revocation of program license.

I. Until charges of abuse, neglect or licensing violations are resolved, no license shall be issued to any program with owners, silent owners, or any staff management personnel that were prior owners or staff management personnel in a program against which the above charges were alleged.

J. If charges result in a criminal conviction or civil or administrative findings that allegations were true, no license shall be issued to any program with owners, silent owners, or staff management personnel from the prior program.

R501-8-5. Program Requirements.

A. Programs that operate in Utah and one or more other states shall meet the requirements for licensure as established for each of the states.

B. There shall be a written plan for expedition groups, developed and approved by the program field director, and by the program executive director, and governing body, which shall not expose consumers to unreasonable risks.

C. The program shall inventory all consumer personal items and shall return all inventoried items, except contraband, to the consumer following program completion. The consumer shall sign the inventory list at the time of inventory and again when items are returned.

D. The Office of Licensing shall review and approve the program's training plan governing consequences for consumer conduct.

E. Each consumer shall have clothing and equipment to protect the consumer from the environment. This equipment shall never be removed, denied, or made unavailable to a consumer. If a consumer refuses or is unable to carry all of his or her equipment, the group shall cease hiking, and reasons for refusal or inability to continue will be established and resolved before hiking continues. Program directors are responsible to train staff regarding this standard and to regularly monitor compliance. There shall never be a deprivation of any equipment as a consequence. Such equipment shall include the following:

1. sunscreen; the program staff shall ensure appropriate consumer usage,

2. insect repellent,

3. with frame or no frame backpack ~~[when]~~ weight to be carried by each consumer shall not [exceeds] exceed 20 percent of the consumer's body weight. If the consumer is required to carry other items, the total of all weight carried shall not exceed 30% of the consumer's body weight. ~~[Consumer shall not be required to carry a load of more than 30 percent of his body weight.]~~

4. personal hygiene items,

5. female hygiene supplies,

6. ~~[wool blankets and tarp or poncho for summer months]~~ sleeping bags rated for the current seasonal conditions when the average nighttime temperature is 40 degrees F. or warmer, ~~[above.]~~

7. sleeping bags rated for the current seasonal conditions, shelter and ground pad for ~~[winter]~~ colder months when the average nighttime temperature is 39 degrees F. or lower, and

8. basic clothing list to ensure consumer protection against seasonal change in the environment.

F. The program shall provide consumers with clean clothing at least weekly and shall provide a means for consumers to bathe or otherwise clean their bodies a minimum of twice weekly. Female consumers shall be issued ~~[baby wipes or similar products for hygiene purposes.]~~ products for hygiene purposes.

G. Hiking shall not exceed the physical capability of the weakest member of the group. Hiking shall be prohibited at temperatures above ~~[95]~~ 90 degrees F. or at temperatures below ~~[minus]~~ 10 degrees F. ~~[including wind chill factor].~~ Field staff shall carry thermometers, which accurately display current temperature. If a consumer cannot or will not hike, the group shall not continue unless eminent danger exists.

H. ~~The expedition plan including [M]map routes, and [including]~~ anticipated schedules and times shall be carried by the field staff and recorded in the field office.

I. Field staff shall maintain a ~~[common,]~~ signed, daily log or dictate a recorded log to be transcribed and signed immediately following termination of the activity.

1. The log shall contain the following information; accidents, injuries, medications, medical concerns, behavioral problems, and all unusual occurrences.

2. All log entries shall be recorded in permanent ink.

3. These logs shall be available to state staff.

J. Incoming and outgoing mail to parents, guardians, and attorneys shall not be restricted but shall be delivered in as prompt a manner as the location and circumstances dictate.

K. ~~[Outgoing mail to parents, guardians, or attorneys shall not be read or censored.]~~ Incoming and outgoing U.S. postal mail to parents, guardians, and attorneys shall not be restricted but shall be delivered in as prompt a manner as the location and circumstances dictate.

L. Incoming mail from parents or guardians shall not be read or censored without written permission from a parent or guardian.

M. All other mail may be restricted only by parental request in writing.

N. All incoming mail may be required to be opened in the presence of staff. Contraband shall be confiscated.

O. All local, state, and federal regulations and professional licensing requirements shall be met.

P. Each program staff shall be required to carry with them a reliable time piece, which may include a wrist watch or pocket watch for the purpose of accurately reflecting the time of day, and for documentation purposes, such as recording the time of day in log notes and incident reports.

Q. The program shall have policy and procedure for suicide ideation that includes a review of any placement of a suicide watch on a consumer, by the program's clinical professional.

R501-8-6. Staff, Interns, and Volunteers.

A. All staff, interns, and volunteers shall meet the provisions of R501-14 and R501-18.

B. Each program shall have a governing body and an executive director who shall have responsibility and authority over the policies and activities of the program. and shall coordinate office and support services, training, etc.. The executive director shall have, at a minimum, the following qualifications:

1. be at least 25 years of age,

2. have a BA or BS degree or equal training and experience in a related field,

3. have a minimum of two years of outdoor youth program administrative experience,

4. have a minimum of 30 semester or 45 quarter hours education in recreational therapy or related experience or one year Outdoor Youth Program field experience,

5. demonstrate complete knowledge and understanding of relevant licensing rules, and

6. have completed an initial staff training ~~[-and field course],~~ see R501-8-8.

C. Each program shall have a program or field director who coordinates field operations, manages the field staff, and operates the field office. The program or field director shall meet, at a minimum, the following qualifications:

1. be at least 25 years of age,

2. have a BA or BS degree or equal training and experience in a related field,

3. have minimum of two years of outdoor youth program ~~field~~ administrative experience,

4. have a minimum of 30 semester or 45 quarter hours education in recreational therapy or related field, or one year Outdoor Youth Program field experience,

5. demonstrate complete knowledge and understanding of relevant licensing rules,

6. have primary responsibility for field activities and visit in the field a minimum of two days a week with no more than five days between visits, ~~[twice weekly,]~~

7. prepare reports of each visit, document conditions of consumers, document interactions of consumers and staff, and ensure compliance with rules,

8. ~~[be trained and certified annually in CPR and standard first aid, and]~~ be annually trained and certified in CPR and currently certified in standard first aid, and

9. have completed an initial staff training ~~[-and field course],~~ see R501-8-8.

D. Each program shall have field support staff responsible for delivery of supplies to the field, mail delivery, communications, and first aid support. The field support staff shall meet, at a minimum, the following qualifications:

1. be at least 21 years of age,

2. have a high school diploma or equivalency,

3. ~~[be trained and certified annually in CPR and standard first aid, and]~~ be annually trained and certified in CPR and currently certified in standard first aid, and

4. have completed an initial staff training and field course, see R501-8-8.

E. Each program group shall have senior field staff working directly with the consumer who shall meet, at a minimum, the following qualifications:

1. be at least 21 years of age,

2. have an associate degree or high school diploma with 30 semester or 45 quarter hours education and training or comparable experience and training in a related field,

3. have six months outdoor youth program field experience or comparable experience which shall be documented in the individual's personnel file,

4. ~~[be trained and certified annually in CPR and standard first aid, and]~~ be annually trained and certified in CPR and currently certified in standard first aid,

5. have completed an initial staff training ~~[-and field course],~~ see R501-8-8, and

~~[6. be with groups at all times.]~~

F. Each program shall have a field staff working directly with the consumers who shall meet, at a minimum, the following qualifications:

1. be a minimum of ~~[19]~~20 years of age,
2. have a high school diploma or equivalency,
3. have ~~[three months]~~forty-eight field days of outdoor youth program experience or comparable experience which shall be documented in the individual's personnel file,
4. exhibit leadership skill,
5. ~~[be trained and certified annually in CPR and standard first aid;]~~be annually trained and certified in CPR and currently certified in standard first aid, and
6. have completed an initial staff training~~[-and field course, see R501-8-8].~~

G. Each program shall have assistant field staff to meet the required consumer to staff ratio. Assistant field staff shall meet, at a minimum, the following qualifications:

1. be a minimum of 19 years of age,
2. have a high school diploma or equivalency,
3. have ~~[two months]~~twenty-four field days of outdoor youth programs experience,
4. exhibit leadership skill,
5. ~~[be trained and certified annually in CPR and standard first aid;]~~be annually trained and certified in CPR and currently certified in standard first aid, and
6. have completed an initial staff training~~[-and field course, see R501-8-8.]~~

H. Each program shall have a multi-disciplinary team, accessible to consumers which shall include, at a minimum, the following:

1. a licensed physician or consulting licensed physician,
2. a treatment professional who may be one of the following:
 - a. a licensed psychologist~~[-or consulting licensed psychologist],~~
 - b. a ~~[certified or]~~licensed clinical social worker,
 - c. a licensed ~~[recreation therapist,]~~professional counselor,
 - d. a licensed marriage and family counselor,or
 - e. a licensed school counselor~~[-or]~~
~~[f. an educator certified in related curriculum.]~~
3. All clinical and therapeutic personnel shall be licensed ~~[or certified by the State of Utah.]~~working under a DOPL training program certified by the State of Utah.

I. Each program may have ~~[program]~~academic and clinical interns who are learning the program practices while completing educational requirements.

1. Interns shall be a minimum of ~~[18]~~19 years ~~[old]~~of age.
2. Initial training program shall be completed by all incoming staff including interns regardless of background experience~~[-except for contract labor, see R501-8-8].~~

~~[3. Internships shall be a minimum of 21 field days, following any initial training program, see R501-8-8.]~~

~~[4.]~~3. Clinical interns pursuing licensure shall be under the supervision of a licensed therapist.

~~[5.]~~4. ~~[Program]~~Academic interns shall be supervised by program staff.

~~[6.]~~5. ~~[Field]~~[i] Interns shall not supervise consumers at any time.

J. Each program may have program volunteers.

1. Volunteers shall be under direct, constant supervision of program staff.
2. Volunteers shall not be left in the role of supervising consumers at any time.
3. Volunteers shall be at least 18 years of age and meet program guidelines.

R501-8-7. Staff to Consumer Ratio.

A. Each youth group shall be supervised by at least two staff members at all times, one of which must be a senior field staff.

B. In a mixed gender group, there shall be at least one female staff and one male staff.

C. Expedition group size, including staff members, cannot exceed ~~[fifteen]~~sixteen people with a minimum of a one to four staff to consumer ratio.

D. Volunteers shall be counted as a consumer in figuring staff to consumer ratios.

E. Expedition group size shall not exceed the number specified by federal, state, or local agencies in whose jurisdiction the program is operated.

R501-8-8. Staff Training.

~~[A. The program shall provide a means for an initial staff training consisting of a seven day academic curriculum, which includes a four day practicum or field training. Training must be completed before any supervision of consumers occurs. The program shall verify that the trainee has Red Cross or comparable certification in standard first aid and CPR.]~~

~~— B. The program shall also provide a field course consisting of a minimum of 21 days.~~

~~— C. The initial staff training and field course training shall include instruction in the following topics:~~A. The program shall provide a minimum of eighty hours initial staff training.

~~— B. Initial staff training shall not be considered completed until the staff have demonstrated to the field director proficiency in each of the following:~~

1. counseling, teaching and supervisory skills,
2. water, food, and shelter procurement, preparation and conservation,
3. low impact wilderness expedition and environmental conservation skills and procedures,
4. consumer management, including containment, control, safety, conflict resolution, and behavior management,
5. instruction in safety procedures and safe equipment use; fuel, fire, life protection, and related tools,
6. instruction in emergency procedures; medical, evacuation, weather, signaling, fire, runaway and lost consumers,
7. sanitation procedures; water, waste, food, etc.,
8. ~~[specialty instruction as required,]~~wilderness medicine, including health issues related to acclimation, exposure to the environment, and environmental elements,
9. CPR, standard first aid, first aid kit contents and use, and wilderness medicine~~[-];~~~~[-all outdoor youth program staff must be recertified annually in CPR and standard first aid.]~~
10. navigation skills, including map and compass use and contour and celestial navigation,
11. local environmental precautions, including terrain, weather, insects, poisonous plants, response to adverse situations and emergency evacuation,
12. leadership and judgment,
13. report writing, including development and maintenance of logs and journals, and
14. Federal, state, and local regulations, including Department of Human Services, Bureau of Land Management, United States Forest Service, National Parks Service, Utah State Department of Fish and Game.

C. The completion of the minimum eighty hours initial staff training shall be documented and maintained in each personnel file.

D. The field director shall document in each personnel file that the staff have demonstrated proficiency in each of the required topic areas as listed in B. above.

E. The initial staff training and demonstration of proficiency must be completed and documented before the staff person may count in the staff consumer ratio.

F. The program shall also provide on-going training to staff in order to improve proficiency in knowledge and skills, and to maintain certifications. This training shall also be documented.

R501-8-9. Staff Health Requirements.

Prior to engaging in any field activity, all staff shall adhere to the following:

A. All field staff, interns, and volunteers shall have an annual physical examination and health history signed by a licensed medical professional. A recognized physical stress assessment shall be completed as part of the physical examination.

B. Physical examinations shall be reviewed and maintained by the provider in the staff personnel file.

C. All program staff, interns, and volunteers shall agree to submit to drug and alcohol screening as provided for by federal and state law.

R501-8-10. Consumer Admission Requirements.

A. Consumers shall be at least 13 ~~[years of age and no older than 18]~~ through 17 years of age and have a current health history which includes notation of limitations and prescriptive medications, completed and submitted within 30 days prior to entrance into the field program and verified by a parent or legal guardian.

B. Admissions screening shall be supervised by a treatment professional before consumer entrance into the field program and shall include the following:

1. a review of consumer social and psychological history with the parent or legal guardian prior to enrollment,
2. an interview with the consumer prior to entrance into the field program, and
3. a review of consumer's health history and physical examination by a licensed medical professional prior to entrance into the field program.

C. Consumer shall have a physical examination within ~~[30]~~ 15 days prior to entrance to field program. Documentation of the examination, on a form provided by the program and signed by a licensed medical professional, shall be submitted to the program within ~~[30]~~ 15 days prior to entrance to field program.

D. A physical examination form shall be provided to the licensed medical professional by the program and the form shall clearly state a description of the physical demands and environment of the program, and require the following information:

1. urinalysis drug screen,
2. CBC, blood count,
3. urinalysis for possible infections,
4. ~~[SMA-6, Electrolyte screen,]~~ CMP, complete metabolic profile,
5. pregnancy test for all female consumers,
6. physical stress assessment ~~[based on climate, temperature, age, weight, and sex, and]~~
7. determination by the physician if detoxification is indicated for consumer prior to entrance into field program ~~[,]~~,
8. and any other tests as deemed to be indicated.

E. Copies of consumer's medical forms shall be maintained at the field office and another copy carried by staff members in a waterproof container throughout the course.

F. Prior to placement in the program, psychological evaluations ~~[are recommended]~~ for consumers as indicated, who have a history of chronic psychological disorders.

~~G. Academic evaluations shall be completed on consumers enrolled in programs that provide academic credits.~~

~~H. Upon admission, the consumer shall be given a period of no fewer than three days to become acclimated to the environment. During this time the consumer shall be monitored by staff for any health problems that may be a result of climate change.~~

G. Upon admission and for a period of no fewer than three days staff shall closely monitor the consumers for any health problems that may be a result of becoming acclimated to the environment.

R501-8-11. Water and Nutritional Requirements.

A. Six quarts of potable water shall be available per person, per day, minimum, plus one additional quart per person for each five miles hiked. Although it is not required that the entire amount be hand carried, access to water shall be available at all times during hiking.

B. In temperatures above 90 degrees F., staff shall make sure consumer intake is a minimum of three quarts of water per day, electrolyte replacement shall be available with the expeditionary group at all times.

C. In temperatures above 80 degrees F., water shall be available for coating consumer's body, and other cooling down techniques shall be available for the purpose of cooling as needed.

~~D. [Each water cache shall be placed prior to the day the group leaves camp.]~~ Water shall be available at each campsite. Water cache location information shall be verified with field staff before the group leaves camp each day.

E. Expedition group shall not depend on aerial drops for water supply. Aerial water drops shall be used for emergency situations only.

F. All water from natural sources shall be treated for sanitation to eliminate health hazards.

G. Each program shall have a written menu describing food supplied to the consumer which shall provide a minimum of 3000 calories per day. There must be fresh fruit and vegetables at least twice a week. Food shall never be withheld from a consumer for any reason. ~~[If a consumer refuses to carry food, the group will stop.]~~ Food may not be withheld as a punishment. If no fire is available, other food of equal caloric value, which does not require cooking shall be available.

1. The menu shall adjust to provide 30-100 percent increase in minimum dietary needs as energy expenditure such as exercise increases, or climate conditions such as cold weather dictate.

2. Food shall be from a balance of the food groups.

3. Forage items shall not be used toward the determination of caloric intake.

4. There shall be no program fasting for more than 24 hours per expeditionary cycle.

5. Multiple vitamin supplements shall be ~~[provided]~~ offered daily.

R501-8-12. Health Care.

A. First aid treatment shall be provided in ~~[as]~~ a prompt ~~[a]~~ manner ~~[as the location and circumstances will allow. This includes first aid for injury, illness, and venomous bites].~~

B. When a ~~[A]~~ consumer ~~[with]~~ has an illness or physical complaint which cannot be treated by ~~[beyond]~~ standard first aid, the program shall immediately arrange for the consumer to be seen and treated as indicated by a licensed medical professional. ~~[treatment shall~~

be immediately transported to the appropriate medical professional or facility. Complaints and responses shall be documented in the daily log and treatment notes.]

C. Each consumer shall be assessed at least every ~~[24]~~14 days for his physical condition by a qualified professional such as ~~[an]~~a Utah EMT. Blood pressure, heart rate, allergies, and general physical condition will be checked and documented. Any assessment concerns will be documented, and the consumer will be taken to the appropriate medical professional for treatment. Medical treatment shall be provided by medical personnel and medication provided as needed. There shall be no consequences to a consumer for requesting to see a health care professional or for anything said to a health care professional.

[C.]D. All prescriptive and over the counter medications shall be kept in the secure possession of designated staff and provided to consumers to be used as prescribed.

[D.]E. Prescriptive medication shall be administered as prescribed by a qualified medical practitioner who is licensed ~~[according to the Medical Practices Act]~~. Staff shall be responsible for the following:

1. supervise ~~[self medication;]~~the use of all medication.
2. record medication, including time and dosage, and
3. record effects of medication, if any.
4. document any incidents of missed prescriptive medication, and
5. document any lost or missing prescriptive medication.

F. A foot check will be conducted at least twice daily and documented.

R501-8-13. Safety.

A. First aid kits shall include sufficient supplies for the activity, location, and environment and shall be available during all field activities. ~~[Emergency evacuation equipment shall be on standby.]~~

B. Program shall have a support system that meets the following criteria:

1. Reliable daily two-way radio communications with additional charged battery packs, and a reliable backup system of ~~[verbal]~~contact in the event the radio system fails.

2. The support vehicles and ~~[base camp]~~field office shall be equipped with first aid equipment.

3. The support personnel shall have access to all contacts, i.e., telephone numbers, locations, contact personnel, and procedures for an emergency evacuation or field incident.

4. ~~[Periods between contacts made by the support staff and field staff shall not exceed 24 hours unless special arrangements are made. Radio contact shall be available from field staff to base camp on a continuous basis.]~~A.M. and P.M. contacts between field staff and support staff are to be relayed to the field office. Contact shall be available from field staff to field office on a continuous basis.

R501-8-14. ~~[Base Camp or]~~Field Office.

A. Each program shall maintain a ~~[base camp or]~~field office.

B. ~~[Base camp or field office shall be staffed and monitored 24 hours a day during program activities.]~~Communication system to the field office shall be monitored 24-hours a day when consumers are in the field.

C. Support staff shall respond immediately to any emergency situation.

D. Support staff on duty shall be within 1 hour of the field.

E. When staff are not present in the field office a contact telephone number shall be posted on the field office door, and the field director shall designate responsible on-call staff who shall continually

monitor communications and will always be within 15 minutes travel time of the field office.

[C.]E. ~~[Base camp or]~~field office staff shall adhere ~~[to]~~to the following:

1. maintain current staff and consumer files which include demographics, eligibility criteria, and medical forms as a minimum,
2. maintain a current list of names of staff and consumers in each field group,
3. maintain a master map of all activity areas,
4. maintain copies of each expeditionary route with its schedule and itinerary, of which copies shall be sent to the Office of Licensing and local law enforcement, as requested by these agencies,
5. maintain a log of communications,
6. be responsible for training and orientation, management of field personnel, related files, and records,
7. be responsible for maintaining communications, equipment inspection, and overseeing medical incidents, and
8. provide all information as requested for review by state staff.

R501-8-15. Environmental Requirements.

A. All programs shall adhere to land use agencies requirements relative to sanitation and low impact camping.

B. Consumers shall be instructed daily in the observance of low-impact camping requirements.

C. Personal hygiene supplies shall be of biodegradable materials.

R501-8-16. Emergencies.

A. Each program shall have a written plan ~~[of]~~of action for disaster and casualties to include the following:

1. designation of authority and staff assignments,
2. plan for evacuation,
3. transportation and relocation of consumers when necessary, and
4. supervision of consumers after evacuation or relocation.

B. The program shall have a written plan which personnel follow in medical emergencies and arrangements for medical care, including notification of consumer's physician and nearest relative or guardian.

C. The program shall have a written agreement for medical emergency evacuation as needed.

D. Emergency evacuation equipment shall be on stand-by.

E. The program shall make prior arrangements with local rescue services in preparation for possible emergency evacuation needs, which shall be reviewed every six months.

R501-8-17. Infectious Disease Control.

The program shall have policies and procedures designed to prevent or eliminate the spread of infectious and communicable diseases in the ~~[field.]~~program.

R501-8-18. ~~[Escort Policies and Procedures.]~~Transportation Services.

~~[There shall be no escort services operated by an outdoor youth program.]~~A. The program shall have policies and procedures which ensure the safe and humane transport of consumers between their homes and the program.

B. "Escort transportation services" means: The charging of a fee for having a responsible adult accompany the consumer during transportation from the consumers home to the program or back to their home.

C. Escort transportation services whether provided by the program or by an independent transportation service shall not be a

requisite to enrollment in the program, but shall be the choice of the consumer's parent or guardian.

D. Programs that provide escort transportation services shall provide parents or guardians with the contact information of at least two other escort transportation services to allow them to have an informed decision.

R501-19. Transportation.

A. There shall be written policy and procedures for transporting consumers.

B. There shall be a means of transportation in case of emergency.

C. Drivers of vehicles shall have a valid drivers license and follow safety requirements of the State.

D. Each vehicle shall be equipped with an adequately supplied first aid kit.

E. When transporting any consumer for any reason, there shall be two staff present at all times, one of which shall be of the same sex as the consumer, except in emergencies.

F. Staff shall adhere to local, state, and federal laws concerning the operation of motor vehicles.

G. Staff and consumers shall wear seat belts at all times while the vehicle is moving.

R501-8-20. Evacuation.

A. Following the wilderness experience, each consumer shall receive a debriefing to include a written summary of the consumer's participation and the progress they achieved.

B. Parents, consumers, and other involved individuals shall be provided the opportunity and encouraged to submit a written evaluation of the wilderness experience, which shall be retained by the program for a period of two years.

R501-8-21. Solo Experiences.

If an Outdoor Youth Program conducts a solo component for consumers as part of the program they shall have and follow written policies and procedures, which shall include the following:

A. A written description of the solo component to ensure that the consumers are not exposed to unreasonable risks.

B. Staff shall be familiar with the site chosen to conduct solos.

C. Plans for supervision shall be in place during the solo.

D. Solo emergency plans.

R501-8-22 Stationary Camp Sites.

An outdoor youth program that maintains a designated location for the housing of consumers is considered stationary and shall be subject to additional fire, health and safety standards.

A. A stationary Outdoor Youth Program camp shall be inspected by a state certified fire inspector before being occupied and on an annual basis thereafter. A copy of the inspection shall be maintained at the Outdoor Youth Program camp. The inspection shall require:

1. Fire Extinguishers. One (1) 2-A-10BC type fire extinguisher shall at minimum be in each of the following locations as required by the fire inspector:

a. On each floor in any building that houses consumers;

b. In any room where cooking or heating takes place;

c. In a group of tents within a seventy-five (75) foot travel distance; and

d. Each fire extinguisher shall be inspected annually by a fire extinguisher service agency.

2. Smoke Detectors. A smoke detector shall be in buildings where consumers sleep.

3. Escape Routes. A minimum of two (2) escape routes from buildings where consumers sleep.

4. Flammable Liquids. Flammable liquids shall not be used to start fires, be stored in structures that house consumers, or be stored near ignition sources. If generators are used, they will only be refueled by staff when the generator is not running and cool to the touch.

5. Electrical. Wiring shall be properly attached and fused to prevent overloads.

B. A stationary Outdoor Youth Program camp shall be inspected by the Local Health Department before being occupied and on an annual basis thereafter. A copy of the inspection shall be maintained at the site of the camp. The inspection shall require the following:

1. Food. Food be stored, prepared and served in a manner that is protected from contamination.

2. Water Supply. The water supply shall be from a source that is accepted by the local health authority according to UAC R392-300 "Rules for Recreation Camp Sanitation," at the time of application and for annual renewal of such licenses.

3. Sewage Disposal. Sewage shall be disposed of through a public system, or in absence of a public system, in a manner approved by the local health authority, according to UAC R392-300 "Rules for Recreation Camp Sanitation".

[R501-8-21, R501-8-23. Non-Compliance With Rules.

Due to the difficulty of monitoring outdoor programs and the inherent dangers of the wilderness, a single violation of the foregoing life and safety rules may result in immediate revocation of the license and removal of consumers from programs pursuant to General Provisions as found in R501-1.

KEY: licensing, human services, youth
[January 16, 2001]2003

Notice of Continuation November 1, 2002
62A-2-101 et seq.

Human Services, Administration,
Administrative Services, Licensing

R501-11

Social Detoxification Programs

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 25660

FILED: 11/25/2002, 10:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Clarification and expansion of definitions of rule.

SUMMARY OF THE RULE OR CHANGE: Give greater definition of physical environments and facilities concerning living quarters for comfort and safety to clients.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 62A-2-101

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There will be no additional costs or savings to state budget other than the cost for printing the amended rule.

❖ LOCAL GOVERNMENTS: Because of the lack of involvement by local governments in the management and governing of these facilities, there is no cost or savings to these governments.

❖ OTHER PERSONS: The changes made in this rule are more for clarification (the expanded definition) than in the addition of materials or programs that would cost the facilities monies, therefore, no additional costs will be incurred by other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because the changes made in this rule are more for clarification and better definition of terms, it has been determined that there are no additional costs to the affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will not be a fiscal impact by this rule on businesses

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

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Bohi at the above address, by phone at 801-538-4153, by FAX at 801-538-4553, or by Internet E-mail at jbohi@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 01/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: Ken Stettler, Director

R501. Human Services, Administration, Administrative Services, Licensing.

R501-11. Social Detoxification Programs.

R501-11-1. Authority.

Pursuant to 62A-2-101 et seq., the Office of Licensing, shall license social detoxification programs according to the following rules.

R501-11-2. Purpose.

A social detoxification program offers room, board and specialized rehabilitation services to persons who are in an intoxicated state~~[-] or withdrawing from alcohol or drugs~~. In social detoxification, individuals are assisted in acquiring the sobriety and a drug free condition necessary for living in the community and the program places

an emphasis on helping the individual obtain further care after detoxification.

R501-11-3. Definition.

Social detoxification Program means a short-term non-medical treatment service for individuals unrelated to the owner or provider in accordance with 62A-2-101(18).

R501-11-4. Administration.

A. In addition to the following rules, all social detoxification programs shall comply with R501-2, Core Rules.

B. A current list of enrollment of all registered consumers shall be on-site at all times.

R501-11-5. Staffing.

A. Each program shall have an employed manager who is responsible for the day to day resident supervision and operation of the facility. The responsibilities of the manager shall be clearly defined. Whenever the manager is absent there shall be a substitute available.

B. Professional staff shall include at least one of the following individuals who have received training to work with substance abusers:

1. a licensed physician, or a consulting licensed physician, or
2. a licensed mental health therapist, or a consulting licensed mental health therapist, or
3. a licensed psychologist or consulting licensed psychologist, and
4. a licensed substance abuse counselor or unlicensed staff who work with substance abusers shall be supervised by a licensed clinical professional.

C. The program shall have a staff person trained, by a certified instructor in standard first aid and CPR, on duty with the consumers at all times. Training shall be updated as required by the certifying agency.

R501-11-6. Direct Service.

Program service records shall contain the following:

- A. name, address, telephone number and admission date,
- B. emergency information with names, addresses and telephone number, of a preferred individual and next of kin~~[, and]~~. Services will not be refused if a person is too intoxicated to provide accurate and detailed emergency information. The program shall obtain thorough information as soon as the client is able to report, and

C. a statement indicating that the consumer meets the admission criteria.

R501-11-7. Physical ~~[Facilities]~~Environment.

A. The program shall maintain appropriate documentation of compliance with the following items as applicable:

- ~~[A]~~1. local zoning ordinances, for "I" occupancies only,
- ~~[B]~~2. local business license,
- ~~[C]~~3. local building codes,
- ~~[D]~~4. local fire safety regulations, and
- ~~[E]~~5. local health codes.

B. The program shall provide written approval from the appropriate local government agency for new program services or increased consumer capacity.

C. Building and Grounds

1. The program shall insure that the appearance and cleanliness of the building and grounds are maintained.
2. The program shall take reasonable measures to ensure a safe physical environment for consumers and staff.

R501-11-8. Physical ~~Environment~~ Facility.

~~[The program shall take appropriate measures to ensure a safe physical environment for consumers and staff.~~

~~— A. Administrative Space: Program shall have space to serve as an administrative office for records, secretarial work and bookkeeping.~~

~~— B]A. Staff Quarters: A 24 hour live-in staff shall have separate living space with a private bathroom.~~

~~[C]B. [Sleeping Accommodations]The program shall have space to serve as an administrative office for records, secretarial work and bookkeeping.~~

C. Sleeping Space.

1. Large rooms may be ~~[utilized]~~used as dormitor~~[ies]~~y style bedrooms.

2. A minimum of 50 square feet per consumer shall be provided in a multiple occupant bedroom. Storage space shall not be counted.

3. A minimum of 70 square feet per individual shall be provided in a single occupant bedroom. Storage space shall not be counted.

4. Sleeping areas shall have a source of natural light, and shall be ventilated by mechanical means or equipped with a screened window that opens.

~~5. There shall be an escape window for each sleeping room unless there are two ways to exit the room.~~

~~[5]6. Each bed, none of which shall be portable, shall be solidly constructed and be provided with clean linens after each consumer stay and at least weekly.~~

~~[6]7. Sleeping quarters serving male and female residents shall be structurally separated.~~

D. Bathrooms

1. Bathrooms shall meet a minimum ratio of one toilet, one lavatory, and one tub or shower for each eight residents. These shall be maintained in good operating order and in a clean and safe condition.

2. Toilets and baths or showers shall allow for individual privacy. They shall also accommodate consumers with physical disabilities, as required by the state building code.

3. Bathroom mirrors shall be secured to the walls at convenient heights.

4. Each bathroom shall be properly equipped with toilet paper, towels, soap and other items required for personal hygiene.

5. Bathrooms shall be ventilated by mechanical means or equipped with a screened window that opens.

R501-11-9. Equipment.

~~— A. Furniture and equipment shall be of sufficient quantity, variety and quality to meet program and consumer needs.~~

~~— B. All furniture and equipment shall be maintained in a clean and safe condition.~~

R501-11-10. Laundry Service.

~~[— E. Laundry Service]~~

~~— A. Programs which provide for common laundry of linens and clothing, shall provide containers for soiled laundry separate from storage for clean linens and clothing.~~

~~— B. Laundry appliances shall be maintained in good operating order and in a clean and safe condition.~~

R501-11-11. Food Service.

~~[— F. Food Service]~~

~~[4]A. One person shall be responsible for food service. If this person is not a professionally qualified dietician, annual consultation with a qualified dietitian shall be obtained.~~

~~[2]B. The person responsible for food service shall maintain a current list of consumers with special nutritional needs, record in the consumer's service record information relating to special nutritional needs, and provide nutrition counseling where indicated.~~

~~[3]C. Kitchens shall have clean and safe operational equipment for the preparation, storage, serving and clean up of all meals.~~

R501-11-12. Medication.

~~— A. The program shall have locked storage for medications.~~

~~— B. The program shall have locked storage for hazardous chemicals and materials according to the direction of the local fire authorities. Any flammable or hazardous chemicals or materials shall be stored in appropriate well-ventilated storage area.~~

~~— C. The program shall have designated qualified staff, who shall be responsible to:~~

~~1. administer or supervise medication.~~

~~2. supervise self-medication.~~

~~3. record medication, including time and dosage, according to prescription, and~~

~~4. record effects of medication.~~

R501-11-[9]13. Specialized Services.

~~A. The program shall not admit those who are currently experiencing convulsions, in shock, delirium tremens, in a coma, or unconscious.~~

~~B. The program shall complete [the clinical assessment within 72 hours after a consumer is admitted.]a preliminary screening at the time an individual presents for service to determine appropriateness for social model detox. The intake evaluation is completed within seven days.~~

~~C. Consumers shall [be tested for tuberculosis before or upon admission, and program staff shall be tested every six months.]demonstrate recent evidence of a Tuberculosis screening or be tested for Tuberculosis within one week. Clients who exhibit signs of possible active tuberculosis will be screened immediately with assistance from the local health department. Health department recommendations will be followed. Program staff will be tested every six months.~~

~~— D. Once the client has completed the acute detox period as demonstrated by reasonable physical and psychological stability, case managers will conduct an evaluation to determine the treatment referral.[~~

~~— D. Prescriptive medication or medications shall be administered as prescribed by a qualified medical practitioner who is licensed according to the Medical Practices Act. Medication shall be kept in a locked storage area. The program shall have a written policy and procedure to include the following:~~

~~— 1. self administered medication;~~

~~— 2. storage;~~

~~— 3. control;~~

~~— 4. release and disposal of medication in accordance with federal and state regulations, and~~

~~— 5. record side effects of medication.]~~

KEY: licensing, human services, substance abuse[~~±~~]

[~~June 20, 2000~~]2003

Notice of Continuation September 2, 1997

62A-2-101 et seq.



Insurance, Administration
R590-218
Permitted Language for Reservation of Discretion Clauses

NOTICE OF PROPOSED RULE

(New Rule)
 DAR FILE NO.: 25670
 FILED: 11/25/2002, 14:40

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule prohibits the use of reservation of discretion clauses in forms that are not associated with Employee Retirement Income Security Act (ERISA) employee benefit plans. It creates a safe harbor for insurance companies that provide insurance to ERISA employee benefit plans sponsored by employers, allowing insurers to know what language in insurance forms is acceptable to the department.

SUMMARY OF THE RULE OR CHANGE: The rule prohibits any reservation of discretion clauses previously accepted or approved by the department. It provides specific language and formatting insurers may use in such clauses in forms filed for use in ERISA employee benefit plans. The rule also directs how the insurer is to file this wording for multiple ERISA employee benefit plans not subject to ERISA.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201, 31A-21-201, and 31A-21-314

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This new rule will require life and health insurers with "discretion language" in their policy forms, to change the wording to comply with the rule and then refile these forms with the department. This will cost them \$20 per filing. The department does not know how many of the health and life insurance companies will need to refile their forms. There are approximately 700 licensed life and health insurers currently in Utah.

❖ **LOCAL GOVERNMENTS:** This rule should not affect local governments since it only affects our licensees and the language they use in their insurance policy forms.

❖ **OTHER PERSONS:** This rule will require life and health insurance companies who have discretion language in their policy forms, to comply with the wording in the rule and then refile the rule with the department. There is a filing charge of \$20 per filing. We do not know how many of the 700 licensed life and health insurers will need to refile forms with the department. Not all have this clause.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule will require life and health insurance companies who have discretion language in their policy forms, to comply with the wording in the rule and then refile the rule with the department. There is a filing charge of \$20 per filing. We do not know how many of the 700 licensed life and health insurers will need to refile forms with the department. Not all have this clause.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have minimal fiscal impact on insurance companies doing business in Utah. If an insurer needs to make the required wording change in their ERISA employee benefit plans, they will only need to make one \$20 filing with the department.

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@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 01/16/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 1/07/2003 at 9:00 AM, State Office Building (behind the Capitol), Room 1112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/17/2003

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.

R590-218. Permitted Language for Reservation of Discretion Clauses.

R590-218-1. Authority.

This rule is promulgated pursuant to Subsections 31A-2-201(1) and 31A-2-201(3)(a) in which the commissioner is empowered to administer and enforce this title and to make rules to implement the provisions of this title. Further authority to regulate the use of reservation of discretion clauses in forms filed by insurers with the department is found in Subsections 31A-21-201(3) and 31A-21-314(2).

R590-218-2. Purpose.

This rule prohibits the use of reservation of discretion clauses in forms that are not associated with ERISA employee benefit plans. It creates a safe harbor for insurance companies that provide insurance to ERISA employee benefit plans sponsored by employers, allowing insurers to know what language in insurance forms is acceptable to the department.

R590-218-3. Applicability.

This rule applies to all forms filed with the department, regardless of the insurance line or type of form.

R590-218-4. Definitions.

For the purpose of this rule the commissioner adopts the definitions set forth in Section 31A-1-301 and the following:

(1) "Employee benefit plan" means an employee welfare benefit plan as defined in 29 U.S.C. 1002(1) or an employee pension benefit plan as defined in 29 U.S.C. 1002(2) or a plan which is both an employee welfare benefit plan and an employee pension benefit plan.

(2) "ERISA" means the Employee Retirement Income Security Act of 1974.

(3) "ERISA employee benefit plan" means an employee benefit plan subject to ERISA.

(4) "Form" is used as defined in Section 31A-1-301.

(5) "Reservation of discretion clause" means language in a form that purports to reserve discretion to interpret the terms of the contract, to determine eligibility for benefits under the plan, or to establish a scope of judicial review or standards of interpretation, to the plan administrator, the insurance company acting in the capacity of a plan administrator in an employee benefit plan, or the insurance company acting as the insurer.

R590-218-5. Reservation of Discretion Clauses Prohibited - Exception - Safe Harbor Language.

(1) The commissioner finds reservation of discretion clauses in forms to be in violation of Subsections 31A-21-201(3) and 31A-21-314(2). Accordingly, such clauses are not permitted in a form unless provided otherwise by this rule. Any reservation of discretion language previously accepted or approved by the department is hereby prohibited. Any use of reservation of discretion clause in a form required to be filed with the department is a violation of Subsections 31A-21-201(3) and 31A-21-314(2) and is prohibited, regardless of whether the form has been filed with or prohibited by the department.

(2) Notwithstanding Subsection (1), a reservation of discretion clause may be included in a form if the form is used only in ERISA employee benefit plans and the reservation of discretion clause has language that is the same as, or substantially similar to, the language in Subsection (3).

(3) The following language may be used in a reservation of discretion clause in forms filed for use in ERISA employee benefit plans (Parenthesis indicate that the company filing the form may use a name or pronouns as applicable):

"Benefits under this plan will be paid only if (the plan administrator) decides in its discretion that (the claimant) is entitled to them. (The plan administrator) also has discretion to determine eligibility for benefits and to interpret the terms and conditions of the benefit plan. Determinations made by (the plan administrator) pursuant to this reservation of discretion do not prohibit or prevent a claimant from seeking judicial review in federal court of (the plan administrator's) determinations.

The reservation of discretion made under this provision only establishes the scope of review that a federal court will apply when (a claimant) seeks judicial review of (the plan administrator's) determination of eligibility for benefits, the payment of benefits, or interpretation of the terms and conditions applicable to the benefit plan.

(The plan administrator) is an insurance company that provides insurance to this benefit plan and the federal court will determine the level of discretion that it will accord (the plan administrator's) determinations."

(4) A reservation of discretion clause in a form that is used in an ERISA employee benefit plan must be highlighted in the form by use of a bold font that is not less than 12 point type.

R590-218-6. Filing Procedures.

Rather than filing multiple forms for ERISA employee benefit plans and benefit plans not subject to ERISA, an insurer may elect to file one form with the department that has the reservation of discretion language included as a variable element, between brackets, with an accompanying notation stating that the reservation of discretion language will only be included in forms used for ERISA employee benefit plans.

R590-218-7. Severability.

If any provision or clause of this rule or its application to any person or situation is held invalid, such invalidity may not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: insurance, discretion clauses**2003****31A-2-201****31A-21-201****31A-21-314****Natural Resources, Wildlife Resources****R657-5****Taking Big Game****NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 25720

FILED: 12/02/2002, 09:11

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Regional Advisory Council meetings and the Wildlife Board meeting conducted for taking

public input and reviewing the bucks, bulls, and once-in-a-lifetime big game general and limited entry hunts, and the respective application and drawing procedures as approved by the Wildlife Board.

SUMMARY OF THE RULE OR CHANGE: Sections R657-5-6, R657-5-7, and R657-5-15 are being amended to delete the provisions specific to companion hunting, special season extensions for disabled persons, and the use of crossbows, which are included and provided in Rule R657-12, Hunting and Fishing Accommodations for Disabled People. Section R657-5-13 is being amended to provide a hunting restriction in Salt Lake County, whereby a person may not hunt big game within one-half mile of Silver Lake in Big Cottonwood Canyon.

Section R657-5-21 is being amended to clarify that the protected wildlife that is unlawfully taken and seized by the

Division of Wildlife Resources (DWR) may be sold at any time by the Division or its agent, and that a person may purchase protected wildlife, which is sold by the Division at any time. Several sections of this rule are being amended to allow a youth general any bull elk hunting opportunity restricted to persons 18 years of age or younger. Section R675-5-29 is being amended to allow a cross over procedure during the drawing for remaining permits to be available to both residents and nonresidents. Section R657-5-32 is being amended to reduce the five-year waiting period to a two-year waiting period for obtaining a buck pronghorn permit. Sections R657-5-38 and R657-5-43 are being amended to require a person choosing to participate in the extended archery area hunts, during the extended archery seasons to obtain an Extended Archery Area Permit; and hunters choosing to participate in the Wasatch Front Extended Archery area during the extended archery season must complete an annual orientation course and obtain a certificate of completion. Provisions are being amended to clarify the standards and procedures to allow a person to withdraw their application from the drawing or to amend their application for the drawing provided the withdrawal or amendment is completed by the initial application deadline. Section R657-5-69 is being added to restrict the importation of dead elk, mule deer, or white-tailed deer or their parts from areas of any state, province, game management unit, equivalent wildlife management unit, or county, which have deer or elk diagnosed with Chronic Wasting Disease (CWD), except specific portions of the carcass may be imported. Other changes are being made for clarity and consistency.

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

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The amendment, which requires a hunter who chooses to participate in the extended archery areas during the extended archery season, must obtain an Extended Archery Area Permit. This permit requirement may impact DWR's budget for administering this new permit. The permit is free to hunters choosing to participate. DWR will be charging a \$5 handling fee for the issuance of this permit, which should offset the cost to DWR. This amendment is also adding an annual orientation course requirement for persons who choose to participate in the Wasatch Front Extended Archery Area during the extended archery season. DWR will incur costs for developing the course, recording and maintaining a record of those persons who have taken the course, and providing on-site and web site interfacing of the course. The actual costs are currently unknown. The Division determines that initially the cost may be considerable, however, once the course is developed and implemented, there may be less impact. DWR determines that the other amendments are for clarification and consistency, and allow additional hunting opportunity, and therefore, do not create a cost or savings impact to the state budget or DWR's budget.

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

❖ OTHER PERSONS: The amendment, which requires a hunter who chooses to participate in the extended archery areas during the extended archery season, must obtain an Extended Archery Area Permit. The permit is free to hunters choosing to participate. However, DWR will be charging a \$5 handling fee for the issuance of this permit. This amendment is also adding an annual orientation course requirement for persons who choose to participate in the Wasatch Front Extended Archery Area during the extended archery season. There is not a fee being charged in association with the orientation course requirement. The other amendments are for clarification and consistency, and to allow additional hunting opportunity. Therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The amendment, which requires a hunter who chooses to participate in the extended archery areas during the extended archery season, must obtain an Extended Archery Area Permit. The permit is free to hunters choosing to participate. However, DWR will be charging a \$5 handling fee for the issuance of this permit. Hunters choosing to participate will be required to pay the \$5 handling fee. This amendment is also adding an annual orientation course requirement for persons who choose to participate in the Wasatch Front Extended Archery Area during the extended archery season. There is not a fee being charged in association with the orientation course requirement. These amendments are for clarification and consistency, and to allow additional hunting opportunity. DWR determines that there are no additional compliance costs associated with these amendments.

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

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@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 01/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.**R657-5. Taking Big Game.****R657-5-1. Purpose and Authority.**

(1) Under authority of Sections 23-14-18 and 23-14-19, the Wildlife Board has established this rule for taking deer, elk, pronghorn, moose, bison, bighorn sheep, and Rocky Mountain goat.

(2) Specific dates, areas, methods of take, requirements, and other administrative details which may change annually are published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation and the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

R657-5-2. Definitions.

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

(2) In addition:

(a) "Antlerless deer" means a deer without antlers or with antlers five inches or shorter.

(b) "Antlerless elk" means an elk without antlers or with antlers five inches or shorter.

(c) "Antlerless moose" means a moose with antlers shorter than its ears.

(d) "Arrow quiver" means a portable arrow case that completely encases all edges of the broadheads.

(e) "Buck deer" means a deer with antlers longer than five inches.

(f) "Buck pronghorn" means a pronghorn with horns longer than five inches.

(g) "Bull elk" means an elk with antlers longer than five inches.

(h) "Bull moose" means a moose with antlers longer than its ears.

(i) "Cow bison" means a female bison.

(j) "Doe pronghorn" means a pronghorn without horns or with horns five inches or shorter.

(k) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.

(l) "Hunter's choice" means either sex may be taken.

(m) "Ram" means a male desert bighorn sheep or Rocky Mountain bighorn sheep.

(n)(i) "Resident" for purposes of this rule means a person who:

(A) has been domiciled in the state of Utah for six consecutive months immediately preceding the purchase of a license or permit; and

(B) does not claim residency for hunting, fishing, or trapping in any other state or country.

(ii) A Utah resident retains Utah residency if that person leaves this state:

(A) to serve in the armed forces of the United States or for religious or educational purposes; and

(B) complies with Subsection (m)(i)(B).

(iii)(A) A member of the armed forces of the United States and dependents are residents for the purposes of this chapter as of the date the member reports for duty under assigned orders in the state if the member:

(I) is not on temporary duty in this state; and

(II) complies with Subsection (m)(i)(B).

(iv) A copy of the assignment orders must be presented to a wildlife division office to verify the member's qualification as a resident.

(v) A nonresident attending an institution of higher learning in this state as a full-time student may qualify as a resident for purposes of this chapter if the student:

(A) has been present in this state for 60 consecutive days immediately preceding the purchase of the license or permit; and

(B) complies with Subsection (m)(i)(B).

(vi) A Utah resident license or permit is invalid if a resident license for hunting, fishing, or trapping is purchased in any other state or country.

(vii) An absentee landowner paying property tax on land in Utah does not qualify as a resident.

(o) "Spike bull" means a bull elk which has at least one antler having no branching above the ears. Branched means a projection on an antler longer than one inch, measured from its base to its tip.

R657-5-3. License, Permit, and Tag Requirements.

(1) A person may engage in hunting protected wildlife or in the sale, trade, or barter of protected wildlife or their parts in accordance with Section 23-19-1 and the rules or proclamations of the Wildlife Board.

(2) Any license, permit, or tag that is mutilated or otherwise made illegible is invalid and may not be used for taking or possessing big game.

R657-5-4. Age Requirements and Restrictions.

(1)(a) A person 14 years of age or older may purchase a permit and tag to hunt big game. A person 13 years of age may purchase a permit and tag to hunt big game if that person's 14th birthday falls within the calendar year for which the permit and tag are issued.

(2)(a) A person at least 14 years of age and under 16 years of age must be accompanied by his parent or legal guardian, or other responsible person 21 years of age or older and approved by his parent or guardian, while hunting big game with any weapon.

(b) As used in this section, "accompanied" means at a distance within which visual and verbal communication are maintained for the purposes of advising and assisting.

R657-5-5. Duplicate License and Permit.

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

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

~~R657-5-6]-Companion Hunting.~~

~~(1) A person may take a deer or elk for a person who is legally blind or quadriplegic provided the blind or quadriplegic person:~~

~~(a) meets hunter education requirements as provided in Section 23-19-11 and Rule R657-23;~~

~~(b) purchases the appropriate permit and tag;~~

~~(c) obtains a certificate of registration from the division; and~~

~~(d) is accompanied by a companion hunter who has completed a division approved hunter education course as provided in Section 23-19-11 and Rule R657-23.~~

~~(2) A person who is legally blind may obtain a certificate of registration from the division by submitting a signed statement by a licensed ophthalmologist, optometrist, or physician verifying that the applicant:~~

~~—(a) has no more than 20/200 visual acuity in the better eye when corrected; or~~

~~—(b) has, in the case of better than 20/200 central vision, a restriction of the field of vision in the better eye which subtends an angle of vision 20 degrees or less.~~

~~—(3) A person who is quadriplegic may obtain a certificate of registration from the division by submitting a signed statement by a licensed physician verifying that the applicant is quadriplegic.~~

~~—(4) The blind or quadriplegic person must be accompanied by the companion hunter at the time of kill and while transporting the deer or elk.~~

R657-5-7. Special Season Extension for Disabled Persons.

~~—(1) A certificate of registration may be obtained from a division office requesting an extension of 30 days for any limited entry hunt, provided the person requesting the extension:~~

~~—(a) is quadriplegic or permanently confined to a wheelchair;~~

~~—(b) meets hunter education requirements as provided in Section 23-19-11 and Rule R657-23; and~~

~~—(c) obtains the appropriate permit and tag.~~

R657-5-8]. Hunting Hours.

Big game may be taken only between one-half hour before official sunrise through one-half hour after official sunset.

R657-5-[9]7. Temporary Game Preserves.

(1)(a) A person who does not have a valid permit to hunt on a temporary game preserve may not carry a firearm or archery equipment on any temporary game preserve while the respective hunts are in progress.

(b) "Carry" means having a firearm on your person while hunting in the field.

(2) As used in this section, "temporary game preserve" means all bull elk, buck pronghorn, moose, bison, bighorn sheep, Rocky Mountain goat, limited entry buck deer areas and cooperative wildlife management units, excluding incorporated areas, cities, towns and municipalities.

(3) Weapon restrictions on temporary game preserves do not apply to:

(a) a person licensed to hunt upland game or waterfowl provided the person complies with Rules R657-6 and R657-9 and the Upland Game Proclamation and Waterfowl Proclamation, respectively, and possessing only legal weapons to take upland game and waterfowl;

(b) livestock owners protecting their livestock;

(c) peace officers in the performance of their duties; or

(d) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take protected wildlife.

R657-5-[10]8. Prohibited Weapons.

(1) A person may not use any weapon or device to take big game other than those expressly permitted in this rule.

(2) A person may not use:

(a) a firearm capable of being fired fully automatic; or

(b) any light enhancement device or aiming device that casts a beam of light.

R657-5-[11]9. Rifles and Shotguns.

(1) The following rifles and shotguns may be used to take big game:

(a) any rifle firing centerfire cartridges and expanding bullets; and

(b) a shotgun, 20 gauge or larger, firing only 00 or larger buckshot or slug ammunition.

R657-5-[12]10. Handguns.

(1) A handgun may be used to take deer and pronghorn, provided the handgun is a minimum of .24 caliber, fires a centerfire cartridge with an expanding bullet and develops 500 foot-pounds of energy at the muzzle.

(2) A handgun may be used to take elk, moose, bison, bighorn sheep, and Rocky Mountain goat provided the handgun is a minimum of .24 caliber, fires a centerfire cartridge with an expanding bullet and develops 500 foot-pounds of energy at 100 yards.

R657-5-[13]11. Muzzleloaders.

(1) A muzzleloader may be used during any big game hunt, except an archery hunt, provided the muzzleloader:

(a) can be loaded only from the muzzle;

(b) has open sights, peep sights, or a fixed non-magnifying 1x scope;

(c) has a single barrel;

(d) has a minimum barrel length of 18 inches;

(e) is capable of being fired only once without reloading;

(f) powder and bullet, or powder, sabot and bullet are not bonded together as one unit for loading;

(g) is loaded with black powder or black powder substitute, which must not contain nitrocellulose based smokeless powder.

(2)(a) A lead or expanding bullet or projectile of at least 40 caliber must be used to hunt big game.

(b) A 170 grain or heavier bullet, including sabots must be used for taking deer and pronghorn.

(c) A 210 grain or heavier bullet must be used for taking elk, moose, bison, bighorn sheep, and Rocky Mountain goat, except sabot bullets used for taking these species must be a minimum of 240 grains.

(3)(a) A person who has obtained a muzzleloader permit may not possess or be in control of any firearm other than a muzzleloading rifle or have a firearm other than a muzzleloading rifle in his camp or motor vehicle during a muzzleloader hunt.

(b) The provisions of Subsection (a) do not apply to:

(i) a person licensed to hunt upland game or waterfowl provided the person complies with Rules R657-6 and R657-9 and

the Upland Game Proclamation and Waterfowl Proclamation, respectively, and possessing only legal weapons to take upland game or waterfowl;

(ii) a person licensed to hunt big game species during hunts that coincide with the muzzleloader hunt;

(iii) livestock owners protecting their livestock; or

(iv) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take protected wildlife.

R657-5-[14]12. Archery Equipment.

(1) Archery equipment may be used during any big game hunt, except a muzzleloader hunt, provided:

(a) the minimum bow pull is 40 pounds at the draw or the peak, whichever comes first; and

(b) arrowheads used have two or more sharp cutting edges that cannot pass through a 7/8 inch ring;

(c) expanding arrowheads cannot pass through a 7/8 inch ring when expanded; and

(d) arrows must be a minimum of 20 inches in length from the tip of the arrowhead to the tip of the nock, and must weigh at least 300 grains.

(2) The following equipment or devices may not be used to take big game:

(a) a crossbow[;], except as provided in [Section]Rule R657-5-15-12;

(b) arrows with chemically treated or explosive arrowheads;

(c) a mechanical device for holding the bow at any increment of draw;

(d) a release aid that is not hand held or that supports the draw weight of the bow; or

(e) a bow with an attached electronic range finding device or a magnifying aiming device.

(3) Arrows carried in or on a vehicle where a person is riding must be in an arrow quiver or a closed case.

(4)(a) A person who has obtained an archery permit may not possess or be in control of a firearm or have a firearm in his camp or motor vehicle during an archery hunt.

(b) The provisions of Subsection (a) do not apply to:

(i) a person licensed to hunt upland game or waterfowl provided the person complies with Rules R657-6 and R657-9 and the Upland Game Proclamation and Waterfowl Proclamation, respectively, and possessing only legal weapons to take upland game or waterfowl;

(ii) a person licensed to hunt big game species during hunts that coincide with the archery hunt;

(iii) livestock owners protecting their livestock; or

(iv) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take protected wildlife.

[R657-5-15. Crossbows.

~~(1)(a) A disabled person who has a permanent, physical disability may use a crossbow to hunt deer, elk or pronghorn during the respective archery hunt dates provided in the Bucks, Bulls and Once In A Lifetime Proclamation of the Wildlife Board for taking big game, provided that person:~~

~~(i) applies for and obtains a certificate of registration authorizing the use of a crossbow; and~~

~~(ii) provides a physician's statement confirming the disability as defined in Subsection (b).~~

~~(b) "Disabled person" means a person who has a permanent physical impairment due to injury or disease, congenital or acquired, which renders the person so severely disabled as to be unable to use conventional archery equipment.~~

~~(2)(a) Any crossbow used to hunt deer, elk or pronghorn must have:~~

~~(i) a stock that is at least 18 inches long;~~

~~(ii) a minimum draw weight of 125 pounds;~~

~~(iii) a draw length that is at least 18 inches from the front of the crossbow to the back of the string in a cocked position; and~~

~~(iv) a positive safety mechanism.~~

~~(b) Arrows or bolts used must be at least 18 inches long and must have a broadhead with two or more sharp cutting edges that cannot pass through a 7/8 inch ring.~~

~~(3) The following equipment or devices may not be used to take big game:~~

~~(a) arrows with chemically treated or explosive arrowheads; or~~

~~(b) a bow with an attached electronic range finding device or a magnifying aiming device.~~

~~(4) Arrows or bolts carried in or on a vehicle where a person is riding must be in an arrow quiver or a closed case.~~

~~(5) A cocked crossbow may not be carried in or on a vehicle.~~

R657-5-16]R657-5-13. Areas With Special Restrictions.

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

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

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

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

(3) Hunters obtaining a Utah license, permit or tag to take big game are not authorized to hunt on tribal trust lands. Hunters must obtain tribal authorization to hunt on tribal trust lands.

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

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

(a) hunt big game within one-half mile of Silver Lake in Big Cottonwood Canyon;

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

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

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

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

(8) State waterfowl management areas are closed to taking big game, except as otherwise provided in the proclamation of the Wildlife Board for taking big game.

(9) Hunters are restricted to using archery equipment, muzzleloaders or shotguns on the Matheson Wetlands.

R657-5-[17]14. Spotlighting.

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

(a) a person may not use or cast the rays of any spotlight, headlight, or other artificial light to locate protected wildlife while

having in possession a firearm or other weapon or device that could be used to take or injure protected wildlife; and

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

(2) The provisions of this section do not apply to:

(a) the use of headlights or other artificial light in a usual manner where there is no attempt or intent to locate protected wildlife; or

(b) a person licensed to carry a concealed weapon in accordance with Title 53, Chapter 5, Part 7 of the Utah Code, provided the person is not utilizing the concealed firearm to hunt or take wildlife.

R657-5-[18]15. Use of Vehicle or Aircraft.

(1)(a) A person may not use an airplane or any other airborne vehicle or device, or any motorized terrestrial or aquatic vehicle, including snowmobiles and other recreational vehicles, except a vessel as provided in Subsection (c), to take protected wildlife.

(b) A person may not take protected wildlife being chased, harmed, harassed, rallied, herded, flushed, pursued or moved by an aircraft or any other vehicle or conveyance listed in Subsection (a).

(c) Big game may be taken from a vessel provided:

(i) the motor of a motorboat has been completely shut off;

(ii) the sails of a sailboat have been furled; and

(iii) the vessel's progress caused by the motor or sail has ceased.

(2)(a) A person may not use any type of aircraft from 48 hours before any big game hunt begins through 48 hours after any big game hunting season ends to:

(i) transport a hunter or hunting equipment into a hunting area;

(ii) transport a big game carcass; or

(iii) locate, or attempt to observe or locate any protected wildlife.

(b) Flying slowly at low altitudes, hovering, circling or repeatedly flying over a forest, marsh, field, woodland or rangeland where protected wildlife is likely to be found may be used as evidence of violations of Subsections (1) and (2).

(3) The provisions of this section do not apply to the operation of an aircraft in a usual manner, or landings and departures from improved airstrips, where there is no attempt or intent to locate protected wildlife.

R657-5-[19]16. Party Hunting and Use of Dogs.

(1) A person may not take big game for another person, except as provided in Section 23-19-1 and Rule R657-[5-6]12.

(2) A person may not use the aid of a dog to take, chase, harm or harass big game.

R657-5-[20]17. Big Game Contests.

A person may not enter or hold a big game contest that:

(1) is based on big game or their parts; and

(2) offers cash or prizes totaling more than \$500.

R657-5-[24]18. Tagging.

(1) The carcass of any species of big game must be tagged in accordance with Section 23-20-30.

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

(3) The tag must remain with the largest portion of the meat until the animal is entirely consumed.

R657-5-[22]19. Transporting Big Game Within Utah.

(1) A person may transport big game within Utah only as follows:

(a) the head or sex organs must remain attached to the largest portion of the carcass;

(b) the antlers attached to the skull plate must be transported with the carcass of an elk taken in a spike bull unit; and

(c) the person who harvested the big game animal must accompany the carcass and must possess a valid permit corresponding to the tag attached to the carcass, except as provided in Subsection (2).

(2) A person who did not take the big game animal may transport it only after obtaining a shipping permit or disposal receipt from the division or a donation slip as provided in Section 23-20-9.

R657-5-[23]20. Exporting Big Game From Utah.

(1) A person may export big game or their parts from Utah only if:

(a) the person who harvested the big game animal accompanies it and possesses a valid permit corresponding to the tag which must be attached to the largest portion of the carcass; or

(b) the person exporting the big game animal or its parts, if it is not the person who harvested the animal, has obtained a shipping permit from the division.

R657-5-[24]21. Purchasing or Selling Big Game or Their Parts.

(1) A person may only purchase, sell, offer or possess for sale, barter, exchange or trade any big game or their parts as follows:

(a) Antlers, heads and horns of legally taken big game may be purchased or sold only between February 15 through August 9;

(b) Untanned hides of legally taken big game may be purchased or sold only between August 20 through February 15;

(c) Inedible byproducts, excluding hides, antlers and horns, or legally possessed big game as provided in Subsection 23-20-3(1)(d), may be purchased or sold at any time;

(d) tanned hides of legally taken big game may be purchased or sold at any time; and

(e) shed antlers and horns may be purchased or sold at any time.

(2)(a) Protected wildlife that is unlawfully taken and seized by the division may be sold at any time by the division or its agent.

(b) A person may purchase protected wildlife, which is sold in accordance with Subsection (2)(a), at any time.

(3) A person selling or purchasing antlers, heads, horns or untanned hides shall keep transaction records stating:

(a) the name and address of the person who harvested the animal;

(b) the transaction date; and

(c) the permit number of the person who harvested the animal.

[~~(3)~~(4) Subsection [~~(2)~~(3) does not apply to scouting programs or other charitable organizations using untanned hides.

R657-5-[25]22. Possession of Antlers and Horns.

(1) A person may possess antlers or horns or parts of antlers or horns only from:

(a) lawfully harvested big game;

(b) antlers or horns lawfully purchased as provided in Section R657-5-[24]21; or

(c) shed antlers or horns.

(2) "Shed antler" means an antler which:

(a) has been dropped naturally from a big game animal as part of its annual life cycle; and

(b) has a rounded base commonly known as the antler button or burr attached which signifies a natural life cycle process.

(3) "Shed horn" means the sheath from the horn of a pronghorn that has been dropped naturally as part of its annual life cycle. No other big game species shed their horns naturally.

R657-5-[26]23. Poaching-Reported Reward Permits.

(1) Any person who provides information leading to another person's arrest and successful prosecution for wanton destruction of a bull moose, desert bighorn ram, rocky mountain bighorn ram, rocky mountain goat, bison, bull elk, buck deer or buck pronghorn under Section 23-20-4 for any once-in-a-lifetime species or within any limited entry area may receive a permit from the division to hunt for the same species and on the same once-in-a-lifetime or limited entry area where the violation occurred, except as provided in Subsection (2).

(2)(a) In the event that issuance of a poaching-reported reward permit would exceed 5% of the total number of limited entry or once-in-a-lifetime permits issued in the following year for the respective area, a permit shall not be issued for that respective area. As an alternative, the division may issue a permit as outlined in Subsections (b) or (c).

(b) If the illegally taken animal is a bull moose, desert bighorn ram, rocky mountain bighorn ram, rocky mountain goat or bison, a permit for an alternative species and an alternative once-in-a-lifetime or limited entry area that has been allocated more than 20 permits may be issued.

(c) If the illegally taken animal is a bull elk, buck deer or buck pronghorn, a permit for the same species on an alternative limited entry area that has been allocated more than 20 permits may be issued.

(3)(a) The division may issue only one poaching-reported reward permit for any one animal illegally taken.

(b) No more than one poaching-reported reward permit shall be issued to any one person per successful prosecution.

(c) No more than one poaching-reported reward permit per species shall be issued to any one person in any one calendar year.

(4)(a) Poaching-reported reward permits may only be issued to the person who provides the most pertinent information leading to a successful prosecution. Permits are not transferrable.

(b) If information is received from more than one person, the director of the division shall make a determination based on the facts of the case, as to which person provided the most pertinent information leading to the successful prosecution in the case.

(c) The person providing the most pertinent information shall qualify for the poaching-reported reward permit.

(5) Any person who receives a poaching-reported reward permit must be eligible to hunt and obtain big game permits as provided in all rules and regulations of the Wildlife Board and the Wildlife Resources Code.

(6) For purposes of this section, "successful prosecution" means the screening, filing of charges and subsequent adjudication for the poaching incident.

R657-5-[27]24. Application Process for Premium Limited Entry, Limited Entry, Cooperative Wildlife Management Unit and Once-In-A-Lifetime Permits, and Application Process for General Buck Deer ~~and~~, General Muzzleloader Elk, and Youth General Any Bull Elk Permits.

(1)(a) A person may obtain only one permit per species of big game, including premium limited entry, limited entry, cooperative wildlife management unit, once-in-a-lifetime, conservation, sportsman, landowner and general permits, except antlerless permits as provided in the Antlerless Addendum and permits as provided in Rule R657-42.

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

(2) Applications are available from license agents, division offices, and through the division's Internet address.

(3) A resident may apply in the big game drawing for the following permits:

(a) only one of the following:

(i) buck deer - premium limited entry, limited entry and cooperative wildlife management unit;

(ii) bull elk - limited entry and cooperative wildlife management unit; or

(iii) special limited entry archery elk; or

(iv) buck pronghorn - limited entry and cooperative wildlife management unit; and

(b) only one once-in-a-lifetime permit, including once-in-a-lifetime cooperative wildlife management unit permits, except as provided in Section R657-5-[66(2)(b)]64(2)(b).

(4) A nonresident may apply in the big game drawing for the following permits:

(a) only one of the following:

(i) buck deer - premium limited entry and limited entry; or

(ii) bull elk - limited entry; or

(iii) special limited entry archery elk; or

(iv) buck pronghorn - limited entry; and

(b) only one once-in-a-lifetime permit.

(5) A resident or nonresident may apply in the big game drawing for:

(a) ~~[(a)]~~ (i) a statewide general archery buck deer permit [~~statewide general archery, or~~];

(ii) by region for general season ~~or~~ buck deer; or

(iii) by region for general muzzleloader buck deer; and

(b) a general muzzleloader elk permit.

(c) A youth may apply in the drawing as provided in Subsection (a), and for youth general any bull elk pursuant to Section R657-5-46.

(6) A person may not submit more than one application per species as provided in Subsections (3) and (4), and Subsection (5) in the big game drawing.

(7)(a) Applications must be mailed by the date prescribed in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game. Applications filled out incorrectly or received later than the date prescribed in the Bucks, Bulls and Once-In-A-Lifetime Proclamation may be rejected.

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

(8)(a) Late applications, received by the date published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation, will not be considered in the drawing, but will be processed, for the purpose of entering data into the division's draw database to provide:

- (i) future preprinted applications;
 - (ii) notification by mail of late application and other draw opportunities; and
 - (iii) re-evaluation of division or third-party errors.
- (b) The \$5 handling fee will be used to process the late application. Any permit fees submitted with the application will be refunded.

(c) Late applications received after the date published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation shall not be processed and shall be returned to the applicant.

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

(10) Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Subsections R657-5-~~30(4)~~27(4) and R657-5-~~32(+)~~29(2).

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

(13) The posting date of the drawing shall be considered the purchase date of a permit.

R657-5-~~28~~25. Fees for Premium Limited Entry, Limited Entry, Cooperative Wildlife Management Unit and Once-In-A-Lifetime Permits, and for General Buck Deer ~~and~~ General Muzzleloader Elk and Youth General Any Bull Elk Permits.

(1) Each premium limited entry, limited entry, cooperative wildlife management unit and once-in-a-lifetime application must include:

- (a) the highest permit fee of any permits applied for;
- (b) a \$5 nonrefundable handling fee for one of the following permits:
 - (i) buck deer;
 - (ii) bull elk; or
 - (iii) buck pronghorn; and
- (c) a \$5 nonrefundable handling fee for a once-in-a-lifetime permit; and
- (d) the \$5 nonrefundable handling fee, if applying only for a bonus point.

(2) Each general buck deer and general muzzleloader elk application must include:

- (a) the permit fee, which includes the \$5 nonrefundable handling fee ~~for each species applied for~~; or
- (b) the \$5 nonrefundable handling fee per species, if applying only for a preference point.

R657-5-~~29~~26. Applying as a Group for Premium Limited Entry, Limited Entry, Cooperative Wildlife Management Unit and Once-In-A-Lifetime Permits, and for General Buck Deer ~~and~~ General Muzzleloader Elk and Youth General Any Bull Elk Permits.

(1)(a) Up to four people may apply together for premium limited entry, limited entry, and resident cooperative wildlife management unit deer, elk or pronghorn permits in the big game drawing and in the antlerless drawing.

(b) Up to ~~four people~~ two youth may apply together for youth general any bull elk permits in the big game drawing.

(c) Up to ten people may apply together for general deer permits in the big game drawing.

(2)(a) Applicants must indicate the number of hunters in the group by filling in the appropriate box on each application form.

(b) If the appropriate box is not filled out with the number of hunters in the group, each hunter in that group shall be entered into the drawing as individual hunters, and not as a group.

(3) Group applicants must submit their applications together in the same envelope.

(4) Residents and nonresidents may apply together.

(5)(a) Group applications shall be processed as one single application.

(b) Any bonus points used for a group application, shall be averaged and rounded down.

(6) When applying as a group:

(a) if the group is successful in the drawing, then all applicants with valid applications in that group shall receive a permit;

(b) if the group is rejected due to an error in fees and only one species is applied for, then the entire group is rejected;

(c) if the group is rejected due to an error in fees and more than one species is applied for, the group will be kept in the drawing for any species with sufficient fees, using the draw order; or

(d) if one or more members of the group are rejected due to an error other than fees, the members with valid applications will be kept in the drawing, unless the group indicates on the application that all members are to be rejected.

(i) The applicant whose application is on the top of all the applications for that group, will be designated the group leader.

(ii) If any group member has an error on their application that is not corrected during the correction process, the reject box on the group leader's application will determine whether the entire group is rejected.

R657-5-~~30~~27. Premium Limited Entry, Limited Entry, Cooperative Wildlife Management Unit and Once-In-A-Lifetime and General Buck Deer ~~and~~ General Muzzleloader Elk and Youth General Any Bull Elk Drawings.

(1)(a) Big game drawing results may be posted at the Lee Kay Center for Hunter Education, Cache Valley Hunter Education Center, division offices and on the division Internet address on the date published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(b) Applicants shall be notified by mail of draw results by the date published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(2) Permits for the big game drawing shall be drawn in the following order:

(a) premium limited entry, limited entry and cooperative wildlife management unit buck deer;

(b) limited entry, special limited entry and cooperative wildlife management unit bull elk;

(c) limited entry and cooperative wildlife management unit buck pronghorn;

(d) once-in-a-lifetime;

(e) general buck deer; ~~and~~

(f) youth general any bull elk; and

~~(+)~~ (g) general muzzleloader elk.

(3) Any person who draws one of the following permits is not eligible to draw a once-in-a-lifetime permit:

(a) a premium limited entry, limited entry or cooperative wildlife management unit buck deer;

(b) a limited entry, special limited entry, or cooperative wildlife management unit bull elk; or

(c) a limited entry or cooperative wildlife management unit buck pronghorn.

(4) If any permits listed in Subsection (2)(a) through (2)(d) remain after the big game drawing after all choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.

R657-5-~~31~~28. Premium Limited Entry, Limited Entry, Cooperative Wildlife Management Unit and Once-In-A-Lifetime, and General Buck Deer ~~and~~ General Muzzleloader Elk and Youth General Any Bull Elk Application Refunds.

(1)(a) Unsuccessful applicants who applied in the initial big game drawing and who applied with a check or money order will receive a refund in May.

(b) Unsuccessful applicants, who applied for remaining permits in the big game drawing and who applied with a check or money order, will receive a refund in July.

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

(b) Unsuccessful applicants, who applied as a group, will receive an equally distributed refund of money remaining after the successful applicants' permits are paid for.

(c) If group members have other financial arrangements between themselves, group members should be prepared to reallocate each group member's individual refunds among themselves.

(3) The handling fees are nonrefundable.

R657-5-~~32~~29. Permits Remaining After the Drawing.

(1) Permits remaining after the big game drawing are sold only by mail or on a first-come, first-served basis beginning and ending on the dates provided in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

~~[These permits may be purchased by either residents or nonresidents, except nonresidents may not purchase resident cooperative wildlife management unit permits.]~~(2) Residents and nonresidents may apply for any remaining general deer permits. However, permits may only be available if permits remain to be distributed through the cross over procedure as provided in Subsection (5).

~~(2)~~(3) Applications are available from division offices, through the division's Internet address, and license agents.

~~(3)~~(4) The same application form used for premium limited entry, limited entry, cooperative wildlife management unit and once-in-a-lifetime permits, and for general buck deer and general muzzleloader elk permits in the big game drawing must be used when applying for remaining permits by mail. The handling fees are nonrefundable.

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

R657-5-30[R657-5-33]. Waiting Periods for Deer.

(1) A person who obtained a premium limited entry buck, limited entry buck or cooperative wildlife management unit buck deer permit through the big game drawing process during the

preceding two years may not apply in the big game drawing for any of these permits during the current year.

(2) A person who obtains a premium limited entry buck, limited entry buck or cooperative wildlife management unit buck deer permit through the big game drawing process, may not apply for any of these permits again for a period of two years.

(3) A waiting period does not apply to:

(a) general archery, general season, general muzzleloader, antlerless deer, conservation, sportsman and poaching-reported reward deer permits; or

(b) cooperative wildlife management unit or limited entry landowner buck deer permits obtained through the landowner.

R657-5-~~34~~31. Waiting Periods for Elk.

(1) A person who obtained a limited entry or cooperative wildlife management unit bull elk permit through the big game drawing process during the preceding four years may not apply in the big game drawing for any of these permits during the current year.

(2) A person who obtains a limited entry or cooperative wildlife management unit bull elk permit through the big game drawing, may not apply for any of these permits for a period of five years.

(3) A waiting period does not apply to:

(a) general archery, general season, general muzzleloader, special limited entry archery bull elk, antlerless elk, cooperative wildlife management unit spike bull elk, conservation, sportsman and poaching-reported reward elk permits; or

(b) cooperative wildlife management unit or limited entry landowner bull elk permits obtained through the landowner.

R657-5-~~35~~32. Waiting Periods for Pronghorn.

(1) A person who obtained a buck pronghorn permit through the big game drawing process in the preceding ~~four~~two years, may not apply in the big game drawing for a buck pronghorn permit during the current year.

(2) A person who obtains a buck pronghorn or cooperative wildlife management unit buck pronghorn permit through the big game drawing, may not apply for any of these permits for a period of ~~five~~two years.

(3) A waiting period does not apply to:

(a) doe pronghorn, pronghorn conservation, sportsman and poaching-reported reward permits; or

(b) cooperative wildlife management unit or limited entry landowner buck pronghorn permits obtained through the landowner.

R657-5-~~36~~33. Waiting Periods for Antlerless Moose.

(1) A person who obtained an antlerless moose permit or a cooperative wildlife management unit antlerless moose permit through the antlerless drawing process during the preceding four years, may not apply for an antlerless moose permit during the current year.

(2) A person who obtains an antlerless moose permit or a cooperative wildlife management unit antlerless moose permit through the antlerless drawing process in the current year, may not apply for an antlerless moose permit for a period of five years.

(3) A waiting period does not apply to cooperative wildlife management unit antlerless moose permits obtained through the landowner.

R657-5-[37]34. Waiting Periods for Once-In-A-Lifetime Species.

(1) Any person who has obtained a permit for any bull moose, bison, Rocky Mountain bighorn sheep, desert bighorn sheep, or Rocky Mountain goat may not apply for a once-in-a-lifetime permit for the same species in the big game drawing or sportsman permit drawing.

(2) A person who has been convicted of unlawfully taking a once-in-a-lifetime species may not apply for or obtain a permit for that species.

R657-5-[38]35. Waiting Periods for Permits Obtained After the Drawing.

(1) Waiting periods provided in Sections R657-5-[33]30 through R657-5-[36]34 do not apply to the purchase of the remaining permits sold over the counter.

(2) However, waiting periods are incurred as a result of purchasing remaining permits after the drawing. Therefore, if a remaining permit is purchased in the current year, waiting periods will be in effect when applying in the drawing in following years.

R657-5-[39]36. Waiting Periods for Cooperative Wildlife Management Unit Permits and Landowner Permits.

(1)(a) A waiting period or once-in-a-lifetime status does not apply to purchasing limited entry landowner or cooperative wildlife management unit permits obtained through a landowner, except as provided in Subsection (b).

(b) Waiting periods are incurred for the purpose of applying in the big game drawing as a result of obtaining a cooperative wildlife management unit bull moose permit through a landowner.

R657-5-[40]37. Bonus Point System and Preference Point System.

(1) Bonus points are used to improve odds for drawing permits.

(2)(a) A bonus point is awarded for:

(i) each valid unsuccessful application when applying for permits in the big game drawing; or

(ii) each valid application when applying for bonus points in the big game drawing.

(b) Bonus points are awarded by species.

(c) Bonus points are awarded for:

(i) premium limited entry, limited entry and cooperative wildlife management unit buck deer;

(ii) limited entry and cooperative wildlife management unit bull elk;

(iii) limited entry and cooperative wildlife management unit buck pronghorn; and

(iv) all once-in-a-lifetime species.

(d) Bonus points shall not be awarded for special limited entry archery bull elk [or cooperative wildlife management unit spike bull elk].

(3) A person may apply for a bonus point for:

(a) only one of the following species:

(i) buck deer - premium limited entry, limited entry and Cooperative Wildlife Management unit;

(ii) bull elk - limited entry and Cooperative Wildlife Management unit; or

(iii) buck pronghorn - limited entry and Cooperative Wildlife Management unit; and

(b) only one once-in-a-lifetime, including once-in-a-lifetime Cooperative Wildlife Management unit.

(4)(a) A person may not apply in the drawing for both a premium limited entry or limited entry bonus point and a premium limited entry or limited entry permit.

(b) A person may not apply in the drawing for a once-in-a-lifetime bonus point and a once-in-a-lifetime permit.

(c) A person may not apply for a bonus point if that person is ineligible to apply for a permit for the respective species.

(d) A person may only apply for bonus points in the initial big game drawing.

(e) Group applications will not be accepted when applying for bonus points.

(5)(a) Fifty percent of the permits for each hunt unit and species will be reserved for applicants with bonus points.

(b) Based on the applicant's first choice, the reserved permits will be designated by a random drawing number to eligible applicants with the greatest number of bonus points for each species.

(c) If reserved permits remain, the reserved permits will be designated by a random number to eligible applicants with the next greatest number of bonus points for each species.

(d) The procedure in Subsection (c) will continue until all reserved permits have been issued or no applications for that species remain.

(e) Any reserved permits remaining and any applicants who were not selected for reserved permits will be returned to the initial drawing.

(6)(a) Each applicant receives a random drawing number for:

(i) each species applied for; and

(ii) each bonus point for that species.

(7) Bonus points are forfeited if a person obtains a permit through the drawing for that bonus point species as provided in Subsection (2)(c), including any permit obtained after the drawing.

(8) Bonus points are not forfeited if:

(a) a person is successful in obtaining a conservation permit or sportsman permit;

(b) a person obtains a landowner or a cooperative wildlife management unit permit from a landowner;

(c) a person obtains a poaching-reported reward permit; or

(d) a person obtains a special limited entry archery elk permit.

(9) Bonus points are not transferable.

(10) Bonus points are averaged and rounded down when two or more applicants apply together on a group application.

(11) Bonus points are tracked using social security numbers or division-issued hunter identification numbers.

(12) Preference points are used in the big game drawing for general buck deer and general muzzleloader elk permits to ensure that applicants who are unsuccessful in the drawing for general buck deer permits and general muzzleloader elk permits, will have first preference in the next year's drawing for the respective species.

(13) A preference point is awarded for:

(a) each valid unsuccessful application when applying for:

(i) a general buck deer permit;

(ii) a general muzzleloader elk permit; or

(iii) each valid application when applying only for preference points in the initial drawing.

(b) Preference points are awarded by species.

(14)(a) A person may not apply in the drawing for both a general buck deer preference point and a general buck deer permit.

(b) A person may not apply in the drawing for both a general muzzleloader elk preference point and a general muzzleloader elk permit.

(c) A person may not apply for a preference point if that person is ineligible to apply for a permit for the respective species.

(d) Preference points shall not be used when applying for or obtaining remaining permits after the initial drawing.

(15) Preference points are forfeited if:

(a) a person obtains a general buck deer permit through the drawing; or

(b) a person obtains a general muzzleloader elk permit through the drawing.

(16)(a) Preference points are not transferable.

(b) Preference points shall only be applied to the initial drawing.

(17) Preference points are averaged and rounded down when two or more applicants apply together on a group application.

(18) Preference points are tracked using social security numbers or division-issued hunter identification numbers.

R657-5-[41]38. General Archery Buck Deer Hunt.

(1) The dates of the general archery buck deer hunt are provided in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(2) A person who has obtained a general archery buck deer permit, or any other permit which allows that person to hunt general archery buck deer may use archery equipment to take:

(a) one buck deer statewide within a general hunt area, except premium limited entry deer, limited entry deer and cooperative wildlife management unit deer areas and specific hunt areas published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game; or

(b) a deer of hunter's choice within the Wasatch Front or Uintah Basin extended archery area as provided in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game~~[or]~~.

~~[(c) a deer of hunter's choice within the Uintah Basin extended archery area.~~

~~[(3)](a) A person who obtains a general archery buck deer permit, or any other permit which allows that person to hunt general archery buck deer, may obtain an Extended Archery Area Permit from the division to hunt within the Wasatch Front and Uintah Basin extended archery areas during the extended archery area seasons as provided in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.~~

~~_____ (b) A person must complete an extended archery orientation course annually to hunt the Wasatch Front extended archery area during the extended archery season.~~

~~_____ (c) A person must possess the Wasatch Front extended archery certificate of completion while hunting.~~

~~_____ (4)-~~

~~_____ (4) A person who has obtained a general archery buck deer permit, or any other permit which allows that person to hunt general archery buck deer, may take a deer of hunter's choice within the Northern Region general hunt area.~~

~~_____ (5) A person who has obtained a general archery deer permit may not hunt during any other deer hunt or obtain any other deer permit, except antlerless deer.~~

~~[(6)(a)](5)(a) Any person 18 years of age or younger on the opening day of the general archery buck deer season, may hunt the statewide general archery, or by region the general season and general muzzleloader deer seasons, using the appropriate equipment as provided in Sections R657-5-[40]8 through R657-5-[45]12, respectively, for each respective season, provided that person~~

obtains a general season or general muzzleloader deer permit for a specified region.

(b) If a person 18 years of age or younger purchases a general archery buck deer permit, that person may only hunt during the statewide general archery deer season.

~~[(7)](6) Hunter orange [~~fluorescent~~] material must be worn if a centerfire rifle hunt is also in progress in the same area as provided in Section 23-20-31. Archers are cautioned to study rifle hunt tables and identify these areas described in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.~~

R657-5-[42]39. General Season Buck Deer Hunt.

(1) The dates for the general season buck deer hunt are provided in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(2) A person who has obtained a general season buck permit may use any legal weapon to take one buck deer within the hunt area specified on the permit, except premium limited entry deer, limited entry deer and cooperative wildlife management unit deer areas and specific hunt areas published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(3) A person who has obtained a general season buck deer permit may not hunt during any other deer hunt or obtain any other deer permit, except:

(a) antlerless deer; and

(b) any person 18 years of age or younger on the opening day of the general archery buck deer season, may hunt the general archery, general season and general muzzleloader deer seasons, using the appropriate equipment as provided in Sections R657-5-[40]8 through R657-5-[45]12, respectively, for each respective season.

(i) If a person 18 years of age or younger purchases a general archery buck deer permit, that person may only hunt during the statewide general archery deer season.

R657-5-[43]40. General Muzzleloader Buck Deer Hunt.

(1) The dates for the general muzzleloader buck deer hunt are provided in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(2) A person who has obtained a general muzzleloader buck permit may use a muzzleloader to take one buck deer within the general hunt area specified on the permit, except premium limited entry deer, limited entry deer and cooperative wildlife management unit deer areas and specific hunt areas published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(3) A person who has obtained a general muzzleloader deer permit may not hunt during any other deer hunt or obtain any other deer permit, except:

(a) antlerless deer; and

(b) any person 18 years of age or younger on the opening day of the general archery buck deer season, may hunt the general archery, general season and general muzzleloader deer seasons, using the appropriate equipment as provided in Sections R657-5-[40]8 through R657-5-[45]12, respectively, for each respective season.

(i) If a person 18 years of age or younger purchases a general archery buck deer permit, that person may only hunt during the statewide general archery deer season.

(4) Hunter orange [~~fluorescent~~] material must be worn if a centerfire rifle hunt is also in progress in the same area as provided

in Section 23-20-31. Muzzleloader hunters are cautioned to study the rifle hunt tables to identify these areas described in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

R657-5-[44]41. Limited Entry Buck Deer Hunts.

(1) To hunt in a premium limited entry or limited entry area, hunters must obtain the respective limited entry buck permit. Limited entry areas are not open to general archery buck, general season buck, or general muzzleloader buck hunting, except as specified in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(2) A limited entry buck deer permit allows a person using the prescribed legal weapon, to take one buck deer within the area and season specified on the permit, except deer cooperative wildlife management units located within the limited entry unit.

(3) A person who has obtained a limited entry buck permit may not hunt during any other deer hunt or obtain any other deer permit, except antlerless deer.

R657-5-[45]42. Antlerless Deer Hunts.

(1) To hunt an antlerless deer, a hunter must obtain an antlerless deer permit.

(2)(a) An antlerless deer permit allows a person to take one antlerless deer, per antlerless deer tag, using any legal weapon within the area and season as specified on the permit and in the antlerless addendum.

(b) A person may not hunt on any cooperative wildlife management units unless that person obtains an antlerless deer permit for a cooperative wildlife management unit as specified on the permit.

(3) A person who has obtained an antlerless deer permit may not hunt during any other antlerless deer hunt or obtain any other antlerless deer permit.

(4)(a) A person who obtains an antlerless deer permit and any of the permits listed in Subsection (b) may use the antlerless deer permit during the established season for the antlerless deer permit and during the established season for the permits listed in Subsection (b) provided:

- (i) the permits are both valid for the same area;
 - (ii) the appropriate archery equipment is used if hunting with an archery permit;
 - (iii) the appropriate muzzleloader equipment is used if hunting with a muzzleloader permit.
- (b)(i) General archery deer;
- (ii) general muzzleloader deer;
- (iii) limited entry archery deer; or
- (iv) limited entry muzzleloader deer.

R657-5-[46]43. General Archery Elk Hunt.

(1)[~~(a)~~] The dates of the general archery elk hunt are provided in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

~~[(b) The San Juan unit east of U.S. 191 is closed to general archery and general season bull elk hunting.~~

~~—(2)(a) A—(2)(a) A person who has obtained a general archery elk permit [allows a person using] may use archery equipment to take:~~

~~(i) one elk of hunter's choice [in] on a general [season] any bull elk unit, except on elk cooperative wildlife management units[-];~~

~~[(b) On a—(ii) an antlerless elk or spike bull elk on a general spike bull elk unit, [archers may take an antlerless elk or a spike bull elk—] except on elk cooperative wildlife management units and the Plateau, Fish Lake-Thousand Lakes;~~

~~[(e) In Salt Lake County south of I-80 and east of I-15, archers may take an antlerless elk or any bull elk—(iii) only a spike bull elk on the Plateau, Fish Lake-Thousand Lakes; or~~

~~[(3)](iv) one elk of hunter's choice on the Wasatch Front or Uintah Basin extended archery areas.~~

~~—(3)(a) A person who obtains a general archery elk permit may obtain an Extended Archery Area Permit from the division to hunt within the Wasatch Front, Uintah Basin, Nebo-West Desert, and Sanpete Valley extended archery areas during the extended archery area seasons as provided in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.~~

~~(b) A person must complete an extended archery orientation course annually to hunt the Wasatch Front extended archery area during the extended archery season.~~

~~(c) A person must possess the Wasatch Front extended archery certificate of completion while hunting.~~

~~(4) A person who has obtained an archery elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsection R657-5-[50(3)]48(3).~~

~~[(4)](5) Hunter orange [fluorescent] material must be worn if a centerfire rifle hunt is also in progress in the same area as provided in Section 23-20-31. Archers are cautioned to study the rifle hunt tables to identify these areas described in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.~~

R657-5-[47]44. General Season Bull Elk Hunt.

(1) The dates for the general season bull elk hunt are provided in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game within general season elk units, except in the following areas:

- (a) Salt Lake County south of I-80 and east of I-15; and
- (b) elk cooperative wildlife management units[~~—and~~].

~~[(e) the San Juan unit east of US-191.~~

~~—(2)(a) General season elk hunters—(2)(a) A person may purchase either a spike bull permit or an any bull permit.~~

~~(b) A person who has obtained a general season spike bull elk permit may take a spike bull elk on a general season spike bull elk unit. Any bull units are closed to spike bull permittees.~~

~~(c) A person who has obtained a general season any bull elk permit may take any bull elk, including a spike bull elk on a general season any bull elk unit. Spike bull units are closed to any bull permittees.~~

~~(3) A person who has obtained a general season bull elk permit may use any legal weapon to take a spike bull or any bull elk as specified on the permit.~~

~~(4) A person who has obtained a general season bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsection R657-5-[50(3)]48(3).~~

R657-5-[48]45. General Muzzleloader Elk Hunt.

(1) The dates of the general muzzleloader elk hunt are provided in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game within the general season elk units, except in the following closed areas:

- (a) Salt Lake County south of I-80 and east of I-15; and
- (b) elk cooperative wildlife management units[~~—and~~

~~— (e) the San Juan unit east of US 191.~~

(2)(a) A person ~~[who has obtained]~~may apply for a general muzzleloader elk permit ~~through the drawing, or purchase a general muzzleloader spike bull elk permit.~~

~~— (b) A person who has obtained a general muzzleloader elk permit may take one elk of hunter's choice, except [a hunter may take].~~

~~— (i) only a spike bull elk or an antlerless elk in a spike bull [unit.]elk unit; or~~

~~[(b)](ii) only a spike bull elk on the Plateau, Fish Lake-Thousand Lakes.~~

~~— (c) A person who has obtained a general muzzleloader spike bull elk permit may [hunt only on]take a spike bull elk [unit and may take only a]on an any general spike bull elk unit. Any bull units are closed to spike bull muzzleloader permittees.~~

(3) A person who has obtained a general muzzleloader elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsection R657-5-~~[50(3)]48(3).~~

R657-5-49]R657-5-46. Youth General Any Bull Elk Hunt.

(1)(a) For purposes of this section "youth" means any person 18 years of age or younger on the opening day of the youth any bull elk season published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

~~— (b) A youth may apply for or obtain a youth any bull elk permit.~~

~~— (c) A youth may only obtain a youth any bull elk permit once during their youth.~~

(2) The youth any bull elk hunting season and areas are published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

~~— (3)(a) A youth who has obtained a youth general any bull elk permit may take any bull elk, including a spike bull elk, on a general any bull elk unit. Spike bull elk units are closed to youth general any bull elk permittees.~~

~~— (b) A youth who has obtained a youth general any bull elk permit may use any legal weapon to take any bull elk as specified on the permit.~~

~~— (4) A youth who has obtained a youth general any bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Section R657-5-48(3).~~

~~— (5) Preference points shall not be awarded or utilized when applying for, or in obtaining, youth general any bull elk permits.~~

R657-5-47. Limited Entry Bull Elk Hunt and Special Limited Entry Archery Bull Elk Hunt.

(1) To hunt in a limited entry bull elk area, a hunter must obtain a limited entry elk permit.

(2) A limited entry bull elk permit allows a person, using the prescribed legal weapon, to take one bull elk within the area and season specified on the permit, except elk cooperative wildlife management units located within a limited entry unit. Spike bull elk restrictions do not apply to limited entry elk permittees.

(3) A person who has obtained a limited entry bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsections (4)(a) and R657-5-~~[50(3)]48(3).~~

(4)(a) A hunter who obtains a limited entry bull elk permit for one of the hunt units listed in Subsection (b), may also purchase an auxiliary permit to hunt within the area specified on the permit using archery equipment during the established general archery elk season,

or using muzzleloader equipment during the established general muzzleloader deer season.

~~— (b)(i) Book Cliffs, Little Creek;~~

~~— (ii) Book Cliffs, Bitter Creek-South;~~

~~— (iii) Box Elder, Grouse Creek;~~

~~— (iv) Cache, Meadowville;~~

~~— (v) Cache, North;~~

~~— (vi) Cache, South;~~

~~— (vii) [LaSal, LaSal Mountains;]Central Mountains, Manti;~~

~~[(viii) Manti, Manti;](viii) Central Mountains, Nebo;~~

~~[(ix) Manti, Nebo;](ix) LaSal, LaSal Mountains;~~

~~— (x) Nine-Mile, Anthro;~~

~~— (xi) [Oquirrh-Stansbury, North]Nine-Mile, Range Creek South;~~

~~— (xii) Oquirrh-Stansbury, North;~~

~~— (xiii) Oquirrh-Stansbury, South Oquirrh;~~

~~[(xiii)](xiv) South Slope, Diamond Mountain;~~

~~[(xiv)](xv) Wasatch Mountain;~~

~~[(xv)](xvi) West Desert, Deep Creek; and~~

~~— (xvii) North Slope, Three Corners for archery only.~~

(c) If an elk is not taken during this period, any legal weapon may be used during the dates specified on the limited entry bull elk permit.

~~— (d) A person who has obtained a special limited entry archery elk permit may not obtain or purchase an auxiliary permit.~~

(5) To hunt in a special limited entry archery elk area, a hunter must obtain a special limited entry archery elk permit.

(6)(a) A special limited entry archery bull elk permit allows a person, using archery equipment, to take one hunter's choice elk, during the season specified on the permit and within the following units, except cooperative wildlife management units:

~~— (i) all general any bull elk units;~~

~~— (ii) the spike bull elk units as published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board; or~~

~~— (iii) the limited entry units as published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board.~~

~~— (b)]:~~

~~— (i) Beaver;~~

~~— (ii) Cache, North;~~

~~— (iii) Chalk Creek;~~

~~— (iv) East Canyon;~~

~~— (v) Kamas;~~

~~— (vi) LaSal, LaSal Mountains;~~

~~— (vii) Morgan South Rich;~~

~~— (viii) Mt. Dutton;~~

~~— (ix) Nine Mile, Range Creek;~~

~~— (x) North Slope, Summit West Daggett;~~

~~— (xi) North Slope, Three Corners;~~

~~— (xii) Ogden;~~

~~— (xiii) Paunsaugunt;~~

~~— (xiv) Plateau, Boulder;~~

~~— (xv) San Rafael, North;~~

~~— (xvi) San Rafael, South;~~

~~— (xvii) South Slope, Yellowstone Vernal; and~~

~~— (xviii) Zion.~~

~~— (b) A person may not hunt in any elk Cooperative Wildlife Management unit located within the units as provided in Subsection (6)(a).] Spike bull elk restrictions do not apply to special limited entry archery elk permittees.~~

(7)(a) A person who has obtained a special limited entry archery bull elk permit may not obtain or purchase an auxiliary permit.

(b) A person who has obtained a special limited entry archery bull elk permit may not hunt during any other elk hunt or obtain any other elk permit, except as provided in Subsection R657-5-[50(3)]48(3).

(8) Bonus points shall not be awarded or utilized when applying for, or in obtaining, special limited entry archery elk permits.

R657-5-[50]48. Antlerless Elk Hunts.

(1) To hunt an antlerless elk, a hunter must obtain an antlerless elk permit.

(2)(a) An antlerless elk permit allows a person to take one antlerless elk using any legal weapon within the area and season as specified on the permit and in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(b) A person may not hunt on any cooperative wildlife management units unless that person obtains an antlerless elk permit for a cooperative wildlife management unit as specified on the permit.

(3)(a) A person may obtain two elk permits each year, provided one or both of the elk permits is an antlerless elk permit.

(b) For the purposes of obtaining two elk permits, a hunter's choice elk permit may not be considered an antlerless elk permit.

(4)(a) A person who obtains an antlerless elk permit and any of the permits listed in Subsection (b) may use the antlerless elk permit during the established season for the antlerless elk permit and during the established season for the permits listed in Subsection (b) provided:

- (i) the permits are both valid for the same area;
- (ii) the appropriate archery equipment is used if hunting with an archery permit;
- (iii) the appropriate muzzleloader equipment is used if hunting with a muzzleloader permit.

- (b)(i) General archery deer;
- (ii) general archery elk;
- (iii) general muzzleloader deer;
- (iv) general muzzleloader elk;
- (v) limited entry archery deer;
- (vi) limited entry archery elk;
- (vii) limited entry muzzleloader deer; or
- (viii) limited entry muzzleloader elk.

R657-5-[51]49. Buck Pronghorn Hunts.

(1) To hunt buck pronghorn, a hunter must obtain a buck pronghorn permit.

(2) A person who has obtained a buck pronghorn permit may not obtain any other pronghorn permit or hunt during any other pronghorn hunt.

(3) A buck pronghorn permit allows a person using any legal weapon to take one buck pronghorn within the area and season specified on the permit, except during the buck pronghorn archery hunt, only archery equipment may be used.

R657-5-[52]50. Doe Pronghorn Hunts.

(1) To hunt a doe pronghorn, a hunter must obtain a doe pronghorn permit.

(2)(a) A doe pronghorn permit allows a person to take one doe pronghorn using any legal weapon within the area and season as specified on the permit and in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(b) A person may not hunt on any cooperative wildlife management units unless that person obtains an antlerless moose permit for a cooperative wildlife management unit as specified on the permit.

(3) A person who has obtained a doe pronghorn permit may not hunt during any other pronghorn hunt or obtain any other pronghorn permit.

R657-5-[53]51. Antlerless Moose Hunts.

(1) To hunt an antlerless moose, a hunter must obtain an antlerless moose permit.

(2)(a) An antlerless moose permit allows a person to take one antlerless moose using any legal weapon within the area and season as specified on the permit and in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(b) A person may not hunt on any cooperative wildlife management unit unless that person obtains an antlerless moose cooperative wildlife management unit as specified on the permit.

(3) A person who has obtained an antlerless moose permit may not hunt during any other moose hunt or obtain any other moose permit.

R657-5-[54]52. Bull Moose Hunts.

(1) To hunt bull moose, a hunter must obtain a bull moose permit.

(2) A person who has obtained a bull moose permit may not obtain any other moose permit or hunt during any other moose hunt.

(3) A bull moose permit allows a person using any legal weapon to take one bull moose within the area and season specified on the permit, except in bull moose cooperative wildlife management units located within a limited entry unit.

R657-5-[55]53. Bison Hunts.

(1) To hunt bison, a hunter must obtain a bison permit.

(2) A person who has obtained a bison permit may not obtain any other bison permit or hunt during any other bison hunt.

(3) The bison permit allows a person using any legal weapon to take a bison within the area and season as specified on the permit.

(4)(a) An orientation course is required for bison hunters who draw a an Antelope Island bison permit. Hunters shall be notified of the orientation date, time and location.

(b) The Antelope Island hunt is administered by the Division of Parks and Recreation. ~~[Hunt fees include the handling fee, permit, and transportation on the island. Permittees are required to use these contract services. Permittees are required to furnish their own living quarters and food during their stay.~~

~~—(c) Individuals accompanying the permittee must pay an additional fee and provide their own reliable four wheel drive vehicle. Prior arrangements need to be made through the Division of Parks and Recreation.]~~

(5) An orientation course is required for bison hunters who draw Henry Mountain cow bison permits. Hunters will be notified of the orientation date, time and location.

R657-5-~~56~~54. Desert Bighorn and Rocky Mountain Bighorn Sheep Hunts.

(1) To hunt desert bighorn sheep or Rocky Mountain bighorn sheep, a hunter must obtain the respective permit.

(2) A person who has obtained a desert bighorn sheep or Rocky Mountain bighorn sheep permit may not obtain any other desert bighorn sheep or Rocky Mountain bighorn sheep permit or hunt during any other desert bighorn sheep or Rocky Mountain bighorn sheep hunt.

(3) Desert bighorn sheep and Rocky Mountain big horn sheep permits are considered separate once-in-a-lifetime hunting opportunities.

(4)(a) The desert bighorn sheep permit allows a person using any legal weapon to take one desert bighorn ram within the area and season specified on the permit.

(b) The Rocky Mountain sheep permit allows a person using any legal weapon to take one Rocky Mountain bighorn ram within the area and season specified on the permit.

(5) The permittee may attend a hunter orientation course. The division provides each permittee with the time and location of the course.

(6) All bighorn sheep hunters are encouraged to have a spotting scope with a minimum of 15 power while hunting bighorn sheep. Any ram may be legally taken, however, permittees are encouraged to take a mature ram. The terrain inhabited by bighorn sheep is extremely rugged, making this hunt extremely strenuous.

(7) Successful hunters must deliver the horns of the bighorn sheep to a division office within 72 hours of leaving the hunting area. A numbered seal will be permanently affixed to the horn indicating legal harvest.

R657-5-~~57~~55. Rocky Mountain Goat Hunts.

(1) To hunt Rocky Mountain goat, a hunter must obtain a Rocky Mountain goat permit.

(2) A person who has obtained a Rocky Mountain goat permit may not obtain any other Rocky Mountain goat permit or hunt during any other Rocky Mountain goat hunt.

(3) Any goat may be legally taken on a hunter's choice permit, however, permittees are encouraged to take a mature goat. A mature goat is a goat older than two years of age, as determined by counting the annual rings on the horn.

(4) The goat permit allows a person using any legal weapon to take one goat within the area and season specified on the permit.

(5) All goat hunters are encouraged to have a spotting scope with a minimum of 15 power while hunting goats. The terrain inhabited by Rocky Mountain goat is extremely rugged making this hunt extremely strenuous. The goat's pelage may be higher quality later in the hunting season.

(6) An orientation course is required for Rocky Mountain goat hunters who draw female only goat permits. Hunters will be notified of the orientation date, time and location.

R657-5-56[R657-5-58]. Depredation Hunter Pool Permits.

~~[(4)]~~When deer, elk or pronghorn are causing damage, antlerless control hunts not listed in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game may be held as provided in Rule R657-44. These hunts occur on short notice, involve small areas, and are limited to only a few hunters.

~~[(2)]~~ Hunters are called from a list of unsuccessful permittees or other resident hunters who have applied for depredation hunts.

~~[(3)(a)]~~ Application does not affect eligibility for antlerless or other type hunts. However, hunters who participate in any deer, elk, or pronghorn depredation hunt may not possess an additional antlerless permit for that species during the same year except as provided in Subsection R657-5-50(3).

~~[(b)]~~ Hunters with depredation permits for doe pronghorn, antlerless deer or antlerless elk may not possess any other permit for those species, except as provided in Subsections R657-5-27(1)(a) and R657-5-50(3), or the proclamation of the Wildlife Board for taking big game.

~~[(4)]~~ The division may contact hunters to participate in a depredation hunt prior to the general hunt for a given species of big game. Hunters who do not possess an antlerless deer, elk, or pronghorn permit may purchase an appropriate permit.

~~[(5)]~~ Applications must be sent to the appropriate regional division office for the area requested.

~~[(6)]~~ Applications must be received by the date published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

R657-5-59[R657-5-57. Antlerless Application - Deadlines.

(1) Applications are available from license agents, division offices, and through the division's Internet address.

(2) Residents may apply for, and draw the following permits, except as provided in Subsection (4):

- (a) antlerless deer;
- (b) antlerless elk;
- (c) doe pronghorn; and
- (d) antlerless moose.

(3) Nonresidents may apply in the drawing for, and draw the following permits, except as provided in Subsection (4):

- (a) antlerless deer;
- (b) antlerless elk;
- (c) doe pronghorn; and
- (d) antlerless moose, if permits are available during the current year.

(4) Any person who has obtained any elk permit, a pronghorn permit, or a moose permit may not apply for an antlerless elk permit, doe pronghorn permit, or antlerless moose permit, respectively, except as provided in Section R657-5-~~63~~61.

(5) A person may not submit more than one application in the initial drawing per each species as provided in Subsections (2) and (3).

(6) Only a resident may apply for or obtain a resident permit and only a nonresident may apply for or obtain a nonresident permit, except as provided in Subsections R657-5-~~64~~(3)~~59~~(3) and R657-5-~~63~~(4)~~61~~(4).

(7)(a) Applications must be mailed by the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game. Applications filled out incorrectly or received later than the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game may be rejected.

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

(8)(a) Late applications, received by the date published in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation, will not be considered in the drawing, but will be processed for the purpose of entering data into the division's draw data base to provide:

- (i) future pre-printed applications;
 - (ii) notification by mail of late application and other draw opportunities; and
 - (iii) re-evaluation of division or third-party errors.
- (b) The \$5 handling fee will be used to process the late application. Any permit fees submitted with the application will be refunded.
- (c) Late applications received after the date published in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation shall not be processed and shall be returned to the applicant.
- (9) Any person who applies for a hunt that occurs on private land is responsible for obtaining written permission from the landowner to access the property. To avoid disappointment and wasting the permit and fee if access is not obtained, hunters should get written permission before applying. The division does not guarantee access and does not have the names of landowners where hunts occur.
- (10) To apply for a resident permit, a person must establish residency at the time of purchase.
- (11) The posting date of the drawing shall be considered the purchase date of a permit.

R657-5-[60]58. Fees for Antlerless Applications.

Each application must include the permit fee and a nonrefundable handling fee for each species applied for, except when applying with a credit card, the permit fees and handling fees must be paid pursuant to Rule R657-42-8(5).

R657-5-[64]59. Antlerless Big Game Drawing.

- (1) The antlerless drawing results are posted at the Lee Kay Center, Cache Valley Hunter Education Center, division offices and on the division Internet address on the date published in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.
- (2) Permits are drawn in the order listed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.
- (3) If permits remain after all choices have been evaluated separately for residents and nonresidents, a second evaluation will be done allowing cross-over usage of remaining resident and nonresident permit quotas.

R657-5-[62]60. Antlerless Application Refunds.

- (1)(a) Unsuccessful applicants, who applied in the initial drawing and who applied with a check or money order will receive a refund in September.
- (b) Unsuccessful applicants, who applied for remaining permits and who applied with a check or money order will receive a refund in October.
- (2)(a) Unsuccessful applicants, who applied with a credit card, will not be charged for a permit.
- (b) Unsuccessful applicants, who applied as a group, will receive an equally distributed refund of money remaining after the successful applicants' permits are paid for in accordance with Section R657-5-[29(6)]26(6).
- (3) The handling fees are nonrefundable.

R657-5-[63]61. Drawing for Remaining Antlerless Permits and Over-the-counter Permit Sales After the Antlerless Drawings.

- (1) The list of remaining permits will be available by the date provided in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.
 - (2) Residents and nonresidents may apply for, and draw any of the following remaining permits, except as provided in Subsection (3):
 - (a) antlerless deer;
 - (b) antlerless elk;
 - (c) doe pronghorn; and
 - (d) antlerless moose.
 - (3) Any person who has obtained:
 - (a) an antlerless deer permit may not apply for an antlerless deer permit;
 - (b) two elk permits may not apply for an antlerless elk permit;
 - (c) a pronghorn permit may not apply for a doe pronghorn permit; or
 - (d) a moose permit may not apply for an antlerless moose permit.
 - (4) Residents and nonresidents may apply for any remaining permits.
 - (5) The same application form used for the antlerless drawing must be used when applying for remaining permits. The handling fees are nonrefundable.
 - (6) Applications for remaining permits must be mailed by the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game. Applications filled out incorrectly or received later than the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game may be rejected.
 - (7) Applicants who apply for remaining permits will not be provided an opportunity to correct a rejected or invalid application on the drawing for remaining antlerless permits.
 - (8) The drawing results for remaining antlerless permits will be posted at the Lee Kay Center, Cache Valley Hunter Education Center, division offices and on the division Internet address on the date published in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.
 - (9) Permits remaining after both drawings will be sold over-the-counter, in person, or through the mail, on a first-come, first-served basis only at the Salt Lake Division office beginning on the date prescribed in the Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.
- R657-5-[64]62. Application Withdrawal.**
- (1)(a) A person may withdraw their application for premium limited entry, limited entry, cooperative wildlife management unit and once-in-a-lifetime, and general buck deer and general muzzleloader elk permits from the big game drawing, or antlerless drawing by requesting such in writing by the date published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation or Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.
 - (b) The applicant must send their notarized signature with a statement requesting that their application be withdrawn to the Salt Lake Division office.

(c) ~~[An applicant may reapply in the antlerless drawing provided:~~

- ~~— (i) the original application is withdrawn;~~
 - ~~— (ii) the new application is submitted with the request to withdraw the original application;~~
 - ~~— (iii) both the new application and request to withdraw the original application are received by the initial application deadline; and~~
 - ~~— (iv) both the new application and request to withdraw the original application are submitted to the Salt Lake Division office.~~
- ~~(d)] Handling fees will not be refunded.~~

(2)(a) An applicant may amend their application for the premium limited entry, limited entry, cooperative wildlife management unit and once-in-a-lifetime, and general buck deer and general muzzleloader elk permits from the big game drawing, or antlerless drawing by requesting such in writing by the initial application deadline.

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

(c) The applicant must identify in their statement the requested amendment to their application.

(d) Handling fees will not be refunded.

R657-5-63~~[R657-5-65]~~. Special Hunts.

(1)(a) In the event that wildlife management objectives are not being met for once-in-a-lifetime, premium limited entry, or limited entry species, the division may recommend that the Wildlife Board authorize a special hunt for a specific species.

(b) The division will only utilize Subsection (1)(a) if the Bucks, Bulls and Once-In-A-Lifetime Proclamation and Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game has been published and the Bucks, Bulls and Once-In-A-Lifetime and Antlerless drawings have been completed.

(2) The special hunt season dates, areas, number of permits, methods of take, requirements and other administrative details shall be provided in an addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation or Antlerless Addendum of the Wildlife Board for taking big game.

(3) Permits will be allocated through a special drawing for the pertinent species.

R657-5-66~~[64]~~. Special Hunt Application - Deadlines.

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

(2)(a) Residents and nonresidents may apply.

(b) Any person who was unsuccessful in the Bucks, Bulls and Once-In-A-Lifetime or Antlerless drawing may apply. However, any person who has obtained a permit may not apply, unless otherwise provided in this rule and the Bucks, Bulls and Once-In-A-Lifetime Proclamation or Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(3)(a) Applications must be mailed by the date prescribed in the addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation or Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game. Applications filled out incorrectly or received later than the date prescribed in the addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation or Antlerless Addendum of the Bucks,

Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game may be rejected. Late applications will be returned unopened.

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

(4) Bonus points will be used in the special hunt drawings to improve odds for drawing permits as provided in Section R657-5-~~[40]~~37. However, bonus points will not be awarded for unsuccessful applications in the special hunt drawings.

(5) Any person who obtains a special hunt permit is subject to all rules and regulations provided in this rule, the Bucks, Bulls and Once-In-A-Lifetime Proclamation and Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game, unless otherwise provided in Sections R657-5-~~[65]~~63 through R657-5-~~[70]~~68.

R657-5-67~~[65]~~. Fees for Special Hunt Applications.

(1) Each application must include:

- (a) the permit fee for the species applied for; and
- (b) a \$5 nonrefundable handling fee.

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

(b) Money orders, cashier's checks and credit cards are accepted from nonresidents. Personal checks are not accepted from nonresidents.

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

(b) If applicants are applying as a group, all fees for all applicants in that group must be charged to one credit card.

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

(d) Payments to correct an invalid or refused credit card must be made with a cashier's check or money order for the full amount of the application fees plus any permits requested.

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

R657-5-68~~[66]~~. Special Hunt Drawing.

(1) The special hunt drawing results are posted at the Lee Kay Center, Cache Valley Hunter Education Center and division offices on the date published in the addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation or Antlerless Addendum to the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

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

R657-5-69~~[67]~~. Special Hunt Application Refunds.

(1) Unsuccessful applicants, who applied on the initial drawing and who applied with a check or money order will receive a refund within six weeks after posting of the drawing results.

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

(3) The handling fees are nonrefundable.

R657-5-[70]68. Permits Remaining After the Special Hunt Drawing.

Permits remaining after the special hunt drawing may be sold by mail or on a first-come, first-served basis as provided in the addendum to the Bucks, Bulls and Once-In-A-Lifetime or Antlerless Addendum of the Wildlife Board for taking big game. These permits may be purchased by either residents or nonresidents.

R657-5-69. Carcass Importation.

(1) It is unlawful to import dead elk, mule deer, or white-tailed deer or their parts from the areas of any state, province, game management unit, equivalent wildlife management unit, or county, which has deer or elk diagnosed with Chronic Wasting Disease, except the following portions of the carcass:

(a) meat that is cut and wrapped either commercially or privately;

(b) quarters or other portion of meat with no part of the spinal column or head attached;

(c) meat that is boned out;

(d) hides with no heads attached;

(e) skull plates with antlers attached that have been cleaned of all meat and tissue;

(f) antlers with no meat or tissue attached;

(g) upper canine teeth, also known as buglers, whistlers, or ivories; or

(h) finished taxidermy heads.

(2)(a) The affected states, provinces, game management units, equivalent wildlife management units, or counties, which have deer or elk diagnosed with Chronic Wasting Disease shall be available at division offices and through the division's Internet address.

(b) Importation of harvested elk, mule deer or white-tailed deer or their parts from the affected areas are hereby restricted pursuant to Subsection (1).

(3) Nonresidents of Utah transporting harvested elk, mule deer, or white-tailed deer from the affected areas are exempt if they:

(a) do not leave any part of the harvested animal in Utah and do not stay more than 24 hours in the state of Utah;

(b) do not have their deer or elk processed in Utah; or

(c) do not leave any parts of the carcass in Utah.

KEY: wildlife, game laws, big game seasons

[~~July 3, 2002~~2003

Notice of Continuation November 30, 2000

23-14-18

23-14-19

23-16-5

23-16-6

▼ ————— ▼
Natural Resources, Wildlife Resources
R657-17

Lifetime Hunting and Fishing License

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 25721

FILED: 12/02/2002, 09:14

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: Section R657-17-3 is being amended to allow lifetime license holders to participate in the Dedicated Hunter Program provided the lifetime license holder agrees to forego any rights to receive a buck deer permit for the general deer hunts during their enrollment in the Dedicated Hunter Program. Section R657-17-4 is being amended to allow lifetime license holders to apply for or obtain general deer preference points or permits through the big game drawing as provided in Rule R657-5, provided the lifetime licensee waives their choice of general deer permits and the region in which the lifetime license holder chooses to hunt. Other changes are being made for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-19-17.5

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This amendment allows lifetime license holders to participate in the Dedicated Hunter Program and clarifies the procedures and requirements applicable to lifetime license holders when obtaining a general deer permit.

The Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.

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

❖ **OTHER PERSONS:** This amendment allows lifetime license holders to participate in the Dedicated Hunter Program and clarifies the procedures and requirements applicable to lifetime license holders when obtaining a general deer permit.

Therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment allows lifetime license holders to participate in the Dedicated Hunter Program and clarifies the procedures and requirements applicable to lifetime license holders when obtaining a general deer permit. DWR determines that there are no additional compliance costs associated with this amendment.

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

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

NATURAL RESOURCES
 WILDLIFE RESOURCES
 1594 W NORTH TEMPLE

SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@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 01/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.

R657-17. Lifetime Hunting and Fishing License.

R657-17-1. Purpose and Authority.

(1) Under authority of Section 23-19-17.5, this rule provides the requirements and procedures applicable to lifetime hunting and fishing licenses.

(2) In addition to the provisions of this rule, a lifetime licensee is subject to:

(a) the provisions set forth in Title 23, Wildlife Resources Code of Utah; and

(b) the rules and proclamations of the Wildlife Board, including all requirements for special hunting and fishing permits and tags.

(3) Unless specifically stated otherwise, lifetime licensees shall be subject to any amendment to this rule or any amendment to Section 23-19-17.5.

R657-17-2. Definitions.

Terms used in this rule are defined in Section 23-13-2 and Rule R657-5.

R657-17-3. Lifetime License Entitlement.

(1) (a) A permanent lifetime license card shall be issued to lifetime licensees in lieu of an annual small game, and fishing license.

(b) The issuance of a permanent lifetime license card does not authorize a lifetime licensee to all hunting privileges. The lifetime licensee is subject to the requirements as provided in Subsection R657-17-1(2).

(2) In addition to a lifetime license card, each lifetime licensee shall receive without charge, a permit and tag of his choice for one of the following general deer hunts:

- (i) general archery buck deer;
- (ii) general season buck deer; or
- (iii) general muzzleloader buck deer.

(3) Sales of lifetime hunting and fishing licenses may not be refunded, except as provided in Section 23-19-38.

(4) Lifetime hunting and fishing licenses are not transferable.

(5) Lifetime hunting and fishing licenses are no longer for sale as of March 1, 1994.

(6)(a) Lifetime license holders may participate in the Dedicated Hunter Program.

(b) Upon entering the Dedicated Hunter Program, the lifetime license holder agrees to forego any rights to receive a buck deer permit for the general archery, general season or general muzzleloader deer hunts as provided in Section 23-19-17.5 during enrollment in the Dedicated Hunter Program.

R657-17-4. General Deer Permits and Tags.

(1)(a) The division shall, prior to the annual bucks, bulls and once-in-a-lifetime application period, send a Lifetime General Deer questionnaire to each lifetime licensee who is eligible to hunt big game.

(b) The lifetime licensee shall correctly fill out the questionnaire indicating the lifetime licensee's choice of general deer permits as provided in Subsection R657-17-3(2) and the region in which the lifetime licensee chooses to hunt.

(c) The questionnaire must be returned by mail to the Salt Lake division office and must be received ~~no later than two weeks prior to the posting date of big game drawing.~~ by April 1 annually.

(2)(a) Except as provided in Subsection (c) and Subsection (d), the division may not issue a permit to any lifetime licensee who was given reasonable notice of the deadline as provided in Subsection (1)(c) and fails to return a complete and accurate Lifetime General Deer questionnaire to the division.

(b) The division shall make a good faith effort to notify any lifetime licensee who has made a material error in completing the questionnaire. However, if the division is unable to contact the lifetime licensee and correct the error, the questionnaire shall be void and the lifetime licensee may not receive a permit, except as provided in Subsection (d).

(c) The director or his designee may issue a permit to a lifetime licensee who did not receive reasonable notice of the deadline as provided in Subsection (1)(c).

(d) If a lifetime licensee fails to return a Lifetime General Deer questionnaire by the deadline as provided in Subsection (1)(c), the lifetime licensee may obtain an available general deer permit by applying in the remaining general buck deer drawing, or on the date these permits are made available over-the-counter to the general public.

(e) As used in this section "reasonable notice" means that a Lifetime General Deer questionnaire was sent within a reasonable time before the deadline as provided in Subsection (1)(c) to the most recent address given to the division by the lifetime licensee.

(3) Lifetime licensees must notify the division of any change of mailing address, residency, address, telephone number, physical description, or driver's license number.

(4)(a) Lifetime licensees may apply for or obtain general deer preference points or permits through the big game general buck deer drawing as provided in Rule R657-5 and the proclamation of the Wildlife Board for taking big game, provided the lifetime licensee waives their choice of general deer permits as provided in Subsection R657-17-3(2) and the region in which the lifetime licensee chooses to hunt.

(b) If a lifetime licensee applies for and does not obtain a general deer permit through the initial big game general buck deer drawing, the lifetime licensee may only obtain an available general deer permit by applying in the remaining drawing or on the date these permits are made available over-the-counter to the general public.

R657-17-5. Applying for Limited Entry Permits in the Bucks, Bulls and Once-In-A-Lifetime Drawing.

(1) A lifetime licensee may apply for a limited entry permit offered through the bucks, bulls and once-in-a-lifetime drawing using a bucks, bulls and once-in-a-lifetime application published by the division.

(2) Limited entry permit species and application procedures are provided in Rule R657-5 and the proclamation of the Wildlife Board for taking big game.

(3)(a) If the lifetime licensee applies for and is successful in obtaining a premium limited entry, limited entry, or cooperative wildlife management unit buck deer permit in the bucks, bulls and once-in-a-lifetime drawing, a general deer permit will not be issued.

(b) If the lifetime licensee does not draw a premium limited entry, limited entry, or cooperative wildlife management unit buck deer permit in the bucks, bulls and once-in-a-lifetime drawing, the general deer permit requested on the Lifetime General Deer Questionnaire shall be issued.

(4) Applying for or obtaining an antlerless deer, antlerless elk, or doe pronghorn permit does not affect eligibility for obtaining a general buck deer permit.

(5) All rules established by the Wildlife Board regarding the availability of big game permits in relation to obtaining general deer permits shall apply to lifetime licensees.

R657-17-6. Hunter Education Requirements -- Minimum Age for Hunting.

(1) The division shall issue a lifetime licensee only those licenses, permits, and tags for which that person qualifies according to the hunter education requirements, age restrictions specified in this Section and Title 23, Wildlife Resources Code of Utah, and ~~revocation~~ suspension orders of a division hearing officer.

(2)(a) Lifetime licensees born after December 31, 1965, must be certified under Section 23-19-11 to engage in hunting.

(b) Proof of hunter education must be provided to the division by the lifetime licensee.

(3) Age requirements to engage in hunting are as follows:

(a) A lifetime licensee must be 12 years of age or older to hunt small game.

(b) A lifetime licensee must be 14 years of age or older to hunt big game. A lifetime licensee 13 years of age may hunt big game if that person's 14th birthday falls within the calendar year.

R657-17-7. Change of Residency.

(1) A lifetime hunting and fishing license shall remain valid if the licensee changes residency to another state or country.

(2)(a) A lifetime licensee who no longer qualifies as a resident under Section 23-13-2 shall notify the division within 60 days of leaving the state.

(b) The division shall issue the lifetime licensee a new lifetime hunting and fishing license with the change of address after the lifetime licensee surrenders the lifetime hunting and fishing license with the previous address.

(3) A lifetime licensee who does not qualify as a resident shall purchase the required nonresident permits or tags required for hunting, except as provided in Subsection R657-17-3(2).

R657-17-8. Lost or Stolen Lifetime Hunting and Fishing License.

(1) If a lifetime hunting and fishing license is lost or stolen, a duplicate may be obtained from any division office.

(2) The lifetime licensee shall:

(a) present a valid driver's license, identification card, birth certificate, or other form of proper identification;

(b) sign an affidavit stating the lifetime hunting and fishing license was lost or stolen; and

(c) pay a duplicate lifetime hunting and fishing license fee.

KEY: wildlife, game laws, hunting and fishing licenses*

~~[January 16, 2001]~~2003

Notice of Continuation November 30, 2000

23-19-17.5

23-19-40

23-19-11



Natural Resources, Wildlife Resources

R657-38

Dedicated Hunter Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 25722

FILED: 12/02/2002, 09:14

RULE ANALYSIS

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

SUMMARY OF THE RULE OR CHANGE: Subsection R657-38-2(2)(d) is being amended to clarify the definition of "participant." Subsection R657-38-3(6)(b) is being added to provide that participants entering or re-entering the Dedicated Hunter Program in 2003 and thereafter shall be subject to any changes subsequently made in the program requirements and opportunities during the three-year term of enrollment, including alteration or elimination of the opportunity to hunt multiple seasons or to receive a general buck deer permit in a region of choice. Section R657-38-9 is being amended to clarify procedures and requirements in the dedicated hunter's reporting requirements. Other changes are being made for consistency and clarity.

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

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This amendment clarifies the procedures and requirements applicable to participants in the Dedicated Hunter Program. Therefore, the Division of Wildlife Resources (DWR) determines that these amendments do not create a cost or savings impact to the state budget or DWR's budget.

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

❖ OTHER PERSONS: The amendments provide clarification of procedures and requirements applicable to participants in the Dedicated Hunter Program, therefore, the amendments do not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: These amendments are for clarification and providing requirements and procedures for participants in the Dedicated Hunter Program. DWR determines that there are no additional compliance costs associated with this amendment.

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

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@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 01/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.

R657-38. Dedicated Hunter Program.

R657-38-1. Purpose and Authority.

(1) Under the authority of Section 23-14-18, this rule provides the standards and requirements for qualified deer hunters to participate in the Dedicated Hunter Program by obtaining a certificate of registration.

(2) The Dedicated Hunter Program provides the opportunity for participants to:

- (a) increase the opportunity for recreational general deer hunting, while the division regulates harvest;
- (b) increase participation in wildlife management decisions;
- (c) increase participation in wildlife conservation projects that are beneficial to wildlife conservation and the division; and
- (d) attend wildlife conservation courses about hunter ethics and the division's wildlife conservation philosophies and strategies.

R657-38-2. Definitions.

- (1) Terms used in this rule are defined in Section 23-13-2.
- (2) In addition:
 - (a) "Dedicated Hunter Permit" means a general buck deer permit issued to a dedicated hunter participant in the Dedicated

Hunter Program, which authorizes the participant to hunt general archery, general season and general muzzleloader in the region specified on the permit.

(b) "Hunt area" means an area prescribed by the Wildlife Board where general archery, general season or general muzzleloader deer hunting is open to permit holders for taking deer.

(c) "Limited Entry Dedicated Hunter Permit" means a limited entry deer permit or limited entry elk permit, for use in an area selected by the Division, which shall be offered through the Dedicated Hunter Program Drawing.

(d) "Participant" means a person who has ~~obtained and signed~~ remitted the appropriate fee and has been issued a certificate of registration for the Dedicated Hunter Program.

(e) "Program" means the Dedicated Hunter Program, a program administered by the division as provided in this rule.

(f) "Wildlife conservation course" means a course of instruction provided by the division on hunter ethics and wildlife conservation philosophies and strategies.

(g) "Wildlife conservation project" means a project designed by the division, or any other individual or entity and pre-approved by the division, that provides wildlife habitat protection or enhancement on public or private lands, improves hunting or fishing access, or other conservation projects or activities that benefit wildlife or directly benefits the division.

(h) "Wildlife conservation project manager" means an employee of the division, or person approved by the division, responsible for supervising a wildlife conservation project and maintaining and reporting records of service hours to the division.

R657-38-3. Certificate of Registration Required.

(1) A person may not participate in the program if that person has been convicted of or entered a plea in abeyance to any of the following classes of violations of Title 23, Wildlife Resources Code, or any rule or proclamation of the Wildlife Board, or is currently on wildlife license suspension:

- (a) felony;
- (b) Class A misdemeanor in the last five years; or
- (c) three or more Class B or Class C misdemeanors in the past five years.

(2)(a) To participate in the program a person must ~~sign and~~ obtain and sign a certificate of registration from the division.

(b) No more than ten thousand certificates of registration for the program may be in effect at any given time.

(c) Each participant must provide proof of having attended a wildlife conservation course before the division may issue the certificate of registration for the program.

(d) A certificate of registration to participate in the program may not be issued to any person after April 1 annually.

(3) Each certificate of registration is valid for three consecutive general deer hunting seasons.

(4)(a) Any person who is 14 years of age or older may obtain a certificate of registration. A person 13 years of age may obtain a certificate of registration if the date of that person's 14th birthday is before the end of the calendar year in which the certificate of registration is issued.

(b) Any person who is 17 years of age or younger before the beginning date of the annual general archery deer hunt shall pay the youth participant fees.

(c) Any person who is 18 years of age or older on or before the beginning date of the annual general archery deer hunt shall pay the adult participant fees.

(5) A certificate of registration authorizes the participant an opportunity to receive annually a Dedicated Hunter Permit to hunt during the general archery, general season and general muzzleloader deer hunts. The Dedicated Hunter Permit may be used during the dates and within the hunt area boundaries established by the Wildlife Board.

(6)(a) Except as provided in ~~[Subsection]~~Subsections (b), and R657-38-8(7), a participant entering the program may take two deer within three years of enrollment, but only one deer in any one year.

(b) Participants entering or re-entering the Dedicated Hunter Program in 2003 and thereafter shall be subject to any changes subsequently made in the program requirements and opportunities during the three-year term of enrollment, including alteration or elimination of the opportunity to hunt multiple seasons or to receive a general buck deer permit in a region of choice.

(c) The harvest of an antlerless deer using a Dedicated Hunter Permit, as authorized under specific hunt choice areas during the general archery deer hunt, shall be considered a program harvest.

(7) The certificate of registration must be signed by the participant and a division representative. The certificate of registration is not valid without the required signatures.

(8) The participant and holder of the certificate of registration must have a valid Dedicated Hunter Permit in possession while hunting.

(9) Certificates of registration are not transferable and shall expire at the end of a participant's third general deer hunting season.

(10) Certificates of registration will not be issued to any person who has previously obtained a certificate of registration if that person failed to provide the program requirements or fees until prior program requirements are met or fees are paid.

(11)(a) The program requirements set forth in Sections R657-38-5, R657-38-6, and R657-38-7 may be waived annually if the participant provides proof of leaving the state for a minimum period of one year during the enrollment period for the Dedicated Hunter Certificate of Registration to serve in the armed forces of the United States, or for religious or educational purposes.

(b) If the participant requests that the annual requirements be waived in accordance with Subsection (a), and the request is granted, the participant shall not receive a Dedicated Hunter Permit for the year in which the program requirements were waived.

(c) A refund for the Dedicated Hunter Certificate of Registration may not be issued pursuant to Section 23-19-38.

R657-38-4. Dedicated Hunter Permits.

(1) Participants may hunt during the general archery, general season and general muzzleloader deer hunts within the hunt area and during the season dates prescribed in the proclamation of the Wildlife Board for taking big game.

(2)(a) Participants must designate a regional hunt choice upon joining the program.

(b) The regional hunt choice shall remain in effect unless otherwise changed in writing by the participant~~[-on the annual harvest questionnaire-]~~, or as modified or rescinded by the Wildlife Board.

(3) Participants must notify the division of any change of mailing address in order to receive a Dedicated Hunter Permit by mail.

(4)(a) Lifetime license holders may participate in the program.

(b) Upon signing the certificate of registration, the lifetime license holder agrees to forego any rights to receive a buck deer

permit for the general archery, general season or general muzzleloader deer hunts as provided in Section 23-19-17.5.

(c) A refund or credit is not issued for the general archery, general season or general muzzleloader permit.

(5)(a) A participant may exchange or surrender a Dedicated Hunter Permit in accordance with Rule R657-42.

(b) A participant may not exchange or surrender a Dedicated Hunter Permit for any other buck deer permit once the Dedicated Hunter Permit is issued and the general archery deer hunt has begun.

(6)(a) Dedicated hunter permits may be issued through the mail no sooner than July 1 of each year, and only upon proof that all annual program requirements have been completed by the participant.

(b)(i) Participants completing annual program requirements later than two weeks prior to the beginning of the general archery deer hunt must obtain their Dedicated Hunter Permit over-the-counter from any division office.

(ii) Over-the-counter dedicated hunter permits shall not be issued sooner than two weeks prior to the beginning of the general archery deer hunt, and only upon proof that all annual program requirements have been completed by the participant.

R657-38-5. Wildlife Conservation Course.

(1)(a) The division shall provide an annual wildlife conservation course.

(b) Prior to becoming a participant or obtaining a certificate of registration for the program, a person must complete one wildlife conservation course.

(2) The wildlife conservation course shall explain the program in detail to give a prospective participant a reasonable understanding of the program as well as hunter ethics, the division's Regional Advisory Council and Wildlife Board processes, and wildlife conservation philosophies and strategies.

(3) Wildlife conservation courses are scheduled by division offices.

(4)(a) Proof of completion of the wildlife conservation course shall be provided to the prospective participant upon completion of the wildlife conservation course.

(b) Certificates of registration shall not be issued without verification of the participant having completed the wildlife conservation course.

(c) The division shall keep a record of all participants who attend the wildlife conservation course.

R657-38-6. Wildlife Conservation Projects.

(1)(a) Each participant in the program shall:

(i) provide no fewer than an average of eight hours of service annually, by working on a wildlife conservation project or other division approved program or activity; or

(ii) pay a fee of \$18.75 for each hour not completed.

(b) Residents may not substitute more than 16 of the 24 total required service hours. Nonresidents may substitute all of the 24 total required service hours.

(c) The division may, upon request, approve a person who is physically unable to provide service by working on a wildlife conservation project to provide other forms of service.

(2) Wildlife conservation projects shall be designed by the division, or any other individual or entity and shall be pre-approved by the division.

(3)(a) Wildlife conservation projects may occur anytime during the year as determined by the division.

(b) The division shall publicize the dates, times, locations and description of approved wildlife conservation projects and activities at division offices.

(4)(a) Prior to being issued an annual Dedicated Hunter Permit, participants must complete eight hours credit on approved wildlife conservation projects in the first year of enrollment, and thereafter the participant must average an additional eight hours credit in each of the two succeeding years.

(b) Service hours completed in any given year in excess of the annual requirement may be carried over to the following years, however excess service hours shall not be carried over to any year outside of the three-year enrollment period.

(c) Dedicated hunter permits issued to participants who fail to make the deadline, two weeks prior to the opening date of the general archery deer hunt annually, shall be issued only as an over-the-counter transaction at division offices.

(5) Proof of the number of hours worked shall be provided to the participant.

(6)(a) If a participant fails to fulfill the annual wildlife conservation project service requirement in any year of participation, as required under Subsection (4), the participant shall not be issued a Dedicated Hunter Permit for that year.

(b) The participant may obtain a Dedicated Hunter Permit for subsequent years upon completion of the wildlife conservation project program requirements due or payment of the fee in lieu thereof.

(7) The wildlife conservation project manager shall keep a record of all participants who attend the wildlife conservation project and the number of hours worked.

R657-38-7. Regional Advisory Council.

(1) Each participant in the program is required to attend one regional advisory council meeting in its entirety prior to obtaining a permit during the second year of the program.

(2) Proof of attendance shall be provided by the division to the participant.

(3) The division shall keep a record of all participants who attend a regional advisory council meeting.

R657-38-8. Obtaining Other Permits.

(1)(a) Participants may apply for or obtain premium limited entry, limited entry, cooperative wildlife management unit, limited entry landowner or conservation buck deer permits as provided in Rule R657-5 and the proclamation of the Wildlife Board for taking big game.

(b) Participants may apply for or obtain a Dedicated Hunter Limited Entry Permit as provided under Section R657-38-10.

(c) If the participant obtains a premium limited entry, limited entry, cooperative wildlife management unit, limited entry landowner, conservation, Dedicated Hunter Limited Entry buck deer permit, the Dedicated Hunter Permit becomes invalid and the participant must surrender the Dedicated Hunter Permit prior to the opening day of the general archery deer hunt. A refund may not be issued pursuant to Section 23-19-38.

(d) If the participant obtains a limited entry archery, limited entry any weapon, limited entry muzzleloader, limited entry landowner or conservation buck deer permit, or a Dedicated Hunter Limited Entry Permit, the participant, upon completion of annual program requirements, may use the permit only in the prescribed area during the season dates listed on the permit.

(e) Participants who obtain a cooperative wildlife management unit permit may hunt only within those areas identified on the permit and only during the dates determined by the cooperative wildlife management unit landowner or operator.

(2)(a) Participants may not apply for or obtain general deer permits through the big game drawing as provided in Rule R657-5 and the proclamation of the Wildlife Board for taking big game.

(b) In the initial sign-up year for the program, if the participant previously applied for a general buck deer permit through the big game drawing, a participant must withdraw that permit application prior to the application withdrawal date as published in the proclamation of the Wildlife Board for taking big game.

(i) The general buck deer permit fee may be refunded by the division in May, but the handling fee shall not be refunded.

(ii) If the participant fails to withdraw the general buck deer application and the permit is drawn, the general deer permit obtained through the drawing becomes invalid and must be surrendered prior to the beginning date of the general archery deer hunt. A refund may not be issued pursuant to Section 23-19-38.

(3) Participants may not apply for or obtain general landowner buck deer permits as provided under Rule R657-43.

(4) The division may exclude multiple season opportunities on specific units due to extenuating circumstances on that specific unit.

(5) The permit must be on the person while hunting.

(6)(a) Obtaining a premium limited entry, limited entry, cooperative wildlife management unit, limited entry landowner or conservation buck deer permit does not authorize a participant to take an additional deer.

(b) Any deer harvested by a participant using a premium limited entry, limited entry, cooperative wildlife management unit, limited entry landowner, or conservation buck deer permit shall be considered a program harvest.

(7)(a) Participants may apply for or obtain antlerless deer permits as provided in Rule R657-5 and the Antlerless Addendum to the proclamation of the Wildlife Board for taking big game.

(b) Antlerless permits do not count against the number of permits issued pursuant to this program.

(c) Antlerless harvest as provided in Rule R657-5 and the Antlerless Addendum to the proclamation of the Wildlife Board for taking big game shall not be considered a program harvest.

R657-38-9. Reporting Requirements.

~~(1) The division shall provide an annual harvest questionnaire to each participant.~~ (a) The division may contact participants to gather annual harvest information and hunting activity information.

~~[(2)(a) A participant must complete, sign and return the harvest questionnaire to the division by January 15 annually.] (b) Participants are expected to provide harvest information and hunting activity information if contacted by the division.~~

~~[(b)](2)(a) A participant may specify a change to their regional hunt choice for a Dedicated Hunter Permit [on the harvest questionnaire, however, if no change is specified] by submitting a request in writing to the division by January 15 annually.~~

~~(b) If a change is not specified pursuant to Subsection (a), the regional hunt choice selected initially or in the prior year shall be assigned.~~

~~[(c) A participant must identify on the harvest questionnaire whether a deer was harvested and the sex of the deer.~~

~~—](3)(a) Any Dedicated Hunter Permit and attached tag that is not used to tag a deer must be [received with the harvest~~

~~questionnaire by] returned to a division office and received by January 15.~~

(b) Any Dedicated Hunter Permit and attached tag that is not ~~[submitted with the harvest questionnaire] returned to the division shall be considered a program harvest.~~ ~~[filled.~~

~~(4) A Dedicated Hunter Permit shall not be issued until the previous year's completed harvest questionnaire is received by the division.]~~

R657-38-10. Limited Entry Dedicated Hunter Program Drawing.

(1) Any unfilled Dedicated Hunter Permit returned to the Division by January 15 annually, may qualify the participant to be entered into the Dedicated Hunter Program Drawing provided:

- (a) the participant is currently enrolled in the program; and
- (b) the participant has met all program requirements by July 1 for the current year in which the Limited Entry Dedicated Hunter Permit is valid.

(2) One limited entry deer permit and one limited entry elk permit shall be offered through the drawing for each 250 permits received by the Division in accordance with Subsection (1).

(3) The drawing results may be posted at division offices and on the division Internet address on the date published in the Bucks, Bulls and Once-In-A-Lifetime Proclamation of the Wildlife Board for taking big game.

(4)(a) Successful participants shall be notified by mail.

(b) If the successful participant designated to receive a Limited Entry Dedicated Hunter Permit already possesses a Utah permit for the same species of animal that year, or is otherwise ineligible or unable to participate in the hunt and utilize the Limited Entry Dedicated Hunter Permit, the available Limited Entry Dedicated Hunter Permit may be issued to the next participant, who would have drawn the permit, in accordance with Rule R657-42.

(5)(a) The successful participant designated to receive a Limited Entry Dedicated Hunter Permit must select one of the following legal weapon choices and hunting season for the Limited Entry Dedicated Hunter Permit:

- (i) limited entry archery;
- (ii) limited entry any weapon; or
- (iii) limited entry muzzleloader.

(b) The Limited Entry Dedicated Hunter permits may be used within the specified boundaries of the limited entry hunt area and during the dates specified in the proclamation of the Wildlife Board for taking big game.

(6)(a) Bonus points shall not be awarded or utilized when applying for or obtaining Limited Entry Dedicated Hunter permits.

(b) Any participant who obtains a Limited Entry Dedicated Hunter Permit is not subject to the waiting periods set forth in Rule R657-5 and the proclamation of the Wildlife Board for taking big game.

R657-38-11. Certificate of Registration Suspension.

(1) A Dedicated Hunter Permit and tag may not be issued to any participant who:

- (a) does not perform the program requirements; or
- (b) violates the terms of this rule or the Dedicated Hunter Certificate of Registration.

(2) The division may revoke or suspend a certificate of registration as provided in Section 23-19-9.

KEY: wildlife, hunting, recreation, wildlife conservation
[January 15, 2002]2003
Notice of Continuation November 30, 2000
23-14-18



Natural Resources, Wildlife Resources **R657-42** Accepted Payment of Fees, Late Fees, Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 25723

FILED: 12/02/2002, 09:16

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended pursuant to Wildlife Board meetings conducted annually for taking public input and reviewing Rule R657-42.

SUMMARY OF THE RULE OR CHANGE: Section R657-42-4 is being amended to add clarification that preference points shall not be reinstated when a person surrenders a permit applicable to preference points. Section R657-42-8 is being amended to provide that: 1) a license or permit is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused; 2) the Division may void a permit after making a reasonable effort to contact the successful applicant to collect payment and payment is not received; 3) the Division shall reinstate the applicant's bonus points or preference points, whichever is applicable, and waive waiting periods, if applicable, when voiding a permit; and 4) a permit which is deemed void may be reissued by the Division to the next person listed on the alternate drawing list. Other changes are being made for consistency.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 23-19-1 and 23-19-38

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** This amendment is for clarification, and to provide procedures for voiding and reissuing a permit where payment is not received for the permit. The Division of Wildlife Resources (DWR) determines that there may be a savings associated with this amendment by allowing a permit to be voided and reissued if payment is not received for the permit. The other amendments do not create a cost or savings impact to the state budget or DWR's budget.

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

❖ **OTHER PERSONS:** This amendment is for clarification, and to provide procedures for voiding and reissuing a permit where payment is not received for the permit. Therefore, this amendment does not impose any additional requirements on other persons, nor generate a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This amendment is for clarification, and to provide procedures for voiding and reissuing a permit where payment is not received for the permit. DWR determines that there are no compliance costs associated with this amendment.

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

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

NATURAL RESOURCES
WILDLIFE RESOURCES
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debbie Sundell at the above address, by phone at 801-538-4707, by FAX at 801-538-4745, or by Internet E-mail at debbiesundell@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 01/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.

R657-42. Accepted Payment of Fees, Late Fees, Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits.

R657-42-1. Purpose and Authority.

(1) Under the authority of Sections 23-19-1 and 23-19-38 the division may issue licenses, permits, tags and certificates of registration in accordance with the rules of the Wildlife Board.

(2) This rule provides the standards and procedures for the:

- (a) exchange of permits;
- (b) surrender of licenses, certificates of registration and permits;
- (c) refund of licenses, certificates of registration and permits;
- (d) reallocation of permits; and
- (e) assessment of late fees.

R657-42-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2 and the applicable rules and proclamations of the Wildlife Board.

(2) In addition:

(a) "Alternate drawing lists" means a list of persons who have not already drawn a permit and would have been the next person in line to draw a permit.

(b) "Deployed or mobilized" means that a person provides military or emergency services in the interest of national defense or national emergency pursuant to the demand, request or order of their employer.

R657-42-3. Permit Exchanges.

(1)(a) Any person who has obtained a general buck deer or a general bull elk permit may exchange that permit for any other available general permit if both permits are for the same species and sex.

(b) A person must make general buck deer and general bull elk permit exchanges at any division office prior to the season opening date of the permit to be exchanged.

(2) Any person who has obtained a cougar harvest objective unit permit may exchange that permit for any other available cougar harvest objective unit permit as provided in Rule R657-10.

(3) The division may charge a handling fee for the exchange of a permit.

R657-42-4. Surrender of Licenses, Certificates of Registration and Permits.

(1) Any person who has obtained a license, certificate of registration or permit and decides not to use it, may surrender the license, certificate of registration or permit to any division office.

(2)(a) Any person who has obtained a license, certificate of registration or permit may surrender the license, certificate of registration or permit prior to the season opening date of the license, certificate of registration or permit for the purpose of:

- ~~(a)~~(i) waiving the waiting period normally assessed and reinstating the number of bonus points, including a bonus point for the current year as if a permit had not been drawn, if applicable; or
- ~~(b)~~(ii) purchasing a reallocated permit or any other permit available for which the person is eligible.

(b) Preference points shall not be reinstated when surrendering the applicable permits.

(3) A Cooperative Wildlife Management Unit permit must be surrendered before the following dates:

- (a) the opening date for the respective general archery season for buck deer, bull elk or spike bull elk;
- (b) September 1 for pronghorn and moose;
- (c) August 15 for antlerless deer and elk;
- (d) prior to the applicable season date for small game and waterfowl; and
- (e) prior to the applicable season date of any variance approved by the Wildlife Board in accordance with Rules R657-21 and R657-37.

(4) Dedicated hunter participants must surrender their permits prior to the general archery deer season.

(5) The division may not issue a refund, except as provided in Section R657-42-5.

R657-42-5. Refunds of Licenses, Certificates of Registration and Permits.

(1) The refund of a license, certificate of registration or permit shall be made in accordance with:

- (a) Section 23-19-38 and Rule R657-50;
- (b) Section 23-19-38.2 and Subsection (3); or
- (c) Section 23-19-38 and Subsection (4).

(2)(a) An application for a refund may be obtained from any division office.

(b) All refunds must be processed through the Salt Lake Division office.

(3) A person may receive a refund in accordance with Subsection (3) for a license, permit, or certificate of registration if that person was deployed or mobilized on or after September 11, 2001, in the interest of national defense or national emergency and is thereby completely precluded from participating in the hunting or fishing activity authorized by the license, permit or certificate of registration, provided:

(a) the refund request is made to the division within one year of the end of the hunting or fishing season authorized by the license, permit or certificate of registration;

(b) the person surrenders the license, permit or certificate of registration to the division, or signs an affidavit stating the license, permit or certificate of registration is no longer in the person's possession; and

(c) the person verifies that the deployment or mobilization completely precluded them from participating in the activity authorized by the license, permit or certificate of registration, except as provided in Subsection (5); and

(d) the person provides military orders, or a letter from an employment supervisor on official public health or public safety organization letterhead stating:

(i) the branch of the United States Armed Forces, or name of the public health organization or public safety organization from which they were deployed or mobilized; and

(ii) the nature and length of their duty while deployed or mobilized.

(4) The division may issue a refund for a license, permit or certificate of registration if the person to whom it was issued dies prior to participating in the hunting or fishing activity authorized by the license, permit or certificate of registration, provided:

(a) The person legally entitled to administer the decedent's estate provides the division with:

(i) picture identification;

(ii) letters testamentary, letters of administration, or such other evidence establishing the person is legally entitled to administer the affairs of the decedent's estate;

(iii) a photocopy of the decedent's certified death certificate; and

(iv) the license, permit or certificate of registration for which a refund is requested.

(5) The director may determine that a person deployed or mobilized, or a decedent did not have the opportunity to participate in the activity authorized by the license, permit or certificate of registration.

(6) The division may reinstate a bonus point or preference point, whichever is applicable, and waive waiting periods, if applicable, when issuing a refund in accordance with Subsection (3).

R657-42-6. Reallocation of Permits.

(1)(a) The division may reallocate surrendered limited entry, once-in-a-lifetime and Cooperative Wildlife Management Unit permits.

(b) The division shall not reallocate resident and nonresident big game general permits.

(2) Permits shall be reallocated through the Salt Lake Division office.

(3)(a) Any limited entry, once-in-a-lifetime or public Cooperative Wildlife Management Unit permit surrendered to the division shall be reallocated through the drawing process by contacting the next person listed on the alternate drawing list or as provided in Subsection (b).

(b) A person who is denied a permit due to an error in issuing permits may be placed on the alternate drawing list to address the error, if applicable, in accordance with the ~~[Division Error Policy]~~ Rule R657-50.

(c) The alternate drawing lists are classified as private and therefore, protected under the Government Records Access Management Act.

(d) The division shall make a reasonable effort to contact the next person on the alternate list by telephone or mail.

(e) If the next person, who would have drawn the limited entry, once-in-a-lifetime or public Cooperative Wildlife Management Unit permit, does not accept the permit or the division is unable to contact that person, the reallocation process will continue until the division has reallocated the permit or the season closes for that permit.

(4) If the next person, who would have drawn the limited entry, once-in-a-lifetime or public Cooperative Wildlife Management Unit permit has obtained a permit, that person may be required to surrender the previously obtained permit in accordance with Section R657-42-4(2) and any other applicable rules and proclamations of the Wildlife Board.

(5) Any private Cooperative Wildlife Management Unit permit surrendered to the division will be reallocated by the landowner through a voucher, issued to the landowner by the division in accordance with Rule R657-37.

(6)(a) The division may allocate additional general deer permits and limited entry permits, if it is consistent with the unit's biological objectives, to address errors in accordance with ~~the Division Error Policy]~~ Rule R657-50.

(b) The division shall not allocate additional Cooperative Wildlife Management Unit and Once-In-A-Lifetime permits.

(c) The division may extend deadlines to address errors in accordance with ~~the Division Error Policy]~~ Rule R657-50.

R657-42-7. Reallocated Permit Cost.

(1) Any person who accepts the offered reallocated permit must pay the applicable permit fee.

(2) The division may not issue a refund, except as provided in Section R657-42-5.

R657-42-8. Accepted Payment of Fees.

(1) Personal checks, money orders, cashier's checks, and cards are accepted for payment of licenses, permits or certificates of registration.

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

(3) Third-party checks are not accepted.

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

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

(b) Checks and credit cards will not be accepted as combined payment on single or group applications.

(c) If applicable, if applicants are applying as a group, all fees for all applicants in that group must be charged to one credit card.

(d) Handling fees and donations are charged to the credit card when the application is processed. Applicable license and permit fees are charged after the drawings, if successful.

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

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

(7)(a) A license or permit is voidable if the check is returned unpaid from the bank or the credit card is invalid or refused.

(b) The Division may void a permit after making a reasonable effort to contact the successful applicant to collect payment and payment is not received.

(c) The Division shall reinstate the applicant's bonus points or preference points, whichever is applicable, and waive waiting periods, if applicable, when voiding a permit in accordance with Subsection (b).

(d) A permit which is deemed void in accordance with Subsection (b) may be reissued by the Division to the next person listed on the alternate drawing list.

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

~~(8)~~(9) Hunting with a permit where payment has not been received for that permit constitutes a violation of hunting without a valid permit.

~~(9)~~(10) The division may require a money order or cashier's check to correct payment for a license, permit, or certificate of registration.

~~(10)~~(11) Any person who fails to pay the required fee for any license, permit or certificate of registration, shall be ineligible to obtain any other license, permit, tag, or certificate of registration until the delinquent fees and associated collection costs are paid.

R657-42-9. Assessment of Late Fees.

(1) Any wildlife application submitted under the Utah Administrative Code Rules provided in Subsection (a) through (e), within 30 days of the applicable application deadline established in such rules, in the proclamations of the Wildlife Board, or by the division may be processed only upon payment of a \$10.00 late fee.

(a) R657-~~44~~52, Commercial Harvesting of ~~Protected Aquatic Wildlife~~ Brine Shrimp and Brine Shrimp Eggs;

(b) R657-21, Cooperative Wildlife Management Units for Small Game;

(c) R657-22, Commercial Hunting Areas;

(d) R657-37, Cooperative Wildlife Management Units for Big Game; or

(e) R657-43, Landowner Permits.

KEY: wildlife, permits

~~July 3, 2002~~2003

Notice of Continuation November 30, 2000

23-19-1

23-19-38



Regents (Board Of), Administration **R765-171** Postsecondary Proprietary School Act Rules

NOTICE OF PROPOSED RULE

(Repeal)

DAR FILE No.: 25704

FILED: 11/27/2002, 10:46

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Administration of Proprietary School Act transferred by Legislature from the State Board of Regents to the Utah Division of Consumer Protection, effective July 1, 2002.

SUMMARY OF THE RULE OR CHANGE: H.B. 111, sponsored by Afton B. Bradshaw and passed by the 2002 Utah Legislature, transferred administration of the Utah Postsecondary Proprietary School Act from the State Board of Regents to the Utah Division of Consumer Protection (DCP), effective July 1, 2002. Rulemaking on this Act will be conducted by the Division of Consumer Protection. Thus, this rule is repealed in its entirety. (DAR NOTE: H.B. 111 is found at UT L 2002 Ch 222, and was effective July 1, 2002.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 53B, Chapter 5

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: This is a transfer of administrative responsibility from one state agency (Board of Regents) to another (DCP). There will be some savings in the state budget of the Commissioner's Office where part of a secretarial position and part of a professional staff position have been eliminated and/or reassigned. Both of these positions had been augmented by a federal contract with other responsibilities, as well as through the receipt of registration fees collected from postsecondary proprietary schools. It is our understanding that the budget of DCP will not be increased because of this transfer, as they have raised the fees for registration, which should cover the costs of administering the Postsecondary Proprietary School Act.

❖ LOCAL GOVERNMENTS: Neutral--Local governments are not involved in the Postsecondary Proprietary School Act. In fact, public schools, or schools supported through public funds, are specifically exempted from the Act.

❖ OTHER PERSONS: The fees for registering postsecondary proprietary schools have increased through rulemaking of DCP, effective July 1, 2002. Thus, owners of these schools will have minimal increased operating costs, based on rules adopted and implemented by the DCP.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The fees for registering postsecondary proprietary schools have increased through rulemaking of the DCP, effective July 1, 2002. Owners of these schools will have minimal increased operating costs, based on rules adopted and implemented by the DCP.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: To the extent that postsecondary proprietary schools are viewed as businesses, they will be fiscally impacted by increased registration fee costs implemented by the DCP, as indicated under "Other persons" and "Compliance costs for affected persons" above.

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

REGENTS (BOARD OF)
ADMINISTRATION
BOARD OF REGENTS BUILDING, THE GATEWAY
60 SOUTH 400 WEST
SALT LAKE CITY UT 84101-1284, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Don A. Carpenter at the above address, by phone at 801-321-7110, by FAX at 801-321-7199, or by Internet E-mail at dcarpenter@utahsbr.edu

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/14/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/15/2003

AUTHORIZED BY: Cecelia H. Foxley, Commissioner

R765. Regents (Board of), Administration.

~~R765-171. Postsecondary Proprietary School Act Rules.~~

~~R765-171-1. Purpose.~~

~~To set forth standards by which institutions and their agents subject to the Postsecondary Proprietary School Act are registered to operate consistent with public policy.~~

~~R765-171-2. References.~~

~~2.1. Title 53B, Chapter 5, Utah Code Annotated 1953.~~

~~R765-171-3. Definitions in addition to those in 53B-5-103.~~

~~3.1. A "course" is a unit subject within a program of education that must be successfully mastered before an educational credential can be awarded.~~

~~3.2. An "institution" operates for profit or nonprofit, is degree or non-degree granting, maintains a place of business within the state of Utah, solicits students from the general public, charges tuition and/or fees, offers instruction to students for entry level employment or for upgrading in a specific field of endeavor, affords students legitimate and pedagogical methods that will logically culminate in a lawful educational credential, and is not exempt in accordance with this Title 53B, Chapter.~~

~~3.3. A "resident institution" is one where the courses and programs offered are predominantly conducted in a classroom or a class laboratory, with an instructor.~~

~~3.4. A "correspondence institution" is one in which the instruction is conducted predominantly through the means of home study. It is expected to maintain a stability of faculty and other resources sufficient for the completion of the program(s) offered, in order that the credential awarded will be of the caliber accepted by recognized authorities in the field.~~

~~3.5. A "branch or extension" is a freestanding location that is apart from the main campus, where resident instruction is provided on a regular, continuing basis.~~

~~3.6. "Probation" is a negative action of the board which specifies a stated period for an institution to correct stipulated deficiencies; but does not imply any impairment of operational authority.~~

~~3.7. A "program of education" consists of a series of courses which when completed, lead to an educational credential.~~

~~3.8. "Revocation" is a negative action of the board which orders an institution to surrender its certificate and cease operations, including advertising, enrolling students and teaching classes, for whatever reason.~~

~~3.9. "Suspension" is a negative action of the board which places stipulated limitations upon usage of a permit or certificate of registration for a stated period of time during which the deficiencies must be corrected or the certificate may be revoked.~~

~~R765-171-4. Rules Relating to 53B-5-104.~~

~~4.1. In order to award a degree or certificate an institution must meet the following general criteria:~~

~~4.1.1. The institution's program must meet the following generally accepted minimum number of semester/quarter credit hours required to complete a standard college degree: associate, 60/90; bachelor's, 120/180; master's, 150/225; and doctorate, approximately 200/300.~~

~~4.1.2. The areas of study at the institution, the methods of instruction, and the level of effort required of the student for a degree or certificate must be determined by the board to be commensurate with reasonable standards established by recognized accrediting agencies and associations.~~

~~4.1.3. In order for the institution to award a certificate or degree, the faculty must be academically prepared in the area of emphasis at the appropriate level, or as to vocational technical programs, must have equivalent job expertise based on reasonable standards established by recognized accrediting agencies and associations. Notwithstanding, credit may be awarded toward degree completion based on (1) transfer of credit from other accredited and recognized institutions, (2) recognized proficiency exams (CLEP, AP, etc.), and (3) in-service competencies as evaluated and recommended by recognized national associations such as the American Council on Education. Such credit for personal experiences shall be limited to not more than one year's worth of work (45 quarter/30 semester credit hours).~~

~~4.1.4. In order to offer a program of study, either degree or non-degree, it must be of such a nature and quality as to make reasonable the student's expectation of some advantage in enhancing or pursuing employment, as opposed to a general education or nonvocational program which is excluded from registration under 53B-5-105(g).~~

~~4.2. The faculty member shall assign work, set standards of accomplishment, measure the student's ability to perform the assigned tasks, provide information back to the student as to his or her strengths and deficiencies, and as appropriate, provide counseling, advice, and further assignments to enhance the student's learning experience. This requirement does not preclude the use of computer assisted instruction or programmed learning techniques when appropriately supervised by a qualified faculty member.~~

~~4.3. As appropriate to the program or course of study to be pursued, the institution shall evaluate the prospective student's experience, background, and ability to succeed in that program through review of educational records and transcripts, tests or examinations, interviews, and counseling. This evaluation shall include a finding that the prospective student is beyond the age of compulsory high school~~

attendance, as prescribed by Utah law; has received either a high school diploma or a General Education Development certificate, or has satisfactorily completed a national or industry developed competency-based test or an entrance examination that establishes the individual's ability to benefit. Based on this evaluation, the institution, before admitting the prospective student to the program, must have a reasonable expectation that the student can successfully complete the program, and that if he or she does so complete, that there is a reasonable expectation that he or she will be qualified and able to find appropriate employment based on the skills acquired through the program.

4.4. Each institution not exempted from this chapter shall prepare for the use of prospective students and other interested persons a catalog or general information bulletin that contains the following information:

4.4.1. legal name, address, and telephone number of the institution, also any branches and/or extension locations;

4.4.2. date of issue;

4.4.3. names, titles, and qualifications of administrators and faculty;

4.4.4. calendar, including scheduled state and federal holidays, recess periods, and dates for enrollment, registration, start of classes, withdrawal and completion;

4.4.5. admission and enrollment prerequisites, both institutional and programmatic, as provided in subsection 8.2;

4.4.6. policies regarding student conduct, discipline, and probation for deficiencies in academics and behavior;

4.4.7. policies regarding attendance and absence, and any provision for make-up of assignments;

4.4.8. policies regarding dismissal and/or interruption of training and of reentry;

4.4.9. policies explaining or describing academic matters such as:

4.4.9.1. student records maintained by the institution, including transcripts;

4.4.9.2. credit granted for previous education and experience;

4.4.9.3. grading system, including standards of progress required;

4.4.9.4. provision to students of interim grade or performance reports; and

4.4.9.5. graduation requirements and the credential awarded upon satisfactory completion of a program, as provided in subsection 8.4;

4.4.10. schedule of tuition, any other fees, books, supplies and tools;

4.4.11. policies regarding refunds of any unused charges collected as provided in subsection 8.3.2;

4.4.12. student assistance available, including scholarships and loans;

4.4.13. name, description, and length of each program offered, including a subject outline with course titles and approximate number of credit or clock hours devoted to each course;

4.4.14. placement services available and any variation by program;

4.4.15. facilities and equipment available; and

4.4.16. such other information as the institution may desire to include.

R765-171-5. Rules Relating to 53B-5-105.

5.1. Institutions that provide nonprofessional review courses, such as law enforcement and civil service, are not exempt, unless these are considered as workshops or seminars within the meaning of 53B-5-105(h).

5.2. In order for the church or religious denomination to be "bona fide" such that the institution is exempt from registration, the institution may not be the church or religious denomination's primary purpose, function or asset.

5.3. An institution accredited by an accrediting organization recognized by the Commission on Recognition of Postsecondary Accreditation is exempt from registration for the purposes of this chapter.

5.4. Any institution which claims an accreditation exemption must furnish acceptable documentation upon request by the board.

5.5. When available evidence suggests that an accredited institution is not in compliance with the standards for registration under this chapter and these rules, first the board shall contact the officials of the subject institution and request corrective action. If the board determines that the institution is unable or unwilling to resolve the matter, the board shall request corrective action from the appropriate accrediting authority.

5.6. To be exempt, the training or instruction shall not be the primary activity of the organization, association, society, labor union, or franchise system.

5.7. Flight schools approved under Part 141, Federal Aviation Regulations (FAR), 14 CFR Chapter 141, are exempt. Schools providing aviation training under Part 61, FAR, 14 CFR Chapter 61, are required to register.

5.8. When available evidence suggests that an institution regulated and approved by a state or federal governmental agency is not in compliance with the standards for registration under this chapter and these rules, first the board shall contact the officials of the subject institution and request corrective action. If the board determines that the institution is unable or unwilling to resolve the matter, the board shall request corrective action from the appropriate state or federal government agency.

5.9. The board shall determine an institution's status in accordance with the categories contained in this section.

5.10. An exempt institution shall notify the board within thirty (30) days of a material change in circumstances which may affect its exempt status as provided in this section and shall follow the procedure outlined in Section 53B-5-106.

5.11. An exempted institution which voluntarily applies for a certificate by filing a registration statement shall comply with all rules as though such institution were nonexempt.

5.11.1. To apply for a certificate of registration, an accredited institution shall submit a completed registration statement application and a copy of such portions of its current accreditation self-evaluation report as are specified by the Board.

R765-171-6. Rules Relating to 53B-5-106.

6.1. The registration statement combined with an attached current catalog or information bulletin as outlined in subsection 4.4 of this chapter shall provide information and assertions as follows:

6.1.1. the institution's name, address, and telephone number;

6.1.2. the names of all persons involved in the operation of the institution and a stipulation that the resumes are on file at the institution and available to the students;

6.1.3. a current financial report, as described in subsection 7.9;

6.1.4. that its articles of incorporation have been registered and accepted by the Utah Department of Commerce, Division of Corporations and Commercial Code and it has a local business license, if necessary;

— 6.1.5. that its facilities, equipment, and materials meet minimum standards for the training and assistance necessary to prepare students for employment;

— 6.1.6. that it maintains accurate attendance records, progress and grade reports, and information on tuition and fee payments appropriately accessible to students;

— 6.1.7. that its maintenance and operation is in compliance with all ordinances, laws, and codes relative to the safety and health of all persons upon the premises; and

— 6.1.8. that it maintains adequate insurance continuously in force to protect its assets;

— 6.2. The institution provides copies of the following documents:

— 6.2.1. a sample of the credential(s) awarded upon completion of a program;

— 6.2.2. a sample of current advertising including radio, television, newspaper and magazine advertisements, and listings in telephone directories; and

— 6.2.3. a copy of the student enrollment agreement.

— 6.3. A new institution not previously in operation in Utah and which intends to solicit and enroll students in this state, shall demonstrate as part of its registration statement that there is:

— 6.3.1. sufficient student interest in Utah in its courses; and

— 6.3.2. reasonable employment potential in those areas of study in which credentials will be awarded.

— 6.4. In addition, a branch institution whose parent campus is located outside of the state of Utah shall:

— 6.4.1. provide a copy of the authorization granted by the state of the parent institution;

— 6.4.2. designate a Utah resident as a permanent contact authorized to legally accept the responsibility to respond to student inquiries; and

— 6.4.3. make available a listing of which programs are offered in whole or in part in Utah and whether the student can complete his or her program without having to take residence at the parent campus;

— 6.5. Correspondence institutions, within or without the state of Utah shall demonstrate that:

— 6.5.1. their educational objectives can be achieved through home study;

— 6.5.2. their programs, instructional material, and methods are sufficiently comprehensive, accurate, and up to date to meet the announced institutional course and program objectives;

— 6.5.3. they provide adequate interaction between student and instructor, through the submission and correction of lessons, assignments, examinations, and such other methods as are recognized as characteristic of this particular learning technique and

— 6.5.4. any degrees and certificates earned through correspondence study meet the requirements and criteria of 4.1.

— 6.6. An authorized officer of each institution not exempted from this chapter shall sign a statement that:

— 6.6.1. discloses whether the institution, or any owner, administrator, faculty, staff, or agent of the institution has violated laws, federal regulations or state rules related to the operation of educational institutions as determined in a criminal, civil or administrative proceeding within five years preceding the filing of the registration statement; and

— 6.6.2. the information which the institution has provided in its registration statement is true and correct.

— 6.7. Upon receipt of a registration statement and its attachments, the board, within thirty (30) days, shall either issue a certificate, request further information or conduct a site visit to the institution as detailed in subsection 11.1.

— 6.8. A certificate of registration shall be issued by the board, if after review of an institution's registration statement, it is satisfied that the interests of the public will be served. This certificate is valid until it expires or is renewed, supplemented, canceled, or forfeited.

— 6.9. A registered institution shall notify the Board of circumstances that will result in a change in any information contained on the certificate, including name, type of institution, ownership or management, exemption status, academic programming, facilities, new or additional locations, etc. The Board shall determine whether the change necessitates a new registration application.

— 6.10. An institution ceasing its operations shall inform the board and provide the board with student records in accordance with 53B-5-109.

R765-171-7. Rules Relating to 53B-5-107.

— 7.1. An authorized officer of the institution to be registered under this chapter shall sign a certificate as to whether the institution or an owner, administrator, faculty, staff, or agent of the institution has violated laws, federal regulations or state rules as determined in a criminal, civil or administrative proceeding.

— 7.2. The Board shall refuse to register an institution when it determines that the institution or an owner, administrator, faculty, staff, or agent of the institution has violated laws, federal regulations or state rules as determined in a criminal, civil or administrative proceeding and as a consequence of such violation(s) the Board determines the violation(s) to be relevant to the appropriate operation of the school and has a reasonable doubt that the institution will function in accordance with these laws and rules or provide students with an appropriate learning experience.

— 7.3. A change in the ownership of an institution, as defined in subsection 53B-5-103(8), occurs when there is a merger or change of ownership or partnership or stock or assets of more than 50 percent within a three-year period. When this occurs the following information is submitted to the board for its review:

— 7.3.1. a copy of any new articles of incorporation;

— 7.3.2. a current financial statement, as outlined in subsection 7.9;

— 7.3.3. a listing of all institutional personnel that have changed as a result of the ownership transaction, together with complete resumes and qualifications;

— 7.3.4. a detailed description of any material modifications to be made in the operation of the institution; and

— 7.3.5. payment of the appropriate fee.

— 7.4. Procedures for filing a renewal application consist of:

— 7.4.1. the board will notify the institution approximately sixty (60) days prior to the expiration date of its certificate of registration of the requirements for re-registration;

— 7.4.2. prior to thirty (30) days before expiration date, the institution shall submit the new registration statement with its attachments to the board, along with the appropriate fee.

— 7.4.3. within thirty (30) days after receipt of the new registration form and its attachments, the board shall either issue a certificate, request further information or conduct a site visit to the institution; and

— 7.4.4. when all requirements have been satisfied, a new certificate shall be issued.

— 7.5. If an institution fails to comply with the requirements to re-register stated above, its registration may be suspended or revoked.

— 7.6. To be reinstated an institution must submit evidence of compliance, together with payment of a penalty fee of \$50, in addition to any other fees owed in accordance with 7.8.

— 7.7. Although a certificate of registration is valid for two (2) years, the board may request periodic updates of financial statements and the following statistical information:

— 7.7.1. number of students enrolled from September 1 through August 31;

— 7.7.2. number of students who completed and received a credential;

— 7.7.3. number of students who terminated or withdrew;

— 7.7.4. number of administrators, faculty, supporting staff, and agents; and

— 7.7.5. new catalog, information bulletin, or supplements.

— 7.8. The board collects the following fees in accordance with Section 53B-5-107(5):

— 7.8.1. initial registration application fees will be based on the expected gross income of the registered program during the first year of operation. The initial application fee shall be computed as one half of one percent of the gross tuition income of the registered program(s) expected during the first year, but not less than \$100 or more than \$1,000. The institution shall provide documentation to substantiate the amount of the fee, in a form specified by the Board.

— 7.8.2. the board also collects annual registration fees computed as one half of one percent of the gross tuition income of the registered program(s) during the previous year, but not less than \$100 or more than \$1,000. The institution shall provide documentation to substantiate the amount of the fee, in a form specified by the Board. The annual registration fee is due on the anniversary date of the institution's certificate of registration.

— 7.8.3. All registration fees collected by the Board will be used to enhance the administration of the Act and Rules.

— 7.9. The institution must have, in addition to other criteria contained in this chapter, sufficient financial resources to fulfill its commitments to students and staff members, and to meet its other obligations as evidenced by the following financial statements:

— 7.9.1. a current financial report prepared in accordance with generally accepted accounting principles including a balance sheet and an income statement for the most recent fiscal year with all applicable footnotes;

— 7.9.2. pro forma financial statements until actual information is available when an institution has not operated long enough to complete a fiscal year; and/or

— 7.9.3. a certified fiscal audit of its operations or such other documentation of financial status as may be required by the board.

— 7.10. Before an institution is registered or re-registered, a surety bond must be provided by the institution. The obligation of the bond will be that the institution, its officers, agents, and employees will (1) faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the institution and persons enrolling as students, and (2) conform to the provisions of the Utah Postsecondary Proprietary School Act and Rules. The bond must be executed by the institution and issued by a surety company authorized to do business in Utah. The bond must be payable to the Board, in such form as approved by the Board, and is to be used only for payment of a refund of tuition, book fees, supply fees, equipment fees, and other instructional fees due to a student or potential student, enrollee, or his or her parent or guardian.

— 7.11. The bond company may not be relieved of liability on the bond unless it gives the institution and the Board ninety calendar days notice by certified mail of the company's intent to cancel the bond. The cancellation or discontinuance of bond coverage after such notice does not discharge or otherwise affect any claim filed by a student, enrollee or his/her parent or guardian for damage resulting from any act of the

institution alleged to have occurred while the bond was in effect, or for an institution's ceasing operations during the term for which tuition had been paid while the bond was in force. If at any time the company that issued the bond cancels or discontinues the coverage, the institution's registration is revoked as a matter of law on the effective date of the cancellation or discontinuance of bond coverage unless a replacement bond is obtained and provided to the Board.

— 7.12. Before an original registration is issued, the institution shall secure and submit to the Board a surety bond in an amount of seventy-five thousand dollars (\$75,000) for schools expecting to enroll more than 100 separate individual students (non-duplicated enrollments) during the first year of operation, fifty thousand dollars (\$50,000) for schools expecting to enroll between 50 and 99 separate individual students during the first year, and twenty five thousand dollars (\$25,000) for institutions expecting to enroll less than 50 separate individual students during the first year. Institutions that submit evidence acceptable to the board that the school's gross tuition income from any source during the first year will be less than ten thousand dollars (\$10,000) may provide a bond of five thousand dollars (\$5,000) for the first year of operation.

— 7.13. The minimum amount of surety bond to be submitted annually after the first year of operation will be based on ten percent of the annual gross tuition income from registered program(s) for the previous year, with a minimum bond amount of five thousand dollars (\$5,000) and a maximum bond amount of seventy five thousand dollars (\$75,000). The institutional surety bond must be renewed each year by the anniversary date of the school's certificate of registration, and also included as a part of each two year application for registration renewal. No additional programs may be offered without appropriate adjustment to the bond amount.

— 7.14. The institution shall provide a statement by a school official regarding the calculation of gross tuition income and written evidence confirming that the amount of the bond meets the requirements of this rule. The Board may require that such statement be verified by an independent certified public accountant if the Board determines that the written evidence confirming the amount of the bond is questionable.

— 7.15. Instead of the surety bond, the institution may pledge certificates of deposit, irrevocable letters of credit, or other means of collateral acceptable to the Board, in an aggregate market value of the required bond.

— 7.16. An institution with a total cost per program of five hundred dollars or less or a length of each such program of less than one month shall not be required to have a bond.

— 7.17. The board will not register a program at a proprietary institution if it determines that the educational credential associated with the program may be interpreted by employers and the public to represent the undertaking or completion of educational achievement that has not been undertaken and earned.

— 7.18. Acceptance of registration statements and the issuing of certificates of registration to operate a school signifies that the legal requirements prescribed by statute and regulations have been satisfied. It does not mean that the board supervises, recommends, nor accredits institutions whose statements are on file and who have been issued certificates of registration to operate.

R765-171-8. Rules Relating to 53B-5-108.

— 8.1. The information required by 53B-5-108(1) shall be contained in the institution's catalog or information bulletin as set forth in subsection 4.4.

— 8.2. An institution, as part of its assessment for enrollment, shall consider the applicant's basic skills, aptitude, and physical

qualifications, as these relate to the choice of program and to anticipated employment and shall not admit a student to a program unless there is a reasonable expectation that the student will succeed, as prescribed by 4.3.

8.3. Financial dealings with students shall reflect standards of ethical practice and provide for the following:

8.3.1. a three day cooling off period, commencing with the day the contract with the applicant is signed until midnight of the third business day following such date, exclusive of Sundays and holidays, during which time the contract may be rescinded.

8.3.2. a fair and equitable refund policy including:

8.3.2.1. a three business day cooling off period, commencing with the day an enrollment agreement with the applicant is signed or an initial deposit or payment toward tuition and fees of the institution is made, until midnight of the third business day following such date or from the date that the student first visits the institution, whichever is later, during which time the contract may be rescinded and all monies paid refunded. Evidence of personal appearance at the institution or deposit of a written statement of withdrawal for delivery by mail or other means shall be deemed as meeting the terms of the cooling off period.

8.3.2.2. a student enrolled for non traditional instruction may withdraw from enrollment following the cooling off period, prior to submission by the student of any lesson materials or within a ten day review period after receipt of course materials, whichever comes first, and effective upon deposit of a written statement of withdrawal for delivery by mail or other means, and the institution shall be entitled to retain no more than \$200 in tuition or fees as registration charges or an alternative amount that the institution can demonstrate to have been expended in preparation for that particular student's enrollment.

8.3.2.3. after the three business day cooling off period or after a student enrolled for non traditional instruction has submitted lesson materials or been in receipt of course materials for a period of ten days, the withdrawn or discontinuing student shall be refunded, within thirty days of his/her discontinuing, a percentage of all tuition paid over and above a nonrefundable registration fee not to exceed \$200 or an alternative amount that the institution can demonstrate to have been expended in undertaking that particular student's instruction. The balance due the student, over and above the nonrefundable registration fee will be calculated using the following schedule:

TABLE

Date of Withdrawal as a Percent of the Enrollment Period for Which the Student was Obligated	Portion of Tuition and Fees Obligated and Paid that are Eligible to be Retained by the Institution
Within 1st 10%	10%
Within 2nd 10%	25%
Within 3rd 10%	40%
Within 4th 10%	50%
Within 5th 10%	70%
Within 6th 10%	100%

8.3.3. a written enrollment agreement, to be signed by the student and a representative of the institution, that clearly describes the cooling-off period, nonrefundable registration fee, and refund policy and schedule, including the rights of both the student and the institution, with copies provided to each, and

8.3.4. complete written information on repayment obligations to all applicants for financial assistance before an applicant student assumes such responsibilities.

8.3.5. A pay as you learn payment schedule that limits the uneserowed collection of prepaid or unearned tuition and fees to six

months of training, plus registration or start up costs not to exceed \$200 or an alternative amount that the institution can demonstrate to have spent in undertaking a student's instruction.

8.4. Following the satisfactory completion of his or her training and education, a student is provided with appropriate educational credentials that show the program in which he or she was enrolled, together with a transcript of courses completed and grades or other performance evaluations received.

8.5. No institution shall use the designation of 'college' nor 'university' in its title nor in conjunction with its operation unless it actually confers a standard college degree as one of its credentials.

8.5.1. Such an institution which has, prior to the effective date of this chapter, used the designation of 'college' or 'university' in its title or in conjunction with its operation, may continue that practice.

8.5.2. The name of the institution shall not contain any reference that could mislead potential students or the general public as to the type or nature of its educational services, affiliations or structure.

8.6. Advertising standards consist of the following:

8.6.1. the institution's chief administrative officer assumes all responsibility for the content of public statements made on behalf of the institution and instructs all personnel, including agents, as to this chapter and other appropriate laws regarding the ethics of advertisement and recruitment;

8.6.2. advertising shall be clear, factual, supportable, and shall not include any false or misleading statements with respect to the institution, its personnel, its courses and programs, its services, nor the occupational opportunities for its graduates;

8.6.3. the institution shall not advertise in conjunction with any other business or establishment, nor advertise in "help wanted" nor in "employment opportunity" columns of newspapers, magazines or similar publications in such a way as to lead readers to believe that they are applying for employment rather than education and training. It must disclose that it is primarily operated for educational purposes, if this is not apparent from its legal name;

8.6.4. an institution, its employees and agents, shall refrain from other forms of ambiguous or deceptive advertising, such as:

8.6.4.1. claims as to endorsement by manufacturers or businesses or organizations until and unless written evidence supporting this fact is on file; and

8.6.4.2. representations that students completing a course or program may transfer either credits or credentials for acceptance by another institution, state agency, or business, unless written evidence supporting this fact is on file;

8.6.5. an institution shall maintain a file of all promotional information and related materials for a period of three (3) years;

8.6.6. the board may require an institution to submit its advertising prior to its use; and

8.6.7. pursuant to subsections 53B-5-107(8) and 7.11, the only statement authorized for use in advertising is "Registered under the Utah Postsecondary Proprietary School Act. UCA 53B-5-107(8)".

8.7. Recruitment standards include the following:

8.7.1. recruiting efforts shall be conducted in a professional and ethical manner and free from "high pressure" techniques; and

8.7.2. an institution shall not use loans, scholarships, discounts, or other such enrollment inducements, where such result in unfair or discriminatory practices.

8.8. An agent or sales representative may not be directly or indirectly portrayed as 'counselor,' 'advisor,' or any other similar title to disguise his or her sales function.

8.9. an agent or representative is responsible to have a clear understanding and knowledge of the programs and courses, tuition,

enrollment requirements, enrollment agreement, support services, and the general operational procedures thereof;

— 8.10. An institution is responsible to provide indemnification to any student suffering loss as a result of any fraud or other form of misrepresentation used by an agent in the recruitment process.

— 8.11. An institution operating in Utah but domiciled outside the state shall designate a Utah resident as its contact as set forth in subsection 6.4.2.

R765-171-9. Rules Relating to 53B-5-109.

— 9.1. Institutional closure procedures consist of the following:

— 9.1.1. the chief administrative officer of each institution subject to this chapter, shall prepare a written plan for access to and the preservation of permanent records in the event the institution closes for whatever reason; and

— 9.1.2. in the event an institution closes with students enrolled who have not completed their programs, a list of such, including the amount of tuition paid and the proportion of their program completed, shall be submitted to the board, with all particulars.

— 9.2. School records consist of the following permanent scholastic records for all students who are admitted, even though withdrawn or terminated:

— 9.2.1. appropriate entrance and admission acceptance information;

— 9.2.2. attendance and performance information, including transcripts which consist of no less than the program for which he enrolled, each course attempted and the final grade earned;

— 9.2.3. graduation or termination dates of students;

— 9.2.4. enrollment agreements, tuition payments, refunds, and any other financial transactions;

R765-171-11. Rules Relating to 53B-5-111.

— 11.1. The Board may perform on-site evaluations to verify information submitted by an institution or an agent, or to investigate complaints filed with the Board.

— 11.2. Representative circumstances which provide just cause for negative actions are:

— 11.2.1. the award of credentials by a nonexempt institution without a filed and accepted registration statement and an issued certificate of registration;

— 11.2.2. a registration statement application that contains material representations which are incomplete, improper, or incorrect;

— 11.2.3. failure to maintain facilities and equipment in a safe and healthful manner;

— 11.2.4. failure to perform the services, failure to meet the reasonable expectations of students for faculty instruction, teaching materials, equipment and facilities, failure to perform any commitment made in the registration statement or permit application, offering programs or services not contained in the registration statement currently on file, or violations of the conditions of the certificate of registration;

— 11.2.5. failure to maintain sufficient financial capability, as set forth in section 7.9;

— 11.2.6. to confer, or attempt to confer, a fraudulent credential, as set forth in 53B-5-201;

— 11.2.7. employment of students for commercial gain, if such fact is not contained in the current registration statement;

— 11.2.8. promulgation to the public of fraudulent or misleading statements relating to a program or service offered;

— 11.2.9. failure to correct a deficiency or act of noncompliance under this chapter and regulations;

— 11.2.10. withdrawal of the authority to operate in the home state of an institution whose parent campus or headquarters is not domiciled in this state;

— 11.2.11. failure of a Utah institution to comply with applicable laws in another state; and

— 11.2.12. failure to provide reasonable information to the board as requested from time to time.

— 11.3. The board, when aware of either one or a combination of the above causes shall:

— 11.3.1. promptly notify the attorney general or the county attorney of any county in which the activity is believed to have occurred so that he can instigate an action; and

— 11.3.2. regularly keep the attorney general or county attorney apprised of all significant developments as the matter evolves. The attorney general or the county attorney may proceed on his or her own initiative.

— 11.4. To be considered, a student complaint against an institution must be filed with the board within one year of the last date of the student's attendance. The following alternative procedures for handling student complaints are available to the board:

— 11.4.1. the board may conduct an investigation into the matter. If the evidence suggests probable violations because of unauthorized practices, it:

— 11.4.1.1. may make oral communication with the institution or agent and advise it or the agent of the discrepancies suspected, together with specific counsel and instructions for improvement;

— 11.4.1.2. may send a written communication which sets forth the details of the matter;

— 11.4.2. may set an informal conference of the complainant, the defendant, and authorized representatives of the board to seek a resolution in which all parties involved agree; or

— 11.4.3. may convene a hearing. Hearings shall be conducted according to recognized due process procedures;

— 11.4.4. regardless of which of the above procedures is followed, the board's representative, upon careful deliberation, shall render a decision predicated upon the evidence. The board may dismiss the complaint or take action(s) including:

— 11.4.4.1. "probation," as defined in subsection 3.7;

— 11.4.4.2. "suspension" as defined in subsection 3.10; and

— 11.4.4.3. "revocation" as defined in subsection 3.9;

— 11.4.5. all interested parties shall be advised of the decision.

— 11.5. Review of decisions consist of the following:

— 11.5.1. within ten days after the issuance of a decision, any party may file a written request for reconsideration, stating the specific grounds upon which relief is requested. The filing of the request is not a prerequisite for seeking judicial review of the decision;

— 11.5.2. the request for reconsideration shall be filed with the board and one copy sent by mail to each party;

— 11.5.3. the Commissioner or his designee shall issue a written order denying the request or granting the request. The request is deemed to have been denied if the decision is not made within 20 days after the request is filed; and

— 11.5.4. a party may obtain judicial review of final board action.

R765-171-12. Rules Relating to 53B-5-112.

— 12.1. Upon request of one or more institutions, the board may, at its discretion, counsel, advise, facilitate cooperation among or otherwise help and assist the requesting institutions in the development or improvement of appropriate postsecondary education programs.

~~R765-171-21. Rules Relating to 53B-5-201.~~

~~21.1. A person may not represent him or herself in a deceptive or misleading way, such as by the title "Dr." or "Ph.D." if he or she has not satisfied accepted academic or scholastic requirements.~~

**~~KEY: education, postsecondary proprietary school*, registration
October 3, 2000
Notice of Continuation December 3, 1997
53B-5]~~**



End of the Notices of Proposed Rules Section

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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

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

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1998).

Administrative Services, Purchasing and General Services

R33-1

Utah State Procurement Rules Definitions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25714
FILED: 11/27/2002, 15:41

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 63-56-7, Utah Code Annotated, empowers and obligates the Utah Procurement Policy Board to make rules governing the procurement, management, and control of any and all supplies, services, and construction to be procured by the state.

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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is important to continue to have rules governing the procurement processes and activities of the state to insure fair and equitable treatment of suppliers and to achieve economy in those purchases.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
Room 3150 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:

Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 11/27/2002



Administrative Services, Purchasing and General Services

R33-2

Procurement Organization

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25715
FILED: 11/27/2002, 15:48

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 63-56-7, Utah Code Annotated, empowers and obligates the Utah Procurement Policy Board to make rules governing the procurement, management, and control of any and all supplies, services, and construction to be procured by the state.

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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is important to continue to have rules establishing the procurement organization of the state and to provide for the delegation of authority of the chief procurement officer.

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

ADMINISTRATIVE SERVICES
 PURCHASING AND GENERAL SERVICES
 Room 3150 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:
 Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 11/27/2002



**Administrative Services, Purchasing
 and General Services**
R33-3
**Source Selection and Contract
 Formation**

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**
 DAR FILE No.: 25716
 FILED: 11/27/2002, 15:56

**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 63-56-7, Utah Code Annotated, empowers and obligates the Utah Procurement Policy Board to make rules governing the procurement, management, and control of any and all supplies, services, and construction to be procured by the state.

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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is important to continue to have rules governing the procurement processes and activities of the state to insure fair and equitable treatment of suppliers and to achieve economy in those purchases.

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

ADMINISTRATIVE SERVICES
 PURCHASING AND GENERAL SERVICES
 Room 3150 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:
 Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 11/27/2002



**Administrative Services, Purchasing
 and General Services**
R33-4
Specifications

**FIVE YEAR NOTICE OF REVIEW AND
 STATEMENT OF CONTINUATION**
 DAR FILE No.: 25717
 FILED: 11/27/2002, 16:05

**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 63-56-7, Utah Code Annotated, empowers and obligates the Utah Procurement Policy Board to make rules governing the procurement, management, and control of any and all supplies, services, and construction to be procured by the state.

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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is important to continue to have rules governing the development and use of specifications utilized in the procurement processes of the state.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
Room 3150 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:

Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 11/27/2002



Administrative Services, Purchasing and General Services

R33-5

Construction and Architect-Engineer Selection

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25718
FILED: 11/27/2002, 16:21

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 63-56-7, Utah Code Annotated, empowers and obligates the Utah Procurement Policy Board to make rules governing the procurement, management, and control of any and all supplies, services and construction to be procured by the state.

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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is important to continue to have rules governing the procurement process for construction and the selection process for architects and engineers.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
Room 3150 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:

Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 11/27/2002



Administrative Services, Purchasing and General Services

R33-8

Property Management

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25719
FILED: 11/27/2002, 16:55

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 63-56-7, Utah Code Annotated, empowers and obligates the Utah Procurement Policy Board to make rules governing the procurement, management, and control of any and all supplies, services and construction to be procured by the state.

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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: It is important to continue to have rules governing appropriate property management including quality assurance, testing, and warehousing issues.

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

ADMINISTRATIVE SERVICES
PURCHASING AND GENERAL SERVICES
Room 3150 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:
 Douglas Richins at the above address, by phone at 801-538-3143, by FAX at 801-538-3882, or by Internet E-mail at drichins@utah.gov

AUTHORIZED BY: Douglas Richins, Director

EFFECTIVE: 11/27/2002



**Commerce, Corporations and
 Commercial Code**

R154-1

**Central Filing System for Agriculture
 Product Liens**

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

DAR FILE No.: 25692
 FILED: 11/26/2002, 16:19

**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 ties into a federal law that helps auction lots easily find liens on agricultural products

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Since the federal law is still in place, our state rule must also continue.

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

COMMERCE
 CORPORATIONS AND COMMERCIAL CODE
 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:
 Kathy Berg at the above address, by phone at 801-530-6216, by FAX at 801-630-6438, or by Internet E-mail at kberg@utah.gov

AUTHORIZED BY: Ted Boyer Jr., Executive Director

EFFECTIVE: 11/26/2002



**Community and Economic
 Development, Community
 Development, Community Services**
R202-100
Community Services Block Grant Rules

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

DAR FILE No.: 25681
 FILED: 11/26/2002, 11:28

**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 under Section 9-4-202, U.C.A., 1953, which allows DCED to receive funds for and to administer federal aid programs.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Community Services Block Grants is an ongoing state administered program and this rule is required for its implementation and operation.

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

COMMUNITY AND ECONOMIC DEVELOPMENT
 COMMUNITY DEVELOPMENT,
 COMMUNITY SERVICES
 Room 500
 324 S STATE ST
 SALT LAKE CITY UT 84111-2388, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Lauren Rayner or Sherm Roquero at the above address, by phone at 801-538-8650 or 801-538-8644, by FAX at 801-538-8888 or 801-538-8888, or by Internet E-mail at lrayner@utah.gov or shermr@utah.gov

AUTHORIZED BY: Kerry Bate, Director

EFFECTIVE: 11/26/2002



Health, Administration
R380-50
**Local Health Department Funding
 Allocation Formula**

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

DAR FILE NO.: 25682
FILED: 11/26/2002, 12:45

**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: Section 26A-1-116 states that the Department of Health shall establish, by rule, a need based funding allocation formula for distribution of certain funds to local health departments.

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 written comments have been received on the rule. Local Health Officers were asked to comment and they endorse continuation of the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The current rule was developed by the local health department and counties. It remains a fair compromise.

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

HEALTH
ADMINISTRATION
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:
Doug Springmeyer at the above address, by phone at 801-538-6971, by FAX at 801-538-6306, or by Internet E-mail at dspringm@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Health Care Financing
R410-14
Administrative Hearing Procedures

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

DAR FILE NO.: 25686
FILED: 11/26/2002, 14:59

**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

Section 1902(a)(3) SSA, 42 CFR 431, Subpart E, and Sections 26-1-24 and 63-46b-1. The requirement for an administrative hearing process is established by federal statute. This rule adopts that requirement as state law.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The extension of this rule was presented to the Medical Care Advisory Committee for comment on September 19, 2002. The committee is comprised of medical providers and representatives of Medicaid consumers. They were asked to respond to any issues they had with the rule. No written or oral comments have been received regarding this rule. After further review of this rule, it was discovered that the address for submitting a "Request for Hearing/Agency Action" is incorrect and requires change. Consequently, an amendment to the rule will be created to make the necessary correction.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The requirement for an administrative hearing process is established by federal statute. This rule adopts that requirement as state law.

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

HEALTH
HEALTH CARE FINANCING
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:
Ross Martin or Craig Devashrayee at the above address, by phone at 801-538-6592 or 801-538-6641, by FAX at 801-538-6099 or 801-538-6099, or by Internet E-mail at rmartin@utah.gov or cdevashrayee@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-2A
Inpatient Hospital Services

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

DAR FILE NO.: 25678
FILED: 11/26/2002, 10:24

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 Sections 26-1-5, 26-1-15, 26-18-6, 26-18-3(2) and 26-18-5(3)(4). In addition, the rule is authorized by 42 CFR 447.15 and 42 CFR 447.50. The aforementioned statutes and regulations grant the department authority to establish rules which have the force and effect of law. These citations also establish the department's responsibility to develop policy that is consistent with the requirements of Title XIX and applicable federal guidelines. Additionally, these citations give the executive director power to accept federal aid and to use it to administer the Medical Assistance Program. Furthermore, these citations establish payment responsibilities for providers and allow certain recipients to share costs.

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 written or oral comments have been received regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the scope of service and limitations of inpatient hospital service coverage for eligible Medicaid clients. The rule serves as a tool for utilization and management of resources. Co-insurance requirements were recently added to the rule.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
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:
Craig Devashrayee or Urla Jean Maxfield at the above address, by phone at 801-538-6641 or 801-538-9144, by FAX at 801-538-6099 or 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov or umaxfield@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-2B
Inpatient Hospital Intensive Physical
Rehabilitation Services

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 25680
FILED: 11/26/2002, 10:40

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 Sections 26-1-5, 26-1-15, 26-18-6, 26-18-3(2) and 26-18-5(3)(4). They grant the department authority to establish rules which have the force and effect of law. These citations also establish the department's responsibility to develop policy that is consistent with the requirements of Title XIX and applicable federal guidelines. Additionally, these citations give the executive director power to accept federal aid and to use it to administer the Medical Assistance Program.

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 written or oral comments have been received regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the scope of service and limitations of inpatient hospital rehabilitation coverage for eligible Medicaid clients. The rule serves as a tool for utilization and management of resources.

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
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:
Craig Devashrayee or Urla Jean Maxfield at the above address, by phone at 801-538-6641 or 801-538-9144, by FAX at 801-538-6099 or 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov or umaxfield@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Health Care Financing,
Coverage and Reimbursement Policy
R414-3A
Outpatient Hospital Services

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25679
 FILED: 11/26/2002, 10:28

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 Sections 26-1-5, 26-1-15, 26-18-6, 26-18-3(2) and 26-18-5(3)(4). In addition, the rule is authorized by 42 CFR 447.15 and 42 CFR 447.50. The aforementioned statutes and regulations grant the department authority to establish rules which have the force and effect of law. These citations also establish the department's responsibility to develop policy that is consistent with the requirements of Title XIX and applicable federal guidelines. Additionally, these citations give the executive director power to accept federal aid and to use it to administer the Medical Assistance Program. Furthermore, these citations establish payment responsibilities for providers and allow certain recipients to share costs.

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 written or oral comments have been received regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the scope of service and limitations of outpatient hospital service coverage for eligible Medicaid clients. The rule serves as a tool for utilization and management of resources. Co-insurance requirements were recently added to the rule.

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

HEALTH
 HEALTH CARE FINANCING,
 COVERAGE AND REIMBURSEMENT POLICY
 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:
 at the above address, by phone at , by FAX at , or by Internet E-mail at

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Health Care Financing,
 Coverage and Reimbursement Policy
R414-29
 Client Review / Education and
 Restriction Policy

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25677
 FILED: 11/26/2002, 10:10

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 required by 42 CFR 431.54(e) and 456.3. Section 26-18-2.3 also requires this rule to safeguard against unnecessary or inappropriate use of Medicaid services.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The extension of this rule was presented to the Medical Care Advisory Committee for comment on September 19, 2002. The committee is comprised of medical providers and representatives of Medicaid consumers. They were asked to respond to any issues they had with the rule. No written or oral comments have been received regarding this rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule allows the agency to restrict a recipient to a specific provider if utilization patterns indicate potential abuse of services or drugs. This does not limit the recipient from receiving necessary care or drugs, but does ensure that there is professional review of all services received by either a single physician or pharmacist. This reduces the ability of the individual to abuse the system.

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

HEALTH
 HEALTH CARE FINANCING,
 COVERAGE AND REIMBURSEMENT POLICY
 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:
 Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002

▼ ————— ▼

Health, Health Systems Improvement, Emergency Medical Services

R426-2

Air Medical Service Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25687
FILED: 11/26/2002, 15:07

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: Under section 26-8a-412, the Department of Health is authorized to license air ambulance providers and make rules establishing minimum qualifications and requirements for personnel, capital reserves, equipment, business plans, operational procedures, resource hospital agreements, medical director agreements, management and control requirements, and other matters relevant to the ability to provide air ambulance services.

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 written comments of opposition have been received pertaining to the existing rule. However, after the modification to Title 26 Chapter 8a was made in July of 2000, we proposed a rule change in 2001 to update and clarify the rules so they were consistent with the statutory changes. The proposed rule was reviewed and approved by the Air Ambulance Sub-committee and EMS Committee and adopted without comments.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Continuation of the rule is required to ensure that standards for air ambulance services are established. These standards are necessary to allow air ambulance services to be licensed, to establish personnel requirements, maintain equipment standards, establish vehicle requirements, provide operational standards, and the ability to provide both on-scene and inter-facility emergency care.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT,
EMERGENCY MEDICAL 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:

Leslie Johnson at the above address, by phone at 801-538-6292, by FAX at 801-538-6808, or by Internet E-mail at lesliejohnson@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002

▼ ————— ▼

Health, Health Systems Improvement, Emergency Medical Services

R426-6

Emergency Medical Services Competitive Grants Program Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25685
FILED: 11/26/2002, 14:24

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: The rule is enacted to clarify the Utah Emergency Medical Services Systems Act, 26-8a-207(2)(b)(ii), which states that "The (EMS) Committee shall use 42 1/2% of remaining funds as competitive grants for use specifically related to the provision of emergency medical services based upon rules established by the committee."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: In November 2000, the rule was split into two rules - no comments were received. In October 1999 one comment was received in response to an amendment regarding the "per capita" portion of the rule. This comment was incorporated into subsequent changes to the rule in January, 2000.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule implements grants and training programs that are critical to the emergency medical services program in Utah.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT,
EMERGENCY MEDICAL 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:

Leslie Johnson at the above address, by phone at 801-538-6292, by FAX at 801-538-6808, or by Internet E-mail at lesliejohnson@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Center for Health Data, Vital
Records and Statistics

R436-1

Duties of the Department

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

DAR FILE NO.: 25702
FILED: 11/26/2002, 17:14

**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 26-2-3 authorizes the Department of Health to establish a statewide vital records system and to adopt rules specifying the duties of certain agencies and individuals that administer the system. Section 26-2-4 requires that the format of certificates and other documents used in the statewide system of vital records be prescribed by department rule.

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 written comments have been received since the effective date of the 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 must be continued because it establishes standards for the preparation of the legal documents used in the statewide vital records system, and specifies the duties of state and local vital records offices.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Center for Health Data, Vital
Records and Statistics

R436-2

Infants of Unknown Parentage;
Foundling Registration

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

DAR FILE NO.: 25688
FILED: 11/26/2002, 15:33

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-2-6 directs the custodian of a foundling to file a special certificate of foundling birth with the local registrar of the health district in which the infant was found. The content of the foundling certificate remains to be prescribed by department rule.

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 written comments have been received after enactment of the 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 must be continued because it specifies minimum information requirements for registering a foundling certificate, and establishes procedures for creating a new birth certificate if the child is ultimately identified.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Center for Health Data, Vital
Records and Statistics

R436-3

Amendment of Vital Records

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

DAR FILE No.: 25689
FILED: 11/26/2002, 15:38

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-2-7 authorizes the department to make rules regarding the correction of errors or omissions on vital records. Section 78-45a-7 requires the state registrar to provide for filing of voluntary declaration of paternity documents by unmarried fathers, and this rule regulates that process.

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 written comments have been received after enactment of the 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 must be continued because it specifies the requirements for amending vital records to preserve the integrity of the records and the legal rights of the subjects of the records.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Center for Health Data, Vital
Records and Statistics

R436-4

Delayed Registration of Birth

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

DAR FILE No.: 25690
FILED: 11/26/2002, 16:09

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-2-8 permits filing of a delayed certificate of birth in accordance with rules established by the department.

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 written comments have been received after enactment of the 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 must be continued because it specifies the facts to be established and the minimum documentary evidence required to support an application for delayed registration of birth.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Center for Health Data, Vital
Records and Statistics

R436-7

Death Registration

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

DAR FILE NO.: 25691
FILED: 11/26/2002, 16:17

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-2-13 gives the procedure for completing death certificates for all cases except one in which the cause of death cannot be determined within 72 hours after death. The statute says that such certificates will be completed according to department rule.

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 written comments have been received after enactment of the 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 must be continued because it specifies the manner of completion of a death certificate when cause of death is still undetermined or pending 72 hours after a death has occurred.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Center for Health Data, Vital
Records and Statistics

R436-8

Authorization for Final Disposition of
Deceased Persons

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

DAR FILE NO.: 25693
FILED: 11/26/2002, 16:23

**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 26-2-16 establishes the responsibilities of the funeral director to file death certificates, obtain medical certification and keep records of receipt and disposition of dead bodies and dead fetuses, the details of which are prescribed in this rule. Section 26-2-17 gives the requirements for obtaining permits to transport dead bodies across jurisdictions, and for disinterment and reinterment of dead bodies. This rule provides the content of the permits and the details regarding information necessary for authorization to transport and disinter dead bodies.

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 written comments have been received after enactment of the 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 must be continued because it provides specific standards for funeral directors or persons acting as funeral directors for the transport and disposition of dead bodies, and accompanying record keeping.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Center for Health Data, Vital
Records and Statistics

R436-9

Persons and Institutions Required to
Keep Monthly Listings of Vital Statistical
Events

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25694
FILED: 11/26/2002, 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: Section 26-2-16 requires that funeral directors keep records prescribed in department rules. Section 26-2-18 requires that sextons or persons in charge of premises where dead bodies are interred keep records on forms prescribed in department rules. Section 26-2-23 requires that administrators of health care facilities send monthly lists of vital events to the state registrar on forms prescribed in department 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 written comments have been received after enactment of the 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 must be continued because it provides the details of the information that must be provided in monthly lists of vital events that funeral directors, sextons, and health care facility administrators must send to the state registrar.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Center for Health Data, Vital
Records and Statistics

R436-10

Birth and Death Certificates

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 25695
FILED: 11/26/2002, 16:30

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: Section 26-2-19 requires that local registrars transmit records to the state registrar and maintain copies of records locally, according to department 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 written comments have been received after enactment of the 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 must be continued because it describes procedures local registrars must use in registering and transmitting vital records to the state registrar.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Center for Health Data, Vital
Records and Statistics

R436-12

Certified Copies of Vital Statistics
Records

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

DAR FILE No.: 25696
FILED: 11/26/2002, 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 26-2-3 authorizes the state registrar to delegate the issuance of certified copies of vital records to local registrars, and the rule describes the qualifications for local registrars to perform that duty.

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 written comments have been received after enactment of the 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 must be continued because it specifies the conditions that a local office must meet to issue certified copies of vital records.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Center for Health Data, Vital
Records and Statistics

R436-13

Disclosure of Records

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

DAR FILE No.: 25697
FILED: 11/26/2002, 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 26-2-22 prohibits a custodian of vital records from disclosing information in a record, except in compliance with the statute or department rule.

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 written comments have been received after enactment of the 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 must be continued because it specifies who does and who does not have a direct, tangible and legitimate interest in the information contained in a vital record.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Center for Health Data, Vital Records and Statistics

R436-14

Copies of Data From Vital Records

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 25698
FILED: 11/26/2002, 16:52

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-2-26 authorizes the department to issue reproductions of vital records using mechanical, electronic and other means. This rule specifies the information content and aspects of the format of those reproductions.

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 written comments have been received after enactment of the 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 must be continued because it governs verifications of vital records data, and certification of information copied from vital records.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002



Health, Center for Health Data, Vital Records and Statistics

R436-15

Fees

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 25699
FILED: 11/26/2002, 16:55

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-1-6 authorizes the department to assess fees, and the rule requires fees to be assessed for vital records services.

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 written comments have been received after enactment of the 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 must be continued because it specifies what fee is assessed when customers request a search for a record.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002

Health, Center for Health Data, Vital
Records and Statistics

R436-16

Violation of Rules

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

DAR FILE No.: 25700
FILED: 11/26/2002, 17:00

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 26-23-3 through 26-23-8 provide the penalties for violation of provisions of the Department of Health statutes and rules, and this rule specifies that R436-1 through R436-15 are covered by those penalties.

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 written comments have been received after enactment of the 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 must be continued because it specifies the statutes that define the penalties for violation of the vital statistics rules.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002

Health, Center for Health Data, Vital
Records and Statistics

R436-17

Review and Approval of Research
Requests

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

DAR FILE No.: 25701
FILED: 11/26/2002, 17:03

**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: Section 26-2-3 directs the department to establish a statewide system of vital statistics, and this rule governs the uses of the vital statistics for research. Section 26-2-22 limits inspection of vital records to purposes consistent with the vital statistics statutes and 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 written comments have been received after enactment of the 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 must be continued because it specifies what is required to obtain approval for research using vital records.

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

HEALTH
CENTER FOR HEALTH DATA,
VITAL RECORDS AND STATISTICS
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:

Barry Nangle at the above address, by phone at 801-538-6907, by FAX at 801-538-7012, or by Internet E-mail at bnangle@utah.gov

AUTHORIZED BY: Rod L. Betit, Executive Director

EFFECTIVE: 11/26/2002

Human Services, Administration,
Administrative Services, Licensing
R501-1
General Provisions

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

DAR FILE NO.: 25662

FILED: 11/25/2002, 12:37

**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: 62A-2-101 through 62A-2-121. This act provides for issuance of a license upon compliance with the rules, which include General Provisions.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The Office of Licensing has not received any written comments during the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continued need for programs that require the protection and safety of their clients.

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

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Bohi at the above address, by phone at 801-538-4153, by FAX at 801-538-4553, or by Internet E-mail at jbohi@utah.gov

AUTHORIZED BY: Ken Stettler, Director

EFFECTIVE: 11/25/2002

Human Services, Administration,
Administrative Services, Licensing
R501-2
Core Rules

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

DAR FILE NO.: 25664

FILED: 11/25/2002, 13:39

**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 62A-2-106 requires core rules for Human Services Programs, such as foster, care, outdoor youth, etc.

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 no written comments received during the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The continued growth of the programs that the department licenses necessitates this rule.

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

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Bohi at the above address, by phone at 801-538-4153, by FAX at 801-538-4553, or by Internet E-mail at jbohi@utah.gov

AUTHORIZED BY: Ken Stettler, Director

EFFECTIVE: 11/25/2002

Human Services, Administration,
Administrative Services, Licensing
R501-7
Child Placing Agencies

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

DAR FILE NO.: 25665

FILED: 11/25/2002, 13:50

**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-2-106 provides the responsibility of the Office of Licensing to make rules to establish consumer safety, protection, minimum administration and financial requirements for the agencies.

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 not been any

written comments received on this rule during the past five years.

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 required by the continued need for child placing agencies as a result of more children being placed for adoption and the continued protection of these children.

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

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Bohi at the above address, by phone at 801-538-4153, by FAX at 801-538-4553, or by Internet E-mail at jbohi@utah.gov

AUTHORIZED BY: Ken Stettler, Director

EFFECTIVE: 11/25/2002

▼ ————— ▼

Human Services, Administration, Administrative Services, Licensing **R501-11** Social Detoxification Programs

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25668
FILED: 11/25/2002, 14:07

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-2-101 provides the responsibility of the Office of Licensing to make rules to provide for the protection and safety of the agencies' clients.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: Over the last five years there have been no written comments received 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: This rule is necessary because of the growing use of drugs and alcohol in today's society.

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

HUMAN SERVICES
ADMINISTRATION, ADMINISTRATIVE SERVICES,
LICENSING
120 N 200 W
SALT LAKE CITY UT 84103-1500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Bohi at the above address, by phone at 801-538-4153, by FAX at 801-538-4553, or by Internet E-mail at jbohi@utah.gov

AUTHORIZED BY: Ken Stettler, Director

EFFECTIVE: 11/25/2002

▼ ————— ▼

Insurance, Administration **R590-131** Accident and Health Coordination of Benefits Rule

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25708
FILED: 11/27/2002, 14:17

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 31A-2-201 gives the commissioner the right to make rules to implement the provisions of Title 31A. Section 31A-22-619 gives the commissioner the authority to adopt rules to coordinate the benefits between health and accident group and individual insurance policies; this rule establish an order of priority in which plans pay their coordination of benefit (COB) claims; provide the authority for the orderly transfer of information needed to pay COB claims promptly; and reduce duplication of benefits by permitting a reduction of the benefits paid by a plan when the plan does not have to pay its benefits first.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: We recently rewrote this rule, providing two comment periods and two hearings. We believe we were able to satisfy most of the concerns of those who participated in the process. The comments may be found in the rule file. Comments were in regards to: 1. Can provider contracts be more stringent than the rule? 2. What happens if an insurer discovers on the last day possible that it has paid a claim incorrectly and don't have enough time to refile? 3. Can COBRA be primary or are they excluded under this rule? 4. What is the age requirement of full time students? 5. What are the privacy issues related to this rule and the sharing of medical information?

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule brings consistency and order when considering which health policy covers a claim when there is more than one health carrier covering the same individual or group. It eliminates lawsuits and expedites the payment of health claims.

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@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 11/27/2002

Insurance, Administration

R590-141

Individual and Agency License Lapse and Reinstatement Rule.

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 25709
FILED: 11/27/2002, 14:25

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: Subsection 31A-23-216(3) authorizes the commissioner to prescribe by rule, license renewal and reinstatement procedures for agents, consultants and brokers. Subsection 31A-26-213(3) authorizes the commissioner to prescribe by rule, license renewal and reinstatement procedures for adjusters. Section R590-141-3 of the rule provides renewal instructions in Subsection R590-141-3(A) and reinstatement procedures in Subsection R590-141-3(B).

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments supporting or opposing this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule establishes procedures for the renewal of insurance licenses as well as procedures and penalties for dealing with licensees who do not renew their insurance licenses as required. Without the rule it is anticipated that more licensees would allow their licenses to lapse, agents would not know the process to reinstate their license and they would have little incentive to do so if there were no penalties.

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@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 11/27/2002

Insurance, Administration

R590-152

Medical Discount Programs Rule.

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 25710
FILED: 11/27/2002, 14:27

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 31A-1-103(3)(d) allows the commissioner, based on findings, to write rules specifying those transactions that do not require regulating under Title 31A. Section 31A-2-201 gives the commissioner the authority to write rules to implement the provisions of Title 31A. This rule exempts from regulation those medical discount programs that follow the provisions of this rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has received no written comments supporting or opposing this rule in the past five years.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule allows the department to make sure that medical discount programs market themselves as discount programs rather than insurance. This difference needs to be made clear to the public.

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@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 11/27/2002



Insurance, Administration
R590-153
Unfair Inducements and Marketing
Practices in Obtaining Title Insurance
Business

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25711
FILED: 11/27/2002, 14:41

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: Subsection 31A-2-201(3) gives the commissioner the authority to make rules to implement the provisions of Title 31A. Subsection 31A-23-302(8) gives the commissioner the authority to make rules, after a finding, to define unfair, deceptive, discriminatory or misleading marketing practices. Sections R590-153-5 and R590-153-6 of this rule specify material and unfair inducement to obtaining title insurance business and what constitutes an unfair method of competition in the business of title insurance.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: We have not received any written comments in the past five years supporting or opposing this rule.

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 supportive of insurance agencies and the public. There are many requests from real estate agents and mortgage brokers for title agencies to provide marketing materials, food, education, etc. at the cost of the agency. These requests result in additional costs to the agency which are eventually passed on to the public. Also, without regulation, the agencies would be asked to do things that the insurance code never intended. Many agencies would become free information providers, activity guides, and restaurants, among other things. Many of the large scale inducements have gone away, but, with the recent merger of title agencies and real estate companies, there is increased pressure for title agencies to provide things other than title services to compete for business.

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@utah.gov

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 11/27/2002



Labor Commission, Occupational
Safety and Health
R614-1
General Provisions

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25655
FILED: 11/25/2002, 10:28

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: Utah Code Ann. Title 34A, Chapter 6 establishes the Utah Occupational Safety and Health Division. Section 34A-6-104 gives the division the authority to make and adopt rules that will make Utah's standards "as effective as the standards under the Williams-Steiger Occupational Safety and Health Act of 1970, 29 U.S.C. Sec 651 et seq."

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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This specific rule establishes definitions, incorporates federal standards; establishes other basic safety rules, and addresses inspections, confidentiality of information and penalties. This rule remains necessary to implement the legislative intent underlying enactment of the Utah Occupational Safety and Health Act; set forth in Section 34A-6-102, of providing for the safety and health of workers and establishing a coordinated state plan as effective as the federal Occupational Safety and Health program.

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

LABOR COMMISSION
OCCUPATIONAL SAFETY AND HEALTH
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:

William Adams at the above address, by phone at 801-530-6897, by FAX at 801-530-7606, or by Internet E-mail at wadams@utah.gov

AUTHORIZED BY: R Lee Ellertson, Commissioner

EFFECTIVE: 11/25/2002

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Labor Commission, Occupational
Safety and Health

R614-2

Drilling Industry

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

DAR FILE No.: 25658
FILED: 11/25/2002, 10:33

**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: Utah Code Ann. Title 34A, Chapter 6 establishes the Utah Occupational Safety and Health Division. Section 34A-6-104 gives the division the authority to make and adopt rules that will make Utah's standards "as effective as the standards under the Williams-Steiger Occupational Safety and Health Act of 1970, 29 U.S.C. Sec 651 et seq."

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 written comments have been received

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to establish specific safety and health standards in the drilling industry and related services.

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

LABOR COMMISSION
OCCUPATIONAL SAFETY AND HEALTH
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:

William Adams at the above address, by phone at 801-530-6897, by FAX at 801-530-7606, or by Internet E-mail at wadams@utah.gov

AUTHORIZED BY: R Lee Ellertson, Commissioner

EFFECTIVE: 11/25/2002

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Labor Commission, Occupational
Safety and Health

R614-3

Farming Operations Standards

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

DAR FILE No.: 25669
FILED: 11/25/2002, 14:15

**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: Utah Code Ann. Title 34A, Chapter 6 establishes the Utah Occupational Safety and Health Division. Section 34A-6-104 gives the division the authority to make and adopt rules that will make Utah's standards "as effective as the standards under the Williams-Steiger Occupational Safety and Health Act of 1970, 29 U.S.C. Sec 651 et seq."

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 written comments have been received

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to establish safety standards for farming operations. The rule is limited in application to employers with eleven (11) or more employees.

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

LABOR COMMISSION
OCCUPATIONAL SAFETY AND HEALTH
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:

William Adams at the above address, by phone at 801-530-6897, by FAX at 801-530-7606, or by Internet E-mail at wadams@utah.gov

AUTHORIZED BY: R Lee Ellertson, Commissioner

EFFECTIVE: 11/25/2002

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Labor Commission, Occupational Safety and Health

R614-4

Hazardous Materials

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25667
FILED: 11/25/2002, 14:04

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: Utah Code Ann. Title 34A, Chapter 6 establishes the Utah Occupational Safety and Health Division. Section 34A-6-104 gives the division the authority to make and adopt rules that will make Utah's standards "as effective as the standards under the Williams-Steiger Occupational Safety and Health Act of 1970, 29 U.S.C. Sec 651 et seq."

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 written comments have been received

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to establish safety standards for operations involving "flammable

solids" and "explosives", as well as the safety of employees dealing with them.

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

LABOR COMMISSION
OCCUPATIONAL SAFETY AND HEALTH
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:

William Adams at the above address, by phone at 801-530-6897, by FAX at 801-530-7606, or by Internet E-mail at wadams@utah.gov

AUTHORIZED BY: R Lee Ellertson, Commissioner

EFFECTIVE: 11/25/2002

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Labor Commission, Occupational Safety and Health

R614-5

Materials Handling and Storage

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25659
FILED: 11/25/2002, 10:38

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: Utah Code Ann. Title 34A, Chapter 6 establishes the Utah Occupational Safety and Health Division. Section 34A-6-104 gives the division the authority to make and adopt rules that will make Utah's standards "as effective as the standards under the Williams-Steiger Occupational Safety and Health Act of 1970, 29 U.S.C. Sec 651 et seq."

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 written comments have been received

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to establish specific safety standards for conveyors and the safety of employees using them.

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

LABOR COMMISSION
OCCUPATIONAL SAFETY AND HEALTH
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:

William Adams at the above address, by phone at 801-530-6897, by FAX at 801-530-7606, or by Internet E-mail at wadams@utah.gov

AUTHORIZED BY: R Lee Ellertson, Commissioner

EFFECTIVE: 11/25/2002

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

LABOR COMMISSION
OCCUPATIONAL SAFETY AND HEALTH
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:

William Adams at the above address, by phone at 801-530-6897, by FAX at 801-530-7606, or by Internet E-mail at wadams@utah.gov

AUTHORIZED BY: R Lee Ellertson, Commissioner

EFFECTIVE: 11/25/2002

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**Labor Commission, Occupational
Safety and Health
R614-6
Other Operations**

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

DAR FILE No.: 25656
FILED: 11/25/2002, 10:31

**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: Utah Code Ann. Title 34A, Chapter 6 establishes the Utah Occupational Safety and Health Division. Section 34A-6-104 gives the division the authority to make and adopt rules that will make Utah's standards "as effective as the standards under the Williams-Steiger Occupational Safety and Health Act of 1970, 29 U.S.C. Sec 651 et seq."

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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule identifies safety procedures for operations such as "crushing, screening, and grinding equipment", "window cleaning", and "industrial railroads" (items that are not covered by federal standards). This rule is necessary to ensure the safety of employees in workplaces that involve these operations.

▼ ————— ▼

**Labor Commission, Occupational
Safety and Health
R614-7
Construction Standards**

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

DAR FILE No.: 25657
FILED: 11/25/2002, 10:32

**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: Utah Code Ann. Title 34A, Chapter 6 establishes the Utah Occupational Safety and Health Division. Section 34A-6-104 gives the division the authority to make and adopt rules that will make Utah's standards "as effective as the standards under the Williams-Steiger Occupational Safety and Health Act of 1970, 29 U.S.C. Sec 651 et seq."

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 written comments have been received

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is necessary to establish specific safety standards for operations in hazardous construction areas such as "roofing", and "tar-asphalt operations" and the protection of employees engaged in these operations.

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

LABOR COMMISSION
OCCUPATIONAL SAFETY AND HEALTH
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:

William Adams at the above address, by phone at 801-530-6897, by FAX at 801-530-7606, or by Internet E-mail at wadams@utah.gov

AUTHORIZED BY: R Lee Ellertson, Commissioner

EFFECTIVE: 11/25/2002

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

PUBLIC SAFETY
DRIVER LICENSE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 3RD FL
SALT LAKE CITY UT 84119-5595, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Vinn Roos at the above address, by phone at 801-965-4456, by FAX at 801-964-4482, or by Internet E-mail at vroos@utah.gov

AUTHORIZED BY: Judy Hamaker Mann, Director

EFFECTIVE: 11/25/2002

Public Safety, Driver License **R708-2**

Commercial Driver Training Schools

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25671
FILED: 11/25/2002, 14:57

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 53-3-505 requires the division to make rules regarding the regulation of Commercial Driver Training Schools. This includes location, equipment, course of instruction, instructors, school records, financial statements, schedule of fees and charges, insurances, etc.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: We need to have this rule to allow the Driver License Division to continue to regulate Commercial Driver Training schools to ensure they meet the intent of the law and protect the public from those who do not follow the requirements.

Public Safety, Driver License **R708-7**

Functional Ability in Driving: Guideline for Physicians

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 25672
FILED: 11/25/2002, 15:48

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: Sections 53-3-224, 53-3-303, 53-3-304, and 49 CFR 391.43 requires the driver license division to establish standards and guidelines to assist health care professionals in determining who may be impaired, the responsibilities of the health care professionals, and the driver's responsibility regarding their health as it relates to highway safety.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: We need this rule to assist health care professionals in determining who is fit to drive a motor vehicle safely and determine who is impaired and what action needs to be taken to ensure the safety of the drivers and the public.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 PUBLIC SAFETY
 DRIVER LICENSE
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W 3RD FL
 SALT LAKE CITY UT 84119-5595, or
 at the Division of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 PUBLIC SAFETY
 DRIVER LICENSE
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W 3RD FL
 SALT LAKE CITY UT 84119-5595, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Vinn Roos at the above address, by phone at 801-965-4456, by FAX at 801-964-4482, or by Internet E-mail at vroos@utah.gov

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Vinn Roos at the above address, by phone at 801-965-4456, by FAX at 801-964-4482, or by Internet E-mail at vroos@utah.gov

AUTHORIZED BY: Judy Hamaker Mann, Director

AUTHORIZED BY: Judy Hamaker Mann, Director

EFFECTIVE: 11/25/2002

EFFECTIVE: 11/25/2002

▼ ————— ▼

Public Safety, Driver License
R708-8
Review Process: Driver License
Medical Section

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE No.: 25673
 FILED: 11/25/2002, 16:23

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 53-3-303 requires the driver License Division to create a Driver License Medical Advisory Board to review, upon request, applicants who desire to appeal a decision by the driver license division as it regards to any action the division may take in relation to the medical guidelines for getting a drive license. The board will review the cases and submit to the division it's findings and recommendations.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: We need to continue this rule so the driver license division can continue to meet the statute requirement in providing a medical review board for the public to review their medical concerns as it relates to their driver license.

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Public Safety, Driver License
R708-21
Third-Party Testing

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE No.: 25674
 FILED: 11/25/2002, 16:35

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Sections 53-3-213, 53-3-407, and 49 CFR Part 383.75 allows the driver license division to establish standards and procedures for third-party testers who enter into an agreement with the state to administer skills tests to commercial drivers.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: We need to continue this rule so the driver license division can allow others to be third-party testers as long as they meet the requirements as per statute. This is a great benefit to the public and the division.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 PUBLIC SAFETY
 DRIVER LICENSE
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W 3RD FL
 SALT LAKE CITY UT 84119-5595, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Vinn Roos at the above address, by phone at 801-965-4456,
by FAX at 801-964-4482, or by Internet E-mail at
vroos@utah.gov

AUTHORIZED BY: Judy Hamaker Mann, Director

EFFECTIVE: 11/25/2002

Public Safety, Driver License
R708-25

Commercial Driver License Applicant
Fitness Certification

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

DAR FILE No.: 25675
FILED: 11/25/2002, 16:57

**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 53-3-407(1)(c) requires that every applicant for a Commercial Driver License must comply with 49 CFR Part 383 and other applicable state laws and federal guidelines for fitness standards.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: We need to continue this rule so we ensure that everyone who applies for a Commercial Driver License meets all the fitness standards as per federal, state laws and requirements.

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

PUBLIC SAFETY
DRIVER LICENSE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 3RD FL
SALT LAKE CITY UT 84119-5595, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Vinn Roos at the above address, by phone at 801-965-4456,
by FAX at 801-964-4482, or by Internet E-mail at
vroos@utah.gov

AUTHORIZED BY: Judy Hamaker Mann, Director

EFFECTIVE: 11/25/2002

Public Safety, Driver License
R708-27

Certification of Driver Education
Teachers in the Public Schools to
Administer Knowledge and Driving
Skills Tests

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

DAR FILE No.: 25676
FILED: 11/25/2002, 17:11

**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 53A-13-208 allows the driver license division and the state board of education to establish procedures and standards to certify teachers of driver education classes to administer written and driving tests.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: We need to continue this rule so the state board of education can continue to allow their driver education instructors to administer written and driving tests that the driver license division recognizes. This is a great benefit to the public and the division.

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

PUBLIC SAFETY
DRIVER LICENSE
CALVIN L RAMPTON COMPLEX
4501 S 2700 W 3RD FL
SALT LAKE CITY UT 84119-5595, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Vinn Roos at the above address, by phone at 801-965-4456,
by FAX at 801-964-4482, or by Internet E-mail at
vroos@utah.gov

AUTHORIZED BY: Judy Hamaker Mann, Director

EFFECTIVE: 11/25/2002



Regents (Board Of), Administration
R765-134
 Informal Adjudicative Proceedings
 Under the Utah Administrative
 Procedures Act

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

DAR FILE NO.: 25705
 FILED: 11/27/2002, 10:52

**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: Provides guidelines and procedures for the application of the Administrative Procedures Act Title 63, Chapter 46b, and associated regulations, to the public institutions of higher education, the State Board of Regents, and the Utah Higher Education Assistance Authority.

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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: No comments received in opposition to the rule. This rule must be continued in order for the State Board of Regents, the Utah Higher Education Assistance Authority, and Utah public colleges and universities to comply with regulations and requirements of the Administrative Procedures Act as described above.

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

REGENTS (BOARD OF)
 ADMINISTRATION
 BOARD OF REGENTS BUILDING, THE GATEWAY
 60 SOUTH 400 WEST
 SALT LAKE CITY UT 84101-1284, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Don A. Carpenter at the above address, by phone at 801-321-7110, by FAX at 801-321-7199, or by Internet E-mail at dcarpenter@utahsbr.edu

AUTHORIZED BY: Cecelia H. Foxley, Commissioner

EFFECTIVE: 11/27/2002



Regents (Board Of), Administration
R765-993
 Records Access and Management

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

DAR FILE NO.: 25706
 FILED: 11/27/2002, 11:07

**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 provides policy related to State Board of Regents and Office of the Commissioner records access and management matters pursuant to the Government Records Access and Management Act (GRAMA), Utah Code Title 63, Chapter 2, as well as Utah Code Title 53B, Chapter 16, Part 3 dealing with restricted records of Higher Education.

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 written comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: No comments have been received in opposition to the rule. This rule must be continued for the State Board of Regents and the Commissioner's Office to conform with requirements of the Government Records Access and Management Act (GRAMA) described above.

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

REGENTS (BOARD OF)
 ADMINISTRATION
 BOARD OF REGENTS BUILDING, THE GATEWAY
 60 SOUTH 400 WEST
 SALT LAKE CITY UT 84101-1284, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Don A. Carpenter at the above address, by phone at 801-321-7110, by FAX at 801-321-7199, or by Internet E-mail at dcarpenter@utahsbr.edu

AUTHORIZED BY: Cecelia H. Foxley, Commissioner

EFFECTIVE: 11/27/2002



NOTICES OF FIVE-YEAR REVIEW EXTENSIONS

Rulewriting agencies are required by law to review each of their administrative rules within five years of the date of the rule's original enactment or the date of last review (*Utah Code* Section 63-46a-9 (1996)). If the agency finds that it will not meet the deadline for review of the rule (the five-year anniversary date), it may file an extension with the Division of Administrative Rules. The extension permits the agency to file the review up to 120 days beyond the anniversary date.

Agencies have filed extensions for the rules listed below. The "Extended Due Date" is 120 days after the anniversary date. The five-year review extension is governed by *Utah Code* Subsection 63-46a-9(4) and (5) (1996).

Human Services

Administration, Administrative Services, Licensing

No. 25703 (filed 11/27/2002 at 8:26 a.m.): R501-16. Intermediate Secure Treatment Programs for Minors.
Enacted or Last Five-Year Review: 12/02/97 (No. 19998, NEW, filed 09/29/97 at 12:03 p.m., published 10/15/97)
Extended Due Date: 04/01/2003

Child and Family Services

No. 25728 (filed 12/02/2002 at 6:15 p.m.): R512-31. Foster Parent Due Process.
Enacted or Last Five-Year Review: 12/01/97 (No. 20287, 5YR, filed 12/01/97 at 12:53 p.m., published 12/15/97)
Extended Due Date: 03/31/2003

Public Safety

Criminal Investigations and Technical Services, Criminal Identification

No. 25683 (filed 11/26/2002 at 12:51 p.m.): R722-300 (was R724-4). Concealed Firearm Permit Rule.
Enacted or Last Five-Year Review: 12/02/97 (No. 20317, 5YR, filed 12/02/97 at 03:47 p.m., published 01/01/98)
Extended Due Date: 04/01/2003

No. 25684 (filed 11/26/2002 at 12:55 p.m.): R722-340 (was R724-6). Emergency Vehicles.
Enacted or Last Five-Year Review: 12/02/97 (No. 20318, 5YR, filed 12/02/97 at 03:47 p.m., published 01/01/98)
Extended Due Date: 04/01/2003

Regents (Board of)

Administration

No. 25712 (filed 11/27/2002 at 3:17 p.m.): R765-171. Postsecondary Proprietary School Act Rules.
Enacted or Last Five-Year Review: 12/03/97 (No. 20320, 5YR, filed 12/03/97 at 10:15 a.m., published 01/01/98)
Extended Due Date: 04/02/2003

No. 25713 (filed 11/27/2002 at 3:22 p.m.): R765-660. Utah State Student Incentive Grant Program.
Enacted or Last Five-Year Review: 12/03/97 (No. 20321, 5YR, filed 12/03/97 at 10:15 a.m., published 01/01/98)
Extended Due Date: 04/02/2003

NOTICES OF NONSUBSTANTIVE CHANGES MADE BY THE DIVISION OF ADMINISTRATIVE RULES

Under authority of UTAH CODE Subsections 63-46a-10(2) and (3) the Division of Administrative Rules may make nonsubstantive changes to the text of the *Utah Administrative Code*. Specifically:

(2) The division may after notifying the agency make nonsubstantive changes to rules filed with the division or published in the bulletin or code by:

(a) implementing a uniform system of formatting, punctuation, capitalization, organization, numbering, and wording;

(b) correcting obvious errors and inconsistencies in punctuation, capitalization, numbering, referencing, and wording;

(c) changing a catchline to more accurately reflect the substance of each section, part, rule, or title;

(d) updating or correcting annotations associated with a section, part, rule, or title; and

(e) merging or determining priority of any amendment, enactment, or repeal to the same rule or section made effective by an agency.

(3) In addition, the division may make the following nonsubstantive changes with the concurrence of the agency:

(a) eliminate duplication within rules;

(b) eliminate obsolete and redundant words; and

(c) correcting defective or inconsistent section and paragraph structure in arrangement of the subject matter of rules.

UTAH CODE Subsection 63-46a-10(4) requires the Division to publish a list of all such changes made after publication of the rule in the *Utah State Bulletin*, giving the affected code citation, a brief description of the change, and the date the change was made. The table below also indicates whether the correction was made under authority of UTAH CODE Subsection 63-46a-10(2) or 63-46a-10(3).

CODE REFERENCE: R156-22-303

FILE NUMBER: 25727

DESCRIPTION OF CHANGE: An amendment published in the July 1, 2002, issue of the *Utah State Bulletin* amended, among other things, the language at Section R156-22-303. During the codification process, the amended language was correctly inserted, but the old Section R156-22-303 was inadvertently reinserted. This nonsubstantive change removes the old Section R156-22-303.

DATE: 12/2/2002

AUTHORITY: Subsection 63-46a-10(2)

NOTICES OF RULE EFFECTIVE DATES

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

Abbreviations

AMD = Amendment

CPR = Change in Proposed Rule

NEW = New Rule

R&R = Repeal and Reenact

REP = Repeal

Commerce

Occupational and Professional Licensing

No. 25120 (CPR): R156-31b. Nurse Practice Act Rules.

Published: October 15, 2002

Effective: November 18, 2002

No. 25125 (REP): R156-62. Health Care Assistant Registration Act Rules.

Published: August 15, 2002

Effective: November 18, 2002

Real Estate

No. 25407 (AMD): R162-102. Application Procedures.

Published: October 15, 2002

Effective: December 2, 2002

Corrections

Administration

No. 25266 (AMD): R251-112. Americans With Disabilities Act Implementation and Complaint Process.

Published: October 1, 2002

Effective: December 2, 2002

Human Services

Aging and Adult Services

No. 25351 (AMD): R510-302. Adult Protective Services.

Published: October 15, 2002

Effective: November 18, 2002

Youth Corrections

No. 25423 (REP): R547-2. Juvenile Detention Standards.

Published: October 15, 2002

Effective: November 18, 2002

No. 25426 (AMD): R547-3. Juvenile Jail Standards.

Published: October 15, 2002

Effective: November 18, 2002

No. 25414 (REP): R547-4. Youth Detention/Group Shelter Standards.

Published: October 15, 2002

Effective: November 18, 2002

No. 25425 (AMD): R547-7. Juvenile Holding Room Standards.

Published: October 15, 2002

Effective: November 18, 2002

Pardons (Board Of)

Administration

No. 25382 (AMD): R671-206. Competency of Offenders.

Published: October 15, 2002

Effective: November 21, 2002

No. 25384 (AMD): R671-301. Personal Appearance.

Published: October 15, 2002

Effective: November 21, 2002

No. 25385 (AMD): R671-302. News Media and Public Access to Hearings.

Published: October 15, 2002

Effective: November 21, 2002

No. 25386 (AMD): R671-303. Offender Access to Information.

Published: October 15, 2002

Effective: November 22, 2002

No. 25390 (AMD): R671-304. Hearing Record.

Published: October 15, 2002

Effective: November 21, 2002

No. 25393 (AMD): R671-305. Notification of Board Decision.

Published: October 15, 2002

Effective: November 21, 2002

No. 25389 (AMD): R671-309. Impartial Hearings.

Published: October 15, 2002

Effective: November 22, 2002

**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 December 2, 2002, the effective dates of which are no later than December 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).

DAR NOTE: Because of publication constraints neither index is printed in this Bulletin.

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/>).

DAR NOTE: The index may contain inaccurate page number references. Also the index is incomplete in the sense that index entries for Changes in Proposed Rules (CPRs) are not preceded by entries for their parent Proposed Rules. These difficulties with the index are related to a new software package used by the Division to create the Bulletin and related publications; we hope to have them resolved as soon as possible. Bulletin issue information and effective date information presented in the index are, to the best of our knowledge, complete and accurate. If you have any questions regarding the index and the information it contains, please contact Nancy Lancaster (801 538-3218), Mike Broschinsky (801 538-3003), or Kenneth A. Hansen (801 538-3777).
