

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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SPECIAL NOTICES

COMMERCE OCCUPATIONAL AND PROFESSIONAL LICENSING

PUBLIC NOTICE OF 2004 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

01/05/2004, Psychologists Licensing Board, 8:00 a.m.; 01/6/2004, Unified Code Analysis Council, 9:00 a.m.; 01/07/2004, Alarm System Security and Licensing Board, 9:00 a.m.; 01/07/2004, Utah Board of Accountancy, 1:00 p.m.; 01/08/2004, Social Worker Licensing Board, 9:00 a.m.; 01/08/2004, Chiropractic Physicians Licensing Board, 9:00 a.m.; 01/09/2004, Plumbers Licensing Board, 8:30 a.m.; 01/12/2004, UBCC Mechanical Advisory Committee, 9:00 a.m.; 01/12/2004, UBCC Structural Advisory Committee, 12:00 noon; 01/13/2004, Podiatric Physician Board, 8:00 a.m.; 01/13/2004, Osteopathic Physicians Licensing Board, 9:00 a.m.; 01/13/2004, Professional Engineer/Professional Land Surveyor Licensing Board, 9:00 a.m.; 01/13/2004, UBCC Plumbing/Health Advisory Committee, 9:00 a.m.; 01/14/2004, Residence Lien Recovery Fund Board, 8:00 a.m.; 01/14/2004, Physicians Licensing Board, 9:00 a.m.; 01/14/2004, Professional Counselor Licensing Board, 9:00 a.m.; 01/14/2004, Hearing Instrument Specialist Licensing Board, 9:00 a.m.; 01/14/2004, UBCC Architectural Advisory Committee, 2:00 p.m.; 01/15/2004, Physician Assistant Licensing Board, 8:00 a.m.; 01/15/2004, Electricians Licensing Board, 9:00 a.m.; 01/15/2004, Security Education Advisory Committee, 9:00 a.m.; 01/16/2004, Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 01/16/2004, Uniform Building Code Commission, 9:00 a.m.; 01/20/2004, Occupational Therapy Licensing Board, 9:00 a.m.; 01/20/2004, UBCC Electrical Advisory Committee, 9:00 a.m.; 01/20/2004, UBCC Education Advisory Committee, 1:00 p.m.; 01/27/2004, Pharmacy Licensing Board, 9:00 a.m.; 01/28/2004, Construction Services Commission, 8:30 a.m.; 01/28/2004, Massage Education Advisory Committee, 9:00 a.m.; 01/30/2004, Board of Nursing, 8:00 a.m.

February

02/03/2004, Unified Code Analysis Council, 9:00 a.m.; 02/04/2004, Licensed Substance Abuse Counselor Board, 9:00 a.m.; 02/04/2004, Security Services Licensing Board, 9:00 a.m.; 02/04/2004, Utah Board of Accountancy, 1:00 p.m.; 02/05/2004, Funeral Service Licensing Board, 9:00 a.m.; 02/06/2004, Architects Licensing Board, 9:00 a.m.; 02/10/2004, Professional Geologists Licensing Board, 9:00 a.m.; 02/10/2004, Massage Therapy Licensing Board, 9:00 a.m.; 02/11/2004, Residence Lien Recovery Fund Board, 8:00 a.m.; 02/11/2004, Physicians Licensing Board, 9:00 a.m.; 02/13/2004, Plumbers Licensing Board, 8:30 a.m.; 02/17/2004, UBCC Education Advisory Committee, 1:00 p.m.; 02/18/2004, Professional Counselor Licensing Board, 9:00 a.m.; 02/19/2004, Physician Assistant Licensing Board, 8:00 a.m.; 02/19/2004, Social Worker Licensing Board, 9:00 a.m.; 02/19/2004, Electricians Licensing Board, 9:00 a.m.; 02/20/2004, Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 02/20/2004, Uniform Building Code Commission, 9:00 a.m.; 02/24/2004, Pharmacy Licensing Board, 9:00 a.m.; 02/25/2004, Construction Services Commission, 8:30 a.m.; 02/27/2004, Board of Nursing, 8:00 a.m.

March

03/01/2004, Cosmetology/Barbering, Esthetics, Electrology, and Nail Technology Licensing Board, 9:00 a.m.; 03/02/2004, Unified Code Analysis Council, 9:00 a.m.; 03/03/2004, Alarm System Security and Licensing Board, 9:00 a.m.; 03/03/2004, Utah Board of Accountancy, 1:00 p.m.; 03/04/2004, Marriage/Family Therapist Licensing Board, 9:00 a.m.; 03/04/2004, Veterinary Board, 9:00 a.m.; 03/08/2004, UBCC Structural Advisory Committee, 12:00 noon; 03/09/2004, Professional Engineer/Professional Land Surveyor Licensing Board, 9:00 a.m.; 03/09/2004, UBCC Plumbing/Health Advisory Committee, 9:00 a.m.; 03/10/2004, Residence Lien Recovery Fund Board, 8:00 a.m.; 03/10/2004, Physicians Licensing Board, 9:00 a.m.; 03/10/2004, Professional Counselor Licensing Board, 9:00 a.m.; 03/10/2004, UBCC Architectural Advisory Committee, 2:00 p.m.; 03/11/2004, Social Worker Licensing Board, 9:00 a.m.; 03/11/2004, Controlled Substance Precursor Licensing Board, 2:00 p.m.; 03/12/2004, Plumbers Licensing Board, 8:30 a.m.; 03/15/2004, UBCC Mechanical Advisory Committee, 9:00 a.m.; 03/16/2004, Landscape Architects Licensing Board, 9:00 a.m.; 03/16/2004, Building Inspector Licensing Board, 10:00 a.m.; 03/16/2004, UBCC Education Advisory Committee, 1:00 p.m.; 03/18/2004, Genetic Counselors Licensing Board, 8:00 a.m.; 03/18/2004, Electricians Licensing Board, 9:00 a.m.; 03/19/2004, Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 03/19/2004, Uniform Building Code Commission, 9:00 a.m.; 03/23/2004, Pharmacy Licensing Board, 9:00 a.m.; 03/24/2004, Private Probation Provider Licensing Board, 9:00 a.m.; 03/26/2004, Board of Nursing, 8:00 a.m.; 03/30/2004, Security Education Advisory Committee, 9:00 a.m.; 03/31/2004, Construction Services Commission, 8:30 a.m.

SPECIAL NOTICES

April

04/05/2004, Psychologists Licensing Board, 8:00 a.m.; 04/06/2004, Unified Code Analysis Council, 9:00 a.m.; 04/07/2004, Security Services Licensing Board, 9:00 a.m.; 04/07/2004, Utah Board of Accountancy, 1:00 p.m.; 04/08/2004, Social Worker Licensing Board, 9:00 a.m.; 04/08/2004, Chiropractic Physicians Licensing Board, 9:00 a.m.; 04/09/2004, Plumbers Licensing Board, 8:30 a.m.; 04/13/2004, Osteopathic Physicians Licensing Board, 9:00 a.m.; 04/14/2004, Residence Lien Recovery Fund Board, 8:00 a.m.; 04/14/2004, Physicians Licensing Board, 9:00 a.m.; 04/14/2004, Professional Counselor Licensing Board, 9:00 a.m.; 04/14/2004, Hearing Instrument Specialist Licensing Board, 9:00 a.m.; 04/15/2004, Electricians Licensing Board, 9:00 a.m.; 04/16/2004, Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 04/16/2004, Radiology Technologist Licensing Board, 9:00 a.m.; 04/16/2004, Uniform Building Code Commission, 9:00 a.m.; 04/20/2004, UBCC Education Advisory Committee, 1:00 p.m.; 04/21/2004, Optometrist Licensing Board, 9:00 a.m.; 04/23/2004, Architects Licensing Board, 9:00 a.m.; 04/27/2004, Pharmacy Licensing Board, 9:00 a.m.; 04/27/2004, Health Facility Administrators Board, 9:00 a.m.; 04/28/2004, Construction Services Commission, 8:30 a.m.; 04/28/2004, Massage Education Advisory Committee, 9:00 a.m.; 04/30/2004, Board of Nursing, 8:00 a.m.

May

05/04/2004, Unified Code Analysis Council, 9:00 a.m.; 05/05/2004, Licensed Substance Abuse Counselor Board, 9:00 a.m.; 05/05/2004, Alarm System Security and Licensing Board, 9:00 a.m.; 05/05/2004, Utah Board of Accountancy, 1:00 p.m.; 05/06/2004, Funeral Service Licensing Board, 9:00 a.m.; 05/11/2004, Professional Engineer/Professional Land Surveyor Licensing Board, 9:00 a.m.; 05/11/2004, Massage Therapy Licensing Board, 9:00 a.m.; 05/12/2004, Residence Lien Recovery Fund Board, 8:00 a.m.; 05/12/2004, Acupuncture Licensing Board, 9:00 a.m.; 05/12/2004, Professional Counselor Licensing Board, 9:00 a.m.; 05/12/2004, Physicians Licensing Board, 9:00 a.m.; 05/13/2004, Social Worker Licensing Board, 9:00 a.m.; 05/13/2004, Naturopathic Physicians Licensing Board, 9:00 a.m.; 05/14/2004, Plumbers Licensing Board, 8:30 a.m.; 05/17/2004, Uniform Building Code Commission, 9:00 a.m.; 05/18/2004, UBCC Education Advisory Committee, 1:00 p.m.; 05/19/2004, Security Education Advisory Committee, 9:00 a.m.; 05/20/2004, Physician Assistant Licensing Board, 8:00 a.m.; 05/20/2004, Electricians Licensing Board, 9:00 a.m.; 05/21/2004, Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 05/25/2004, Pharmacy Licensing Board, 9:00 a.m.; 05/25/2004, Dietitians Board, 9:00 a.m.; 05/26/2004, Construction Services Commission, 8:30 a.m.; 05/28/2004, Board of Nursing, 8:00 a.m.

June

06/01/2004, Unified Code Analysis Council, 9:00 a.m.; 06/02/2004, Security Services Licensing Board, 9:00 a.m.; 06/02/2004, Utah Board of Accountancy, 1:00 p.m.; 06/03/2004, Marriage/Family Therapist Licensing Board, 9:00 a.m.; 06/03/2004, Veterinary Board, 9:00 a.m.; 06/04/2004, Architects Licensing Board, 9:00 a.m.; 06/07/2004, Cosmetology/Barbering, Esthetics, Electrology, and Nail Technology Licensing Board, 9:00 a.m.; 06/08/2004, UBCC Plumbing/Health Advisory Committee, 9:00 a.m.; 06/09/2004, Residence Lien Recovery Fund Board, 8:00 a.m.; 06/09/2004, Professional Counselor Licensing Board, 9:00 a.m.; 06/09/2004, Physicians Licensing Board, 9:00 a.m.; 06/09/2004, UBCC Architectural Advisory Committee, 2:00 p.m.; 06/10/2004, Social Worker Licensing Board, 9:00 a.m.; 06/11/2004, Plumbers Licensing Board, 8:30 a.m.; 06/14/2004, UBCC Structural Advisory Committee, 12:00 noon; 06/14/2004, UBCC Mechanical Advisory Committee, 9:00 a.m.; 06/15/2004, Professional Geologists Licensing Board, 9:00 a.m.; 06/15/2004, UBCC Education Advisory Committee, 1:00 p.m.; 06/15/2004, Building Inspector Licensing Board, 10:00 a.m.; 06/16/2004, Athlete Agents Licensing Board, 9:00 a.m.; 06/17/2004, Genetic Counselors Licensing Board, 8:00 a.m.; 06/17/2004, Electricians Licensing Board, 9:00 a.m.; 06/18/2004, Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 06/18/2004, Uniform Building Code Commission, 9:00 a.m.; 06/22/2004, Pharmacy Licensing Board, 9:00 a.m.; 06/25/2004, Board of Nursing, 8:00 a.m.; 06/30/2004, Construction Services Commission, 8:30 a.m.

July

07/06/2004, Unified Code Analysis Council, 9:00 a.m.; 07/07/2004, Alarm System Security and Licensing Board, 9:00 a.m.; 07/07/2004, Utah Board of Accountancy, 1:00 p.m.; 07/08/2004, Social Worker Licensing Board, 9:00 a.m.; 07/08/2004, Chiropractic Physicians Licensing Board, 9:00 a.m.; 07/12/2004, Psychologists Licensing Board, 8:00 a.m.; 07/13/2004, Podiatric Physician Board, 8:00 a.m.; 07/13/2004, Professional Engineer/Professional Land Surveyor Licensing Board, 9:00 a.m.; 07/13/2004, Osteopathic Physicians Licensing Board, 9:00 a.m.; 07/13/2004, UBCC Plumbing/Health Advisory Committee, 9:00 a.m.; 07/14/2004, Residence Lien Recovery Fund Board, 8:00 a.m.; 07/14/2004, Physicians Licensing Board, 9:00 a.m.; 07/14/2004, Professional Counselor Licensing Board, 9:00 a.m.; 07/14/2004, Hearing Instrument Specialist Licensing Board, 9:00 a.m.; 07/14/2004, UBCC Architectural Advisory Committee, 2:00 p.m.; 07/15/2004, Electricians Licensing Board, 9:00 a.m.; 07/15/2004, UBCC Electrical Advisory Committee, 9:00 a.m.; 07/16/2004, Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 07/16/2004, Plumbers Licensing Board, 8:30 a.m.; 07/16/2004, Uniform Building Code Commission, 9:00 a.m.; 07/20/2004, Occupational Therapy Licensing Board, 9:00 a.m.; 07/21/2004, Massage Education Advisory Committee, 9:00 a.m.; 07/27/2004, Pharmacy Licensing Board, 9:00 a.m.; 07/27/2004, Physical Therapy Licensing Board, 9:00 a.m.; 07/28/2004, Construction Services Commission, 8:30 a.m.; 07/30/2004, Board of Nursing, 8:00 a.m.

August

08/03/2004, Unified Code Analysis Council, 9:00 a.m.; 08/04/2004, Licensed Substance Abuse Counselor Board, 9:00 a.m.; 08/04/2004, Security Services Licensing Board, 9:00 a.m.; 08/04/2004, Utah Board of Accountancy, 1:00 p.m.; 08/05/2004, Funeral Service Licensing Board, 9:00 a.m.; 08/06/2004, Architects Licensing Board, 9:00 a.m.; 08/09/2004, UBCC Mechanical Advisory Committee, 9:00 a.m.; 08/09/2004, UBCC Structural Advisory Committee, 12:00 noon; 08/10/2004, Massage Therapy Licensing Board, 9:00 a.m.; 08/10/2004, UBCC Plumbing/Health Advisory Committee, 9:00 a.m.; 08/11/2004, Residence Lien Recovery Fund Board, 8:00 a.m.; 08/11/2004, Professional Counselor Licensing Board, 9:00 a.m.; 08/11/2004, Physicians Licensing Board, 9:00 a.m.; 08/11/2004, UBCC Architectural Advisory Committee, 2:00 p.m.; 08/12/2004, Social Worker Licensing Board, 9:00 a.m.; 08/13/2004, Plumbers Licensing Board, 8:30 a.m.; 08/17/2004, Environmental Health Scientist Board, 9:00 a.m.; 08/17/2004, UBCC Education Advisory Committee, 1:00 p.m.; 08/19/2004, Physician Assistant Licensing Board, 8:00 a.m.; 08/19/2004, Electricians Licensing Board, 9:00 a.m.; 08/20/2004, Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 08/20/2004, Uniform Building Code Commission, 9:00 a.m.; 08/24/2004, Recreational Therapy Board, 9:00 a.m.; 08/24/2004, Pharmacy Licensing Board, 9:00 a.m.; 08/25/2004, Construction Services Commission, 8:30 a.m.; 08/27/2004, Board of Nursing, 8:00 a.m.

September

09/01/2004, Alarm System Security and Licensing Board, 9:00 a.m.; 09/01/2004, Utah Board of Accountancy, 1:00 p.m.; 09/02/2004, Marriage/Family Therapist Licensing Board, 9:00 a.m.; 09/02/2004, Veterinary Board, 9:00 a.m.; 09/06/2004, Cosmetology/Barbering, Esthetics, Electrology, and Nail Technology Licensing Board, 9:00 a.m.; 09/07/2004, Unified Code Analysis Council, 9:00 a.m.; 09/08/2004, Residence Lien Recovery Fund Board, 8:00 a.m.; 09/08/2004, Professional Counselor Licensing Board, 9:00 a.m.; 09/08/2004, Physicians Licensing Board, 9:00 a.m.; 09/08/2004, UBCC Architectural Advisory Committee, 2:00 p.m.; 09/09/2004, Social Worker Licensing Board, 9:00 a.m.; 09/10/2004, Plumbers Licensing Board, 8:30 a.m.; 09/13/2004, UBCC Mechanical Advisory Committee, 9:00 a.m.; 09/13/2004, UBCC Structural Advisory Committee, 12:00 noon; 09/14/2004, Professional Engineer/Professional Land Surveyor Licensing Board, 9:00 a.m.; 09/14/2004, UBCC Plumbing/Health Advisory Committee, 9:00 a.m.; 09/15/2004, Deception Detection Examiners Licensing Board, 9:00 a.m.; 09/16/2004, Genetic Counselors Licensing Board, 8:00 a.m.; 09/16/2004, Alternative Dispute Resolution Providers Board, 9:00 a.m.; 09/16/2004, Electricians Licensing Board, 9:00 a.m.; 09/17/2004, Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 09/17/2004, Uniform Building Code Commission, 9:00 a.m.; 09/21/2004, Landscape Architects Licensing Board, 9:00 a.m.; 09/21/2004, Building Inspector Licensing Board, 10:00 a.m.; 09/21/2004, UBCC Education Advisory Committee, 1:00 p.m.; 09/22/2004, Security Education Advisory Committee, 9:00 a.m.; 09/23/2004, Speech-Language Pathology/Audiology Board, 9:00 a.m.; 09/24/2004, Board of Nursing, 8:00 a.m.; 09/28/2004, Pharmacy Licensing Board, 9:00 a.m.; 09/29/2004, Construction Services Commission, 8:30 a.m.

October

10/01/2004, Architects Licensing Board, 9:00 a.m.; 10/04/2004, Psychologists Licensing Board, 8:00 a.m.; 10/05/2004, Unified Code Analysis Council, 9:00 a.m.; 10/06/2004, Security Services Licensing Board, 9:00 a.m.; 10/06/2004, Utah Board of Accountancy, 1:00 p.m.; 10/08/2004, Radiology Technologist Licensing Board, 9:00 a.m.; 10/08/2004, Plumbers Licensing Board, 8:30 a.m.; 10/12/2004, Osteopathic Physicians Licensing Board, 9:00 a.m.; 10/12/2004, UBCC Plumbing/Health Advisory Committee, 9:00 a.m.; 10/13/2004, Residence Lien Recovery Fund Board, 8:00 a.m.; 10/13/2004, Physicians Licensing Board, 9:00 a.m.; 10/13/2004, Professional Counselor Licensing Board, 9:00 a.m.; 10/13/2004, Acupuncture Licensing Board, 9:00 a.m.; 10/13/2004, Hearing Instrument Specialist Licensing Board, 9:00 a.m.; 10/13/2004, UBCC Architectural Advisory Committee, 2:00 p.m.; 10/14/2004, Chiropractic Physicians Licensing Board, 9:00 a.m.; 10/14/2004, Social Worker Licensing Board, 9:00 a.m.; 10/15/2004, Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 10/15/2004, Uniform Building Code Commission, 9:00 a.m.; 10/19/2004, Professional Geologists Licensing Board, 9:00 a.m.; 10/19/2004, UBCC Education Advisory Committee, 1:00 p.m.; 10/20/2004, Certified Shorthand Reporters Licensing Board, 2:00 p.m.; 10/21/2004, Electricians Licensing Board, 9:00 a.m.; 10/26/2004, Pharmacy Licensing Board, 9:00 a.m.; 10/26/2004, Health Facility Administrators Board, 9:00 a.m.; 10/27/2004, Construction Services Commission, 8:30 a.m.; 10/27/2004, Optometrist Licensing Board, 9:00 a.m.; 10/27/2004, Massage Education Advisory Committee, 9:00 a.m.; 10/29/2004, Board of Nursing, 8:00 a.m.

November

11/02/2004, Unified Code Analysis Council, 9:00 a.m.; 11/03/2004, Licensed Substance Abuse Counselor Board, 9:00 a.m.; 11/03/2004, Respiratory Care Licensing Board, 9:00 a.m.; 11/03/2004, Alarm System Security and Licensing Board, 9:00 a.m.; 11/03/2004, Utah Board of Accountancy, 1:00 p.m.; 11/04/2004, Funeral Service Licensing Board, 9:00 a.m.; 11/09/2004, Massage Therapy Licensing Board, 9:00 a.m.; 11/09/2004, Professional Engineer/Professional Land Surveyor Licensing Board, 9:00 a.m.; 11/10/2004, Residence Lien Recovery Fund Board, 8:00 a.m.; 11/10/2004, Professional Counselor Licensing Board, 9:00 a.m.; 11/10/2004, Physicians Licensing Board, 9:00 a.m.; 11/11/2004, Naturopathic Physicians Licensing Board, 9:00 a.m.; 11/12/2004, Plumbers Licensing Board, 8:30 a.m.; 11/15/2004, Uniform Building Code Commission, 9:00 a.m.; 11/16/2004, UBCC Education Advisory Committee, 1:00 p.m.; 11/18/2004, Physician Assistant Licensing Board, 8:00 a.m.; 11/18/2004, Social Worker Licensing Board, 9:00 a.m.; 11/18/2004, Electricians Licensing Board, 9:00 a.m.; 11/19/2004, Board of Nursing, 8:00 a.m.; 11/19/2004, Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 11/23/2004, Pharmacy Licensing Board, 9:00 a.m.; 11/24/2004, Construction Services Commission, 8:30 a.m.

December

12/01/2004, Security Services Licensing Board, 9:00 a.m.; 12/01/2004, Utah Board of Accountancy, 1:00 p.m.; 12/02/2004, Marriage/Family Therapist Licensing Board, 9:00 a.m.; 12/03/2004, Architects Licensing Board, 9:00 a.m.; 12/06/2004, Cosmetology/Barbering, Esthetics, Electrology, and Nail Technology Licensing Board, 9:00 a.m.; 12/06/2004, UBCC Mechanical Advisory Committee, 9:00 a.m.; 12/06/2004, UBCC Structural Advisory Committee, 12:00 noon; 12/07/2004, Unified Code Analysis Council, 9:00 a.m.; 12/08/2004, Residence Lien Recovery Fund Board, 8:00 a.m.; 12/08/2004, Professional Counselor Licensing Board, 9:00 a.m.; 12/08/2004, Physicians Licensing Board, 9:00 a.m.; 12/08/2004, UBCC Architectural Advisory Committee, 2:00 p.m.; 12/09/2004, Social Worker Licensing Board, 9:00 a.m.; 12/10/2004, Plumbers Licensing Board, 8:30 a.m.; 12/14/2004, UBCC Plumbing/Health Advisory Committee, 9:00 a.m.; 12/16/2004, Genetic Counselors Licensing Board, 8:00 a.m.; 12/16/2004, Electricians Licensing Board, 9:00 a.m.; 12/17/2004, Board of Nursing, 8:00 a.m.; 12/17/2004, Dentist/Dental Hygienist Licensing Board, 8:00 a.m.; 12/17/2004, Uniform Building Code Commission, 9:00 a.m.; 12/21/2004, Building Inspector Licensing Board, 10:00 a.m.; 12/21/2004, UBCC Education Advisory Committee, 1:00 p.m.; 12/28/2004, Pharmacy Licensing Board, 9:00 a.m.; 12/29/2004, Construction Services Commission, 8:30 a.m.

GOVERNOR'S EXECUTIVE ORDER: CREATING AN OUTDOOR RECREATION ECONOMIC ECOSYSTEM TASK FORCE

EXECUTIVE ORDER

CREATING AN OUTDOOR RECREATION ECONOMIC ECOSYSTEM TASK FORCE

WHEREAS, Utah has numerous and varied natural attractions, features, and landscapes that set it apart as a premier destination for outdoor recreation opportunities and make Utah a world-renowned outdoor recreation capital;

WHEREAS, Utah is home to numerous quality manufacturers, retailers, and outfitters of outdoor recreation equipment and products that serve a worldwide market;

WHEREAS, Utahns and visitors to Utah have a high level of interest in outdoor recreation;

WHEREAS, the State of Utah is interested in ensuring that a full spectrum of recreation opportunities is available to the public;

WHEREAS, the outdoor recreation industry is an increasingly important component of Utah's economy;

WHEREAS, it is in Utah's interest to develop and support a strong outdoor recreation economy that benefits not only the outdoor recreation businesses in Utah, but also Utah's economy generally, as well as Utah's natural heritage;

WHEREAS, appropriate management and preservation of Utah's outstanding natural areas is essential to the continued vitality of the outdoor recreation experience;

WHEREAS, preserving appropriate access to premier outdoor recreation destinations is important to the viability of the outdoor recreation experience;

WHEREAS, wilderness is an important component of the outdoor recreation economy and, therefore, possesses economic value for the state;

NOW, THEREFORE, I, Michael O. Leavitt, Governor of the State of Utah, by virtue of the authority vested in me by the laws and the constitution of the state, hereby order the following:

1. There is created the Outdoor Recreation Economic Ecosystem Task Force.
2. The task force shall:
 - a. develop a marketing plan to promote and develop the outdoor recreation industry in Utah;
 - b. identify the state's premier outdoor recreation destinations and natural assets;

- c. target outdoor recreation manufacturing, retailing, tourism and other activities that make up the Outdoor Recreation Economic Ecosystem;
 - d. work collaboratively with Utah counties to meet the goal of assuring that benefits of the outdoor recreation economy flow in significant proportion to local economies;
 - e. work collaboratively with industry representatives, counties, the state, and federal land agencies to seek fair ways to ensure that local communities have sufficient resources for public services strained by outdoor recreation, such as search and rescue, ambulance service, road maintenance, and other public infrastructure;
 - f. recommend how outdoor recreation and heritage tourism experiences can be integrated to provide a more complete and diverse tourism and visitor experience; and
 - g. endeavor to build bridges between the outdoor recreation economy and the traditional western heritage economy of rural Utah, with an eye to harmonizing, balancing, and preserving both for future generations.
3. The task force shall be appointed by the governor and shall include one or more representatives from the following, for a total of 13 to 17 members:
 - a. four to six members from state agencies, including:
 - i. the Director of the Governor's Office of Planning and Budget or designee;
 - ii. the Executive Director of the Department of Natural Resources or designee;
 - iii. the Director of the Division of Business and Economic Development or designee;
 - iv. the Director of the Division of Travel and Tourism or designee;
 - b. four to six rural county commissioners or members of county councils; and
 - c. four to six Utah outdoor recreation manufacturers, retailers, and other industry professionals in Utah.
 4. Members of the task force shall serve without per diem and expenses.
 5. The terms of the state officials shall correspond to their terms of service in the relevant assignment. Members who are county officers shall serve terms of four years, but they may not serve beyond the expiration of their term in county office. Members who are industry representatives shall serve four-year terms.
 6. The terms of the initial county and industry members shall be staggered so that approximately half of each group serve terms that expire on July 1, 2005, and half serve terms that expire on July 1, 2007. All successive terms shall be for four years, except as provided in Paragraph 5.
 7. The Governor shall appoint the chair of the task force.
 8. Staff support shall be supplied by the Department of Community and Economic Development.
 9. A majority of the task force constitutes a quorum for voting purposes, and all actions shall be by majority vote of the quorum in attendance at a meeting.
 10. The task force may meet as often as necessary to perform its duties, and shall meet at least quarterly.
 11. The state agencies represented on the task force, as well as other state agencies that may be involved in specific task force issues shall work collaboratively and productively to achieve the goals of this order.
 12. The Governor's Office of Planning and Budget, in collaboration with other state agencies as necessary, shall identify the land management and ownership status currently in place for the premier outdoor recreation destinations and natural assets identified by the task force under Paragraph 2.b, for subsequent use by the Governor in seeking any modification that may be appropriate to preserve or enhance those destinations or assets.
 13. This order shall remain in effect until revoked or supplanted by executive order.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, this 1st day of November, 2003.

(State Seal)

MICHAEL O. LEAVITT
Governor

ATTEST:

OLENE WALKER
Lieutenant Governor

GOVERNOR'S EXECUTIVE ORDER: CREATING THE UTAH WIRELESS INTEGRATED NETWORK BOARD

EXECUTIVE ORDER

CREATING THE UTAH WIRELESS INTEGRATED NETWORK BOARD

WHEREAS, it is in the interest of the state to provide voice and data technology resources and services that facilitate interoperability among state and other agencies delivering public safety, homeland security, and other vital services to citizens;

WHEREAS, the agencies that serve the interests of public safety, homeland security, and other vital services are operating on multiple technologies provided by multiple agencies and vendors that are often not interoperable;

WHEREAS, it is in the interest of the state to leverage existing infrastructure with emerging technologies to create an interoperable voice and data network that supports the delivery of public safety, homeland security, and other vital services;

WHEREAS, the development of interoperable services and related technologies requires a high level of coordination and communication among entities providing such services;

NOW, THEREFORE, I, Olene S. Walker, Governor of the State of Utah, by virtue of the authority vested in me by the laws and Constitution of the State of Utah, hereby order the following:

1. There is created the Utah Wireless Integrated Network Board.
2. The board shall:
 - a. Promote wireless technology information and interoperability among local, state, federal, and other agencies.
 - b. Provide a mechanism for coordinating and resolving wireless communication issues among local, state, federal, and other agencies.
 - c. Coordinate statewide efforts for implementation of interoperable statewide voice and data networks.
 - d. Improve data and information sharing and coordination of multi-jurisdictional responses using the Utah Wireless Integrated Network.
 - e. Leverage existing state resources and develop a network that will provide seamless, coordinated, and integrated communication for local, state, federal, and other agencies.
 - f. Identify opportunities to consolidate infrastructures and technologies.

- g. Evaluate current technologies and determine if they are meeting the needs of agency personnel in their respective service areas.
- h. Develop and recommend short and long-term proposals for future communication needs.
- i. Complete plans for new services outlined and governed by the Federal Communications Commission.
- j. Establish the first phase of statewide wireless interoperability by July 2004.
3. Members of the board shall be appointed by the governor from agencies with public safety, technology, or telecommunications expertise, and shall include one or more representatives from local, state, federal, and other agencies.
4. Members of the board shall serve without per diem or expenses.
5. Terms of state officials serving on the board shall correspond to their terms of service in the relevant assignment. All other members shall serve for three-year terms, provided that the initial term of approximately one-third of members of the board shall be one year and the initial term of another third shall be two years. Members may serve for more than one term.
6. The board's executive committee consisting of five members, one each from the Public Safety, Department of Administrative Services, Department of Health, the Utah Communication Agency Network, and a member representing local government.
- a. The executive committee shall plan agendas and call meetings of the board.
- b. The executive committee may meet as often as necessary, at the call of the chair.
7. The governor shall appoint the chair of the board. The chair of the board shall also serve as the chair of the executive committee.
8. The Department of Administrative Services shall provide staff support.
9. A majority of the board constitutes a quorum for voting purposes, and all actions shall be by majority vote of the quorum in attendance.
10. The board may meet as often as necessary to perform its duties, and shall meet at least quarterly.
11. The state agencies represented on the board, as well as other state agencies that may be involved, shall work collaboratively with local, federal, and other agencies to achieve the goals of this order.
12. The board may establish subcommittees and working groups to address wireless technology coordination and communication issues between agencies providing vital services to citizens.
13. The board shall prepare a brief annual report for the governor.
14. The board does not have the authority to require expenditure of public funds.
15. This order shall remain in effect until revoked or supplanted by executive order.

IN WITNESS, WHEREFORE, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 7th day of November, 2003.

(State Seal)

OLENE S. WALKER
Governor

GAYLE F. MCKEACHNIE
Lieutenant Governor

ATTEST:

2003/009

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 October 16, 2003, 12:00 a.m., and October 31, 2003, 11:59 p.m. are included in this, the November 15, 2003, 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 December 15, 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 March 14, 2004, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

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

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (2001); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

**Administrative Services, Fleet
Operations
R27-4-3
Vehicle Replacement and Expansion of
State Fleet**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26752

FILED: 10/24/2003, 09:56

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment deletes the provisions of Subsection R27-4-3(2)(j). The language currently in place would permit the prospective adoption of rules which is not permitted by Section 63-46a-4.

SUMMARY OF THE RULE OR CHANGE: This proposed amendment deletes the language "any other condition required by DFO" contained in Subsection R27-4-3(2)(j).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 63A-9-401(1) and 63A-9-401(6)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There are no anticipated costs or savings to the state budget as a result of the change. The amendment would prevent the Division of Fleet Operations (DFO) from changing the conditions under which the delegation of the authority to procure and dispose of motor vehicles would be granted. Since the applicable minimum substantive conditions that must be met cannot be changed without going through the rulemaking process, it is anticipated that the removal of Subsection R27-4-3(2)(j) will have no impact on the state budget.

❖ **LOCAL GOVERNMENTS:** There are no anticipated costs or savings to local governments. The rule and amendment apply only to state agencies.

❖ **OTHER PERSONS:** There are no anticipated costs or savings to others. The rule and amendment apply only to state agencies.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no anticipated compliance costs for affected persons. The rule and amendment apply only to state agencies.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no anticipated fiscal impacts on businesses as a result of the amendment.

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

ADMINISTRATIVE SERVICES
FLEET OPERATIONS
Room 4120 STATE OFFICE BLDG
450 N MAIN ST
SALT LAKE CITY UT 84114-1201, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sal Petilos at the above address, by phone at 801-538-3091, by FAX at 801-538-3844, or by Internet E-mail at spetilos@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 12/15/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Steve Saltzgeber, Director

R27. Administrative Services, Fleet Operations.

R27-4. Vehicle Replacement and Expansion of State Fleet.

R27-4-3. Delegation of Division Duties.

(1) Pursuant to the provisions of UCA 63A-9-401(6), the Director of DFO, with the approval of the Executive director of the Department of Administrative Services, may delegate motor vehicle procurement and disposal functions to institutions of higher education by contract or other means authorized by law, provided that:

(a) The funding for the procurement of vehicles that are subject to the agreement comes from funding sources other than state appropriations, or the vehicle is procured through the federal surplus property donation program;

(b) Vehicles procured with funding from sources other than state appropriations, or through the federal surplus property donation program shall be designated "do not replace;" and

(c) In the event that the institution of higher education is unable to designate said vehicles as "do not replace," the institution shall warrant that it shall not use state appropriations to procure their respective replacements without legislative approval.

(2) Agreements made pursuant to Section 63A-9-401(6) shall, at a minimum, contain:

(a) a precise definition of each duty or function that is being allowed to be performed; and

(b) a clear description of the standards to be met in performing each duty or function allowed; and

(c) a provision for periodic administrative audits by either the DFO or the Department of Administrative Services; and

(d) a representation by the institution of higher education that the procurement or disposal of the vehicles that are the subject matter of the agreement shall be coordinated with DFO. The institution of higher education shall, at the request of DFO, provide DFO with a list of all conventional fuel and alternative fuel vehicles it anticipates to procure or dispose of in the coming year. Alternative fuel vehicles shall be purchased by the agency or institution of higher education, when necessary, to insure state compliance with federal AFV mandates; and

(e) a representation by the institution of higher education that the purchase price is less than or equal to the state contract price for the make and model being purchased; and in the event that the state contract price is not applicable, that the provisions of Section 63-56-1 shall be complied with; and

(f) a representation that the agreement is subject to the provisions of UCA 63-38-3.5, Internal Service Funds - Governance and review; and

(g) a representation by the institution of higher education that it shall enter into DFO's fleet information system all information that would be otherwise required for vehicles owned, leased, operated or in the possession of the institution of higher education; and

(h) a representation by the institution of higher education that it shall follow state surplus rules, policies and procedures on related parties, conflict of interest, vehicle pricing, retention, sales, and negotiations; and

(i) a date on which the agreement shall terminate if the agreement has not been previously terminated or renewed, ~~and~~

~~(j) any other condition required by DFO.]~~

(3) An agreement made pursuant to Section 63A-9-401(7) may be terminated by DFO if the results of administrative audits conducted by either DFO or the Department of Administrative Services reveal a lack of compliance with the terms of the agreement.

**KEY: fleet expansion, vehicle replacement
2003**

63A-9-401(1)(a)

63A-9-401(c)(v)

63A-9-401(c)(ix)

63A-9-401(c)(xi)

63A-9-401(c)(xii)

▼ ————— ▼

**Agriculture and Food, Regulatory
Services
R70-410-1
Authority**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26715

FILED: 10/21/2003, 16:24

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment adopts the January 1, 2003, version of 7 CFR Part 56, 9 CFR 590, and 7 CFR 59 for the grading and inspection of shell eggs.

SUMMARY OF THE RULE OR CHANGE: This proposed amendment adopts and incorporates by reference the applicable provisions of the regulations issued by the United States Department of Agriculture for grading and inspection of shell eggs. No substantive changes have been made to federal grading standards for at least 15 years. It was recommended we update the citation of CFR references to the current issue.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-4-2

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 7 CFR Part 56, January 1, 2003, edition; 21 CFR, 1 through 200, April 1, 2001, edition; 9 CFR 590 January 1, 2003, edition; and 7 CFR 59, January 1, 2003, edition

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The changes being made will generate no additional costs. This program is a voluntary program funded completely by egg and poultry plants involved in the program.

❖ LOCAL GOVERNMENTS: This rule does not affect local governments. Therefore, there will be no cost or savings impact to local government.

❖ OTHER PERSONS: Standards set by adoption of federal egg and poultry uniform standards established by these rules enhance marketability of producers' products. The grade mark concurrent with the service is often required for sale to other countries, acceptance by military contracts and other large vendors. The rates established are based upon the criteria established by the "hill", the rates we charge for the service are in line with these guidelines. The Administrative Charge is set by federal rulemaking. Currently it is set at .046/30 dozen eggs and .00036 per pound of turkey or poultry. The maximum administrative charge is \$2,675, the minimum is \$250.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Standards set by adoption of federal egg and poultry uniform standards established by these rules enhance marketability of producers' products. The grade mark concurrent with the service is often required for sale to other countries, acceptance by military contracts and other large vendors. The rates established are based upon the criteria established by the "hill", the rates we charge for the service are in line with these guidelines. The Administrative Charge is set by federal rulemaking. Currently it is set at .046/30 dozen eggs and .00036 per pound of turkey or poultry. The maximum administrative charge is \$2,675, the minimum is \$250.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes being made to this rule will generate no additional costs. The department is adopting the applicable provisions in the CFR editions listed in this rule.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Doug Pearson or Marolyn Leetham at the above address, by phone at 801-538-7144 or 801-538-7114, by FAX at 801-538-7169 or 801-538-7126, or by Internet E-mail at dpearson@utah.gov or mleetham@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 12/15/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Cary G. Peterson, Commissioner

R70. Agriculture and Food, Regulatory Services.

R70-410. Grading and Inspection of Shell Eggs with Standard Grade and Weight Classes.

R70-410-1. Authority.

A. Promulgated under authority of Section 4-4-2.

B. Adopt by reference: The Utah Department of Agriculture and Food hereby adopts and incorporates by reference the applicable provisions of the regulations issued by the United States Department of Agriculture for grading and inspection of shell eggs and the Standards, 7 CFR Part 56, [~~October 1, 1998~~]January 1, 2003 edition, [~~including AMS 56, April 6 1995;~~] 21 CFR, 1 through 200, April 1, 2001; 9 CFR 590, January 1, [~~2000~~]2003; and 7 CFR 59, January 1, [~~1997~~]2003 edition.

R70-410-2. Handling and Disposition of Restricted Eggs.

Restricted eggs shall be disposed of by one of the following methods at point and time of segregation:

A. Checks and dirties must be shipped to an official egg breaking plant for further processing to egg products. Dirties may be shipped to a shell egg plant for cleaning. Checks and dirties may not be sold to restaurants, bakeries and food manufacturers, not to consumers, unless such sales are specifically exempted by Section 15 of the Federal Egg Products Inspection Act and not prohibited by State Law.

B. Leakers, loss and inedible eggs must be destroyed for human food purposes at the grading station or point of segregation by one of the methods listed below:

1. Discarded and intermingled with refuse such as shells, papers, trash, etc.

2. Processed into an industrial product or animal food at the grading station.

3. Denatured or decharacterized with an approved denaturant. (Such product shipped under government supervision and received under government supervision at a plant making industrial products or animal food need not be denatured or decharacterized prior to shipment.)

4. Leakers, loss and inedible eggs may be shipped in shell form provided they are properly labeled and denatured by adding FD and C color to the shell or by applying a substance that will penetrate the shell and decharacterize the egg meat.

C. Incubator rejects (eggs which have been subjected to incubation) may not be moved in shell form and must be crushed and denatured or decharacterized at point and time of removal from incubation.

D. Blood type loss which has not diffused into the albumen may be moved to an official egg products plant in shell form without adding FD and C color to the shell provided they are properly labeled and moved directly to the egg products plant.

E. Containers used for eggs not intended for human consumption must be labeled with the word "inedible" on the outside of the container.

F. Other methods of disposition may be used only when approved by the Commissioner.

R70-410-3. Packaging.

A. It is unlawful for anyone to pack eggs into a master container which does not bear all required labeling, including responsible party, or to transport or sell eggs in such container.

B. Any person who, without prior authorization, acquires possession of a master container which bears a brand belonging to someone else shall, at his own expense, return such container to the registered owner within 30 days.

KEY: food inspections

~~[November 1, 2001]~~2003

Notice of Continuation September 12, 2001

4-4-2

Commerce, Occupational and
Professional Licensing

R156-17a-612

Operating Standards - Pharmaceutical
Wholesaler/Distributor and
Pharmaceutical Manufacturer located in
Utah

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26754

FILED: 10/27/2003, 10:40

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to update the edition of the United States Pharmacopeia/National Formulary (USP/NF) books which are incorporated by reference

SUMMARY OF THE RULE OR CHANGE: In Subsection R156-17a-612(7)(a), the USP/NF book is updated to the 2002 edition, which is official from January 1, 2003, through Supplement 2, dated August 1, 2003

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 58-17a-101 and 58-37-1, and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes 1995 edition of the USP/NF through Supplement 4, dated August 1, 2001; adds United States Pharmacopeia, 26th ed. and National Formulary, 21st ed.; Rockville, MD United States Pharmacopeial Convention, Inc., January 1, 2003; United States Pharmacopeia and National Formulary, 1st Supp; Rockville, MD United States Pharmacopeial Convention, Inc., April 1, 2003; United States Pharmacopeia and National Formulary, 2nd Supp.; and Rockville, MD United States Pharmacopeial Convention, Inc., August 1, 2003

ANTICIPATED COST OR SAVINGS TO:

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

❖ LOCAL GOVERNMENTS: The proposed rule does not apply to local governments. Therefore, there is no cost or savings impact to local government.

❖ OTHER PERSONS: Pharmaceutical wholesalers/distributors and pharmaceutical manufacturers located in Utah should already have the current edition of the USP/NF book and supplements. However, if they do not have the current edition, a subscription for the book and supplements costs approximately \$650 every year since the book and supplements are updated on a yearly basis. The Division is unable to determine how many of the wholesalers/distributors or manufacturers do not have the current edition of the book and supplements.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Pharmaceutical wholesalers/distributors and pharmaceutical manufacturers located in Utah should already have the current edition of the USP/NF book and supplements. However, if they do not have the current edition, a subscription for the book and supplements costs approximately \$650 every year since the book and supplements are updated on a yearly basis. The Division is unable to determine how many of the wholesalers/distributors or manufacturers do not have the current edition of the book and supplements.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No fiscal impact to business is anticipated from this rule filing, which merely amends a reference in the rule to the current edition of the United States Pharmacopeia/National Formulary. Klarice Bachman, 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:
Diana Baker at the above address, by phone at 801-530-6179, by FAX at 801-530-6511, or by Internet E-mail at dbaker@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 12/15/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.

R156-17a. Pharmacy Practice Act Rules.

R156-17a-612. Operating Standards - Pharmaceutical Wholesaler/Distributor and Pharmaceutical Manufacturer located in Utah.

In accordance with Subsection 58-17a-601(1), the operating standards for pharmaceutical wholesaler/distributor and pharmaceutical manufacturer licensee includes the following:

(1) A separate license shall be obtained for each separate location engaged in the distribution or manufacturing of prescription drugs.

(2) A separate license shall be obtained for wholesale distribution activity and manufacturing activity.

(3) The licensee need not be under the supervision of a licensed pharmacist, but shall be under the supervision of a responsible officer or management employee.

(4) There has not been established minimum requirements for persons employed by persons engaged in the distribution or manufacture of prescription drugs; however, this does not relieve the person who engages in the distribution of prescription drugs within the state or in interstate commerce into or from the state, or those engaged in the manufacture of prescription drugs in the state or in interstate commerce into or from the state from ensuring that persons employed by them have appropriate education, experience, or both to engage in the duties to which they are assigned and do so in a manner which does not jeopardize the public health, safety or welfare.

(5) All facilities associated with the distribution or manufacture of prescription drugs shall:

(a) be of suitable size and construction to facilitate cleaning, maintenance and proper operations;

(b) have storage areas designed to provide adequate lighting, ventilation, sanitation, space, equipment and security conditions;

(c) have the ability to control temperature and humidity within tolerances required by all prescription drugs and prescription drug precursors handled or used in the distribution or manufacturing activities of the applicant or licensee;

(d) provide for a quarantine area for storage of prescription drugs and prescription drug precursors that are outdated, damaged, deteriorated, misbranded, adulterated, opened or unsealed containers that have once been appropriately sealed or closed, or in any other way unsuitable for use or entry into distribution or manufacture;

(e) be maintained in a clean and orderly condition, and

(f) be free from infestation by insects, rodents, birds, or vermin of any kind.

(6) In regard to security, all facilities used for wholesale drug distribution or manufacturing of prescription drugs shall:

(a) be secure from unauthorized entry;

(b) limit access from the outside to a minimum in conformance with local building and life/safety codes, and control access of persons to ensure unauthorized entry is not made;

(c) limit entry into areas where prescription drugs or prescription drug precursors are held to authorized persons who have a need to be in those areas;

(d) be well lighted on the outside perimeter;

(e) be equipped with an alarm system to permit detection of entry and notification to appropriate authorities at all times when the facility is not occupied for the purpose of engaging in distribution or manufacture of prescription drugs; and

(f) be equipped with security measures, systems and procedures necessary to provide reasonable security against theft and diversion of prescription drugs or alteration or tampering with computers and records pertaining to prescription drugs or prescription drug precursors.

(7) In regard to storage, all facilities shall provide for storage of prescription drugs and prescription drug precursors in accordance with the following:

(a) all prescription drugs and prescription drug precursors shall be stored at appropriate temperature, humidity and other conditions in accordance with labeling of such prescription drugs or prescription drug precursors or with requirements in the United States Pharmacopeia/National Formulary (USP/NF), [~~1995~~2002 edition, which is official from January 1, 2003 through Supplement [4]2, dated August 1, [~~2001~~2003], which is hereby incorporated by reference;

(b) if no storage requirements are established for a specific prescription drug or prescription drug precursor, the products shall be held in a condition of controlled temperature and humidity as defined in the USP/NF to ensure that its identity, strength, quality, and purity are not adversely affected; and

(c) there shall be established a system of manual, electromechanical or electronic recording of temperature and humidity in the areas in which prescription drugs or prescription drug precursors are held to permit review of the record and ensure that the products have not been subjected to conditions which are outside of established limits.

(8) In regard to examination of materials, each facility shall provide that:

(a) upon receipt, each outside shipping container containing prescription drugs or prescription drug precursors shall be visually examined for identity and to prevent the acceptance of prescription drugs or prescription drug precursors that are contaminated, reveal damage to the containers or are otherwise unfit for distribution; and

(b) each outgoing shipment shall be carefully inspected for identity of the prescription drug products and to ensure that there is no delivery of prescription drugs that have been damaged in storage or held under improper conditions.

(9) In regard to returned, damaged, and outdated prescription drugs, each facility shall provide that:

(a) prescription drugs or prescription drug precursors that are outdated, damaged, deteriorated, misbranded, adulterated, or in any other way unfit for distribution or use in manufacturing shall be quarantined and physically separated from other prescription drugs or prescription drug precursors until they are appropriately destroyed or returned to their supplier;

(b) any prescription drug or prescription drug precursor whose immediate sealed or outer secondary sealed container has been opened or in any other way breached shall be identified as such and shall be quarantined and physically separated from other prescription drugs and prescription drug precursors until they are appropriately destroyed or returned to their supplier; and

(c) if the condition or circumstances surrounding the return of any prescription drug or prescription drug precursor cast any doubt on the product's safety, identity, strength, quality, or purity, then the drug shall be appropriately destroyed or returned to the supplier, unless examination, testing, or other investigation proves that the

product meets appropriate and applicable standards related to the product's safety, identity, strength, quality, and purity.

(10) In regard to record keeping, pharmaceutical wholesaler/distributors and pharmaceutical manufacturers shall establish and maintain records of all transactions regarding the receipt and distribution or other disposition of prescription drugs and prescription drug precursors and shall make inventories of prescription drugs and prescription drug precursors and required records available for inspection by authorized representatives of the federal, state and local law enforcement agencies in accordance with the following:

(a) there shall be a record of the source of the prescription drugs or prescription drug precursors to include the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped;

(b) there shall be a record of the identity and quantity of the prescription drug or prescription drug precursor received, manufactured, distributed or shipped, or otherwise disposed of by specific product and strength;

(c) there shall be a record of the dates of receipt and distribution or other disposal of any product;

(d) there shall be a record of the identity of persons to whom distribution is made to include name and principal address of the receiver, and the address of the location to which the products were shipped;

(e) inventories of prescription drugs and prescription drug precursors shall be made available during regular business hours to authorized representatives of federal, state and local law enforcement authorities;

(f) required records shall be made available for inspection during regular business hours to authorized representatives of federal, state and local law enforcement authorities, and such records shall be maintained for a period of two years following disposition of the products; and

(g) records that are maintained on site or immediately retrievable from computer or other electronic means shall be made readily available for authorized inspection during the retention period; or if records are stored at another location, they shall be made available within two working days after request by an authorized law enforcement authority during the two year period of retention.

(11) In regard to written policies and procedures, pharmaceutical wholesaler/distributors and pharmaceutical manufacturers shall establish, maintain, and adhere to written policies and procedures which shall be followed for the receipt, security, storage, inventory, manufacture, distribution or other disposal of prescription drugs or prescription drug precursors, including policies and procedures for identifying, recording, and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories. In addition, the policies shall include the following:

(a) a procedure whereby the oldest approved stock of a prescription drug or precursor product is distributed or used first, with a provision for deviation from the requirement if such deviation is temporary and appropriate;

(b) a procedure to be followed for handling recalls and withdrawals of prescription drugs adequate to deal with recalls and withdrawals due to:

(i) any action initiated at the request of the Food and Drug Administration of other federal, state or local law enforcement or other authorized administrative or regulatory agency;

(ii) any voluntary action by the pharmaceutical wholesaler/distributor or pharmaceutical manufacturer to remove defective or potentially defective drugs from the market; or

(iii) any action undertaken to promote public health, safety or welfare by replacing of existing product with an improved product or new package design;

(c) a procedure to ensure that a pharmaceutical wholesaler/distributor or pharmaceutical manufacturer prepare for, protect against, and handle any crisis that affects security or operation of any facility in the event of strike, fire, flood, or other natural disaster, or other situations of local, state or national emergency;

(d) a procedure to ensure that any outdated prescription drugs or prescription drug precursors shall be segregated from other drugs or precursors and either returned to the manufacturer, other appropriate party or appropriately destroyed;

(e) a procedure providing for documentation of the disposition of outdated, adulterated or otherwise unsafe prescription drugs or prescription drug precursors and the maintenance of that documentation available for inspection by authorized federal, state, or local authorities for a period of two years after disposition of the product.

(12) In regard to responsible persons, pharmaceutical wholesaler/distributors and pharmaceutical manufacturers shall establish, maintain and make available for inspection by authorized federal, state and local law enforcement authorities, lists of all officers, directors, managers, and other persons in charge of wholesale drug distribution, manufacture, storage, and handling, which lists shall include a description of their duties and a summary of their background and qualifications.

(13) In regard to compliance with law, pharmaceutical wholesalers/distributors and pharmaceutical manufacturers shall:

(a) operate in compliance with applicable federal, state and local laws and regulations;

(b) permit the state licensing authority and authorized federal, state, and local law enforcement officials, upon presentation of proper credentials, to enter and inspect their premises and delivery vehicles, and to audit their records and written operating policies and procedures, at reasonable times and in a reasonable manner, to the extent authorized by law; and

(c) obtain a controlled substance license from the division and register with the Drug Enforcement Administration (DEA) if they engage in distribution or manufacture of controlled substances, and shall comply with all federal, state and local regulations applicable to the distribution or manufacture of controlled substances.

(14) In regard to salvaging and processing, pharmaceutical wholesalers/distributors and pharmaceutical manufacturers shall be subject to and shall abide by applicable federal, state and local laws that relate to the salvaging or reprocessing of prescription drug products.

(15) A person who is engaged in the wholesale distribution or manufacturing of prescription drugs but does not have a facility located within Utah in which prescription drugs are located, stored, distributed or manufactured is exempt from Utah licensure as a pharmaceutical wholesaler/distributor or a pharmaceutical manufacturer, if said person is currently licensed and in good standing in each state of the United States in which that person has a facility engaged in distribution or manufacturing of prescription drugs entered into interstate commerce.

KEY: pharmacists, licensing, pharmacies

~~November 15, 2001~~ **2003**

Notice of Continuation April 26, 2001

58-17a-101

58-37-1

58-1-106(1)(a)

58-1-202(1)(a)



Commerce, Occupational and Professional Licensing

R156-22

Professional Engineers and Professional Land Surveyors Licensing Act Rules

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26714

FILED: 10/21/2003, 12:45

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division and the Professional Engineers and Professional Land Surveyors Licensing Board need to make the following changes to the rule: 1) allow foreign educated applicants to take additional course work that will qualify them for licensure; 2) eliminate the one year of experience allowed while enrolled in an engineering program; 3) protect exam security by limiting the number of times a person can take an examination; 4) add the California Structural Exam as a time limited approved examination; 5) change a date to correspond to continuing education requirements; 6) add policy citation fine amounts; and 7) incorporate editorial changes to correspond to changes in Subsection 58-22-302(3) as a result of S.B. 92 which was passed during the 2003 legislative session. (DAR NOTE: S.B. 92 is found at UT L 2003 Ch 50, and was effective May 5, 2003.)

SUMMARY OF THE RULE OR CHANGE: In Section R156-22-201, adds math, science, and engineering course work deficiencies identified by a foreign education evaluator to courses that can be completed to meet the education requirement; and adds that engineering course work deficiencies must be completed at an EAC/ABET (Engineering Accreditation Commission/Accreditation Board for Engineering and Technology) approved program. In Section R156-22-202, adds a date of completion before January 1, 2005, for the one year qualifying experience that may be obtained while enrolled in an engineering program meeting the criteria set forth in Section R156-22-201. This amendment limits experience requirements to only post-degree experience after January 1, 2005, making it consistent with the national model law for professional engineers. In Section R156-22-204, adds a security measure to minimize opportunities for exam

questions to be stolen by repeat exam takers by requiring a 12-month waiting period if a candidate fails a NCEES examination three times. In Section R156-22-205, adds the California Structural Examination as an approved examination until July 1, 2004; and adds a security measure to minimize opportunities for exam questions to be stolen by repeat exam takers by requiring a 12-month waiting period if a candidate fails a NCEES (National Council of Examiners for Engineering and Surveying) examination three times. In Section R156-22-302, statute citations are corrected; and in Subsection R156-22-302(1)(a)(ii), added the wording "prior to January 1, 2007" with respect to land surveyor applicants who did not complete the education requirements in Subsection 58-22-302(3)(d)(i) and shall document eight years of qualifying experience in land surveying. In Section R156-22-303, adds a security measure to minimize opportunities for exam questions to be stolen by repeat exam takers by requiring a 12-month waiting period if a candidate fails a NCEES examination three times. In Section R156-22-501, clarifies when the two-year requirement for continuing professional education ends. In Section R156-22-503, adds citation fines for professional engineers, professional structural engineers, and professional land surveyors as referenced in statute.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-22-101, and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)

ANTICIPATED COST OR SAVINGS TO:

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

❖ LOCAL GOVERNMENTS: Proposed amendments do not apply to local governments. Therefore, local governments will experience no cost or savings impact.

❖ OTHER PERSONS: As a result of accepting the California Structural Examination until July 1, 2004, an estimated 25 professional engineers residing in Utah will save a total of \$15,250 by not being required to take the NCEES Structural I and II examinations. Foreign educated applicants for licensure will be able to complete education equivalency requirements without being required to seek an additional degree, thus resulting in potential savings to them. The requirement to have one additional year of post-education experience for new applicants beginning January 1, 2005, may result in an additional cost to those applicants. The Division is unable to determine an aggregate amount of savings and costs for foreign educated applicants and new applicants for licensure due to the unknown number of persons who will be affected in any given year. However, the processing of professional engineer applications for licensure will be expedited by eliminating the school experience option and Utah's requirements will model the national standard and promote reciprocity without an adverse effect on public safety.

By adding the citation fine schedule, all persons will be fully apprized of the monetary consequences of unlawful conduct under Title 58, Chapter 22.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As a result of accepting the California Structural Examination until July 1,

2004, an estimated 25 professional engineers residing in Utah will save a total of \$15,250 by not being required to take the NCEES Structural I and II examinations. Foreign educated applicants for licensure will be able to complete education equivalency requirements without being required to seek an additional degree, thus resulting in potential savings to them. The requirement to have one additional year of post-education experience for new applicants beginning January 1, 2005, may result in an additional cost to those applicants. The Division is unable to determine an aggregate amount of savings and costs for foreign educated applicants and new applicants for licensure due to the unknown number of persons who will be affected in any given year. However, the processing of professional engineer applications for licensure will be expedited by eliminating the school experience option and Utah's requirements will model the national standard and promote reciprocity without an adverse effect on public safety. By adding the citation fine schedule, all persons will be fully apprized of the monetary consequences of unlawful conduct under Title 58, Chapter 22.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule filing makes the following amendments to the licensing requirements: the education requirement for foreign educated applicant has been clarified; only post-education training now meets the experience requirement in accordance with the national standard; the number of times NCEES examinations may be taken is now limited; and the California Structural Examination is now approved for professional structural engineer applicants for a limited time. An additional rule change codifies the fine schedule currently used by the Division for violations of the Professional Engineers and Professional Land Surveyors Licensing Act. Applicants with foreign education will benefit by this rule filing, as well as applicants who have taken the California Structural Examination. The requirement to have an additional year of post-education experience for new applicants will result in an additional cost to those applicants. The exact savings or cost to the industry is difficult to determine, however, and is dependent on the number of applicants in a given year. No other fiscal impact to businesses is anticipated, Klarice Bachman, 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:

Douglas Vilnius at the above address, by phone at 801-530-6621, by FAX at 801-530-6511, or by Internet E-mail at dvilnius@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 12/15/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 11/18/2003 at 9:00 AM, 160 East 300 South, Conference Room 4A, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: J. Craig Jackson, Director

R156. Commerce, Occupational and Professional Licensing.
R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rules.
R156-22-201. Engineering Program Criteria.

In accordance with Subsections 58-22-302(1)(d) and 58-22-302(2)(d), the engineering program criteria is established as one of the following:

(1) The bachelors or post graduate engineering program shall be accredited by EAC/ABET or the Canadian Engineering Accrediting Board (CEAB).

(2) The post graduate engineering degree, when not accredited by EAC/ABET or CEAB, shall be earned from an institution which offers a bachelors or masters degree in an engineering program accredited by EAC/ABET or CEAB in the same specific engineering discipline as the earned post graduate degree.

(3) If the degree was earned in a foreign country, the engineering curriculum shall be determined to be equivalent to a EAC/ABET accredited program by the Engineering Credentials Evaluation International. Only deficiencies in course work in the humanities, social sciences and liberal arts and no more than five semester hours in math, science or engineering, not to exceed a total of 10 semester hours noted by the credentials evaluation may be satisfied by successfully completing the deficiencies in course work at a recognized college or university approved by the division in collaboration with the board. Engineering course work deficiencies must be completed at an EAC/ABET approved program.

R156-22-202. Qualifying Experience for Licensure as a Professional Engineer.

(1) In accordance with Subsection 58-22-302(1)(e), an applicant for licensure as a professional engineer shall comply with one or more of the following qualifying experience requirements:

(a) Submit verification of qualifying experience from one or more licensed professional engineers who have provided supervision or who have personal knowledge of the applicant's knowledge, ability, and competence to practice professional engineering documenting completion of a minimum of four calendar years of qualifying experience in professional engineering approved by the division in collaboration with the board in accordance with the following:

(i) Up to one year of qualifying experience may be obtained while enrolled in an engineering program meeting the criteria set forth in Section R156-22-201 if completed before January 1, 2005.

(ii) Unlimited qualifying experience may be obtained after meeting the education requirements.

(iii) A maximum of three of the four years of qualifying experience may be approved by the board for persons who complete one or more of the following:

(A) A maximum of three years of qualifying experience may be granted for teaching advanced engineering subjects in a college

or university offering an engineering curriculum accredited by EAC/ABET.

(B) A maximum of three years of qualifying experience may be granted for conducting research in a college or university offering an engineering curriculum accredited by EAC/ABET.

(C) A maximum of one year of qualifying experience may be granted for completion of a masters degree in engineering provided that both the earned bachelors and masters degree in engineering meet the program criteria set forth in Section R156-22-201.

(D) A maximum of two years of qualifying experience may be granted for completion of a doctorate degree in engineering provided that both the earned bachelors or masters degree and doctorate degree in engineering meet the program criteria set forth in Section R156-22-201; or

(b) Submit documentation of two years of licensed experience in a recognized jurisdiction as a professional engineer.

(2) An applicant who was unsuccessful in obtaining licensure by experience before July 1, 1996, but who passed the NCEES Fundamentals of Engineering Examination and completed four years of qualifying experience before July 1, 1996, and who thereafter completes the education requirements in Section R156-22-201, may receive credit for the qualifying experience obtained before July 1, 1996 regardless of the requirements of Subsection (1).

(3) The performance or supervision of construction work as a contractor, foreman or superintendent is not qualifying experience for licensure as a professional engineer.

(4) Full or part time employment, research, or teaching for periods of time less than ten weeks in length will not be considered as qualifying experience.

R156-22-204. Examination Requirements for Licensure as a Professional Engineer.

(1) In accordance with Subsection 58-22-302(1)(f), the examination requirements for licensure as a professional engineer are defined, clarified or established as the following:

(a) the NCEES Fundamentals of Engineering (FE) Examination with a passing score as established by the NCEES;

(b) a NCEES Principles and Practice of Engineering (PE) Examination other than Structural II with a passing score as established by the NCEES; and

(c) as part of the application for license, pass all questions on the open book, take home Utah Law and Rules Examination.

(2) An applicant must have successfully completed the qualifying experience requirements set forth in Section R156-22-202, and have successfully completed the education requirements set forth in Section R156-22-201, and make application before being eligible to sit for the NCEES PE examination.

(3) Candidates with three or more unsuccessful attempts on an NCEES examination, regardless of where taken, must submit a new application to the Division to be re-qualified for future administrations of the same examination. If re-qualified by the Division, applicants must wait 12 months before being retested for the next scheduled examination. At the end of the 12-month period, the applicant may take the exam no more than once every calendar year.

~~(3)4~~ The admission criteria to sit for the NCEES FE examination is set forth in Section 58-22-306.

R156-22-205. Examination Requirements for Licensure as a Professional Structural Engineer.

(1) In accordance with Subsection 58-22-302(2)(f), the examination requirements for licensure as a professional structural engineer are defined, clarified, or established as the following:

(a) the NCEES Fundamentals of Engineering Examination (FE) with a passing score as established by the NCEES;

(b) one of the following professional examinations:

(i) the NCEES Structural I and Structural II Examinations with a passing score as established by the NCEES; ~~and~~ or

(ii) prior to July 1, 2004, the 16 hour California Structural Examination with a passing score as established by the California Engineering Board; however, after July 1, 2004, this exam will not be accepted; and

(c) as part of the application for license, pass all questions on the open book, take home Utah Law and Rules Examination.

(2) An applicant must have successfully completed the experience requirements set forth in Subsection R156-22-203(2) and make application before being eligible to sit for the NCEES Structural Examination(s).

(3) Candidates with three or more unsuccessful attempts on an NCEES examination, regardless of where taken, must submit a new application to the Division to be re-qualified for future administrations of the same examination. If re-qualified by the Division, applicants must wait 12 months before being reseated for the next scheduled examination. At the end of the 12-month period, the applicant may take the exam no more than once every calendar year.

R156-22-302. Qualifying Experience for Licensure as a Professional Land Surveyor.

(1) In accordance with Subsections 58-22-302(3)(~~e~~) ~~and~~ ~~(f)~~(d), an applicant for licensure as a professional land surveyor shall comply with one or more of the following qualifying experience requirements:

(a) Submit verification of qualifying experience from one or more licensed professional land surveyors who have provided supervision or who have personal knowledge of the applicant's knowledge, ability, field experience and competence to practice professional land surveying in accordance with the following:

(i) Applicants who have met the education requirements in Subsection 58-22-302(3)(d)(i) shall document four years of qualifying experience in land surveying which experience may be obtained before, during or after completing the education requirements for licensure.

(ii) Applicants who did not complete the education requirements in Subsection 58-22-302(3)(d)(i) shall document eight years of qualifying experience in land surveying prior to January 1, 2007; or

(b) Submit documentation of two years of licensed experience in a recognized jurisdiction as a professional land surveyor.

(2) The four years of qualifying experience required in R156-22-302(1)(a)(i) and four of the eight years required in R156-22-302(1)(a)(ii) shall comply with the following:

(a) Two years of experience should be specific to field surveying with actual "hands on" surveying, including all of the following:

- (i) operation of various instrumentation;
- (ii) review and understanding of plan and plat data;
- (iii) public land survey systems;
- (iv) calculations;

- (v) traverse;
- (vi) staking procedures;
- (vii) field notes and manipulation of various forms of data encountered in horizontal and vertical studies; and
- (b) Two years of experience should be specific to office surveying, including all of the following:
 - (i) drafting (includes computer plots and layout);
 - (ii) reduction of notes and field survey data;
 - (iii) research of public records;
 - (iv) preparation and evaluation of legal descriptions; and
 - (v) preparation of survey related drawings, plats and record of survey maps.

(3) The remaining four years or two years of qualifying experience required in R156-22-302(1)(a)(ii) shall include any aspects of the practice of land surveying under the supervision of a licensed professional land surveyor in accordance with Subsection 58-22-102(16).

(4) Full or part time employment for periods of time less than ten weeks in length will not be considered as qualifying experience.

R156-22-303. Examination Requirements for Licensure as a Professional Land Surveyor.

(1) In accordance with Subsection 58-22-302(3)(g), the examination requirements for licensure as a professional land surveyor are established as the following:

(a) the NCEES Fundamentals of Land Surveying (FLS) Examination with a passing score as established by the NCEES;

(b) the NCEES Principles and Practice of Land Surveying (PLS) Examination with a passing score as established by the NCEES; and

(c) the Utah Local Practice Examination with a passing score of at least 75.

(2) An applicant must have successfully completed the qualifying experience requirements set forth in Subsections R156-22-301 and 302 and make application before being eligible to sit for the NCEES PLS examination.

(3) Candidates with three or more unsuccessful attempts on an NCEES examination, regardless of where taken, must submit a new application to the Division to be re-qualified for future administrations of the same examination. If re-qualified by the Division, applicants must wait 12 months before being reseated for the next scheduled examination. At the end of the 12-month period, the applicant may take the exam no more than once every calendar year.

R156-22-501. Continuing Education for Professional Engineers, Professional Structural Engineers and Professional Land Surveyors.

In accordance with Subsection 58-22-303(2) and Section 58-22-304, the qualifying continuing professional education standards for professional engineers, professional structural engineers and professional land surveyors are established as follows:

(1) During each two year period ~~[commencing]~~ ending on ~~January 1~~ December 31 of each even numbered year, a licensed professional engineer, professional structural engineer and professional land surveyor shall be required to complete not less than 24 hours of qualified professional education directly related to the licensee's professional practice.

(2) The required number of hours of professional education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two

year period preceding the date on which that individual first became licensed.

(3) Qualified continuing professional education under this section shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a professional engineer, professional structural engineer, or professional land surveyor;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training and experience; and

(e) have associated with it a competent method of registration of individuals who actually completed the professional education program and records of that registration and completion are available for review.

(4) Credit for qualified continuing professional education shall be recognized in accordance with the following:

(a) unlimited hours shall be recognized for professional education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences;

(b) a maximum of 12 hours per two year period may be recognized for teaching in a college or university or for teaching qualified continuing professional education courses in the field of professional engineering, professional structural engineering or professional land surveying;

(c) a maximum of four hours per two year period may be recognized for preparation of papers, articles, or books directly related to the practice of professional engineering, professional structural engineering or professional land surveying and submitted for publication;

(d) a maximum of six hours per two year period may be recognized for active professional practice of professional engineering, professional structural engineering ~~and~~ or professional land surveying; and

(e) a maximum of six hours per two year period may be recognized for active membership in any state, national or international organization for the development and improvement of the profession of professional engineering, professional structural engineering ~~and~~ or professional land surveying.

(5) A licensee shall be responsible for maintaining records of completed qualified continuing professional education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section.

(6) If a licensee exceeds the 24 hours of qualified continuing professional education during the two year period, the licensee may carry forward a maximum of 12 hours of qualified continuing professional education into the next two year period.

(7) A licensee who documents they are engaged in full time activities or is subjected to circumstances which prevent that licensee from meeting the continuing professional education requirements established under this section may be excused from the requirement for a period of up to three years. However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

R156-22-503. Administrative Penalties.

In accordance with Subsections 58-1-501, 58-1-501(1)(a) through (d), 58-22-501 and 58-22-502, unless otherwise ordered by the presiding officer, the following fine schedule shall apply.

(1) Engaging in unlicensed practice or using any title that would cause a reasonable person to believe the user of the title is licensed under this chapter.

First Offense: \$400

Second Offense: \$1,000

(2) Engaging in, or representing oneself as engaged in the practice of professional engineering or land surveying as a corporation, proprietorship, partnership, or limited liability company unless exempted from licensure.

First Offense: \$400

Second Offense: \$1,000

(3) Impersonating another licensee or engaging in practice under this chapter using a false or assumed name, unless permitted by law.

First Offense: \$400

Second Offense: \$1,000

(4) Knowingly employing any person to practice under this chapter who is not licensed to do so.

First Offense: \$600

Second Offense: \$1,200

(5) Knowingly permits any person to use his or her license except as permitted by law.

First Offense: \$600

Second Offense: \$1,200

(6) For third and subsequent offenses a fine of up to \$2,000 may be assessed for each day of continued offense as provided in Subsection 58-22-503(1)(i)(iii).

KEY: engineers, surveyors, professional land surveyors, professional engineers

[~~April 3,~~]2003

Notice of Continuation January 13, 2003

58-22-101

58-1-106(1)(a)

58-1-202(1)(a)

▼ ————— ▼
Commerce, Real Estate

R162-106-8

Draft Reports

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26709

FILED: 10/20/2003, 12:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Division of Real Estate investigators have observed an abuse of "draft reports" by some appraisers.

SUMMARY OF THE RULE OR CHANGE: This new section (R162-106-8) defines the conditions under which it is appropriate for an appraiser to release a "draft report" to a client.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 61-2b-6(1)(l)

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None--Presumably the State and the appraisers it hires would not engage in abuses of the concept of "draft reports". Therefore, eliminating the improper use of draft reports should would not increase the State's cost of obtaining appraisal services. While no direct, measurable savings to State government is anticipated if the abuse of draft reports is lessened, prevention of fraud in mortgage lending should have a positive impact on the business climate in Utah and might therefore positively impact the State budget in some indirect way.

❖ LOCAL GOVERNMENTS: None--The comments in the preceding block apply equally to local government.

❖ OTHER PERSONS: None--This rule should not increase the cost to any person of obtaining an appraisal. While there would be no direct, measurable savings to other persons if the abuse of "draft reports" is lessened, less fraud in mortgage lending in Utah should make a better business climate in Utah and therefore might indirectly benefit other persons in some way.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The cost of providing appraisal services should not change as a result of this rule. The rule simply defines conditions under which an appraiser may release a copy of a work in progress to a client.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule amendment adds a provision regulating when draft reports by appraisers may be released to clients. This measure is intended to protect the public from improper use of draft reports by appraisers and to prevent fraud. A positive fiscal impact to businesses is therefore anticipated by this rule change. However, it is impossible to predict the amount of that fiscal impact.

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 12/15/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Klare Bachman, Executive Director

R162. Commerce, Real Estate.

R162-106. Professional Conduct.

R162-106-8. Draft Reports.

For the purpose of this rule, a "draft report" is defined as an appraisal report that is a work in progress and that has not yet been finished by the Appraiser.

106.8.1. Residential Property Appraisal. An appraiser may not release a draft report to a client in the appraisal of residential property unless: a) the property consists of more than four units; b) the first page of the report prominently identifies it as a draft; and c) the draft report has not been signed by the appraiser but complies with USPAP in all other respects.

106.8.2 Non-Residential Property Appraisal. An appraiser may not release a draft report to a client in the appraisal of non-residential property unless: a) the first page of the report prominently identifies it as a draft; and b) the draft report has not been signed by the appraiser but complies with USPAP in all other respects.

**KEY: real estate appraisals, conduct
2003**

**Notice of Continuation March 27, 2002
61-2b-27**



Environmental Quality, Drinking Water **R309-705**

Financial Assistance: Federal Drinking Water Project Revolving Loan Program

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26760

FILED: 10/28/2003, 14:49

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment corrects one spelling error and amends and clarifies procedures for financial assistance under an emergency.

SUMMARY OF THE RULE OR CHANGE: This proposed amendment corrects a spelling error at the beginning of the second line of Subsection R309-705-9(2)(i). It adds the words "to cope with a drinking water emergency" to Subsection R309-705-9(3). It also adds the words "including assigning a priority it deems appropriate" to Subsection R309-705-9(5). Finally, it clarifies the funding process outlined in Subsection R309-705-9(6).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-4-104, and Title 73, Chapter 10c

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: None-- Since these proposed changes are minor amendments that have no financial impact on the State budget there are no anticipated cost or savings to the state budget.

❖ LOCAL GOVERNMENTS: None--Since these proposed changes are minor amendments that have no financial impact on any local government budget there are no anticipated cost or savings to local government budgets.

❖ OTHER PERSONS: None--There are no anticipated cost or savings to other persons as a result of these minor amendments.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Public Water Systems seeking financial assistance for emergency situations should realize a shorter turn-a-round or decision time from the Board, but the proposed amendments should not impact any compliance costs for the systems.

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

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

ENVIRONMENTAL QUALITY
DRINKING WATER
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Bill Birkes at the above address, by phone at 801-536-4201, by FAX at 801-536-4211, or by Internet E-mail at bbirkes@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 12/15/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Kevin Brown, Director

**R309. Environmental Quality, Drinking Water.
R309-705. Financial Assistance: Federal Drinking Water Project Revolving Loan Program.
R309-705-9. Emergency Assistance.**

(1) Authority: Title 73, Chapter 10c of State Statute and the SDWA Amendment of 1996 give the Board authority to provide emergency assistance to drinking water systems.

(2) Eligibility: Generally, any situation occurring as defined in Section R309-705-3 would qualify for consideration for emergency funding. However, prior to authorizing funds for an emergency the Board may consider one or more of the various factors listed below:

(i) Was the emergency preventable? ~~Dis~~Did the utility / water system have knowledge that this emergency could be expected? If not. Should it have been aware of the potential for this problem? Did its management take reasonable action to either prevent it or to be as prepared as reasonably possible to correct the problem when it occurred (prepared financially and technically for the event causing the problem)?

(ii) Has the utility / system established a capital improvement replacement reserve fund? Has the utility / system been charging reasonably high rates in order to establish a reserve fund to cover normal infrastructure replacement and emergencies?

(iii) Is the community a disadvantaged (hardship) community?

(iv) Is the potential for illness, injury, or other harm to the public or system operators sufficiently high that the value of providing financial assistance outweighs other factors that would preclude providing this assistance. (Even though the State does not have any legal obligation to provide financial assistance to help correct the problem.).

(3) Requirements for the Applicant: The applicant will be required to do the following as a condition of receiving financial assistance to cope with a drinking water emergency:

(i) To the extent feasible, the utility / system shall first use its own resources, e.g. capital improvement replacement fund, to correct the problem.

(ii) If the utility / system is not placing funds into a reserve fund on a regular basis and / or is charging relatively low water rates it shall be required to examine its current rate structure and policies for placing funds into a reserve account. The Board may require the utility / system to establish a reserve account and / or to revise its rate structure (increasing its rate) as a condition of the loan.

(iii) The Board may place other requirements on the utility / system.

(4) Financial Agreements, Bonding, etc: The State will work with the Applicant to help secure obligating documents. For example, the Board:

(i) Could waive the 30-day notice period, if legally possible.

(ii) Could accept a generic bond.

(iii) Could accept an unsecured loan or bond.

(5) Funding Alternatives: An Applicant may be authorized to receive a loan by any of the financial assistance methods specified in R309-705-4 for funding an emergency project. The Board may set and revise the methodology and factors to be considered when determining the terms of financial assistance it provides including assigning a priority it deems appropriate. The terms of the loan, including length of repayment period, interest or hardship grant assessment, and principal forgiveness (grant) or repayment waivers will be determined at the time the emergency funding is authorized.

(6) Funding Process - ~~[Emergencies:]~~The Board must find that an emergency exists according to the criteria in R309-705-9(2). It is anticipated that under normal emergency conditions time restraints will not allow a request for emergency funding to be placed on the agenda of a regularly scheduled Board ~~[M]meeting or adoption and advertisement of a project priority list~~. Therefore, the following procedures will be followed in processing a loan application for emergency assistance:

~~[(i)]~~The Board will provide guidance to Division staff of the amounts of money, terms of financial assistance, and other factors it wants applied to financial assistance for emergencies.

~~[(ii)]~~(i) Division staff will evaluate each application for emergency funding according to the criteria listed in R309-705-9(2). [and determine if it is an emergency according to this rule and other relevant guidance. Staff will make recommendations to the Board to provide financial assistance. Staff will notify the local health department (LHD) and District Engineer, and] Staff will solicit recommendations from the LHD and District Engineer about the proposed project to mitigate the emergency. Staff will [inform the Chairperson of the SRF / Conservation Committee of the

~~apparent emergency]~~submit a report of its findings to the Board Chairperson or designee.

~~(iii)(ii)~~ The ~~[Committee]~~Board Chairperson or designee will arrange for a timely meeting of the ~~[SRF / Conservation Committee]~~Board to consider authorizing assistance for the emergency.

This meeting may be conducted by telephone.]

~~— (iv) If the SRF / Conservation Committee concludes that it will recommend emergency funding to the Board, the Committee Chairperson will request the Board Chairperson or Executive Secretary to the Board arrange for a Board meeting to consider the application.]~~

KEY: SDWA, financial assistance, loans

~~[November 15, 2002]~~**2003**

Notice of Continuation September 16, 2002

19-4-104

73-10c



Health, Children's Health Insurance Program **R382-10** Eligibility

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26757

FILED: 10/27/2003, 13:32

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: When a Children's Health Insurance Program (CHIP) eligible family loses insurance and cannot enroll in CHIP because it is not an open enrollment period, they sometimes purchase unaffordable health insurance. This rule change allows a child whose parent voluntarily terminates health insurance coverage purchased after the previous CHIP open enrollment period ended and the beginning of the current period, and who met CHIP eligibility requirements at the time of purchase, to enroll in CHIP without a 90 day waiting period. This rule change also allows currently enrolled families to enroll newborn or newly adopted children at times other than open enrollment periods, a common practice of the private health insurance industry. In addition, when an enrollee obtains other health insurance coverage, this rule change allows the department to terminate CHIP enrollment without sending written notification ten days prior to the effective date of termination. Other minor corrections are made throughout the rule.

SUMMARY OF THE RULE OR CHANGE: Section R382-10-10 is amended to allow a child whose parent voluntarily terminates private health insurance coverage purchased after the previous CHIP open enrollment period ended and the beginning of the current open enrollment period, and who met CHIP eligibility requirements at the time of purchase, to enroll

in CHIP without a 90-day waiting period. Section R382-10-13 is amended to exempt income of an alien's sponsor when determining income eligibility for CHIP. Section R382-10-16 is amended to allow a family who has children open for CHIP to enroll newborn or newly adopted children without waiting for an open enrollment period. Section R382-10-18 is amended to describe the effective date of enrollment for newborn or newly adopted children. Section R382-10-21 is amended to include enrollment in other health insurance coverage as an exemption to the requirement of written ten-day advance notice before taking an adverse eligibility action. Other minor corrections were made throughout the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-40-103

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: State Plan for the Children's Health Insurance Program, January 2001

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** This change will require \$19,266 in funds that are already appropriated to the program. The change will allow \$82,134 in federal matching funds to come to the state.
- ❖ **LOCAL GOVERNMENTS:** This change will have some positive fiscal impact to local governments that provide health care by increasing insurance coverage among the clients they serve. However, the amount of the impact is uncertain.
- ❖ **OTHER PERSONS:** Potential enrollees will receive up to \$101,400 in services and providers will receive up to \$101,400 in payment for those services.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule requires no affirmative compliance by any person. New enrollees and providers will be positively impacted.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: When a CHIP eligible family loses insurance and cannot enroll in CHIP because it is not an open enrollment period, they sometimes purchase unaffordable health insurance. This rule change allows a child whose parent voluntarily terminates health insurance coverage purchased after the previous CHIP open enrollment period ended and the beginning of the current period, and who met CHIP eligibility requirements at the time of purchase, to enroll in CHIP without a 90 day waiting period. This rule change also allows currently enrolled families to enroll newborn or newly adopted children at any times other than open enrollment periods, a common practice of the private health insurance industry. In addition, when an enrollee obtains other health insurance coverage, this rule change allows the department to terminate CHIP enrollment without sending written notification ten days prior to the effective date of termination. These minor expansions will be very important to families that are affected and be positive for providers of care. It should have no significant fiscal impact on private providers of health insurance. Scott D. Williams, Executive Director

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

HEALTH
CHILDREN'S HEALTH INSURANCE PROGRAM
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:

Gayleen Henderson at the above address, by phone at 801-538-6135, by FAX at 801-538-6952, or by Internet E-mail at ghenderson@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 12/15/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Scott D. Williams, Executive Director

R382. Health, Children's Health Insurance Program.

R382-10. Eligibility.

R382-10-4. Applicant and Enrollee Rights and Responsibilities.

(1) A parent or an adult who has assumed responsibility for the care or supervision of a child may apply or reapply ~~[at any time]~~ for Children's Health Insurance Program benefits on behalf of a child during an open enrollment period. An emancipated child or an 18 year old child may apply on his own behalf.

(2) The applicant must provide the Department with verifications to establish the eligibility of the child, including information about the parents.

(3) Anyone may look at the eligibility policy manuals located at any local office, except at outreach or telephone locations.

(4) The parent or other individual who arranged for medical services on behalf of the child shall repay the Department for services paid for by the Department under this program if the child is determined not to be eligible for CHIP.

(5) The parent(s) or child, or other responsible person acting on behalf of a child must report certain changes to the local office within ten days of the day the change becomes known. Some examples of reportable changes include:

(a) An enrollee begins to receive coverage under a group health plan or other health insurance coverage.

(b) An enrollee begins to have access to coverage under a group health plan or other health insurance coverage.

(c) An enrollee leaves the household or dies.

(d) An enrollee or the household moves out of state.

(e) Change of address of an enrollee or the household.

(f) An enrollee enters a public institution or an institution for mental diseases.

(6) Applicants and enrollees have the right to be notified about actions the agency takes regarding their eligibility or continued eligibility, the reason the action was taken, and the right to request an agency conference or agency action.

R382-10-10. Creditable Health Coverage.

(1) To be eligible for enrollment in the program, a child must meet the requirements of Sections 2110(b)(1)(C) and (2)(B) of the Social Security Act as enacted by Pub. L. No. 105-33.

(2) A child who is covered under a group health plan or other health insurance coverage including coverage under a parent's or legal guardian's employer, as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), is not eligible for CHIP assistance.

(3) A child who is covered under an absent parent's insurance coverage that does not provide coverage in the State of Utah is eligible for enrollment.

(4) A child who is covered under a group health plan or other health coverage but has reached the lifetime maximum coverage under that plan is eligible for enrollment.

(5) A child who has access to health insurance coverage through an employer where the cost to enroll the child in the plan is less than 5% of the household's gross annual income, is not eligible for CHIP assistance. The child is considered to have access to coverage even if the employer offers coverage only during an open enrollment period.

(6) The Department shall deny eligibility if the applicant or a custodial parent has voluntarily terminated health insurance coverage in the 90 days prior to the application date for enrollment under CHIP.

(a) An applicant or applicant's parent(s) who voluntarily terminates coverage under a COBRA plan or under the Health Insurance Pool (HIP), ~~[coverage]~~ or who is involuntarily terminated from an employer's plan is eligible for CHIP without a 90 day waiting period.

(b) An applicant who voluntarily terminates health insurance coverage purchased after the previous CHIP open enrollment period ended but before the beginning of the current open enrollment period and who met CHIP eligibility requirements at the time of purchase, is eligible for CHIP without a 90 day waiting period.

(7) A child with creditable health coverage operated or financed by the Indian Health Services is not excluded from enrolling in the program.

(8) An applicant must report at application and renewal whether any of the children in the household for whom enrollment is being requested has access to or is covered by a group health plan, other health insurance coverage, or a state employee's health benefits plan.

~~[(9) An enrollee must report when any enrollee in the household begins to receive coverage under, or begins to have access to, any type of group health plan, other health insurance coverage, or a state employee's health benefits plan.]~~

~~—(10)~~(9) The Department shall deny an application or renewal if the enrollee fails to respond to questions about health insurance coverage for children the household seeks to enroll or renew in the program.

R382-10-13. Income Provisions.

To be eligible to enroll in the Children's Health Insurance Program, gross household income must be equal to or less than 200% of the federal non-farm poverty guideline for a household of equal size. All gross income, earned and unearned, received by the parents and step-parents of any child who is included in the

household size, is counted toward household income, unless this section specifically describes a different treatment of the income.

(1) The Department does not count income that is defined in 20 CFR 416(K) Appendix, 1997 edition, which is adopted and incorporated by reference.

(2) Any income in a trust that is available to, or is received by a household member, is countable income.

(3) Payments received from the Family Employment Program, General Assistance, or refugee cash assistance or adoption support services as authorized under Title 35A, Chapter 3 is countable income.

(4) Rental income is countable income. The following expenses can be deducted:

(a) taxes and attorney fees needed to make the income available;

(b) upkeep and repair costs necessary to maintain the current value of the property;

(c) utility costs only if they are paid by the owner; and

(d) interest only on a loan or mortgage secured by the rental property.

(5) Deposits to joint checking or savings accounts are countable income, even if the deposits are made by a non-household member. An applicant or enrollee who disputes household ownership of deposits to joint checking or savings accounts shall be given an opportunity to prove that the deposits do not represent income to the household. Funds that are successfully disputed are not countable income.

(6) Cash contributions made by non-household members are counted as income unless the parties have a signed written agreement for repayment of the funds.

(7) The interest earned from payments made under a sales contract or a loan agreement is countable income to the extent that these payments will continue to be received during the eligibility period.

(8) In-kind income, which is goods or services provided to the individual from a non-household member and which is not in the form of cash, for which the individual performed a service or is provided as part of the individual's wages is counted as income. In-kind income for which the individual did not perform a service or did not work to receive is not counted as income.

(9) SSI and State Supplemental Payments are countable income.

(10) Death benefits are not countable income to the extent that the funds are spent on the deceased person's burial or last illness.

(11) A bona fide loan that an individual must repay and that the individual has contracted in good faith without fraud or deceit, and genuinely endorsed in writing for repayment is not countable income.

(12) Child Care Assistance under Title XX is not countable income.

(13) Reimbursements of Medicare premiums received by an individual from Social Security Administration or the State Department of Health are not countable income.

(14) Needs-based Veteran's pensions are not counted as income. If the income is not needs-based, only the portion of a Veteran's Administration check to which the individual is legally entitled is countable income.

(15) Income of a child is excluded if the child is not the head of a household.

(16) Educational income such as educational loans, grants, scholarships, and work-study programs are not countable income. The individual must verify enrollment in an educational program.

(17) Reimbursements for expenses incurred by an individual are not countable income.

(18) Any payments made to an individual because of his status as a victim of Nazi persecution as defined in Pub. L. No. 103-286 are not countable income, including payments made by the Federal Republic of Germany, Austrian Social Insurance payments, and Netherlands WUV payments.

(19) Victim's Compensation payments as defined in Pub. L. No. 101-508 are not countable income.

(20) Disaster relief funds received if a catastrophe has been declared a major disaster by the President of the United States as defined in Pub. L. No. 103-286 are not countable income.

(21) Income of an alien's sponsor or the sponsor's spouse, is not countable income.

R382-10-16. Application and Renewal.

The application is the initial request from an applicant for CHIP enrollment for a child. The application process includes gathering information and verifications to determine the child's eligibility for enrollment in the program. Renewal is the process of gathering information and verifications on a periodic basis to determine continued eligibility of an enrollee.

(1) The applicant must complete and sign a written application to become enrolled in the program.

(2) The Department accepts any Department-approved application form for medical assistance programs offered by the state as an application for CHIP enrollment.

(3) Individuals may apply for enrollment during open enrollment periods in person, through the mail, ~~[over the telephone or]by fax, or online~~ ~~[for enrollment during an open enrollment period]~~.

(4) A family who has a child enrolled in CHIP, may enroll a new child born to or adopted by a household member without waiting for the next open enrollment period.

~~(4)5~~ The Department may interview applicants, the applicant's parents, and any adult who has assumed responsibility for the care or supervision of the child to assist in determining eligibility.

~~(5)6~~ If eligibility for CHIP enrollment ends, the Department shall review the case for eligibility under any other medical assistance program without requiring a new application. The Department may request additional verification from the household if there is insufficient information to make a determination.

R382-10-17. Eligibility Decisions.

(1) The Department must determine eligibility for CHIP within 30 days of the date of application. If a decision can not be made in 30 days because the applicant fails to take a required action and requests additional time to complete the application process, or if circumstances beyond the Department's control delay the eligibility decision, the Department shall document the reason for the delay in the case record. The Department must inform the applicant of the status of the application and the time frame for completing the application process.

(2) The Department may not use the time standard as a waiting period before determining eligibility, or as a reason for denying eligibility because the Department has not determined eligibility within that time.

(3) The Department shall complete a determination of eligibility or ineligibility for each application unless:

- (a) the applicant voluntarily withdrew the application and the Department sent a notice to the applicant to confirm the withdrawal;
- (b) the applicant died; or
- (c) the applicant can not be located or has not responded to requests for information within the 30 day application period.

(4) The Department must redetermine eligibility at least every 12 months.

(5) At application and renewal, the Department must determine if any child applying for CHIP enrollment is eligible for coverage under Medicaid. A child who is eligible for Medicaid coverage is not eligible for CHIP. A child who must meet a spend-down to receive Medicaid ~~is not eligible for Medicaid until the spend-down has been met~~ and chooses not to meet the spend-down can be enrolled in CHIP.

R382-10-18. Effective Date of Enrollment and Renewal.

(1) The effective date of CHIP enrollment is the date a completed and signed application is received by the Department. The Department may allow a grace enrollment period beginning no earlier than four days before the date a completed and signed application is received by the Department. The Department shall not pay for any services received before the effective enrollment date.

(2) For a family who has a child enrolled in CHIP and who adds a newborn or adopted child, the effective date of enrollment is the date of birth or adoption if the family requests the coverage within 30 days of the birth or adoption. If the request is made more than 30 days after the birth or adoption, enrollment in CHIP will be effective beginning the date of report, except as otherwise provided in R382-10-18 (1).

~~(2)3~~ (2) The effective date of enrollment for a renewal is the first day of the month after the renewal month, if the renewal process is completed by the end of the renewal month, or by the last day of the month immediately following the ~~recertification~~ renewal month, and the child continues to be eligible.

~~(3)4~~ (3) If the renewal process is not completed by the end of the renewal month, the case will be closed unless the enrollee has good cause for not completing the renewal process on time. Good cause includes a medical emergency, death of an immediate family member, or natural disaster, or other similar occurrence.

~~(4)5~~ (4) The Department may require an interview with the parent, child, or adult who has assumed responsibility for the care or supervision of a child, or other authorized representative as part of the renewal process.

R382-10-21. Termination and Notice.

(1) The Department shall notify an applicant or enrollee in writing of the eligibility decision made on the application or at renewal.

(2) The Department shall notify an enrollee in writing ten days before taking a proposed action adversely affecting the enrollee's eligibility.

(3) Notices under this section shall provide the following information:

- (a) ~~[F]~~ the action to be taken;
- (b) ~~[F]~~ the reason for the action;

- (c) ~~[F]~~ the regulations or policy that support the action;
- (d) ~~[F]~~ the applicant's or enrollee's right to a hearing;
- (e) ~~[H]~~ how an applicant or enrollee may request a hearing; and
- (f) ~~[F]~~ the applicant's or enrollee's right to represent himself, or use legal counsel, a friend, relative, or other spokesperson.

(4) The Department need not give ten-day notice of termination if:

- (a) the child is deceased;
- (b) the child has moved out of state and is not expected to return; ~~or~~
- (c) the child has entered a public institution ~~;~~ or
- (d) the child has enrolled in other health insurance coverage, in which case eligibility may cease immediately and without prior notice.

KEY: children's health benefits~~±~~

~~July 2, 2002~~ **2003**

Notice of Continuation June 10, 2003

26-1-5

26-40



Health, Health Systems Improvement, Licensing **R432-100-16** Emergency Care Services

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26755

FILED: 10/27/2003, 12:36

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This proposed amendment clarifies that a general acute care hospital shall designate the level of service as Type I, II, or III, and that specialty hospitals can be designated Type IV.

SUMMARY OF THE RULE OR CHANGE: This change adds a requirement that each general acute care hospital shall designate its level of emergency services as Type I through III and that specialty hospitals may designate as Type IV. Specifies that only those hospitals with a Type I through III may participate in the statewide trauma system. It further clarifies that the hospital is responsible for conducting an appropriate assessment, treatment and stabilization of patients presenting in the emergency room (ER).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Department of Health (DOH) will have a small cost to amend and distribute the rule to the 55 hospitals statewide, estimated at an aggregate cost of \$500. The state-owned University of Utah has already been designated as a Type I emergency care service and there is no intention of changing the designation.

❖ LOCAL GOVERNMENTS: No financial impact is anticipated since all local government hospitals have designated their emergency services at a minimum Type III in rural areas.

❖ OTHER PERSONS: The existing hospitals have already completed their designation and this rule change will not have any financial impact.

COMPLIANCE COSTS FOR AFFECTED PERSONS: All affected persons are in compliance with the proposed rule already, so there should be no cost to them.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: In July 2003, a variance hearing was held to determine if a free-standing general acute care hospital could designate their emergency services as a Type IV. Practice and rule were in conflict and this rule making would clarify that a general acute care hospital may designate their emergency services Type I through III, while specialty hospitals may opt to designate their emergency services Type IV. There should be no fiscal impact on businesses, since the current practice of existing providers is being recognized by this rule change. Scott D. Williams, Executive Director.

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT, LICENSING
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:

Debra Wynkoop at the above address, by phone at 801-538-6152, by FAX at 801-538-6325, or by Internet E-mail at debwynkoop@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 12/15/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Scott D. Williams, Executive Director

R432. Health, Health Systems Improvement, Licensing.

R432-100. General Hospital Standards.

R432-100-16. Emergency Care Service.

(1) Each hospital shall evaluate and classify itself to indicate its capability in providing emergency care. Acute Hospitals and Critical Access Hospitals shall be classified as Type I, II or III. Type IV category may be used for Specialty Hospitals.

(a) [Level]Type I offers comprehensive emergency care 24 hours a day in-house, with at least one physician experienced in emergency care on staff in the emergency care area. There shall be in-hospital support by members of the medical staff for at least medical, surgical, orthopedic, obstetric, pediatric, and anesthesia services. Specialty consultation shall be available within 30

minutes, or two-way voice communication is available for the initial consultation.

(b) [Level]Type II offers emergency care 24 hours a day, with at least one physician experienced in emergency care on duty in the emergency care area, and with specialty consultation available within 30 minutes by members of the medical staff.

(c) [Level]Type III offers emergency care 24 hours a day, with at least one physician available to the emergency care area within approximately 30 minutes through a medical staff call roster. Specialty consultation shall be available by request of the attending medical staff member by transfer to a [Level]type I or [Level]type II hospital where care can be provided.

(d) [Level]Type IV offers emergency first aid treatment to patients, staff, and visitors; and to persons who may be unaware of, or unable to immediately reach services in other facilities.

(2) The emergency service shall be organized and staffed by qualified individuals based on the defined capability of the hospital.

(a) Administrative direction of emergency services shall be provided by an individual appointed and authorized by the hospital administrator.

(b) Medical direction of emergency services shall be defined in writing and provided by one or more members of the medical staff. The medical staff shall provide back-up and on-call coverage for emergency services and as needed for emergency [specialty]specialty services.

(c) The evaluation and treatment of a patient who presents himself or is brought to the emergency care area shall be the responsibility of a licensed practitioner and shall include an appropriate medical screening examination, stabilizing treatment, and, if necessary for definitive treatment, an appropriate transfer to another medical facility that has agreed to accept the patient for care.

(d) The priority by which persons seeking emergency care are seen by a physician may be determined by trained personnel using guidelines established by the emergency room director and approved by the medical staff.

(e) Rosters designating medical staff members on duty or on call for primary coverage and specialty consultation shall be posted in the emergency care area.

(f) A designated registered nurse who is qualified by relevant training, experience, and current competence in emergency care shall supervise the care provided by all nursing service personnel in the department.

(i) The number of nursing service personnel shall be sufficient for the types and volume of patients served.

(ii) [Level]Type I and II emergency departments shall have at least one registered nurse with Advanced Cardiac Life Support certification, and sufficient number of other nursing staff assigned and on duty within the emergency care area.

(iii) The emergency nurse supervisor shall participate in internal committee activities concerned with the emergency service.

(g) The emergency service shall be integrated with other departments in the hospital.

(i) Clinical laboratory services with the capability of performing all routine studies and standard analyses of blood, urine, and other body fluids shall be available. A supply of blood shall be available at all times.

(ii) Diagnostic radiology services shall be available at all times.

(h) The duties and responsibilities of all personnel, including physicians and nurses, providing care within the emergency service area shall be defined in writing.

(3) Each hospital shall define its scope of emergency services in writing and implement a plan for emergency care, based on community need and on the capability of the hospital.

(a) Each hospital shall comply with federal anti-dumping regulations as defined in CFR 489.20 and 489.24.

(b) The role of the emergency service in the hospital's disaster plans shall be defined.

(c) Each hospital must have a communication system that permits instant contact with law enforcement agencies, rescue squads, ambulance services, and other emergency services within the community.

(d) Emergency department policies and protocols shall address the care, security, and control of prisoners or people to be detained for police or protective custody.

(e) Emergency department policies and protocols shall address the provision of care to an unemancipated minor not accompanied by parent or guardian, or to an unaccompanied unconscious patient.

(f) Emergency department policies and procedures shall address the evaluation and handling of alleged or suspected child or adult abuse cases. Criteria shall be developed to alert emergency department and service personnel to possible child or adult abuse. The criteria shall address:

(i) suspected physical assault;

(ii) suspected rape or sexual molestation;

(iii) suspected domestic abuse of elders, spouses, partners and children;

(iv) the collection, retention, and safeguarding of specimens, photographs, and other evidentiary materials; and

(v) visual and auditory privacy during examination and consultation of patients.

(g) A list shall be available in the emergency department of private and public community agencies and resources that provide, arrange, evaluate and care for the victims of abuse.

(h) Emergency department policies and procedures shall address the handling of hazardous materials and contaminated patients.

(i) Emergency department policies and procedures shall address the reporting of persons dead-on-arrival to the proper authorities including the legal requirements for the collection and preservation of evidence.

(4) The hospital shall in a timely manner make reasonable effort to contact the guardian, parents, or next of kin of any unaccompanied minor, or any unaccompanied unconscious patient admitted to the emergency department.

KEY: health facilities

March 13, 2003

Notice of Continuation October 16, 2002

26-21-5

26-21-2.1

26-21-20



**Health, Health Systems Improvement,
Primary Care and Rural Health**

R434-40

**Utah Health Care Workforce Financial
Assistance Program Rule**

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE No.: 26756

FILED: 10/27/2003, 12:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 26-46-102 requires the Department of Health to make rules governing the administration of the Utah Health Care Workforce Financial Assistance Program. The rule provides criteria for the implementation of the program, the award of grant and scholarship funds to health care professionals, in exchange for practicing for a specified period of time in an underserved area of the state.

SUMMARY OF THE RULE OR CHANGE: The new Rule R434-40 provides criteria for the implementation of the Utah Health Care Work Force Financial Assistance Program Act and the award of education loan repayment grants and scholarships to dentists, nurses, mental health therapists, physicians, and physician assistants willing to work for a specified period of time in underserved areas of the state. The rule includes: grant and scholarship administrative procedures; grant and scholarship recipient eligibility and selection criteria; grant and scholarship recipient service obligation requirements; release from service obligation; extension of grants and scholarships; schedule of breach of grant and scholarship recipient repayment; underserved area site determination; as well as definitions, explanation of eligible loans, and reporting requirements. (DAR NOTE: this new rule is filed in response to S.B. 113 (2002) found at UT L 2002 Ch 307, which was effective March 26, 2002. This rule replaces Rule R434-10, Physicians and Physician Assistants Grant and Scholarship Program, repealed by DAR No. 25071, effective 9/10/2002; Rule R434-20, Special Population Health Care Provider Financial Assistance Program, repealed by DAR No. 25072, effective 9/10/2002; and Rule R434-50, Nurse Education Financial Assistance, repealed by DAR No. 25073, effective 9/10/2002.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 46

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** There will be a cost to the department to print and distribute the new rule to health care professionals and sites in underserved areas of the state. Funding is provided in the statute to cover administrative costs of this program and rules from appropriations to the program. The new statute and this rule replace similar existing programs. As such, this rule does not require an increased workload to the department. This rule imposes no new requirements on the state budget.

❖ **LOCAL GOVERNMENTS:** This rule does not require increased workload or cost to local governments. This rule imposes no new requirements on local governments.

❖ **OTHER PERSONS:** This rule does not require an increased workload or cost to other persons. There is an anticipated savings to sites in underserved areas of the state that opt to participate in this program, and a positive long-term impact is expected due to retention of health care professionals at those

participating medically underserved area sites. Normal costs for recruiting and retaining health care professionals should remain the same, or lessen with time. This rule imposes no new requirements on other persons. Actual dollar savings are difficult to quantify due to the many future variables for sites and individuals that might opt to take advantage of this program.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with affected persons. This rule imposes no new requirements on the state budget, local governments, or other persons. There is an anticipated savings to sites in underserved areas that opt to participate in the program.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Section 26-46-102 requires this rule. Due to the consolidation of three (3) separate programs, including their Acts and Rules, this rule consolidates the three (3) rules into one (1). The statute gives the responsibility that "In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the department shall make rules governing the administration of the program, including rules that address:" application procedures; eligibility criteria; selection criteria; service conditions; penalties for failure to comply with service conditions; criteria for modifying or waiving service conditions; and administration of contracts. The Act allows the department to provide professional education scholarships and loan repayment assistance to health care professionals who locate or continue to practice in underserved areas. Applicants selected to receive an award under this chapter will fulfill a service obligation at a site designated by the department as an underserved area, meaning an area underserved by health care professionals, based upon the results of a needs assessment. Applicants can include the following health care professionals: dentist, mental health therapist, physician, physician assistant, or other health care professional designed by the department in rule. It is expected that this program, as consolidated, will continue to have a positive impact on business. Scott D. Williams, Executive Director

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

HEALTH
HEALTH SYSTEMS IMPROVEMENT,
PRIMARY CARE AND RURAL HEALTH
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:

Erin L Olsen at the above address, by phone at 801-538-6214, by FAX at 801-538-6387, or by Internet E-mail at elolsen@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 12/15/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Scott D. Williams, Executive Director

R434. Health, Health Systems Improvement, Primary Care and Rural Health.

R434-40. Utah Health Care Workforce Financial Assistance Program Rules.

R434-40-1. Purpose.

This rule implements the Utah Health Care Workforce Financial Assistance Program Act, Utah Code, Title 26, Chapter 46; which governs the award of grant funds to health care professionals to repay loans taken for educational expenses; and the award of scholarship funds to individuals seeking to become health care professionals in exchange for serving for a specified period of time in a underserved area of the state.

R434-40-2. Authority.

This rule is required by Subsections 26-46-102(3) and 26-46-103(6)(a), and is promulgated under the authority of Section 26-1-5.

R434-40-3. Definitions.

The definitions as they appear in Section 26-46-101 apply. In addition:

(1) "Applicant" means an individual who submits a completed application and meets the application requirements established by the Department for a loan repayment or scholarship grant under the act.

(2) "Approved site" means a site approved by the Department that meets the eligibility criteria established in this rule and that is:

(a) within an underserved area where health care is provided and the majority of patients served are medically underserved due to lack of health care insurance, unwillingness of existing health care professionals to accept patients covered by government health programs, or other economic, cultural, or language barriers to health care access; or

(b) that is a Utah nursing school or training institution that provides a nursing education course of study to prepare persons for the practice of nursing under Title 58, Chapter 31b, Nurse Practice Act, or under Title 58, Chapter 44a, Nurse Midwife Practice Act; has a shortage of nurse educator faculty; and meets the criteria established by the Department.

(3) "Committee" means the Utah Health Care Workforce Advisory Committee created by Section 26-1-7.

(4) "Dentist" means an individual licensed under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act, to practice dentistry.

(5) "Department" means the Utah Department of Health.

(6) "Educational expenses" means the cost of education in a health care profession, including books, education equipment, fees, materials, reasonable living expenses, supplies, and tuition.

(7) "Educational loan" means a commercial, government, or government-guaranteed loan taken to pay educational expenses.

(8) "Grant" means a grant of funds under a grant agreement.

(9) "Loan repayment" means a grant of funds under a grant to defray educational loans in exchange for service for a specified period of time at an approved site.

(10) "Mental health therapist" means an individual licensed under:

(a) Title 58, Chapter 60, Mental Health Professional Practice Act, or Title 58, Chapter 61, Psychologist Licensing Act; or

(b) Title 58, Chapter 67, Utah Medical Practice Act, as a physician and surgeon, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, as an osteopathic physician and surgeon who is engaged in the practice of mental health therapy.

(11) "Nurse" means an individual licensed to practice nursing in the state under Title 58, Chapter 31b, Nurse Practice Act, or under Title 58, Chapter 44a, Nurse Midwife Practice Act.

(12) "Nurse educator" means a nurse employed by a Utah school of nursing providing nursing education to individuals leading to licensure or certification as a nurse.

(13) "Physician" means an individual who is licensed to practice in the state under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

(14) "Physician assistant" means an individual who is licensed to practice in the state under Title 58, Chapter 70a, Physician Assistant Practice Act.

(15) "Postgraduate training" means internship, practicum, preceptorship, or residency training required for health care professionals licensure and as required by this rule.

(16) "Recipient" means an applicant selected to receive a loan repayment or scholarship grant under the act.

(17) "Scholarship" means a grant of funds for educational expenses given to an individual under a grant agreement where the individual agrees to become a nurse educator in exchange for service for a specified period of time at an approved site that is a Utah nursing school or training institution.

(18) "Service obligation" means professional service rendered at an approved site for a minimum of two years in exchange for a scholarship or loan repayment grant.

R434-40-4. Health Care Professionals Loan Repayment Grants -- Terms and Service.

(1) To increase the number of health care professionals in underserved areas of the state, the Department may provide loan repayment grants to health care professionals to repay loans taken for educational expenses in exchange for their agreement to serve for a specified period of time at an approved site in the state.

(2) Loan repayment grants may be given only to repay bona fide loans taken by a health care professional for educational expenses incurred while pursuing an education at an institution that awards a degree that qualifies a health care professional to practice in his field.

(3) Loan repayment grants under this section may not:

(a) be used to satisfy other obligations owed by the health care professional under any similar program and may not be used to repay a loan that is in default at the time of application; or

(b) be in an amount greater than the total outstanding balance on the loans taken for educational expenses, including accrued interest.

(4) The Department may not disburse any grant monies under the act until the recipient has performed at least three months of service at the approved site.

R434-40-5. Health Care Professionals Scholarship Grants -- Terms and Service.

(1) To increase the number of nurse educators in underserved areas in the state, the Department may provide scholarship grants to individuals seeking to become nurse educators in exchange for their

agreement to serve for a specified period of time at an approved site in the state.

(2) Scholarship grants may be given to pay educational expenses while pursuing an education at an institution accredited by the National League of Nursing that provides training leading to the award of a final degree that qualifies the applicant to become a nurse educator in the state.

(3) Scholarship grants given under this section may not be used to satisfy other obligations owed under any similar program and may not be in an amount more than is reasonably necessary to meet educational expenses.

(4) Scholarship grant recipients shall seek a course of education following a schedule of at least a minimum number of course hours per year as set by the Department which leads to receipt of a degree or completion of specified additional course work in a number of years as established by the Department.

R434-40-6. Loan Repayment Grant Administration.

(1) The Department may award loan repayment grants to repay loans taken for health care professionals' educational expenses. The Department may consider committee recommendations in awarding loan repayment grants.

(2) As requested by the Department, a loan repayment grant recipient shall provide information reasonably necessary for administration of the program.

(3) The Department shall determine the total amount of the loan repayment grant.

(4) The loan repayment grant recipient may not enter into any other similar contract until the recipient satisfies the service obligation described in the grant agreement.

(5) The Department may approve payment to a loan repayment grant recipient for increased federal, state, and local taxes caused by receipt of the loan repayment grant.

(6) The Department shall not pay for an educational loan of a loan repayment grant applicant who is in default at the time of an application.

(7) Before receiving a loan repayment grant, the applicant must enter into a grant agreement with the Department that binds him to the terms of the program.

(8) A loan repayment grant recipient must have a permanent, unrestricted license to practice in his health care specialty in Utah before his first day of service under the grant agreement.

(9) Prior to beginning to fulfill his service obligation, a loan repayment grant recipient must obtain approval from the Department, of the site where he may complete his service obligation.

(10) A loan repayment grant recipient must obtain approval from the Department prior to changing the approved site where he fulfills his service obligation.

R434-40-7. Scholarship Grant Administration.

(1) The Department may award scholarship grant funds to an applicant for a maximum of four years or until earning the nursing postgraduate degree. The Department may consider committee recommendations in awarding scholarship grants.

(2) The Department may pay tuition and fees directly to the school and determine the amount and frequency of direct payments to the student.

(3) The scholarship grant recipient may not enter into a scholarship agreement other than with the program established in

Section 26-46-1 until the service obligation agreed upon in the grant agreement with the Department is satisfied.

(4) A scholarship grant recipient must work full-time, as defined by the scholarship grant recipient's employer and as specified in his grant agreement with the Department.

(5) A scholarship grant recipient must serve one year of service obligation for each year he received a scholarship grant under this program, with a minimum of two years required.

(6) The Department may cancel a scholarship grant at any time if it finds that the scholarship grant recipient has voluntarily or involuntarily terminated his schooling, postgraduate training, or if it appears to be a reasonable certainty that the scholarship grant recipient does not intend to practice as required by statute, rules, and grant agreement in an underserved area in the state.

(7) Upon completion of schooling and required postgraduate training, the scholarship grant recipient is responsible for finding employment at an approved site.

(8) A scholarship grant recipient must obtain approval from the Department prior to beginning service obligation at an approved site.

(9) A scholarship grant recipient must obtain approval from the Department prior to changing the approved site where he fulfills his service obligation.

(10) A scholarship grant recipient must obtain an unrestricted license to practice in the state and begin practicing for the agreed upon period of time at an approved site within three months of completion of postgraduate training.

(11) If there is no available approved site upon a scholarship grant recipient's graduation, the recipient shall repay the scholarship grant amount as negotiated in the scholarship grant agreement.

R434-40-8. Eligible Bona Fide Loans.

A bona fide loan includes the following:

(1) a commercial loan made by a bank, credit union, savings and loan association, insurance company, school, or credit institution;

(2) a governmental loan made by a federal, state, county, or city agency;

(3) a loan made by another person that is documented by a contract notarized at the time of the making of the loan, indicative of an arm's length transaction, and with competitive term and rate as other loans available to students; or

(4) a loan that the applicant conclusively demonstrates to the Department is a bona fide loan.

R434-40-9. Full-Time Equivalency Provisions for Recipients.

(1) The loan repayment grant amount is based on the level of full-time equivalency that the loan repayment grant recipient agrees to work.

(2) A loan repayment grant recipient who provides services for at least 40 hours per week may be awarded a loan repayment grant based on the percentages as determined by the Department.

(3) A loan repayment grant recipient who provides services for less than 40 hours per week may be awarded a proportionately lower loan repayment grant based on a full-time equivalency of 40 hours per week.

(4) A scholarship grant recipient must work full-time, as defined by the scholarship grant recipient's employer and as specified in the scholarship grant with the Department.

(5) A scholarship grant recipient must serve one year of service obligation for each year he received a scholarship grant under this program, with a minimum of two years required.

(6) The Department may approve a full-time equivalency of less than 40 hours per week if the applicant's employer can demonstrate that performing less than 40 hours per week at the work site combined with other activities, such as on-call service, is equivalent to a 40 hour work week.

R434-40-10. Approved Site Determination.

(1) The Department shall approve sites based on comprehensive applications submitted by sites.

(2) The criteria the Department may use to determine an approved site for sites that are not nursing schools include:

(a) the percentage of the population with incomes under 200% of the federal poverty level;

(b) the percentage of the population 65 years of age and over;

(c) the percentage of the population under 18 years of age;

(d) the distance to the nearest health care professionals and barriers to reaching the health care professionals;

(e) ability of the site to provide support facilities and services for the requested health care professional;

(f) financial stability of the site; and

(g) percent of patients served who are without insurance or whose care is paid for by government programs, such as Medicaid, Medicare, and CHIP;

(h) the applicant's policy and practice to provide care regardless of a patient's ability to pay.

(3) The criteria the Department may use to determine an approved site for sites that are nursing schools include:

(a) a demonstrated shortage of nursing educator faculty;

(b) number of and degrees sought by students;

(c) number of students denied for each degree sought;

(d) residency of students;

(e) ability of the nursing school to provide support facilities and services for the requested position to be trained;

(f) faculty to student ratio, including ratios of clinical and classroom instructors;

(g) average class sizes for each of the degrees offered by the school;

(h) school plans to expand enrollment;

(i) diversity of students;

(j) current and projected staffing for the type of instructor requested;

(k) sources and stability of funding to hire and support the prospective instructor; and

(l) distance to the next closest nursing school.

(4) The Department may give preference to sites that provide letters of support from the area served by the prospective employer, such as from:

(a) a majority of practicing health care professionals;

(b) county and civic leaders;

(c) hospital administrators;

(d) business leaders, local chamber of commerce, citizens; and

(e) local health departments.

(5) The Department may give preference to sites located in a service area designated by the Secretary of Health and Human Services as having a shortage of health professional(s) and that are requesting one of the following medical specialties:

(a) family practice;

(b) internal medicine;

(c) obstetrics/gynecology; and

(d) pediatrics.

(6) To become approved, a site must offer a salary and benefit package competitive with salaries and benefits of other health care professionals in the service area.

(7) Other criteria that the site applicant can demonstrate as furthering the purposes of the act.

R434-40-11. Loan Repayment Grant Eligibility and Selection.

(1) In selecting a loan repayment grant recipient for a loan repayment grant award, the Department may evaluate the applicant based on the following selection criteria:

(a) the extent to which an applicant's training in a health care specialty is needed at an approved site;

(b) the applicant's commitment to serve in an underserved area, which can be demonstrated in any of the following ways:

(i) has worked or volunteered at a community or migrant health center, homeless shelter, public health department clinic, or other service commitment to the medically underserved;

(ii) has work or educational experience with the medically underserved through the Peace Corps, VISTA, or a similar volunteer agency;

(iii) has cultural or language skills that may be essential for provision of health care services to the medically underserved;

(iv) other facts or experience that the applicant can demonstrate to the Department that establishes his commitment to serve in an underserved area;

(v) the availability of the applicant to begin service, with greater consideration being given to applicants available for service at earlier dates; and

(vi) the length of the applicant's proposed service obligation, with greater consideration given to applicants who agree to serve for longer periods of time.

(c) the applicant's:

(i) academic standing;

(ii) prior professional or personal experience serving in an underserved area;

(iii) board certification or eligibility;

(iv) postgraduate training achievements;

(v) peer recommendations;

(vi) other facts that the applicant can demonstrate to the Department that establishes his professional competence or conduct;

(d) the applicant's financial need;

(e) the applicant's willingness to serve patients who are without insurance or whose care is paid for by government programs, such as Medicaid, Medicare, and CHIP;

(f) the applicant's willingness to provide care regardless of a patient's ability to pay;

(g) the applicant's ability and willingness to provide care; and

(h) the applicant's achieving an early match with an approved site.

(3) To be eligible for a loan repayment grant, an applicant must be a United States citizen or permanent resident.

(4) The Department may consider only grant applicants who apply within one year of the applicant's anticipated date of becoming licensed or certified as a health care professional in the state.

(5) In selecting a loan repayment grant recipient for a loan repayment grant award, the Department may consider the applicant's scores on standardized tests that are required to become licensed or certified to practice in Utah.

R434-40-12. Scholarship Grant Eligibility and Selection.

(1) In selecting a recipient for a nurse scholarship grant, the Department may evaluate the applicant based on the following selection criteria:

(a) the applicant's commitment to serve in an underserved area, which may be demonstrated in any of the following ways:

(i) has worked or volunteered to serve in an underserved area or service commitment to the medically underserved;

(ii) has work or educational experience with the medically underserved through the Peace Corps, VISTA, or a similar volunteer agency;

(iii) has cultural or language skills that may be essential for services in an underserved area; and

(iv) other facts or experience that the applicant can demonstrate to the Department that establishes his commitment to the medically underserved.

(b) evidence that the applicant has a license in good standing to practice in the state under Title 58, Chapter 31, Nurse Practice Act, or under Title 58, Chapter 44a, Nurse Midwife Practice Act;

(c) the applicant's academic ability as demonstrated by official transcripts and official school admission test scores;

(d) the applicant's evidence that he has been accepted by or currently attends an accredited school;

(e) the applicant's projected educational expenses;

(f) the applicant's educational, personal, and professional references that demonstrate the applicant's good character and potential to successfully complete school; and

(g) the applicant's essay which is required as part of the scholarship application;

(2) In selecting a scholarship grant recipient, the Department may give preference to applicants who agree to serve for a greater length of time in return for scholarship assistance.

(3) To be eligible to receive a scholarship grant, an applicant must be a United States citizen or permanent resident.

R434-40-13. Loan Repayment and Scholarship Grant Service Obligation.

(1) Before receiving an award under the act, the recipient shall enter into a grant agreement with the state agreeing to the conditions upon which the award is to be made.

(2) The grant agreement shall include necessary conditions to carry out the purposes of the act.

(3) In exchange for financial assistance under the act, the recipient shall serve for period established at the time of the award, but which may not be for less than 24 months, in an underserved area at a site approved by the Department.

(4) The recipient's service in an underserved area at a site approved by the Department retires the amount owed for the award according to the schedule established by the Department at the time of the award.

(5) Periods of internship, preceptorship, or other clinical training do not satisfy the service obligation under the act.

(6) A scholarship grant recipient must:

(a) be a full-time matriculated student and meet the school's requirements to continue in the program and receive an advanced degree within the time specified in the scholarship grant agreement, unless extended pursuant to R434-40-16;

(b) within three months before and not exceeding one month following graduation or completion of postgraduate training, a scholarship grant recipient shall provide to the Department documented evidence of an approved site's intent to hire him.

(c) upon completion of schooling or postgraduate training, the scholarship grant recipient must find employment at an approved site.

(d) obtain an unrestricted license to practice in Utah prior to beginning to fulfill the service obligation at the approved site.

(e) obtain approval from the Department prior to beginning to fulfill his service obligation at an approved site.

(f) begin employment at the approved site within three months of graduation or completion of postgraduate training.

(g) obtain Department approval prior to changing the approved site where he fulfills his service obligation.

R434-40-14. Loan Repayment Grant Breach, Repayment, and Penalties.

(1) A loan repayment grant recipient under the act who fails to complete the service obligation shall:

(a) pay as a penalty twice the total amount of the loan repayment grant on a prorated basis according to a schedule established by grant agreement with the Department and 12% per annum interest on the unpaid penalty amount; and

(b) costs and expenses incurred in collection, including attorney fees.

(2) A loan repayment grant recipient who breaches his grant agreement with the Department shall begin to repay within 30 days of the breach. The Department may submit for immediate collection all amounts due from a breaching loan repayment grant recipient who does not begin to repay within 30 days.

(3) The breaching loan repayment grant recipient shall pay the total amount due within one year of breaching the grant agreement. The scheduled payback may not be less than four equal quarterly payments.

(4) The amount to be paid back shall be determined from the end of the month in which the loan repayment grant recipient breached the grant as if the recipient had breached at the end of the month.

(5) The breaching loan repayment grant recipient shall pay the total amount due according to a schedule agreed upon with the Department which may not be longer than within four years of breaching the grant agreement.

(6) Amounts recovered and damages collected under this section shall be deposited as dedicated credits to be used to carry out the provisions of the act.

R434-40-15. Scholarship Grant Breach, Repayment, and Penalties.

(1) A scholarship grant recipient who:

(a) fails to finish his professional schooling within the period of time agreed upon with the Department shall within 90 days after the deadline for completing his schooling or within 90 days of his failure to continue his schooling, whichever occurs earlier, shall repay:

(i) all scholarship money received according to a schedule established at the time of the award with the Department;

(ii) if not repaid within one year of default, 12% per annum interest on unrepaid scholarship money calculated from the date each installment was received under the scholarship grant agreement; and

(iii) costs and expenses incurred in collection, including attorney fees;

(b) finishes his schooling and fails to pass the necessary professional certifications or examinations within the time period agreed upon with the Department shall repay:

(i) all scholarship money received according to a schedule established by grant agreement with the Department;

(ii) if not repaid within one year of default, 12% per annum interest on unrepaid scholarship money calculated from the date each installment was received under the scholarship grant; and

(iii) costs and expenses incurred in collection, including attorney fees;

(c) finishes his schooling and fails to take the necessary professional certifications or examinations within the time period agreed upon with the Department shall:

(i) pay as a penalty twice the total amount of the scholarship money on a prorated basis according to a schedule established by grant agreement with the Department and 12% per annum interest on the unpaid penalty amount; and

(ii) costs and expenses incurred in collection, including attorney fees;

(d) finishes his schooling and becomes a health care professional but who fails to fulfill his service obligation shall repay:

(i) twice the total scholarship grant amount received that is not yet retired by his service on a prorated basis according to a schedule established by grant agreement with the Department;

(ii) 12% per annum interest on the unretired scholarship money calculated from the date each installment was received under the scholarship grant agreement; and

(iii) costs and expenses incurred in collection, including attorney fees.

(2) Amounts recovered and damages collected under this section shall be deposited as dedicated credits to be used to carry out the provisions of the act.

(3) The amount to be paid back shall be determined from the end of the month in which the scholarship grant recipient breached the scholarship grant as if the scholarship grant recipient had breached at the end of the month

(4) The breaching scholarship grant recipient shall pay the total amount due according to a schedule agreed upon with the Department which may not be longer than within four years of breaching the scholarship grant agreement.

R434-40-16. Extension of Loan Repayment and Scholarship Grants.

(1) The Department may extend the period within which the loan repayment grant recipient must complete the service obligation:

(a) if the loan repayment grant recipient has signed a grant agreement for two years the loan repayment grant recipient may apply on or after his first day of service under a loan repayment grant to extend his grant agreement by one year;

(b) a loan repayment grant may be extended only at an approved site;

(c) a loan repayment grant recipient who desires to extend his loan repayment grant must inform the Department in writing of his interest in extending his grant agreement at least six months prior to the end of the current service obligation.

(2) The Department may extend the period within which the scholarship grant recipient must complete his education:

(a) if the scholarship grant recipient has a serious illness;

(b) if the scholarship grant recipient is activated by the military;

(c) for other good cause shown, as determined by the Department.

(3) The service obligation may be extended only at an approved site.

R434-40-17. Release of Recipient from Service Obligation.

(1) The Department may cancel or release, in full or in part, a recipient from his service obligation under the grant agreement without penalty:

(a) if the service obligation has been fulfilled;

(b) if the recipient fails to meet the conditions of the award or if it reasonably appears the recipient will not meet the loan repayment or scholarship grant conditions;

(c) if the recipient is unable to fulfill the service obligation due to permanent disability that prevents the recipient from performing any work for remuneration or profit;

(d) if the recipient dies; or

(e) for other good cause shown, as determined by the Department.

(2) Extreme hardship sufficient to release the recipient without penalty includes:

(a) inability to complete the required schooling or fulfill service obligation due to permanent disability that prevents the recipient from completing school or performing any work for remuneration or profit;

(b) a family member, for which the recipient is the principal care giver, has a life-threatening chronic illness.

(3) The Department may develop alternative service obligation criteria that a loan repayment or scholarship grant recipient may use to fulfill his service obligation if the loan repayment or scholarship grant recipient is unable to fulfill his service obligation at an approved site due to reasons beyond his control.

R434-40-18. Reporting Requirements of Award Recipients.

The Department may require an award recipient to provide information regarding the academic performance, commitment to underserved areas, continuing financial need, service obligation fulfillment, and other information reasonably necessary for the administration of the program during the period the recipient is in school; postgraduate training; and during the period the award recipient is completing the service obligation.

R434-40-19. Reporting Requirements of Approved Sites.

The Department may require the approved site to provide information regarding the award recipients' performance, commitment to underserved areas, service obligation fulfillment, and other information reasonably necessary for the administration of the program during the period the award recipient is completing the service obligation.

KEY: medically underserved, grants, scholarships

December 16, 2003

26-4-102



Human Services, Recovery Services

R527-550

Assessment

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 26764

FILED: 10/30/2003, 09:55

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this filing is to add applicable sections of statutes to the rule, clarify the review process, clarify that the Office of Recovery Services (ORS) may enforce on an administrative order when a child returns to state custody, correct a numbering sequence error, and clarify that there may be other types of third party payments.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment clarifies that the Office of Recovery Services (ORS) has the authority to enforce on existing child support orders, in accordance with Section 78-45-4.4, when a child is placed in the care or custody of the state. The amendment also clarifies that ORS implements the review criteria established in Sections 62A-11-320.5 and 62A-11-320.6, while a child is in the care or custody of the state. The amendment clarifies that if there is an existing support order and a child returns home and is subsequently placed back into the care or custody of the state, ORS may collect support based on the administrative support order that has already been established in accordance with Section 78-3a-906. Last, the amendment clarifies that there may be other types of third party payments that are not listed in the rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-1-117, 62A-7-124, 62A-11-104, 62A-11-107, 62A-11-110, 62A-11-111, 62A-11-201, 62A-11-301, 62A-11-320.5, 62A-11-320.6, 78-3a-906, 78-45-1, 78-45-4.3, 78-45-4.4, and 78-45-7

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The rule change does not impose a cost or savings impact on the state budget. The amendment clarifies the conditions for reviewing existing child support orders to determine when a new order needs to be established. There will be little fiscal impact because the amount could increase or decrease. ORS has been doing these reviews for years now based closely on child support modification statutes.

❖ LOCAL GOVERNMENTS: This rule change does not impose a cost or savings impact on any local government entity, since we are not budgeted by local government.

❖ OTHER PERSONS: This rule change does not impose a cost or savings impact on other parents, since the purpose of the requested amendments are to clarify and add applicable

statutes to the rule. The clarification of the conditions for reviewing existing child support orders to determine when a new order needs to be established will not affect parents.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change does not impose compliance costs for affected persons since ORS already adheres to the applicable modification statutes when reviewing existing child support orders.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Rule R527-550 specifies the formula and criteria for determining the child support obligation for children residing in Human Services 24 hour care programs. It established the same assessment guidelines and criteria for all Human Services 24 hour care programs. However, the rule itself, as well as the proposed changes, do not pose any fiscal impact on businesses.

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

HUMAN SERVICES
RECOVERY SERVICES
515 E 100 S
SALT LAKE CITY UT 84102-4211, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Kari Smith at the above address, by phone at 801-536-8137, by FAX at 801-536-8509, or by Internet E-mail at ksmith@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 12/15/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Robin Arnold-Williams, Executive Director

R527. Human Services, Recovery Services.

R527-550. Assessment.

R527-550-1. Children Placed in the Custody of the State.

1. ORS shall collect child support and Third Party Payments in behalf of children placed in the custody of the state in accordance with Section 78-3a-906, 78-45-1 et seq., 62A-1-117, 62A-11-301 et seq., and Federal regulations 45 CFR 300 through 307.

2. The monthly child support obligation will be determined in accordance with the child support guidelines enacted in Section 78-45-7.2 through 78-45-7.18, UCA. If a current child support order exists, ORS ~~will~~ may collect and enforce the support based on the existing order ~~[unless it has been three years since the issuance of the order]~~ in accordance with Section 78-45-4.4. ~~[If it has been three years since the issuance of the order,]~~ ORS ~~will~~ may conduct a review of the existing support order and the parent's current financial circumstances to determine if the order is in compliance with the child support guidelines and if the case meets the review criteria in accordance with Sections 62A-11-320.5 and 62A-11-320.6. If the order is not in compliance with the child support guidelines but still meets the review criteria, an ~~temporary~~ administrative order may be issued, under the

administrative adjudication process as provided in rule R497-100-1 et seq., while the child is under the jurisdiction of the juvenile court and in a placement other than with his parents~~[state custody]~~.

3.~~[a.]~~ If an administrative order for support is issued at the time the child is placed in custody; and,

~~a[b].~~ the child returns home~~[-(but remains under the juvenile court's jurisdiction)]~~; and,

~~b[e].~~ the child is subsequently returned to state custody, ORS ~~may~~will collect and enforce child support based on the existing administrative order in accordance with Section 78-3a-906.

4. Third party payments are defined, but not limited to, ~~[as]~~ entitlement benefits (SSA, SSI~~[-]~~), insurance benefits, trust funds benefits, paid in behalf of the child.

5. Child support is due and payable on the first day of the month. Child support shall not be pro-rated for partial months.

R527-550-3. Public Assistance Overpayments/Retained Support.

A. Obligor not on Assistance.

1. The obligor will be asked to complete an income asset affidavit.

2. The total liability shall be reviewed with the obligor.

3. The obligor will be requested to pay the total obligation in full.

4. If total payment is not possible, the type of debt, the anticipated length of time to repay the debt, total income, assets and expenses of the obligor's household, and any anticipated changes in the household circumstances will be reviewed.

5. This information will be used to determine a monthly repayment amount. When feasible, the monthly repayment amount shall be no less than 10% of the household income and liquid resources.

B. Obligor on Assistance

1. Payment may be made by assistance recoupment. The recoupment may be voluntary or may be recouped without consent in accordance with rule or federal regulations.

2. The amount of the recoupment may be set through agreement or determined in accordance with federal regulations (7 CFR 273.18(g)(4) or rule (R986-213-306).

ORS shall be responsible for reviewing all requests for Food Stamp retroactive benefits to determine if an offset is to be made. A determination of the amount due the recipient shall be made within five (5) days from the date the request is received by ORS.

KEY: child support, foster care, youth corrections~~[*]~~, public assistance overpayments

~~[November 16, 2000]~~2003

Notice of Continuation November 5, 2002

62A-1-117

62A-7-124

62A-11-104

62A-11-107

62A-11-110

62A-11-111

62A-11-201

62A-11-301

62A-11-320.5

62A-11-320.6

78-3[A]a-906

78-45-1

78-45-4.3

78-45-4.4

78-45-7

Natural Resources; Oil, Gas and
Mining; Coal
R645-301-100
General Contents

NOTICE OF PROPOSED RULE

(Amendment)
DAR FILE NO.: 26710
FILED: 10/21/2003, 11:37

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule amendment clarifies the procedures applicable to coal permit changes, renewals, sales, transfers, and assignments.

SUMMARY OF THE RULE OR CHANGE: This amendment tells where within the coal rules one may find the procedures that apply to these permit alterations (coal permit changes, renewals, sales, transfers, and assignments).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: No cost or savings impact is anticipated due to the reference nature of this rule amendment.
- ❖ LOCAL GOVERNMENTS: No impact is anticipated due to local government not normally applying for coal permit applications.
- ❖ OTHER PERSONS: No other person will incur a cost or savings impact due to the reference nature of this rule amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance cost is anticipated due to the reference nature of this rule amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no impact to businesses anticipated as a result of the adoption of this rule since there is no change in the compliance measures of the rule.

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rondaniels@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 12/15/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/03/2003 at 10:00 AM, 1594 West North Temple, Suite 1050, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

R645. Natural Resources; Oil, Gas and Mining; Coal.

R645-301. Coal Mine Permitting: Permit Application Requirements.

R645-301-100. General Contents.

The rules in R645-301-100 present the requirements for the entitled information which should be included in each permit application.

110. Minimum Requirements for Legal, Financial, Compliance and Related Information.

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140. Maps and Plans.

141. Maps submitted with permit applications will be presented in a consolidated format, to the extent possible, and will include all the types of information that are set forth on U.S. Geological Survey of the 1:24,000 scale series. Maps of the permit area will be at a scale of 1:6,000 or larger. Maps of the adjacent area will clearly show the lands and waters within those areas and be at a scale determined by the Division, but in no event smaller than 1:24,000.

142. All maps and plans submitted with the permit application will distinguish among each of the phases during which coal mining and reclamation operations were or will be conducted at any place within the life of operations. At a minimum, distinctions will be clearly shown among those portions of the life of operations in which coal mining and reclamation operations occurred:

142.100 Prior to August 3, 1977;

142.200 After August 3, 1977, and prior to either:

142.210. May 3, 1978; or

142.220 In the case of an applicant or operator which obtained a small operator's exemption in accordance with the Interim Program rules (MC Rules), January 1, 1979;

142.300 After May 3, 1978 (or January 1, 1979, for persons who received a small operator's exemption) and prior to the approval of the State Program; and

142.400 After the estimated date of issuance of a permit by the Division under the State Program.

150. Completeness. An application for a permit to conduct coal mining and reclamation operations will be complete and will include at a minimum information required under R645-301 and, if applicable, R645-302.

160. Permit change, renewal, transfer, sale and assignment.

Procedures to change, renew, transfer, assign, or sell existing coal mining and reclamation permit rights are presented at R645-303.

KEY: reclamation, coal mines
~~October 1, 2001~~2003
 Notice of Continuation March 26, 2002
 40-10-1 et seq.

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**Natural Resources; Oil, Gas and
 Mining; Coal
 R645-301-500
 Engineering**

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 26711
 FILED: 10/21/2003, 11:39

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule amendment updates the Utah coal rules to include professional geologists among those who may certify certain maps and cross sections which are included in coal mine permit applications.

SUMMARY OF THE RULE OR CHANGE: With the passage of the Licensure of Geologists Bill in 2002 (H.B. 96), Utah created a professional licensing status for geologists. Certification by registered professional geologists is also authorized in the federal coal mining regulatory program, thus Utah's newly-licensed professional geologists will be authorized to do certifications as a result of this amendment to the Utah coal regulatory program rules. (DAR NOTE: H.B. 96 is found at UT L 2002 Ch 218, and was effective May 6, 2002.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There is no cost or savings impact to the state budget because there is no additional requirement included in this change.
- ❖ **LOCAL GOVERNMENTS:** Local government will not be impacted because it does not normally prepare coal permit applications.
- ❖ **OTHER PERSONS:** There will be no impact on other persons since there are no additional requirements included in this rule.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs will be negligible due to there being no additional compliance measures included in this rule amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There are no additional requirements imposed by this rule amendment thus business will not experience any fiscal impact by its adoption.

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

NATURAL RESOURCES
 OIL, GAS AND MINING; COAL
 Room 1210
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rondaniels@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 12/15/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/03/2003 at 10:00 AM, 1594 West North Temple, Suite 1050, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

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**R645. Natural Resources; Oil, Gas and Mining; Coal.
 R645-301. Coal Mine Permitting; Permit Application
 Requirements.
 R645-301-500. Engineering.**

The rules in R645-301-500 present the requirements for engineering information which is to be included in a permit application.

510. Introduction. The engineering section of the permit application is divided into the operation plan, reclamation plan, design criteria, and performance standards. All of the activities associated with the coal mining and reclamation operations must be designed, located, constructed, maintained, and reclaimed in accordance with the operation and reclamation plan. All of the design criteria associated with the operation and reclamation plan must be met.

511. General Requirements. Each permit application will include descriptions of:

511.100. The proposed coal mining and reclamation operations with attendant maps, plans, and cross sections;

511.200. The proposed mining operation and its potential impacts to the environment as well as methods and calculations utilized to achieve compliance with design criteria; and

511.300. Reclamation.

512. Certification.

512.100. Cross Sections and Maps. Certain cross sections and maps required to be included in a permit application will be prepared by, or under the direction of, and certified by: a qualified, registered, professional engineer; a professional geologist; or a qualified, registered, professional land surveyor, with assistance

from experts in related fields such as hydrology, geology and landscape architecture[~~—and~~]. Cross sections and maps will be updated as required by the Division. The following cross sections and maps will be certified:

- 512.110. Mine workings to the extent known as described under R645-301-521.110;
- 512.120. Surface facilities and operations as described under R645-301-521.124, R645-301-521.164, R645-301-521.165 and R645-301-521.167;
- 512.130. Surface configurations as described under R645-301-542.300 and R645-302-200;
- 512.140. Hydrology as described under R645-301-722, and as appropriate, R645-301-731.700 through R645-301-731.740; and
- 512.150. Geologic cross sections and maps as described under R645-301-622.

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KEY: reclamation, coal mines
~~[October 1, 2001]~~**2003**
Notice of Continuation March 26, 2002
40-10-1 et seq.



**Natural Resources; Oil, Gas and
 Mining; Coal**
R645-303-200
Permit Review, Change and Renewal

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 26712
 FILED: 10/21/2003, 11:41

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule amendment clarifies the procedures applicable to coal permit changes.

SUMMARY OF THE RULE OR CHANGE: This amendment tells where within the coal rules one may find the application procedures for permit changes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** No cost or savings impact is anticipated due to the reference nature of this rule amendment.
- ❖ **LOCAL GOVERNMENTS:** No impact is anticipated due to local government not normally applying for coal permit applications.
- ❖ **OTHER PERSONS:** No other person will incur a cost or savings impact due to the reference nature of this rule amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No compliance cost is anticipated due to the reference nature of this rule amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no impact to businesses anticipated as a result of the adoption of this rule since there is no change in the compliance measures of the rule.

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
 Room 1210
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rondaniels@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 12/15/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/03/2003 at 10:00 AM, 1594 West North Temple, Suite 1050, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

R645. Natural Resources; Oil, Gas and Mining; Coal.
R645-303. Coal Mine Permitting: Change, Renewal, and Transfer, Assignment, or Sale of Permit Rights.
R645-303-200. Permit Review, Change and Renewal.

210. Division Review of Permits.

211. The Division will review each permit issued and outstanding under the State Program during the term of the permit. This review will occur not later than the middle of each permit term and as follows:

211.100. Permits with a term longer than five years will be reviewed no less frequently than the permit midterm or every five years, whichever is more frequent;

211.200. Permits with variances granted in accordance with R645-302-220 and R645-302-280 will be reviewed no later than three years from the date of issuance of the permit unless, for variances issued in accordance with R645-302-220, the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the permit; and

211.300. Permits containing experimental practices issued in accordance with R645-302-210 and permits with a variance from approximate original contour requirements in accordance with R645-302-270 will be reviewed as set forth in the permit or at least every two and one-half years from the date of issuance as required by the Division in accordance with R645-302-217 and R645-302-273, respectively.

212. After the review required by R645-303-211, or at any time, the Division may, by order, require reasonable permit change in accordance with R645-303-220 to ensure compliance with the State Program.

213. Any order of the Division requiring permit change will be based upon written findings and will be subject to the provisions for administrative and judicial review under R645-300-200. Copies of the order will be sent to the permittee.

214. Permits may be suspended or revoked in accordance with R645-400.

220. Permit Changes.

221. At any time during the term of a permit, the permittee may submit to the Division, pursuant to R645-303-220, an Application for Permit Change. The Division will review and respond to an initial Application for a Permit Change within 15 days of receipt of the application.

222. The operator will obtain approval of a permit change by making application in accordance with R645-303-220 for changes in the method of conduct of mining or reclamation operations or in the conditions authorized or required under the approved permit; provided, however, that any extensions to the approved permit area, except for Incidental Boundary Changes, must be processed and approved using the procedural requirements of R645-303-226~~[through application for a new permit and may not be approved under R645-303-221 through R645-303-228].~~

223. The Application for Permit Change will identify the proposed change, or changes, and include the information required under, R645-301, and R645-302 to the extent applicable to the proposed change or changes. The Application for Permit Change will be categorized as a Significant Permit Revision if it involves any of the changes or circumstances set forth in R645-303-224. All other Applications for Permit Change, including Incidental Boundary Changes, will be categorized as Permit Amendments.

224. An Application for Permit Change must be categorized and processed as a Significant Permit Revision for any of the following changes or circumstances:

224.100. An increase in the size of the surface or subsurface disturbed area in an amount of 15 percent, or greater, than the disturbed area under the approved permit;

224.200. Engaging in operations outside of the cumulative impact area as defined in the Cumulative Hydrologic Impact Assessment (CHIA);

224.300. Engaging in operations in hydrologic basins other than those authorized in the approved permit;

224.400. In order to continue operation after the cancellation or material reduction of the liability insurance policy, capability of self-insurance, performance bond, or other equivalent guarantee upon which the original permit was issued; or

224.500. As otherwise required under applicable law or regulation.

225. Applications for Significant Permit revisions and Permit Amendments will be submitted to the Division at least 120 days and 60 days, respectively, before the change in operations is expected to be implemented.

226. Significant Permit Revisions as provided in R645-303-224 will be reviewed and processed by the Division in accordance with the requirements of R645-300-100 and R645-300-200, and the information requirements of R645-301 and R645-302, including requirements for notice, public participation, and notice of decision.

227. Permit Amendments will be processed in accordance with the requirements of R645-300-100 and R645-300-200, and the

information requirements of R645-301 and R645-302, except that permit amendments will not be subject to requirements for notice, public participation, or notice of decision of R645-300-100.

228. The Division will approve or disapprove the Application for Significant Permit Revisions and Permit Amendments, within 120 days and 60 days, respectively, of receipt by the Division of the Administratively Complete Application for Permit Change. The Director may extend the designated time period if it is determined that due to weather conditions, or other considerations, it is physically impossible to perform the review of the Application for Permit Change within that time period.

230. Permit Renewals.

231. General. A valid permit, issued pursuant to the State Program, will carry with it the right of successive renewal, within the approved boundaries of the existing permit, upon expiration of the term of the permit.

232. Application Requirements and Procedures.

232.100. An application for renewal of a permit will be filed with the Division at least 120 days before expiration of the existing permit term.

232.200. An application for renewal of a permit will be in the form required by the Division and will include at a minimum:

232.220. Evidence that a liability insurance policy or adequate self-insurance under R645-301-800 will be provided by the applicant for the proposed period of renewal;

232.230. Evidence that the performance bond in effect for the operation will continue in full force and effect for any renewal requested, as well as any additional bond required by the Division pursuant to R645-301-800;

232.240. A copy of the proposed newspaper notice and proof of publication of same, as required by R645-300-121.100; and

232.250. Additional, revised, or updated information required by the Division.

232.300. Applications for renewal will be subject to the requirements of public notification and public participation contained in R645-300-120 and R645-300-152.

232.400. If an application for renewal includes any proposed revisions to the permit, such revisions will be identified and subject to the requirements of R645-303-220.

232.500. Irrespective of any other R645 rule requirements for permitting coal mining and reclamation operations, a permittee may renew a permit for the purpose of reclamation only if solely reclamation activities remain to be done and no coal will be extracted, processed, or handled. Obligations established under a permit will continue regardless of whether the authorization to extract, process, or handle coal has expired or has been terminated, revoked, or suspended.

233. Approval Process.

233.100. Criteria for approval. The Division will approve a complete and accurate application for permit renewal, unless it finds, in writing that:

233.110. The terms and conditions of the existing permit are not being satisfactorily met;

233.120. The present coal mining and reclamation operations are not in compliance with the environmental protection standards of the State Program;

233.130. The requested renewal substantially jeopardizes the operator's continuing ability to comply with the State Program on existing permit areas;

233.140. The operator has not provided evidence of having liability insurance or self-insurance as required in R645-301-890;

233.150. The operator has not provided evidence that any performance bond required to be in effect for the operation will continue in full force and effect for the proposed period of renewal, as well as any additional bond the Division might require pursuant to R645-301-800; or

233.160. Additional, revised, or updated information required by the Division under R645-303-232.250 has not been provided by the applicant.

233.200. Burden of Proof. In the determination of whether to approve or deny a renewal of a permit, the burden of proof will be on the opponents of renewal.

233.300. Alluvial Valley Floor Variance. If the coal mining and reclamation operation authorized by the original permit was not subject to the standards contained in sections 40-10-11(2)(e)(i) and (ii) of the Act and R645-302-320, because the permittee complied with the exceptions in the proviso to section 40-10-11(2)(e)(ii) of the Act, the portion of the application for renewal of the permit that addresses new land areas previously identified in the reclamation plan for the original permit will not be subject to the standards contained in sections 40-10-11(2)(e)(i) and (ii) of the Act and R645-302-320.

234. Renewal Term. Any permit renewal will be for a term not to exceed the period of the original permit established under R645-300-150.

235. Notice of Decision. The Division will send copies of its decision to the applicant, to each person who filed comments or objections on the renewal, to each party to any informal conference held on the permit renewal, and to the Office.

236. Administrative and Judicial Review. Any person having an interest which is or may be adversely affected by the decision of the Division will have the right to administrative and judicial review set forth in R645-300-200.

KEY: reclamation, coal mines

[+994]2003

Notice of Continuation March 26, 2002
40-10-1 et seq.

Natural Resources; Oil, Gas and Mining; Coal

R645-401

Inspection and Enforcement: Civil Penalties

NOTICE OF PROPOSED RULE (Amendment)

DAR FILE NO.: 26713
FILED: 10/21/2003, 11:43

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule amendment updates the civil penalties part of the coal regulatory program.

SUMMARY OF THE RULE OR CHANGE: The civil penalties authorized in the Utah coal regulatory program are lower in amount than the Federal provisions for coal program civil penalties and have not been updated to account for inflation for about 20 years. This action adopts a level of civil penalties at the same rate as the current Federal provisions.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-10-6.5

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: These rule changes will bring in an estimated \$1,000 annually in additional civil penalties paid to Utah by all coal operators for violations of the Utah Coal Mining and Reclamation Act.

❖ LOCAL GOVERNMENTS: Local governments neither collect nor pay civil penalties since they do not normally mine coal, thus there will be no impact to local government.

❖ OTHER PERSONS: Coal mining companies, after violating the Utah Coal Mining and Reclamation Act will pay an estimated total of \$1,000 per year in additional civil penalties. Each operator's share of this total is impossible to determine due to the nature of violations, weather conditions, operator response time, and good faith efforts in compliance.

COMPLIANCE COSTS FOR AFFECTED PERSONS: As stated under costs for Other Persons above, compliance will cost Utah coal mine operators an estimated \$1,000 in addition to current civil penalties.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: While there will be a fiscal impact on business who are cited for violations in the amount of about \$1,000 per year, civil penalties are not static amounts and we judge that this is the time to make an adjustment to the coal program civil penalty schedule.

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

NATURAL RESOURCES
OIL, GAS AND MINING; COAL
Room 1210
1594 W NORTH TEMPLE
SALT LAKE CITY UT 84116-3154, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ron Daniels at the above address, by phone at 801-538-5316, by FAX at 801-359-3940, or by Internet E-mail at rondaniels@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 12/15/2003

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 12/03/2003 at 10:00 AM, 1594 West North Temple, Suite 1050, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Ron Daniels, Coordinator of Minerals Research

R645. Natural Resources; Oil, Gas and Mining; Coal.
R645-401. Inspection and Enforcement: Civil Penalties.
R645-401-300. Point System for Penalties.

310. Amount of Penalty. In determining the amount of the penalty, if any, to be assessed, consideration will be given to:

311. The operator's history of previous violations at the particular coal mining and reclamation operation, regardless of whether any led to a civil penalty assessment. Special consideration will be given to violations contained in or leading to a cessation order. However, a violation will not be considered if the notice or order containing the violation meets the conditions described in R645-401-321.100 or R645-401-321.200.

.....

330. Determination of Amount of Penalty. The assessment officer will determine the amount of any civil penalty converting the total number of points assigned under R645-401-320 to a dollar amount, according to the following schedule:

TABLE

POINTS	DOLLARS
1	10
2	20
3	30
4	40
5	50
6	60
7	70
8	80
9	90
10	100
11	110
12	120
13	130
14	140
15	150
16	160
17	170
18	180
19	190
20	200
21	220
22	240
23	260
24	280
25	300
26	320
27	340
28	360
29	380
30	400
31	420
32	440
33	460
34	480
35	500
36	520
37	540
38	560
39	580

40	600
41	640
42	680
43	720
44	760
45	800
46	840
47	880
48	920
49	960
50	1000
51	1040
52	1080
53	1120
54	1160
55	1200
56	1240
57	1280
58	1320
59	1360
60	1400
61	1480
62	1560
63	1640
64	1720
65	1800
66	1880
67	1960
68	2040
69	2120
70	2200
71	2280
72	2360
73	2440
74	2520
75	2600
76	2680
77	2760
78	2840
79	2920
80	3000
81	3080
82	3160
83	3240
84	3320
85	3400
86	3480
87	3560

Points	Dollars
1	22
2	44
3	66
4	88
5	110
6	132
7	154
8	176
9	198
10	220
11	242
12	264
13	286
14	308
15	330
16	352
17	374
18	396
19	418
20	440
21	462
22	484
23	506
24	528
25	550
26	660
27	770
28	880

29	990
30	1,100
31	1,210
32	1,320
33	1,430
34	1,540
35	1,650
36	1,760
37	1,870
38	1,980
39	2,090
40	2,200
41	2,310
42	2,420
43	2,530
44	2,640
45	2,750
46	2,860
47	2,970
48	3,080
49	3,190
50	3,300
51	3,410
52	3,520
53	3,630
54	3,740
55	3,850
56	3,960
57	4,070
58	4,180
59	4,290
60	4,400
61	4,510
62	4,620
63	4,730
64	4,840

R645-401-400. Assessment of Separate Violations for Each Day.

410. The assessment officer may assess separately a civil penalty for each day from the date of issuance of the notice of violation or cessation order to the date set for abatement of the violation. In determining whether to make such an assessment, the assessment officer will consider the factors listed in R645-401-300 and may consider the extent to which the permittee gained any economic benefit as a result of a failure to comply. For any violation which continues for two or more days, and which is assigned more than ~~[80]~~64 points under R645-401-320, the assessment officer will assess a civil penalty for a minimum of two separate days.

420. Whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order, a civil penalty of not less than \$750.00 will be assessed for each day during which such failure continues, except that, if the permittee initiates review proceedings with respect to the violation, the abatement period will be extended as follows:

421. If suspension of the abatement requirements of the notice or order is ordered in a temporary relief proceeding under the State Program, after determination that the permittee will suffer irreparable loss or damage from the application of the requirements, the extended period permitted for abatement will not end until the date on which the board issues a final order; and

422. If the permittee initiates review proceedings under the State Program with respect to the violation, in which the obligations to abate are suspended by the court pursuant to the State Program, the daily assessment of a penalty will not be made for any period before entry of a final order by the court.

430. Such penalty for the failure to abate the violation will not be assessed for more than 30 days for each violation. If the permittee has not abated the violation within the 30-day period, the

Division will within 30 days appeal such noncompliance to the Board for resolution under Subsections 40-10-20(5), 40-10-20(6), 40-10-22(1)(d), or 40-10-22(2) of the Act, or by other appropriate means.

KEY: reclamation, coal mines
~~[October 1, 1999]~~2003
 Notice of Continuation April 19, 1999
 40-10-1 et seq.



Natural Resources, Wildlife Resources
R657-6
 Taking Upland Game

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 26762
 FILED: 10/30/2003, 08:47

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 wild turkey program as approved by the Wildlife Board.

SUMMARY OF THE RULE OR CHANGE: Subsection R657-6-6(11) is being amended to clarify the waiting periods for wild turkey; and Subsection R657-6-6(14)(d) is being amended to add that an amendment to a wild turkey application may cause rejection if the amendment causes and error on the application. Subsection R657-6-7(3) is being amended to add that the landowner must identify the permit designee at the time of application. Other changes being made are to renumber the appropriate sections.

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

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** This amendment clarifies existing requirements. The proposed changes to this rule do not create a cost or savings impact to the state budget or the Division of Wildlife Resources' (DWR) budget.
- ❖ **LOCAL GOVERNMENTS:** This amendment clarifies existing requirements. These proposed changes do 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 clarifies existing requirements. These proposed changes to the rule 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 clarifies existing requirements. These proposed changes to the rule do not create additional compliance costs.

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 12/15/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.

R657-6. Taking Upland Game.

R657-6-6. Application Procedure, Waiting Period and Bonus Points for Wild Turkey.

(1)(a) Applications are available from Division offices, license agents, and the Division's Internet address. Applications must be mailed by the date prescribed in the Turkey Addendum to the Upland Game Proclamation of the Wildlife Board for taking upland game.

(b) Residents and nonresidents may apply.

(c) The application period for wild turkey is published in the Turkey Addendum to the Upland Game Proclamation of the Wildlife Board for taking upland game.

(2)(a) Applications completed incorrectly or received after the date prescribed in the Turkey Addendum to the Upland Game Proclamation may be rejected.

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

(3)(a) Late applications, received by the date published in the Turkey Addendum to the Upland Game Proclamation of the Wildlife Board for taking upland game, 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) reevaluation of Division and 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 Turkey Addendum to the Upland Game Proclamation of the Wildlife Board for taking upland game shall not be processed and shall be returned to the applicant.

(4)(a) Group applications for wild turkey will not be accepted.

(b) Applicants may select up to three hunt choices when applying for limited entry turkey permits. Hunt unit choices must be listed in order of preference.

(5)(a) A person may obtain only one wild turkey permit each year, except a person may obtain wild turkey conservation permits in addition to obtaining a limited entry or remaining wild turkey permit.

(b) A person may not apply for wild turkey more than once annually.

(c) A turkey permit allows a person using any legal weapon to take one male turkey within the area and season specified on the permit.

(6) A small game license or combination license may be purchased before applying or the small game license or combination license will be issued upon successfully drawing a permit. Fees must be submitted with the application.

(7) Each application must include:

(a) the nonrefundable handling fee;

(b) the limited entry turkey permit fee; and

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

(8) The posting date of the drawing results is published in the Turkey Addendum to the Upland Game Proclamation of the Wildlife Board for taking upland game.

(9)(a) Any permits remaining after the drawing are available only by mail-in request.

(b) Requests for remaining permits must include:

(i) full name, complete mailing address, phone number, date of birth, weight, height, sex, color of hair and eyes, Social Security number, and driver's license number (if available);

(ii) proof of hunter education certification, if applicable;

(iii) small game or combination license number or fees; and

(iv) the permit fee.

(c) Requests must be submitted to the Salt Lake Division office as published in the Turkey Addendum to the Upland Game proclamation of the Wildlife Board for taking upland game.

(d) Requests shall be filled on a first-come, first-served basis beginning on the date published in the Turkey Addendum to the Proclamation of the Wildlife Board for taking upland game.

(10) Unsuccessful applicants will receive a refund in March.

(11)(a) Any person who obtained a Rio Grande turkey permit during the preceding two years may not apply for or obtain a Rio Grande or Merriam's turkey permit for the current year[-], except as provided in Subsections (c) and (d).

(b) Any person who [obtains a Rio Grande or] obtained a Merriam's turkey permit [in] during the [current] preceding year, may not apply for or obtain a Merriam's or Rio Grande [or Merriam's] turkey permit for [a period of two years, except:] the current year, except as provided in Subsections (c) and (d).

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

~~(d)~~ (d) Waiting periods do not apply to conservation permits or landowner permits.

(12)(a) A bonus point is awarded for:

(i) a valid unsuccessful application when applying for a permit in the turkey drawing; or

(ii) a valid application when applying for a bonus point in the turkey drawing.

(b)(i) A person may not apply for a bonus point if that person is ineligible to apply for a permit.

(ii) A person may apply for one turkey bonus point each year, except a person may not apply in the drawing for both a turkey permit and a turkey bonus point in the same year.

(iii) Group applications will not be accepted when applying for bonus points.

(c) A bonus point shall not be awarded for an unsuccessful landowner application.

(d) Each applicant receives a random drawing number for:

(i) the current valid turkey application; and

(ii) each bonus point accrued.

(iii) The applicant will retain the lowest random number for the drawing.

(e)(i) Fifty percent of the permits for each hunt unit will be reserved for applicants with bonus points.

(ii) 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.

(iii) If reserved permits remain, the reserved permits will be designated by random number to eligible applicants with the next greatest number of bonus points.

(iv) The procedure in Subsection (iii) will continue until all reserved permits have been issued or no applications for that hunt unit remain.

(v) Any reserved permits remaining and any applicants who were not selected for reserved permits will be returned to the drawing.

~~(f)~~(f) Bonus points are forfeited if a person obtains a wild turkey permit, except as provided in Subsection (f).

~~(g)~~(g) Bonus points are not forfeited if:

(i) a person is successful in obtaining a Conservation Permit or Sportsman Permit;

(ii) a person obtains a Landowner Permit; or

(iii) a person obtains a Poaching-Reported Reward Permit.

~~(h)~~(h) Bonus points are not transferable.

~~(i)~~(i) Bonus points are tracked using social security numbers or Division-issued hunter identification numbers.

(13)(a) An applicant may withdraw their application for the wild turkey permit drawing by requesting such in writing by the date published in the Turkey Addendum to the Proclamation of the Wildlife Board for taking upland 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) Handling fees will not be refunded.

(14)(a) An applicant may amend their application for the wild turkey permit 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) An amendment may cause rejection if the amendment causes an error on the application.

R657-6-7. Landowner Permits.

(1)(a) Up to an additional 20 percent of the limited entry permits authorized for taking Merriam's and Rio Grande turkeys are available to private landowners through a drawing.

(b) Landowners interested in obtaining landowner permits must contact the regional Division office in their area November 15 through December 15 to be eligible for the landowner permit drawing and to obtain an application.

(c) Landowner permit applications that are not signed by the local Division representative will be rejected.

(d) Landowner permit applications must be received by the date published in the Turkey Addendum to the Upland Game Proclamation of the Wildlife Board for taking upland game.

(2)(a) A landowner who owns at least 640 acres of essential habitat that supports wild Merriam's turkeys or at least 20 acres of essential habitat that supports wild Rio Grande turkey within any of the open limited entry areas for wild turkeys is eligible to participate in the drawing for available landowner turkey permits.

(b) Land qualifying as essential habitat and owned by more than one landowner may qualify for a landowner permit. However, the landowners who own the qualifying land must determine the landowner who will be participating in the drawing.

(c) "Essential habitat" means areas where wild turkeys regularly and consistently roost, feed, loaf, nest or winter.

(3)(a) A landowner who applies for a landowner permit may:

(i) be issued the permit; or

(ii) designate a member of the landowner's immediate family or landowner's regular full-time employee to receive the permit.

(b) At the time of application, the landowner must identify the designee who will receive the permit.

(c) The landowner permit may be used only on the open limited entry area in which the landowner's property is located during the open season established for hunting wild turkeys.

(4) The posting date of the drawing results for landowner permits is published in the Turkey Addendum to the Upland Game Proclamation of the Wildlife Board for taking upland game.

(5)(a) Any landowner permits remaining after the landowner drawing shall be converted to public limited entry permits for that specific unit.

(b) These permits shall be issued through the limited entry drawing. Therefore, the number of public permits listed in the Turkey Addendum to the Upland Game Proclamation of the Wildlife Board for taking upland game, may increase.

(6)(a) A waiting period does not apply to landowners applying for landowner permits.

(b) A landowner may apply once annually for a landowner permit and a limited entry permit, but may only draw or obtain one permit.

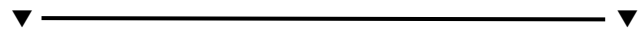
KEY: wildlife, birds, rabbits, game laws

~~December 18, 2002~~ 2003

Notice of Continuation June 16, 2002

23-14-18

23-14-19



Natural Resources, Wildlife Resources

R657-22

Commercial Hunting Areas

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26763

FILED: 10/30/2003, 08:54

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 commercial hunting area program as approved by the Wildlife Board, specifically addressing three main areas: 1) to shift the burden of assuring that a Commercial Hunting Area (CHA) application is complete and accurate from division personnel to the private applicant; 2) ensure CHA operators do not have a history of unethical behavior, demonstrate a propensity to violate wildlife law, or otherwise are negative examples of the CHA program; and 3) improve disease prevention and control in game birds held by the CHA.

SUMMARY OF THE RULE OR CHANGE: Section R657-22-2 is being amended to add the acronym and definition of a Commercial Hunting Area (CHA) and clarify the definition of "operator." Under Sections R657-22-3 and R657-22-4, new language is being added to shift accountability for accurate and complete CHA applications from the division to the applicant. Section R657-22-3 is being amended to change the application deadline for CHA applications from July 1 to May 1, annually; and to authorize a Certificate of Registration for a three-year period. Section R657-22-5 is being amended to add provisions for avoiding or eliminating persons demonstrating disregard for ethical business practices, wildlife laws and disrespect for the CHA program. Sections R657-22-6, R657-22-10, and R657-10-11 are being amended to provide provisions to improve disease prevention and control among game birds held on the CHA. Other changes are being made for consistency and clarity.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 23-17-6

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The Division of Wildlife Resources (DWR) has determined that DWR budget may be impacted over a three-year period resulting in a loss of approximately \$30,000 (approximately 100 CHA applications annually at \$150 COR fee each X 3 years = \$45,000). The remaining amendments are for clarification and do not create a cost or savings impact to the state budget or the DWR's budget.

❖ LOCAL GOVERNMENTS: This amendment is for clarification. These proposed changes do 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. These proposed changes to the rule 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 division will benefit by having fewer applications to process over a three year period and free-up personnel to address other work responsibilities -- a trade-off that will compensate for the projected revenue loss of \$30,000 over the three-year period. Private operators of CHAs will be relieved of applying annually. Operators will experience a cost savings of \$300 dollars each during the three-year period. In addition, CHA operators may incur a minimal cost for testing game birds. A small number of CHAs, acquiring game birds from producers within Utah, will be required to test a statistically valid number of their birds to assure disease-free status. The majority of operators obtain birds from outside of Utah and no significant changes in testing are expected. The remaining amendments are for clarification and do not create additional compliance costs.

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 12/15/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Kevin Conway, Director

R657. Natural Resources, Wildlife Resources.**R657-22. Commercial Hunting Areas.****R657-22-1. Purpose and Authority.**

Under authority of Section 23-17-6, this rule provides the procedures and requirements for establishing, maintaining, and operating a [commercial hunting area]CHA.

R657-22-2. Definitions.

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

(2) In addition:

(a) "CHA" means Commercial Hunting Area.

(b) "Commercial hunting area" means a parcel of land where pen-raised or propagated game birds are released for the purpose of allowing hunters to take them for a fee.

(c) "Game bird" means, for the purpose of this rule only, all species of partridge, pheasant, and quail authorized for release on a [commercial hunting area]CHA.

~~[(e) "Operator" means an individual, partnership, association, corporation, business entity, or an agent of the foregoing, who]~~~~(d) "Operator" means a person, group, or business entity, including their agents, employees and contractors, that manages, owns, administers, or oversees the activities and [operation of a commercial hunting area.]~~operations of a CHA. Operator further includes any person, group or business entity that employs or contracts another to serve or act as an operator.

~~[R657-22-3.]~~**R657-22-3. Application for a Certificate of Registration [Required].**

~~[(4)](1)(a)~~ A certificate of registration is required before any person may operate a ~~[commercial hunting area.]~~CHA.

~~[(2)(a) Any person who owns or leases land and controls the shooting and hunting rights for that property may apply for a](b)~~ An application for a CHA certificate of registration must be completed and returned to the regional office where the proposed CHA is located by May 1.

~~[(2)(a) Any application that does not clearly and legibly verify ownership or lease by the applicant as required in Subsection (3), of all property for which the application applies shall be returned to the applicant.~~

~~[(b) Discovery of property after issuance of the CHA certificate of registration, which is not approved by its owner or lessee to be included in the CHA, shall immediately void the CHA certificate of registration.~~

~~[(3)(a) The application must be accompanied by:~~

~~[(i) County Recorder Plat maps, or equivalent maps, dated by receipt of purchase within 30 days of submitting the CHA application, depicting boundaries and ownership of all property within the CHA;]-~~

~~[(b) Applications are available from division offices.~~

~~[(3) In addition to the application, the applicant must provide the following:~~

~~[(a) two photocopies of the following maps of the proposed commercial hunting area to scale:~~

~~[(i) county plat maps;] and~~

~~[(ii) U.S. Geological Survey topographical maps, no smaller scale than 7 1/2 minutes, with the proposed boundaries clearly marked;~~

~~[(b) a legal description and county tax identification number of the property, including total acreage;~~

~~[(c) proof of ownership or a lease agreement for the period of authorization as follows:~~

~~[(i)](iii) evidence of ownership of the property, such as a copy of a title, deed, or tax notice that [establishes proof]provides evidence the applicant is the owner of the property described; or~~

~~[(ii)](iv) a lease agreement for the period of the CHA certificate of registration, listing the name, address and telephone number of the lessor, that [establishes proof]provides evidence the applicant is the lessee of the hunting or shooting rights of the property described;~~

~~[(d)](v) the address of any propagation or game bird holding facility not located on the [commercial hunting area]CHA property; and~~

~~[(e) a \$150](vi) the CHA certificate of registration fee.~~

(4) The division may return any application that is incomplete, completed incorrectly, or that is not accompanied by the information required in Subsection (3).

(5)(a) Review and processing of the application may require up to 45 days.

(b) More time may be required to process an application if the applicant requests authorization from the Wildlife Board for a variance to this rule.

~~(6)(a) Applications must be submitted to the division regional office in which the commercial hunting area is located by July 1 each year the commercial hunting area is to be hunted.~~

~~[(b)] Applications are not accepted for a CHA that is [from any person who requests to establish a commercial hunting area:~~

~~[(i) within 1/4 mile of any existing commercial hunting area without requesting a variance from the Wildlife Board and a written agreement from the operator of the existing commercial hunting area; and~~

~~[(ii)] within 1/4 mile of any existing state wildlife or waterfowl management area without requesting a variance from the Wildlife Board.~~

(7) The division may deny any application or impose provisions on the CHA certificate of registration that are more restrictive ~~[to]than~~ this rule in the interest of wildlife or wildlife habitat.

(8) Commercial Hunting Area certificates~~[If an application is denied, the division shall state the reason in writing within 30 days of denial.~~

~~[(9) Certificates]~~ of registration are effective from the date issued through ~~[March 31]June 30~~ of the ~~[following]third consecutive year.~~

~~[(40)](9)~~ Rights granted by a CHA certificate of registration are not transferable or assignable.

R657-22-4. Renewal of Certificate of Registration.

(1) A certificate of registration may be renewed by completing a renewal application and paying a CHA certificate of registration renewal fee~~[of \$150].~~

~~[(2)](2)(a)~~ Renewal applications must be completed and submitted to the division regional office in which the ~~[commercial hunting area is located by July 1 each year the commercial hunting area is to be hunted.]~~CHA is located by May 1 immediately prior to the June 30 expiration date identified on the current CHA certificate of registration.

~~[(3) In addition to the renewal application and renewal fee, the applicant must provide the following:](b) Any application that does not clearly and legibly verify ownership or lease by the applicant as required in Subsection (3), of all property for which the application applies shall be returned to the applicant.~~

~~[(a) a current lease agreement if any land within the commercial hunting area boundary is being leased, including:](c) Discovery of property during the CHA certificate of registration period, which is not approved by its owner or lessee to be included in the CHA, shall immediately void the CHA certificate of registration.~~

~~[(i) the lessor's](3)(a) The renewal application must be accompanied by:~~

~~[(i) a lease agreement extending through the period of the CHA certificate of registration being applied for listing the name, address and telephone number of the lessor, that provides evidence the applicant is the lessee of the hunting or shooting rights of the property described;:]~~

~~[(ii) the county tax identification number of properties being leased;~~

~~[(b)](ii) an annual report as provided in Subsection R657-22-6(2); and~~

~~(e) any requested change to the~~ (iii) any change in property ownership differing from ownership identified in the CHA certificate of registration [that was issued for the previous year] immediately preceding the current application, including updated maps as provided in Subsection R657-22-3(3)(a) if the [commercial hunting area] CHA boundaries change.

R657-22-5. Conditions for Approval ~~of~~ Initial and Renewal Applications.

(1) [Applications for] Initial and renewal [shall] applications may be denied by the division if the [commercial hunting area] applicant or operator, or any of its agents or employees: [;]

~~(a) failed to comply with~~ (a) violated any provision of this rule [or any provision of the], the Wildlife Resources Code, a CHA certificate of registration, or the CHA application; [;]

~~(b) failed to adequately medicate or control the spread of a contagious disease;~~

~~(c) refused to allow the division to inspect any premises, facility, wildlife, or required records;~~

~~(d) restricted public access upon public roads or public rights-of-way or easements through the commercial hunting area;~~

~~(e) conducted commercial hunting activities on property not authorized on the certificate of registration;~~

~~(f) failed to release the minimum number of game birds specified on the certificate of registration or harvested more than 85% of the game birds released;~~

~~(g)~~ (b) obtained or attempted to obtain a CHA certificate of registration by fraud, deceit, falsification, or misrepresentation;

~~(c)~~ (c) is employed, contracted through writing or verbal agreement, assigned, or requested to apply and act as the operator by a person, group, or business entity that will directly or indirectly benefit from the CHA, but would otherwise be ineligible under this rule or by virtue of suspension under Section 23-19-9 to operate a CHA if they applied directly as the operator; or

~~(h) falsified any required report or record.~~ (d) engaged in conduct that results in the conviction of, a plea of no contest to, a plea held in abeyance, or a diversion agreement to a crime of moral turpitude, or any other crime that when considered with the functions and responsibilities of a CHA operator bears a reasonable relationship to the operator's or applicant's ability to safely and responsibly operate a CHA.

(2) If an application is denied, the division shall state the reasons in writing within 30 days of denial.

R657-22-6. Records and Reports -- Annual Report.

(1) The operator of a [commercial hunting area] CHA shall maintain complete and accurate records of:

(a) the number, species, and source of any game birds purchased or propagated;

(b) health certificates for all game birds purchased from outside the state of Utah;

(c) the number, species and date the game birds are released; and

(d) the number, species and date of game birds taken within the [commercial hunting area] CHA boundary, including wild game birds; and

(e) copies of the bill of sale issued to hunters and any other person who purchases game birds.

(2) Each operator must submit an annual report on a form provided by the division within 30 days of the close of the season or at the time of renewal, including:

(a) the number of game birds by species that were released and the total number of game birds taken by hunters or sold;

(b) the date, source, and number of the game birds purchased; and

(c) the number of game birds by species held in possession on ~~May~~ April 15.

(3) All records must be maintained on the hunting premises or the principal place of business for three years and must be available for inspection by the division.

(4) Falsifying or fabricating any record or report is prohibited and may result in forfeiture of CHA opportunities.

R657-22-7. Boundary Marking.

(1) The [commercial hunting] CHA area must be posted:

(a) at least every 300 feet along the outer boundary of all hunted areas; and

(b) on all corners, streams, rivers, drainage divides, roads, gates, trails, rights-of-way, dikes, canals, and ditches crossing the boundary lines.

(2) Each sign used to post the property must be at least 8-1/2 by 11 inches and must clearly state:

(a) the name of the [commercial hunting area] CHA as designated on the CHA certificate of registration;

(b) the words "No Trespassing"; and

(c) wording indicating the sign is located on the [commercial hunting area] CHA boundary.

(3)(a) If the [commercial hunting area] CHA operator fails to renew a CHA certificate of registration or a renewal application is denied, all signs shall be immediately removed.

(b) The division may remove and dispose of any signs that are not removed within 30 days after the termination of the CHA certificate of registration.

(4) Commercial hunting area activities may only be conducted on property properly posted and specifically authorized in the CHA certificate of registration.

(5) Commercial hunting area operators may not post or otherwise restrict public access on public roads, right-of-ways, or easements within the CHA.

R657-22-8. Acreage Requirements.

(1)(a) The minimum acreage accepted for a [commercial hunting area] CHA is 160 acres in a single, connected tract.

(b) The maximum acreage accepted for a [commercial hunting area] CHA is 1,920 acres in a single, connected tract.

(2) A [commercial hunting area] CHA may not be established closer than 1/4 mile of [any other commercial hunting area,] a wildlife management area, or waterfowl management area, unless otherwise allowed by a variance of the Wildlife Board.

(3) The Wildlife Board may allow a variance [;] ~~(a)~~ to the acreage requirements provided in Subsection (1) if no more than 1,920 acres are to be used for hunting at any one time; and

~~(b) to the minimum distance requirements provided in Subsection (2) if the operator of the existing commercial hunting area signs a written letter of agreement.~~

R657-22-9. Bill of Sale Required.

(1) The operator of a [commercial hunting area] CHA shall issue a bill of sale to each person who has taken a game bird from the [commercial hunting area] CHA.

(2) The bill of sale shall be issued prior to the transportation of any bird from the ~~[commercial hunting area]~~CHA.

(3) The bill of sale must include:

- (a) the person's name;
- (b) the date the game birds were taken or purchased;
- (c) the species, number of game birds, and sex of the game birds; and
- (d) the name of the ~~[commercial hunting area]~~CHA where the game birds were taken or purchased.

R657-22-10. Importation.

(1) A CHA certificate of registration allows the importation of live game birds provided the operator ~~has obtained~~first obtains a valid certificate of veterinary ~~health signed by a certified veterinarian or pathologist that each game bird has been examined prior to importation and there is no evidence of any communicable disease.~~inspection covering each imported game bird, and further ~~receives an import permit from the Utah Department of Agriculture and Food consistent with the requirements of Rule R58-1.~~

(2) The health certificate must contain an entry permit number from the Department of Agriculture as provided in Section R58-1-4.

R657-22-11. Disease Protocol.

(1) The division may:

- (a) investigate any reported disease and take any necessary action to control a contagious or infectious disease affecting domestic animals, wildlife, or public health; or
- (b) order a veterinarian or certified pathologist's report of a suspected disease at the operator's expense, and may order quarantine, immunization, testing, or other sanitary measures.

(2)(a) The division may order the destruction and disposal of any game bird found to have an untreatable disease which poses a potential threat or health risk to domestic poultry, humans, or wildlife, as determined by the division, the Department of Agriculture, or the Department of Health.

(b) Actions taken pursuant to Subsection (a) shall be:

- (i) at the operator's expense; and
- (ii) accomplished by following procedures acceptable to the division that ensure the disease is not transmitted to wildlife, domestic animals, or humans.

(3)(a) Commercial hunting area operators must take reasonable precautions to prevent and control the spread of infectious diseases among pen-raised game birds under their control including the requirements as provided in Subsection (b) and Section R657-22-10.

(b) Commercial hunting area operators must obtain a statement from a veterinarian that the birds have been tested for Salmonella pullorum or come from a source flock that participates in the National Poultry Improvement Plan (NPIP).

(c) Commercial hunting area operators who have a current CHA certificate of registration must comply with the requirement in Subsection (b) within six months from the effective date of this rule.

R657-22-12. Authorized Species.

The only game birds that may be released or propagated under the authority of a CHA certificate of registration are species of partridge, pheasant, or quail, including any subspecies.

R657-22-13. Inspection of Game Birds, Premises, and Records.

(1)(a) Certificates of registration are issued upon the express condition that the operator agrees to permit the division and public health and safety officials to enter and inspect the premises,

facilities, and all required records and health certificates to ensure the ~~[commercial hunting area]~~CHA is in compliance with this rule and other applicable laws.

(b) Commercial hunting area operators must allow the division and public health and safety officials reasonable access to conduct the inspections authorized in Subsection (1)(a).

(2) Inspections shall be made during reasonable hours.

R657-22-14. Restrictions on Release and Harvest.

(1)(a) Except as provided in Subsection R657-22-16(2)(e), game birds raised or held in possession under this rule may be released only on the ~~[commercial hunting area]~~CHA property.

(b) Each game bird released must be healthy, capable of flight, and free of disease.

(c) A person may not retard or restrict a game bird's ability to fly or run by clipping, brailling, blinding, pinioning, harnessing, or drugging.

(2) At least 100 game birds of each authorized species, ~~or as approved by the Wildlife Board, or otherwise stated on the CHA certificate of registration,~~ shall be released on the ~~[commercial hunting area]~~CHA during the current operating year.

(3)(a) Operators may not allow the harvest of more than 85% of each species released, except as provided in Subsection (b).

(b) There is no limit to the percentage of game birds that may be harvested that are not, in the opinion of the division, established as a wild population in the vicinity of the ~~[commercial hunting area]~~CHA. Any variance to Subsection (a) shall be indicated on the CHA certificate of registration.

(4) Only those game birds obtained from the following sources may be released or held in possession on a ~~[commercial hunting area]~~CHA:

- (a) an aviculturist, certified as provided in Rule R657-4;
- (b) a ~~[commercial hunting area]~~CHA, certified under this rule;

or

(c) a source located outside of Utah provided the game birds are imported as provided in Rule R58-1.

(5) Protected wildlife not authorized for release on the ~~[commercial hunting area]~~CHA may be hunted only during their respective seasons as provided in the rules and proclamations of the Wildlife Board.

R657-22-15. Recapture.

(1)(a) Trapping game birds alive or retrapping game birds that have been released is permitted only:

- (i) within the ~~[commercial hunting]~~CHA area boundaries;
- (ii) from September 1 through April 2; and
- (iii) for wild species listed on the CHA certificate of registration as not established in the area.

(b) Any game bird that escapes from the ~~[commercial hunting area]~~CHA becomes the property of the state of Utah and may not be recaptured.

(2) Any game bird trapped alive may not be recounted or added to the total number of birds released when computing the number which may be taken as provided in Subsection R657-22-14(3).

R657-22-16. Propagation.

(1) The CHA certificate of registration allows the propagation of those species of game birds held in possession as indicated on the CHA certificate of registration.

(2) Any game birds held in possession under this rule must be released on the [~~commercial hunting area~~CHA] or may be sold:

- (a) to a private wildlife farm, certified as provided in Rule R657-4;
- (b) a [~~commercial hunting area~~CHA], certified under this rule;
- (c) to a person located outside of Utah;
- (d) to a person for consumption; or
- (e) for use in training dogs or the sport of falconry as provided in Rule R657-46.

(3)(a) If a [~~commercial hunting area~~CHA] game bird is held in possession at any location other than that listed on the application or transferred alive to any other location, prior authorization must be obtained from the division or must be authorized on the CHA certificate of registration.

(b) Authorization for the possession of live game birds for any primary purpose other than being released to allow hunters to take them for a fee may be obtained under the provisions of Rule R657-4 or Rule R657-46.

~~R657-22-17]. Commercial Hunting Area Registration and Requirements for Hunters.~~

~~— (1) Any person desiring to operate a commercial hunting area to permit the releasing and shooting of pen-raised game birds may apply to the Wildlife Board for authorization to do so and must comply with all requirements in accordance with Section 23-17-6.~~

~~— (2) Any person hunting within the state on any commercial hunting area must be at least 12 years old and meet hunter education requirements as provided in Section 23-17-6.~~

~~R657-22-18]. Season Dates.~~

(1)(a) Hunting on [~~commercial hunting~~CHA] areas is permitted from September 1 through March 31.

(b) The Wildlife Board may authorize a variance to the dates provided in Subsection (a) if:

- (i) wild game birds do not nest within the location of the [~~commercial hunting area~~CHA] or surrounding areas; and
- (ii) there are no detrimental effects to other species of wildlife.

(2) If September 1 falls on a Sunday, the season will open on August 31.

(3) The director may extend the season up to fifteen days, provided wild nesting game birds are not adversely affected.

~~R657-22-19-18. Hunting Hours and Hunter Requirements.~~

(1) Game birds may be taken on a [~~commercial hunting area~~CHA] only one-half hour before sunrise through one-half hour after sunset, except on a [~~commercial hunting area~~CHA] located adjacent to a state wildlife or waterfowl management area, game birds may be taken one-half hour before sunrise through sunset.

(2) Any person hunting within the state on any CHA must be at least 12 years old and meet hunter education requirements as provided in Section 23-17-6.

~~R657-22-19. Suspension.~~

The division may suspend a CHA certificate of registration for a CHA as authorized under Section 23-19-9 and Rule R657-26.

KEY: game birds[*], wildlife, wildlife law

~~August 17, 1999~~2003

Notice of Continuation June 3, 2002

63-46b-5

23-17-6



Tax Commission, Auditing
R865-91-50
Addition to Federal Taxable Income for
Interest Earned on Bonds, Notes, and
Other Evidences of Indebtedness
Pursuant to Utah Code Ann. Section
59-10-114

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 26765

FILED: 10/30/2003, 13:03

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-10-114 requires an addition to income for interest earned on bonds or other evidences of indebtedness issued by an entity other than this state.

SUMMARY OF THE RULE OR CHANGE: This proposed amendment indicates that the addition to income for interest earned on bonds or other indebtedness issued by an entity other than this state applies to bonds held in a bond fund that are purchased by the bond fund on or after January 1, 2003.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-10-114

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Any costs or savings were taken into account by 2001 HB 1006. (DAR NOTE: H.B. 1006 is found at UT L 2001 Ch 7 (1st Spec Sess), and was effective August 20, 2001.)

❖ LOCAL GOVERNMENTS: Any costs or savings were taken into account by 2001 H.B. 1006.

❖ OTHER PERSONS: Any costs or savings were taken into account by 2001 H.B. 1006.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Individuals will be required to pay tax on interest earned on bonds issued by an entity other than this state.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be additional tax paid by individuals on the interest earned on bonds if issued by an entity other than a Utah entity.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@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 12/15/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Pam Hendrickson, Commissioner

R865. Tax Commission, Auditing.

R865-9I. Income Tax.

R865-9I-50. Addition to Federal Taxable Income for Interest Earned on Bonds, Notes, and Other Evidences of Indebtedness Pursuant to Utah Code Ann. Section 59-10-114.

The addition to federal taxable income required under Section 59-10-114 for interest earned on bonds, notes, and other evidences of indebtedness acquired on or after January 1, 2003 applies to:

A. interest on individual bonds, notes, or other evidences of indebtedness purchased by a resident or nonresident individual on or after January 1, 2003; and

B. for bonds, notes, and other evidences of indebtedness held in a bond fund owned by a resident or nonresident individual, the portion of interest attributable to individual bonds, notes, and other evidences of indebtedness purchased by the bond fund on or after January 1, 2003.

KEY: historic preservation, income tax, tax returns, enterprise zones

~~[June 10,]2003~~

Notice of Continuation April 22, 2002

59-7-3



Tax Commission, Property Tax
R884-24P-33
2004 Personal Property Valuation
Guides and Schedules Pursuant to
Utah Code Ann. Section 59-2-301

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 26766

FILED: 10/30/2003, 14:35

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 59-1-210(3) authorizes the State Tax Commission to promulgate rules that aid county officials in the performance of any duties relating to the assessment and equalization of property within the county.

SUMMARY OF THE RULE OR CHANGE: This is an additional amendment to the annual update of the personal property guides and schedules for local assessment of business personal property.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-301

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: The amount of savings or cost to state government is undetermined. The State receives tax revenue for assessing and collecting and for the uniform school fund based on increased or decreased personal property value. These funds are distributed back to local governments. Without knowing the acquisitions and deletions of personal property during 2003, any increase or decrease in 2004 tax revenue, even with no percent good schedule changes, could not be determined. An amendment to Class 1, Short Life Property is proposed to reflect a recalculation of the schedule trending, adjusting the first year factor (2003) from 70% to 69%. An amendment to Class 5, Furniture and Trade Fixtures sixth year factor (1998) is proposed to reflect a recalculation of the schedule trending from 42% to 41%. An amendment to Class 12, Computer Hardware is proposed to reflect an adjustment from the first year factor (2003) of 85% to 70% to reflect additional functional and economic obsolescence due to technological advancements and economic circumstances. These adjustments will result in a lower valuation and reduction in tax revenue from property in these classes.

❖ LOCAL GOVERNMENTS: The amount of saving or cost to local government is undetermined. Local governmental entities receive tax revenue based on increased or decreased personal property value. Without knowing the acquisitions and deletions of personal property during 2003, any increase or decrease in 2004 tax revenue, even with no percent good schedule changes, could not be determined. Proposed adjustments to Class 1, Short Life Property first year factor (2003) from 70% to 69%, and Class 5, Furniture and Trade Fixtures sixth year (1998) factor from 42% to 41% are proposed to reflect recalculations of trending factors. A proposed adjustment to Class 12, Computer Hardware is proposed to reflect a 13% reduction in first year (2003) percentage factor in this class -- reflecting additional functional and economic obsolescence due to technological advancements and economic circumstances. These adjustments will result in a lower valuation and reduction in tax revenue from property in these classes. In aggregate for all personal property schedules, it is not anticipated that the proposed change in Classes 1, 5, and 12 schedules will have a significant impact on revenue.

❖ OTHER PERSONS: In the aggregate, the amount of savings or cost to individuals and business is undetermined. Affected persons pay taxes based on increased or decreased personal property value. Without knowing the acquisitions and

deletions of personal property during 2003, any increase or decrease in 2004 tax liability, even with no percent good schedule changes, could not be determined. It is not possible to determine the change to affected persons without knowing the 2004 property mix compared to the 2003 historical totals.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Only entities having computer hardware purchased in 2003 will be affected by the proposed changes in Class 12. Those taxpayers may pay less in taxes due to a reduced valuation of their personal property in 2004 compared to 2003 if there is no change in tax rates. Entities reporting Class 1 and Class 5 property would have only minor changes in tax liability due to these proposed adjustments.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: As indicated above, the fiscal impact to businesses from changes in the proposed personal property schedules due to proposed changes to this rule will not be as significant as changes in the annual tax rate.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Cheryl Lee at the above address, by phone at 801-297-3900, by FAX at 801-297-3919, or by Internet E-mail at clee@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 12/15/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 12/16/2003

AUTHORIZED BY: Pam Hendrickson, Commissioner

R884. Tax Commission, Property Tax.

R884-24P. Property Tax.

R884-24P-33. 2004 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301.

A. Definitions.

1. "Acquisition cost" means all costs required to put an item into service, including purchase price, freight and shipping costs; installation, engineering, erection or assembly costs; and excise and sales taxes.

a) Indirect costs such as debugging, licensing fees and permits, insurance or security are not included in the acquisition cost.

b) Acquisition cost may correspond to the cost new for new property, or cost used for used property.

2. "Actual cost" includes the value of components necessary to complete the vehicle, such as tanks, mixers, special containers, passenger compartments, special axles, installation, engineering, erection, or assembly costs.

a) Actual cost does not include sales or excise taxes, maintenance contracts, registration and license fees, dealer charges, tire tax, freight, or shipping costs.

3. "Cost new" means the actual cost of the property when purchased new.

a) Except as otherwise provided in this rule, the Tax Commission and assessors shall rely on the following sources to determine cost new:

(1) documented actual cost of the new or used vehicle; or

(2) recognized publications that provide a method for approximating cost new for new or used vehicles.

b) For the following property purchased used, the taxing authority may determine cost new by dividing the property's actual cost by the percent good factor for that class:

(1) class 6 heavy and medium duty trucks;

(2) class 9 off-highway vehicles;

(3) class 11 street motorcycles;

(4) class 13 heavy equipment;

(5) class 14 motor homes;

(6) class 17 boats;

(7) class 18 travel trailers/truck campers;

(8) class 21 commercial and utility trailers;

(9) class 23 aircraft subject to the aircraft uniform fee and not listed in the aircraft bluebook price digest; and

(10) class 26 personal watercraft.

4. "Percent good" means an estimate of value, expressed as a percentage, based on a property's acquisition cost or cost new, adjusted for depreciation and appreciation of all kinds.

a) The percent good factor is applied against the acquisition cost or the cost new to derive taxable value for the property.

b) Percent good schedules are derived from an analysis of the Internal Revenue Service Class Life, the Marshall and Swift Cost index, other data sources or research, and vehicle valuation guides such as NADA.

B. Each year the Property Tax Division shall update and publish percent good schedules for use in computing personal property valuation.

1. Proposed schedules shall be transmitted to county assessors and interested parties for comment before adoption.

2. A public comment period will be scheduled each year and a public hearing will be scheduled if requested by ten or more interested parties or at the discretion of the Commission.

3. County assessors may deviate from the schedules when warranted by specific conditions affecting an item of personal property.

When a deviation will affect an entire class or type of personal property, a written report, substantiating the changes with verifiable data, must be presented to the Commission. Alternative schedules may not be used without prior written approval of the Commission.

4. A party may request a deviation from the value established by the schedule for a specific item of property if the use of the schedule does not result in the fair market value for the property at the retail level of trade on the lien date, including any relevant installation and assemblage value.

C. Other taxable personal property that is not included in the listed classes includes:

1. Supplies on hand as of January 1 at 12:00 noon, including office supplies, shipping supplies, maintenance supplies, replacement parts, lubricating oils, fuel and consumable items not held for sale in the ordinary course of business. Supplies are assessed at total cost, including freight-in.

2. Equipment leased or rented from inventory is subject to ad valorem tax. Refer to the appropriate property class schedule to determine taxable value.

3. Property held for rent or lease is taxable, and is not exempt as inventory. For entities primarily engaged in rent-to-own, inventory on hand at January 1 is exempt and property out on rent-to-own contracts is taxable.

D. Personal property valuation schedules may not be appealed to, or amended by, county boards of equalization.

E. All taxable personal property is classified by expected economic life as follows:

1. Class 1 - Short Life Property. Property in this class has a typical life of more than one year and less than four years. It is fungible in that it is difficult to determine the age of an item retired from service.

a) Examples of property in the class include:

- (1) barricades/warning signs;
- (2) library materials;
- (3) patterns, jigs and dies;
- (4) pots, pans, and utensils;
- (5) canned computer software;
- (6) hotel linen;
- (7) wood and pallets;
- (8) video tapes, compact discs, and DVDs; and
- (9) uniforms.

b) With the exception of video tapes, compact discs, and DVDs, taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

c) A licensee of canned computer software shall use one of the following substitutes for acquisition cost of canned computer software if no acquisition cost for the canned computer software is stated:

- (1) retail price of the canned computer software;
- (2) if a retail price is unavailable, and the license is a nonrenewable single year license agreement, the total sum of expected payments during that 12-month period; or
- (3) if the licensing agreement is a renewable agreement or is a multiple year agreement, the present value of all expected licensing fees paid pursuant to the agreement.

d) Video tapes, compact discs, and DVDs are valued at \$15.00 per tape or disc for the first year and \$3.00 per tape or disc thereafter.

TABLE 1

Year of Acquisition	Percent Good of Acquisition Cost
03	[70%] 69%
02	40%
01 and prior	10%

.....

4. Class 5 - Long Life Trade Fixtures. Class 5 property is subject to functional obsolescence in the form of style changes.

a) Examples of property in this class include:

- (1) furniture;
- (2) bars and sinks;
- (3) booths, tables and chairs;
- (4) beauty and barber shop fixtures;
- (5) cabinets and shelves;
- (6) displays, cases and racks;
- (7) office furniture;

- (8) theater seats;
 - (9) water slides; and
 - (10) signs, mechanical and electrical.
- b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 5

Year of Acquisition	Percent Good of Acquisition Cost
03	88%
02	80%
01	70%
00	61%
99	51%
98	[42%] 41%
97	31%
96	21%
95 and prior	11%

.....

11. Class 12 - Computer Hardware.

a) Examples of property in this class include:

- (1) data processing equipment;
- (2) personal computers;
- (3) main frame computers;
- (4) computer equipment peripherals;
- (5) cad/cam systems; and
- (6) copiers.

b) Taxable value is calculated by applying the percent good factor against the acquisition cost of the property.

TABLE 12

Year of Acquisition	Percent Good of Acquisition Cost
03	[85%] 70%
02	57%
01	36%
00	23%
99	14%
98 and prior	9%

.....

F. The provisions of this rule shall be implemented and become binding on taxpayers beginning January 1, 2004.

KEY: taxation, personal property, property tax, appraisals
~~October 7,~~ 2003
Notice of Continuation April 5, 2002
59-2-301



Transportation, Administration
R907-67
Suspension of Contractors from Work
on Department Projects -- Reasons

NOTICE OF PROPOSED RULE

(New Rule)

DAR FILE No.: 26720

FILED: 10/23/2003, 10:38

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule puts into the administrative code a procedure for suspending a contractor who has done poor work or otherwise should be temporarily debarred from working for the department.

SUMMARY OF THE RULE OR CHANGE: The rule creates a procedure for suspension, sets out criteria, and allows for an appeal process.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 72-1-201

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: It is unknown at this time how much the procedure will cost, if anything. The potential cost will be the incurrence of staff time.
- ❖ LOCAL GOVERNMENTS: This procedure will not affect local governments. Therefore, local governments will not experience any cost or savings impact.
- ❖ OTHER PERSONS: Suspension will financially affect the contractors who are suspended, but the amount is impossible to tell at this time. It will vary depending on the contract.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no cost to the contractor except any of their own costs to appeal, i.e., cost of hiring of an attorney or their staff time in appearing at a hearing.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Any fiscal impact this rule may have is justified by the department's need to regulate the work quality of its contractors by suspending those contractors that violate standards.

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

TRANSPORTATION
ADMINISTRATION
CALVIN L RAMPTON COMPLEX
4501 S 2700 W
SALT LAKE CITY UT 84119-5998, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

James Beadles at the above address, by phone at 801-965-4168, by FAX at 801-965-4796, or by Internet E-mail at jbeadles@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 12/31/2003.

THIS RULE MAY BECOME EFFECTIVE ON: 01/01/2004

AUTHORIZED BY: John R. Njord, Executive Director

R907. Transportation, Administration.**R907-67. Suspension of Contractors from Work on Department Projects -- Reasons.****R907-67-1. Suspension of Contractors from Work on Department Projects -- Reasons.**

The department may suspend a contractor, which, for purposes of this rule includes Consultants and owners, directors, managers, officers or fiscal agents of the Contractor or Consultant), from performing any work on projects that it administers if, by substantial evidence, it concludes that one of the following factors is present.

(1) The Contractor has been convicted of or entered a plea of guilty or nolo contendere to a crime that is related to a bid or contract-related crime in any court in the United States;

(2) The Contractor has publicly admitted to conduct constituting a crime that is related to a bid or contract;

(3) The Contractor has falsified information or submitted deceptive or fraudulent statements in connection with prequalification, bidding, or performance of a contract;

(4) The Contractor has violated federal or state antitrust laws;

(5) The Contractor has demonstrated willful wrongdoing that reflects a lack of integrity in bidding or performing a public project;

(6) The Contractor, including a joint venture, stockholder of more than five (5) percent of the available stock, or any immediate relatives of the aforementioned has been debarred or suspended or is affiliated with any debarred or suspended person in any state or by the federal government;

(7) The deputy director concludes that the Contractor has acted in collusion with others to perform work on a project that supposedly satisfied disadvantaged business enterprise (DBE) goals or requirements through other than bona fide disadvantaged business enterprises in any combination of individuals, firms, or corporations;

(8) The Contractor has defaulted under previous contracts;

(9) The Contractor has performed previous or current work in an unsatisfactory manner, as determined solely by the Project Manager. Among the items that can be the subject of unsatisfactory performance are the following, though there may be others that are similar in importance and require a determination of unsatisfactory performance:

(a) noncompliance with the contract;

(b) failure to complete work on time;

(c) instances of substantial corrective work being needed before acceptance of the work;

(d) instances of completed work that requires acceptance at reduced pay;

(e) production of non-specification work or materials, and when applicable, required price reductions or corrective work;

(f) failure to provide adequate safety measures and appropriate traffic control that endangered the safety of the work force or the public.

(10) The Contractor has questionable moral integrity as determined by the department, the United States Attorney General, the Utah Attorney General, or any other state;

(11) Failure to reimburse the state for monies owned on any previously awarded contract including those where the prospective bidder is a party to a joint venture and the joint venture has failed to reimburse the state for monies owed.

(12) The deputy director reasonably believes and finds that the public health, welfare, or safety require suspension.

R907-67-2. Procedures for Suspension.

If the Engineer for Construction believes a Contractor should be suspended, he or she will follow the procedures listed in R907-1-2, Commencement by Department - Notice of Agency Action - Procedures. The proceeding shall be handled as an informal administrative proceeding unless the deputy director's designee grants a request for conversion to a formal proceeding. The Notice of Agency Action shall also set forth the amount of time being sought as a suspension period.

R907-67-3. Status Pending Suspension.

Provided that the contract between the Contractor and the department provide for immediate suspension in case of debarment, suspension begins on the date the Notice of Agency Action is served upon the Contractor. Once suspended, the Contractor is prohibited from working either as a contractor for the department or as a subcontractor for someone who is a contractor for the department. The suspension lasts for the amount of time given in the Notice of Agency Action.

R907-67-4. Length of Debarment.

(1) A person found to have committed an act listed in R907-67-1 shall be debarred for a term of not less than six months nor more than three years.

(2) To determine the specific period of time, the department will evaluate the following:

(a) degree of culpability;

(b) restitution to the state;

(c) cooperation in the investigation of bidding or contract-related crimes;

(d) disassociation with those involved in the crimes and active cooperation in prosecuting others who are involved in the crimes.

(3) Suspension does not absolve the Contractor of his or her responsibility to perform existing contracts, even if the Contractor needs to find other companies, firms, or individuals who can perform in his or her place.

(4) The department also retains the right to declare a suspended Contractor in default on any existing contract if allowed by the contract.

R907-67-5. Right to Appeal.

The Contractor may appeal the suspension under the provisions of Utah Admin. Code R907-1.

**KEY: highways, transportation, contractors, suspension
January 1, 2004
72-1-201**



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, Finance **R25-5** Payment of Per Diem to Boards

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26717
FILED: 10/22/2003, 09:41

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 63A-3-106 authorizes the Division of Finance to establish per diem rates for all state officers and employees of the executive branch, except officers and employees of higher education, to meet subsistence expenses for attendance at official meetings.

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 from interested persons 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: It is necessary to continue this rule because it is required by statute. It sets the rates for per diem paid to board members and establishes the conditions under which the per diem will be paid. No opposing comments have been received.

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

ADMINISTRATIVE SERVICES
FINANCE
Room 2110 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:
Teddy Cramer at the above address, by phone at 801-538-3450, by FAX at 801-538-3244, or by Internet E-mail at tcramer@utah.gov

AUTHORIZED BY: Kim Thorne, Director

EFFECTIVE: 10/22/2003



Administrative Services, Finance **R25-8** Meal Allowance

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26716
FILED: 10/22/2003, 09:35

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: This rule is enacted under the authority of Section 63A-3-103(1), which authorizes the Division of Finance to define fiscal procedures relating to the approval and allocation of funds. This rule details under what conditions funds may be allocated for meal allowance.

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 from interested persons 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: A division review determined that this rule should be continued because it is authorized by statute. The rule sets the requirements for paying a meal allowance to a state employee. No opposing comments have been received.

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

ADMINISTRATIVE SERVICES
FINANCE
Room 2110 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:

Teddy Cramer at the above address, by phone at 801-538-3450, by FAX at 801-538-3244, or by Internet E-mail at tcramer@utah.gov

AUTHORIZED BY: Kim Thorne, Director

EFFECTIVE: 10/22/2003

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: Klare Bachman, Executive Director

EFFECTIVE: 10/29/2003

Commerce, Corporations and
Commercial Code

R154-100

Utah Administrative Procedures Act
Rules

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

DAR FILE No.: 26761
FILED: 10/29/2003, 12:49

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule provides the Division's description of adjudicative procedures. As permitted by Section 63-46b-4, this rule designates that the Division will handle the types of proceedings listed in the rule informally.

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: The division has a duty to maintain this rule pursuant to Section 63-46b-4. This rule is important to continue as it describes procedures that will be followed in conducting business with this division.

Education, Administration

R277-470

Charter Schools

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

DAR FILE No.: 26767
FILED: 10/31/2003, 12:47

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 53A-1a-513(2)(c) which directs the State Board of Education to adopt rules to distribute funds to charter school students and Section 53A-1a-502 which directs the State Board of Education to provide a timeline allowing prospective charter schools to seek sponsorship first from local boards and then from the State Board of 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 comment has been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The law continues to require that the State Board of Education have a rule providing for distribution of funds to charter schools and a timeline for prospective charter schools to seek sponsorship.

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

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

EFFECTIVE: 10/31/2003



Human Services, Administration
R495-879
Parental Support for Children in Care

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

DAR FILE NO.: 26768
FILED: 10/31/2003, 14:26

**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: The rule is enacted under the statutory authority granted under Subsections 62A-1-111(16) through (18), and Sections 62A-4a-114 and 78-3a-906, which allow the department to collect child support payments to reimburse the state for money it has expended on behalf of a child in the care or custody of the state, and requires the parent(s) or any other obligated person to pay child support for each month the child is in the care or custody of the state. The rule is also enacted under Section 62A-15-607, which requires the division to determine the actual expenses for caring for a patient at the Utah State Hospital (USH) and that parents are responsible for the support of their children while in the care of the USH. The rule clarifies that the child support amount for children in the care or custody of the state or children in the care of the USH should be based on the Uniform Child Support Guidelines in accordance with Sections 78-45-7.2 through 78-45-7.21, and that the Office of Recovery Services (ORS) may modify and establish support orders under Section 63-46b-1 and Subsection 78-3a-105(5)(a). In accordance with the previously mentioned sections, the rule establishes and clarifies the process which allows the custodial agency/ORS to utilize the following: deviation criteria, the Good Cause Deferral and Waiver Request, in-kind support to allow a parent or other obligated person to perform needed services for the division in lieu of all or a portion of the monthly payments and its procedures, and a rebate to be given when a child's overnight visits equal 25% or more of the

service period. Last, the rule clarifies that adoptive parents have an obligation to support their adopted child(ren) and also gives ORS the authority to recover support payments from parents who are or were receiving adoption assistance for their child(ren) in the care or custody of the state in accordance with Section 78-45-4.2.

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 should be continued so that child support obligations continue to be standardized for all of the agencies that place a child in the care or custody of the state.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Kari Smith at the above address, by phone at 801-536-8137, by FAX at 801-536-8509, or by Internet E-mail at ksmith@utah.gov

AUTHORIZED BY: Robin Arnold-Williams, Executive Director

EFFECTIVE: 10/31/2003



Natural Resources, Parks and
Recreation
R651-407
Off-Highway Vehicle Advisory Council

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

DAR FILE NO.: 26718
FILED: 10/23/2003, 10:25

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 41-22-10 allows the Parks Board to appoint an Off-Highway Vehicle (OHV) Advisory Council and obtain recommendations on OHV issues.

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: Rule R651-407 sets up the criteria for the OHV council, and establishes the composition of the council for representation of users and land managers. Therefore, the rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Mary Tullius, Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation
R651-408
 Off-Highway Vehicle Education Curriculum Standards

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR File No.: 26719
 FILED: 10/23/2003, 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: Section 41-22-31 directs the Board to establish a safety education program. Section 44-22-32 provides for an instructor certification program and Section 41-22-33 provides for a fee to help offset costs of the education 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 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: In order to maintain safety

of the public and educate them in a manner consistent with the safety program offered, the instructor must be certified to present the legal and proper instruction for the public. Section 41-22-33 allows a fee to be charged to offset the costs for the certification program. Therefore, the rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Mary Tullius, Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation
R651-601
 Definitions as Used in These Rules

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 26721
 FILED: 10/23/2003, 11:22

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 63-11-17(2) empowers the Parks Board to make regulations governing the use of the state park system.

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 provides functional terms used daily in the conduct of the Division of State Parks and Recreation operations need to be continued. Therefore, it needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003

▼ ————— ▼

**Natural Resources, Parks and
Recreation
R651-602
Aircraft and Powerless Flight**

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

DAR FILE NO.: 26722
FILED: 10/23/2003, 11:23

**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: Subsection 63-11-17(2) directs the Board to enact regulations that protect the parks and property from misuse and to preserve the peace.

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 prohibits unauthorized take-off and landings of aircraft and powerless flight vehicles for the safety of visitors to the park and to protect park resources. Therefore, this rule needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Mary Tullius, Deputy Director

EFFECTIVE: 10/23/2003

▼ ————— ▼

**Natural Resources, Parks and
Recreation
R651-603
Animals**

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

DAR FILE NO.: 26724
FILED: 10/23/2003, 11:25

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 63-11-17 directs the Parks Board to enact regulations that protect the parks and property from misuse and to preserve the peace within the state park system.

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 provides for public health and the safety of park visitors and park resources through regulation of domestic animals, and hunting and fishing within park boundaries. Therefore, this rule needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation
R651-604
Audio Devices

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26723
FILED: 10/23/2003, 11:24

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: Section 63-11-17 empowers the Board to enact regulations that protect the parks and property from misuse and to preserve the peace.

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 regulates noise-producing devices within park boundaries for the peace and comfort of park visitors. Therefore, this rule needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation
R651-605
Begging and Soliciting

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26725
FILED: 10/23/2003, 11:26

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 63-11-17 directs the Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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 prohibits begging within a state park, and limits soliciting to authorized concessionaires or by permit. The rule is needed to continue as it serves to control unauthorized solicitation and prohibits begging within the state park system and that makes the stay for bona fide paying visitors to the park a lot more pleasant when they are not being bothered by solicitors and beggars. For these reasons, this rule needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation
R651-606
Camping

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26726
FILED: 10/23/2003, 11:27

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: Section 63-11-17 states that the Parks Board may make rules governing the use of the state park system.

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: Since the state park system has many camping facilities throughout its boundaries, this rule continues to provide for camping rules and other amenities associated with camping. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation
R651-607
Disorderly Conduct

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26727
FILED: 10/23/2003, 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: Section 63-11-17 directs the Parks Board to enact regulations that protect the parks and property from misuse and to preserve the peace.

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 should be continued as a reference for those who are looking for the parks disorderly conduct rule where to find it. As this has been a rule previously, it will direct the public to look in the Utah Criminal Code for direction.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation
R651-608
Events of Special Uses

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26728
FILED: 10/23/2003, 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: Section 63-11-17 directs the Parks Board to enact regulations that protect the parks and property from misuse and to preserve the peace.

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 particular rule establishes and continues to establish criteria for selecting requests for special events within state parks. These criteria are made to protect the visitors and resources and provide for an equitable solution to conflicting requests. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 PARKS AND RECREATION
 Room 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003

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 prohibits the use of explosives and fireworks within parks, except by permit, for protection of visitors and resources. Therefore, this rule should be continued.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 NATURAL RESOURCES
 PARKS AND RECREATION
 Room 116
 1594 W NORTH TEMPLE
 SALT LAKE CITY UT 84116-3154, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation
R651-609
 Explosives and Fireworks

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE No.: 26729
 FILED: 10/23/2003, 11:29

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 63-11-17 directs the Parks Board to enact regulations that protect state parks and property from misuse and to preserve the peace.

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



Natural Resources, Parks and Recreation
R651-610
 Expulsion

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
 DAR FILE No.: 26730
 FILED: 10/23/2003, 11:30

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 63-11-17 directs the Parks Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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 continues to provide for expulsion of persons who violate state park rules for 48 hours, in order to keep the peace and protect the public and park resources. Therefore, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and
Recreation
R651-613
Fires

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

DAR FILE No.: 26733
FILED: 10/23/2003, 11:32

**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: Section 63-11-17 directs the Parks Board to enact regulations that protect the parks and property from misuse and to preserve the peace.

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 in place as a safety guard against certain uses of fire and gives direction to the public how to deal with safety precautions when visiting a state park. It addresses lighting and maintaining fires; stoves, lanterns, use of propane and gasoline or similar fuels and how to properly extinguish a fire. Smoking is addressed in this rule and where it is illegal along with throwing or dropping the lighted cigarette or other burning material. This rule needs to be continued as it addresses safety for the public and for the park system as well.

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

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



Natural Resources, Parks and
Recreation
R651-612
Firearms, Trap and Other Weapons

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

DAR FILE No.: 26731
FILED: 10/23/2003, 11:30

**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 63-11-17 directs the Parks Board to enact regulations that protect the state parks and property from misuse and preserves the peace.

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: For the protection of the recreating and visiting public, this rule continues to prohibit firearms or other weapons within a state park, except for specific conditions. Therefore, this rule needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003

Natural Resources, Parks and
Recreation

R651-614

Fishing, Hunting and Trapping

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

DAR FILE NO.: 26732
FILED: 10/23/2003, 11:31

**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: Section 63-11-17 directs the Parks Board to enact regulations that protect the state parks and property from misuse and preserves the peace.

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 should be continued as it defines areas where the public can fish in regards to public floats, water sports, beaches, public loading docks, boat ramps; where ice fishing is prohibited; where hunting is prohibited at various state parks; hunting with firearms prohibited in certain areas and trapping being prohibited in all areas except where authorized and permitted by a park manager. All of these are in accordance with the Utah Fish and Game Code.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003

Natural Resources, Parks and
Recreation

R651-615

Motor Vehicle Use

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

DAR FILE NO.: 26734
FILED: 10/23/2003, 11:33

**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 63-11-17 directs the Parks Board to enact regulations that protect the state parks and property from misuse and to protect the peace.

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: Using off-highway vehicles, roadway and parking areas, entering and leaving a park site, blocking and restricting normal use of a park facility and the traffic rules and regulations that govern motor vehicle use in the state parks shows when each of these is prohibited, where it is prohibited and uses Title 41, Chapter 6, to back up each item. This rule needs to be continued because of its significance to safety and control of vehicle operation in the park system.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation
R651-616
Organized Sports

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE No.: 26736
FILED: 10/23/2003, 11:34

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 63-11-17 directs the Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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 explains organizing and/or participating in certain games or activities in picnic or campground areas and designated locations. This rule needs to be continued as it serves as a guideline for the public for when and where they can have organized sport activities.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation
R651-617
Permit Violation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE No.: 26735
FILED: 10/23/2003, 11:33

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 63-11-17 directs the Parks Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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 explains conditions of any permit issued through the division and when it may be revoked or suspended by a ranger. We feel the rule should be continued as it defines the suspension/revocation and the maximum duration an offender would suffer based on the severity of providing false or fictitious statements; violating the terms of the permit; and/or letting their permit be used by an unauthorized person. This rule is key in providing this type of information to the public to make them aware of such penalties, and needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Mary Tullius, Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and
Recreation
R651-618
Picnicking

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

DAR FILE No.: 26751
FILED: 10/23/2003, 12:11

**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 63-11-17 directs the Parks Board to enact regulations that protect the parks and property from misuse and to preserve the peace.

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 defines areas where picnicking is permitted in the state park system. The public need guidance as to where they may not picnic, i.e., in the state park museums, visitor centers and other park buildings not designated for such use and where prohibited and posted. This protects the state buildings from needless damage, litter or other problems associated with picnicking. This rule needs to be continued because of the need for guidance regarding picnicking in state park buildings, etc.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and
Recreation
R651-619
Possession of Alcoholic Beverages or
Controlled Substances

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

DAR FILE No.: 26737
FILED: 10/23/2003, 11:52

**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 63-11-17 directs the Parks Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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 defines limitations and areas in the state park system where alcohol or controlled substances are prohibited or allowed by special permit. Since these items are necessary for public awareness and to assist in keeping the state park system a safe environment for recreation enthusiasts, this rule needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and
Recreation
R651-620
Protection of Resources Park System
Property

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

DAR FILE NO.: 26738
FILED: 10/23/2003, 11:58

**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 63-11-17 directs the Parks Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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 explains that intentional or wanton destruction, defacement, injury or removal of any natural or cultural feature is prohibited in the state park system. This rule needs to be continued as it defines trespassing and the punishment if a person is found guilty of wanton trespassing by placing structures or items on division land; removing, destroying, etc. of natural resources; grazing of animals and the penalty; where glass containers are prohibited; to cut firewood there must be a permit; and tossing, throwing or rolling of rocks or other materials is also prohibited. These are all clearly safety issues, and for resource protection and therefore should continue.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003

Natural Resources, Parks and
Recreation
R651-621
Reports of Injury or Damage

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

DAR FILE NO.: 26739
FILED: 10/23/2003, 12:02

**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 63-11-17 directs the Parks Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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 explains that all injuries and damages to public or private property must be reported immediately to the park representative. This rule should continue as it directs anyone witnessing incidents involving injury or damage to report such incident to a park representative for resolution.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003

Natural Resources, Parks and
Recreation
R651-622
Rock Climbing

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26740
FILED: 10/23/2003, 12:02

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 63-11-17 directs the Parks Board to enact regulations that protect the parks and property from misuse and to preserve the peace.

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: The rule was and is for explanation that technical rock climbing is prohibited without a permit. Permits are required for rock climbing and installation of rock climbing equipment. This helps protect the state and its resources from those who do not have the proper equipment or knowledge of rock climbing and could be injured or destroy some of our natural resources. Therefore, this rule needs to be continued because of its significant impact regarding proper permits for rock climbing.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation

R651-623

Sale or Distribution of Printed Material

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26741
FILED: 10/23/2003, 12:03

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 63-11-17 directs the Parks Board to enact regulations that protect the parks and property from misuse and to preserve the peace.

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: The purpose of this rule is to indicate to the public that the sale, posting or distribution of printed matter is prohibited without a permit. This rule should continue as it keeps a record of permits. Otherwise, anyone, at any time, without notice could distribute any kind of printed matter and go unchecked or reviewed. This keeps the type of printed matter under control of the state by the permit requirement. Therefore, this rule needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:
Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation

R651-624

Sanitation

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26742
FILED: 10/23/2003, 12:04

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: Section 63-11-17 directs the

Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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 defines where it is permitted to dump, drain, clean, wash, use comfort stations, fish cleaning stations and dispose of body waste in park system. This rule covers disposing of garbage and rubbish; draining and dumping refuse from trailers or other vehicles; cleaning and washing at hydrants; and fish cleaning at campground hydrants and where all these items are prohibited. In order to keep the state park areas clean for public use and a safe healthy environment, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003

Natural Resources, Parks and
Recreation

R651-625

Shirts and Shoes

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

DAR File No.: 26743
FILED: 10/23/2003, 12:04

**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: Section 63-11-17 directs the Parks Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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 defines areas where a person must wear shoes and shirts. The rule pertains to health and protection of persons who may be injured by stepping on something with their bare feet, and sets up a dress code for all those who visit a museum, visitor center or administrative office. For these reasons, the rule needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003

Natural Resources, Parks and
Recreation

R651-626

Skating and Skateboards

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

DAR FILE No.: 26744
FILED: 10/23/2003, 12:05

**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 63-11-17 directs the Board to enact regulations that protect the state parks and property from misuse and to preserve the peace

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: The rule explains that use of roller skates and skateboards is prohibited except in places designated and posted for that activity by the park manager. If the State did not designate areas where the use of roller skates, inline skates, and skateboards is permitted, there would be many infractions and state property could be damaged or destroyed and injuries to the public could happen. Therefore, this rule needs to be continued to control the use of these skating and skateboard items.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003

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**Natural Resources, Parks and
Recreation
R651-627
Swimming**

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

DAR FILE No.: 26745
FILED: 10/23/2003, 12:06

**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 63-11-17 directs the Parks Board to enact regulations that protect state parks and property from misuse and to preserve the peace.

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 shows where and when swimming is allowed. In accordance with the Utah

Water Safety Act, Section 73-18b-1, swimming is prohibited in certain areas to promote safety. Scuba diving must also follow the same restrictions and guidelines. If there is a public health issue, closures may occur to protect the public and employees. Because of these issues, this rule needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003

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**Natural Resources, Parks and
Recreation
R651-628
Trails and Walks**

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

DAR FILE No.: 26746
FILED: 10/23/2003, 12:07

**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 63-11-13, directs the Parks Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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: The rule shows the areas where bicycles or motor vehicles may be used and prohibits blocking, restricting or otherwise interfering with normal use of any trail. Trails and walkways in the state park system must remain open and free of blocking or restricting use by bicycles and motor vehicles or interference with normal use of such trails or walkways. For their own safety and protection of the

natural environment, persons must stay on walks and designated trails in posted areas. For the reasons of safety and protection of both the natural environment and people using it, this rule needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation

R651-629

Unattended Property

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26747
FILED: 10/23/2003, 12:08

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 63-11-17 directs the Parks Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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 explains when and what an agency may do with unclaimed personal property, impounded property, lost and found articles and impounding of a vehicle. This rule complies with Title 77, Chapters 24 and 24a, regarding unclaimed personal property. Whenever property interferes with the safe or orderly operation of a park, the property may be impounded. This gives the public that utilize the state park facilities guidelines for safety and

retrieval of lost items. For these reasons, this rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



Natural Resources, Parks and Recreation

R651-630

Unsupervised Children

FIVE YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 26748
FILED: 10/23/2003, 12:08

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 63-11-17 directs the Parks Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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 explains that it is prohibited to allow children under 16 years old to be left unsupervised within the park system. This is obviously for the safety of children while they visit our state parks, and direction by an adult to supervise their activity. For this reason, this rule needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320, by FAX at 801-537-3144, or by Internet E-mail at deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003

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**Natural Resources, Parks and
Recreation
R651-631
Winter Sports**

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

DAR FILE No.: 26749
FILED: 10/23/2003, 12:09

**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 63-11-17 directs the Parks Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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 explains that skiing, sledding, tobogganing, snow shoeing, skating and other similar winter sports are permitted, except if posted otherwise in the state park system or upon roads and parking open to highway vehicle use. This rule should be continued as areas where it is posted closed or upon roads and parking areas open to highway vehicle use are dangerous and pose risks/hazards to the recreating public.

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**Natural Resources, Parks and
Recreation
R651-632
Enforcement**

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

DAR FILE No.: 26750
FILED: 10/23/2003, 12:10

**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: Section 63-11-17 directs the Parks Board to enact regulations that protect the state parks and property from misuse and to preserve the peace.

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 explains that any authorized law enforcement officer may enforce the rules promulgated under this chapter. The rangers who are employed by the State Parks are designated law enforcement officers, who are given rights to enforce rules set forth in Title 77. Therefore, as a reference and information for the public and others who read the codes, this rule needs to be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dee Guess at the above address, by phone at 801-538-7320,
by FAX at 801-537-3144, or by Internet E-mail at
deeguess@utah.gov

AUTHORIZED BY: Gordon Topham, Interim Deputy Director

EFFECTIVE: 10/23/2003



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

NOTICES OF RULE EFFECTIVE DATES

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

Abbreviations

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

Education

Administration

No. 26602 (AMD): R277-470. Charter Schools.
Published: September 15, 2003
Effective: October 22, 2003

Environmental Quality

Drinking Water

No. 26505 (AMD): R309-535. Facility Design and Operation: Miscellaneous Treatment Methods.
Published: August 15, 2003
Effective: November 1, 2003

No. 26506 (AMD): R309-545. Facility Design and Operation: Drinking Water Storage Tanks.
Published: August 15, 2003
Effective: November 1, 2003

No. 26585 (AMD): R309-600. Drinking Water Source Protection For Ground-Water Sources.
Published: September 15, 2003
Effective: October 29, 2003

Human Services

Recovery Services

No. 26353 (AMD): R527-200. Administrative Procedures.
Published: July 1, 2003
Effective: October 29, 2003

No. 26577 (AMD): R527-210-1. Reduction for Extended Visitation.
Published: September 15, 2003
Effective: October 17, 2003

No. 26587 (AMD): R527-255. Change of Circumstances.
Published: September 15, 2003
Effective: October 24, 2003

Insurance

Administration

No. 26513 (REP): R590-119. Surplus Lines Stamping Fee.
Published: August 15, 2003
Effective: October 23, 2003

No. 26131 (CPR): R590-157. Surplus Lines Insurance Premium Tax and Stamping Fee.
Published: August 15, 2003
Effective: October 23, 2003

No. 26599 (REP): R590-209. Court Ordered Health Insurance Coverage for Dependents.
Published: September 15, 2003
Effective: October 23, 2003

Tax Commission

Auditing

No. 26601 (AMD): R865-13G-16. Aviation Fuel Tax Refund or Credit Pursuant to Utah Code Ann. Section 59-13-404.
Published: September 15, 2003
Effective: October 29, 2003

No. 26598 (AMD): R865-19S-113. Sales Tax Obligations of Jeep, Snowmobile, and Boat Tour Operators, River Runners, Outfitters, and Other Sellers Providing Similar Services Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-107.
Published: September 15, 2003
Effective: October 29, 2003

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, 2003, including notices of effective date received through October 31, 2003, the effective dates of which are no later than November 15, 2003. 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: 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).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.utah.gov/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	5YR = Five-Year Review
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services					
<u>Administration</u>					
R13-1	Public Petitions for Declaratory Orders	26614	5YR	09/10/2003	2003-19/67
<u>Facilities Construction and Management</u>					
R23-3	Authorization of Programs for Capital Development Projects	25639	R&R	01/02/2003	2002-23/3
R23-3	Planning and Programming for Capital Projects	25989	AMD	03/24/2003	2003-4/4
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ABBREVIATIONS

AMD = Amendment
 CPR = Change in proposed rule
 EMR = Emergency rule (120 day)
 NEW = New rule
 EXD = Expired

NSC = Nonsubstantive rule change
 REP = Repeal
 R&R = Repeal and reenact
 5YR = Five-Year Review

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	25721	R657-17	AMD	01/15/2003	2002-24/46
	26576	R657-19	5YR	08/15/2003	2003-17/89
	26573	R657-19	AMD	10/02/2003	2003-17/63
	25890	R657-23	AMD	02/16/2003	2003-2/41
	26169	R657-26-8	AMD	06/03/2003	2003-9/104
	26273	R657-27	AMD	07/02/2003	2003-11/36
	25892	R657-33	AMD	02/16/2003	2003-2/43
	26056	R657-33-6	AMD	04/15/2003	2003-6/15
	26274	R657-34	5YR	05/14/2003	2003-11/95
	26272	R657-34	AMD	07/02/2003	2003-11/41
	26275	R657-37	5YR	05/14/2003	2003-11/96
	26271	R657-37	AMD	07/02/2003	2003-11/42
	25722	R657-38	AMD	01/15/2003	2002-24/48
	26278	R657-42	5YR	05/14/2003	2003-11/97
	25723	R657-42	AMD	01/15/2003	2002-24/52
	26277	R657-42	AMD	07/02/2003	2003-11/45
	26276	R657-44	AMD	07/02/2003	2003-11/46
	25894	R657-44	R&R	02/16/2003	2003-2/46
	26168	R657-53	NEW	06/03/2003	2003-9/107

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	26363	R612-2-26	NSC	07/01/2003	Not Printed
	26316	R612-3	5YR	05/28/2003	2003-12/76
	26364	R612-3-4	NSC	07/01/2003	Not Printed
	26317	R612-5	5YR	05/28/2003	2003-12/76
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	25707	R501-8	AMD	01/17/2003	2002-24/19
	26065	R501-8-19	NSC	04/01/2003	Not Printed
	26055	R501-16	5YR	02/26/2003	2003-6/17
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<u>zoological animals</u>					
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