

UTAH STATE BULLETIN

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

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Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, 4120 State Office Building, Salt Lake City, Utah 84114, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.utah.gov/>

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Division of Administrative Rules, Salt Lake City 84114

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TABLE OF CONTENTS

1. SPECIAL NOTICES

Alcoholic Beverage Control, Administration: Public Notice: Alcoholic Beverage Control Commission 2005 Meeting Schedule	1
Governor, Administration: Governor's Executive Order 2004-0013: Integrating Dispute Resolution into State Government	1
Governor, Administration: Governor's Executive Order 2004-0012: Adopting the Use of the National Incident Management System (NIMS)	3
Governor, Administration: Governor's Executive Order 2004-0011: Creating the Utah Commission on Literacy	5

2. NOTICES OF PROPOSED RULES

<u>Agriculture and Food</u> Animal Industry No. 27581 (Amendment): R58-2. Diseases, Inspections and Quarantines.....	9
<u>Education</u> Administration No. 27592 (Amendment): R277-733. Adult Education Programs	10
<u>Environmental Quality</u> Water Quality No. 27593 (Amendment): R317-2. Standards of Quality for Waters of the State.....	13
<u>Health</u> Health Care Financing, Coverage and Reimbursement Policy No. 27589 (Amendment): R414-34-6. Qualified Providers	21
No. 27591 (Amendment): R414-36-6. Qualified Providers	22
No. 27586 (Amendment): R414-61-2. Incorporation by Reference.....	23
No. 27588 (Amendment): R414-200. Non-Traditional Medicaid Health Plan Services.....	24
<u>Judicial Conduct Commission</u> Administration No. 27580 (Repeal): R595-1. Rules of Procedure	26
<u>Labor Commission</u> Safety No. 27590 (Amendment): R616-3-3. Safety Codes for Elevators	30
<u>Public Safety</u> Driver License No. 27579 (New Rule): R708-40. Driving Simulators.....	31

TABLE OF CONTENTS

Public Service Commission

Administration

No. 27587 (Amendment): R746-200-6. Termination of Service.....32

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

Public Service Commission

Administration

No. 27585: R746-401. Reporting of Construction, Purchase, Acquisition, Sale, Transfer or
Disposition of Assets35

Workforce Services

Workforce Information and Payment Services

No. 27583: R994-305. Collection of Contributions35

4. NOTICES OF RULE EFFECTIVE DATES..... 37

5. 2005 RULES INDEX 38

6. 2004 RULES INDEX 40

SPECIAL NOTICES

Alcoholic Beverage Control Administration

Public Notice: Alcoholic Beverage Control Commission 2005 Meeting Schedule

Public Notice is hereby given of the 2005 calendar year meeting schedule for the Utah Alcoholic Beverage Control Commission. The Commission meets monthly at the department's administrative office at 1625 South 900 West in Salt Lake City, Utah. Meetings are normally held on the fourth Wednesday of each month, January through October; and the third Wednesday in November and December. Meetings start at 1:00 p.m. and are open to the public. Meeting dates and times are subject to change.

To confirm meeting dates and times, contact: Sharon Mackay at (801) 977-6801.

Governor's Executive Order 2004-0013: Integrating Dispute Resolution into State Government

EXECUTIVE ORDER

Integrating Dispute Resolution into State Government

WHEREAS, this administration is committed to ensuring that state agencies utilize the most efficient and effective means of resolving disputes in fulfilling the mission of the state government;

WHEREAS, to be effective in addressing the wide array of issues that face the state, agencies need to employ a variety of strategies and problem-solving tools;

WHEREAS, alternative dispute resolution ("ADR") methods offer an opportunity to prevent and resolve disputes in a collaborative manner;

WHEREAS, ADR has proven successful in preventing and resolving public and private conflicts;

WHEREAS, the appropriate use of ADR methods by state agencies and the state's partners will improve public services by providing for broad input on, and creative resolutions to, complex public policy disputes; and

WHEREAS, the Government Dispute Resolution Act, Title 63, Chapter 46c of the Utah Code, authorizes public agencies in Utah to utilize ADR procedures and to appoint ADR coordinators to assist them for that purpose:

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, hereby order the following:

1. The chief executive of each department and the director of each executive branch agency that functions independently of a department shall:

a. in the case of agencies of more than 50 FTE's, designate an agency ADR Coordinator, who shall:

i. participate as a member of the state ADR Council to review the agency's processes for managing conflicts and controversies;

ii. participate in training or certification as determined by the ADR Council; and

iii. coordinate efforts within the agency to design, evaluate and implement ADR systems;

b. for agencies of 50 or fewer FTE's, arrange for a representative to participate on the ADR Council on the agency's behalf; and

SPECIAL NOTICES

c. in any case, deploy and support ADR systems within the agency by providing staff, budget, and opportunity consistent with law, agency circumstances and available resources.

2. An ADR Council is established consisting of representatives of all department level executive branch agencies and other participating agencies. The Office of the Governor shall designate the council chair. The chair shall establish the council's agenda and meeting schedule. As appropriate, the council shall:

- a. evaluate dispute resolution systems in state government;
- b. determine how ADR systems, such as facilitated discussions, mediation and collaboration, can be deployed to improve the efficient resolution of disputes;
- c. make recommendations for deploying ADR systems in state agencies; and
- d. identify and address barriers to the use of ADR systems in state agencies; and
- e. establish qualifications and selection criteria for employing a state ADR coordinator in accordance with terms of any designated funding, including the William and Flora Hewlett Foundation grant received for that purpose;
- f. prepare and submit to the governor a statewide ADR needs assessment and plan that:
 - i. identifies current conflict management methods in effect throughout the state;
 - ii. identifies areas or types of disputes within various agencies that lend themselves to prevention or resolution through ADR systems;
 - iii. assesses training and staffing needs to put ADR systems into operation in state agencies;
 - iv. outlines training or certification standards for ADR neutrals; and
 - v. outlines strategies and time frames for putting ADR systems into operation

3. The state ADR coordinator shall report to the Executive Director of the Department of Administrative Services and shall work closely with the ADR Council, with the ADR Advisory Board, and with state agencies to:

- a. integrate dispute prevention and resolution systems into state government by providing consultation, technical assistance and guidance to agency ADR coordinators as they develop ADR plans and programs;
- b. work with agencies, the Office of the Governor, the Attorney General, and the ADR community in Utah to identify opportunities and to implement ADR systems in state government;
- c. develop model policies and procedures to govern ADR systems in state agencies, and coordinate or assist with the delivery of ADR programs as needed, including identifying ADR resources and ensuring access to neutrals and training opportunities;
- d. develop certification standards, training curricula and standards, and training systems;
- e. track relevant data for evaluating ADR systems and make recommendations to improve integration of ADR systems in state government;
- f. prepare reports for the governor of ADR activities as needed or requested, including:
 - i. agency utilization of ADR;
 - ii. evaluation of the effectiveness of ADR processes in the various agencies;
 - iii. ADR training delivered to agency employees;
 - iv. the implementation of any new ADR programs and projects;
 - v. the status of activities proposed or planned by the ADR Council; and

- vi. the goals for improving the ADR systems over the next fiscal year; and
- g. prepare such reports as may be required for any grant-making organization.

4. The ADR Council, with approval of the Office of the Governor, may establish an advisory board of ADR practitioners to provide advice and guidance concerning establishment, maintenance and improvement of ADR systems in the state agencies.

5. The state ADR coordinator and ADR Council shall, on an annual basis or as appropriate, nominate to the governor the recipient of the Utah Dispute Resolution Award to recognize outstanding service of an individual or agency in promoting the use of ADR in state government.

6. The purpose of this order is intended to facilitate the use of ADR in state government as the preferred option to reduce unnecessary and costly litigation. The implementation of this order shall be carried out in a manner consistent with law and conducive to the mission of each agency involved. The state ADR coordinator and ADR Council shall advise agency leaders on how to improve agency operations and processes through appropriate ADR. If an agency dispute process or operation does not by its nature or by law lend itself to ADR, the state ADR coordinator and the ADR Council shall serve as a resource in suggesting other appropriate improvements. Nothing in this order is intended to require the hiring of additional staff, the creation of new offices of government, or the adoption of administrative rules by an agency. The hiring of new personnel, including a state ADR coordinator, is contingent on the availability of funding.

7. This Executive Order supercedes and replaces "Integrating Dispute Resolution into State Government" dated May 7, 2003.

- 8. This order shall remain in effect until superseded or rescinded by Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Capitol Complex in Salt Lake City, Utah, this 22nd day of December, 2004.

Olene S. Walker
Governor

(State Seal)

Attest:

Gayle F. McKeachnie
Lieutenant Governor

2004/0013

Governor's Executive Order 2004-0012: Adopting the Use of the National Incident Management System (NIMS)

EXECUTIVE ORDER

Adopting the Use of the National Incident Management System (NIMS)

WHEREAS, natural and man-made disasters have and may occur in any part of the state;

WHEREAS, the majority of emergency incidents are mitigated by local responders;

WHEREAS, state agencies may be called upon to respond to and/or assist in recovery from the effects of emergency incidents and disasters;

WHEREAS, the state of Utah is committed to achieving a system that will provide a consistent statewide approach for federal, state, local and tribal governments to work effectively and efficiently together to prevent, prepare for, respond to and recover from domestic emergency and disaster incidents, regardless of cause, size or complexity;

WHEREAS, the Homeland Security Presidential Directive (HSPD)-5 requires federal departments and agencies to adopt the National Incident Management System (NIMS) and as a condition for federal preparedness assistance, beginning in Fiscal Year 2005, state and local organizations are mandated by HSPD-5 to adopt NIMS as the model for incident management in times of disaster;

WHEREAS, in times of disaster, state, local and tribal agencies work closely with federal agencies; and

WHEREAS, NIMS provides a consistent nationwide template for all agencies to work together to prevent, prepare for, respond to and recover from all hazards;

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 as follows:

1. All executive branch agencies which may be required to participate in the management of emergency incidents and disasters shall follow the National Incident Management System (NIMS) as the model for preparing for, responding to and recovering from emergency incidents and disasters.
2. The Department of Public Safety, Division of Emergency Services, shall be the lead agency for determining overall state compliance with the requirements of NIMS and oversee the planning, training and implementation of NIMS within the state.
3. With assistance from the Division of Emergency Services, each state executive branch agency shall review its agency Emergency Operations Plan to ensure compliance with the requirements of NIMS.
4. All state executive branch agencies shall maintain an internal inventory of resources that may be needed in the event of an emergency or disaster and shall establish a process that provides for the expeditious identification and procurement of external resources needed in an emergency or disaster.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Utah. Done at the Capitol Complex in Salt Lake City, Utah this 22ndday of December, 2004.

OLENE S. WALKER
Governor

(State Seal)

Attest:

GAYLE F. MCKEACHNIE
Lieutenant Governor

2004/0012

Governor's Executive Order 2004-0011: Creating the Utah Commission on Literacy**EXECUTIVE ORDER**

Creating the Utah Commission on Literacy

WHEREAS, reading is fundamental to a child's lifelong success;

WHEREAS, every adult can influence the life of a child by spending time reading with that child;

WHEREAS, parents can encourage literary achievement by setting realistic expectations for their children, providing reading instruction, responding to children's personal interests, and by reading with their children for twenty minutes daily;

WHEREAS, literacy experiences are more likely to occur in homes that have children's books and other reading and writing materials; and

WHEREAS, language experiences and language-rich environments have a positive effect on vocabulary development in children;

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 Commission on Literacy.
2. The purpose of the commission is to:
 - a. Maximize the percentage of Utah's children that read at or above grade level by the end of the third grade; and
 - b. Maximize the number of Utah's children that read with an adult at least twenty minutes every day.
3. In furtherance of these purposes the commission shall have the following duties and responsibilities:
 - a. Increase public awareness of the importance of reading and of learning to read well at an early age.
 - b. Encourage parents across the state to read with their children for an average of at least twenty minutes every day.
 - c. Establish and strengthen volunteer programs and services statewide to help individuals, particularly children, to build reading skills.
 - d. Help form partnerships of families, schools, businesses, volunteers, organizations, and communities to help accomplish the purposes of the commission.
 - e. Develop public media campaigns, community relations activities, education projects, and additional resources in order to accomplish the purposes of the commission.
 - f. Act as a clearinghouse for information, materials, learning opportunities, services, programs, networking and other literacy resources.
 - g. Advocate for literacy generally and for the specific purposes of the commission.
4. The commission shall consist of at least fifteen, and no more than twenty-five, members appointed by the governor, including:
 - a. The governor's deputy for education;
 - b. A representative from the Utah State Office of Education;
 - c. A representative from the Utah Commission on Volunteers;
 - d. A representative from the Office of Ethnic Affairs;

- e. A representative of the Parent Teacher Association;
 - f. A member of the Utah House of Representatives;
 - g. A member of the Utah State Senate;
 - h. A representative of the Utah Education Association;
 - i. A representative of a Utah public library;
 - j. Remaining members shall be selected from a broad cross section of the state representing local school districts, colleges and universities, adult education, literacy specialists, the business community, local media, political subdivisions of the state, service groups, faith-based groups, and members of the general public with a demonstrated interest in literacy programs.
5. Members shall be appointed to serve four-year terms, except that the initial terms shall be staggered so that approximately half of the commission is appointed every two years. Members may be reappointed to additional consecutive terms.
6. When a vacancy occurs in the membership for any reason, the governor shall appoint a replacement to fill the remainder of the unexpired term.
7. The governor shall either appoint one member as chair of the commission or two members to serve as co-chairs. The First Lady or First Gentleman shall be invited to serve as the Honorary Chair of the commission.
8. Members of the commission shall serve without per diem or other expenses.
9. A majority of commission members shall constitute a quorum for conducting commission business. All action shall be by a simple majority vote of meeting attendees, if a quorum is present.
10. The commission shall meet at least quarterly, but may meet as often as necessary to achieve the objectives outlined in this order.
11. The commission may establish subcommittees and working groups to accomplish its purposes.
12. The commission is encouraged to utilize the services of the governor's expert panel of advisors in matters of scientific research and best practices relating to literacy and to coordinate activities with the Utah Reads Alliance.
13. The commission shall prepare a brief annual report for the governor.
14. The commission does not have the authority to require the expenditure of public funds.
15. This order supercedes and replaces Executive Order 2003/0013, "Creating the Utah Commission on Literacy".
16. This order shall remain in effect until revoked or supplanted by executive order.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah on this 22nd day of December, 2004.

OLENE S. WALKER
Governor

(State Seal)

Attest:

GAYLE F. MCKEACHNIE
Lieutenant Governor

2004/0011

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between December 2, 2004, 12:00 a.m., and December 15, 2004, 11:59 p.m. are included in this, the January 1, 2005, issue of the *Utah State Bulletin*.

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

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

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least January 31, 2005. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through May 1, 2005, 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.

Agriculture and Food, Animal Industry
R58-2
Diseases, Inspections and Quarantines

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 27581

FILED: 12/09/2004, 08:09

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule change is to adopt the most current edition of 9 CFR and to include in the rule the requirements for moving sheep within the State of Utah.

SUMMARY OF THE RULE OR CHANGE: This proposed amendment adopts the January 1, 2002, edition of 9 CFR 1, 71, and 79. It also adds language that all sheep moving within the State of Utah must comply with federal Scrapie identification requirements as listed in 9 CFR, Part 79, January 1, 2002, edition.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 4-31-15 and 4-31-17, and Subsection 4-2-2(1)(c)(ii)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 9 CFR Parts 1, 71, and 79, January 1, 2002, edition

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There is no anticipated cost or savings to the state budget. The cost would be to the owner for the application of the Scrapie tags.
- ❖ LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government. The cost would be to the owner for the application of the Scrapie tags.
- ❖ OTHER PERSONS: The owner would be responsible for the labor cost of Scrapie tagging. The tags are provided free of charge by the United States Department of Agriculture.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no compliance cost associated with this change. Quarantines will be issued to owners or caretakers of animals affected with or exposed to infectious, contagious, or communicable diseases.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The requirement is a federal requirement and the changes in this rule merely reflects that Utah is a Scrapie program compliant state.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mike Marshall, Marolyn Leetham, or Earl Rogers at the above address, by phone at 801-538-7160, 801-538-7114, or 801-538-7162, by FAX at 801-538-7169, 801-538-7126, or 801-538-7169, or by Internet E-mail at mmarshall@utah.gov, mleetham@utah.gov, or erogers@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2005

AUTHORIZED BY: Cary G. Peterson, Commissioner

R58. Agriculture and Food, Animal Industry.

R58-2. Diseases, Inspections and Quarantines.

R58-2-1. Authority.

Promulgated Under the Authority of Sections 4-31-15 and 4-31-17 and Subsection 4-2-2(1)(c)(ii).

R58-2-2. Reportable and Quarantinable Animal Diseases.

A. Reporting of Diseases. It shall be the responsibility of veterinary diagnostic laboratories, veterinary practitioners, livestock inspectors, and livestock owners to report immediately by phone or written statement to the Department of Agriculture and Food any of the diseases listed on the Utah Department of Agriculture and Food Reportable Disease list, available at the Utah Department of Agriculture and Food, Division of Animal Health, PO Box 146500, 350 North Redwood Road, Salt Lake City, UT 84114-6500.

1. All swine moving within the State of Utah shall be identifiable to determine the farm of origin as per 9 CFR, 1,71.19, January 1, 200[+]2, edition which is hereby adopted and is incorporated by reference within this rule.

2. All sheep moving within the State of Utah shall, upon change of ownership, comply with federal Scrapie identification requirements as listed in 9 CFR Part 79, January 1, 2002, requiring official identification to determine the farm of origin.

3. Sheep from Scrapie infected, exposed, quarantined or source flocks may not be permitted to move into or within the state, except to slaughter, unless a flock eradication and control plan, approved by the State Veterinarian in Utah, has been implemented in the flock where the diseased animal resides.

4. Any live scrapie-positive, suspect, or high-risk sheep of any age and any sexually intact exposed sheep of more than one year of age shall be required to possess official individual identification as listed in 9 CFR Part 79, January 1, 2002.

B. Quarantines. The Department of Agriculture and Food or its agent may issue quarantines on:

1. Any animal infected with diseases listed on the reportable disease list or any infectious or dangerous entity which is determined to be a threat to other animals or humans.

2. Any animal which it believes may jeopardize the health of other animals, or humans.

3. Any area within the State of Utah to prevent the spread of infectious or contagious diseases.

a. Quarantines shall be deemed issued to owners or caretakers of animals affected with or exposed to infectious, contagious, or communicable diseases by serving an official notice of quarantine to

the owner or caretaker in person, by phone, by public meetings, or by registered mail to his last known address.

b. On and after the effective date of quarantine no animals shall be moved or allowed to be moved from or onto the quarantined premises without the owner or caretaker of the quarantined livestock having first obtained a written permit from the Utah Department of Agriculture and Food or its authorized agent to move the animals.

c. Quarantines shall be released upon compliance with Section 4-31-17; as well as with 9 CFR 71.2, January 1, 200[+]2, edition; and the Utah Health Code Sections 26-6, 19-4 and 19-5.

KEY: quarantines

~~[August 15, 1997]~~2005

Notice of Continuation October 30, 2001

4-31-15

4-31-17

4-2-2(1)(c)(ii)

▼ ————— ▼

Education, Administration R277-733 Adult Education Programs

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 27592

FILED: 12/15/2004, 16:42

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is amended to develop a statewide fee schedule for adult education classes based upon a student's ability to pay.

SUMMARY OF THE RULE OR CHANGE: The changes include establishing a statewide fee schedule for adult education classes based upon a student's ability to pay. The proposed changes link these fees to free/reduced lunch criteria and establish a basic fee amount for classes, as well as less costly options for those who may qualify.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53A-15-401

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There are anticipated savings to the state in an amount estimated at \$744,000 in revenue because this fee increase doubles the fees currently collected from adult education students.

❖ LOCAL GOVERNMENTS: There are no anticipated cost or savings to local government. The Adult Education Program will be paid by state funding and student fees.

❖ OTHER PERSONS: There will be a cost to students in an amount not to exceed \$100 per Adult Education class and subject to a student's ability to pay. The estimated amount to be paid by students is \$744,000.

COMPLIANCE COSTS FOR AFFECTED PERSONS: In order to participate in the Adult Education Program, there will be a cost

to students in an amount not to exceed \$100 per Adult Education class and subject to a student's ability to pay.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed this rule, and I see no fiscal impact to businesses. Patti Harrington, State Superintendent of Public Instruction

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

EDUCATION

ADMINISTRATION

250 E 500 S

SALT LAKE CITY UT 84111-3272, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

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

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2005

AUTHORIZED BY: Carol Lear, Coordinator School Law and Legislation

R277. Education, Administration.

R277-733. Adult Education Programs.

R277-733-1. Definitions.

A. "Adult" means a person 18 years of age or over.

B. "Adult basic education (ABE)" means a program that provides instruction for adults whose inability to compute or speak, read, or write the English language at or below the eighth grade level substantially impairs their ability to find or retain employment commensurate with their real ability. The instruction is designed to help adults by:

- (1) increasing their independence;
- (2) improving their ability to benefit from occupational training;
- (3) increasing opportunities for more productive and profitable employment; and
- (4) making them better able to meet adult responsibilities.

C. "Adult education" means ~~[instruction and educational services for students age 18 and over who lack:~~

- ~~— (1) basic education skills sufficient to enable them to function effectively in society as measured by performance at or below the eighth grade level on standardized achievement tests;~~
- ~~— (2) a certificate of graduation from a school providing the secondary education of grade levels nine through twelve;~~
- ~~— (3) English acquisition skills for non-English language learners; or~~
- ~~— (4) A GED Certificate of Completion.~~ a program that provides instruction for eligible adult education students who are seeking:
 - (1) a certificate of graduation from an accredited high school;
 - (2) a GED Certificate of Completion;

(3) English acquisition skills to compute, speak, read, or write the English language; or

(4) competency functioning levels for adults who are currently assessed below the eighth grade level of competency; or

(5) programs/courses to assist adults in becoming literate and obtaining the academic knowledge and skills necessary for employment and self-sufficiency; and

Adult education programs/courses may also be made available to public education students who are younger than 18 as determined necessary by local adult education programs.

D. "Adult high school education" means a program that provides instruction in Board-approved subjects which leads to a high school diploma for adults.

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

F. "Consumable items" means student workbooks, student packets, computer disks, pencils, papers, notebooks, and other similar personal items over which a student retains ownership during the course of study.

G. "Eligible adult education student" means a person who is a legal resident of the United States, makes his true and permanent home in Utah, and:

(1) is 17 years of age or older, and whose high school class has graduated;

(2) is under 18 years of age [~~who~~and is married; or

(3) has been adjudicated as an adult.

H. "Enrollees" means adult students who have 12 or more contact hours within the adult education program.

I. "Fee" means any charge, deposit, rental, or other mandatory payment, however designated, whether in the form of money or goods. Admission fees, transportation charges, and similar payments to third parties are fees if the charges are made in connection with an activity or function sponsored by or through a school. All fees are subject to approval by the local school board of education.

J. "GED" means General Education Development. A program to provide instruction in subjects which leads to a GED certificate of completion.

K. "GED Certificate of Completion" means a certificate issued by the Board acknowledging competency on the part of the certificate holder in the GED test areas.

L. "Latest official census data" means statistical information used to determine the number of adults who need adult education services, and determined by:

(1) individuals 18 years of age and older with less than a ninth grade education; or

(2) individuals 18 years of age and older whose primary language is other than English; or

(3) individuals 18 years of age and older without a high school diploma -- ungraduated adults.

M. "Measurable outcomes" means education results that lead to student progress in adult education. Funding is determined by measurable outcome percentages under R277-733-9.

N. "Other eligible adult education student" means a person 16 to 18 years of age whose high school class has not graduated and is counted in the regular school program. The funds generated are credited to the adult education program.

O. "Tuition" means the base cost of an adult education program providing services to the adult education student.

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

R277-733-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which gives general control and supervision of the public school system to the Board, Section 53A-15-401 which places the general control and supervision of adult education under the Board, Section 53A-1-402(1) which allows the Board to adopt minimum standards for programs and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to describe curriculum, program standards, allocation formulas, and operation procedures for the adult education program.

R277-733-3. Federal Adult Education.

The Board adopts the Adult Education and Family Literacy Act, Chapter 2, Public Law 105-220, 20 U.S.C. 1201 et seq., hereby incorporated by reference, and the related current state plan required under that statute, as the standards and procedures governing the federally-funded portion of its adult education program, available from the USOE Adult Education Section.

R277-733-4. Program Standards.

A. Each eligible adult education student shall have [A] written Student Educational/Occupational Plan based upon an analysis of the student's goals and objectives, prior academic achievement, work experience and placement assessment data[~~shall be developed for each adult education student and~~]. The plan shall be signed by the student and a designated local school official.

B. Local adult education programs shall make reasonable efforts to inform prospective students of the availability of the programs and provide enrollment information widely.

C. Only courses identified in R277-733-7 qualify for adult education funds. Only 25 percent of an adult education student's credits toward graduation may be electives as identified under R277-733-7.

D. Local adult education programs shall comply with state and federal requirements and Board rules. The USOE shall evaluate local programs to determine compliance.

R277-733-5. Fiscal Procedures.

A. State funds appropriated for adult education are allocated in accordance with Section 53A-17a-119.

B. No eligible school district shall receive less than its portion of a seven percent base amount of the state appropriation if:

(1) instructional services approved by the USOE Adult Education Services have been provided to eligible adult students during the preceding fiscal year; or

(2) the district is preparing to offer such services--such a preparation period may not exceed two years.

C. Lapsing and nonlapsing funds

(1) Funds appropriated for adult education programs are subject to Board accounting, auditing, and budgeting rules.

(2) State adult education funds which are allocated to local adult education programs and are not expended in a fiscal year may be carried over to the next fiscal year with written approval by the USOE. These funds may be considered in determining the district's allocation for the next fiscal year.

D. The USOE shall develop uniform forms, deadlines, program reporting and accounting procedures, and guidelines to govern the state and federal adult basic skills and adult high school

programs. The "Adult Education Guidelines for Fiscal, Student, and Program Accounting and Reporting" manual, July, 2003, includes these forms, procedures and guidelines and is available from the USOE.

R277-733-6. Adult Education Pupil Accounting.

A. A student under 19 years of age who has not graduated and who is a resident of the district, may, with approval under the state administered Adult Education Program, enroll in the Adult Basic and Adult High School Completion Program and generate regular state WPU's at the rate of 990 clock hours of membership per one weighted pupil unit per year, 1 F[-]T[-]E[-] on a yearly basis. The clock hours of students enrolled part-time must be prorated.

B. A student 17 years of age or over, without a high school diploma but whose high school class has graduated, who resides in the state of Utah, and who intends to graduate from high school, may enroll in the State Adult High School Completion Program. Student attendance up to 990 clock hours of membership is equivalent to 1 F[-]T[-]E[-] per year.

(1) The clock hours of students enrolled part-time shall be prorated.

(2) As an alternative, equivalent weighted pupil units may be generated for competencies mastered on the basis of prior authorization of a district plan by the USOE.

R277-733-7. Adult Basic Education and Adult High School Education Curriculum.

A. Adult basic education shall consist of the following prerequisite courses to subsection R277-733-7B below:

(1) English for Speakers of Other Languages (ESOL) competency levels one through six.

(2) Adult Basic Education (ABE) competency levels one through four.

B. Adult secondary education (ASE) shall satisfy ASE competency levels I and II requirements with a minimum of 24 credits as provided below:

(1) Adult High School General Core Courses: 13.5 units of credit required:

(a) English: 3.0;

(b) mathematics: 2.0, elementary algebra or above;

(c) science: 2.0, with a maximum of one credit in at least two of the following areas: (1) chemistry; (2) biological science; (3) earth science; (4) physics;

(d) social studies: 3.0, 1.0 in United States history or American government; .5 in geography; .5 in world studies; 1.0 in elective social studies;

(e) information technology: .5;

(f) ~~applied technology~~ career and technical education: 1.0;

(g) fine arts: 1.0;

(h) healthy life styles: 1.0.

(2) Adult High School completion shall satisfy requirements outlined in R277-600-6 and shall be consistent with R277-733-4C.

R277-733-8. Adult Education Programs--Tuition and Fees.

A. Any adult may enroll in an adult education class as provided in Section 53A-15-404.

B. Tuition and fees ~~may~~ shall be charged for literacy courses ~~when adequate state or local funds are not available~~ and adult high school general courses in an amount not to exceed \$100 annually per student based on the student's ability to pay as determined by federal free and reduced lunch guidelines, under the Richard B. Russell

National School Lunch Act, 42 USC 1751, et seq. The appropriate student fees and tuition shall be determined by the local school board.

C. ~~[Tuition may be charged for adult high school general core courses, when adequate state or local funds are not available.]~~ Adult education tuition and fees shall be waived or students shall be offered appropriate work in lieu of waivers for students who are younger than 18, qualify for fee waivers under R277-407, and their class has not graduated.

D. Tuition may be charged for courses that satisfy requirements outlined in R277-700-6 and subject to R277-733-4C, when adequate state or local funds are not available.

E. Fees may be charged for consumable and nonconsumable items necessary for adult high school general core courses, courses that satisfy requirements outlined in R277-700-6 and subject to R277-733-4C, and adult high school general core courses, consistent with the definitions under R277-733-1F and R277-733-1I.

R277-733-9. Allocation of Adult Education Funds.

Adult education funds shall be distributed to school districts according to the following:

A. Base amount - 7 percent of appropriation or \$13,000, whichever is greater, to be distributed equally to each district with USOE-approved plan.

B. Latest official census data, as defined in R277-733-1L, at a decreasing rate per year until reaching zero percent: 15 percent of appropriation for FY 04, 10 percent for FY 05, five percent for FY 06, zero percent for FY 07, and zero percent thereafter.

C. Measurable outcomes, as defined in R277-733-1M, on an increasing rate per year until reaching 50 percent: 35 percent of appropriation for FY 04, 40 percent for FY 05, 45 percent for FY 06, and 50 percent for FY 07 and 50 percent thereafter. Funds shall be distributed among measurable outcomes as follows:

(1) number of high school diplomas awarded - 30 percent of the total funds available;

(2) number of GED certificates awarded - 25 percent of the total funds available;

(3) number of level gains: ESOL levels 1-6 and ABE competency levels 1-4 - 30 percent of the total funds available;

(4) number of high school credits earned by students - 15 percent of the total funds available.

D. Enrollees as defined by federal regulations - 25 percent of appropriation.

E. Supplemental support, to be distributed to school districts for special program needs or professional development as determined by written request and USOE evaluation of need and approval - 2 percent or balance of appropriation whichever is smaller.

F. Student participation, total number of contact hours between adult student and adult education program - 16 percent.

KEY: adult education

~~[August 15, 2003]~~ 2005

Notice of Continuation October 18, 2002

Art X Sec 3

53A-15-401

53A-1-402(1)

53A-1-401(3)

53A-15-404

53A-12-101

Environmental Quality, Water Quality
R317-2
Standards of Quality for Waters of the
State

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 27593

FILED: 12/15/2004, 17:07

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The proposed amendments are being made to bring Utah's Water Quality Standards into conformance with the Environmental Protection Agency (EPA) guidance.

SUMMARY OF THE RULE OR CHANGE: The changes are: 1) the description beneficial uses designation for the Great Salt Lake (Class 5) is changed to be more descriptive; 2) Willard Creek is removed from the Bear River drainage; 3) the reference to site specific criteria for total ammonia for the Jordan River be removed; 4) secondary recreation beneficial use classification designation be added to all National Wildlife Refuges and State Waterfowl Management Areas; 5) E. coli bacteriological criteria be added to the standards with the concurrent removal of total and fecal coliform bacteria; 6) numeric criteria changes and additions in Class 1C waters (Domestic Source); 7) 21 river segments be given site-specific Total Dissolved Solids (TDS) criteria; 8) numeric criteria changes for Nickel and Total Residual Chlorine in Class 3 waters; 9) the pollution indicator total phosphorus is added to Class 3A waters and removed from Class 3C waters; 10) correction of formula for determining where Fish Early Life Stages are absent; 11) correction of formula to convert dissolved sulfide to un-dissociated hydrogen sulfide; 12) correction of a value for acute ammonia in one of the tables; 13) redefining the caption of Table 2.14.3a and Table 2.14.3b to clarify the intent of the table; 14) correction of a formula for determining the Chromium III standard; and 15) various numeric criteria for aquatic wildlife and human health criteria were adjusted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no anticipated cost or savings to state budget. The proposed amendments will be implemented using existing resources.

❖ LOCAL GOVERNMENTS: In general, the proposed amendments are editorial in nature or to correct errors. The addition of site specific TDS standards for 21 waterbodies could result in a large potential saving to local governments operating treatment plants on those waterbodies. The addition of an E. coli standard will require a small initial capital cost (\$3,500) to local wastewater service districts or cities to purchase equipment for E. coli testing. However, analysis costs should be less than current costs, resulting in no net cost.

❖ OTHER PERSONS: No significant costs to other persons. In general, the proposed amendments are editorial in nature or

to correct errors. The addition of site specific TDS standards for 21 waterbodies could result in a large potential saving to other persons discharging to those waters.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The addition of an E. coli standard will require a small initial capital cost (\$3,500) to local wastewater service districts or cities to purchase equipment for E. coli testing. However, analysis costs should be less than current costs, resulting in no net cost. No other compliance costs are anticipated.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendments are largely editorial in nature or are made to correct errors. No significant fiscal impacts to businesses are anticipated.

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

ENVIRONMENTAL QUALITY
 WATER QUALITY
 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:

Dave Wham at the above address, by phone at 801-538-6052, by FAX at 801-538-6016, or by Internet E-mail at dwham@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2005

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 1/12/2005 at 3:00 PM, City Library, West Room, 303 N 100 E, Cedar City, UT; 1/13/2005 at 1:00 PM, Southeastern Utah Dist. Health Dept., 28 S 100 E, Price, UT; and 1/14/2005 at 2:00 PM, Cannon Health Building, 288 N 1460 W, Room 125, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 03/01/2005

AUTHORIZED BY: Dianne R. Nielson, Executive Director

R317. Environmental Quality, Water Quality.
R317-2. Standards of Quality for Waters of the State.
R317-2-3. Antidegradation Policy.

3.1 Maintenance of Water Quality

Waters whose existing quality is better than the established standards for the designated uses will be maintained at high quality unless it is determined by the Board, after appropriate intergovernmental coordination and public participation in concert with the Utah continuing planning process, allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. However, existing instream water uses shall be maintained and protected. No water quality degradation is allowable which would interfere with or become injurious to existing instream water uses.

In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with Section 316 of the Federal Clean Water Act.

.....

e. Public Notice

The public will be provided notice and an opportunity to comment on the conclusions of all completed antidegradation reviews. Where possible, public notice on the antidegradation review conclusions will be combined with the public notice on the proposed permitting action. In the case of UPDES permits, public notice will be provided through the normal permitting process, as all draft permits are public noticed for 30 days, and public comment solicited, before being issued as a final permit. The Statement of Basis for the draft UPDES permit will contain information on how the ADR was addressed including results of the Level I and Level II reviews. In the case of Section 404 permits from the Corps of Engineers, the Division of Water Quality will develop any needed 401 Certifications and the public notice will be published in conjunction with the US Corps of Engineers public notice procedures. Other permits requiring a Level II review will receive a separate public notice according to the normal State public notice procedures.

R317-2-6. Use Designations.

The Board as required by Section 19-5-110, shall group the waters of the state into classes so as to protect against controllable pollution the beneficial uses designated within each class as set forth below. Surface waters of the state are hereby classified as shown in R317-2-13.

6.1 Class 1 -- Protected for use as a raw water source for domestic water systems.

a. Class 1A -- Reserved.

b. Class 1B -- Reserved.

c. Class 1C -- Protected for domestic purposes with prior treatment by treatment processes as required by the Utah Division of Drinking Water

6.2 Class 2 -- Protected for recreational use and aesthetics.

a. Class 2A -- Protected for primary contact recreation such as swimming.

b. Class 2B -- Protected for secondary contact recreation such as boating, wading, or similar uses.

6.3 Class 3 -- Protected for use by aquatic wildlife.

a. Class 3A -- Protected for cold water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain.

b. Class 3B -- Protected for warm water species of game fish and other warm water aquatic life, including the necessary aquatic organisms in their food chain.

c. Class 3C -- Protected for nongame fish and other aquatic life, including the necessary aquatic organisms in their food chain.

d. Class 3D -- Protected for waterfowl, shore birds and other water-oriented wildlife not included in Classes 3A, 3B, or 3C, including the necessary aquatic organisms in their food chain.

e. Class 3E -- Severely habitat-limited waters. Narrative standards will be applied to protect these waters for aquatic wildlife.

6.4 Class 4 -- Protected for agricultural uses including irrigation of crops and stock watering.

6.5 Class 5 -- The Great Salt Lake. Protected for primary and

secondary contact recreation, ~~aquatic wildlife~~ waterfowl, shore birds and other water-oriented wildlife including their necessary aquatic organisms in their food chain, and mineral extraction.

R317-2-13. Classification of Waters of the State (see R317-2-6).

13.1 Upper Colorado River Basin

a. Colorado River Drainage

TABLE

Paria River and tributaries, from state line to headwaters	2B	3C	4
All tributaries to Lake Powell, except as listed below	2B	3B	4
Escalante River and tributaries, from Lake Powell to confluence with Boulder Creek	2B	3C	4
Escalante River and tributaries, from confluence with Boulder Creek, including Boulder Creek, to headwaters	2B 3A		4
Dirty Devil River and tributaries, from Lake Powell to Fremont River	2B	3C	4
Deer Creek and tributaries, from confluence with Boulder Creek to headwaters	2B 3A		4
Fremont River and tributaries, from confluence with Muddy Creek to Capitol Reef National Park, except as listed below	1C	2B	3C
Pleasant Creek and tributaries, from confluence with Fremont River to East boundary of Capitol Reef National Park	2B	3C	4
Pleasant Creek and tributaries, from East boundary of Capitol Reef National Park to headwaters	1C	2B 3A	
Fremont River and tributaries, through Capitol Reef National Park to headwaters	1C	2B 3A	4
Muddy Creek and tributaries, from confluence with Fremont River to Highway U-10 crossing, except as listed below	2B	3C	4
Quitcupah Creek and Tributaries, from Highway U-10 crossing to headwaters	2B 3A		4
Ivie Creek and tributaries, from Highway U-10 to headwaters	2B 3A		4
Muddy Creek and tributaries, from Highway U-10 crossing to headwaters	1C	2B 3A	4
San Juan River and Tributaries, from Lake Powell to state line except As listed below:	1C	2B	3B
			4

Johnson Creek and tributaries, from confluence with Recapture Creek to headwaters	1C	2B 3A	4	Perry Canyon Creek from U.S. Forest boundary to headwaters	2B 3A	4
Verdure Creek and tributaries, from Highway US-191 crossing to headwaters		2B 3A	4	Box Elder Creek from confluence with Black Slough to Brigham City Reservoir (the Mayor's Pond)	2B	3C 4
North Creek and tributaries, from confluence with Montezuma Creek to headwaters	1C	2B 3A	4	Box Elder Creek, from Brigham City Reservoir (the Mayor's Pond) to headwaters	2B 3A	4
South Creek and tributaries, from confluence with Montezuma Creek to headwaters	1C	2B 3A	4	Malad River and tributaries, from confluence with Bear River to state line	2B	3C
Spring Creek and tributaries, from confluence with Vega Creek to headwaters		2B 3A	4	Little Bear River and tributaries, from Cutler Reservoir to headwaters	2B 3A	3D 4
Montezuma Creek and tributaries, from U.S. Highway 191 to headwaters	1C	2B 3A	4	Logan River and tributaries, from Cutler Reservoir to headwaters	2B 3A	3D 4
Colorado River and tributaries, from Lake Powell to state line except as listed below	1C	2B 3B	4	Blacksmith Fork and tributaries, from confluence with Logan River to headwaters	2B 3A	4
Indian Creek and tributaries, through Newspaper Rock State Park to headwaters	1C	2B 3A	4	Newton Creek and tributaries, from Cutler Reservoir to Newton Reservoir	2B 3A	4
Kane Canyon Creek and tributaries, from confluence with Colorado River to headwaters		2B	3C 4	Clarkston Creek and tributaries, from Newton Reservoir to headwaters	2B 3A	4
Mill Creek and tributaries, from confluence with Colorado River to headwaters	1C	2B 3A	4	Birch Creek and tributaries, from confluence with Clarkston Creek to headwaters	2B 3A	4
Dolores River and tributaries, from confluence with Colorado River to state line		2B	3C 4	Summit Creek and tributaries, from confluence with Bear River to headwaters	2B 3A	4
Roc Creek and tributaries, from confluence with Dolores River to headwaters		2B 3A	4	Cub River and tributaries, from confluence with Bear River to state line, except as listed below:	2B 3B	4
LaSal Creek and tributaries, from state line to headwaters		2B 3A	4	High Creek and tributaries, from confluence with Cub River to headwaters	2B 3A	4
Lion Canyon Creek and tributaries, from state line to headwaters		2B 3A	4	All tributaries to Bear Lake from Bear Lake to headwaters, except as listed below	2B 3A	4
Little Dolores River and tributaries, from confluence with Colorado River to state line		2B	3C 4	Swan Springs tributary to Swan Creek	1C 2B 3A	
Bitter Creek and tributaries, from confluence with Colorado River to headwaters		2B	3C 4	Bear River and tributaries in Rich County	2B 3A	4
.....				Bear River and tributaries, from Utah-Wyoming state line to headwaters (Summit County)	2B 3A	4
13.3 Bear River Basin				Mill Creek and tributaries, from state line to headwaters (Summit County)	2B 3A	4
a. Bear River Drainage					

TABLE

Bear River and tributaries, from Great Salt Lake to Utah-Idaho border, except as listed below:	2B	3B	3D	4
Willard Creek, from Willard Bay Reservoir to headwaters	2B 3A			4

13.5 Utah Lake-Jordan River Basin
a. Jordan River Drainage

TABLE								
Jordan River, from Farmington Bay to North Temple Street, Salt Lake City	2B	3B *	3D	4	from lower Bell's Canyon reservoir to headwaters	1C	2B	3A
Jordan River, from North Temple Street in Salt Lake City to confluence with Little Cottonwood Creek	2B	3B *		4	Little Willow Creek and tributaries, from Draper Irrigation Company diversion to headwaters	1C	2B	3A
Surplus Canal from Great Salt Lake to the diversion from the Jordan River	2B	3B *	3D	4	Big Willow Creek and tributaries, from Draper Irrigation Company diversion to headwaters	1C	2B	3A
Jordan River from confluence with Little Cottonwood Creek to Narrows Diversion	2B	3A		4	South Fork of Dry Creek and tributaries, from Draper Irrigation Company diversion to headwaters	1C	2B	3A
Jordan River, from Narrows Diversion to Utah Lake	1C	2B	3B	4	All permanent streams on east slope of Oquirrh Mountains (Coon, Barney's, Bingham, Butterfield, and Rose Creeks)		2B	3D 4
City Creek, from Memory Park in Salt Lake City to City Creek Water Treatment Plant	2B	3A			Kersey Creek from confluence of C-7 Ditch to headwaters		2B	3D
City Creek, from City Creek Water Treatment Plant to headwaters	1C	2B	3A		* Site specific criteria for [total ammonia and] dissolved oxygen. See Table 2.14.5.			

13.11 National Wildlife Refuges and State Waterfowl Management Areas

TABLE								
Red Butte Creek and tributaries, from Red Butte Reservoir to headwaters	1C	2B	3A		Bear River National Wildlife Refuge, Box Elder County	<u>2B</u>	3B	3D
Emigration Creek and tributaries, from Foothill Boulevard in Salt Lake City to headwaters	2B	3A			Brown's Park Waterfowl Management Area, Daggett County	<u>2B</u>	3A	3D
Parley's Creek and tributaries, from 1300 East in Salt Lake City to Mountain Dell Reservoir to headwaters	1C	2B	3A		Clear Lake Waterfowl Management Area, Millard County	<u>2B</u>		3C 3D
Parley's Creek and tributaries, from Mountain Dell Reservoir to headwaters	1C	2B	3A		Desert Lake Waterfowl Management Area, Emery County	<u>2B</u>		3C 3D
Mill Creek (Salt Lake County) from confluence with Jordan River to Interstate Highway 15	2B		3C	4	Farmington Bay Waterfowl Management Area, Davis and Salt Lake Counties	<u>2B</u>		3C 3D
Mill Creek (Salt Lake County) and tributaries from Interstate Highway 15 to headwaters	2B	3A		4	Fish Springs National Wildlife Refuge, Juab County	<u>2B</u>		3C 3D
Big Cottonwood Creek and tributaries, from confluence with Jordan River to Big Cottonwood Water Treatment Plant	2B	3A		4	Harold Crane Waterfowl Management Area, Box Elder County	<u>2B</u>		3C 3D
Big Cottonwood Creek and tributaries, from Big Cottonwood Water Treatment Plant to headwaters	1C	2B	3A		Howard Slough Waterfowl Management Area, Weber County	<u>2B</u>		3C 3D
Deaf Smith Canyon Creek and tributaries	1C	2B	3A	4	Locomotive Springs Waterfowl Management Area, Box Elder County	<u>2B</u>	3B	3D
Little Cottonwood Creek and tributaries, from confluence with Jordan River to Metropolitan Water Treatment Plant	2B	3A		4	Ogden Bay Waterfowl Management Area, Weber County	<u>2B</u>		3C 3D
Little Cottonwood Creek and tributaries, from Metropolitan Water Treatment Plant to headwaters	1C	2B	3A		Ouray National Wildlife Refuge, Uintah County	<u>2B</u>	3B	3D
Bell Canyon Creek and tributaries,					Powell Slough Waterfowl Management Area, Utah County	<u>2B</u>		3C 3D
					Public Shooting Grounds Waterfowl Management Area, Box Elder County	<u>2B</u>		3C 3D

Salt Creek Waterfowl Management Area, Box Elder County	<u>2B</u>	3C	3D
Stewart Lake Waterfowl Management Area, Uintah County	<u>2B</u>	3B	3D
Timpie Springs Waterfowl Management Area, Tooele County	<u>2B</u>	3B	3D

Chlorophenoxy Herbicides	
2,4-D	[100] <u>70</u>
2,4,5-TP	10
Methoxychlor	[100] <u>40</u>

POLLUTION INDICATORS (5)

[~~50~~ Gross Beta (pCi/L) 50 ~~50~~]

BOD (MG/L)	5	5	5
Nitrate as N (MG/L)	4	4	
Total Phosphorus as P (MG/L) (6)	0.05	0.05	

FOOTNOTES:

- (1) Reserved
- (2) The dissolved metals method involves filtration of the sample in the field, acidification of the sample in the field, no digestion process in the laboratory, and analysis by atomic absorption or inductively coupled plasma (ICP) spectrophotometry.
- (3) Maximum concentration varies according to the daily maximum mean air temperature.

R317-2-14. Numeric Criteria.

TABLE 2.14.1
NUMERIC CRITERIA FOR DOMESTIC, RECREATION, AND AGRICULTURAL USES

Parameter	Domestic Source		Recreation and Aesthetics		Agri-culture
	1C	2A	2B	4	
BACTERIOLOGICAL					
(30-DAY GEOMETRIC MEAN) (NO.)/100 ML (7)					
[Max. Total Coliforms]	5000	1000	5000		
[Max. Fecal Coliforms]	2000	200	200		
E. coli	206	126	206		
MAXIMUM					
(NO.)/100 ML (7)					
E. coli	940	576	940		

TEMP (C)	MG/L
12.0	2.4
12.1-14.6	2.2
14.7-17.6	2.0
17.7-21.4	1.8
21.5-26.2	1.6
26.3-32.5	1.4

PHYSICAL

pH (RANGE)	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0
Turbidity Increase (NTU)		10	10	

METALS (DISSOLVED, MAXIMUM MG/L) (2)

Arsenic (Trivalent)	0.01			0.1
Barium	1.0			
Beryllium	<0.004			
Cadmium	0.01			0.01
Chromium	0.05			0.10
Copper				0.2
Lead	[0.05] <u>0.015</u>			0.1
Mercury	0.002			
Selenium	0.05			0.05
Silver	0.05			

INORGANICS (MAXIMUM MG/L)

Bromate	0.01			
Boron				0.75
Chlorite	<1.0			
Fluoride (3)	1.4-2.4			
Nitrates as N	10			
Total Dissolved Solids (4)	Irrigation			1200
	Stock Watering			2000

RADIOLOGICAL (MAXIMUM pCi/L)

Gross Alpha	15			15
Gross Beta	4 mrem/yr			
Radium 226, 228 (Combined)	5			
Strontium 90	8			
Tritium	20000			
Uranium	30			

ORGANICS (MAXIMUM UG/L)

(4) Total dissolved solids (TDS) limits may be adjusted if such adjustment does not impair the designated beneficial use of the receiving water. The total dissolved solids (TDS) standards shall be at background where it can be shown that natural or un-alterable conditions prevent its attainment. In such cases rulemaking will be undertaken to modify the standard accordingly.

Site Specific Standards for Total Dissolved Solids (TDS)

Castle Creek from confluence with the Colorado River to Seventh Day Adventist
Diversion: 1,800 mg/l;

Cottonwood Creek from the confluence with Huntington Creek to I-57:
3,500 mg/l;

Ferron Creek from the confluence with San Rafael River to Highway 10:
3,500 mg/l;

Gordon Creek from the confluence with Price River to headwaters:
3,800 mg/l;

Huntington Creek and tributaries from the confluence with Cottonwood Creek to U-10:
4,800 mg/l;

Ivie Creek and its tributaries from the confluence with Muddy Creek to U-10:
2,600 mg/l;

Lost Creek from the confluence with Sevier River to U.S. Forest Service Boundary:
4,600 mg/l;

Muddy Creek and tributaries from the confluence with Quitchupah Creek to U-10:
2,600 mg/l;

Muddy Creek from confluence with Fremont River to confluence with Quitchupah Creek:
5,800 mg/l;

North Creek from the confluence with Virgin River to headwaters:
2,035 mg/l;

Onion Creek[+6] from the confluence with Colorado River to road crossing above Stinking Springs[7]:
3000 mg/l[7];

Brine Creek-Petersen Creek, from the confluence with the Sevier River to U-119 Crossing: 9,700 mg/l;

Pinnacle Creek from the confluence with Price River to headwaters: 3,800 mg/l;

Price River and tributaries from the confluence with Coal Creek to Carbon Canal Diversion: 1,700 mg/l;

Price River and tributaries from the confluence with Green River to confluence with Soldier Creek: 3,000 mg/l;

Quitichupah Creek from the confluence with Ivie Creek to U-10: 2,600 mg/l;

Rock Canyon Creek from the confluence with Cottonwood Creek to headwaters: 3,500 mg/l;

San Pitch River from below Gunnison Reservoir to the Sevier River: 2,400 mg/l;

San Rafael River from the confluence with the Green River to Buckhorn Crossing: 4,100 mg/l;

San Rafael River from the Buckhorn Crossing to the confluence with Huntington Creek and Cottonwood Creek: 3,500 mg/l;

Sevier River between Gunnison Bend Reservoir and DMAD Reservoir: 1,725 mg/l;

Sevier River from Gunnison Bend Reservoir to Clear Lake: 3,370 mg/l;

Virgin River from the Utah/Arizona border to Pah Tempe Springs: 2,360 mg/l

(5) Investigations should be conducted to develop more information where these pollution indicator levels are exceeded.

(6) Total Phosphorus as P (mg/l) indicator for lakes and reservoirs shall be 0.025.

(7) Where the criteria are exceeded and there is a reasonable basis for concluding that the indicator bacteria are primarily from natural sources (wildlife), e.g., in National Wildlife Refuges and State Waterfowl Management Areas, the criteria may be considered attained. Exceedences of bacteriological numeric criteria from nonhuman nonpoint sources will generally be addressed through appropriate Federal, State, and [E]local nonpoint source programs.

Cadmium (7)				
4 Day Average	0.25	0.25	0.25	0.25
1 Hour Average	2.0	2.0	2.0	2.0
Chromium (Hexavalent)				
4 Day Average	11	11	11	11
1 Hour Average	16	16	16	16
Chromium (Trivalent) (7)				
4 Day Average	74	74	74	74
1 Hour Average	570	570	570	570
Copper (7)				
4 Day Average	9	9	9	9
1 Hour Average	13	13	13	13
Cyanide (Free)				
4 Day Average	5.2	5.2	5.2	
1 Hour Average	22	22	22	22
Iron (Maximum)	1000	1000	1000	1000
Lead (7)				
4 Day Average	2.5	2.5	2.5	2.5
1 Hour Average	65	65	65	65
Mercury				
4 Day Average	0.012	0.012	0.012	0.012
1 Hour Average	2.4	2.4	2.4	2.4
Nickel (7)				
4 Day Average	52	52	52	52
1 Hour Average	470	470	470	470
1 Hour Average	468	468	468	468
Selenium				
4 Day Average	4.6	4.6	4.6	4.6
1 Hour Average	18.4	18.4	18.4	18.4
Silver				
1 Hour Average (7)	1.6	1.6	1.6	1.6
Zinc (7)				
4 Day Average	120	120	120	120
1 Hour Average	120	120	120	120
INORGANICS (MG/L) (4)				
Total Ammonia as N (9)				
30 Day Average	(9a)	(9a)		
1 Hour Average	(9b)	(9b)	(9b)	(9b)
Chlorine (Total Residual)				
4 Day Average	0.011	0.011	0.011	0.011
1 Hour Average	0.019	0.019	0.019	(7) 0.019
Hydrogen Sulfide (13) (Undissociated, Max. UG/L)	2.0	2.0	2.0	2.0
Phenol (Maximum)	0.01	0.01	0.01	0.01
RADIOLOGICAL (MAXIMUM pCi/L)				
Gross Alpha (10)	15	15	15	15
ORGANICS (UG/L) (4)				
Aldrin				
1 Hour Average	1.5	1.5	1.5	1.5
Chlordane				
4 Day Average	0.0043	0.0043	0.0043	0.0043
1 Hour Average	1.2	1.2	1.2	1.2
4,4' -DDT				
4 Day Average	0.0010	0.0010	0.0010	0.0010
1 Hour Average	0.55	0.55	0.55	0.55
Dieldrin				
4 Day Average	0.056	0.056	0.056	0.056
1 Hour Average	0.24	0.24	0.24	0.24
Alpha-Endosulfan				
4 Day Average	0.056	0.056	0.056	0.056
1 Hour Average	0.11	0.11	0.11	0.11
beta-Endosulfan				
4 Day Average	0.056	0.056	0.056	0.056
1 Day Average	0.11	0.11	0.11	0.11
Endrin				
4 Day Average	0.036	0.036	0.036	0.036
1 Hour Average	0.086	0.086	0.086	0.086
Heptachlor				
4 Day Average	0.0038	0.0038	0.0038	0.0038
1 Hour Average	0.26	0.26	0.26	0.26

TABLE 2.14.2
NUMERIC CRITERIA FOR AQUATIC WILDLIFE

Parameter	Aquatic Wildlife			
	3A	3B	3C	3D
PHYSICAL				
Total Dissolved				
Gases	(1)	(1)		
Minimum Dissolved Oxygen (MG/L) (2)				
30 Day Average	6.5	5.5	5.0	5.0
7 Day Average	9.5/5.0	6.0/4.0		
1 Day Average	8.0/4.0	5.0/3.0	3.0	3.0
Max. Temperature(C)(3)	20	27	27	
Max. Temperature Change (C)(3)	2	4	4	
pH (Range)	6.5-9.0	6.5-9.0	6.5-9.0	6.5-9.0
Turbidity Increase (NTU)	10	10	15	15
METALS (4) (DISSOLVED, UG/L) (5)				
Aluminum				
4 Day Average (6)	87	87	87	87
1 Hour Average	750	750	750	750
Arsenic (Trivalent)				
4 Day Average	150	150	150	150
1 Hour Average	340	340	340	340

Heptachlor epoxide				
4 Day Average	0.0038	0.0038	0.0038	0.0038
1 Hour Average	0.26	0.26	0.26	0.26
Hexachlorocyclohexane (Lindane)				
4 Day Average	0.08	0.08	0.08	0.08
1 Hour Average	1.0	1.0	1.0	1.0
Methoxychlor (Maximum)				
4 Day Average	0.03	0.03	0.03	0.03
Mirex (Maximum)	0.001	0.001	0.001	0.001
Parathion				
4 Day Average	0.013	0.013	0.013	0.013
1 Hour Average	0.066	0.066	0.066	0.066
PCB's				
4 Day Average	0.014	0.014	0.014	0.014

Pentachlorophenol (11)				
4 Day Average	15	15	15	15
1 Hour Average	19	19	19	19
Toxaphene				
4 Day Average	0.0002	0.0002	0.0002	0.0002
1 Hour Average	0.73	0.73	0.73	0.73
POLLUTION INDICATORS (11)				
Gross Beta (pCi/L)	50	50	50	50
BOD (MG/L)	5	5	5	5
Nitrate as N (MG/L)	4	4	4	4
Total Phosphorus as P (MG/L) (12)	0.05	0.05	0.05	0.05

FOOTNOTES:

(1) Not to exceed 110% of saturation.
 (2) These limits are not applicable to lower water levels in deep impoundments. First number in column is for when early life stages are present, second number is for when all other life stages present.

(3) The temperature standard shall be at background where it can be shown that natural or un-alterable conditions prevent its attainment. In such cases rulemaking will be undertaken to modify the standard accordingly.

Site Specific Standards for Temperature
 Ken's Lake: From June 1st - September 20th, 27 degrees C.

(4) Where criteria are listed as 4-day average and 1-hour average concentrations, these concentrations should not be exceeded more often than once every three years on the average.

(5) The dissolved metals method involves filtration of the sample in the field, acidification of the sample in the field, no digestion process in the laboratory, and analysis by atomic absorption spectrophotometry or inductively coupled plasma (ICP).

(6) The criterion for aluminum will be implemented as follows: Where the pH is equal to or greater than 7.0 and the hardness is equal to or greater than 50 ppm as CaCO3 in the receiving water after mixing, the 87 ug/l chronic criterion (expressed as total recoverable) will not apply, and aluminum will be regulated based on compliance with the 750 ug/l acute aluminum criterion (expressed as total recoverable).

(7) Hardness dependent criteria. 100 mg/l used. Conversion factors for ratio of total recoverable metals to dissolved metals must also be applied. In waters with a hardness greater than 400 mg/l as CaCO3, calculations will assume a hardness of 400 mg/l as CaCO3. See Table 2.14.3 for complete equations for hardness and conversion factors.

(8) Reserved
 (9) The following equations are used to calculate Ammonia criteria concentrations:

(9a) The thirty-day average concentration of total ammonia nitrogen (in mg/l as N) does not exceed, more than once every three years on the average, the chronic criterion calculated using the following equations.

Fish Early Life Stages are Present:
 mg/l as N (Chronic) = $((0.0577/1+10^{7.688-pH}) + (2.487/1+10^{PH-7.688}))$
 * MIN (2.85, $1.45 \times 10^{0.028 \times (25-1)}$)

Fish Early Life Stages are Absent:
 mg/l as N (Chronic) = $((0.0577/1+10^{7.688-pH}) + (2.487/1+10^{PH-7.688}))$
 * $[1.45 \times 10^{0.028 \times (25-\text{MAX}(1,7))}]$

(9b) The one-hour average concentration of total ammonia nitrogen (in mg/l as N) does not exceed, more than once every three years on the average the acute criterion calculated using the following equations.

Class 3A:
 mg/l as N (Acute) = $(0.275/(1+10^{7.204-pH})) + (39.0/1+10^{PH-7.204})$

Class 3B, 3C, 3D:
 mg/l as N (Acute) = $0.411/(1+10^{7.204-pH}) + (58.4/(1+10^{PH-7.204}))$

In addition, the highest four-day average within the 30-day period should not exceed 2.5 times the chronic criterion. The "Fish Early Life Stages are Present" 30-day average total ammonia criterion will be applied by default unless it is determined by the Division, on a site-specific basis, that it is appropriate to apply the "Fish Early Life Stages are Absent" 30-day average criterion for all or some portion of the year. At a minimum, the "Fish Early Life Stages are Present" criterion will apply from the beginning of spawning through the end of the early life stages. Early life stages include the pre-hatch embryonic stage, the post-hatch free embryo or yolk-sac fry stage, and the larval stage for the species of fish expected to occur at the site. The division will consult with the Division of Wildlife Resources in making such determinations. The Division will maintain information regarding the waterbodies and time periods where application of the "Early Life Stages are Absent" criterion is determined to be appropriate.

(10) Investigation should be conducted to develop more information where these levels are exceeded.

(11) pH dependent criteria. pH 7.8 used in table. See Table 2.14.4 for equation.

(12) Total Phosphorus as P (mg/l) indicator for lakes and reservoirs shall be 0.025.

(13) Formula to convert dissolved sulfide to un-dissociated hydrogen sulfide is: $H_2S = \text{Dissolved Sulfide} \times \frac{e^{-(1.92 + pH)}}{e^{-(1.92 + pH)} + 12.05}$

TABLE
 1-HOUR AVERAGE (ACUTE) CONCENTRATION OF
 TOTAL AMMONIA AS N (MG/L)

pH	Class 3A	Class 3B, 3C, 3D
6.5	32.6	48.8
6.6	31.3	46.8
6.7	29.8	44.8 44.6
6.8	28.1	42.0
6.9	26.2	39.1
7.0	24.1	36.1
7.1	22.0	32.8
7.2	19.7	29.5
7.3	17.5	26.2
7.4	15.4	23.0
7.5	13.3	19.9
7.6	11.4	17.0
7.7	9.65	14.4
7.8	8.11	12.1
7.9	6.77	10.1
8.0	5.62	8.40
8.1	4.64	6.95
8.2	3.83	5.72
8.3	3.15	4.71
8.4	2.59	3.88
8.5	2.14	3.20
8.6	1.77	2.65
8.7	1.47	2.20
8.8	1.23	1.84
8.9	1.04	1.56
9.0	0.89	1.32

TABLE 2.14.3a

EQUATIONS TO CONVERT TOTAL RECOVERABLE METALS STANDARD
WITH HARDNESS (1) DEPENDENCE TO DISSOLVED METALS STANDARD
BY APPLICATION OF A CONVERSION FACTOR (CF).

Parameter	4-Day Average (Chronic) Concentration (UG/L)	
CADMIUM	$CF * e^{((1-0.166)0.7409 (\ln(\text{hardness})) - [3-924]4.719)}$ $CF = [1-136672]1.101672 - (\ln \text{hardness}) (0.041838)$	
CHROMIUM III	$CF * e^{(0.8190(\ln(\text{hardness})) + 0.6848}$ $CF = 0.860$	
COPPER	$CF * e^{(0.8545(\ln(\text{hardness})) - 1.702)}$ $CF = 0.960$	
LEAD	$CF * e^{(1.273(\ln(\text{hardness})) - 4.705)}$ $CF = 1.46203 - (\ln \text{hardness})(0.145712)$	
NICKEL	$CF * e^{(0.8460(\ln(\text{hardness})) + 0.0584)}$ $CF = 0.997$	
SILVER	N/A	
ZINC	$CF * e^{(0.8473(\ln(\text{hardness})) + 0.884)}$ $CF = 0.986$	

TABLE 2.14.3b

EQUATIONS TO CONVERT TOTAL RECOVERABLE METALS STANDARD
WITH HARDNESS (1) DEPENDENCE TO DISSOLVED METALS STANDARD
BY APPLICATION OF A CONVERSION FACTOR (CF).

Parameter	1-Hour Average (Acute) Concentration (UG/L)	
CADMIUM	$CF * e^{(1.0166(\ln(\text{hardness})) - 3.924)}$ $CF = 1.136672 - (\ln \text{hardness})(0.041838)$	
CHROMIUM (III)	$CF * e^{(0.8190(\ln(\text{hardness})) + 3.7256)}$ $CF = 0.316$	
COPPER	$CF * e^{(0.9422(\ln(\text{hardness})) - 1.700)}$ $CF = 0.960$	
LEAD	$CF * e^{(1.273(\ln(\text{hardness})) - 1.460)}$ $CF = 1.46203 - (\ln \text{hardness})(0.145712)$	
NICKEL	$CF * e^{(0.8460(\ln(\text{hardness})) + 2.255)}$ $CF = 0.998$	
SILVER	$CF * e^{(1.72(\ln(\text{hardness})) - 6.59)}$ $CF = 0.85$	
ZINC	$CF * e^{(0.8473(\ln(\text{hardness})) + 0.884)}$ $CF = 0.978$	

FOOTNOTE:
(1) Hardness as mg/l CaCO₃.

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TABLE 2.14.6

LIST OF HUMAN HEALTH CRITERIA (CONSUMPTION)

Chemical Parameter	Water and Organism	
	Class 1C (ug/L)	Class 3A,3B,3C,3D (ug/L)
Antimony	5.6	640
Arsenic	A	A
Beryllium	C	C
Cadmium	C	C
Chromium III	C	C

Chromium VI	C	C
Copper	1,300	
Lead	C	C
Mercury	A	A
Nickel	[610] 100 MCL	4,600
Selenium	A	4,200
Silver		
Thallium	[1-7] 0.24	[6-9] 0.47
Zinc	7,400	26,000
Cyanide	[700] 140	[220,000] 140
Asbestos	7 million Fibers/L	
2,3,7,8-TCDD Dioxin	5.0 E -9 B	5.1 E-9 B
Acrolein	190	290
Acrylonitrile	0.051 B	0.25 B
<u>Alachlor</u>	<u>2.0</u>	
<u>Atrazine</u>	<u>3.0</u>	
Benzene	2.2 B	51 B
Bromofom	4.3 B	140 B
<u>Carbofuran</u>	<u>40</u>	
Carbon Tetrachloride	0.23 B	1.6 B
Chlorobenzene	[600] 100 MCL	[21,000] 1,600
Chlorodibromomethane	0.40 B	13 B
Chloroethane		
2-Chloroethylvinyl Ether		
Chloroform	5.7 B	470 B
<u>Dalapon</u>	<u>200</u>	
<u>Di(2ethylhexyl)adipate</u>	<u>400</u>	
<u>Dibromochloropropane</u>	<u>0.2</u>	
Dichlorobromomethane	0.55 B	17 B
1,1-Dichloroethane		
1,2-Dichloroethane	0.38 B	37 B
1,1-Dichloroethylene	[0-057-B] 7 MCL	[3-2-B] 7,100
<u>Dichloroethylene (cis-1,2)</u>	<u>70</u>	
<u>Dinoseb</u>	<u>7.0</u>	
<u>Diquat</u>	<u>20</u>	
1,2-Dichloropropane	0.50 B	15 B
1,3-Dichloropropene	[10] 0.34	[1,700] 21
<u>Endothall</u>	<u>100</u>	
Ethylbenzene	[3,100] 530	[29,000] 2,100
<u>Ethylene Dibromide</u>	<u>0.05</u>	
<u>Glyphosate</u>	<u>700</u>	
<u>Haloacetic acids</u>	<u>60 E</u>	
Methyl Bromide	47	1,500
Methyl Chloride	F	F
Methylene Chloride	4.6 B	590 B
<u>Ocamyl (vidate)</u>	<u>200</u>	
<u>Picloram</u>	<u>500</u>	
<u>Simazine</u>	<u>4</u>	
<u>Styrene</u>	<u>100</u>	
1,1,2,2-Tetrachloroethane	0.17 B	4.0 B
Tetrachloroethylene	0.69 B	3.3 B
Toluene	[6,800] 1,000	[200,000] 15,000
1,2 -Trans-Dichloroethylene	[700] 100 MCL	[140,000] 10,000
1,1,1-Trichloroethane	[F] 200 MCL	F
1,1,2-Trichloroethane	0.59 B	16 B
Trichloroethylene	2.5 B	30 B
Vinyl Chloride	[2-0-B] 0.025	[530-B] 2.4
<u>Xylenes</u>	<u>10,000</u>	
2-Chlorophenol	81	150
2,4-Dichlorophenol	77	290
2,4-Dimethylphenol	380	850
2-Methyl-4,6-Dinitrophenol	13.0	280
2,4-Dinitrophenol	69	5,300
2-Nitrophenol		
4-Nitrophenol		
3-Methyl-4-Chlorophenol		
Penetachlorophenol	0.27 B	3.0 B
Phenol	21,000	1,700,000
2,4,6-Trichlorophenol	1.4 B	2.4 B
Acenaphthene	670	990
Acenaphthylene		
Anthracene	8,300	40,000
Benzidine	0.000086 B	0.00020 B
BenzoAnthracene	0.0038 B	0.018 B
BenzoaPyrene	0.0038 B	0.018 B
BenzobFluoranthene	0.0038 B	0.018 B

BenzoghiPerylene		
BenzokFluoranthene	0.0038 B	0.018 B
Bis2-ChloroethoxyMethane		
Bis2-ChloroethylEther	0.030 B	0.53 B
Bis2-ChloroisopropylEther	1,400	65,000
Bis2-Ethyl[B]hexylPhthalate	1.2 B	2.2 B
4-Bromophenyl Phenyl Ether		
Butylbenzyl Phthalate	1,500	1,900
2-Chloronaphthalene	1,000	1,600
4-Chlorophenyl Phenyl Ether		
Chrysene	0.0038 B	0.018 B
Dibenzo(a, h)Anthracene	0.0038 B	0.018 B
1,2-Dichlorobenzene	[2,700] 420	[17,000] 1,300
1,3-Dichlorobenzene	320	960
1,4-Dichlorobenzene	[400] 63	[2,600] 190
3,3-Dichlorobenzidine	0.021 B	0.028 B
Diethyl Phthalate	17,000	44,000
Dimethyl Phthalate	270,000	1,100,000
Di-n-Butyl Phthalate	2,000	4,500
2,4-Dinitrotoluene	0.11 B	3.4 B
2,6-Dinitrotoluene		
Di-n-Octyl Phthalate		
1,2-Diphenylhydrazine	0.036 B	0.20 B
Fluoranthene	130	140
Fluorene	1,100	5,300
Hexachlorobenzene	0.00028 B	0.00029 B
Hexachlorobutidine	0.44 B	18 B
Hexachloroethane	1.4 B	3.3 B
Hexachlorocyclopentadiene	[240] 40	[17,000] 1,100
Ideno 1,2,3-cdPyrene	0.0038 B	0.018 B
Isophorone	35 B	960 B
Naphthalene		
Nitrobenzene	17	690
N-Nitrosodimethylamine	0.00069 B	3.0 B
N-Nitrosodi-n-Propylamine	0.005 B	0.51 B
N-Nitrosodiphenylamine	3.3 B	6.0 B
Phenanthrene		
Pyrene	830	4,000
1,2,4-Trichlorobenzene	[260] 35	[940] 70
Aldrin	0.000049 B	0.000050 B
alpha-BHC	0.0026 B	0.0049 B
beta-BHC	0.0091 B	0.017 B
gamma-BHC (Lindane)	[0.019 B] 0.2 MCL	[0.063 B] 1.8
delta-BHC		
Chlordane	0.00080 B	0.00081 B
4,4-DDT	0.00022 B	0.00022 B
4,4-DDE	0.00022 B	0.00022 B
4,4-DDD	0.00031 B	0.00031 B
Dieldrin	0.000052 B	0.000054 B
alpha-Endosulfan	62	89
beta-Endosulfan	62	89
Endosulfan Sulfate	62	89
Endrin	[0.76] 0.059	[0.81] 0.060
Endrin Aldehyde	0.29	0.30
Heptachlor	0.000079 B	0.000079 B
Heptachlor Epoxide	0.000039 B	0.000039 B
Polychlorinated Biphenyls	0.000064 B,D	0.000064 B,D
PCB's		
Toxaphene	0.00028 B	0.00028 B

Footnotes:

- A. See Table 2.14.2
- B. Based on carcinogenicity of 10-6 risk.
- C. EPA has not calculated a human criterion for this contaminant. ~~[However]~~ However, permit authorities should address this contaminant in NPDES permit actions using the State's existing narrative criteria for toxics
- D. This standard applies to total PCBs.

KEY: water pollution, water quality standards
[January 6, 2004]2005
Notice of Continuation October 7, 2002
19-5



Health, Health Care Financing, Coverage and Reimbursement Policy **R414-34-6** Qualified Providers

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 27589
 FILED: 12/15/2004, 09:45

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rulemaking clarifies that an individual who works for a qualified provider as described in the rule and who is working toward licensure in one of the mental health professions is subject to the provisions of Title 58.

SUMMARY OF THE RULE OR CHANGE: Language is added in Subsection R414-34-6(b) to clarify that an individual who works for a qualified provider as described in the rule and who is working toward licensure in one of the mental health professions is subject to the provisions of Title 58.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5 and 26-18-3

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There is no impact to the state budget as a result of this rulemaking because it only clarifies the application of state statute to individuals who work for a substance abuse services qualified provider.
- ❖ **LOCAL GOVERNMENTS:** There is no budget impact to local governments as a result of this rulemaking because it only clarifies the application of state statute to individuals who work for a substance abuse services qualified provider.
- ❖ **OTHER PERSONS:** There is no impact to other persons as a result of this rulemaking because it only clarifies the application of state statute to individuals who work for a substance abuse services qualified provider.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no impact to any person as a result of this rulemaking because it only clarifies the application of state statute to individuals who work for a substance abuse services qualified provider.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule was amended effective October 2004. Comments received pointed out the need to make it clear that the provisions of Title 58 apply to this rule. No fiscal impact is expected. Scott D, Williams, MD

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

HEALTH
 HEALTH CARE FINANCING,
 COVERAGE AND REIMBURSEMENT POLICY
 CANNON HEALTH BLDG
 288 N 1460 W
 SALT LAKE CITY UT 84116-3231, or

at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2005

AUTHORIZED BY: Scott D. Williams, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-34. Substance Abuse Services.

R414-34-6. Qualified Providers.

~~[(1)]~~ Diagnostic and rehabilitative services must be provided by an individual, as limited by the scope of his license, who is:

~~[(a)]~~ 1) a licensed physician, a licensed psychologist, a licensed clinical social worker, a licensed certified social worker, a licensed social service worker, a licensed advanced practice registered nurse specializing in mental health nursing, a licensed registered nurse, a licensed professional counselor, a licensed substance abuse counselor, or a licensed marriage and family counselor; or

~~[(b)]~~ 2) an individual working toward licensure in one of the professions identified in subsection ~~[(a)]~~ 1) to the extent permitted by Utah Code Title 58; or

~~[(e)]~~ 3) a licensed practical nurse or other trained staff working under the supervision of one of the individuals identified in subsections ~~[(1)]~~ (a) or (b) 1) or 2).

KEY: Medicaid

~~[October 15, 2004]~~ 2005

26-18-3

**Health, Health Care Financing,
Coverage and Reimbursement Policy**

R414-36-6

Qualified Providers

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 27591

FILED: 12/15/2004, 10:05

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rulemaking clarifies that an individual who works for a qualified provider described in the rule and who is working toward licensure in one of the mental health professions is subject to the provisions of Title 58.

SUMMARY OF THE RULE OR CHANGE: Language is added in Subsection R414-36-6(b) of this rule which emphasizes that an individual who works for a qualified provider described in the rule and who is working toward licensure in one of the mental health professions is subject to the provisions of Title 58.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-5 and 26-18-3

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no impact to the state budget as a result of this rulemaking because it only clarifies the application of state statute to individuals who work for a qualified provider of services in community mental health centers.

❖ LOCAL GOVERNMENTS: There is no budget impact to local governments as a result of this rulemaking because it only clarifies the application of state statute to individuals who work for a qualified provider of services in community mental health centers.

❖ OTHER PERSONS: There is no budget impact to other persons as a result of this rulemaking because it only clarifies the application of state statute to individuals who work for a qualified provider of services in community mental health centers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because the amendment to this rule only clarifies the application of state statute to individuals who work for a qualified provider of services in community mental health centers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule was amended effective November 2004. Comments received pointed out the need to make it clear that the provisions of Utah Code Title 58 apply to this rule. No fiscal impact is expected. Scott D. Williams, MD, MPH

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2005

AUTHORIZED BY: Scott D. Williams, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-36. Services by Community Mental Health Centers.

R414-36-6. Qualified Providers.

~~[(4)]~~ Diagnostic and rehabilitative services must be provided by an individual, as limited by the scope of his license, who is:

~~[(a)1]~~ a licensed physician, a licensed psychologist, a licensed clinical social worker, a licensed certified social worker, a licensed social service worker, a licensed advanced practice registered nurse specializing in mental health nursing, a licensed registered nurse, a licensed professional counselor, or a licensed marriage and family counselor; or

~~[(b)2]~~ an individual working toward licensure in one of the professions identified in subsection (a) to the extent permitted by Utah Code Title 58; or

~~[(e)3]~~ a licensed practical nurse or other trained staff working under the supervision of one of the individuals identified in subsections ~~[(1)(a) or (b)]~~ (1) or (2).

KEY: Medicaid

~~[November 3, 2004]~~ **2005**

26-18-3

▼ ————— ▼

**Health, Health Care Financing,
Coverage and Reimbursement Policy**
R414-61-2
Incorporation by Reference

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 27586

FILED: 12/14/2004, 09:58

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rulemaking is necessary to update the dates and titles of the listed waivers contained in the rule as necessary to meet statutory requirements that Medicaid policies be placed into rule.

SUMMARY OF THE RULE OR CHANGE: In Subsection R414-61-2(1), the year of the "Waiver for Technology Dependent/Medically Fragile Individuals" is updated from "1998" to "2003." This waiver deletes "portable oxygen" as a covered waiver benefit and adds "Expressive/Child Life Therapists" as qualified providers in the "Family Support Services" program. "Family Support Services" is the new name for the program that was previously known as "In Home Family Counseling Service." In Subsection R414-61-2(2), the title of the waiver has been changed to "Waiver for Individuals Age 65 and Older." Specifically, the word "elderly" is deleted and the year of the waiver is updated from "2000" to "2004." This waiver clarifies the State Medicaid Agency's final

authority for level of care determination, adds new information describing the State Medicaid Agency's review protocols for involuntary disenrollment from the waiver program, clarifies the process in which case management integrates with the waiver enrollee's individual service plan, and describes the rate setting methodologies that are used to establish reimbursement rates for covered waiver services. In the title of the waiver in Subsection R414-61-2(3), the word "injury" has been changed to "injuries," "18 years of age and older" has been deleted, and the year of the waiver has been changed from "1999" to "2004." Thus, the new title is "Waiver for Individuals with Acquired Brain Injuries." The entire waiver document was replaced and the five-year renewal of the waiver was approved with an effective date of July 1, 2004. Some of the changes included in the new waiver are financial projections, services provided, and provider qualifications. Subsection R414-61-2(4) is updated from "1998" to "2003." This "Waiver for Individuals with Physical Disabilities" clarifies that individuals must be determined eligible to receive state matching funds in order to participate in the Home and Community Based System (HCBS) Waiver program, designates Tonya Keller as the state contact person for the waiver, updates the interagency agreement content description, reassigns responsibility for level of care determination to the State Medicaid Agency, describes the State Medicaid Agency's review protocols for involuntary disenrollment from the waiver program, removes outdated language relating to the use of a Department of Human Services United States Service Delivery System (USSDS) system, reflects new estimates for cost-neutrality factors involving some of the waiver years, and describes the rate setting methodologies that are used to establish reimbursement rates for covered waiver services. Finally, the year of the waiver in Subsection R414-61-2(5) is updated from "2000" to "2003." This waiver for "Individuals with Developmental Disabilities or Mental Retardation" removes all elements of the Home Dual Diagnosis pilot project from the waiver document. Develop mentally Disabled/Mentally Retarded (DD/MR) enrollees now receive waiver support coordination services through a waiver Support Coordination Agency rather than from home project case managers. This waiver also updates the interagency agreement content description, clarifies the State Medicaid Agency's final authority for level of care determination, describes the State Medicaid Agency's review protocols for involuntary disenrollment from the waiver program, clarifies the process in which support coordination integrates with the waiver enrollee's individual service plan, and describes the rate setting methodologies that are used to establish reimbursement rates for covered waiver services.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 26-18-3

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: There is no impact to the state budget associated with this rulemaking because it only updates the dates and titles of the listed waivers.

❖ LOCAL GOVERNMENTS: There is no impact to local governments as a result of this rulemaking because it only updates the dates and titles of the listed waivers.

❖ OTHER PERSONS: There is no impact to other persons as a result of this rulemaking because it only updates the dates and titles of the listed waivers.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs because this rulemaking only updates the dates and titles of the listed waivers.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment updates references to existing waivers from federal requirements granted by the federal government for implementation of the Utah Medicaid program. There should be no fiscal impact on regulated businesses. Scott D. Williams, MD

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Craig Devashrayee at the above address, by phone at 801-538-6641, by FAX at 801-538-6099, or by Internet E-mail at cdevashrayee@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2005

AUTHORIZED BY: Scott D. Williams, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-61. Home and Community Based Waivers.

R414-61-2. Incorporation by Reference.

The Department adopts the document entitled "Utah State Plan under Title XIX of the Social Security Act" 1999 edition, and the document entitled "Home and Community Based Waiver Implementation Plan", 1999 edition, which are incorporated by reference within this rule. These documents are available for public inspection during normal working hours, at the State Health Department Building, located at 288 North, 1460 West, Salt Lake City, UT, 84114-3102, at the office of the Division of Health Care Financing. These documents will be used by the Division for the provision of services under the following waivers:

- (1) Waiver for Technology Dependent/Medically Fragile Individuals, dated July 1, [~~1998~~2003];
- (2) Waiver for [~~Elderly~~] Individuals Age 65 [~~Years of Age~~] and Older, dated July 1, 200[~~0~~4];
- (3) Waiver for Individuals with Acquired Brain Injur[~~y~~ies, [~~18~~ Years of Age and Older,] dated July 1, [~~1999~~2004];

(4) Waiver for Individuals with Physical Disabilities, dated July 1, [~~1998~~2003];

(5) Waiver for Individuals with Developmental Disabilities or Mental Retardation, dated July 1, 200[~~0~~3].

KEY: M[~~m~~]medicaid
[~~August 9, 2001~~2005
26-18-3



Health, Health Care Financing, Coverage and Reimbursement Policy **R414-200** Non-Traditional Medicaid Health Plan Services

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 27588

FILED: 12/14/2004, 16:29

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Department would like to eliminate the confusion that arises in providing 16 aggregated physical therapy, occupational therapy, and chiropractic visits per calendar year in the Non-traditional Medicaid program. This change will allow up to ten aggregated physical therapy and occupational therapy visits and up to six chiropractic visits per calendar year. The limits are the same, but by separating out the chiropractic visits, time for Non-Traditional Medicaid patients will be saved. There are also several changes to clarify the definitions of inpatient hospital services and outpatient hospital services.

SUMMARY OF THE RULE OR CHANGE: Subsection R414-200-2(3) is deleted and the substance of the definition is placed in the text of the rule because the definition of outpatient hospital services is used only once. In Subsection R414-200-3(3)(a), inpatient hospital services is defined and in Subsection R414-200-3(3)(b) outpatient hospital services is defined. In Subsection R414-200-3(3)(h), physical and occupational therapy visits are limited to ten aggregated visits. In Subsection R414-200-3(3)(x), occupational and physical therapy visits are limited to ten aggregated visits. In Subsection R414-200-3(3)(y), chiropractic services are limited to six visits per calendar year.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 18

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: There will be no cost or savings involved in this rulemaking because staff time saved by the change will be re-prioritized and computer programming will be minimal.
- ❖ LOCAL GOVERNMENTS: There will be no cost or savings involved in this rulemaking to local governments because they are not involved in any aspect of this program.

❖ OTHER PERSONS: There will be no cost or savings involved in this rulemaking to other persons such as the Chiropractic Health Plan, occupational therapists, and physical therapists because staff time saved by the change will be re-prioritized and computer programming will be minimal.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no cost or savings to individuals since the benefit will not change. Providers such as the Chiropractic Health Plan, occupational therapists, and physical therapists may have a minimal cost savings due to increased ease in administering the number of permitted visits. Computer programming will be minimal.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Coordinating permitted visits across provider type has proven difficult. This change should not have a significant impact on those eligible for Non-traditional Medicaid, while making administration of this benefit easier for both the state and providers. Scott D. Williams

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

HEALTH
HEALTH CARE FINANCING,
COVERAGE AND REIMBURSEMENT POLICY
CANNON HEALTH BLDG
288 N 1460 W
SALT LAKE CITY UT 84116-3231, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Ross Martin at the above address, by phone at 801-538-6592, by FAX at 801-538-6099, or by Internet E-mail at rmartin@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2005

AUTHORIZED BY: Scott D. Williams, Executive Director

R414. Health, Health Care Financing, Coverage and Reimbursement Policy.

R414-200. Non-Traditional Medicaid Health Plan Services.

R414-200-2. Definitions.

(1) "Emergency" means the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- (a) placing the enrollee's health in serious jeopardy;
- (b) serious impairment to bodily functions;
- (c) serious dysfunction of any bodily organ or part; or
- (d) death.

(2) "Enrollee" means an eligible individual including Section 1931 Temporary Assistance for Needy Families Adults, the Section

1931 related medically needy and those eligible for Transitional Medicaid.]

~~(3) "Outpatient hospital services" means medically necessary diagnostic, therapeutic, preventive, or palliative care provided for less than 24 hours in outpatient departments located in or physically connected to an acute care general hospital.]~~

R414-200-3. Services Available.

(1) To meet the requirements of 42 CFR 431.107, the Department contracts with each provider who furnishes services under the NTHP.

(a) By signing a provider agreement with the Department, the provider agrees to follow the terms incorporated into the provider agreements, including policies and procedures, provider manuals, Medicaid Information Bulletins, and provider letters.

(b) By signing an application for Medicaid coverage, the applicant agrees that the Department's obligation to reimburse for services is governed by contract between the Department and the provider.

(2) Medical or hospital services for which providers are reimbursed under the Non-Traditional Medicaid Health Plan are limited by federal guidelines as set forth under Title XIX of the federal Social Security Act and Title 42 of the Code of Federal Regulations (CFR).

(3) The following services, as more fully described and limited in provider contracts and provider manuals; are available to Non-Traditional Medicaid Health Plan enrollees:

(a) inpatient hospital services, provided by bed occupancy for 24 hours or more in an approved acute care general hospital under the care of a physician if the admission meets the established criteria for severity of illness and intensity of service;

(b) outpatient hospital services which are medically necessary diagnostic, therapeutic, preventive, or palliative care provided for less than 24 hours in outpatient departments located in or physically connected to an acute care general hospital;

(c) emergency services in dedicated hospital emergency departments;

(d) physician services provided directly by licensed physicians or osteopaths, or by licensed certified nurse practitioners, licensed certified nurse midwives, or physician assistants under appropriate supervision of the physician or osteopath.

(e) services associated with surgery or administration of anesthesia provided by physicians or licensed certified nurse anesthetists;

(f) vision care services by licensed ophthalmologists or licensed optometrists, within their scope of practice;

(g) laboratory and radiology services provided by licensed and certified providers;

(h) physical therapy services provided by a licensed physical therapist if authorized by a physician, limited to ten aggregated physical or occupational therapy visits per calendar year;

(i) dialysis to treat end-stage renal failure provided at a Medicare-certified dialysis facility;

(j) home health services defined as intermittent nursing care or skilled nursing care provided by a Medicare-certified home health agency;

(k) hospice services provided by a Medicare-certified hospice to terminally ill enrollees (six month or less life expectancy) who elect palliative versus aggressive care;

(l) abortion and sterilization services to the extent permitted by federal and state law and meeting the documentation requirement of 42 CFR 440, Subparts E and F;

(m) certain organ transplants;

(n) services provided in freestanding emergency centers, surgical centers and birthing centers;

(o) transportation services, limited to ambulance (ground and air) service for medical emergencies;

(p) preventive services, immunizations and health education activities and materials to promote wellness, prevent disease, and manage illness;

(q) family planning services provided by or authorized by a physician, certified nurse midwife, or nurse practitioner to the extent permitted by federal and state law;

(r) pharmacy services provided by a licensed pharmacy;

(s) inpatient mental health services, limited to 30 days per enrollee per calendar year;

(t) outpatient mental health services, limited to 30 visits per enrollee per calendar year;

(u) outpatient substance abuse services;

(v) dental emergency services only for relief of pain and infection, limited to an emergency examination, emergency x-ray and emergency extraction;

(w) interpretive services if they are provided by entities under contract with the Department of Health to provide medical translation services for people with limited English proficiency and interpretive services for the deaf;

(x) occupational therapy, limited to that provided for fine motor development and limited to ten aggregated physical or occupational therapy visits per calendar year; and

(y) chiropractic services, limited to six visits per calendar year.

(4) Emergency services are:

(a) limited to attention provided within 24 hours of the onset of symptoms or within 24 hours of diagnosis;

(b) for a condition that requires acute care and is not chronic;

(c) reimbursed only until the condition is stabilized sufficient that the patient can leave the hospital emergency department; and

(d) not related to an organ transplant procedure.

(5) The vision care benefit is limited to \$30 per year.

KEY: Medicaid, non-traditional, cost sharing
~~July 1, 2002~~ 2005
 26-18



Judicial Conduct Commission,
 Administration
R595-1
 Rules of Procedure

NOTICE OF PROPOSED RULE
 (Repeal)

DAR FILE No.: 27580
 FILED: 12/06/2004, 11:28

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The repeal of this rule is proposed after a comprehensive revision of the rule was done pursuant to division review, recent legislative changes (S.B. 161 (2004)), and the Supreme Court's opinion: In re Anderson, and Legislative Audit 2003-10. (DAR NOTES: S.B. 161 is found at UT L 2004 Ch 293, and was effective 05/03/2004. A proposed repeal of this rule was originally published in the September 1, 2004, issue of the Bulletin under DAR No. 27329. Four proposed new rules were also published in that Bulletin to take the place of this one. Additional changes have been filed to those four new rules (Changes in Proposed Rules (CPRs) in the December 15, 2004, Bulletin) which extends the effective date of those filings past when the original proposed repeal could still have been made effective. The agency needs this rule to be in place until the other ones have been made effective so that original filing (DAR No. 27329) will be allowed to lapse on 12/30/2004 and this filing takes its place and all five filings (this repeal and the four CPRs) will be made effective together.)

SUMMARY OF THE RULE OR CHANGE: The changes involve repealing the current rule and replacing it with four new rules. This rule is repealed in its entirety. (DAR NOTE: The four proposed new rules were published in the September 1, 2004, issue of the Bulletin under DAR No. 27330 (R595-1), DAR No. 27331 (R595-2), DAR No. 27332 (R595-3), and DAR No. 27333 (R595-4), and additional changes to these rules were published in the December 15, 2004, issue of the Bulletin under the same DAR numbers.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Art. VIII, Sec. 13; and Sections 78-8-101 through 78-8-108

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** None--This comprehensive revision does not alter the basic operations or functions of the Judicial Conduct Commission, and therefore does not result in either a cost or savings to the State.

❖ **LOCAL GOVERNMENTS:** None--The Judicial Conduct Commission's operations do not affect local governments and therefore, there are no costs or savings anticipated.

❖ **OTHER PERSONS:** None--This comprehensive revision does not alter the basic operations or functions of the Judicial Conduct Commission, and therefore does not result in either a cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None--This comprehensive revision does not alter the basic operations or functions of the Judicial Conduct Commission, and therefore, does not result in either compliance costs or compliance savings to affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--The Judicial Conduct Commission's operations do not affect businesses.

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

JUDICIAL CONDUCT COMMISSION
ADMINISTRATION
Room 104
645 S 200 E
SALT LAKE CITY UT 84111-3837, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Colin Winchester at the above address, by phone at 801-533-3200, by FAX at 801-533-3208, or by Internet E-mail at colin.winchester@utahbar.org

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2005

AUTHORIZED BY: Colin Winchester, Director

R595. Judicial Conduct Commission, Administration.

[R595-1. Rules of Procedure.

R595-1-1. Definitions.

— In addition to terms defined in Section 78-8-101 et seq. of the Utah Code:

— A. "Chair" means the chair of the Judicial Conduct Commission and includes the vice chair or acting chair.

— B. "Examiner" means the lawyer designated by the Commission to gather and present evidence before the masters or hearing panel on formal charges against a judge.

— C. "Formal Charges" means the document that formally charges the judge with misconduct or disability.

— D. "Hearing" means the proceeding at which the issues of law and fact raised by the formal charges and answer are tried.

— E. "Hearing Panel" means a panel of at least a quorum of the Commission designated to conduct a hearing on formal charges.

— F. "Investigation" means an inquiry into allegations of misconduct, including a search for and examination of evidence concerning the allegations, divided into two stages: (1) a preliminary investigation conducted by the executive director after the receipt of a complaint; and (2) a full investigation in which the judge is asked to respond to specific allegations.

— G. "Masters" means the special masters appointed by the Commission to conduct a hearing on formal charges.

— H. "Misconduct" means a violation of the Utah Code of Judicial Conduct and Section 78-8-103(a), (b), (c), or (e) of the Utah Code. Disability is not misconduct.

— I. "Presiding Master" means the special master designated to preside over a hearing conducted by masters.

— J. "Proceeding" means all steps in the Commission's discipline and disability process.

— K. "Reasonable Cause" means a reasonable ground for belief in the existence of facts that support a finding of judicial misconduct or disability.

— L. "Record" means all documents required to be submitted to the Utah Supreme Court under *In re Richard Worthen*, 926 P.2d 853 (Utah 1996).

— M. "Respondent" means a judge or former judge against whom formal charges have been filed.

— N. "Supreme Court" means the Utah Supreme Court.

R595-1-2. Jurisdiction.

— A. Judges. Pursuant to Section 78-8-101 et seq. of the Utah Code, the Commission has jurisdiction over judges in evaluating allegations that misconduct occurred before or during service as a judge and in evaluating allegations of disability during service as a judge.

— B. Former judges. Pursuant to Section 78-8-101 et seq. of the Utah Code, the Commission has continuing jurisdiction over former judges regarding allegations that misconduct occurred before or during service as a judge if a complaint is made before the judge left office.

R595-1-3. Executive Director.

— Powers and Duties. The executive director shall have the authority and duty to:

— 1. Receive and review complaints, refer complaints to the Chief Justice of the Utah Supreme Court in accordance with Section 78-8-104 of the Utah Code, the Utah State Bar pursuant to Section 78-8-105 of the Utah Code, and the local prosecuting attorney having jurisdiction as provided by Subsections 78-8-107(1)(b) and (2) of the Utah Code, conduct preliminary investigations, recommend full investigations, notify complainants about the status and disposition of their complaints, make recommendations to the Commission on the disposition of complaints after investigation, file formal charges when directed to do so by the Commission, and act as examiner in prosecuting formal charges;

— 2. Maintain permanent records of the operations of Commission's office, including receipt of complaints, screening, investigation, and filing of formal charges in judicial discipline and disability matters, subject to the requirements of Rule 16;

— 3. Compile statistics to aid in the administration of the system, including a log of all complaints received, investigative files, and statistical summaries of docket processing and case dispositions;

— 4. Prepare the Commission's budget for submission to the Commission and legislature, and administer the funds;

— 5. Supervise other members of the Commission's staff;

— 6. With the Commission's approval, engage experts in connection with proceedings; and

— 7. Perform other duties at the direction of the Commission.

R595-1-4. Proof.

— Pursuant to *In re Worthen*, 926 P.2d 853 (Utah 1996), charges of misconduct and disability shall be established by a preponderance of the evidence.

R595-1-5. Evidence Rules Applicable.

— Except as otherwise provided in these rules, the Utah Rules of Evidence apply in all proceedings.

R595-1-6. Right to Counsel.

— An accused judge shall be entitled to retain and have the assistance of counsel at every stage of Commission proceedings.

R595-1-7. Confidentiality.

— A. All papers filed with, and proceedings before the Commission or before the masters appointed by the Commission, shall not be disclosed except in accordance with Subsections 78-8-107(9)(c)(iii) and (d), U.C.A.

~~— B. Information.~~~~— 1. All information relating to a complaint that has not been dismissed shall be held confidential by the Commission and its staff, except that the Commission may disclose information:~~~~— a. When the Commission has determined that there is a need to notify a government agency in order to protect the public or the administration of justice; or~~~~— b. Upon waiver in writing by the judge.~~~~— 2. All information relating to a complaint that has been dismissed without formal charges being filed shall be held confidential by the Commission and its staff.~~~~— 3. The examiner's work product and records of the Commission's deliberations shall not be disclosed.~~**R595-1-8. Service.**

— Service of formal charges in any disciplinary or disability proceeding shall be made by personal service upon the judge or judge's counsel or by registered or certified mail. Delivery of all other papers or notices shall be made by regular mail with the envelope marked "confidential."

R595-1-9. Subpoena Power.

— A. Oaths. In accordance with the provisions of Section 78-8-1(2) of the Utah Code, oaths may be administered by any member of the Commission, the executive director in matters under investigation, or any other person authorized by law.

— B. Subpoenas for Investigation. The Commission may compel by subpoena the attendance of the judge or witnesses and the production of pertinent books, papers, and documents for purposes of investigation.

— C. Enforcement of Subpoenas. A subpoena issued by the Commission shall have the same authority as an order of the district court.

— D. Issuance of Subpoenas. Commission subpoenas shall be issued and served in the same manner and form prescribed for subpoenas by the Utah Rules of Civil Procedure.

— E. Quashing Subpoena. Any attack on the validity of a subpoena shall be heard and determined by the district court in which enforcement of the subpoena is being sought. Any resulting order is not appealable prior to entry of a final order in the proceeding.

— F. Witnesses and Fees. Subpoena fees and costs shall be the same as those provided for in the Utah Rules of Civil Procedure.

R595-1-10. Notification to Complainant.

— The executive director shall provide written acknowledgment of every complaint, if the complainant is known, and notify the complainant in writing of the final disposition of a proceeding.

R595-1-11. Review and Investigation.

— A. Review. The executive director shall evaluate all information coming to the Commission's attention alleging judicial misconduct or disability by complaint. Regardless of whether the information would constitute misconduct or disability if true, the executive director shall conduct a preliminary investigation.

— B. Preliminary Investigation.

— 1. As directed by the Commission, the executive director and the Commission's investigators may conduct interviews and examine evidence to determine whether grounds exist to believe the allegations of complaints.

— 2. When there is credible evidence supporting the allegations against a judge, the executive director shall recommend a full investigation. The executive director may recommend a full

investigation when there are grounds to believe that evidence supporting the allegations could be obtained by subpoena or further investigation. In all other cases, the executive director shall recommend that the matter be dismissed.

~~— C. Full Investigation.~~~~— 1. Within ten (10) days after a full investigation is authorized, the executive director shall give the following notice to the judge:~~~~— a. A specific statement of the allegations being investigated and the canons of the Code of Judicial Conduct allegedly violated, with the provision that the investigation can be expanded if appropriate;~~~~— b. The judge's opportunity to respond; and~~~~— c. The name of the complainant, unless the Commission determines there is good cause to withhold the name.~~~~— 2. The executive director shall request that the judge file a written response within fifteen (15) days after service of the notice.~~~~— 3. The chair of the Commission is authorized to issue subpoenas once a full investigation has been approved.~~~~— 4. The executive director shall direct all investigations. If the executive director enters a disqualification, or if other circumstances arise justifying the executive director's disqualification, the Commission shall appoint another person to direct an investigation as provided by with Section 78-8-102(8) of the Utah Code.~~~~— D. Disposition After Full Investigation.~~~~— 1. Upon the conclusion of a full investigation, the executive director shall recommend to the Commission one or more of the following:~~~~— a. Dismissal;~~~~— b. Informal order of reprimand;~~~~— c. The filing of formal charges for misconduct or disability;~~~~— 2. The Commission shall adopt, reject, or modify the recommendations of the executive director. If the Commission finds reasonable cause to believe the judge committed misconduct, it shall take such action as is authorized by statute.~~**R595-1-12. Use of Allegations from Dismissed Cases.**

— If additional information becomes known to the executive director regarding a complaint that has been dismissed before the filing of formal charges, the Commission may authorize reinvestigation of the allegations.

R595-1-13. Formal Charges.

— The formal charges shall give fair and adequate notice of the nature of the alleged misconduct or disability. The executive director shall file the formal charges with the Commission, cause a copy to be served upon the respondent or respondent's counsel, and file proof of service with the Commission.

R595-1-14. Pre-Hearing Procedures.

— A. Answer. Within 15 days after service, the respondent may file an answer to the formal charges.

— B. Witnesses and Exhibits. Before the hearing commences, the Commission and the respondent shall enter into a stipulation identifying uncontroverted facts, contested issues of fact, contested issues of law, witnesses, and exhibits. Not later than 15 days before the hearing, the examiner and respondent shall exchange all documents identified as proposed exhibits.

— C. Exculpatory Evidence. The examiner shall provide respondent with exculpatory evidence relevant to the formal charges.

— D. Duty of Supplementation. Both parties have a continuing duty to supplement information required to be exchanged under this rule.

— E. Failure to Disclose. The hearing panel may preclude either party from calling a witness at the hearing if the party has not provided the opposing party with the witness's name and address, any statements taken from the witness, or summaries of any interviews with the witness.

— F. Civil Rules Not Applicable. Except for the issuance and service of subpoenas as prescribed by Section 78-8-108 of the Utah Code, the Utah Rules of Civil Procedure do not apply to judicial-conduct proceedings.

R595-1-15. Discipline by Consent.

— A. At any time after the filing of formal charges and before final disposition, the respondent may agree with the examiner that the respondent shall admit to any or all of the formal charges in exchange for a stated sanction. The agreement shall be submitted to the Commission, which shall either:

- 1. Reject the agreement; or
- 2. Submit the agreement to the Supreme Court for approval.

— B. Order of Discipline. Pursuant to *In re Richard Worthen*, 926 P.2d 853 (Utah 1996), the Commission shall file the proposed agreement, findings of fact, conclusions of law, other pertinent documents, and order of sanction with the Supreme Court. These documents shall remain confidential until the Supreme Court has entered its final order except:

- 1. Upon order of the Supreme Court; or
- 2. Upon the request of the respondent.

R595-1-16. Hearing.

— A. Scheduling. Upon receipt of the respondent's answer or upon expiration of the time to answer, the hearing panel of the Commission or masters shall schedule a hearing and notify respondent of the date, time, and place of the hearing.

— B. Hearing Body. The hearing shall be conducted by a hearing panel or three special masters.

— C. Conduct of Hearing.

- 1. All testimony shall be under oath.
- 2. The examiner shall present evidence supporting the formal charges.
- 3. Both parties shall be permitted to present evidence and produce and cross-examine witnesses.
- 4. The hearing shall be recorded by a certified court reporter.
- 5. When the hearing is before a hearing panel, not fewer than a quorum of the Commission shall be present when the evidence is presented.
- 6. Immediately following the conclusion of the hearing, the hearing panel or special masters shall deliberate and make a preliminary decision.
- 7. A letter setting forth the preliminary decision, signed by the hearing panel chair or presiding master, shall be served on the respondent and examiner as soon as possible after the conclusion of the hearing.
- 8. As soon as possible after the preliminary decision has been served on the respondent and examiner, the hearing panel chair or presiding master shall prepare a memorandum decision to be signed by all the panel members or masters.
- 9. The memorandum decision shall be served on the respondent and examiner, and the examiner shall prepare findings of fact, conclusions of law, and an order consistent with the memorandum decision.

— 10. The findings of fact, conclusions of law, and order shall be reviewed by a quorum of the Commission and approved by a majority of a quorum of the Commission.

— 11. Upon approval, the findings of fact, conclusions of law, and order shall be signed by the Commission chair and served on the respondent.

— 12. After the findings of fact, conclusions of law, and order have been signed by the Commission chair and served on the respondent, the record shall be submitted to the Supreme Court for review. The record shall include all documents required by *In re Richard Worthen*, 926 P.2d 853 (Utah 1996). A copy of the record shall be provided to the respondent without cost.

— D. Dismissal or Recommendation for Sanction. The hearing panel or masters shall either dismiss the formal charges or recommend a sanction to the Supreme Court. The hearing panel or masters shall decide a matter only upon the concurrence of a majority of all members.

R595-1-17. Amendments to Notice or Answer.

— The masters, at any time before the conclusion of the hearing, or the Commission, at any time before the entry of its findings of fact, conclusions of law, and order, may allow or require amendments to the formal charges and may allow amendments to the answer. The formal charges may be amended to conform to proof or to allege additional facts. If the formal charges are amended, the respondent shall be given reasonable time to answer and present evidence in defense of the amended charges.

R595-1-18. Objection to Findings of Fact, Conclusions of Law, and Order.

— Within 15 days after service of the Commission's findings of fact, conclusions of law, and order, the respondent may file objections. Pursuant to Section 78-8-107(4) of the Utah Code, and upon request of the respondent or examiner, the Commission may schedule oral argument on the objections.

R595-1-19. Extension of Time.

— The chair of the Commission may, for good cause shown, re-schedule or extend for a single period not to exceed 60 days in the aggregate the time for filing an answer to formal charges, for the commencement of a hearing, or for filing objections to the findings of fact, conclusions of law, and order. The presiding master may similarly re-schedule or extend the time for the commencement of a hearing.

R595-1-20. Cases Involving Allegations of Mental or Physical Disability.

— A. Initiation of Disability Proceeding. A disability proceeding can be initiated by complaint, by a claim of inability to defend in a disciplinary proceeding, or by an order of involuntary commitment or adjudication of incompetency.

— B. Proceedings to Determine Disability Generally. All disability proceedings shall be conducted in accordance with the procedures for disciplinary proceedings, except:

- 1. The purpose of the disability proceedings shall be to determine whether the judge suffers from a physical or mental condition that adversely affects the judge's ability to perform judicial functions;
- 2. All of the proceedings shall be confidential; and
- 3. The Commission may appoint a lawyer to represent the judge if the judge is without representation.

~~KEY: judges, judicial ethics, proceedings, sanctions~~
~~April 16, 2002~~
~~Notice of Continuation August 12, 2002~~
~~78-8-102~~
~~78-8-107]~~

▼ ————— ▼

Labor Commission, Safety **R616-3-3** Safety Codes for Elevators

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 27590
 FILED: 12/15/2004, 09:53

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This amendment incorporates by reference, recent updates to the American Society of Mechanical Engineers (ASME) A17.1, April 30, 2004, edition of "Safety Code for Elevators and Escalators"; and the ASME A18.1, July 29, 2003, edition of "Safety Standard for Platform Lifts and Stairway Chairlifts".

SUMMARY OF THE RULE OR CHANGE: This amendment incorporates into Section R616-3-3, "Safety Codes and Rules for Elevators and Escalators," the ASME A17.1, April 30, 2004, edition and the ASME A18.1, July 29, 2003, edition.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-7-101

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: ASME A17.1 2004 issued April 30, 2004 and ASME A18.1 2003 issued July 29, 2003.

ANTICIPATED COST OR SAVINGS TO:

- ❖ THE STATE BUDGET: The Safety Division has purchased copies of ASME A17.1 and A18.1 for the Safety Division and for Division of Administrative Rules at a cost of \$260 per copy. There should be no other cost or savings to the State budget.
- ❖ LOCAL GOVERNMENTS: The requirements of ASME A17.1 and A18.1 are not significantly different from previous versions and have already been implemented in the elevator industry. Consequently, there should be no costs or savings to local governments.
- ❖ OTHER PERSONS: The requirements of ASME A17.1 and A18.1 are not significantly different from previous versions and have already been implemented in the elevator industry. Consequently, there should be no costs or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The requirements of these updated elevator codes are already known and followed in the industry. There should be no additional compliance costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Industry practice is believed to be compliant with these standards. Consequently, this rule amendment will have no fiscal impact on businesses.

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

LABOR COMMISSION
 SAFETY
 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:

Pete Hackford at the above address, by phone at 801-530-7605, by FAX at 801-530-6390, or by Internet E-mail at phackford@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2005

AUTHORIZED BY: R Lee Ellertson, Commissioner

R616. Labor Commission, Safety.

R616-3. Elevator Rules.

R616-3-3. Safety Codes for Elevators.

The following safety codes are adopted and incorporated by reference within this rule:

A. ASME A17.1, Safety Code for Elevators and Escalators, ~~[2000 ed., with 2002 Addenda issued May 4, 2002, with 2003 Addenda issued May 30, 2003.]~~ 2004 ed. issued April 30, 2004, and amended as follows:

1. Delete 2.2.2.5;
2. Amend 8.6.5.8 as follows: Existing hydraulic cylinders installed below ground when found to be leaking shall be replaced with cylinders conforming to 3.18.3.4 or the car shall be provided with safeties conforming to 3.17.1 and guide rails, guide rail supports and fastenings conforming to 3.23.1. This code is issued every three years with annual addenda. New issues and addenda become mandatory only when a formal change is made to these rules. Elevators are required to comply with the A17.1 code in effect at the time of installation.
- B. ASME A17.3 - 2002 Safety Code for Existing Elevators and Escalators. This code is adopted for regulatory guidance only for elevators classified as remodeled elevators by the Division of Safety.
- C. ASME A90.1-1992, Safety Standard for Belt Manlifts.
- D. ANSI A10.4-1990, Safety Requirements for Personnel Hoists and Employee Elevators for Construction and Demolition Operations.
- E. 2003 International Building Code.
- F. ICC/ANSI A117.1-1998 Accessible and Usable Buildings and Facilities, sections 407 and 408, approved February 13, 1998.
- G. ASME A18.1-~~[1999]~~ 2003 Safety Standard For Platform Lifts And Stairway Chairlifts, issued ~~[July 26, 1999, with A18.1a-2001 addenda issued March 26, 2001]~~ July 29, 2003.

KEY: elevators, certification, safety
~~April 15, 2004~~2005
 Notice of Continuation January 10, 2002
 34A-1-101 et seq.

▼ ————— ▼

Public Safety, Driver License

R708-40

Driving Simulators

NOTICE OF PROPOSED RULE

(New Rule)
 DAR FILE No.: 27579
 FILED: 12/03/2004, 12:01

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this rule is to define standards for fully interactive driving simulator for use in conducting driver training.

SUMMARY OF THE RULE OR CHANGE: There may be some driver training schools that want to use a driving simulator. If they choose to get one, they must make sure the simulator device has the appropriate controls and the technology as per the standards of this rule. Students who use these devices must be trained effectively so when the time comes for them to drive in real conditions, they will know what to do in a safe manner for themselves and the public.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53-03-505(1)(d)(i)

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There is no cost or savings to the state because driver training schools still have to meet driver training requirement whether they use a simulator or not.
- ❖ **LOCAL GOVERNMENTS:** There may be a cost to local government if the public schools choose to use driving simulators because they must meet the standards of this rule.
- ❖ **OTHER PERSONS:** The only cost to other persons is for those schools that want to purchase a driving simulator and for those students who want to pay to be trained by a driving simulator. Whether this cost is higher than a regular driving training class is up to the schools.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There may be a compliance cost for driver training and public schools that want to get driving simulators because they need to meet these standards.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There may be costs to businesses that choose to get a driving simulator because the simulators need to meet the standards of this rule.

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

PUBLIC SAFETY
 DRIVER LICENSE
 CALVIN L RAMPTON COMPLEX
 4501 S 2700 W 3RD FL
 SALT LAKE CITY UT 84119-5595, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Vinn Roos at the above address, by phone at 801-965-4456, by FAX at 801-964-4482, or by Internet E-mail at vroos@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2005

AUTHORIZED BY: Judy Hamaker Mann, Director

R708. Public Safety, Driver License.

R708-40. Driving Simulators.

R708-40-1. Purpose.

The purpose of this rule is to define standards for fully interactive driving simulators for use in conducting driver training.

R708-40-2. Authority.

This rule is authorized by Subsection 53-03-505(1)(d)(i).

R708-40-3. Standards for Fully Interactive Driving Simulators.

(1) A fully interactive driving simulation device shall:

(a) take in operator control inputs by use of equipment that is substantially the same in overall size, function and quality as an actual passenger vehicle, processes operator control inputs with a high-fidelity dynamic model and displays the resulting vehicle state in a manner that is substantially the same as that which would occur in an actual passenger vehicle;

(b) be capable of maintaining at least a 60 Hz visual refresh rate in a fully populated, dynamic driving scenario and a smooth visual scene that dynamically changes in response to operator/instructor inputs that approximate the out-the-window experience and enables realistic training of vehicle control, situational awareness, rules-of-the-road and emergency response;

(c) provide active steering force feedback;

(d) present a minimum of 150 degrees forward field-of-view (FOV) as to enable the operator to come to an intersection and visually scan both directions of traffic with proper head movement;

(e) include scenario vehicles that can be readily perceived as behaving in a manner consistent with real-world experience so as to enable training on situational awareness, vehicle handling in traffic and emergency response;

(f) support real time driving performance monitoring, presentation of feedback and storage of training performance data; and

(g) simulate Utah driving conditions and environment.
(2) A driving simulator that does not conform to characteristics as outlined in Section R708-40-3 is not considered by the division to be a fully interactive driving simulator.

KEY: driving simulators
2005
53-3-505

▼ ————— ▼

**Public Service Commission,
Administration
R746-200-6
Termination of Service**

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE NO.: 27587
FILED: 12/14/2004, 15:12

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this proposed amendment is to clarify how and which health care providers may provide information to continue utility service during times of customer illness.

SUMMARY OF THE RULE OR CHANGE: The change identifies the specific health care providers who may provide information to continue utility service and clarifies what information should be provided to the utility. The change also clarifies that the utility will provide the form needed to be used in situations where life-support equipment is used.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 54-4-1, 54-4-7, 54-4-14, and 54-3-1

ANTICIPATED COST OR SAVINGS TO:

- ❖ **THE STATE BUDGET:** There is no cost or savings as there are no changes to existing state agency activities.
- ❖ **LOCAL GOVERNMENTS:** There is no cost or savings as there is no effect upon local government agency activities.
- ❖ **OTHER PERSONS:** There can be some reduction in costs as public utilities may incur less time verifying the authenticity of a health care provider's authorization and customers incur less expense in obtaining a completed form. It is difficult to estimate the amount of the reduction, but it is not expected to increase costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Utility customers will incur no additional costs as they are already contacting physicians and staff members to complete medical need forms.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Utility customers and utility representatives have encountered some difficulty in obtaining and verifying medical need form signatures and authority. They may have some reduction in costs and efforts as the

proposed amendment identifies the specific health care providers who may sign such forms, and to recognize the changes in access to health care providers which has occurred in the health care industry. This may reduce the costs incurred by the health care provider's office to complete a form and the customer's costs in obtaining a completed form. Utilities may see a reduction in their costs expended to verify the health care providers signature, authority, and need for continued utility service. Utilities may also see a reduction in costs as they now will provide the necessary form where life support equipment is used and can tailor the form's information to specifically address the utility's needs.

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

PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Barbara Stroud or Sandy Mooy at the above address, by phone at 801-530-6714 or 801-530-6708, by FAX at 801-530-6796 or 801-530-6796, or by Internet E-mail at bstroud@utah.gov or smooy@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 01/31/2005.

THIS RULE MAY BECOME EFFECTIVE ON: 02/01/2005

AUTHORIZED BY: Barbara Stroud, Paralegal

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

R746-200-6. Termination of Service.

- A. Delinquent Account --
1. A residential utility service bill which has remained unpaid beyond the statement due date is a delinquent account.
 2. When an account is a delinquent account, a public utility, before termination of service, shall issue a written late notice to inform the account holder of the delinquent status. A late notice or reminder notice must include the following information:
 - a. A statement that the account is a delinquent account and should be paid promptly;
 - b. A statement that the account holder should communicate with the public utility's collection department, by calling the company, if he has a question concerning the account;
 - c. A statement of the delinquent account balance, using a term such as "delinquent account balance."
 3. When the account holder responds to a late notice or reminder notice the public utility's collections personnel shall investigate disputed issues and shall try to resolve the issues by negotiation. During this investigation and negotiation no other action shall be taken to disconnect the residential utility service if the account holder pays

the undisputed portion of the account subject to the utility's right to terminate utility service pursuant to R746-200-6(F), Termination of Service Without Notice.

4. A copy of the "Statement of Customer Rights and Responsibilities" referred to in Subsection R746-200-1(G) of these rules shall be issued to the account holder with the first notice of impending service disconnection.

B. Reasons for Termination of Service --

1. Residential utility service may be terminated for the following reasons:

- a. Nonpayment of a delinquent account;
- b. Nonpayment of a deposit when required;
- c. Failure to comply with the terms of a deferred payment agreement or Commission order;
- d. Unauthorized use of, or diversion of, residential utility service or tampering with wires, pipes, meters, or other equipment;
- e. Subterfuge or deliberately furnishing false information; or
- f. Failure to provide access to meter during the regular route visit to the premises following proper notification and opportunity to make arrangements in accordance with R746-200-4(B), Estimated Billing, Subsection (2).

2. The following shall be insufficient grounds for termination of service:

- a. A delinquent account, accrued before a divorce or separate maintenance action in the courts, in the name of a former spouse, cannot be the basis for termination of the current account holder's service;
- b. Cohabitation of a current account holder with a delinquent account holder whose utility service was previously terminated for nonpayment, unless the current and delinquent account holders also cohabited while the delinquent account holder received the utility's service, whether the service was received at the current account holder's present address or another address;
- c. When the delinquent account balance is less than \$25.00, unless no payment has been made for two months;
- d. Failure to pay an amount in bona fide dispute before the Commission;
- e. Payment delinquency for third party services billed by the regulated utility company, unless prior approval is obtained from the Commission.

C. Restrictions upon Termination of Service During Serious Illness --

1. Residential gas, water, sewer and electric utility service may not be terminated and will be restored if terminated when the termination of service will cause or aggravate a serious illness or infirmity of a person living in the residence. Utility service will be restored or continue for one month or less as stated in Subsection R746-200-6(C)(2).

2. Upon receipt of a ~~[physician's]~~statement, signed by an osteopathic physician, a physician, a surgeon, a naturopathic physician, a physician assistant, a nurse, or a certified nurse midwife, as the providers are defined and licensed under Title 58 of the Utah Code, either on a form obtained from the utility or on ~~[the physician's]~~the health care provider's letterhead stationery, which statement legibly identifi[ing]lies the health infirmity or potential health hazard, and how termination of service will injure the person's health or aggravate their illness, a public utility will continue or restore residential utility service for the period set forth in the ~~[physician's]~~statement or one month, whichever is less; however, the person whose health is threatened or illness aggravated may petition the Commission for an extension of time.

3. During the period of continued service, the account holder is liable for the cost of residential utility service. No action to terminate the service may be undertaken, however, until the end of the period of continued service.

D. Restrictions upon Termination of Service to Residences with Life-Supporting Equipment -- No public utility shall terminate service to a residence in which the account holder or a resident is known by the utility to be using an iron lung, respirator, dialysis machine, or other life-supporting equipment whose normal operation requires continuation of the utility's service, without specific prior approval by the Commission. Account holders eligible for this protection can get it by filing a written notice with the utility, which notice form is to be obtained from the utility, signed and supported by a statement consistent with that required in part C.2. above, and specifically identifying the life-support equipment that requires the utility's service. Thereupon, a public utility shall mark and identify applicable meter boxes when this equipment is used.

E. Payments for HEAT, Home Energy Assistance Target, Program -- The Commission approves the provision of the Department of Human Service's standard contract with public utility suppliers in Utah that suppliers will not discontinue utility service to a low-income household for at least 30 days after receipt of utility payment from the state program on behalf of the low-income household.

F. Termination of Service Without Notice -- Any provision contained in these rules notwithstanding, a public utility may terminate residential utility service without notice when, in its judgment, a clear emergency or serious health or safety hazard exists for so long as the conditions exist, or when there is unauthorized use or diversion of residential utility service or tampering with wires, pipes, meters, or other equipment owned by the utility. The utility shall immediately try to notify the customer of the termination of service and the reasons therefor.

G. Notice of Proposed Termination of Service --

1. At least 10 calendar days before a proposed termination of residential utility service, a public utility shall give written notice of disconnection for nonpayment to the account holder. The 10-day time period is computed from the date the bill is postmarked. The notice shall be given by first class mail or delivery to the premises and shall contain a summary of the following information:

- a. a Statement of Customer Rights and Responsibilities under existing state law and Commission rules;
- b. the Commission-approved policy on termination of service for that utility;
- c. the availability of deferred payment agreements and sources of possible financial assistance including but not limited to state and federal energy assistance programs;
- d. informal and formal procedures to dispute bills and to appeal adverse decisions, including the Commission's address and telephone number;
- e. specific steps, printed in a conspicuous fashion, that may be taken by the consumer to avoid termination of service;
- f. the date on which payment arrangements must be made to avoid termination of service; and
- g. subject to the provision of Subsection R746-200-1(E), Customer Information, a conspicuous statement, in Spanish, that the notice is a termination of service notice and that the utility has a Spanish edition of its customer information pamphlet and whether it has personnel available during regular business hours to communicate with Spanish-speaking customers.

2. At least 48 hours before termination of service is scheduled, the utility shall make good faith efforts to notify the account holder or an

adult member of the household, by mail, by telephone or by a personal visit to the residence. If personal notification has not been made either directly by the utility or by the customer in response to a mailed notice, the utility shall leave a written termination of service notice at the residence. Personal notification, such as a visit to the residence or telephone conversation with the customer, is required only during the winter months, October 1 through March 31. Other months of the year, the mailed 48-hour notice can be the final notice before the termination of service.

If termination of service is not accomplished within 15 business days following the 48-hour notice, the utility company will follow the same procedures for another 48-hour notice.

3. A public utility shall send duplicate copies of 10-day termination of service notices to a third party designated by the account holder and shall make reasonable efforts to personally contact the third party designated by the account holder before termination of service occurs, if the third party resides within its service area. A utility shall inform its account holders of the third-party notification procedure at the time of application for service and at least once each year.

4. In rental property situations where the tenant is not the account holder and that fact is known to the utility, the utility shall post a notice of proposed termination of service on the premises in a conspicuous place and shall make reasonable efforts to give actual notice to the occupants by personal visits or other appropriate means at least five calendar days before the proposed termination of service. The posted notice shall contain the information listed in Subsection R746-200-6(G)(1). This notice provision applies to residential premises when the account holder has requested termination of service or the account holder has a delinquent bill. If nonpayment is the basis for the termination of service, the utility shall also advise the tenants that they may continue to receive utility service for an additional 30 days by paying the charges due for the 30-day period just past.

H. Termination of Service -- Upon expiration of the notice of proposed termination of service, the public utility may terminate residential utility service. Except for service diversion or for safety considerations, utility service shall not be disconnected between Thursday at 4:00 p.m. and Monday at 9:00 a.m. or on legal holidays recognized by Utah, or other times the utility's business offices are not open for business. Service may be disconnected only between the hours of 9:00 a.m. and 4:00 p.m.

I. Customer-Requested Termination of Service --

1. A customer shall advise a public utility at least three days in advance of the day on which he wants service disconnected to his residence. The public utility shall disconnect the service within four working days of the requested disconnect date. The customer shall not be liable for the services rendered to or at the address or location after the four days, unless access to the meter has been delayed by the customer.

2. A customer who is not an occupant at the residence for which termination of service is requested shall advise the public utility at least 10 days in advance of the day on which he wants service disconnected

and sign an affidavit that he is not requesting termination of service as a means of evicting his tenants. Alternatively, the customer may sign an affidavit that there are no occupants at the residence for which termination of service is requested and thereupon the disconnection may occur within four days of the requested disconnection date.

J. Restrictions Upon Termination of Service Practices -- A public utility shall not use termination of service practices other than those set forth in these rules. A utility shall have the right to use or pursue legal methods to ensure collections of obligations due it.

K. Policy Statement Regarding Elderly and Handicapped -- The state recognizes that the elderly and handicapped may be seriously affected by termination of utility service. In addition, the risk of inappropriate termination of service may be greater for the elderly and handicapped due to communication barriers which may exist by reason of age or infirmity. Therefore, this section is specifically intended to prevent inappropriate terminations of service which may be hazardous to these individuals. In particular, Subsection R746-200-6(G), requiring adequate notice of impending terminations of service, including notification to third parties upon the request of the account holder, Subsection R746-200-6(C), restricting termination of service when the termination of service will cause or aggravate a serious illness or infirmity of a person living in the residence, and Subsection R746-200-6(D), restricting terminations of service to residences when life-supporting equipment is in use, are intended to meet the special needs of elderly and handicapped persons, as well as those of the public in general.

L. Load Limiter as a Substitute for Termination of Service, Electric Utilities --

1. An electric utility may, but only with the customer's consent, install a load limiter as an alternative to terminating electric service for non-payment of a delinquent account or for failure to comply with the terms of a deferred payment agreement or Commission order. Conditions precedent to the termination of electric service must be met before the installation of a load limiter.

2. Disputes about the level of load limitation are subject to the informal review procedure of Subsection R746-200-7.

3. Electric utilities shall submit load limiter policies and procedures to the Commission for their review before the implementation and use of those policies.

KEY: public utilities, rules, utility service shutoff

~~January 7, 2004~~2005

Notice of Continuation December 6, 2002

54-4-1

54-4-7

54-7-9

54-7-25



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).

Public Service Commission,
Administration
R746-401
Reporting of Construction, Purchase,
Acquisition, Sale, Transfer or
Disposition of Assets

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

DAR File No.: 27585
FILED: 12/13/2004, 13:30

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 54-4-1 requires supervision and regulation of utility companies within the Commission's jurisdiction. The Commission is also directed "...to supervise all of the business of every such public utility in this state, and to do all things, whether herein specifically designated or in addition thereto, which are necessary or convenient in the exercise of such power and jurisdiction..." Section 54-4-7 requires "...the commission shall determine the just, reasonable, safe, proper, adequate or sufficient rules, regulations, practices, equipment, appliances, facilities, service or methods to be observed, furnished, constructed, enforced or employed, and shall fix the same by its order, rule or regulation...."

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The reason for continuing this rule is to allow the Commission to continue to carry out its statutory mandate under the above cited statutes. This rule

provides guidelines for utilities for the reporting of construction, sale, transfer, or disposition of utility assets.

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

PUBLIC SERVICE COMMISSION
ADMINISTRATION
HEBER M WELLS BLDG
160 E 300 S
SALT LAKE CITY UT 84111-2316, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Barbara Stroud at the above address, by phone at 801-530-6714, by FAX at 801-530-6796, or by Internet E-mail at bstroud@utah.gov

AUTHORIZED BY: Barbara Stroud, Paralegal

EFFECTIVE: 12/13/2004



Workforce Services, Workforce
Information and Payment Services
R994-305
Collection of Contributions

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

DAR File No.: 27583
FILED: 12/10/2004, 16:44

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 35A-4-102 sets forth the public policy considerations of the Employment Security Act and the creation, under the State's police power, of free public employment offices and the setting aside of reserves

for the payment to unemployed individuals. Subsection 35A-4-502(1)(b) authorizes the Department to make rules as necessary for the administration of the Act. Section 35A-4-305 sets forth the rules the Department follows for collecting overpayments and taxes and the method to be used by employers for reporting wages.

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

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule helps claimants know how overpayments will be collected and explains the reporting requirements to employers. Therefore, the rule should be continued.

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

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

DIRECT QUESTIONS REGARDING THIS RULE TO:

Suzan Pixton at the above address, by phone at 801-526-9645, by FAX at 801-526-9211, or by Internet E-mail at spixton@utah.gov

AUTHORIZED BY: Raylene G. Ireland, Executive Director

EFFECTIVE: 12/10/2004



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

NOTICES OF RULE EFFECTIVE DATES

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

Abbreviations

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

Commerce

Occupational and Professional Licensing

No. 27489 (AMD): R156-56. Utah Uniform Building Standard Act Rules.

Published: November 1, 2004

Effective: January 1, 2005

No. 27490 (AMD): R156-56-704. Statewide Amendments to the IBC.

Published: November 1, 2004

Effective: January 1, 2005

Environmental Quality

Air Quality

No. 27295 (AMD): R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide.

Published: August 1, 2004

Effective: December 2, 2004

No. 27295 (CPR): R307-110-12. Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide.

Published: November 1, 2004

Effective: December 2, 2004

Labor Commission

Adjudication

No. 27492 (AMD): R602-2-4. Attorney Fees.

Published: November 1, 2004

Effective: December 2, 2004

Industrial Accidents

No. 27493 (AMD): R612-4-2. Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund.

Published: November 1, 2004

Effective: December 2, 2004

Occupational Safety and Health

No. 27494 (AMD): R614-1-4. Incorporation of Federal Standards.

Published: November 1, 2004

Effective: December 2, 2004

Natural Resources

Wildlife Resources

No. 27497 (AMD): R657-26-5. Hearings.

Published: November 1, 2004

Effective: December 2, 2004

No. 27498 (NEW): R657-54. Taking Wild Turkey.

Published: November 1, 2004

Effective: December 2, 2004

Public Safety

Fire Marshal

No. 27479 (AMD): R710-1-9. Adjudicative Proceedings.

Published: November 1, 2004

Effective: December 2, 2004

No. 27480 (AMD): R710-7-7. Adjudicative Proceedings.

Published: November 1, 2004

Effective: December 2, 2004

Peace Officer Standards and Training

No. 27317 (NEW): R728-502. Procedure for POST Instructor Certification.

Published: August 15, 2004

Effective: December 10, 2004

Workforce Services

Employment Development

No. 27491 (AMD): R986-500-501. Authority for Adoption Assistance (AA) and Other Applicable Rules.

Published: November 1, 2004

Effective: January 1, 2005

**2005 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 January 1, 2005. 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. 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
Commerce					
<u>Occupational and Professional Licensing</u>					
R156-56	Utah Uniform Building Standard Act Rules	27489	AMD	01/01/2005	2004-21/6
R156-56-704	Statewide Amendments to the IBC	27490	AMD	01/01/2005	2004-21/11
Workforce Services					
<u>Employment Development</u>					
R986-500-501	Authority for Adoption Assistance (AA) and Other Applicable Rules	27491	AMD	01/01/2005	2004-21/31

RULES INDEX - BY KEYWORD (SUBJECT)

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<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>adoption assistance</u>					
Workforce Services, Employment Development	27491	R986-500-501	AMD	01/01/2005	2004-21/31
<u>building codes</u>					
Commerce, Occupational and Professional Licensing	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
<u>building inspection</u>					
Commerce, Occupational and Professional Licensing	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
<u>contractors</u>					
Commerce, Occupational and Professional Licensing	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11
<u>licensing</u>					
Commerce, Occupational and Professional Licensing	27489	R156-56	AMD	01/01/2005	2004-21/6
	27490	R156-56-704	AMD	01/01/2005	2004-21/11

2004 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, 2004, including notices of effective date received through December 1, 2004, the effective dates of which are no later than December 15, 2004. 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. 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).

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NEW = New rule	* = Text too long to print in Bulletin, or
5YR = Five-Year Review	repealed text not printed in Bulletin
EXD = Expired	

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).

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/ PAGE
Administrative Services					
<u>Facilities Construction and Management</u>					
R23-3	Planning and Programming for Capital Projects	27313	5YR	7/28/2004	2004-16/33
R23-29	Across the Board Delegation	26991	5YR	3/10/2004	2004-7/35

<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	27120	AMD	7/1/2004	2004-10/4
R25-7-6	Reimbursements for Meals	27164	AMD	7/2/2004	2004-11/4
<u>Fleet Operations, Surplus Property</u>					
R28-1	State Surplus Property Disposal	27440	AMD	11/17/2004	2004-20/7
R28-3	Utah State Agency for Surplus Property Adjudicative Proceedings	26843	AMD	2/12/2004	2004-1/4
<u>Records Committee</u>					
R35-1	State Records Committee Appeal Hearing Procedures (5YR EXTENSION)	26973	NSC	7/2/2004 see 5YR DAR No. 27277	Not Printed
R35-1	State Records Committee Appeal Hearing Procedures	27277	5YR	7/2/2004	2004-15/62
R35-2	Declining Appeal Hearings	27278	5YR	7/2/2004	2004-15/62
R35-3	Prehearing Conferences	27279	5YR	7/2/2004	2004-15/63
R35-4	Compliance with State Records Committee Decisions and Orders	27280	5YR	7/2/2004	2004-15/63
R35-5	Subpoenas Issued by the Records Committee	27281	5YR	7/2/2004	2004-15/64
R35-6	Expedited Hearings	27282	5YR	7/2/2004	2004-15/64
Agriculture and Food					
<u>Animal Industry</u>					
R58-20	Domesticated Elk Hunting Parks	26990	5YR	3/5/2004	2004-7/35
R58-20-5	Facilities	26989	AMD	5/4/2004	2004-7/3
R58-21	Trichomoniasis	26891	AMD	3/4/2004	2004-3/4
<u>Plant Industry</u>					
R68-6	Utah Nursery Act	27320	AMD	9/15/2004	2004-16/5
R68-6-5	Standards for Nursery Stock	27397	NSC	12/1/2004	Not Printed
R68-20-1	Authority	26949	AMD	4/1/2004	2004-5/2
R68-20-1	Authority	26987	NSC	5/1/2004	Not Printed
<u>Regulatory Services</u>					
R70-310	Grade A Pasteurized Milk	27149	AMD	7/2/2004	2004-11/6
R70-310	Grade A Pasteurized Milk	27286	5YR	7/9/2004	2004-15/65
R70-330	Raw Milk for Retail	27069	AMD	6/2/2004	2004-9/4
R70-440	Egg Products Inspection	27425	NEW	11/4/2004	2004-19/4
R70-540	Food Establishment Registration	27453	NEW	11/16/2004	2004-20/9
R70-630	Water Vending Machine	27291	5YR	7/13/2004	2004-15/65
R70-630	Water Vending Machine	27290	AMD	9/8/2004	2004-15/4
R70-630	Water Vending Machine	27380	NSC	11/1/2004	Not Printed
R70-630	Water Vending Machine	27438	NSC	12/1/2004	Not Printed
R70-960	Weights and Measures Fee Registration	27424	NEW	11/2/2004	2004-19/4
Alcoholic Beverage Control					
<u>Administration</u>					
R81-1-3	General Policies	27025	AMD	6/1/2004	2004-8/4
R81-1-8	Consent Calendar Procedures	27027	AMD	6/1/2004	2004-8/5
R81-1-21	Beer Advertising in Event Venues	27028	AMD	6/1/2004	2004-8/6
R81-1-21	Beer Advertising in Event Venues	27105	NSC	6/1/2004	Not Printed
R81-1-21	Beer Advertising in Event Venues	27145	NSC	6/1/2004	Not Printed
R81-1-22	Diplomatic Embassy Shipments and Purchases	27029	AMD	6/1/2004	2004-8/8
R81-1-23	Sales Restrictions on Products of Limited Availability	27030	AMD	6/1/2004	2004-8/10
R81-2-1	Special Orders of Liquor by Public	27031	AMD	6/1/2004	2004-8/11
R81-2-2	Liquor Returns, Refunds and Exchanges	27032	AMD	6/1/2004	2004-8/12
R81-2-7	Minors on Premises	27033	AMD	6/1/2004	2004-8/14
R81-2-8	Accepting Checks as Payment for Liquor	27034	AMD	6/1/2004	2004-8/14
R81-2-9	Accepting Credit Cards as Payment for Liquor	27035	AMD	6/1/2004	2004-8/16
R81-2-9	Accepting Credit Cards as Payment for Liquor	27201	AMD	8/2/2004	2004-12/3
R81-2-10	State Store Hours	27036	AMD	6/1/2004	2004-8/17
R81-2-11	Industry Members in State Stores	27037	AMD	6/1/2004	2004-8/18
R81-3-5	Special Orders of Liquor by Public	27038	AMD	6/1/2004	2004-8/19
R81-3-6	Liquor Returns, Refunds and Exchanges	27039	AMD	6/1/2004	2004-8/20
R81-3-14	Type 5 Package Agencies	27040	AMD	6/1/2004	2004-8/22
R81-3-16	Minors on Premises	27041	AMD	6/1/2004	2004-8/23
R81-3-17	Consignment Inventory Package Agencies	27042	AMD	6/1/2004	2004-8/24

2004 RULES INDEX

R81-3-18	Type 4 Package Agency Room Service - Mini-Bottle/187 ml Wine Sales	27043	AMD	6/1/2004	2004-8/25
R81-3-19	Credit Cards	27044	AMD	6/1/2004	2004-8/26
R81-3-19	Credit Cards	27104	NSC	6/1/2004	Not Printed
R81-3-19	Credit Cards	27146	NSC	6/1/2004	Not Printed
R81-4D-13	On-Premise Banquet License Room Service - Mini-Bottle/187 ml Wine Sales	27045	AMD	6/1/2004	2004-8/27
R81-6-6	Religious Wine Permits	27046	AMD	6/1/2004	2004-8/29
R81-8-2	Out of State Business	27047	AMD	6/1/2004	2004-8/30
R81-8-3	Winery Tasting Facilities	27048	AMD	6/1/2004	2004-8/31

Commerce Administration

R151-33	Pete Suazo Utah Athletic Commission Act Rule	27312	AMD	9/15/2004	2004-16/8
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Consumer Protection

R152-11	Utah Consumer Sales Practices Act Rules	26945	AMD	5/20/2004	2004-5/3
R152-21	Credit Services Organizations Act Rules	27238	5YR	6/15/2004	2004-13/66
R152-34	Postsecondary Proprietary School Act Rules	26905	AMD	5/20/2004	2004-4/2

Occupational and Professional Licensing

R156-1	General Rules of the Division of Occupational and Professional Licensing	27358	EMR	8/24/2004	2004-18/79
R156-1	General Rules of the Division of Occupational and Professional Licensing	27377	AMD	10/18/2004	2004-18/4
R156-1-106	Division - Duties, Functions, and Responsibilities	26805	AMD	1/20/2004	2003-24/4
R156-1-302	Consideration of Good Moral Character, Unlawful Conduct, Unprofessional Conduct, or Other Mental or Physical Condition	27103	NSC	6/1/2004	Not Printed
R156-5a	Podiatric Physician Licensing Act Rules	26917	5YR	1/27/2004	2004-4/74
R156-17a-612	Operating Standards - Pharmaceutical Wholesaler/Distributor and Pharmaceutical Manufacturer located in Utah	26754	AMD	2/19/2004 see CPR in 01/15/2004 Bulletin	2003-22/11
R156-17a-612	Operating Standards - Pharmaceutical Wholesaler/Distributor and Pharmaceutical Manufacturer located in Utah	26754	CPR	2/19/2004	2004-2/10
R156-26a-303b	Renewal and Reinstatement Requirements - Continuing Professional Education (CPE)	26786	AMD	1/6/2004	2003-23/7
R156-26a-303b	Renewal and Reinstatement Requirements - Continuing Professional Education (CPE)	27019	AMD	5/24/2004	2004-8/32
R156-31c	Nurse Licensure Compact Rules	27567	5YR	11/29/2004	2004-24/67
R156-37c	Utah Controlled Substance Precursor Act Rules	26916	5YR	1/27/2004	2004-4/74
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	26834	AMD	2/3/2004	2004-1/5
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	27020	AMD	7/26/2004 see CPR in 06/15/2004 Bulletin	2004-8/39
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	27020	CPR	7/26/2004	2004-12/73
R156-39a	Alternative Dispute Resolution Providers Certification Act Rules	26915	5YR	1/27/2004	2004-4/75
R156-42a	Occupational Therapy Practice Act Rules	27400	5YR	9/2/2004	2004-19/48
R156-44a	Nurse Midwife Practice Act Rules	27224	5YR	6/10/2004	2004-13/66
R156-46a	Hearing Instrument Specialist Licensing Act Rules	27247	5YR	6/24/2004	2004-14/56
R156-46b	Division Utah Administrative Procedures Act Rules	27401	AMD	11/2/2004	2004-19/6
R156-47b	Massage Therapy Practice Act Rules	26937	AMD	6/7/2004	2004-5/5
R156-54-302b	Examination Requirements - Radiology Practical Technician	26580	AMD	1/20/2004 see CPR in 12/15/2003 Bulletin	2003-18/4
R156-54-302b	Examination Requirements - Radiology Practical Technician	26580	CPR	1/20/2004	2003-24/70
R156-55a-301	License Classifications - Scope of Practice	27441	NSC	10/1/2004	Not Printed
R156-55b	Electricians Licensing Rules	27112	AMD	6/15/2004	2004-10/6
R156-55b-302c	Qualifications for Licensure - Work Experience	27394	NSC	12/1/2004	Not Printed

R156-55d-302f	Qualifications for Licensure - Good Moral Character - Disqualifying Convictions	27188	AMD	10/5/2004 see CPR in 09/01/2004 Bulletin	2004-12/4
R156-55d-302f	Qualifications for Licensure - Good Moral Character - Disqualifying Convictions	27188	CPR	10/5/2004	2004-17/47
R156-56	Utah Uniform Building Standard Act Rules	27101	AMD	8/17/2004 see CPR in 07/15/2004 Bulletin	2004-9/5
R156-56	Utah Uniform Building Standard Act Rules	27101	CPR	8/17/2004	2004-14/37
R156-56	Utah Uniform Building Standard Act Rules	27489	AMD	1/1/2005	2004-21/6
R156-56-704	Statewide Amendments to the IBC	27474	NSC	12/1/2004	Not Printed
R156-56-704	Statewide Amendments to the IBC	27490	AMD	1/1/2005	2004-21/11
R156-60	Mental Health Professional Practice Act Rules	27501	5YR	10/21/2004	2004-22/68
R156-60a	Social Worker Licensing Act Rules	27285	AMD	9/1/2004	2004-15/17
R156-60a	Social Worker Licensing Act Rules	27502	5YR	10/21/2004	2004-22/68
R156-60b	Marriage and Family Therapist Licensing Act Rules	27503	5YR	10/21/2004	2004-22/69
R156-61	Psychologist Licensing Act Rules	27225	5YR	6/1/2004	2004-13/67
R156-63	Security Personnel Licensing Act Rules	26888	AMD	3/4/2004	2004-3/5
R156-68	Utah Osteopathic Medical Practice Act Rules	26956	AMD	4/15/2004	2004-6/2
R156-71-202	Naturopathic Physician Formulary	26998	AMD	5/4/2004	2004-7/3
R156-71-202	Naturopathic Physician Formulary	27140	NSC	6/1/2004	Not Printed
R156-73	Chiropractic Physician Practice Act Rules	27355	AMD	10/18/2004	2004-18/13
R156-74	Certified Shorthand Reporters Licensing Act Rules	26927	5YR	2/2/2004	2004-4/75
R156-76-102	Definitions	26777	AMD	1/20/2004	2003-23/14
R156-78A-9	Action upon Request - Scheduling Procedures - Continuances	27328	NSC	9/1/2004	Not Printed
<u>Real Estate</u>					
R162-3	License Status Change	27026	AMD	5/20/2004	2004-8/44
R162-6-2	Standards of Practice	26944	AMD	4/21/2004	2004-5/6
R162-6-2	Standards of Practice	27009	NSC	4/21/2004	Not Printed
R162-7-3	Investigation and Enforcement	26835	AMD	2/18/2004	2004-1/9
R162-8	Prelicensing Education	27338	AMD	10/21/2004	2004-17/3
R162-9	Continuing Education	27335	AMD	10/21/2004	2004-17/4
R162-101-2	Definitions	27132	AMD	9/10/2004	2004-10/10
R162-103	Appraisal Education Requirements	27241	AMD	10/7/2004	2004-14/2
R162-103	Appraisal Education Requirements	27349	AMD	11/24/2004	2004-17/7
R162-104	Experience Requirement	27350	AMD	11/24/2004	2004-17/9
R162-105	Scope of Authority	26890	5YR	1/13/2004	2004-3/42
R162-105	Scope of Authority	27131	AMD	9/10/2004	2004-10/11
R162-106-8	Draft Reports	27098	AMD	7/28/2004	2004-9/11
R162-107	Unprofessional Conduct	27128	AMD	9/10/2004	2004-10/13
R162-201	Residential Mortgage Definitions	27129	NEW	6/29/2004	2004-10/15
R162-201	Residential Mortgage Definitions	27395	AMD	11/3/2004	2004-19/8
R162-202	Residential Mortgage Renewal Period	26837	AMD	2/3/2004	2004-1/10
R162-202	Initial Application	27130	AMD	6/29/2004	2004-10/15
R162-202	Initial Application	27399	AMD	11/3/2004	2004-19/8
R162-203	Changes to Residential Mortgage Registration Statement	26909	AMD	4/12/2004	2004-4/7
R162-203	Changes to Residential Mortgage Licensure Statement	27396	AMD	11/3/2004	2004-19/11
R162-204	Residential Mortgage Record Keeping Requirements	26908	AMD	4/12/2004	2004-4/8
R162-205	Residential Mortgage Unprofessional Conduct	26907	AMD	4/12/2004	2004-4/9
R162-205	Residential Mortgage Unprofessional Conduct	27352	AMD	10/7/2004	2004-17/11
R162-206	Licensing Examination	26840	NEW	2/3/2004	2004-1/12
R162-207	License Renewal	26839	NEW	2/3/2004	2004-1/13
R162-207	License Renewal	27402	AMD	11/3/2004	2004-19/12
R162-208	Continuing Education	26836	NEW	2/3/2004	2004-1/14
R162-208	Continuing Education	27403	AMD	11/3/2004	2004-19/15
R162-209	Administrative Proceedings	26906	AMD	4/12/2004	2004-4/10
R162-209	Administrative Proceedings	27404	AMD	11/3/2004	2004-19/18
R162-210	Certification of Prelicensing Education Providers	27405	NEW	11/3/2004	2004-19/20
<u>Securities</u>					
R164-11-2	Hearings for Certain Exchanges of Securities	26481	AMD	1/5/2004 see CPR in 12/01/2003 Bulletin	2003-15/17
R164-11-2	Hearings for Certain Exchanges of Securities	26481	CPR	1/5/2004	2003-23/83

Community and Economic DevelopmentCommunity Development, History

R212-4	Archaeological Permits	27359	AMD	11/23/2004	2004-18/15
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Community Development, Library

R223-2-2	Definitions	27125	AMD	9/8/2004	2004-10/17
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CorrectionsAdministration

R251-101	Corrections Advisory Council Bylaws	26769	REP	3/24/2004	2003-23/15
R251-113	Distribution of Reimbursement from the Inmate Costs Reimbursement Program	27416	AMD	11/9/2004	2004-19/28

Crime Victim ReparationsAdministration

R270-1	Award and Reparations Standards	27157	AMD	7/2/2004	2004-11/7
R270-3	ADA Complaint Procedure	27460	5YR	9/30/2004	2004-20/75
R270-4	Government Records Access and Management Act	27461	5YR	9/30/2004	2004-20/75

EducationAdministration

R277-102	Adjudicative Proceedings	26958	5YR	2/26/2004	2004-6/58
R277-105	Recognizing Constitutional Freedoms in the Schools	27214	5YR	6/1/2004	2004-12/79
R277-402	Online Testing	27202	NEW	7/16/2004	2004-12/5
R277-408	Expenditures for Instructional Supplies Required in Utah Public Schools	27308	REP	9/2/2004	2004-15/18
R277-413	Accreditation of Secondary Schools, Alternative or Special Purpose Schools	26959	5YR	2/26/2004	2004-6/58
R277-418	School Professional Development Days Pilot Program	27203	NEW	7/16/2004	2004-12/7
R277-422	State Supported Voted Leeway	27204	AMD	7/16/2004	2004-12/8
R277-425	Budgeting, Accounting, and Auditing for Utah School Districts	26960	5YR	2/26/2004	2004-6/59
R277-437	Student Enrollment Options	26871	5YR	1/5/2004	2004-3/42
R277-438	Dual Enrollment	27205	5YR	6/1/2004	2004-12/79
R277-444	Distribution of Funds to Arts and Sciences Organizations	26979	AMD	4/15/2004	2004-6/4
R277-444	Distribution of Funds to Arts and Sciences Organizations	27271	AMD	8/17/2004	2004-14/4
R277-451	The State School Building Program	27407	5YR	9/7/2004	2004-19/48
R277-451	The State School Building Program	27422	AMD	11/2/2004	2004-19/30
R277-462	Comprehensive Guidance Program	26850	AMD	2/5/2004	2004-1/16
R277-462	Comprehensive Guidance Program	27408	5YR	9/7/2004	2004-19/49
R277-463	Class Size Reporting	27409	5YR	9/7/2004	2004-19/49
R277-469	Instructional Materials Commission Operating Procedures	26999	AMD	5/5/2004	2004-7/5
R277-471	Oversight of School Inspections	27517	5YR	11/1/2004	2004-22/69
R277-486	Professional Staff Cost Program	26828	NEW	1/15/2004	2003-24/5
R277-501	Educator Licensing Renewal	26980	AMD	4/15/2004	2004-6/5
R277-501	Educator Licensing Renewal	27206	AMD	7/16/2004	2004-12/10
R277-502	Educator Licensing and Data Retention	26827	AMD	1/15/2004	2003-24/6
R277-502	Educator Licensing and Data Retention	27207	AMD	7/16/2004	2004-12/14
R277-502	Educator Licensing and Data Retention	27448	NSC	12/1/2004	Not Printed
R277-503	Licensing Routes	27270	AMD	8/17/2004	2004-14/6
R277-503	Licensing Routes	27357	NSC	9/1/2004	Not Printed
R277-504	Early Childhood, Elementary, Secondary, Special Education (K-12), Communication Disorders, and Special Education (Birth-Age 5) Certification	27410	5YR	9/7/2004	2004-19/50
R277-510	Special Subject Certification for Small Secondary Schools	27208	REP	7/16/2004	2004-12/18
R277-511	Eminence or Special Qualification Authorization for Teaching in the Public Schools	27213	REP	7/16/2004	2004-12/19
R277-512	Letters of Authorization	27209	REP	7/16/2004	2004-12/20
R277-514	Board Procedures: Sanctions for Educator Misconduct	26981	AMD	4/15/2004	2004-6/10
R277-517	Athletic Coaching Certification	26852	AMD	2/5/2004	2004-1/18
R277-518	Vocational-Technical Certificates	27000	AMD	5/5/2004	2004-7/8
R277-520	Appropriate Licensing and Assignment of Teachers	26851	R&R	2/5/2004	2004-1/20
R277-520	Appropriate Licensing and Assignment of Teachers	27210	AMD	7/16/2004	2004-12/21
R277-521	Professional Specialist Licensing	27411	5YR	9/7/2004	2004-19/50

R277-522	Entry Years Enhancements (EYE) for Quality Teaching - Level 1 Utah Teachers	27211	AMD	7/16/2004	2004-12/24
R277-524	Paraprofessional Qualifications	26853	NEW	2/5/2004	2004-1/25
R277-601	Standards for Utah School Buses and Operations	26961	5YR	2/26/2004	2004-6/59
R277-607	Truancy Prevention	27531	5YR	11/5/2004	2004-23/57
R277-609	Standards for School District Discipline Plans	27340	5YR	8/10/2004	2004-17/55
R277-615	Foreign Exchange Students	27309	REP	9/2/2004	2004-15/20
R277-700	The Elementary and Secondary School Core Curriculum	26902	AMD	3/3/2004	2004-3/10
R277-700	The Elementary and Secondary School Core Curriculum	26985	NSC	4/1/2004	Not Printed
R277-712	Advanced Placement Programs	26962	5YR	2/26/2004	2004-6/60
R277-714	Dissemination of Information About Juvenile Offenders	27412	5YR	9/7/2004	2004-19/51
R277-720	Child Nutrition Programs	26830	AMD	1/15/2004	2003-24/10
R277-720	Child Nutrition Programs	26848	NSC	2/1/2004	Not Printed
R277-724	Criteria for Sponsors Recruiting Day Care Facilities in the Child and Adult Care Food Program	26829	NEW	1/15/2004	2003-24/11
R277-725	Electronic High School	26982	NEW	4/15/2004	2004-6/12
R277-725	Electronic High School	27307	AMD	9/2/2004	2004-15/21
R277-734	Standards and Procedures for Adult Education Section 353 Funds	26963	5YR	2/26/2004	2004-6/60
R277-734	Standards and Procedures for Adult Education Section 353 Funds	27001	REP	5/5/2004	2004-7/11
R277-735	Standards and Procedures for Corrections Education Programs Serving Inmates of the Utah Department of Corrections	26870	5YR	1/5/2004	2004-3/43
R277-746	Driver Education Programs for Utah Schools	27423	AMD	11/2/2004	2004-19/32
R277-760	Flow Through Funds for Students at Risk	27413	5YR	9/7/2004	2004-19/51
R277-800	Administration of the Utah School for the Deaf and the Utah School for the Blind	27341	5YR	8/10/2004	2004-17/55
R277-916	Technology, Life, and Careers, and Work-Based Learning Programs	27212	5YR	6/1/2004	2004-12/80
Rehabilitation					
R280-150	Adjudicative Proceedings Under the Vocational Rehabilitation Act	27342	5YR	8/10/2004	2004-17/56
R280-201	USOR ADA Complaint Procedure	26872	5YR	1/5/2004	2004-3/43
R280-202	USOR Procedures for Individuals with the Most Severe Disabilities	26873	5YR	1/5/2004	2004-3/44
R280-203	Certification Requirements for Interpreters for the Hearing Impaired	27532	5YR	11/5/2004	2004-23/57
Environmental Quality					
Air Quality					
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	26896	AMD	5/18/2004 see CPR in 04/15/2004 Bulletin	2004-3/12
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	26896	CPR	5/18/2004	2004-8/87
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	26983	NSC	5/18/2004	Not Printed
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	27295	AMD	12/2/2004 see CPR in 11/01/2004 Bulletin	2004-15/23
R307-110-12	Section IX, Control Measures for Area and Point Sources, Part C, Carbon Monoxide	27295	CPR	12/2/2004	2004-21/34
R307-110-28	Regional Haze	26946	AMD	6/8/2004	2004-5/9
R307-110-31	Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements	26898	AMD	5/18/2004 see CPR in 04/15/2004 Bulletin	2004-3/13
R307-110-31	Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements	26898	CPR	5/18/2004	2004-8/87
R307-110-33	Section X, Vehicle Inspection and Maintenance Program, Part C, Salt Lake County	27296	AMD	10/7/2004	2004-15/24

2004 RULES INDEX

R307-110-34	Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County	26899	AMD	5/18/2004 see CPR in 04/15/2004 Bulletin	2004-3/14
R307-110-34	Section X, Vehicle Inspection and Maintenance Program, Part D, Utah County	26899	CPR	5/18/2004	2004-8/88
R307-110-35	Section X, Vehicle Inspection and Maintenance Program, Part E, Weber County	27344	AMD	11/4/2004	2004-17/13
R307-150	Emission Inventories	26942	5YR	2/9/2004	2004-5/43
R307-214	National Emission Standards for Hazardous Air Pollutants (5YR EXTENSION)	26887	NSC	2/9/2004 see 5YR DAR No. 26939	Not Printed
R307-214	National Emission Standards for Hazardous Air Pollutants	26939	5YR	2/9/2004	2004-5/44
R307-214-2	Nation Emissions for Hazardous Air Pollutants	27293	AMD	10/7/2004	2004-15/28
R307-215	Emission Standards: Acid Rain Requirements	27220	5YR	6/8/2004	2004-13/68
R307-301	Utah and Weber Counties: Oxygenated Gasoline Program.	26897	AMD	5/18/2004	2004-3/15
R307-309	Davis, Salt Lake and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust (5YR EXTENSION)	27106	NSC	6/8/2004 see 5YR DAR No. 27217	Not Printed
R307-309	Davis, Salt Lake and Utah Counties, Ogden City and Any Nonattainment Area for PM10: Fugitive Emissions and Fugitive Dust	27217	5YR	6/8/2004	2004-13/68
R307-326-7	Leaks from Petroleum Refinery Equipment	27487	NSC	12/1/2004	Not Printed
R307-343	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emissions Standards for Wood Furniture Manufacturing Operations (5YR EXTENSION)	27144	NSC	6/8/2004 see 5YR DAR No. 27219	Not Printed
R307-343	Davis and Salt Lake Counties and Ozone Nonattainment Areas: Emission Standards for Wood Furniture Manufacturing Operations	27219	5YR	6/8/2004	2004-13/69
R307-415	Permits: Operating Permit Requirements	26940	5YR	2/9/2004	2004-5/45
R307-415-6c	Permit Content: Compliance Requirements	26947	AMD	8/3/2004 see CPR in 07/01/2004 Bulletin	2004-5/10
R307-415-6c	Permit Content: Compliance Requirements	26947	CPR	8/3/2004	2004-13/52
R307-417	Permits: Acid Rain Sources	26941	5YR	2/9/2004	2004-5/45
R307-420	Permits: Ozone Offset Requirements in Davis and Salt Lake Counties (5YR EXTENSION)	27107	NSC	6/8/2004 see 5YR DAR No. 27218	Not Printed
R307-420	Permits: Ozone Offset Requirements in Davis and Salt Lake Counties	27218	5YR	6/8/2004	2004-13/69
<u>Drinking Water</u>					
R309-110	Administration: Definitions	26970	AMD	4/21/2004	2004-6/13
R309-204	Facility Design and Operation: Source Development	26971	AMD	4/21/2004	2004-6/23
(Changed to R309-515)					
R309-302	Required Certification Rules for Backflow Technicians in the State of Utah	27252	AMD	10/15/2004	2004-14/10
(Changed to R309-305)					
R309-605	Source Protection: Drinking Water Source Protection for Surface Water Sources	26988	NSC	5/1/2004	Not Printed
R309-700	Financial Assistance: State Drinking Water Project Revolving Loan Program	26974	AMD	8/6/2004 see CPR in 07/01/2004 Bulletin	2004-6/31
R309-700	Financial Assistance: State Drinking Water Project Revolving Loan Program	26974	CPR	8/6/2004	2004-13/53
R309-705	Financial Assistance: Federal Drinking Water Project Revolving Loan Program	26975	AMD	8/6/2004 see CPR in 07/01/2004 Bulletin	2004-6/39
R309-705	Financial Assistance: Federal Drinking Water Project Revolving Loan Program	26975	CPR	8/6/2004	2004-13/57

Environmental Response and Remediation

R311-200	Underground Storage Tanks: Definitions	27194	AMD	9/9/2004	2004-12/27
R311-201	Underground Storage Tanks: Certification Programs	27195	AMD	9/9/2004	2004-12/30
R311-203	Underground Storage Tanks: Notification, New Installations, and Registration Fees	27196	AMD	9/9/2004	2004-12/34
R311-204	Underground Storage Tanks: Closure and Remediation	27197	AMD	9/9/2004	2004-12/37
R311-205	Underground Storage Tanks: Site Assessment Protocol	27198	AMD	9/9/2004	2004-12/39
R311-206	Underground Storage Tanks: Financial Assurance Mechanisms	27199	AMD	9/9/2004	2004-12/44
R311-212	Administration of the Petroleum Storage Tank Loan Fund	27200	AMD	9/9/2004	2004-12/48

Radiation Control

R313-25-25	Near Surface Land Disposal Facility Operation and Disposal Site Closure	27110	NSC	5/1/2004	Not Printed
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Solid and Hazardous Waste

R315-2-13	Variances Authorized	27289	AMD	9/15/2004	2004-15/35
R315-317-2	Variances	27288	AMD	9/15/2004	2004-15/36
R315-320	Waste Tire Transporter and Recycler Requirements	26972	5YR	3/1/2004	2004-6/61

Water Quality

R317-1	Definitions and General Requirements	26796	AMD	3/29/2004	2003-23/16
R317-2	Standards of Quality for Waters of the State	26242	AMD	1/6/2004 see CPR in 09/15/2003 Bulletin	2003-10/27
R317-2	Standards of Quality for Waters of the State	26242	CPR	1/6/2004	2003-18/35
R317-6	Ground Water Quality Protection	27021	AMD	7/12/2004	2004-8/46
R317-6	Ground Water Quality Protection	27177	AMD	8/20/2004	2004-11/8
R317-6-6	Implementation	27437	NSC	12/1/2004	Not Printed
R317-7	Underground Injection Control Program	27276	AMD	10/26/2004	2004-15/37
R317-8	Utah Pollutant Discharge Elimination System (UPDES)	26903	AMD	3/30/2004	2004-3/19
R317-10	Certification of Wastewater Works Operator	27022	AMD	6/23/2004	2004-8/52
R317-100-3	Numeric Project Priority Ranking System	27179	AMD	8/20/2004	2004-11/15
R317-103	Rural Communities Hardship Grants Program	27180	REP	8/20/2004	2004-11/16
R317-401	Graywater Systems	26797	NEW	7/2/2004 see CPR in 04/15/2004 Bulletin	2003-23/21
R317-401	Graywater Systems	26797	CPR	7/2/2004	2004-8/89

GovernorPlanning and Budget, Chief Information Officer

R365-4	Sub-Domain Naming Conventions for Executive Branch Agencies	26953	NEW	4/15/2004	2004-5/12
R365-6	IT Plan Submission Rule for Executive Branch Agencies	27108	NEW	6/28/2004	2004-10/18
R365-7	Acceptable Use of Information Technology Resources	27119	NEW	6/28/2004	2004-10/20
R365-10	Standards, Best Practices, and Institutional Knowledge Requirements for Executive Branch Agencies	27398	NEW	11/8/2004	2004-19/38

HealthAdministration

R380-25	Submission of Data Through an Electronic Data Interchange	27260	5YR	6/30/2004	2004-14/56
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Center for Health Data, Health Care Statistics

R428-10	Health Data Authority Hospital Inpatient Reporting Rule	26800	AMD	2/27/2004	2003-23/36
R428-11	Health Data Authority Ambulatory Surgical Data Reporting Rule	26799	AMD	2/27/2004	2003-23/37

Children's Health Insurance Program

R382-10	Eligibility	26757	AMD	1/5/2004	2003-22/21
R382-10	Eligibility	27050	AMD	6/1/2004	2004-8/58

Community and Family Health Services, Children with Special Health Care Needs

R398-1	Newborn Screening	27443	5YR	9/22/2004	2004-20/76
R398-5	Birth Defects Reporting	27444	5YR	9/22/2004	2004-20/76

2004 RULES INDEX

<u>Community and Family Health Services, Chronic Disease</u>					
R384-100	Cancer Reporting Rule	27235	5YR	6/15/2004	2004-13/70
<u>Epidemiology and Laboratory Services, Environmental Services</u>					
R392-101	Food Safety Manager Certification	27187	5YR	5/24/2004	2004-12/80
<u>Epidemiology and Laboratory Services, Epidemiology</u>					
R386-702	Communicable Disease Rule	27024	AMD	6/11/2004	2004-8/60
<u>Epidemiology and Laboratory Services, Laboratory Improvement</u>					
R444-14	Rule for the Certification of Environmental Laboratories	27234	AMD	8/9/2004	2004-13/26
<u>Epidemiology and Laboratory Services, Laboratory Services</u>					
R438-13	Rules for the Certification of Institutions to Obtain Impounded Animals in the State of Utah	26968	5YR	2/27/2004	2004-6/61
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1-5	State Plan	26955	AMD	5/19/2004	2004-6/47
R414-1-14	Utilization Control	27189	AMD	7/19/2004	2004-12/52
R414-1A	Medicaid Policy for Experimental, Investigational or Unproven Medical Practices	27023	AMD	5/25/2004	2004-8/68
R414-1B	Prohibition of Payment for Certain Abortion Services	27222	EMR	6/9/2004	2004-13/64
R414-1B	Prohibition of Payment for Certain Abortion Services	27227	NEW	10/6/2004 see CPR in 09/01/2004 Bulletin	2004-13/4
R414-1B	Prohibition of Payment for Certain Abortion Services	27227	CPR	10/6/2004	2004-17/48
R414-7A	Medicaid Certification of New Nursing Facilities	27535	5YR	11/8/2004	2004-23/58
R414-7B	Nurse Aide Training and Competency Evaluation Program	27524	5YR	11/3/2004	2004-23/58
R414-9	Federally Qualified Health Centers	26854	NEW	2/3/2004	2004-1/26
R414-9	Federally Qualified Health Centers	27151	NSC	6/1/2004	Not Printed
R414-11	Podiatry Services	27525	5YR	11/3/2004	2004-23/59
R414-14	Home Health Service	27482	5YR	10/6/2004	2004-21/39
R414-14A	Hospice Care	27481	5YR	10/6/2004	2004-21/39
R414-25	Mental Health Clinic Services	27426	REP	11/3/2004	2004-19/40
R414-26	Implementation and Maintenance of the Health Care Financing Administration Common Procedure Coding System (HCPCS)	27315	REP	9/16/2004	2004-16/10
R414-31	Inpatient Psychiatric Services for Individuals Under Age 21 in Psychiatric Facilities or Programs	27483	5YR	10/6/2004	2004-21/40
R414-33B	Substance Abuse Targeted Case Management	27327	NEW	10/15/2004	2004-16/12
R414-34	Substance Abuse Services	27323	NEW	10/15/2004	2004-16/14
R414-35	Mental Health Services for Children in State Custody	27516	NEW	12/16/2004	2004-22/17
R414-36	Services by Community Mental Health Centers	27322	NEW	11/3/2004	2004-16/15
R414-49	Dental Service	26964	AMD	5/7/2004	2004-6/48
R414-49	Dental Service	27176	AMD	7/2/2004	2004-11/17
R414-49	Dental Service	27541	5YR	11/12/2004	2004-23/59
R414-50	Dental, Oral and Maxillofacial Surgeons	26802	AMD	1/28/2004	2003-24/13
R414-50	Dental, Oral and Maxillofacial Surgeons	27526	5YR	11/3/2004	2004-23/60
R414-51	Dental, Orthodontia	26782	AMD	1/28/2004	2003-23/25
R414-53	Eyeglasses Services	26783	AMD	1/28/2004	2003-23/28
R414-54	Speech-Language Pathology Services	26803	AMD	1/28/2004	2003-24/14
R414-54	Speech-Language Pathology Services	27012	5YR	3/23/2004	2004-8/94
R414-54	Speech-Language Pathology Services	27366	AMD	10/25/2004	2004-18/17
R414-55	Medicaid Policy for Hospital Emergency Department Copayment Procedures	27049	AMD	6/17/2004	2004-8/69
R414-58	Children's Organ Transplants	26935	5YR	2/3/2004	2004-5/46
R414-71	Medical Supplies - Parenteral, Enteral, and IV Therapy	27231	NEW	8/5/2004	2004-13/5
R414-71	Medical Supplies - Parenteral, Enteral, and IV Therapy	27385	NSC	9/1/2004	Not Printed
R414-90	Diabetes Self-Management Training	27316	NEW	9/16/2004	2004-16/17
R414-99	Chiropractic Services	26809	NEW	2/17/2004	2003-24/15
R414-140	Choice of Health Care Delivery Program	27314	NEW	9/16/2004	2004-16/19
R414-300	Primary Care Network, Covered-at-Work Demonstration Waiver	26811	NEW	2/10/2004	2003-24/17
R414-303	Coverage Groups	27230	AMD	8/26/2004	2004-13/7
R414-303	Coverage Groups	27378	AMD	10/16/2004	2004-18/18
R414-304	Income and Budgeting	27232	AMD	8/26/2004	2004-13/14
R414-304	Income and Budgeting	27379	AMD	10/16/2004	2004-18/21

R414-305-3	Spousal Impoverishment Resource Rules for Married Institutionalized Individuals	26965	AMD	5/7/2004	2004-6/50
R414-306	Program Benefits	27216	AMD	7/19/2004	2004-12/53
R414-306	Program Benefits	27334	NSC	11/1/2004	Not Printed
R414-310	Medicaid Primary Care Network Demonstration Waiver	26810	AMD	2/10/2004	2003-24/18
R414-310	Medicaid Primary Care Network Demonstration Waiver	27515	AMD	12/16/2004	2004-22/18
R414-401	Nursing Care Facility Assessment	27143	NEW	7/2/2004	2004-11/19
R414-501	Preadmission and Continued Stay Review	27370	5YR	8/27/2004	2004-18/82
R414-502	Nursing Facility Levels of Care	27371	5YR	8/27/2004	2004-18/82
R414-503	Preadmission Screening and Annual Resident Review	27373	5YR	8/27/2004	2004-18/83
R414-504	Nursing Facility Payments	27171	AMD	7/2/2004	2004-11/20
R414-504	Nursing Facility Payments	27325	AMD	9/15/2004	2004-16/20
<u>Health Systems Improvement, Child Care Licensing</u>					
R430-2	General Licensing Provisions, Child Care Facilities	26824	AMD	4/12/2004	2003-24/25
R430-8	Exclusions from Child Care Licensing - Parochial Education Institution	27242	5YR	6/16/2004	2004-14/57
R430-100	Child Care Center	27244	AMD	8/27/2004	2004-14/15
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-11	General Provisions	27466	5YR	10/1/2004	2004-20/77
R426-12	Emergency Medical Services Training and Certification Standards	27439	5YR	9/20/2004	2004-20/77
R426-13	Emergency Medical Services Provider Designations	27463	5YR	10/1/2004	2004-20/78
R426-14	Ambulance Service and Paramedic Service Licensure	27465	5YR	10/1/2004	2004-20/78
R426-15	Licensed and Designated Provider Operations	27467	5YR	10/1/2004	2004-20/79
R426-16	Emergency Medical Services Maximum Ambulance Transportation Rates and Charges	27464	5YR	10/1/2004	2004-20/79
R426-100	Emergency Medical Services Do Not Resuscitate	27468	5YR	10/1/2004	2004-20/80
<u>Health Systems Improvement, Licensing</u>					
R432-1	General Health Care Facility Rules	26868	5YR	1/5/2004	2004-3/44
R432-2	General Licensing Provisions	26876	5YR	1/5/2004	2004-3/45
R432-2	General Licensing Provisions	27303	AMD	9/14/2004	2004-15/44
R432-2-11	Expiration and Renewal	26825	AMD	4/12/2004	2003-24/26
R432-3	General Health Care Facility Rules Inspection and Enforcement	26875	5YR	1/5/2004	2004-3/45
R432-4	General Construction	26869	5YR	1/5/2004	2004-3/46
R432-5	Nursing Facility Construction	26877	5YR	1/5/2004	2004-3/46
R432-6	Assisted Living Facility General Construction	26886	5YR	1/8/2004	2004-3/47
R432-32	Licensing Exemption for Non-Profit Volunteer End-of-Life Care	27250	NEW	9/1/2004	2004-14/17
R432-100-7	Medical and Professional Staff	27374	AMD	11/10/2004	2004-18/24
R432-100-16	Emergency Care Services	26755	AMD	1/9/2004	2003-22/24
R432-100-17	Perinatal Services	27186	AMD	7/19/2004	2004-12/57
R432-150-6	Reserved	26993	AMD	5/26/2004	2004-7/13
R432-150-16	Physician Services	27372	AMD	11/10/2004	2004-18/25
R432-270-29b	Adult Day Care Services	26992	AMD	5/26/2004	2004-7/15
Human Resource Management					
<u>Administration</u>					
R477-1	Definitions	27160	AMD	7/2/2004	2004-11/23
R477-2	Administration	27161	AMD	7/2/2004	2004-11/29
R477-3	Classification	27162	AMD	7/2/2004	2004-11/32
R477-4	Filling Positions	27163	AMD	7/2/2004	2004-11/33
R477-5	Employee Status and Probation	27172	NSC	7/1/2004	Not Printed
R477-6	Compensation	27165	AMD	7/2/2004	2004-11/37
R477-7	Leave	27166	AMD	7/2/2004	2004-11/42
R477-7-16	Workers Compensation Leave	27272	NSC	7/2/2004	Not Printed
R477-8	Working Conditions	27167	AMD	7/2/2004	2004-11/50
R477-8-6	Overtime	27273	NSC	7/2/2004	Not Printed
R477-9	Employee Conduct	27168	AMD	7/2/2004	2004-11/53
R477-10	Employee Development	27173	NSC	7/1/2004	Not Printed
R477-11	Discipline	27169	AMD	7/2/2004	2004-11/56
R477-12	Separations	27170	AMD	7/2/2004	2004-11/57
R477-14	Substance Abuse and Drug-Free Workplace	27174	NSC	6/1/2004	Not Printed
R477-15	Unlawful Harassment Policy and Procedure	27175	NSC	7/1/2004	Not Printed

2004 RULES INDEX

Human Services

Administration

R495-879	Parental Support for Children in Care	26822	AMD	1/26/2004	2003-24/27
R495-882	Termination of Parental Rights	26936	NEW	6/29/2004	2004-5/13

Administration, Administrative Hearings

R497-100	Adjudicative Proceedings	27254	NSC	7/1/2004	Not Printed
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Administration, Administrative Services, Licensing

R501-1	General Provisions	27008	NSC	4/1/2004	Not Printed
R501-2	Core Standards	26925	AMD	3/17/2004	2004-4/16
R501-2	Core Rules	27135	NSC	7/1/2004	Not Printed
R501-7	Child Placing Agencies	26904	AMD	5/28/2004	2004-4/22
R501-7	Child Placing Adoption Agencies	27229	AMD	8/5/2004	2004-13/28
R501-7	Child Placing Adoption Agencies	27415	NSC	10/1/2004	Not Printed
R501-8	Outdoor Youth Programs	27255	NSC	7/1/2004	Not Printed
R501-12	Child Foster Care	27256	NSC	7/1/2004	Not Printed
R501-12	Child Foster Care	27275	AMD	9/9/2004	2004-15/46
R501-12-8	Safety	27417	NSC	10/1/2004	Not Printed
R501-16	Intermediate Secure Treatment Programs for Minors	26804	AMD	4/12/2004	2003-24/29
R501-16	Intermediate Secure Treatment Programs for Minors	26874	NSC	5/1/2004	Not Printed

Aging and Adult Services

R510-107	Title V Senior Community Services Employment Program Standards and Procedures	27248	EMR	7/1/2004	2004-14/43
R510-107	Title V Senior Community Service Employment Program Standards and Procedures	27249	AMD	8/17/2004	2004-14/18

Child and Family Services

R512-3	Procedures for Establishing Policy (5YR EXTENSION)	26774	NSC	3/4/2004 see EXD DAR No. 27014	Not Printed
R512-3	Procedures for Establishing Policy (EXPIRED RULE)	27014	NSC	3/4/2004	Not Printed
R512-32	Children with Reportable Communicable Diseases	27259	NSC	7/1/2004	Not Printed
R512-41	Qualifying Adoptive Families and Adoption Placement	27375	5YR	8/27/2004	2004-18/83
R512-302-4	Selection of a Caregiver for a Child Receiving Out of Home Services	27274	AMD	9/9/2004	2004-15/50
R512-306	Independent Living Services, Education and Training Voucher Program	27243	EMR	6/22/2004	2004-14/50
R512-306	Independent Living Services, Education and Training Voucher Program	27321	NEW	9/22/2004	2004-16/24

Mental Health

R523-1	Policies and Procedures	27258	NSC	7/1/2004	Not Printed
R523-1-10	Allocation of Utah State Hospital Bed Days to Local Mental Health Authorities	27117	AMD	6/17/2004	2004-10/21
R523-1-16	Pediatric Bed Allocation at the Utah State Hospital	27118	AMD	6/17/2004	2004-10/23
R523-1-22	Rural Mental Health Therapist Scholarship and Grants	27257	AMD	8/17/2004	2004-14/25

Recovery Services

R527-38	Unenforceable Cases	27223	NEW	8/5/2004	2004-13/34
R527-200-10	Availability of a Hearing in Informal Adjudicative Proceedings	27376	AMD	10/18/2004	2004-18/26
R527-201	Medical Support Services	27434	AMD	11/30/2004	2004-20/15
R527-210	Guidelines for Setting Child Support Awards	26889	5YR	1/13/2004	2004-3/48
R527-231	Review and Adjustment of Child Support Order	27006	AMD	5/19/2004	2004-8/71
R527-258	Enforcing Child Support When the Obligor is an Ex-Prisoner or in a Treatment Program	27007	AMD	5/19/2004	2004-8/72
R527-300	Income Withholding	27391	AMD	11/30/2004	2004-18/27
R527-302	Income Withholding Fees	27109	5YR	4/21/2004	2004-10/38
R527-475	State Tax Refund Intercept	27182	AMD	7/21/2004	2004-12/59

Services for People with Disabilities

R539-1	Eligibility	27233	AMD	8/19/2004	2004-13/35
R539-1	Eligibility	27356	NSC	11/1/2004	Not Printed

Substance Abuse

R544-1 (Changed to R523-20)	Division Rules of Administration	27508	NSC	12/1/2004	Not Printed
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R544-2 (Changed to R523-21)	Rules Governing Methadone Providers	27509	NSC	12/1/2004	Not Printed
R544-4 (Changed to R523-22)	Utah Standards for Approval of Alcohol and Drug Educational Programs for Court-Referred DUI Offenders	27511	NSC	12/1/2004	Not Printed
R544-5 (Changed to R523-23)	Alcohol Training and Education Seminar Rules of Administration	27512	NSC	12/1/2004	Not Printed
Youth Corrections					
R547-1	Residential and Nonresidential, Nonsecure Community Program Standards	27261	NSC	7/1/2004	Not Printed
R547-3	Juvenile Jail Standards	27262	NSC	7/1/2004	Not Printed
R547-6	Youth Parole Authority Policies and Procedures	27264	NSC	7/1/2004	Not Printed
R547-7	Juvenile Holding Room Standards	27265	NSC	7/1/2004	Not Printed
R547-10	Ex-Offender Policy	27284	NSC	7/1/2004	Not Printed
R547-12	Division of Youth Corrections Classification of Records	27266	NSC	7/1/2004	Not Printed
R547-13	Guidelines for Admission to Secure Youth Detention Facilities	27263	NSC	7/1/2004	Not Printed
R547-14	Possession of Prohibited Items in Juvenile Detention Facilities	27267	NSC	7/1/2004	Not Printed
Insurance Administration					
R590-67	Proxy Solicitations and Consent and Authorization of Stockholders of Domestic Stock Insurers	27452	5YR	9/28/2004	2004-20/81
R590-76	Health Maintenance Organizations and Limited Health Plans	27445	5YR	9/23/2004	2004-20/81
R590-79	Life Insurance Disclosure Rule	27447	5YR	9/27/2004	2004-20/82
R590-83	Unfair Discrimination on the Basis of Sex or Marital Status	27450	5YR	9/28/2004	2004-20/83
R590-83-1	Authority	27477	NSC	12/1/2004	Not Printed
R590-86	Filing of Life and Disability Forms and Rates	26978	REP	4/23/2004	2004-6/53
R590-93	Replacement of Life Insurance and Annuities	27121	5YR	4/28/2004	2004-10/38
R590-98	Unfair Practice in Payment of Life Insurance and Annuity Policy Values	27122	5YR	4/28/2004	2004-10/39
R590-102	Insurance Department Fee Payment Rule	26787	AMD	1/8/2004	2003-23/39
R590-102	Insurance Department Fee Payment Rule	27345	AMD	10/7/2004	2004-17/14
R590-102-5	Admitted Insurer Annual License and Annual Service Fees	26882	NSC	2/1/2004	Not Printed
R590-127	Rate Filing Exemptions	27446	5YR	9/24/2004	2004-20/83
R590-129	Unfair Discrimination Based Solely Upon Blindness or Physical or Mental Impairment	27449	5YR	9/28/2004	2004-20/84
R590-129-1	Authority	27476	NSC	12/1/2004	Not Printed
R590-136	Title Insurance Agents' Annual Reports	27287	NSC	8/1/2004	Not Printed
R590-153	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	26791	AMD	5/13/2004 see CPR in 04/01/2004 Bulletin	2003-23/41
R590-153	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	26791	CPR	5/13/2004	2004-7/31
R590-160-5	Rules Applicable to All Proceedings	27134	NSC	7/1/2004	Not Printed
R590-166	Home Protection Service Contract Rule	27126	5YR	4/28/2004	2004-10/39
R590-167	Individual and Small Employer Health Insurance Rule	27451	5YR	9/28/2004	2004-20/84
R590-167	Individual and Small Employer Health Insurance Rule	27150	AMD	10/7/2004 see CPR in 09/01/2004 Bulletin	2004-11/60
R590-167	Individual Small Employer, and Group Health Insurance Rule	27150	CPR	10/7/2004	2004-17/49
R590-167	Individual, Small Employer, and Group Health Benefit Plan Rule	27484	NSC	12/1/2004	Not Printed
R590-170	Fiduciary and Trust Account Obligations	26976	5YR	3/1/2004	2004-6/62
R590-175	Basic Health Care Plan Rule	27478	NSC	12/1/2004	Not Printed

2004 RULES INDEX

R590-187	Assessment of Title Insurance Agencies and Title Insurers for Costs Related to Regulation of Title Insurance	26792	AMD	1/8/2004	2003-23/44
R590-187	Assessment of Title Insurance Agencies and Title Insurers for Costs Related to Regulation of Title Insurance	26885	NSC	3/1/2004	Not Printed
R590-190	Unfair Property, Liability and Title Claims Settlement Practices Rule	27113	5YR	4/26/2004	2004-10/40
R590-190-1	Authority	27114	NSC	5/1/2004	Not Printed
R590-191	Unfair Life Insurance Claims Settlement Practices Rule	27115	5YR	4/26/2004	2004-10/40
R590-191-1	Authority	27116	NSC	5/1/2004	Not Printed
R590-192	Unfair Accident and Health and Income Replacement Claims Settlement Practices Rule	27319	5YR	7/30/2004	2004-16/33
R590-194	Coverage of Dietary Products for Inborn Errors of Amino Acid or Urea Cycle Metabolism	27536	5YR	11/9/2004	2004-23/60
R590-195	Rental Car Related Licensing Rule	27011	5YR	3/19/2004	2004-8/97
R590-195	Rental Car Related Licensing Rule	27010	NSC	6/1/2004	Not Printed
R590-204	Adoption Indemnity Benefit	27191	REP	7/27/2004	2004-12/60
R590-220	Submission of Accident and Health Insurance Filings	26806	NEW	3/24/2004 see CPR in 02/15/2004 Bulletin	2003-24/33
R590-220	Submission of Accident and Health Insurance Filings	26806	CPR	3/24/2004	2004-4/61
R590-220	Submission of Accident and Health Insurance Filings	27013	NSC	4/1/2004	Not Printed
R590-225	Submission of Property and Casualty Rate and Form Filings	26821	NEW	3/24/2004 see CPR in 02/15/2004 Bulletin	2003-24/38
R590-225	Submission of Property Casualty Rate and Form Filings	26821	CPR	3/24/2004	2004-4/64
R590-226	Submission of Life Insurance Filings	26951	NEW	4/8/2004	2004-5/14
R590-227	Submission of Annuity Filings	26952	NEW	4/8/2004	2004-5/20
R590-228	Submission of Credit Life and Credit Accident and Health Insurance Form and Rate Filings	26950	NEW	4/8/2004	2004-5/25
R590-229	Annuity Disclosure	27082	NEW	10/7/2004 see CPR (First) in 07/01/2004 Bulletin	2004-9/12
R590-229	Annuity Disclosure	27082	CPR	10/7/2004 see CPR (Second) in 09/01/2004 Bulletin	2004-13/60
R590-229	Annuity Disclosure	27082	CPR	10/7/2004	2004-17/53
R590-230	Senior Protection in Annuity Transactions	27083	NEW	6/3/2004	2004-9/14
R590-230-5	Senior Protection in Annuity Transactions	27339	NSC	9/1/2004	Not Printed
Labor Commission					
<u>Adjudication</u>					
R602-1	General Provisions	26772	AMD	1/2/2004	2003-23/46
R602-2-1	Pleadings and Discovery	26773	AMD	1/2/2004	2003-23/47
R602-2-4	Attorney Fees	27492	AMD	12/2/2004	2004-21/17
<u>Antidiscrimination and Labor, Labor</u>					
R610-4	Employment Agency Licensing	27228	5YR	6/11/2004	2004-13/71
<u>Industrial Accidents</u>					
R612-4-2	Premium Rates for the Uninsured Employers' Fund and the Employers' Reinsurance Fund	27493	AMD	12/2/2004	2004-21/19
R612-8	Procedural Guidelines for the Reemployment Act	27459	5YR	9/30/2004	2004-20/85
R612-9	Designation of the Initial Assessment of Noncompliance Penalties as an "Informal" Proceeding.	27595	5YR	12/17/2004	Not Printed
<u>Occupational Safety and Health</u>					
R614-1-4	Incorporation of Federal Standards	27147	AMD	7/2/2004	2004-11/67
R614-1-4	Incorporation of Federal Standards	27311	NSC	9/1/2004	Not Printed
R614-1-4	Incorporation of Federal Standards	27494	AMD	12/2/2004	2004-21/20
R614-1-5	Adoption and Extension of Established Federal Safety Standards and State of Utah General Safety Orders	27148	AMD	7/2/2004	2004-11/69

<u>Safety</u>					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	26967	AMD	4/15/2004	2004-6/55
R616-3-3	Safety Codes for Elevators	26966	AMD	4/15/2004	2004-6/56
Lieutenant Governor					
<u>Administration</u>					
R622-2	Use of the Great Seal of the State of Utah	27221	5YR	6/9/2004	2004-13/71
<u>Elections</u>					
R623-1	Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	27381	AMD	10/19/2004	2004-18/28
R623-1	Lieutenant Governor's Procedures for Regulation of Lobbyist Activities	27530	5YR	11/4/2004	2004-23/61
R623-2	Uniform Ballot Counting Standards	27123	NEW	6/16/2004	2004-10/24
R623-3	Utah State Plan on Election Reform	27127	NEW	6/16/2004	2004-10/27
R623-3	Utah State Plan on Election Reform	27414	NSC	11/15/2004	Not Printed
R623-3	Utah State Plan on Election Reform	27537	NSC	11/15/2004	Not Printed
R623-4	Uniform Procedures for Military and Overseas Citizens Absentee Applications and Ballots	27406	EMR	9/10/2004	2004-19/45
Money Management Council					
<u>Administration</u>					
R628-19	Requirements for the Use of Investment Advisers by Public Treasurers	26676	NEW	2/10/2004 see CPR in 01/01/2004 Bulletin	2003-20/27
R628-19	Requirements for the Use of Investment Advisers by Public Treasurers	26676	CPR	2/10/2004	2004-1/38
Natural Resources					
<u>Forestry, Fire and State Lands</u>					
R652-40-1800	Abandonment	26865	AMD	2/24/2004	2004-2/2
R652-41-1300	Unauthorized Uses	27070	AMD	6/4/2004	2004-9/17
<u>Oil, Gas and Mining: Coal</u>					
R645-301-100	General Contents	26710	AMD	2/6/2004	2003-22/34
R645-301-500	Engineering	26711	AMD	2/6/2004	2003-22/35
R645-303-200	Permit Review, Change and Renewal	26712	AMD	2/6/2004	2003-22/36
R645-401	Inspection and Enforcement: Civil Penalties	26713	AMD	2/6/2004	2003-22/38
<u>Oil, Gas and Mining: Non-Coal</u>					
R647-1-106	Definitions	27015	AMD	6/1/2004	2004-8/74
R647-6	Inspection and Enforcement: Division Authority and Procedures	27016	NEW	6/1/2004	2004-8/76
R647-7	Inspection and Enforcement: Civil Penalties	27017	NEW	6/1/2004	2004-8/79
R647-8	Inspection and Enforcement: Individual Civil Penalties	27018	NEW	6/1/2004	2004-8/83
<u>Parks and Recreation</u>					
R651-406	Off-Highway Vehicle Registration Fees	27304	AMD	10/1/2004	2004-15/51
R651-407	Off-Highway Vehicle Advisory Council	27153	AMD	7/5/2004	2004-11/71
R651-411	OHV Use in State Parks	27183	NEW	7/19/2004	2004-12/61
R651-601-17	Definitions	27181	AMD	7/19/2004	2004-12/62
R651-611	Fee Schedule	26776	AMD	1/6/2004	2003-23/52
R651-611	Fee Schedule	26948	AMD	4/1/2004	2004-5/29
R651-611	Fee Schedule	27184	AMD	7/19/2004	2004-12/62
R651-611	Fee Schedule	27305	AMD	9/1/2004	2004-15/52
R651-615-7	Motorized Transportation Devices	27185	AMD	7/19/2004	2004-12/65
R651-619-2	Alcohol in Buildings	27154	AMD	7/5/2004	2004-11/72
R651-620	Protection of Resources Park System Property	27442	AMD	11/16/2004	2004-20/32
R651-626	Skating and Skateboards	27152	AMD	7/5/2004	2004-11/73
R651-633	Special Closures or Restrictions	27139	5YR	5/3/2004	2004-11/91
R651-634-1	User Fees	27306	AMD	9/1/2004	2004-15/54
<u>Water Resources</u>					
R653-2	Financial Assistance from the Board of Water Resources	26779	AMD	1/7/2004	2003-23/56
R653-5	Cloud Seeding	26784	AMD	1/7/2004	2003-23/59

2004 RULES INDEX

Water Rights

R655-13	Stream Alteration	26814	NEW	3/25/2004	2003-24/43
R655-13	Stream Alteration	26884	NSC	3/25/2004	Not Printed
R655-13	Stream Alteration	26984	AMD	5/4/2004	2004-7/16
R655-13	Stream Alteration	27005	NSC	6/1/2004	Not Printed

Wildlife Resources

R657-5	Taking Big Game	26817	AMD	1/21/2004	2003-24/46
R657-5	Taking Big Game	27159	AMD	7/2/2004	2004-11/74
R657-6	Taking Upland Game	27283	AMD	9/1/2004	2004-15/55
R657-9	Taking Waterfowl, Common Snipe and Coot	27367	AMD	10/19/2004	2004-18/47
R657-10	Taking Cougar	27368	AMD	10/19/2004	2004-18/49
R657-11	Taking Furbearers	27369	AMD	10/19/2004	2004-18/51
R657-13	Taking Fish and Crayfish	26659	AMD	1/2/2004	2003-20/28
R657-17-4	General Deer Permits and Tags	26818	AMD	1/21/2004	2003-24/55
R657-26-5	Hearings	27497	AMD	12/2/2004	2004-21/21
R657-27	License Agent Procedures	27158	AMD	7/2/2004	2004-11/77
R657-33	Taking Bear	26867	AMD	2/24/2004	2004-2/3
R657-38	Dedicated Hunter Program	26819	AMD	1/21/2004	2003-24/56
R657-41	Conservation and Sportsman Permits	26778	AMD	1/5/2004	2003-23/61
R657-42	Accepted Payment of Fees, Late Fees, Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits	26820	AMD	1/21/2004	2003-24/61
R657-42	Accepted Payment of Fees, Late Fees, Exchanges, Surrenders, Refunds and Reallocation of Licenses, Certificates of Registration and Permits	27239	AMD	8/3/2004	2004-13/41
R657-46	The Use of Game Birds in Dog Field Trials and Training (5YR EXTENSION)	27346	NSC	10/19/2004 see 5YR DAR No. 27500	Not Printed
R657-46	The Use of Game Birds in Dog Field Trials and Training	27500	5YR	10/19/2004	2004-22/70
R657-50	Error Remedy Rule	27240	AMD	8/3/2004	2004-13/44
R657-54	Taking Wild Turkey	27498	NEW	12/2/2004	2004-21/23

Professional Practices Advisory Commission

Administration

R686-103	Professional Practices and Conduct for Utah Educators	27141	5YR	5/5/2004	2004-11/91
R686-103	Professional Practices and Conduct for Utah Educators	27310	AMD	9/2/2004	2004-15/58

Public Safety

Administration

R698-4	Certification of the Law Enforcement Agency of a Private College or University	26969	5YR	2/27/2004	2004-6/62
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Comprehensive Emergency Management

R704-1	Search and Rescue Financial Assistance Program	27336	5YR	8/6/2004	2004-17/56
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Criminal Investigations and Technical Services, Criminal Identification

R722-900	Review and Challenge of Criminal Record (5YR EXTENSION)	26858	NSC	1/15/2004 see 5YR DAR No. 26895	Not Printed
R722-900	Review and Challenge of Criminal Record	26895	5YR	1/15/2004	2004-3/48

Driver License

R708-2	Commercial Driver Training Schools	26894	AMD	3/4/2004	2004-3/27
R708-2	Commercial Driver Training Schools	27245	EMR	7/1/2004	2004-14/52
R708-2	Commercial Driver Training Schools	27246	AMD	8/17/2004	2004-14/27
R708-3	Driver License Point System Administration	27142	EMR	5/5/2004	2004-11/88
R708-3	Driver License Point System Administration	27251	AMD	8/17/2004	2004-14/30
R708-10	Classified License System	27051	NSC	6/1/2004	Not Printed
R708-10	Classified License System	27360	5YR	8/25/2004	2004-18/84
R708-22	Commercial Driver License Administrative Proceedings	27361	5YR	8/25/2004	2004-18/84
R708-24	Renewal of a Commercial Driver License (CDL)	27365	5YR	8/25/2004	2004-18/85
R708-26	Temporary Learner Permit Rule	27362	5YR	8/25/2004	2004-18/85
R708-26	Temporary Learner Permit Rule	27363	NSC	9/1/2004	Not Printed
R708-30	Motorcycle Rider Training Schools	26918	5YR	1/27/2004	2004-4/76
R708-31	Ignition Interlock Systems	27364	5YR	8/25/2004	2004-18/86

Fire Marshal

R710-1-9	Adjudicative Proceedings	27479	AMD	12/2/2004	2004-21/27
R710-2	Rules Pursuant to the Utah Fireworks Act	26795	AMD	1/2/2004	2003-23/65
R710-2	Rules Pursuant to the Utah Fireworks Act	27324	AMD	9/15/2004	2004-16/26
R710-3	Assisted Living Facilities	27433	AMD	11/16/2004	2004-20/35
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	26793	AMD	1/2/2004	2003-23/67
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	26920	EMR	1/28/2004	2004-4/66
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	27003	AMD	5/5/2004	2004-7/19
R710-5	Automatic Fire Sprinkler System Inspecting and Testing	26900	AMD	3/3/2004	2004-3/32
R710-5	Automatic Fire Sprinkler System Inspecting and Testing	27326	AMD	9/15/2004	2004-16/27
R710-6	Liquefied Petroleum Gas Rules	26801	AMD	1/16/2004	2003-24/63
R710-6-1	Adoption, Title, Purpose and Scope	26938	AMD	4/1/2004	2004-5/32
R710-6-6	Fees	27351	AMD	10/4/2004	2004-17/27
R710-7-7	Adjudicative Proceedings	27480	AMD	12/2/2004	2004-21/28
R710-8	Day Care Rules	27436	AMD	11/16/2004	2004-20/38
R710-9	Rules Pursuant to the Utah Fire Prevention Law	26788	AMD	1/2/2004	2003-23/72
R710-9	Rules Pursuant to the Utah Fire Prevention Law	26919	EMR	1/28/2004	2004-4/70
R710-9	Rules Pursuant to the Utah Fire Prevention Law	27002	AMD	5/5/2004	2004-7/23

Highway Patrol

R714-600	Performance Standards for Tow-Truck Motor Carriers (5YR EXTENSION)	27100	NSC	8/6/2004 see 5YR DAR No. 27337	Not Printed
R714-600	Performance Standards for Tow-Truck Motor Carriers	27337	5YR	8/6/2004	2004-17/57

Peace Officer Standards and Training

R728-502	Procedure for POST Instructor Certification	27317	NEW	12/10/2004	2004-16/29
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Public Service CommissionAdministration

R746-100	Practice and Procedure Governing Formal Hearings	26849	AMD	4/1/2004 see CPR in 03/01/2004 Bulletin	2004-1/28
R746-100	Practice and Procedure Governing Formal Hearings	26849	CPR	4/1/2004	2004-5/36
R746-200-6	Termination of Service	26780	AMD	1/7/2004	2003-23/76
R746-348-6	Ancillary Features and Functions	26826	AMD	4/13/2004	2003-24/65
R746-350	Application to Discontinue or Curtail Telecommunications Services	26785	NEW	1/15/2004	2003-23/79
R746-350	Application to Discontinue Telecommunications Service	26901	NSC	3/1/2004	Not Printed
R746-365	Inter-carrier Service Quality	26883	5YR	1/6/2004	2004-3/49
R746-401	Reporting of Construction, Purchase, Acquisition, Sale, Transfer or Disposition of Assets	27585	5YR	12/13/2004	2005-1/96

Regents (Board Of)Administration

R765-605	Utah Centennial Opportunity Program for Education	27390	AMD	10/19/2004	2004-18/52
R765-605-3	Utah Centennial Opportunity Program for Education	27431	NSC	11/1/2004	Not Printed
R765-612	Lender Participation	27387	AMD	10/19/2004	2004-18/56

Salt Lake Community College

R784-1	Government Records Access and Management Act Rules	26994	5YR	3/12/2004	2004-7/36
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University of Utah, Administration

R805-1	Operating Regulations for Bicycles, Skateboards and Scooters	26914	5YR	1/27/2004	2004-4/76
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University of Utah, Museum of Natural History (Utah)

R807-1	Curation of Collections from State Lands	26913	5YR	1/26/2004	2004-4/77
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School and Institutional Trust LandsAdministration

R850-70	Sales of Forest Products from Trust Lands Administration Lands	27178	AMD	7/2/2004	2004-11/80
R850-80	Sale of Trust Lands	27347	AMD	10/4/2004	2004-17/32

Tax CommissionAdministration

R861-1A-16	Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207	27268	NSC	7/1/2004	Not Printed
R861-1A-37	Provisions Relating to Disclosure of Commercial Information Pursuant to Utah Code Ann. Section 59-1-404	27155	AMD	8/2/2004	2004-11/83
R861-1A-37	Provisions Relating to Disclosure of Commercial Information Pursuant to Utah Code Ann. Section 59-1-404	27354	AMD	10/19/2004	2004-17/36
R861-1A-38	Class Actions Pursuant to Utah Code Ann. Section 59-1-304	27236	AMD	9/14/2004	2004-13/47

Auditing

R865-4D-24	Off-Highway Use of Undyed Diesel Fuel Pursuant to Utah Code Ann. Section 59-13-301	27389	AMD	10/19/2004	2004-18/57
R865-6F-8	Allocation and Apportionment of Net Income (Uniform Division of Income for Tax Purposes Act) Pursuant to Utah Code Ann. Sections 59-7-302 through 59-7-321	27388	AMD	10/19/2004	2004-18/58
R865-6F-36	Taxation of Registered Securities or Commodities Broker or Dealer Pursuant to Utah Code Ann. Sections 59-7-302 through 59-7-321	27386	AMD	10/19/2004	2004-18/61
R865-7H	Environmental Assurance Fee	26957	5YR	2/25/2004	2004-6/63
R865-9I-38	Pensions and Annuities Pursuant to Utah Code Ann. Section 59-10-114	27093	AMD	6/29/2004	2004-9/18
R865-12L-7	Public Utilities Point of Sale Pursuant to Utah Code Ann. 59-12-207	27056	AMD	6/29/2004	2004-9/20
R865-12L-15	Resort Communities' Tax Pursuant to Utah Code Ann. Section 59-12-401	27060	AMD	6/29/2004	2004-9/24
R865-12L-16	Notification to Tax Commission Upon Change in the Election to Collect County or Municipality Imposed Transient Room Taxes Pursuant to Utah Code Ann. Sections 59-12-302 and 59-12-354	27061	AMD	6/29/2004	2004-9/25
R865-12L-17	Procedures for Administration of the Tourism, Recreation, Cultural, and Convention Facilities Tax Pursuant to Utah Code Ann. Sections 59-12-602 and 59-12-603	27062	AMD	6/29/2004	2004-9/26
R865-13G-10	Exemption for Collective Purchase of Motor Fuels by State and Local Government Agencies Pursuant to Utah Code Ann. Section 59-13-201	27269	AMD	9/14/2004	2004-14/32
R865-19S-1	Sales and Use Taxes Distinguished Pursuant to Utah Code Ann. Title 59, Chapter 12	27063	AMD	6/29/2004	2004-9/27
R865-19S-7	Sales Tax License Pursuant to Utah Code Ann. Section 59-12-106	27226	AMD	9/14/2004	2004-13/48
R865-19S-12	Filing of Returns Pursuant to Utah Code Ann. Section 59-12-107	27064	AMD	6/29/2004	2004-9/28
R865-19S-23	Exemption Certificates Pursuant to Utah Code Ann. Sections 59-12-106 and 59-12-104	27068	AMD	6/29/2004	2004-9/30
R865-19S-28	Retailer Defined Pursuant to Utah Code Ann. Section 59-12-102	27071	AMD	6/29/2004	2004-9/31
R865-19S-30	Purchase Price or Sales Price Defined Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-104	27072	AMD	6/29/2004	2004-9/32
R865-19S-38	Isolated and Occasional Sales Pursuant to Utah Code Ann. Section 59-12-104	27383	AMD	10/19/2004	2004-18/62
R865-19S-45	Auctioneers, Consignees, Bailees, Etc. Pursuant to Utah Code Ann. Section 59-12-102	27095	AMD	6/29/2004	2004-9/34
R865-19S-49	Sales to and by Farmers and Other Agricultural Producers Pursuant to Utah Code Ann. Section 59-12-104	27384	AMD	10/19/2004	2004-18/63
R865-19S-58	Materials and Supplies Sold to Owners, Contractors, and Repairmen of Real Property Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103	27080	AMD	6/29/2004	2004-9/37

R865-19S-70	Sales Incidental To The Rendition of Services Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	27053	AMD	6/29/2004	2004-9/40
R865-19S-86	Monthly Payment of Sales Taxes Pursuant to Utah Code Ann. Section 59-12-108	27074	AMD	6/29/2004	2004-9/45
R865-19S-92	Computer Software and Other Related Transactions Pursuant to Utah Code Ann. Section 59-12-103	27085	AMD	6/29/2004	2004-9/47
R865-19S-98	Sales to Nonresidents of Vehicles, Off-Highway Vehicles, and Boats Required to be Registered, and Sales to Nonresidents of Boat Trailers and Outboard Motors Pursuant to Utah Code Ann. Section 59-12-104	27086	AMD	6/29/2004	2004-9/48
R865-19S-107	Reporting of Exempt Sales or Purchases Pursuant to Utah Code Ann. Section 59-12-105	27088	AMD	6/29/2004	2004-9/50
R865-19S-114	Items that Constitute Clothing Pursuant to Utah Code Ann. Section 59-12-102	27090	AMD	6/29/2004	2004-9/52
R865-19S-115	Items that Constitute Protective Equipment Pursuant to Utah Code Ann. Section 59-12-102	27091	AMD	6/29/2004	2004-9/53
R865-19S-116	Items that Constitute Sports or Recreational Equipment Pursuant to Utah Code Ann. Section 59-12-102	27097	AMD	6/29/2004	2004-9/54
R865-19S-117	Use of Rounding in Determining Sales and Use Tax Liability Pursuant to Utah Code Ann. Section 59-12-118	27096	AMD	6/29/2004	2004-9/54
R865-19S-118	Collection of Municipal Telecommunications License Tax Pursuant to Utah Code Ann. Section 10-1-405	27099	AMD	6/29/2004	2004-9/55
R865-21U-1	Nature of Tax Pursuant to Utah Code Ann. Section 59-12-103	27092	AMD	6/29/2004	2004-9/56
R865-21U-12	Storage Pursuant to Utah Code Ann. Section 59-12-103 and 59-12-104(34)	27078	AMD	6/29/2004	2004-9/58
<u>Property Tax</u>					
R884-24P-24	Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924	26910	NSC	1/27/2004	Not Printed
R884-24P-24	Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924	27190	AMD	8/2/2004	2004-12/66
R884-24P-24	Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-294	27382	AMD	10/19/2004	2004-18/64
R884-24P-33	2004 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	27353	AMD	10/19/2004	2004-17/37
<u>Transportation Administration</u>					
R907-64	Longitudinal and Wireless Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	26878	5YR	1/5/2004	2004-3/49
R907-65	Compensation Schedule for Longitudinal Access to Interstate Highway Rights-of-Way for Installation of Telecommunications Facilities	26879	5YR	1/5/2004	2004-3/50
R907-67	Suspension of Contractors from Work on Department Projects -- Reasons	26720	NEW	1/5/2004	2003-22/50
<u>Motor Carrier</u>					
R909-1	Adoption of Federal Regulations	26823	AMD	3/1/2004	2003-24/66
R909-3	Standards for Utah School Buses	26880	5YR	1/5/2004	2004-3/50
<u>Motor Carrier, Ports of Entry</u>					
R912-14	Changes in Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet Length	26881	5YR	1/5/2004	2004-3/51
<u>Operations, Maintenance</u>					
R918-4	Using Volunteer Groups for the Adopt-a-Highway Program	27111	AMD	7/20/2004	2004-10/33
<u>Preconstruction</u>					
R930-3	Highway Noise Abatement	27156	AMD	7/20/2004	2004-11/84
<u>Preconstruction, Right-of-Way Acquisition</u>					
R933-2-3	Definitions	26892	EMR	1/14/2004	2004-3/39
R933-2-3	Definitions	26893	AMD	3/23/2004	2004-3/37

Workforce ServicesEmployment Development

R986-100-104	Definitions of Terms Used in These Rules	27215	NSC	6/1/2004	Not Printed
R986-100-134	Payments of Assistance Pending the Hearing	26932	AMD	4/1/2004	2004-4/33
R986-200	Family Employment Program (FEP)	26704	AMD	2/2/2004	2003-21/77
R986-200	Family Employment Program	26934	AMD	4/1/2004	2004-4/35
R986-200-208	Good Cause for Not Cooperating with ORS	26997	NSC	5/1/2004	Not Printed
R986-500-501	Authority for Adoption Assistance (AA) and Other Applicable Rules	27491	AMD	1/1/2005	2004-21/31
R986-600	Workforce Investment Act	27393	AMD	11/1/2004	2004-18/66
R986-700	Child Care Assistance	26933	AMD	4/1/2004	2004-4/36
R986-700	Child Care Assistance	27138	AMD	7/1/2004	2004-10/34

Workforce Information and Payment Services

R994-102	Purpose of Employment Security Act	26921	AMD	4/4/2004	2004-4/38
R994-103	Approval of Counsel Fees	26922	REP	4/4/2004	2004-4/40
R994-104	Prosecution	26923	REP	4/4/2004	2004-4/41
R994-201	Definition of Terms in Employment Security Act	26928	AMD	4/4/2004	2004-4/42
R994-201-101	General Definitions and Acronyms	27470	AMD	11/16/2004	2004-20/39
R994-305	Collection of Contributions.	27583	5YR	12/10/2004	2005-1/96
R994-305-801	Wage List Requirement	27237	AMD	8/3/2004	2004-13/49
R994-309	Nonprofit Organizations	27297	5YR	7/14/2004	2004-15/66
R994-310	Coverage	27300	5YR	7/14/2004	2004-15/66
R994-310	Coverage	27318	AMD	9/24/2004	2004-16/31
R994-311	Governmental Units	27298	5YR	7/14/2004	2004-15/67
R994-312	Employing Units Records - Confidential	27299	5YR	7/14/2004	2004-15/67
R994-401	Payment of Benefits	27469	R&R	11/16/2004	2004-20/40
R994-401-207	Retirement or Disability Retirement Income	27193	AMD	7/19/2004	2004-12/68
R994-403	Claim for Benefits	27471	R&R	11/16/2004	2004-20/47
R994-404	Wage Freeze Following Workers' Compensation	26930	R&R	4/4/2004	2004-4/43
R994-404-101	Payments Following Workers' Compensation	26996	NSC	5/1/2004	Not Printed
R994-404-101	Payments Following Workers' Compensation	27253	AMD	8/18/2004	2004-14/34
R994-405	Ineligibility for Benefits	27192	AMD	7/19/2004	2004-12/70
R994-405	Ineligibility for Benefits	27472	AMD	11/16/2004	2004-20/66
R994-406	Appeal Procedures	26924	AMD	4/4/2004	2004-4/45
R994-406-505	Overpayments Not Set Up (NSU)	27473	AMD	11/16/2004	2004-20/73
R994-508	Appeal Procedures	26929	R&R	4/4/2004	2004-4/51
R994-508	Appeal Procedures	26995	NSC	5/1/2004	Not Printed
R994-508-307	Withdrawal of Appeal to the Board	27133	NSC	7/1/2004	Not Printed

RULES INDEX - BY KEYWORD (SUBJECT)**ABBREVIATIONS**

AMD = Amendment
 CPR = Change in Proposed Rule
 EMR = Emergency rule (120-day)
 NEW = New rule
 5YR = Five-Year Review
 EXD = Expired

NSC = Nonsubstantive rule change
 REP = Repeal
 R&R = Repeal and reenact
 * = Text too long to print in Bulletin, or
 repealed text not printed in Bulletin

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).

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/ PAGE
<u>ABORTION</u> Health; Health Care Financing, Coverage and Reimbursement Policy	27222	R414-1B	EMR	6/9/2004	2004-13/64
	27227	R414-1B	CPR	10/6/2004	2004-17/48
	27227	R414-1B	NEW	10/6/2004 see CPR in 09/01/2004 Bulletin	2004-13/4
<u>ABSENTEE VOTING</u> Lieutenant Governor; Elections	27406	R623-4	EMR	9/10/2004	2004-19/45
<u>ACCELERATED LEARNING</u> Education; Administration	26962	R277-712	5YR	2/26/2004	2004-6/60
<u>ACCEPTABLE USE</u> Governor; Planning and Budget, Chief Information Officer	27119	R365-7	NEW	6/28/2004	2004-10/20
<u>ACCOUNTANTS</u> Commerce; Occupational and Professional Licensing	26786	R156-26a-303b	AMD	1/6/2004	2003-23/7
	27019	R156-26a-303b	AMD	5/24/2004	2004-8/32
<u>ACCREDITATION</u> Education; Administration	26959	R277-413	5YR	2/26/2004	2004-6/58
	27410	R277-504	5YR	9/7/2004	2004-19/50
<u>ACID RAIN</u> Environmental Quality; Air Quality	26941	R307-417	5YR	2/9/2004	2004-5/45
<u>ADA COMPLAINT PROCEDURES</u> Crime Victim Reparations; Administration	27460	R270-3	5YR	9/30/2004	2004-20/75
<u>ADMINISTRATIVE LAW</u> Human Services; Recovery Services	27376	R527-200-10	AMD	10/18/2004	2004-18/26
	27007	R527-258	AMD	5/19/2004	2004-8/72
<u>ADMINISTRATIVE PROCEDURES</u> Community and Economic Development; Community Development, History	27359	R212-4	AMD	11/23/2004	2004-18/15
Education; Administration	26958	R277-102	5YR	2/26/2004	2004-6/58
Education; Rehabilitation	27342	R280-150	5YR	8/10/2004	2004-17/56
Human Resource Management; Administration	27162	R477-3	AMD	7/2/2004	2004-11/32
	27175	R477-15	NSC	7/1/2004	Not Printed
Human Services; Administration, Administrative Hearings	27254	R497-100	NSC	7/1/2004	Not Printed
Labor Commission; Adjudication	26772	R602-1	AMD	1/2/2004	2003-23/46
	26773	R602-2-1	AMD	1/2/2004	2003-23/47
	27492	R602-2-4	AMD	12/2/2004	2004-21/17
Natural Resources; Forestry, Fire and State Lands	27070	R652-41-1300	AMD	6/4/2004	2004-9/17
School and Institutional Trust Lands; Administration	27178	R850-70	AMD	7/2/2004	2004-11/80
	27347	R850-80	AMD	10/4/2004	2004-17/32
<u>ADMINISTRATIVE PROCEEDINGS</u> Commerce; Occupational and Professional Licensing Public Safety; Driver License	27401	R156-46b	AMD	11/2/2004	2004-19/6
	27361	R708-22	5YR	8/25/2004	2004-18/84
<u>ADMINISTRATIVE RESPONSIBILITY</u> Human Resource Management; Administration	27161	R477-2	AMD	7/2/2004	2004-11/29
<u>ADMINISTRATIVE RULES</u> Human Resource Management; Administration	27170	R477-12	AMD	7/2/2004	2004-11/57
<u>ADOPT-A-HIGHWAY</u> Transportation; Operations, Maintenance	27111	R918-4	AMD	7/20/2004	2004-10/33

2004 RULES INDEX

ADOPTION

Human Services; Child and Family Services 27375 R512-41 5YR 8/27/2004 2004-18/83

ADOPTION ASSISTANCE

Workforce Services; Employment Development 27491 R986-500-501 AMD 1/1/2005 2004-21/31

ADULT EDUCATION

Education; Administration 26963 R277-734 5YR 2/26/2004 2004-6/60
27001 R277-734 REP 5/5/2004 2004-7/11

ADVERTISING

Commerce; Consumer Protection 26945 R152-11 AMD 5/20/2004 2004-5/3

AIR POLLUTION

Environmental Quality; Air Quality 26896 R307-110-12 AMD 5/18/2004 see 2004-3/12
CPR in
04/15/2004
Bulletin

26983 R307-110-12 NSC 5/18/2004 Not Printed
27295 R307-110-12 CPR 12/2/2004 2004-21/34
27295 R307-110-12 AMD 12/2/2004 see 2004-15/23
CPR in
11/01/2004
Bulletin

26946 R307-110-28 AMD 6/8/2004 2004-5/9
26898 R307-110-31 AMD 5/18/2004 see 2004-3/13
CPR in
04/15/2004
Bulletin

27296 R307-110-33 AMD 10/7/2004 2004-15/24
26899 R307-110-34 AMD 5/18/2004 see 2004-3/14
CPR in
04/15/2004
Bulletin

27344 R307-110-35 AMD 11/4/2004 2004-17/13
26942 R307-150 5YR 2/9/2004 2004-5/43
26887 R307-214 NSC 2/9/2004 see Not Printed
5YR DAR No.
26939

26939 R307-214 5YR 2/9/2004 2004-5/44
27293 R307-214-2 AMD 10/7/2004 2004-15/28
27220 R307-215 5YR 6/8/2004 2004-13/68
26897 R307-301 AMD 5/18/2004 2004-3/15
27106 R307-309 NSC 6/8/2004 see Not Printed
5YR DAR No.
27217

27217 R307-309 5YR 6/8/2004 2004-13/68
27487 R307-326-7 NSC 12/1/2004 Not Printed
27144 R307-343 NSC 6/8/2004 see Not Printed
5YR DAR No.
27219

27219 R307-343 5YR 6/8/2004 2004-13/69
26940 R307-415 5YR 2/9/2004 2004-5/45
26947 R307-415-6c CPR 8/3/2004 2004-13/52
27107 R307-420 NSC 6/8/2004 see Not Printed
5YR DAR No.
27218

27218 R307-420 5YR 6/8/2004 2004-13/69

AIR QUALITY

Environmental Quality; Air Quality 26941 R307-417 5YR 2/9/2004 2004-5/45

AIR TRAVEL

Administrative Services; Finance 27120 R25-7 AMD 7/1/2004 2004-10/4
27164 R25-7-6 AMD 7/2/2004 2004-11/4

ALARM COMPANY

Commerce; Occupational and Professional Licensing	27188	R156-55d-302f	CPR	10/5/2004	2004-17/47
	27188	R156-55d-302f	AMD	10/5/2004 see CPR in 09/01/2004 Bulletin	2004-12/4

ALCOHOLIC BEVERAGES

Alcoholic Beverage Control; Administration	27025	R81-1-3	AMD	6/1/2004	2004-8/4
	27027	R81-1-8	AMD	6/1/2004	2004-8/5
	27028	R81-1-21	AMD	6/1/2004	2004-8/6
	27105	R81-1-21	NSC	6/1/2004	Not Printed
	27145	R81-1-21	NSC	6/1/2004	Not Printed
	27029	R81-1-22	AMD	6/1/2004	2004-8/8
	27030	R81-1-23	AMD	6/1/2004	2004-8/10
	27031	R81-2-1	AMD	6/1/2004	2004-8/11
	27032	R81-2-2	AMD	6/1/2004	2004-8/12
	27033	R81-2-7	AMD	6/1/2004	2004-8/14
	27034	R81-2-8	AMD	6/1/2004	2004-8/14
	27035	R81-2-9	AMD	6/1/2004	2004-8/16
	27201	R81-2-9	AMD	8/2/2004	2004-12/3
	27036	R81-2-10	AMD	6/1/2004	2004-8/17
	27037	R81-2-11	AMD	6/1/2004	2004-8/18
	27038	R81-3-5	AMD	6/1/2004	2004-8/19
	27039	R81-3-6	AMD	6/1/2004	2004-8/20
	27040	R81-3-14	AMD	6/1/2004	2004-8/22
	27041	R81-3-16	AMD	6/1/2004	2004-8/23
	27042	R81-3-17	AMD	6/1/2004	2004-8/24
	27043	R81-3-18	AMD	6/1/2004	2004-8/25
	27044	R81-3-19	AMD	6/1/2004	2004-8/26
	27104	R81-3-19	NSC	6/1/2004	Not Printed
	27146	R81-3-19	NSC	6/1/2004	Not Printed
	27045	R81-4D-13	AMD	6/1/2004	2004-8/27
	27046	R81-6-6	AMD	6/1/2004	2004-8/29
	27047	R81-8-2	AMD	6/1/2004	2004-8/30
	27048	R81-8-3	AMD	6/1/2004	2004-8/31

ALTERNATIVE DISPUTE RESOLUTION

Commerce; Occupational and Professional Licensing	26915	R156-39a	5YR	1/27/2004	2004-4/75
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ALTERNATIVE LICENSING

Education; Administration	27270	R277-503	AMD	8/17/2004	2004-14/6
	27357	R277-503	NSC	9/1/2004	Not Printed

ANIMALS

Health; Epidemiology and Laboratory Services, Laboratory Services	26968	R438-13	5YR	2/27/2004	2004-6/61
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ANNUITIES

Insurance; Administration	27083	R590-230	NEW	6/3/2004	2004-9/14
	27339	R590-230-5	NSC	9/1/2004	Not Printed

ANNUITY DISCLOSURE

Insurance; Administration	27082	R590-229	CPR	10/7/2004 see CPR (Second) in 09/01/2004 Bulletin	2004-13/60
	27082	R590-229	NEW	10/7/2004 see CPR (First) in 07/01/2004 Bulletin	2004-9/12
	27082	R590-229	CPR	10/7/2004	2004-17/53

ANNUITY INSURANCE FILINGS

Insurance; Administration	26952	R590-227	NEW	4/8/2004	2004-5/20
---------------------------	-------	----------	-----	----------	-----------

2004 RULES INDEX

APPELLATE PROCEDURES

Administrative Services; Fleet Operations, Surplus Property	26843	R28-3	AMD	2/12/2004	2004-1/4
Workforce Services; Workforce Information and Payment Services	26924	R994-406	AMD	4/4/2004	2004-4/45
	26929	R994-508	R&R	4/4/2004	2004-4/51
	26995	R994-508	NSC	5/1/2004	Not Printed
	27133	R994-508-307	NSC	7/1/2004	Not Printed

APPLIED TECHNOLOGY EDUCATION

Education; Administration	27000	R277-518	AMD	5/5/2004	2004-7/8
---------------------------	-------	----------	-----	----------	----------

APPRAISAL

Tax Commission; Property Tax	27382	R884-24P-24	AMD	10/19/2004	2004-18/64
	27353	R884-24P-33	AMD	10/19/2004	2004-17/37

APPRAISALS

Tax Commission; Property Tax	26910	R884-24P-24	NSC	1/27/2004	Not Printed
	27190	R884-24P-24	AMD	8/2/2004	2004-12/66

ARBITRATION

Commerce; Occupational and Professional Licensing	26915	R156-39a	5YR	1/27/2004	2004-4/75
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ARCHAEOLOGICAL RESOURCES

Regents (Board Of); University of Utah, Museum of Natural History (Utah)	26913	R807-1	5YR	1/26/2004	2004-4/77
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ARCHAEOLOGY

Community and Economic Development; Community Development, History	27359	R212-4	AMD	11/23/2004	2004-18/15
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ARTS

Education; Administration	26979	R277-444	AMD	4/15/2004	2004-6/4
	27271	R277-444	AMD	8/17/2004	2004-14/4

ASSIGNMENT

Education; Administration	26851	R277-520	R&R	2/5/2004	2004-1/20
	27210	R277-520	AMD	7/16/2004	2004-12/21

ASSISTED LIVING FACILITIES

Public Safety; Fire Marshal	27433	R710-3	AMD	11/16/2004	2004-20/35
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ATHLETICS

Education; Administration	26852	R277-517	AMD	2/5/2004	2004-1/18
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AUTOMATIC FIRE SPRINKLERS

Public Safety; Fire Marshal	26900	R710-5	AMD	3/3/2004	2004-3/32
	27326	R710-5	AMD	9/15/2004	2004-16/27

BACKFLOW ASSEMBLY TESTER

Environmental Quality; Drinking Water	27252	R309-302 (Changed to R309-305)	AMD	10/15/2004	2004-14/10
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BAIT AND SWITCH

Commerce; Consumer Protection	26945	R152-11	AMD	5/20/2004	2004-5/3
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BALLOTS

Lieutenant Governor; Elections	27123	R623-2	NEW	6/16/2004	2004-10/24
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BARRIER

Transportation; Preconstruction	27156	R930-3	AMD	7/20/2004	2004-11/84
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BEAR

Natural Resources; Wildlife Resources	26867	R657-33	AMD	2/24/2004	2004-2/3
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BED ALLOCATIONS

Human Services; Mental Health	27258	R523-1	NSC	7/1/2004	Not Printed
	27117	R523-1-10	AMD	6/17/2004	2004-10/21
	27118	R523-1-16	AMD	6/17/2004	2004-10/23

	27257	R523-1-22	AMD	8/17/2004	2004-14/25
<u>BENEFITS</u>					
Workforce Services; Workforce Information and Payment Services	27469	R994-401	R&R	11/16/2004	2004-20/40
	27193	R994-401-207	AMD	7/19/2004	2004-12/68
<u>BICYCLES</u>					
Regents (Board Of); University of Utah, Administration	26914	R805-1	5YR	1/27/2004	2004-4/76
<u>BIG GAME SEASONS</u>					
Natural Resources; Wildlife Resources	26817	R657-5	AMD	1/21/2004	2003-24/46
	27159	R657-5	AMD	7/2/2004	2004-11/74
<u>BIRDS</u>					
Natural Resources; Wildlife Resources	27283	R657-6	AMD	9/1/2004	2004-15/55
	27367	R657-9	AMD	10/19/2004	2004-18/47
	27346	R657-46	NSC	10/19/2004	Not Printed
				see 5YR DAR No. 27500	
	27500	R657-46	5YR	10/19/2004	2004-22/70
<u>BIRTH DEFECT REPORTING</u>					
Health; Community and Family Health Services, Children with Special Health Care Needs	27444	R398-5	5YR	9/22/2004	2004-20/76
<u>BIRTH DEFECTS</u>					
Health; Community and Family Health Services, Children with Special Health Care Needs	27444	R398-5	5YR	9/22/2004	2004-20/76
<u>BOILERS</u>					
Labor Commission; Safety	26967	R616-2-3	AMD	4/15/2004	2004-6/55
<u>BOXING</u>					
Commerce; Administration	27312	R151-33	AMD	9/15/2004	2004-16/8
<u>BREAKS</u>					
Human Resource Management; Administration	27167	R477-8	AMD	7/2/2004	2004-11/50
	27273	R477-8-6	NSC	7/2/2004	Not Printed
<u>BUDGETING</u>					
Health; Health Care Financing, Coverage and Reimbursement Policy	27232	R414-304	AMD	8/26/2004	2004-13/14
	27379	R414-304	AMD	10/16/2004	2004-18/21
<u>BUILDING CODES</u>					
Commerce; Occupational and Professional Licensing	27101	R156-56	AMD	8/17/2004 see CPR in 07/15/2004 Bulletin	2004-9/5
	27101	R156-56	CPR	8/17/2004	2004-14/37
	27489	R156-56	AMD	1/1/2005	2004-21/6
	27474	R156-56-704	NSC	12/1/2004	Not Printed
	27490	R156-56-704	AMD	1/1/2005	2004-21/11
<u>BUILDING INSPECTION</u>					
Commerce; Occupational and Professional Licensing	27101	R156-56	AMD	8/17/2004 see CPR in 07/15/2004 Bulletin	2004-9/5
	27101	R156-56	CPR	8/17/2004	2004-14/37
	27489	R156-56	AMD	1/1/2005	2004-21/6
	27474	R156-56-704	NSC	12/1/2004	Not Printed
	27490	R156-56-704	AMD	1/1/2005	2004-21/11
<u>BUILDINGS</u>					
Administrative Services; Facilities Construction and Management	26991	R23-29	5YR	3/10/2004	2004-7/35

2004 RULES INDEX

BURGLAR ALARMS

Commerce; Occupational and Professional Licensing	27188	R156-55d-302f	AMD	10/5/2004 see CPR in 09/01/2004 Bulletin	2004-12/4
	27188	R156-55d-302f	CPR	10/5/2004	2004-17/47

BUSES

Education; Administration	26961	R277-601	5YR	2/26/2004	2004-6/59
---------------------------	-------	----------	-----	-----------	-----------

CANCER

Health; Community and Family Health Services, Chronic Disease	27235	R384-100	5YR	6/15/2004	2004-13/70
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CERTIFICATION

Education; Rehabilitation	27532	R280-203	5YR	11/5/2004	2004-23/57
Labor Commission; Safety	26967	R616-2-3	AMD	4/15/2004	2004-6/55
	26966	R616-3-3	AMD	4/15/2004	2004-6/56

CERTIFICATION OF INSTRUCTORS

Human Services; Substance Abuse	27511	R544-4 (Changed to R523-22)	NSC	12/1/2004	Not Printed
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CERTIFIED NURSE MIDWIFE

Commerce; Occupational and Professional Licensing	27224	R156-44a	5YR	6/10/2004	2004-13/66
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CHARITIES

Tax Commission; Auditing	27063	R865-19S-1	AMD	6/29/2004	2004-9/27
	27226	R865-19S-7	AMD	9/14/2004	2004-13/48
	27064	R865-19S-12	AMD	6/29/2004	2004-9/28
	27068	R865-19S-23	AMD	6/29/2004	2004-9/30
	27071	R865-19S-28	AMD	6/29/2004	2004-9/31
	27072	R865-19S-30	AMD	6/29/2004	2004-9/32
	27383	R865-19S-38	AMD	10/19/2004	2004-18/62
	27095	R865-19S-45	AMD	6/29/2004	2004-9/34
	27384	R865-19S-49	AMD	10/19/2004	2004-18/63
	27080	R865-19S-58	AMD	6/29/2004	2004-9/37
	27053	R865-19S-70	AMD	6/29/2004	2004-9/40
	27074	R865-19S-86	AMD	6/29/2004	2004-9/45
	27085	R865-19S-92	AMD	6/29/2004	2004-9/47
	27086	R865-19S-98	AMD	6/29/2004	2004-9/48
	27088	R865-19S-107	AMD	6/29/2004	2004-9/50
	27090	R865-19S-114	AMD	6/29/2004	2004-9/52
	27091	R865-19S-115	AMD	6/29/2004	2004-9/53
	27097	R865-19S-116	AMD	6/29/2004	2004-9/54
	27096	R865-19S-117	AMD	6/29/2004	2004-9/54
	27099	R865-19S-118	AMD	6/29/2004	2004-9/55

CHILD CARE

Workforce Services; Employment Development	26933	R986-700	AMD	4/1/2004	2004-4/36
	27138	R986-700	AMD	7/1/2004	2004-10/34

CHILD CARE FACILITIES

Health; Health Systems Improvement, Child Care Licensing	26824	R430-2	AMD	4/12/2004	2003-24/25
	27242	R430-8	5YR	6/16/2004	2004-14/57
	27244	R430-100	AMD	8/27/2004	2004-14/15

CHILD PLACING

Human Services; Administration, Administrative Services, Licensing	26904	R501-7	AMD	5/28/2004	2004-4/22
	27229	R501-7	AMD	8/5/2004	2004-13/28
	27415	R501-7	NSC	10/1/2004	Not Printed

CHILD SUPPORT

Human Services; Administration	26822	R495-879	AMD	1/26/2004	2003-24/27
Human Services; Recovery Services	27223	R527-38	NEW	8/5/2004	2004-13/34
	27376	R527-200-10	AMD	10/18/2004	2004-18/26

	27434	R527-201	AMD	11/30/2004	2004-20/15
	26889	R527-210	5YR	1/13/2004	2004-3/48
	27006	R527-231	AMD	5/19/2004	2004-8/71
	27007	R527-258	AMD	5/19/2004	2004-8/72
	27391	R527-300	AMD	11/30/2004	2004-18/27
	27109	R527-302	5YR	4/21/2004	2004-10/38
	27182	R527-475	AMD	7/21/2004	2004-12/59
<u>CHILD WELFARE</u>					
Human Services; Child and Family Services	27259	R512-32	NSC	7/1/2004	Not Printed
	27375	R512-41	5YR	8/27/2004	2004-18/83
	27274	R512-302-4	AMD	9/9/2004	2004-15/50
<u>CHILD WELFARE POLICY</u>					
Human Services; Child and Family Services	26774	R512-3	NSC	3/4/2004 see EXD DAR No. 27014	Not Printed
	27014	R512-3	NSC	3/4/2004	Not Printed
<u>CHILDREN'S HEALTH BENEFITS</u>					
Health; Children's Health Insurance Program	26757	R382-10	AMD	1/5/2004	2003-22/21
	27050	R382-10	AMD	6/1/2004	2004-8/58
<u>CHIROPRACTIC PHYSICIAN</u>					
Commerce; Occupational and Professional Licensing	27355	R156-73	AMD	10/18/2004	2004-18/13
<u>CHIROPRACTIC SERVICES</u>					
Health; Health Care Financing, Coverage and Reimbursement Policy	26809	R414-99	NEW	2/17/2004	2003-24/15
<u>CHIROPRACTORS</u>					
Commerce; Occupational and Professional Licensing	27355	R156-73	AMD	10/18/2004	2004-18/13
<u>CLASSIFIED LICENSE</u>					
Public Safety; Driver License	27051	R708-10	NSC	6/1/2004	Not Printed
	27360	R708-10	5YR	8/25/2004	2004-18/84
<u>COACHING CERTIFICATION</u>					
Education; Administration	26852	R277-517	AMD	2/5/2004	2004-1/18
<u>COAL MINES</u>					
Natural Resources; Oil, Gas and Mining; Coal	26710	R645-301-100	AMD	2/6/2004	2003-22/34
	26711	R645-301-500	AMD	2/6/2004	2003-22/35
	26712	R645-303-200	AMD	2/6/2004	2003-22/36
	26713	R645-401	AMD	2/6/2004	2003-22/38
<u>COATINGS</u>					
Environmental Quality; Air Quality	27144	R307-343	NSC	6/8/2004 see 5YR DAR No. 27219	Not Printed
	27219	R307-343	5YR	6/8/2004	2004-13/69
<u>COLLECTIONS</u>					
Tax Commission; Auditing	27056	R865-12L-7	AMD	6/29/2004	2004-9/20
	27060	R865-12L-15	AMD	6/29/2004	2004-9/24
	27061	R865-12L-16	AMD	6/29/2004	2004-9/25
	27062	R865-12L-17	AMD	6/29/2004	2004-9/26
<u>COLLEGES</u>					
Public Safety; Administration	26969	R698-4	5YR	2/27/2004	2004-6/62
<u>COMMUNICABLE DISEASES</u>					
Health; Epidemiology and Laboratory Services, Epidemiology	27024	R386-702	AMD	6/11/2004	2004-8/60
<u>COMPLAINTS</u>					
Education; Rehabilitation	26872	R280-201	5YR	1/5/2004	2004-3/43

2004 RULES INDEX

COMPULSORY EDUCATION

Education; Administration 27531 R277-607 5YR 11/5/2004 2004-23/57

CONDUCT

Commerce; Real Estate 27098 R162-106-8 AMD 7/28/2004 2004-9/11
27128 R162-107 AMD 9/10/2004 2004-10/13

CONFIDENTIALITY OF INFORMATION

Human Resource Management; Administration 27161 R477-2 AMD 7/2/2004 2004-11/29
Workforce Services; Workforce Information and Payment Services 27299 R994-312 5YR 7/14/2004 2004-15/67

CONFLICT OF INTEREST

Human Resource Management; Administration 27168 R477-9 AMD 7/2/2004 2004-11/53

CONSUMER PROTECTION

Commerce; Consumer Protection 26945 R152-11 AMD 5/20/2004 2004-5/3
27238 R152-21 5YR 6/15/2004 2004-13/66

CONTESTS

Commerce; Administration 27312 R151-33 AMD 9/15/2004 2004-16/8

CONTINUING EDUCATION

Commerce; Real Estate 27335 R162-9 AMD 10/21/2004 2004-17/4

CONTINUING PROFESSIONAL EDUCATION

Commerce; Occupational and Professional Licensing 26786 R156-26a-303b AMD 1/6/2004 2003-23/7
27019 R156-26a-303b AMD 5/24/2004 2004-8/32

CONTRACTORS

Commerce; Occupational and Professional Licensing 26834 R156-38 AMD 2/3/2004 2004-1/5
27020 R156-38 CPR 7/26/2004 2004-12/73
27020 R156-38 AMD 7/26/2004 see 2004-8/39
CPR in
06/15/2004
Bulletin
27441 R156-55a-301 NSC 10/1/2004 Not Printed
27112 R156-55b AMD 6/15/2004 2004-10/6
27394 R156-55b-302c NSC 12/1/2004 Not Printed
27101 R156-56 AMD 8/17/2004 see 2004-9/5
CPR in
07/15/2004
Bulletin
27101 R156-56 CPR 8/17/2004 2004-14/37
27489 R156-56 AMD 1/1/2005 2004-21/6
27474 R156-56-704 NSC 12/1/2004 Not Printed
27490 R156-56-704 AMD 1/1/2005 2004-21/11
Transportation; Administration 26720 R907-67 NEW 1/5/2004 2003-22/50

CONTRACTS

Public Service Commission; Administration 27585 R746-401 5YR 12/13/2004 2005-1/96

CONTROLLED SUBSTANCES

Commerce; Occupational and Professional Licensing 26916 R156-37c 5YR 1/27/2004 2004-4/74

CORRECTIONS

Corrections; Administration 26769 R251-101 REP 3/24/2004 2003-23/15

COUGAR

Natural Resources; Wildlife Resources 27368 R657-10 AMD 10/19/2004 2004-18/49

COUNSELORS

Education; Administration 26850 R277-462 AMD 2/5/2004 2004-1/16
27408 R277-462 5YR 9/7/2004 2004-19/49
Workforce Services; Workforce Information and Payment Services 26922 R994-103 REP 4/4/2004 2004-4/40

COUNTY JAILS

Corrections; Administration 27416 R251-113 AMD 11/9/2004 2004-19/28

COURT REPORTING

Commerce; Occupational and Professional Licensing	26927	R156-74	5YR	2/2/2004	2004-4/75
---	-------	---------	-----	----------	-----------

COVERAGE

Workforce Services; Workforce Information and Payment Services	27300	R994-310	5YR	7/14/2004	2004-15/66
--	-------	----------	-----	-----------	------------

	27318	R994-310	AMD	9/24/2004	2004-16/31
--	-------	----------	-----	-----------	------------

COVERAGE GROUPS

Health; Health Care Financing, Coverage and Reimbursement Policy	27230	R414-303	AMD	8/26/2004	2004-13/7
--	-------	----------	-----	-----------	-----------

	27378	R414-303	AMD	10/16/2004	2004-18/18
--	-------	----------	-----	------------	------------

COVERED-AT-WORK

Health; Health Care Financing, Coverage and Reimbursement Policy	27515	R414-310	AMD	12/16/2004	2004-22/18
--	-------	----------	-----	------------	------------

COVERED-AT-WORK BENEFITS

Health; Health Care Financing, Coverage and Reimbursement Policy	26811	R414-300	NEW	2/10/2004	2003-24/17
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CREDIT ENHANCEMENTS

Environmental Quality; Drinking Water	26974	R309-700	AMD	8/6/2004 see	2004-6/31
---------------------------------------	-------	----------	-----	--------------	-----------

CPR in
07/01/2004
Bulletin

	26974	R309-700	CPR	8/6/2004	2004-13/53
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CREDIT INSURANCE FILINGS

Insurance; Administration	26950	R590-228	NEW	4/8/2004	2004-5/25
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CREDIT REPORTING

Commerce; Consumer Protection	27238	R152-21	5YR	6/15/2004	2004-13/66
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CREDIT SERVICES

Commerce; Consumer Protection	27238	R152-21	5YR	6/15/2004	2004-13/66
-------------------------------	-------	---------	-----	-----------	------------

CRIMINAL RECORDS

Public Safety; Criminal Investigations and Technical Services, Criminal Identification	26858	R722-900	NSC	1/15/2004 see	Not Printed
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5YR DAR No.
26895

	26895	R722-900	5YR	1/15/2004	2004-3/48
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CROSS CONNECTION CONTROL

Environmental Quality; Drinking Water	27252	R309-302	AMD	10/15/2004	2004-14/10
---------------------------------------	-------	----------	-----	------------	------------

(Changed to
R309-305)

CURATION

Regents (Board Of); University of Utah, Museum of Natural History (Utah)	26913	R807-1	5YR	1/26/2004	2004-4/77
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CURRICULA

Education; Administration	26979	R277-444	AMD	4/15/2004	2004-6/4
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	27271	R277-444	AMD	8/17/2004	2004-14/4
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	26902	R277-700	AMD	3/3/2004	2004-3/10
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	26985	R277-700	NSC	4/1/2004	Not Printed
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CUSTODY

Education; Administration	26870	R277-735	5YR	1/5/2004	2004-3/43
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CUSTODY OF CHILDREN

Human Services; Administration	26822	R495-879	AMD	1/26/2004	2003-24/27
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DAY CARE

Public Safety; Fire Marshal	27436	R710-8	AMD	11/16/2004	2004-20/38
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2004 RULES INDEX

DEFINITIONS

Commerce; Real Estate	27132	R162-101-2	AMD	9/10/2004	2004-10/10
Environmental Quality; Drinking Water	26970	R309-110	AMD	4/21/2004	2004-6/13
Human Resource Management; Administration	27160	R477-1	AMD	7/2/2004	2004-11/23
	27170	R477-12	AMD	7/2/2004	2004-11/57
Workforce Services; Workforce Information and Payment Services	26928	R994-201	AMD	4/4/2004	2004-4/42
	27470	R994-201-101	AMD	11/16/2004	2004-20/39

DELEGATION

Administrative Services; Facilities Construction and Management	26991	R23-29	5YR	3/10/2004	2004-7/35
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DEMONSTRATION

Health; Health Care Financing, Coverage and Reimbursement Policy	26810	R414-310	AMD	2/10/2004	2003-24/18
	27515	R414-310	AMD	12/16/2004	2004-22/18

DENTAL

Health; Health Care Financing, Coverage and Reimbursement Policy	26782	R414-51	AMD	1/28/2004	2003-23/25
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DESIGN

Administrative Services; Facilities Construction and Management	27313	R23-3	5YR	7/28/2004	2004-16/33
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DEVELOPMENTALLY DISABLED

Tax Commission; Administration	27268	R861-1A-16	NSC	7/1/2004	Not Printed
	27155	R861-1A-37	AMD	8/2/2004	2004-11/83
	27354	R861-1A-37	AMD	10/19/2004	2004-17/36
	27236	R861-1A-38	AMD	9/14/2004	2004-13/47

DIETARY PRODUCTS INSURANCE

Insurance; Administration	27536	R590-194	5YR	11/9/2004	2004-23/60
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DISABILITY

Human Services; Services for People with Disabilities	27233	R539-1	AMD	8/19/2004	2004-13/35
	27356	R539-1	NSC	11/1/2004	Not Printed

DISABLED PERSONS

Education; Rehabilitation	26872	R280-201	5YR	1/5/2004	2004-3/43
	26873	R280-202	5YR	1/5/2004	2004-3/44

DISCHARGE PERMITS

Environmental Quality; Water Quality	26903	R317-8	AMD	3/30/2004	2004-3/19
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DISCIPLINARY ACTIONS

Education; Administration	26981	R277-514	AMD	4/15/2004	2004-6/10
	27340	R277-609	5YR	8/10/2004	2004-17/55
Professional Practices Advisory Commission; Administration	27141	R686-103	5YR	5/5/2004	2004-11/91
	27310	R686-103	AMD	9/2/2004	2004-15/58

DISCIPLINE OF EMPLOYEES

Human Resource Management; Administration	27169	R477-11	AMD	7/2/2004	2004-11/56
	27174	R477-14	NSC	6/1/2004	Not Printed

DISCLOSURE REQUIREMENTS

Tax Commission; Administration	27268	R861-1A-16	NSC	7/1/2004	Not Printed
	27155	R861-1A-37	AMD	8/2/2004	2004-11/83
	27354	R861-1A-37	AMD	10/19/2004	2004-17/36
	27236	R861-1A-38	AMD	9/14/2004	2004-13/47

DISEASE CONTROL

Agriculture and Food; Animal Industry	26891	R58-21	AMD	3/4/2004	2004-3/4
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DISMISSAL OF EMPLOYEES

Human Resource Management; Administration	27169	R477-11	AMD	7/2/2004	2004-11/56
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DISSEMINATION OF INFORMATION

Education; Administration	27412	R277-714	5YR	9/7/2004	2004-19/51
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DIVERSION PROGRAMS

Commerce; Occupational and Professional Licensing	27358	R156-1	EMR	8/24/2004	2004-18/79
	27377	R156-1	AMD	10/18/2004	2004-18/4
	26805	R156-1-106	AMD	1/20/2004	2003-24/4
	27103	R156-1-302	NSC	6/1/2004	Not Printed
Human Services; Youth Corrections	27261	R547-1	NSC	7/1/2004	Not Printed

DOGS

Natural Resources; Wildlife Resources	27346	R657-46	NSC	10/19/2004 see 5YR DAR No. 27500	Not Printed
	27500	R657-46	5YR	10/19/2004	2004-22/70

DOMESTIC VIOLENCE POLICY

Human Services; Child and Family Services	26774	R512-3	NSC	3/4/2004 see EXD DAR No. 27014	Not Printed
	27014	R512-3	NSC	3/4/2004	Not Printed

DRINKING WATER

Environmental Quality; Drinking Water	26970	R309-110	AMD	4/21/2004	2004-6/13
	26971	R309-204 (Changed to R309-515)	AMD	4/21/2004	2004-6/23
	27252	R309-302 (Changed to R309-305)	AMD	10/15/2004	2004-14/10
	26988	R309-605	NSC	5/1/2004	Not Printed

DRIP IRRIGATION

Environmental Quality; Water Quality	26797	R317-401	NEW	7/2/2004 see CPR in 04/15/2004 Bulletin	2003-23/21
	26797	R317-401	CPR	7/2/2004	2004-8/89

DRIVER EDUCATION

Education; Administration	27423	R277-746	AMD	11/2/2004	2004-19/32
Public Safety; Driver License	26894	R708-2	AMD	3/4/2004	2004-3/27
	27245	R708-2	EMR	7/1/2004	2004-14/52
	27246	R708-2	AMD	8/17/2004	2004-14/27

DROPOUTS

Education; Administration	27413	R277-760	5YR	9/7/2004	2004-19/51
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DRUG ABUSE

Human Resource Management; Administration	27174	R477-14	NSC	6/1/2004	Not Printed
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DRUG/ALCOHOL EDUCATION

Human Resource Management; Administration	27174	R477-14	NSC	6/1/2004	Not Printed
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DUAL EMPLOYMENT

Human Resource Management; Administration	27167	R477-8	AMD	7/2/2004	2004-11/50
	27273	R477-8-6	NSC	7/2/2004	Not Printed

DUAL ENROLLMENT

Education; Administration	27205	R277-438	5YR	6/1/2004	2004-12/79
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DUE PROCESS

Human Services; Mental Health	27258	R523-1	NSC	7/1/2004	Not Printed
	27117	R523-1-10	AMD	6/17/2004	2004-10/21
	27118	R523-1-16	AMD	6/17/2004	2004-10/23
	27257	R523-1-22	AMD	8/17/2004	2004-14/25

DUI PROGRAMS

Human Services; Substance Abuse	27511	R544-4 (Changed to R523-22)	NSC	12/1/2004	Not Printed
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DUST

Environmental Quality; Air Quality	27220	R307-215	5YR	6/8/2004	2004-13/68
	27106	R307-309	NSC	6/8/2004 see 5YR DAR No. 27217	Not Printed
	27217	R307-309	5YR	6/8/2004	2004-13/68

EDUCATION

Commerce; Consumer Protection	26905	R152-34	AMD	5/20/2004	2004-4/2
Commerce; Real Estate	27241	R162-103	AMD	10/7/2004	2004-14/2
	27349	R162-103	AMD	11/24/2004	2004-17/7
	27350	R162-104	AMD	11/24/2004	2004-17/9
Education; Administration	27204	R277-422	AMD	7/16/2004	2004-12/8
	27411	R277-521	5YR	9/7/2004	2004-19/50

EDUCATION FINANCE

Education; Administration	26960	R277-425	5YR	2/26/2004	2004-6/59
	27407	R277-451	5YR	9/7/2004	2004-19/48
	27422	R277-451	AMD	11/2/2004	2004-19/30

EDUCATIONAL ADMINISTRATION

Education; Administration	27341	R277-800	5YR	8/10/2004	2004-17/55
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EDUCATIONAL EXPENDITURES

Education; Administration	27308	R277-408	REP	9/2/2004	2004-15/18
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EDUCATIONAL FACILITIES

Education; Administration	27407	R277-451	5YR	9/7/2004	2004-19/48
	27422	R277-451	AMD	11/2/2004	2004-19/30
	27517	R277-471	5YR	11/1/2004	2004-22/69
	27341	R277-800	5YR	8/10/2004	2004-17/55

EDUCATIONAL PROGRAM EVALUATIONS

Education; Administration	26980	R277-501	AMD	4/15/2004	2004-6/5
	27206	R277-501	AMD	7/16/2004	2004-12/10

EDUCATIONAL TESTING

Education; Administration	26962	R277-712	5YR	2/26/2004	2004-6/60
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EDUCATIONAL TUITION

Human Resource Management; Administration	27173	R477-10	NSC	7/1/2004	Not Printed
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EDUCATOR

Education; Administration	26851	R277-520	R&R	2/5/2004	2004-1/20
	27210	R277-520	AMD	7/16/2004	2004-12/21

EDUCATOR LICENSE

Education; Administration	26981	R277-514	AMD	4/15/2004	2004-6/10
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EDUCATOR LICENSE RENEWAL

Education; Administration	26980	R277-501	AMD	4/15/2004	2004-6/5
	27206	R277-501	AMD	7/16/2004	2004-12/10

EDUCATOR LICENSING

Education; Administration	26827	R277-502	AMD	1/15/2004	2003-24/6
	27207	R277-502	AMD	7/16/2004	2004-12/14
	27448	R277-502	NSC	12/1/2004	Not Printed
	27000	R277-518	AMD	5/5/2004	2004-7/8

EDUCATORS

Professional Practices Advisory Commission; Administration	27141	R686-103	5YR	5/5/2004	2004-11/91
	27310	R686-103	AMD	9/2/2004	2004-15/58

EFFLUENT STANDARDS

Environmental Quality; Water Quality	26796	R317-1	AMD	3/29/2004	2003-23/16
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ELDERLY

Human Services; Aging and Adult Services	27248	R510-107	EMR	7/1/2004	2004-14/43
	27249	R510-107	AMD	8/17/2004	2004-14/18

ELECTIONS

Lieutenant Governor; Elections	27123	R623-2	NEW	6/16/2004	2004-10/24
	27127	R623-3	NEW	6/16/2004	2004-10/27
	27414	R623-3	NSC	11/15/2004	Not Printed
	27537	R623-3	NSC	11/15/2004	Not Printed

ELECTRICIANS

Commerce; Occupational and Professional Licensing	27112	R156-55b	AMD	6/15/2004	2004-10/6
	27394	R156-55b-302c	NSC	12/1/2004	Not Printed

ELECTRONIC DATA INTERCHANGE

Health; Administration	27260	R380-25	5YR	6/30/2004	2004-14/56
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ELECTRONIC HIGH SCHOOL

Education; Administration	26982	R277-725	NEW	4/15/2004	2004-6/12
	27307	R277-725	AMD	9/2/2004	2004-15/21

ELEVATORS

Labor Commission; Safety	26966	R616-3-3	AMD	4/15/2004	2004-6/56
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EMERGENCY MEDICAL SERVICES

Health; Health Systems Improvement, Emergency Medical Services	27466	R426-11	5YR	10/1/2004	2004-20/77
	27439	R426-12	5YR	9/20/2004	2004-20/77
	27463	R426-13	5YR	10/1/2004	2004-20/78
	27465	R426-14	5YR	10/1/2004	2004-20/78
	27467	R426-15	5YR	10/1/2004	2004-20/79
	27464	R426-16	5YR	10/1/2004	2004-20/79
	27468	R426-100	5YR	10/1/2004	2004-20/80

EMISSION FEES

Environmental Quality; Air Quality	26940	R307-415	5YR	2/9/2004	2004-5/45
	26947	R307-415-6c	AMD	8/3/2004 see CPR in 07/01/2004 Bulletin	2004-5/10
	26947	R307-415-6c	CPR	8/3/2004	2004-13/52

EMPLOYEE BENEFIT PLANS

Human Resource Management; Administration	27165	R477-6	AMD	7/2/2004	2004-11/37
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EMPLOYEE PERFORMANCE EVALUATIONS

Human Resource Management; Administration	27173	R477-10	NSC	7/1/2004	Not Printed
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EMPLOYEE PRODUCTIVITY

Human Resource Management; Administration	27173	R477-10	NSC	7/1/2004	Not Printed
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EMPLOYEE TERMINATION

Workforce Services; Workforce Information and Payment Services	27192	R994-405	AMD	7/19/2004	2004-12/70
	27472	R994-405	AMD	11/16/2004	2004-20/66

EMPLOYEE'S RIGHTS

Workforce Services; Workforce Information and Payment Services	27192	R994-405	AMD	7/19/2004	2004-12/70
	27472	R994-405	AMD	11/16/2004	2004-20/66

EMPLOYMENT

Human Resource Management; Administration	27163	R477-4	AMD	7/2/2004	2004-11/33
	27172	R477-5	NSC	7/1/2004	Not Printed
Human Services; Aging and Adult Services	27248	R510-107	EMR	7/1/2004	2004-14/43
	27249	R510-107	AMD	8/17/2004	2004-14/18

2004 RULES INDEX

Workforce Services; Workforce Information and Payment Services	27192	R994-405	AMD	7/19/2004	2004-12/70
	27472	R994-405	AMD	11/16/2004	2004-20/66
<u>EMPLOYMENT AGENCIES</u>					
Labor Commission; Antidiscrimination and Labor, Labor	27228	R610-4	5YR	6/11/2004	2004-13/71
<u>EMPLOYMENT SUPPORT PROCEDURES</u>					
Workforce Services; Employment Development	27215	R986-100-104	NSC	6/1/2004	Not Printed
	26932	R986-100-134	AMD	4/1/2004	2004-4/33
<u>ENROLLMENT</u>					
Education; Administration	27409	R277-463	5YR	9/7/2004	2004-19/49
<u>ENROLLMENT OPTIONS</u>					
Education; Administration	26871	R277-437	5YR	1/5/2004	2004-3/42
<u>ENTERPRISE ZONES</u>					
Tax Commission; Auditing	27093	R865-9I-38	AMD	6/29/2004	2004-9/18
<u>ENVIRONMENT</u>					
Tax Commission; Auditing	26957	R865-7H	5YR	2/25/2004	2004-6/63
	27269	R865-13G-10	AMD	9/14/2004	2004-14/32
<u>ENVIRONMENTAL HEALTH</u>					
Environmental Quality; Drinking Water	26988	R309-605	NSC	5/1/2004	Not Printed
<u>ENVIRONMENTAL PROTECTION</u>					
Environmental Quality; Air Quality	26896	R307-110-12	CPR	5/18/2004	2004-8/87
	26898	R307-110-31	CPR	5/18/2004	2004-8/87
	26899	R307-110-34	CPR	5/18/2004	2004-8/88
	26940	R307-415	5YR	2/9/2004	2004-5/45
	26947	R307-415-6c	AMD	8/3/2004 see CPR in 07/01/2004 Bulletin	2004-5/10
	26947	R307-415-6c	CPR	8/3/2004	2004-13/52
<u>EXCEPTIONAL CHILDREN</u>					
Education; Administration	27413	R277-760	5YR	9/7/2004	2004-19/51
<u>EX-CONVICTS</u>					
Human Services; Youth Corrections	27284	R547-10	NSC	7/1/2004	Not Printed
<u>EXITING PROVIDERS</u>					
Public Service Commission; Administration	26785	R746-350	NEW	1/15/2004	2003-23/79
	26901	R746-350	NSC	3/1/2004	Not Printed
<u>EXTINGUISHERS</u>					
Public Safety; Fire Marshal	27479	R710-1-9	AMD	12/2/2004	2004-21/27
<u>EYEGASSES</u>					
Health; Health Care Financing, Coverage and Reimbursement Policy	26783	R414-53	AMD	1/28/2004	2003-23/28
<u>FACILITIES</u>					
Education; Administration	26829	R277-724	NEW	1/15/2004	2003-24/11
<u>FACILITY</u>					
Health; Health Care Financing, Coverage and Reimbursement Policy	26854	R414-9	NEW	2/3/2004	2004-1/26
	27151	R414-9	NSC	6/1/2004	Not Printed
<u>FAIR EMPLOYMENT PRACTICES</u>					
Human Resource Management; Administration	27161	R477-2	AMD	7/2/2004	2004-11/29
	27163	R477-4	AMD	7/2/2004	2004-11/33

FAMILY EMPLOYMENT PROGRAM

Workforce Services; Employment Development	26704	R986-200	AMD	2/2/2004	2003-21/77
	26934	R986-200	AMD	4/1/2004	2004-4/35
	26997	R986-200-208	NSC	5/1/2004	Not Printed

FEDERAL ELECTION REFORM

Lieutenant Governor; Elections	27127	R623-3	NEW	6/16/2004	2004-10/27
	27414	R623-3	NSC	11/15/2004	Not Printed
	27537	R623-3	NSC	11/15/2004	Not Printed

FEES

Environmental Quality; Environmental Response and Remediation	27196	R311-203	AMD	9/9/2004	2004-12/34
Human Services; Mental Health	27258	R523-1	NSC	7/1/2004	Not Printed
	27117	R523-1-10	AMD	6/17/2004	2004-10/21
	27118	R523-1-16	AMD	6/17/2004	2004-10/23
	27257	R523-1-22	AMD	8/17/2004	2004-14/25
Natural Resources; Parks and Recreation	26776	R651-611	AMD	1/6/2004	2003-23/52
	26948	R651-611	AMD	4/1/2004	2004-5/29
	27184	R651-611	AMD	7/19/2004	2004-12/62
	27305	R651-611	AMD	9/1/2004	2004-15/52

FILING DEADLINES

Labor Commission; Adjudication	26772	R602-1	AMD	1/2/2004	2003-23/46
Workforce Services; Workforce Information and Payment Services	27471	R994-403	R&R	11/16/2004	2004-20/47

FINANCE

Education; Administration	27204	R277-422	AMD	7/16/2004	2004-12/8
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FINANCIAL AID

Regents (Board Of); Administration	27390	R765-605	AMD	10/19/2004	2004-18/52
	27431	R765-605-3	NSC	11/1/2004	Not Printed

FINANCIAL ASSISTANCE

Environmental Quality; Drinking Water	26975	R309-705	AMD	8/6/2004 see CPR in 07/01/2004 Bulletin	2004-6/39
	26975	R309-705	CPR	8/6/2004	2004-13/57

FINANCIAL DISCLOSURES

Health; Health Care Financing, Coverage and Reimbursement Policy	27232	R414-304	AMD	8/26/2004	2004-13/14
	27379	R414-304	AMD	10/16/2004	2004-18/21

FINANCIAL REIMBURSEMENT

Public Safety; Comprehensive Emergency Management	27336	R704-1	5YR	8/6/2004	2004-17/56
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FINANCING OF PROGRAMS

Human Services; Substance Abuse	27508	R544-1 (Changed to R523-20)	NSC	12/1/2004	Not Printed
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FIRE PREVENTION

Public Safety; Fire Marshal	27479	R710-1-9	AMD	12/2/2004	2004-21/27
	26793	R710-4	AMD	1/2/2004	2003-23/67
	26920	R710-4	EMR	1/28/2004	2004-4/66
	27003	R710-4	AMD	5/5/2004	2004-7/19
	27480	R710-7-7	AMD	12/2/2004	2004-21/28
	27436	R710-8	AMD	11/16/2004	2004-20/38
	26788	R710-9	AMD	1/2/2004	2003-23/72
	26919	R710-9	EMR	1/28/2004	2004-4/70
	27002	R710-9	AMD	5/5/2004	2004-7/23

FIREARMS

Human Services; Youth Corrections	27267	R547-14	NSC	7/1/2004	Not Printed
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2004 RULES INDEX

FIREWORKS

Public Safety; Fire Marshal	26795	R710-2	AMD	1/2/2004	2003-23/65
	27324	R710-2	AMD	9/15/2004	2004-16/26

FISH

Natural Resources; Wildlife Resources	26659	R657-13	AMD	1/2/2004	2003-20/28
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FISHING

Natural Resources; Wildlife Resources	26659	R657-13	AMD	1/2/2004	2003-20/28
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FOOD INSPECTION

Agriculture and Food; Regulatory Services	27149	R70-310	AMD	7/2/2004	2004-11/6
	27286	R70-310	5YR	7/9/2004	2004-15/65
	27069	R70-330	AMD	6/2/2004	2004-9/4
	27425	R70-440	NEW	11/4/2004	2004-19/4
	27453	R70-540	NEW	11/16/2004	2004-20/9
	27291	R70-630	5YR	7/13/2004	2004-15/65
	27290	R70-630	AMD	9/8/2004	2004-15/4
	27380	R70-630	NSC	11/1/2004	Not Printed
	27438	R70-630	NSC	12/1/2004	Not Printed

FOOD PROGRAMS

Education; Administration	26829	R277-724	NEW	1/15/2004	2003-24/11
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FOOD SERVICES

Health; Epidemiology and Laboratory Services, Environmental Services	27187	R392-101	5YR	5/24/2004	2004-12/80
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FOREIGN STUDENTS

Education; Administration	27309	R277-615	REP	9/2/2004	2004-15/20
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FOREST PRODUCTS

School and Institutional Trust Lands; Administration	27178	R850-70	AMD	7/2/2004	2004-11/80
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FOSTER CARE

Human Services; Administration, Administrative Services, Licensing	27255	R501-8	NSC	7/1/2004	Not Printed
	27256	R501-12	NSC	7/1/2004	Not Printed
	27275	R501-12	AMD	9/9/2004	2004-15/46
	27417	R501-12-8	NSC	10/1/2004	Not Printed
Human Services; Child and Family Services	27259	R512-32	NSC	7/1/2004	Not Printed
	27243	R512-306	EMR	6/22/2004	2004-14/50
	27321	R512-306	NEW	9/22/2004	2004-16/24

FRANCHISE

Tax Commission; Auditing	27388	R865-6F-8	AMD	10/19/2004	2004-18/58
	27386	R865-6F-36	AMD	10/19/2004	2004-18/61

FRAUD

Commerce; Consumer Protection	27238	R152-21	5YR	6/15/2004	2004-13/66
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FREEDOM OF RELIGION

Education; Administration	27214	R277-105	5YR	6/1/2004	2004-12/79
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FUEL

Tax Commission; Auditing	27389	R865-4D-24	AMD	10/19/2004	2004-18/57
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FURBEARERS

Natural Resources; Wildlife Resources	27369	R657-11	AMD	10/19/2004	2004-18/51
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GAME LAWS

Natural Resources; Wildlife Resources	26817	R657-5	AMD	1/21/2004	2003-24/46
	27159	R657-5	AMD	7/2/2004	2004-11/74
	27283	R657-6	AMD	9/1/2004	2004-15/55
	27368	R657-10	AMD	10/19/2004	2004-18/49
	27369	R657-11	AMD	10/19/2004	2004-18/51
	26818	R657-17-4	AMD	1/21/2004	2003-24/55

	26867 27498	R657-33 R657-54	AMD NEW	2/24/2004 12/2/2004	2004-2/3 2004-21/23
<u>GASOLINE</u>					
Environmental Quality; Air Quality Tax Commission; Auditing	27487 27269	R307-326-7 R865-13G-10	NSC AMD	12/1/2004 9/14/2004	Not Printed 2004-14/32
<u>GEOLOGY</u>					
Commerce; Occupational and Professional Licensing	26777	R156-76-102	AMD	1/20/2004	2003-23/14
<u>GIFTED CHILDREN</u>					
Education; Administration	26962	R277-712	5YR	2/26/2004	2004-6/60
<u>GOVERNMENT CORPORATIONS</u>					
Workforce Services; Workforce Information and Payment Services	27298	R994-311	5YR	7/14/2004	2004-15/67
<u>GOVERNMENT DOCUMENTS</u>					
Administrative Services; Records Committee	26973	R35-1	NSC	7/2/2004 see 5YR DAR No. 27277	Not Printed
	27277	R35-1	5YR	7/2/2004	2004-15/62
	27278	R35-2	5YR	7/2/2004	2004-15/62
	27279	R35-3	5YR	7/2/2004	2004-15/63
	27280	R35-4	5YR	7/2/2004	2004-15/63
	27281	R35-5	5YR	7/2/2004	2004-15/64
	27282	R35-6	5YR	7/2/2004	2004-15/64
<u>GOVERNMENT ETHICS</u>					
Human Resource Management; Administration	27168	R477-9	AMD	7/2/2004	2004-11/53
<u>GOVERNMENT HEARINGS</u>					
Commerce; Occupational and Professional Licensing	27401	R156-46b	AMD	11/2/2004	2004-19/6
Human Resource Management; Administration	27169	R477-11	AMD	7/2/2004	2004-11/56
Public Service Commission; Administration	26849	R746-100	CPR	4/1/2004	2004-5/36
	26849	R746-100	AMD	4/1/2004 see CPR in 03/01/2004 Bulletin	2004-1/28
<u>GOVERNMENT RECORDS ACCESS</u>					
Crime Victim Reparations; Administration	27461	R270-4	5YR	9/30/2004	2004-20/75
<u>GRAMA</u>					
Regents (Board Of); Salt Lake Community College	26994	R784-1	5YR	3/12/2004	2004-7/36
<u>GRANTS</u>					
Environmental Quality; Water Quality	27179	R317-100-3	AMD	8/20/2004	2004-11/15
<u>GRAYWATER</u>					
Environmental Quality; Water Quality	26797	R317-401	NEW	7/2/2004 see CPR in 04/15/2004 Bulletin	2003-23/21
	26797	R317-401	CPR	7/2/2004	2004-8/89
<u>GREAT SEAL</u>					
Lieutenant Governor; Administration	27221	R622-2	5YR	6/9/2004	2004-13/71
<u>GRIEVANCE PROCEDURES</u>					
Tax Commission; Administration	27268	R861-1A-16	NSC	7/1/2004	Not Printed
	27155	R861-1A-37	AMD	8/2/2004	2004-11/83
	27354	R861-1A-37	AMD	10/19/2004	2004-17/36
	27236	R861-1A-38	AMD	9/14/2004	2004-13/47
<u>GRIEVANCES</u>					
Human Resource Management; Administration	27162	R477-3	AMD	7/2/2004	2004-11/32
	27169	R477-11	AMD	7/2/2004	2004-11/56

GROUND WATER

Environmental Quality; Water Quality	27021	R317-6	AMD	7/12/2004	2004-8/46
	27177	R317-6	AMD	8/20/2004	2004-11/8
	27437	R317-6-6	NSC	12/1/2004	Not Printed

HARDSHIP GRANTS

Environmental Quality; Drinking Water	26974	R309-700	CPR	8/6/2004	2004-13/53
	26974	R309-700	AMD	8/6/2004 see CPR in 07/01/2004 Bulletin	2004-6/31

HATCH ACT

Human Resource Management; Administration	27168	R477-9	AMD	7/2/2004	2004-11/53
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HAZARDOUS AIR POLLUTANT

Environmental Quality; Air Quality	26887	R307-214	NSC	2/9/2004 see 5YR DAR No. 26939	Not Printed
	26939	R307-214	5YR	2/9/2004	2004-5/44
	27293	R307-214-2	AMD	10/7/2004	2004-15/28

HAZARDOUS SUBSTANCES

Environmental Quality; Environmental Response and Remediation	27194	R311-200	AMD	9/9/2004	2004-12/27
	27195	R311-201	AMD	9/9/2004	2004-12/30
	27196	R311-203	AMD	9/9/2004	2004-12/34
	27197	R311-204	AMD	9/9/2004	2004-12/37
	27198	R311-205	AMD	9/9/2004	2004-12/39
	27199	R311-206	AMD	9/9/2004	2004-12/44
	27200	R311-212	AMD	9/9/2004	2004-12/48

HAZARDOUS WASTE

Environmental Quality; Solid and Hazardous Waste	27289	R315-2-13	AMD	9/15/2004	2004-15/35
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HEALTH

Health; Administration	27260	R380-25	5YR	6/30/2004	2004-14/56
Health; Center for Health Data, Health Care Statistics	26800	R428-10	AMD	2/27/2004	2003-23/36
	26799	R428-11	AMD	2/27/2004	2003-23/37

HEALTH CARE

Health; Community and Family Health Services, Children with Special Health Care Needs	27443	R398-1	5YR	9/22/2004	2004-20/76
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HEALTH CARE FACILITIES

Health; Health Systems Improvement, Licensing	27303	R432-2	AMD	9/14/2004	2004-15/44
	26825	R432-2-11	AMD	4/12/2004	2003-24/26
	27250	R432-32	NEW	9/1/2004	2004-14/17

HEALTH FACILITIES

Health; Health Systems Improvement, Licensing	26868	R432-1	5YR	1/5/2004	2004-3/44
	26876	R432-2	5YR	1/5/2004	2004-3/45
	26875	R432-3	5YR	1/5/2004	2004-3/45
	26869	R432-4	5YR	1/5/2004	2004-3/46
	26877	R432-5	5YR	1/5/2004	2004-3/46
	26886	R432-6	5YR	1/8/2004	2004-3/47
	27374	R432-100-7	AMD	11/10/2004	2004-18/24
	26755	R432-100-16	AMD	1/9/2004	2003-22/24
	27186	R432-100-17	AMD	7/19/2004	2004-12/57
	26993	R432-150-6	AMD	5/26/2004	2004-7/13
	27372	R432-150-16	AMD	11/10/2004	2004-18/25
	26992	R432-270-29b	AMD	5/26/2004	2004-7/15

HEALTH INSURANCE

Human Services; Recovery Services	27434	R527-201	AMD	11/30/2004	2004-20/15
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Insurance; Administration	27150	R590-167	CPR	10/7/2004	2004-17/49
	27150	R590-167	AMD	10/7/2004 see CPR in 09/01/2004 Bulletin	2004-11/60
	27484	R590-167	NSC	12/1/2004	Not Printed
<u>HEALTH INSURANCE FILINGS</u>					
Insurance; Administration	26806	R590-220	NEW	3/24/2004 see CPR in 02/15/2004 Bulletin	2003-24/33
	26806	R590-220	CPR	3/24/2004	2004-4/61
	27013	R590-220	NSC	4/1/2004	Not Printed
<u>HEALTH PLANNING</u>					
Health; Center for Health Data, Health Care Statistics	26800	R428-10	AMD	2/27/2004	2003-23/36
	26799	R428-11	AMD	2/27/2004	2003-23/37
<u>HEARING AIDS</u>					
Commerce; Occupational and Professional Licensing	27247	R156-46a	5YR	6/24/2004	2004-14/56
<u>HEARINGS</u>					
Labor Commission; Adjudication	26773	R602-2-1	AMD	1/2/2004	2003-23/47
	27492	R602-2-4	AMD	12/2/2004	2004-21/17
<u>HELP AMERICA VOTE ACT</u>					
Lieutenant Governor; Elections	27123	R623-2	NEW	6/16/2004	2004-10/24
<u>HIGHER EDUCATION</u>					
Regents (Board Of); Administration	27390	R765-605	AMD	10/19/2004	2004-18/52
	27431	R765-605-3	NSC	11/1/2004	Not Printed
	27387	R765-612	AMD	10/19/2004	2004-18/56
<u>HIGHWAYS</u>					
Transportation; Administration	26720	R907-67	NEW	1/5/2004	2003-22/50
Transportation; Operations, Maintenance	27111	R918-4	AMD	7/20/2004	2004-10/33
<u>HIRING PRACTICES</u>					
Human Resource Management; Administration	27163	R477-4	AMD	7/2/2004	2004-11/33
<u>HISTORIC PRESERVATION</u>					
Tax Commission; Auditing	27388	R865-6F-8	AMD	10/19/2004	2004-18/58
	27386	R865-6F-36	AMD	10/19/2004	2004-18/61
	27093	R865-9I-38	AMD	6/29/2004	2004-9/18
<u>HMO INSURANCE</u>					
Insurance; Administration	27445	R590-76	5YR	9/23/2004	2004-20/81
<u>HOLIDAYS</u>					
Human Resource Management; Administration	27166	R477-7	AMD	7/2/2004	2004-11/42
	27272	R477-7-16	NSC	7/2/2004	Not Printed
<u>HOSPITAL</u>					
Health; Health Care Financing, Coverage and Reimbursement Policy	27222	R414-1B	EMR	6/9/2004	2004-13/64
	27227	R414-1B	NEW	10/6/2004 see CPR in 09/01/2004 Bulletin	2004-13/4
<u>HOSPITAL POLICY</u>					
Health; Center for Health Data, Health Care Statistics	26800	R428-10	AMD	2/27/2004	2003-23/36
	26799	R428-11	AMD	2/27/2004	2003-23/37
<u>HOSPITALS</u>					
Health; Health Care Financing, Coverage and Reimbursement Policy	27227	R414-1B	CPR	10/6/2004	2004-17/48

HOSTILE WORK ENVIRONMENT

Human Resource Management; Administration	27175	R477-15	NSC	7/1/2004	Not Printed
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HUMAN SERVICES

Human Services; Administration, Administrative Services, Licensing	27008	R501-1	NSC	4/1/2004	Not Printed
	26925	R501-2	AMD	3/17/2004	2004-4/16
	27135	R501-2	NSC	7/1/2004	Not Printed
	26904	R501-7	AMD	5/28/2004	2004-4/22
	27229	R501-7	AMD	8/5/2004	2004-13/28
	27415	R501-7	NSC	10/1/2004	Not Printed
	27255	R501-8	NSC	7/1/2004	Not Printed
	27256	R501-12	NSC	7/1/2004	Not Printed
	27275	R501-12	AMD	9/9/2004	2004-15/46
	27417	R501-12-8	NSC	10/1/2004	Not Printed
	26804	R501-16	AMD	4/12/2004	2003-24/29
	26874	R501-16	NSC	5/1/2004	Not Printed
Human Services; Services for People with Disabilities	27233	R539-1	AMD	8/19/2004	2004-13/35
	27356	R539-1	NSC	11/1/2004	Not Printed

HUNTING

Natural Resources; Wildlife Resources	26819	R657-38	AMD	1/21/2004	2003-24/56
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HUNTING AND FISHING LICENSES

Natural Resources; Wildlife Resources	26818	R657-17-4	AMD	1/21/2004	2003-24/55
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IGNITION INTERLOCK SYSTEM

Public Safety; Driver License	27364	R708-31	5YR	8/25/2004	2004-18/86
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IMPLEMENTS OF HUSBANDRY

Transportation; Motor Carrier	26823	R909-1	AMD	3/1/2004	2003-24/66
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INCOME

Health; Health Care Financing, Coverage and Reimbursement Policy	27230	R414-303	AMD	8/26/2004	2004-13/7
	27378	R414-303	AMD	10/16/2004	2004-18/18
	27232	R414-304	AMD	8/26/2004	2004-13/14
	27379	R414-304	AMD	10/16/2004	2004-18/21
Human Services; Recovery Services	27391	R527-300	AMD	11/30/2004	2004-18/27

INCOME TAX

Tax Commission; Auditing	27093	R865-91-38	AMD	6/29/2004	2004-9/18
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INCOME WITHHOLDING FEES

Human Services; Recovery Services	27109	R527-302	5YR	4/21/2004	2004-10/38
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INDEPENDENT LIVING

Human Services; Child and Family Services	27243	R512-306	EMR	6/22/2004	2004-14/50
	27321	R512-306	NEW	9/22/2004	2004-16/24

INDUSTRIAL WASTE

Environmental Quality; Water Quality	26796	R317-1	AMD	3/29/2004	2003-23/16
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INFORMAL ADJUDICATIVE PROCEEDINGS

Labor Commission; Industrial Accidents	27595	R612-9	5YR	12/17/2004	Not Printed
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INFORMAL REVIEW

Public Service Commission; Administration	26780	R746-200-6	AMD	1/7/2004	2003-23/76
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INFORMATION TECHNOLOGY RESOURCES

Governor; Planning and Budget, Chief Information Officer	27119	R365-7	NEW	6/28/2004	2004-10/20
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INMATES

Education; Administration	26870	R277-735	5YR	1/5/2004	2004-3/43
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IN-SERVICE TRAINING

Public Safety; Peace Officer Standards and Training	27317	R728-502	NEW	12/10/2004	2004-16/29
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INSPECTIONS

Agriculture and Food; Animal Industry	26990	R58-20	5YR	3/5/2004	2004-7/35
	26989	R58-20-5	AMD	5/4/2004	2004-7/3
Agriculture and Food; Plant Industry	26949	R68-20-1	AMD	4/1/2004	2004-5/2
	26987	R68-20-1	NSC	5/1/2004	Not Printed
Agriculture and Food; Regulatory Services	27424	R70-960	NEW	11/2/2004	2004-19/4

INSTRUCTIONAL MATERIALS

Education; Administration	26999	R277-469	AMD	5/5/2004	2004-7/5
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INSTRUCTOR CERTIFICATION

Public Safety; Peace Officer Standards and Training	27317	R728-502	NEW	12/10/2004	2004-16/29
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INSURANCE

Human Resource Management; Administration	27165	R477-6	AMD	7/2/2004	2004-11/37
Insurance; Administration	26787	R590-102	AMD	1/8/2004	2003-23/39
	27345	R590-102	AMD	10/7/2004	2004-17/14
	26882	R590-102-5	NSC	2/1/2004	Not Printed
	27134	R590-160-5	NSC	7/1/2004	Not Printed
	27126	R590-166	5YR	4/28/2004	2004-10/39
	27451	R590-167	5YR	9/28/2004	2004-20/84
	26976	R590-170	5YR	3/1/2004	2004-6/62
	27478	R590-175	NSC	12/1/2004	Not Printed
	27082	R590-229	NEW	10/7/2004 see CPR (First) in 07/01/2004 Bulletin	2004-9/12
	27082	R590-229	CPR	10/7/2004 see CPR (Second) in 09/01/2004 Bulletin	2004-13/60
	27082	R590-229	CPR	10/7/2004	2004-17/53
	27083	R590-230	NEW	6/3/2004	2004-9/14
	27339	R590-230-5	NSC	9/1/2004	Not Printed

INSURANCE BENEFITS

Insurance; Administration	27191	R590-204	REP	7/27/2004	2004-12/60
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INSURANCE COMPANIES

Insurance; Administration	27446	R590-127	5YR	9/24/2004	2004-20/83
	27449	R590-129	5YR	9/28/2004	2004-20/84
	27476	R590-129-1	NSC	12/1/2004	Not Printed

INSURANCE LAW

Insurance; Administration	27452	R590-67	5YR	9/28/2004	2004-20/81
	27447	R590-79	5YR	9/27/2004	2004-20/82
	27450	R590-83	5YR	9/28/2004	2004-20/83
	27477	R590-83-1	NSC	12/1/2004	Not Printed
	26978	R590-86	REP	4/23/2004	2004-6/53
	27121	R590-93	5YR	4/28/2004	2004-10/38
	27122	R590-98	5YR	4/28/2004	2004-10/39
	27287	R590-136	NSC	8/1/2004	Not Printed
	27113	R590-190	5YR	4/26/2004	2004-10/40
	27114	R590-190-1	NSC	5/1/2004	Not Printed
	27115	R590-191	5YR	4/26/2004	2004-10/40
	27116	R590-191-1	NSC	5/1/2004	Not Printed
	27319	R590-192	5YR	7/30/2004	2004-16/33

INSURANCE LICENSING

Insurance; Administration	27011	R590-195	5YR	3/19/2004	2004-8/97
	27010	R590-195	NSC	6/1/2004	Not Printed

INTERCONNECTION

Public Service Commission; Administration	26826	R746-348-6	AMD	4/13/2004	2003-24/65
	26883	R746-365	5YR	1/6/2004	2004-3/49

2004 RULES INDEX

INTEREST BUY-DOWNS

Environmental Quality; Drinking Water	26974	R309-700	AMD	8/6/2004 see CPR in 07/01/2004 Bulletin	2004-6/31
	26974	R309-700	CPR	8/6/2004	2004-13/53

INTERNET ACCESS

Community and Economic Development; Community Development, Library	27125	R223-2-2	AMD	9/8/2004	2004-10/17
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INTERPRETERS

Education; Rehabilitation	27532	R280-203	5YR	11/5/2004	2004-23/57
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INTERSTATE HIGHWAY SYSTEM

Transportation; Administration	26878	R907-64	5YR	1/5/2004	2004-3/49
	26879	R907-65	5YR	1/5/2004	2004-3/50

INVENTORIES

Environmental Quality; Air Quality	26942	R307-150	5YR	2/9/2004	2004-5/43
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INVESTMENT ADVISERS

Money Management Council; Administration	26676	R628-19	NEW	2/10/2004 see CPR in 01/01/2004 Bulletin	2003-20/27
	26676	R628-19	CPR	2/10/2004	2004-1/38

IT BID COMMITTEE

Governor; Planning and Budget, Chief Information Officer	27398	R365-10	NEW	11/8/2004	2004-19/38
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IT PLANNING

Governor; Planning and Budget, Chief Information Officer	27108	R365-6	NEW	6/28/2004	2004-10/18
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IT STANDARDS COUNCIL

Governor; Planning and Budget, Chief Information Officer	27398	R365-10	NEW	11/8/2004	2004-19/38
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JOB DESCRIPTIONS

Human Resource Management; Administration	27162	R477-3	AMD	7/2/2004	2004-11/32
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JURISDICTION

Workforce Services; Workforce Information and Payment Services	26924	R994-406	AMD	4/4/2004	2004-4/45
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JUVENILE CORRECTIONS

Human Services; Youth Corrections	27261	R547-1	NSC	7/1/2004	Not Printed
	27262	R547-3	NSC	7/1/2004	Not Printed
	27264	R547-6	NSC	7/1/2004	Not Printed
	27265	R547-7	NSC	7/1/2004	Not Printed
	27284	R547-10	NSC	7/1/2004	Not Printed
	27266	R547-12	NSC	7/1/2004	Not Printed
	27263	R547-13	NSC	7/1/2004	Not Printed

JUVENILE DETENTION

Human Services; Youth Corrections	27263	R547-13	NSC	7/1/2004	Not Printed
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JUVENILE OFFENDERS

Education; Administration	27412	R277-714	5YR	9/7/2004	2004-19/51
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LABORATORIES

Health; Epidemiology and Laboratory Services, Laboratory Improvement	27234	R444-14	AMD	8/9/2004	2004-13/26
	26968	R438-13	5YR	2/27/2004	2004-6/61

LABORATORY ANIMALS

Health; Epidemiology and Laboratory Services, Laboratory Services	26968	R438-13	5YR	2/27/2004	2004-6/61
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LAW

Public Safety; Fire Marshal	26788	R710-9	AMD	1/2/2004	2003-23/72
	26919	R710-9	EMR	1/28/2004	2004-4/70
	27002	R710-9	AMD	5/5/2004	2004-7/23

LAW ENFORCEMENT

Public Safety; Highway Patrol	27100	R714-600	NSC	8/6/2004 see 5YR DAR No. 27337	Not Printed
	27337	R714-600	5YR	8/6/2004	2004-17/57

LAW ENFORCEMENT OFFICER CERTIFICATION

Public Safety; Administration	26969	R698-4	5YR	2/27/2004	2004-6/62
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LAW ENFORCEMENT OFFICERS

Public Safety; Peace Officer Standards and Training	27317	R728-502	NEW	12/10/2004	2004-16/29
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LEARNER PERMIT

Public Safety; Driver License	27362	R708-26	5YR	8/25/2004	2004-18/85
	27363	R708-26	NSC	9/1/2004	Not Printed

LEAVE BENEFITS

Human Resource Management; Administration	27166	R477-7	AMD	7/2/2004	2004-11/42
	27272	R477-7-16	NSC	7/2/2004	Not Printed

LIBRARIES

Community and Economic Development; Community Development, Library	27125	R223-2-2	AMD	9/8/2004	2004-10/17
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LICENSE

Education; Administration	26851	R277-520	R&R	2/5/2004	2004-1/20
	27210	R277-520	AMD	7/16/2004	2004-12/21
	27411	R277-521	5YR	9/7/2004	2004-19/50

LICENSING

Commerce; Administration	27312	R151-33	AMD	9/15/2004	2004-16/8
Commerce; Occupational and Professional Licensing	27358	R156-1	EMR	8/24/2004	2004-18/79
	27377	R156-1	AMD	10/18/2004	2004-18/4
	26805	R156-1-106	AMD	1/20/2004	2003-24/4
	27103	R156-1-302	NSC	6/1/2004	Not Printed
	26917	R156-5a	5YR	1/27/2004	2004-4/74
	26754	R156-17a-612	AMD	2/19/2004 see CPR in 01/15/2004 Bulletin	2003-22/11
	26754	R156-17a-612	CPR	2/19/2004	2004-2/10
	26786	R156-26a-303b	AMD	1/6/2004	2003-23/7
	27019	R156-26a-303b	AMD	5/24/2004	2004-8/32
	27567	R156-31c	5YR	11/29/2004	2004-24/67
	26916	R156-37c	5YR	1/27/2004	2004-4/74
	26834	R156-38	AMD	2/3/2004	2004-1/5
	27020	R156-38	CPR	7/26/2004	2004-12/73
	27020	R156-38	AMD	7/26/2004 see CPR in 06/15/2004 Bulletin	2004-8/39
	26915	R156-39a	5YR	1/27/2004	2004-4/75
	27400	R156-42a	5YR	9/2/2004	2004-19/48
	27224	R156-44a	5YR	6/10/2004	2004-13/66
	27247	R156-46a	5YR	6/24/2004	2004-14/56
	26937	R156-47b	AMD	6/7/2004	2004-5/5
	26580	R156-54-302b	CPR	1/20/2004	2003-24/70
	26580	R156-54-302b	AMD	1/20/2004 see CPR in 12/15/2003 Bulletin	2003-18/4
	27441	R156-55a-301	NSC	10/1/2004	Not Printed
	27112	R156-55b	AMD	6/15/2004	2004-10/6

2004 RULES INDEX

	27394	R156-55b-302c	NSC	12/1/2004	Not Printed
	27188	R156-55d-302f	AMD	10/5/2004 see CPR in 09/01/2004 Bulletin	2004-12/4
	27188	R156-55d-302f	CPR	10/5/2004	2004-17/47
	27101	R156-56	AMD	8/17/2004 see CPR in 07/15/2004 Bulletin	2004-9/5
	27101	R156-56	CPR	8/17/2004	2004-14/37
	27489	R156-56	AMD	1/1/2005	2004-21/6
	27474	R156-56-704	NSC	12/1/2004	Not Printed
	27490	R156-56-704	AMD	1/1/2005	2004-21/11
	27501	R156-60	5YR	10/21/2004	2004-22/68
	27285	R156-60a	AMD	9/1/2004	2004-15/17
	27502	R156-60a	5YR	10/21/2004	2004-22/68
	27503	R156-60b	5YR	10/21/2004	2004-22/69
	27225	R156-61	5YR	6/10/2004	2004-13/67
	26888	R156-63	AMD	3/4/2004	2004-3/5
	26956	R156-68	AMD	4/15/2004	2004-6/2
	26998	R156-71-202	AMD	5/4/2004	2004-7/3
	27140	R156-71-202	NSC	6/1/2004	Not Printed
	27355	R156-73	AMD	10/18/2004	2004-18/13
	26927	R156-74	5YR	2/2/2004	2004-4/75
	26777	R156-76-102	AMD	1/20/2004	2003-23/14
Human Services; Administration, Administrative Services, Licensing	27008	R501-1	NSC	4/1/2004	Not Printed
	26925	R501-2	AMD	3/17/2004	2004-4/16
	27135	R501-2	NSC	7/1/2004	Not Printed
	26904	R501-7	AMD	5/28/2004	2004-4/22
	27229	R501-7	AMD	8/5/2004	2004-13/28
	27415	R501-7	NSC	10/1/2004	Not Printed
	27255	R501-8	NSC	7/1/2004	Not Printed
	27256	R501-12	NSC	7/1/2004	Not Printed
	27275	R501-12	AMD	9/9/2004	2004-15/46
	27417	R501-12-8	NSC	10/1/2004	Not Printed
	26804	R501-16	AMD	4/12/2004	2003-24/29
	26874	R501-16	NSC	5/1/2004	Not Printed
Human Services; Youth Corrections	27261	R547-1	NSC	7/1/2004	Not Printed
	27265	R547-7	NSC	7/1/2004	Not Printed
Labor Commission; Antidiscrimination and Labor, Labor Natural Resources; Wildlife Resources	27228	R610-4	5YR	6/11/2004	2004-13/71
Public Safety; Driver License	27158	R657-27	AMD	7/2/2004	2004-11/77
	27051	R708-10	NSC	6/1/2004	Not Printed
	27360	R708-10	5YR	8/25/2004	2004-18/84
	27365	R708-24	5YR	8/25/2004	2004-18/85
<u>LIENS</u>					
Commerce; Occupational and Professional Licensing	26834	R156-38	AMD	2/3/2004	2004-1/5
	27020	R156-38	AMD	7/26/2004 see CPR in 06/15/2004 Bulletin	2004-8/39
	27020	R156-38	CPR	7/26/2004	2004-12/73
<u>LIFE INSURANCE FILINGS</u>					
Insurance; Administration	26951	R590-226	NEW	4/8/2004	2004-5/14
<u>LIQUEFIED PETROLEUM GAS</u>					
Public Safety; Fire Marshal	26801	R710-6	AMD	1/16/2004	2003-24/63
	26938	R710-6-1	AMD	4/1/2004	2004-5/32
	27351	R710-6-6	AMD	10/4/2004	2004-17/27

LOANS

Environmental Quality; Drinking Water	26974	R309-700	CPR	8/6/2004	2004-13/53
	26974	R309-700	AMD	8/6/2004 see CPR in 07/01/2004 Bulletin	2004-6/31
	26975	R309-705	CPR	8/6/2004	2004-13/57
	26975	R309-705	AMD	8/6/2004 see CPR in 07/01/2004 Bulletin	2004-6/39
Environmental Quality; Water Quality	27180	R317-103	REP	8/20/2004	2004-11/16

LOBBYIST

Lieutenant Governor; Elections	27381	R623-1	AMD	10/19/2004	2004-18/28
	27530	R623-1	5YR	11/4/2004	2004-23/61

LOBBYIST LICENSE

Lieutenant Governor; Elections	27530	R623-1	5YR	11/4/2004	2004-23/61
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LOBBYIST REGISTRATION

Lieutenant Governor; Elections	27530	R623-1	5YR	11/4/2004	2004-23/61
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LT. GOVERNOR

Lieutenant Governor; Administration	27221	R622-2	5YR	6/9/2004	2004-13/71
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MACT

Environmental Quality; Air Quality	26887	R307-214	NSC	2/9/2004 see 5YR DAR No. 26939	Not Printed
	26939	R307-214	5YR	2/9/2004	2004-5/44
	27293	R307-214-2	AMD	10/7/2004	2004-15/28

MANAGEMENT

Natural Resources; Forestry, Fire and State Lands	26865	R652-40-1800	AMD	2/24/2004	2004-2/2
	27070	R652-41-1300	AMD	6/4/2004	2004-9/17

MARRIAGE AND FAMILY THERAPIST

Commerce; Occupational and Professional Licensing	27503	R156-60b	5YR	10/21/2004	2004-22/69
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MASSAGE THERAPY

Commerce; Occupational and Professional Licensing	26937	R156-47b	AMD	6/7/2004	2004-5/5
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MEDIATION

Commerce; Occupational and Professional Licensing	26915	R156-39a	5YR	1/27/2004	2004-4/75
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MEDICAID

Health; Health Care Financing, Coverage and Reimbursement Policy	26955	R414-1-5	AMD	5/19/2004	2004-6/47
	27189	R414-1-14	AMD	7/19/2004	2004-12/52
	27023	R414-1A	AMD	5/25/2004	2004-8/68
	27222	R414-1B	EMR	6/9/2004	2004-13/64
	27227	R414-1B	CPR	10/6/2004	2004-17/48
	27227	R414-1B	NEW	10/6/2004 see CPR in 09/01/2004 Bulletin	2004-13/4
	27535	R414-7A	5YR	11/8/2004	2004-23/58
	27524	R414-7B	5YR	11/3/2004	2004-23/58
	26854	R414-9	NEW	2/3/2004	2004-1/26
	27151	R414-9	NSC	6/1/2004	Not Printed
	27525	R414-11	5YR	11/3/2004	2004-23/59
	27482	R414-14	5YR	10/6/2004	2004-21/39
	27481	R414-14A	5YR	10/6/2004	2004-21/39
	27426	R414-25	REP	11/3/2004	2004-19/40
	27315	R414-26	REP	9/16/2004	2004-16/10
	27483	R414-31	5YR	10/6/2004	2004-21/40
	27327	R414-33B	NEW	10/15/2004	2004-16/12

	27323	R414-34	NEW	10/15/2004	2004-16/14
	27516	R414-35	NEW	12/16/2004	2004-22/17
	27322	R414-36	NEW	11/3/2004	2004-16/15
	26964	R414-49	AMD	5/7/2004	2004-6/48
	27176	R414-49	AMD	7/2/2004	2004-11/17
	27541	R414-49	5YR	11/12/2004	2004-23/59
	26802	R414-50	AMD	1/28/2004	2003-24/13
	27526	R414-50	5YR	11/3/2004	2004-23/60
	26782	R414-51	AMD	1/28/2004	2003-23/25
	26783	R414-53	AMD	1/28/2004	2003-23/28
	26803	R414-54	AMD	1/28/2004	2003-24/14
	27012	R414-54	5YR	3/23/2004	2004-8/94
	27366	R414-54	AMD	10/25/2004	2004-18/17
	27049	R414-55	AMD	6/17/2004	2004-8/69
	27231	R414-71	NEW	8/5/2004	2004-13/5
	27385	R414-71	NSC	9/1/2004	Not Printed
	27316	R414-90	NEW	9/16/2004	2004-16/17
	26809	R414-99	NEW	2/17/2004	2003-24/15
	27314	R414-140	NEW	9/16/2004	2004-16/19
	26811	R414-300	NEW	2/10/2004	2003-24/17
	26965	R414-305-3	AMD	5/7/2004	2004-6/50
	26810	R414-310	AMD	2/10/2004	2003-24/18
	27515	R414-310	AMD	12/16/2004	2004-22/18
	27143	R414-401	NEW	7/2/2004	2004-11/19
	27370	R414-501	5YR	8/27/2004	2004-18/82
	27371	R414-502	5YR	8/27/2004	2004-18/82
	27373	R414-503	5YR	8/27/2004	2004-18/83
	27171	R414-504	AMD	7/2/2004	2004-11/20
	27325	R414-504	AMD	9/15/2004	2004-16/20
Human Services; Recovery Services	27434	R527-201	AMD	11/30/2004	2004-20/15
<u>MEDICAL MALPRACTICE</u>					
Commerce; Occupational and Professional Licensing	27328	R156-78A-9	NSC	9/1/2004	Not Printed
<u>MEDICAL TRANSPORTATION</u>					
Health; Health Care Financing, Coverage and Reimbursement Policy	27216	R414-306	AMD	7/19/2004	2004-12/53
	27334	R414-306	NSC	11/1/2004	Not Printed
<u>MENTAL HEALTH</u>					
Commerce; Occupational and Professional Licensing	27501	R156-60	5YR	10/21/2004	2004-22/68
<u>METHADONE PROGRAMS</u>					
Human Services; Substance Abuse	27509	R544-2 (Changed to R523-21)	NSC	12/1/2004	Not Printed
<u>MIDWIFERY</u>					
Commerce; Occupational and Professional Licensing	27224	R156-44a	5YR	6/10/2004	2004-13/66
<u>MIGRATORY BIRDS</u>					
Natural Resources; Wildlife Resources	27367	R657-9	AMD	10/19/2004	2004-18/47
<u>MILITARY VOTER</u>					
Lieutenant Governor; Elections	27406	R623-4	EMR	9/10/2004	2004-19/45
<u>MINERALS RECLAMATION</u>					
Natural Resources; Oil, Gas and Mining; Non-Coal	27015	R647-1-106	AMD	6/1/2004	2004-8/74
	27016	R647-6	NEW	6/1/2004	2004-8/76
	27017	R647-7	NEW	6/1/2004	2004-8/79
	27018	R647-8	NEW	6/1/2004	2004-8/83
<u>MOTOR CARRIER</u>					
Public Safety; Highway Patrol	27100	R714-600	NSC	8/6/2004 see 5YR DAR No. 27337	Not Printed
	27337	R714-600	5YR	8/6/2004	2004-17/57

<u>MOTOR FUEL</u>					
Tax Commission; Auditing	27269	R865-13G-10	AMD	9/14/2004	2004-14/32
<u>MOTORCYCLE RIDER TRAINING SCHOOLS</u>					
Public Safety; Driver License	26918	R708-30	5YR	1/27/2004	2004-4/76
<u>NATURAL RESOURCES</u>					
Natural Resources; Forestry, Fire and State Lands	26865	R652-40-1800	AMD	2/24/2004	2004-2/2
	27070	R652-41-1300	AMD	6/4/2004	2004-9/17
<u>NATUROPATHIC PHYSICIAN</u>					
Commerce; Occupational and Professional Licensing	26998	R156-71-202	AMD	5/4/2004	2004-7/3
	27140	R156-71-202	NSC	6/1/2004	Not Printed
<u>NATUROPATHS</u>					
Commerce; Occupational and Professional Licensing	26998	R156-71-202	AMD	5/4/2004	2004-7/3
	27140	R156-71-202	NSC	6/1/2004	Not Printed
<u>NCLB</u>					
Education; Administration	26853	R277-524	NEW	2/5/2004	2004-1/25
<u>NETWORK INTERCONNECTION</u>					
Public Service Commission; Administration	26826	R746-348-6	AMD	4/13/2004	2003-24/65
<u>NEWBORNS SCREENING</u>					
Health; Community and Family Health Services, Children with Special Health Care Needs	27443	R398-1	5YR	9/22/2004	2004-20/76
<u>NOISE</u>					
Transportation; Preconstruction	27156	R930-3	AMD	7/20/2004	2004-11/84
<u>NOISE WALLS</u>					
Transportation; Preconstruction	27156	R930-3	AMD	7/20/2004	2004-11/84
<u>NONPROFIT ORGANIZATION</u>					
Workforce Services; Workforce Information and Payment Services	27297	R994-309	5YR	7/14/2004	2004-15/66
<u>NURSERIES (AGRICULTURAL)</u>					
Agriculture and Food; Plant Industry	27320	R68-6	AMD	9/15/2004	2004-16/5
	27397	R68-6-5	NSC	12/1/2004	Not Printed
<u>NURSES</u>					
Commerce; Occupational and Professional Licensing	27567	R156-31c	5YR	11/29/2004	2004-24/67
<u>NURSING FACILITY</u>					
Health; Health Care Financing, Coverage and Reimbursement Policy	27143	R414-401	NEW	7/2/2004	2004-11/19
<u>NUTRITION</u>					
Education; Administration	26830	R277-720	AMD	1/15/2004	2003-24/10
	26848	R277-720	NSC	2/1/2004	Not Printed
<u>OCCUPATIONAL LICENSING</u>					
Commerce; Occupational and Professional Licensing	27358	R156-1	EMR	8/24/2004	2004-18/79
	27377	R156-1	AMD	10/18/2004	2004-18/4
	26805	R156-1-106	AMD	1/20/2004	2003-24/4
	27103	R156-1-302	NSC	6/1/2004	Not Printed
	27401	R156-46b	AMD	11/2/2004	2004-19/6
	27441	R156-55a-301	NSC	10/1/2004	Not Printed
	27112	R156-55b	AMD	6/15/2004	2004-10/6
	27394	R156-55b-302c	NSC	12/1/2004	Not Printed
<u>OCCUPATIONAL THERAPY</u>					
Commerce; Occupational and Professional Licensing	27400	R156-42a	5YR	9/2/2004	2004-19/48
<u>OFF-HIGHWAY VEHICLES</u>					
Natural Resources; Parks and Recreation	27304	R651-406	AMD	10/1/2004	2004-15/51
	27183	R651-411	NEW	7/19/2004	2004-12/61

2004 RULES INDEX

	27181	R651-601-17	AMD	7/19/2004	2004-12/62
	27185	R651-615-7	AMD	7/19/2004	2004-12/65
<u>OFFSET</u>					
Environmental Quality; Air Quality	27107	R307-420	NSC	6/8/2004 see 5YR DAR No. 27218	Not Printed
	27218	R307-420	5YR	6/8/2004	2004-13/69
<u>ONLINE TESTING</u>					
Education; Administration	27202	R277-402	NEW	7/16/2004	2004-12/5
<u>OPERATING PERMITS</u>					
Environmental Quality; Air Quality	26940	R307-415	5YR	2/9/2004	2004-5/45
	26947	R307-415-6c	CPR	8/3/2004	2004-13/52
	26947	R307-415-6c	AMD	8/3/2004 see CPR in 07/01/2004 Bulletin	2004-5/10
	26941	R307-417	5YR	2/9/2004	2004-5/45
<u>OPERATOR CERTIFICATION</u>					
Environmental Quality; Water Quality	27022	R317-10	AMD	6/23/2004	2004-8/52
<u>ORGAN TRANSPLANTS</u>					
Health; Health Care Financing, Coverage and Reimbursement Policy	26935	R414-58	5YR	2/3/2004	2004-5/46
<u>ORTHODONTIA</u>					
Health; Health Care Financing, Coverage and Reimbursement Policy	26782	R414-51	AMD	1/28/2004	2003-23/25
<u>OSTEOPATHIC PHYSICIAN</u>					
Commerce; Occupational and Professional Licensing	26956	R156-68	AMD	4/15/2004	2004-6/2
<u>OSTEOPATHS</u>					
Commerce; Occupational and Professional Licensing	26956	R156-68	AMD	4/15/2004	2004-6/2
<u>OVERPAYMENTS</u>					
Workforce Services; Workforce Information and Payment Services	27583	R994-305	5YR	12/10/2004	2005-1/96
	27237	R994-305-801	AMD	8/3/2004	2004-13/49
	26924	R994-406	AMD	4/4/2004	2004-4/45
	27473	R994-406-505	AMD	11/16/2004	2004-20/73
<u>OVERSEAS CITIZEN VOTER</u>					
Lieutenant Governor; Elections	27406	R623-4	EMR	9/10/2004	2004-19/45
<u>OVERTIME</u>					
Human Resource Management; Administration	27167	R477-8	AMD	7/2/2004	2004-11/50
	27273	R477-8-6	NSC	7/2/2004	Not Printed
<u>OZONE</u>					
Environmental Quality; Air Quality	26896	R307-110-12	AMD	5/18/2004 see CPR in 04/15/2004 Bulletin	2004-3/12
	26896	R307-110-12	CPR	5/18/2004	2004-8/87
	26983	R307-110-12	NSC	5/18/2004	Not Printed
	27295	R307-110-12	CPR	12/2/2004	2004-21/34
	27295	R307-110-12	AMD	12/2/2004 see CPR in 11/01/2004 Bulletin	2004-15/23
	26946	R307-110-28	AMD	6/8/2004	2004-5/9

	26898	R307-110-31	CPR	5/18/2004	2004-8/87
	26898	R307-110-31	AMD	5/18/2004 see CPR in 04/15/2004 Bulletin	2004-3/13
	27296	R307-110-33	AMD	10/7/2004	2004-15/24
	26899	R307-110-34	AMD	5/18/2004 see CPR in 04/15/2004 Bulletin	2004-3/14
	26899	R307-110-34	CPR	5/18/2004	2004-8/88
	27344	R307-110-35	AMD	11/4/2004	2004-17/13
	26897	R307-301	AMD	5/18/2004	2004-3/15
	27487	R307-326-7	NSC	12/1/2004	Not Printed
	27144	R307-343	NSC	6/8/2004 see 5YR DAR No. 27219	Not Printed
	27219	R307-343	5YR	6/8/2004	2004-13/69
	27107	R307-420	NSC	6/8/2004 see 5YR DAR No. 27218	Not Printed
	27218	R307-420	5YR	6/8/2004	2004-13/69
<u>PALEONTOLOGICAL RESOURCES</u>					
Regents (Board Of); University of Utah, Museum of Natural History (Utah)	26913	R807-1	5YR	1/26/2004	2004-4/77
<u>PARAPROFESSIONAL QUALIFICATIONS</u>					
Education; Administration	26853	R277-524	NEW	2/5/2004	2004-1/25
<u>PARENTAL RIGHTS</u>					
Human Services; Administration	26936	R495-882	NEW	6/29/2004	2004-5/13
<u>PARKS</u>					
Natural Resources; Parks and Recreation	27153	R651-407	AMD	7/5/2004	2004-11/71
	27183	R651-411	NEW	7/19/2004	2004-12/61
	27181	R651-601-17	AMD	7/19/2004	2004-12/62
	26776	R651-611	AMD	1/6/2004	2003-23/52
	26948	R651-611	AMD	4/1/2004	2004-5/29
	27184	R651-611	AMD	7/19/2004	2004-12/62
	27305	R651-611	AMD	9/1/2004	2004-15/52
	27185	R651-615-7	AMD	7/19/2004	2004-12/65
	27154	R651-619-2	AMD	7/5/2004	2004-11/72
	27442	R651-620	AMD	11/16/2004	2004-20/32
	27152	R651-626	AMD	7/5/2004	2004-11/73
	27139	R651-633	5YR	5/3/2004	2004-11/91
	27306	R651-634-1	AMD	9/1/2004	2004-15/54
<u>PAROLE</u>					
Human Services; Youth Corrections	27264	R547-6	NSC	7/1/2004	Not Printed
<u>PARTICULATE MATTER</u>					
Environmental Quality; Air Quality	26896	R307-110-12	CPR	5/18/2004	2004-8/87
	26896	R307-110-12	AMD	5/18/2004 see CPR in 04/15/2004 Bulletin	2004-3/12
	26983	R307-110-12	NSC	5/18/2004	Not Printed
	27295	R307-110-12	CPR	12/2/2004	2004-21/34
	27295	R307-110-12	AMD	12/2/2004 see CPR in 11/01/2004 Bulletin	2004-15/23
	26946	R307-110-28	AMD	6/8/2004	2004-5/9

2004 RULES INDEX

	26898	R307-110-31	AMD	5/18/2004 see CPR in 04/15/2004 Bulletin	2004-3/13
	26898	R307-110-31	CPR	5/18/2004	2004-8/87
	27296	R307-110-33	AMD	10/7/2004	2004-15/24
	26899	R307-110-34	AMD	5/18/2004 see CPR in 04/15/2004 Bulletin	2004-3/14
	26899	R307-110-34	CPR	5/18/2004	2004-8/88
	27344	R307-110-35	AMD	11/4/2004	2004-17/13
	26897	R307-301	AMD	5/18/2004	2004-3/15
<u>PEDESTRIANS</u>					
Regents (Board Of); University of Utah, Administration	26914	R805-1	5YR	1/27/2004	2004-4/76
<u>PEER REVIEW</u>					
Commerce; Occupational and Professional Licensing	26786	R156-26a-303b	AMD	1/6/2004	2003-23/7
	27019	R156-26a-303b	AMD	5/24/2004	2004-8/32
<u>PENALTIES</u>					
Labor Commission; Industrial Accidents	27595	R612-9	5YR	12/17/2004	Not Printed
<u>PER DIEM ALLOWANCES</u>					
Administrative Services; Finance	27120	R25-7	AMD	7/1/2004	2004-10/4
	27164	R25-7-6	AMD	7/2/2004	2004-11/4
<u>PERMITS</u>					
Natural Resources; Wildlife Resources	26820	R657-42	AMD	1/21/2004	2003-24/61
	27239	R657-42	AMD	8/3/2004	2004-13/41
	27240	R657-50	AMD	8/3/2004	2004-13/44
Transportation; Motor Carrier, Ports of Entry	26881	R912-14	5YR	1/5/2004	2004-3/51
<u>PERMITTING AUTHORITY</u>					
Environmental Quality; Air Quality	26941	R307-417	5YR	2/9/2004	2004-5/45
<u>PERSONAL PROPERTY</u>					
Tax Commission; Property Tax	26910	R884-24P-24	NSC	1/27/2004	Not Printed
	27190	R884-24P-24	AMD	8/2/2004	2004-12/66
	27382	R884-24P-24	AMD	10/19/2004	2004-18/64
	27353	R884-24P-33	AMD	10/19/2004	2004-17/37
<u>PERSONNEL MANAGEMENT</u>					
Human Resource Management; Administration	27160	R477-1	AMD	7/2/2004	2004-11/23
	27172	R477-5	NSC	7/1/2004	Not Printed
	27165	R477-6	AMD	7/2/2004	2004-11/37
	27168	R477-9	AMD	7/2/2004	2004-11/53
	27170	R477-12	AMD	7/2/2004	2004-11/57
	27174	R477-14	NSC	6/1/2004	Not Printed
<u>PETROLEUM</u>					
Environmental Quality; Environmental Response and Remediation	27194	R311-200	AMD	9/9/2004	2004-12/27
	27195	R311-201	AMD	9/9/2004	2004-12/30
	27196	R311-203	AMD	9/9/2004	2004-12/34
	27197	R311-204	AMD	9/9/2004	2004-12/37
	27198	R311-205	AMD	9/9/2004	2004-12/39
	27199	R311-206	AMD	9/9/2004	2004-12/44
	27200	R311-212	AMD	9/9/2004	2004-12/48
<u>PHARMACIES</u>					
Commerce; Occupational and Professional Licensing	26754	R156-17a-612	AMD	2/19/2004 see CPR in 01/15/2004 Bulletin	2003-22/11
	26754	R156-17a-612	CPR	2/19/2004	2004-2/10

PHARMACISTS

Commerce; Occupational and Professional Licensing	26754	R156-17a-612	CPR	2/19/2004	2004-2/10
	26754	R156-17a-612	AMD	2/19/2004 see CPR in 01/15/2004 Bulletin	2003-22/11

PHYSICIAN

Health; Health Care Financing, Coverage and Reimbursement Policy	27222	R414-1B	EMR	6/9/2004	2004-13/64
	27227	R414-1B	NEW	10/6/2004 see CPR in 09/01/2004 Bulletin	2004-13/4

PHYSICIANS

Health; Health Care Financing, Coverage and Reimbursement Policy	27227	R414-1B	CPR	10/6/2004	2004-17/48
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PLANNING

Administrative Services; Facilities Construction and Management	27313	R23-3	5YR	7/28/2004	2004-16/33
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PODIATRIC PHYSICIAN

Commerce; Occupational and Professional Licensing	26917	R156-5a	5YR	1/27/2004	2004-4/74
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PODIATRISTS

Commerce; Occupational and Professional Licensing	26917	R156-5a	5YR	1/27/2004	2004-4/74
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POINT-SYSTEM

Public Safety; Driver License	27142	R708-3	EMR	5/5/2004	2004-11/88
	27251	R708-3	AMD	8/17/2004	2004-14/30

POSITION CLASSIFICATIONS

Human Resource Management; Administration	27162	R477-3	AMD	7/2/2004	2004-11/32
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POSTSECONDARY SCHOOL

Commerce; Consumer Protection	26905	R152-34	AMD	5/20/2004	2004-4/2
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PRECURSOR

Commerce; Occupational and Professional Licensing	26916	R156-37c	5YR	1/27/2004	2004-4/74
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PRELITIGATION

Commerce; Occupational and Professional Licensing	27328	R156-78A-9	NSC	9/1/2004	Not Printed
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PRIMARY CARE

Health; Health Care Financing, Coverage and Reimbursement Policy	26810	R414-310	AMD	2/10/2004	2003-24/18
	27515	R414-310	AMD	12/16/2004	2004-22/18

PRIMARY CARE NETWORK

Health; Health Care Financing, Coverage and Reimbursement Policy	26811	R414-300	NEW	2/10/2004	2003-24/17
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PRIVATE SECURITY OFFICERS

Commerce; Occupational and Professional Licensing	26888	R156-63	AMD	3/4/2004	2004-3/5
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PROCUREMENT

Administrative Services; Facilities Construction and Management	27313	R23-3	5YR	7/28/2004	2004-16/33
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PROFESSIONAL COMPETENCY

Education; Administration	26827	R277-502	AMD	1/15/2004	2003-24/6
	27207	R277-502	AMD	7/16/2004	2004-12/14
	27448	R277-502	NSC	12/1/2004	Not Printed
	27208	R277-510	REP	7/16/2004	2004-12/18
	27213	R277-511	REP	7/16/2004	2004-12/19

2004 RULES INDEX

	27209	R277-512	REP	7/16/2004	2004-12/20
	26981	R277-514	AMD	4/15/2004	2004-6/10
<u>PROFESSIONAL DEVELOPMENT DAYS</u>					
Education; Administration	27203	R277-418	NEW	7/16/2004	2004-12/7
<u>PROFESSIONAL EDUCATION</u>					
Education; Administration	27410	R277-504	5YR	9/7/2004	2004-19/50
	27000	R277-518	AMD	5/5/2004	2004-7/8
<u>PROFESSIONAL GEOLOGISTS</u>					
Commerce; Occupational and Professional Licensing	26777	R156-76-102	AMD	1/20/2004	2003-23/14
<u>PROFESSIONAL STAFF</u>					
Education; Administration	26828	R277-486	NEW	1/15/2004	2003-24/5
<u>PROGRAM BENEFITS</u>					
Health; Health Care Financing, Coverage and Reimbursement Policy	27216	R414-306	AMD	7/19/2004	2004-12/53
	27334	R414-306	NSC	11/1/2004	Not Printed
<u>PROHIBITED DEVICES</u>					
Human Services; Youth Corrections	27267	R547-14	NSC	7/1/2004	Not Printed
<u>PROHIBITED ITEMS</u>					
Human Services; Youth Corrections	27267	R547-14	NSC	7/1/2004	Not Printed
<u>PROHIBITED ITEMS AND DEVICES</u>					
Human Services; Mental Health	27258	R523-1	NSC	7/1/2004	Not Printed
	27117	R523-1-10	AMD	6/17/2004	2004-10/21
	27118	R523-1-16	AMD	6/17/2004	2004-10/23
	27257	R523-1-22	AMD	8/17/2004	2004-14/25
Human Services; Youth Corrections	27261	R547-1	NSC	7/1/2004	Not Printed
<u>PROPERTY CASUALTY INSURANCE FILING</u>					
Insurance; Administration	26821	R590-225	NEW	3/24/2004 see CPR in 02/15/2004 Bulletin	2003-24/38
	26821	R590-225	CPR	3/24/2004	2004-4/64
<u>PROPERTY TAX</u>					
Tax Commission; Property Tax	26910	R884-24P-24	NSC	1/27/2004	Not Printed
	27190	R884-24P-24	AMD	8/2/2004	2004-12/66
	27382	R884-24P-24	AMD	10/19/2004	2004-18/64
	27353	R884-24P-33	AMD	10/19/2004	2004-17/37
<u>PROSECUTION</u>					
Workforce Services; Workforce Information and Payment Services	26923	R994-104	REP	4/4/2004	2004-4/41
<u>PSYCHOLOGISTS</u>					
Commerce; Occupational and Professional Licensing	27225	R156-61	5YR	6/10/2004	2004-13/67
<u>PUBLIC BUILDINGS</u>					
Administrative Services; Facilities Construction and Management	27313	R23-3	5YR	7/28/2004	2004-16/33
Public Safety; Fire Marshal	26793	R710-4	AMD	1/2/2004	2003-23/67
	26920	R710-4	EMR	1/28/2004	2004-4/66
	27003	R710-4	AMD	5/5/2004	2004-7/19
<u>PUBLIC EDUCATION</u>					
Education; Administration	27214	R277-105	5YR	6/1/2004	2004-12/79
	26871	R277-437	5YR	1/5/2004	2004-3/42
	27205	R277-438	5YR	6/1/2004	2004-12/79
	26850	R277-462	AMD	2/5/2004	2004-1/16
	27408	R277-462	5YR	9/7/2004	2004-19/49

	27412	R277-714	5YR	9/7/2004	2004-19/51
	26870	R277-735	5YR	1/5/2004	2004-3/43
<u>PUBLIC FUNDS</u>					
Money Management Council; Administration	26676	R628-19	NEW	2/10/2004 see CPR in 01/01/2004 Bulletin	2003-20/27
	26676	R628-19	CPR	2/10/2004	2004-1/38
<u>PUBLIC HEALTH</u>					
Health; Epidemiology and Laboratory Services, Environmental Services	27187	R392-101	5YR	5/24/2004	2004-12/80
<u>PUBLIC INFORMATION</u>					
Human Resource Management; Administration	27161	R477-2	AMD	7/2/2004	2004-11/29
<u>PUBLIC INPUT IN POLICY</u>					
Human Services; Child and Family Services	26774	R512-3	NSC	3/4/2004 see EXD DAR No. 27014	Not Printed
	27014	R512-3	NSC	3/4/2004	Not Printed
<u>PUBLIC LIBRARY</u>					
Community and Economic Development; Community Development, Library	27125	R223-2-2	AMD	9/8/2004	2004-10/17
<u>PUBLIC SCHOOLS</u>					
Education; Administration	27409	R277-463	5YR	9/7/2004	2004-19/49
	27212	R277-916	5YR	6/1/2004	2004-12/80
<u>PUBLIC UTILITIES</u>					
Public Service Commission; Administration	26849	R746-100	CPR	4/1/2004	2004-5/36
	26849	R746-100	AMD	4/1/2004 see CPR in 03/01/2004 Bulletin	2004-1/28
	26883	R746-365	5YR	1/6/2004	2004-3/49
<u>PUBLIC UTILITY</u>					
Public Service Commission; Administration	27585	R746-401	5YR	12/13/2004	2005-1/96
<u>RABBITS</u>					
Natural Resources; Wildlife Resources	27283	R657-6	AMD	9/1/2004	2004-15/55
<u>RADIATION</u>					
Environmental Quality; Radiation Control	27110	R313-25-25	NSC	5/1/2004	Not Printed
<u>RADIOACTIVE WASTE DISPOSAL</u>					
Environmental Quality; Radiation Control	27110	R313-25-25	NSC	5/1/2004	Not Printed
<u>RADIOLOGY PRACTICAL TECHNICIANS</u>					
Commerce; Occupational and Professional Licensing	26580	R156-54-302b	CPR	1/20/2004	2003-24/70
	26580	R156-54-302b	AMD	1/20/2004 see CPR in 12/15/2003 Bulletin	2003-18/4
<u>RADIOLOGY TECHNOLOGISTS</u>					
Commerce; Occupational and Professional Licensing	26580	R156-54-302b	AMD	1/20/2004 see CPR in 12/15/2003 Bulletin	2003-18/4
	26580	R156-54-302b	CPR	1/20/2004	2003-24/70
<u>RATES</u>					
Labor Commission; Industrial Accidents	27493	R612-4-2	AMD	12/2/2004	2004-21/19

2004 RULES INDEX

REAL ESTATE APPRAISAL

Commerce; Real Estate	27241	R162-103	AMD	10/7/2004	2004-14/2
	27349	R162-103	AMD	11/24/2004	2004-17/7
	27350	R162-104	AMD	11/24/2004	2004-17/9

REAL ESTATE APPRAISALS

Commerce; Real Estate	27132	R162-101-2	AMD	9/10/2004	2004-10/10
	26890	R162-105	5YR	1/13/2004	2004-3/42
	27131	R162-105	AMD	9/10/2004	2004-10/11
	27098	R162-106-8	AMD	7/28/2004	2004-9/11
	27128	R162-107	AMD	9/10/2004	2004-10/13

REAL ESTATE BROKERS

Commerce; Real Estate	26835	R162-7-3	AMD	2/18/2004	2004-1/9
-----------------------	-------	----------	-----	-----------	----------

REAL ESTATE BUSINESS

Commerce; Real Estate	27026	R162-3	AMD	5/20/2004	2004-8/44
	26944	R162-6-2	AMD	4/21/2004	2004-5/6
	27009	R162-6-2	NSC	4/21/2004	Not Printed
	27338	R162-8	AMD	10/21/2004	2004-17/3

RECLAMATION

Natural Resources; Oil, Gas and Mining; Coal	26710	R645-301-100	AMD	2/6/2004	2003-22/34
	26711	R645-301-500	AMD	2/6/2004	2003-22/35
	26712	R645-303-200	AMD	2/6/2004	2003-22/36
	26713	R645-401	AMD	2/6/2004	2003-22/38

RECORDS APPEAL HEARINGS

Administrative Services; Records Committee	26973	R35-1	NSC	7/2/2004 see 5YR DAR No. 27277	Not Printed
	27277	R35-1	5YR	7/2/2004	2004-15/62
	27278	R35-2	5YR	7/2/2004	2004-15/62
	27279	R35-3	5YR	7/2/2004	2004-15/63
	27280	R35-4	5YR	7/2/2004	2004-15/63
	27281	R35-5	5YR	7/2/2004	2004-15/64
	27282	R35-6	5YR	7/2/2004	2004-15/64

RECREATION

Natural Resources; Wildlife Resources	26819	R657-38	AMD	1/21/2004	2003-24/56
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REEMPLOYMENT WORKERS' COMPENSATION GUIDELINES

Labor Commission; Industrial Accidents	27459	R612-8	5YR	9/30/2004	2004-20/85
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REFINERY

Environmental Quality; Air Quality	27487	R307-326-7	NSC	12/1/2004	Not Printed
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REGISTRATION

Commerce; Consumer Protection	26905	R152-34	AMD	5/20/2004	2004-4/2
Lieutenant Governor; Elections	27381	R623-1	AMD	10/19/2004	2004-18/28
Workforce Services; Workforce Information and Payment Services	27471	R994-403	R&R	11/16/2004	2004-20/47

REHABILITATION

Education; Rehabilitation	26873	R280-202	5YR	1/5/2004	2004-3/44
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REIMBURSEMENT

Corrections; Administration	27416	R251-113	AMD	11/9/2004	2004-19/28
Health; Health Care Financing, Coverage and Reimbursement Policy	26854	R414-9	NEW	2/3/2004	2004-1/26
	27151	R414-9	NSC	6/1/2004	Not Printed

RELIGIOUS ACTIVITIES

Tax Commission; Auditing	27063	R865-19S-1	AMD	6/29/2004	2004-9/27
	27226	R865-19S-7	AMD	9/14/2004	2004-13/48
	27064	R865-19S-12	AMD	6/29/2004	2004-9/28
	27068	R865-19S-23	AMD	6/29/2004	2004-9/30

27071	R865-19S-28	AMD	6/29/2004	2004-9/31	
27072	R865-19S-30	AMD	6/29/2004	2004-9/32	
27383	R865-19S-38	AMD	10/19/2004	2004-18/62	
27095	R865-19S-45	AMD	6/29/2004	2004-9/34	
27384	R865-19S-49	AMD	10/19/2004	2004-18/63	
27080	R865-19S-58	AMD	6/29/2004	2004-9/37	
27053	R865-19S-70	AMD	6/29/2004	2004-9/40	
27074	R865-19S-86	AMD	6/29/2004	2004-9/45	
27085	R865-19S-92	AMD	6/29/2004	2004-9/47	
27086	R865-19S-98	AMD	6/29/2004	2004-9/48	
27088	R865-19S-107	AMD	6/29/2004	2004-9/50	
27090	R865-19S-114	AMD	6/29/2004	2004-9/52	
27091	R865-19S-115	AMD	6/29/2004	2004-9/53	
27097	R865-19S-116	AMD	6/29/2004	2004-9/54	
27096	R865-19S-117	AMD	6/29/2004	2004-9/54	
27099	R865-19S-118	AMD	6/29/2004	2004-9/55	
<u>REPLACEMENT PROVIDERS</u>					
Public Service Commission; Administration	26785	R746-350	NEW	1/15/2004	2003-23/79
	26901	R746-350	NSC	3/1/2004	Not Printed
<u>REPORTING</u>					
Education; Administration	27409	R277-463	5YR	9/7/2004	2004-19/49
Lieutenant Governor; Elections	27381	R623-1	AMD	10/19/2004	2004-18/28
<u>REPORTING REQUIREMENTS AND PROCEDURES</u>					
Health; Community and Family Health Services, Chronic Disease	27235	R384-100	5YR	6/15/2004	2004-13/70
<u>REPORTS</u>					
Environmental Quality; Air Quality	26942	R307-150	5YR	2/9/2004	2004-5/43
<u>REPOSITORY</u>					
Governor; Planning and Budget, Chief Information Officer	27398	R365-10	NEW	11/8/2004	2004-19/38
<u>RESIDENTIAL MORTGAGE LOAN ORIGATION</u>					
Commerce; Real Estate	27129	R162-201	NEW	6/29/2004	2004-10/15
	27395	R162-201	AMD	11/3/2004	2004-19/8
	26837	R162-202	AMD	2/3/2004	2004-1/10
	27130	R162-202	AMD	6/29/2004	2004-10/15
	27399	R162-202	AMD	11/3/2004	2004-19/8
	26909	R162-203	AMD	4/12/2004	2004-4/7
	27396	R162-203	AMD	11/3/2004	2004-19/11
	26908	R162-204	AMD	4/12/2004	2004-4/8
	26907	R162-205	AMD	4/12/2004	2004-4/9
	27352	R162-205	AMD	10/7/2004	2004-17/11
	26840	R162-206	NEW	2/3/2004	2004-1/12
	26839	R162-207	NEW	2/3/2004	2004-1/13
	27402	R162-207	AMD	11/3/2004	2004-19/12
	26836	R162-208	NEW	2/3/2004	2004-1/14
	27403	R162-208	AMD	11/3/2004	2004-19/15
	26906	R162-209	AMD	4/12/2004	2004-4/10
	27404	R162-209	AMD	11/3/2004	2004-19/18
	27405	R162-210	NEW	11/3/2004	2004-19/20
<u>RESTAURANTS</u>					
Tax Commission; Auditing	27056	R865-12L-7	AMD	6/29/2004	2004-9/20
	27060	R865-12L-15	AMD	6/29/2004	2004-9/24
	27061	R865-12L-16	AMD	6/29/2004	2004-9/25
	27062	R865-12L-17	AMD	6/29/2004	2004-9/26
<u>RIGHTS-OF-WAY</u>					
Transportation; Administration	26878	R907-64	5YR	1/5/2004	2004-3/49
	26879	R907-65	5YR	1/5/2004	2004-3/50
<u>RULES AND PROCEDURE</u>					
Public Service Commission; Administration	27585	R746-401	5YR	12/13/2004	2005-1/96

2004 RULES INDEX

RULES AND PROCEDURES

Education; Administration	26958	R277-102	5YR	2/26/2004	2004-6/58
Education; Rehabilitation	27342	R280-150	5YR	8/10/2004	2004-17/56
Health; Epidemiology and Laboratory Services, Epidemiology	27024	R386-702	AMD	6/11/2004	2004-8/60
Human Resource Management; Administration	27160	R477-1	AMD	7/2/2004	2004-11/23
	27170	R477-12	AMD	7/2/2004	2004-11/57
Natural Resources; Wildlife Resources	27158	R657-27	AMD	7/2/2004	2004-11/77
Public Safety; Driver License	26894	R708-2	AMD	3/4/2004	2004-3/27
	27245	R708-2	EMR	7/1/2004	2004-14/52
	27246	R708-2	AMD	8/17/2004	2004-14/27
Public Service Commission; Administration	26849	R746-100	CPR	4/1/2004	2004-5/36
	26849	R746-100	AMD	4/1/2004 see CPR in 03/01/2004 Bulletin	2004-1/28
	26780	R746-200-6	AMD	1/7/2004	2003-23/76

SAFETY

Labor Commission; Occupational Safety and Health	27147	R614-1-4	AMD	7/2/2004	2004-11/67
	27311	R614-1-4	NSC	9/1/2004	Not Printed
	27494	R614-1-4	AMD	12/2/2004	2004-21/20
	27148	R614-1-5	AMD	7/2/2004	2004-11/69
Labor Commission; Safety	26967	R616-2-3	AMD	4/15/2004	2004-6/55
	26966	R616-3-3	AMD	4/15/2004	2004-6/56
Transportation; Motor Carrier	26880	R909-3	5YR	1/5/2004	2004-3/50

SALARIES

Human Resource Management; Administration	27165	R477-6	AMD	7/2/2004	2004-11/37
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SALES

School and Institutional Trust Lands; Administration	27347	R850-80	AMD	10/4/2004	2004-17/32
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SALES TAX

Tax Commission; Auditing	27056	R865-12L-7	AMD	6/29/2004	2004-9/20
	27060	R865-12L-15	AMD	6/29/2004	2004-9/24
	27061	R865-12L-16	AMD	6/29/2004	2004-9/25
	27062	R865-12L-17	AMD	6/29/2004	2004-9/26
	27063	R865-19S-1	AMD	6/29/2004	2004-9/27
	27226	R865-19S-7	AMD	9/14/2004	2004-13/48
	27064	R865-19S-12	AMD	6/29/2004	2004-9/28
	27068	R865-19S-23	AMD	6/29/2004	2004-9/30
	27071	R865-19S-28	AMD	6/29/2004	2004-9/31
	27072	R865-19S-30	AMD	6/29/2004	2004-9/32
	27383	R865-19S-38	AMD	10/19/2004	2004-18/62
	27095	R865-19S-45	AMD	6/29/2004	2004-9/34
	27384	R865-19S-49	AMD	10/19/2004	2004-18/63
	27080	R865-19S-58	AMD	6/29/2004	2004-9/37
	27053	R865-19S-70	AMD	6/29/2004	2004-9/40
	27074	R865-19S-86	AMD	6/29/2004	2004-9/45
	27085	R865-19S-92	AMD	6/29/2004	2004-9/47
	27086	R865-19S-98	AMD	6/29/2004	2004-9/48
	27088	R865-19S-107	AMD	6/29/2004	2004-9/50
	27090	R865-19S-114	AMD	6/29/2004	2004-9/52
	27091	R865-19S-115	AMD	6/29/2004	2004-9/53
	27097	R865-19S-116	AMD	6/29/2004	2004-9/54
	27096	R865-19S-117	AMD	6/29/2004	2004-9/54
	27099	R865-19S-118	AMD	6/29/2004	2004-9/55

SCHOOL

Education; Administration	26961	R277-601	5YR	2/26/2004	2004-6/59
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SCHOOL BUSES

Transportation; Motor Carrier	26880	R909-3	5YR	1/5/2004	2004-3/50
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SCHOOL LUNCH PROGRAM

Education; Administration	26830	R277-720	AMD	1/15/2004	2003-24/10
	26848	R277-720	NSC	2/1/2004	Not Printed

SCHOOL PERSONNEL

Education; Administration	27213	R277-511	REP	7/16/2004	2004-12/19
	27209	R277-512	REP	7/16/2004	2004-12/20

SCHOOL TRANSPORTATION

Education; Administration	26961	R277-601	5YR	2/26/2004	2004-6/59
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SCHOOLS

Public Safety; Driver License	26894	R708-2	AMD	3/4/2004	2004-3/27
	27245	R708-2	EMR	7/1/2004	2004-14/52
	27246	R708-2	AMD	8/17/2004	2004-14/27

SCIENCE

Education; Administration	26979	R277-444	AMD	4/15/2004	2004-6/4
	27271	R277-444	AMD	8/17/2004	2004-14/4

SDWA

Environmental Quality; Drinking Water	26975	R309-705	AMD	8/6/2004 see CPR in 07/01/2004 Bulletin	2004-6/39
	26975	R309-705	CPR	8/6/2004	2004-13/57

SEARCH AND RESCUE

Public Safety; Comprehensive Emergency Management	27336	R704-1	5YR	8/6/2004	2004-17/56
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SEARCH EXPENSES

Public Safety; Comprehensive Emergency Management	27336	R704-1	5YR	8/6/2004	2004-17/56
---	-------	--------	-----	----------	------------

SECURITIES

Money Management Council; Administration	26676	R628-19	NEW	2/10/2004 see CPR in 01/01/2004 Bulletin	2003-20/27
	26676	R628-19	CPR	2/10/2004	2004-1/38

SECURITIES REGULATION

Commerce; Securities	26481	R164-11-2	CPR	1/5/2004	2003-23/83
	26481	R164-11-2	AMD	1/5/2004 see CPR in 12/01/2003 Bulletin	2003-15/17

SECURITY GUARDS

Commerce; Occupational and Professional Licensing	26888	R156-63	AMD	3/4/2004	2004-3/5
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SENIOR PROTECTION

Insurance; Administration	27083	R590-230	NEW	6/3/2004	2004-9/14
	27339	R590-230-5	NSC	9/1/2004	Not Printed

SERVER TRAINING

Human Services; Substance Abuse	27512	R544-5 (Changed to R523-23)	NSC	12/1/2004	Not Printed
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SERVICES

Public Service Commission; Administration	26785	R746-350	NEW	1/15/2004	2003-23/79
	26901	R746-350	NSC	3/1/2004	Not Printed

SETTLEMENT

Labor Commission; Adjudication	26773	R602-2-1	AMD	1/2/2004	2003-23/47
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SETTLEMENTS

Labor Commission; Adjudication	27492	R602-2-4	AMD	12/2/2004	2004-21/17
--------------------------------	-------	----------	-----	-----------	------------

SHORTHAND REPORTER

Commerce; Occupational and Professional Licensing	26927	R156-74	5YR	2/2/2004	2004-4/75
---	-------	---------	-----	----------	-----------

2004 RULES INDEX

SIGNS

Transportation; Preconstruction, Right-of-Way Acquisition 26892 R933-2-3 EMR 1/14/2004 2004-3/39
 26893 R933-2-3 AMD 3/23/2004 2004-3/37

SLCC

Regents (Board Of); Salt Lake Community College 26994 R784-1 5YR 3/12/2004 2004-7/36

SMALL BUSINESS ASSISTANCE PROGRAM

Environmental Quality; Air Quality 26896 R307-110-12 CPR 5/18/2004 2004-8/87
 26896 R307-110-12 AMD 5/18/2004 see 2004-3/12
 CPR in
 04/15/2004
 Bulletin
 26983 R307-110-12 NSC 5/18/2004 Not Printed
 27295 R307-110-12 CPR 12/2/2004 2004-21/34
 27295 R307-110-12 AMD 12/2/2004 see 2004-15/23
 CPR in
 11/01/2004
 Bulletin
 26898 R307-110-31 AMD 5/18/2004 see 2004-3/13
 CPR in
 04/15/2004
 Bulletin
 26898 R307-110-31 CPR 5/18/2004 2004-8/87
 27296 R307-110-33 AMD 10/7/2004 2004-15/24
 26899 R307-110-34 AMD 5/18/2004 see 2004-3/14
 CPR in
 04/15/2004
 Bulletin
 26899 R307-110-34 CPR 5/18/2004 2004-8/88
 27344 R307-110-35 AMD 11/4/2004 2004-17/13
 26897 R307-301 AMD 5/18/2004 2004-3/15

SOCIAL SERVICES

Human Services; Administration, Administrative Hearings 27254 R497-100 NSC 7/1/2004 Not Printed

SOCIAL WORKERS

Commerce; Occupational and Professional Licensing 27285 R156-60a AMD 9/1/2004 2004-15/17
 27502 R156-60a 5YR 10/21/2004 2004-22/68

SOLID WASTE MANAGEMENT

Environmental Quality; Solid and Hazardous Waste 27288 R315-317-2 AMD 9/15/2004 2004-15/36
 26972 R315-320 5YR 3/1/2004 2004-6/61

SOURCE DEVELOPMENT

Environmental Quality; Drinking Water 26971 R309-204 AMD 4/21/2004 2004-6/23
 (Changed to
 R309-515)

SOURCE MAINTENANCE

Environmental Quality; Drinking Water 26971 R309-204 AMD 4/21/2004 2004-6/23
 (Changed to
 R309-515)

SPECIAL FUEL

Tax Commission; Auditing 27389 R865-4D-24 AMD 10/19/2004 2004-18/57

SPEED LIMITS

Regents (Board Of); University of Utah, Administration 26914 R805-1 5YR 1/27/2004 2004-4/76

STATE ASSISTED LOANS

Environmental Quality; Water Quality 27179 R317-100-3 AMD 8/20/2004 2004-11/15

STATE CUSTODY

Human Services; Administration 26936 R495-882 NEW 6/29/2004 2004-5/13

STATE EMPLOYEES

Administrative Services; Finance	27120	R25-7	AMD	7/1/2004	2004-10/4
	27164	R25-7-6	AMD	7/2/2004	2004-11/4
Human Resource Management; Administration	27172	R477-5	NSC	7/1/2004	Not Printed

STATE FLAG

Lieutenant Governor; Administration	27221	R622-2	5YR	6/9/2004	2004-13/71
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STATE PLAN

Lieutenant Governor; Elections	27127	R623-3	NEW	6/16/2004	2004-10/27
	27414	R623-3	NSC	11/15/2004	Not Printed
	27537	R623-3	NSC	11/15/2004	Not Printed

STATE PROPERTY

Administrative Services; Fleet Operations, Surplus Property	27440	R28-1	AMD	11/17/2004	2004-20/7
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STATE RECORDS COMMITTEE

Administrative Services; Records Committee	26973	R35-1	NSC	7/2/2004 see 5YR DAR No. 27277	Not Printed
	27277	R35-1	5YR	7/2/2004	2004-15/62
	27278	R35-2	5YR	7/2/2004	2004-15/62
	27279	R35-3	5YR	7/2/2004	2004-15/63
	27280	R35-4	5YR	7/2/2004	2004-15/63
	27281	R35-5	5YR	7/2/2004	2004-15/64
	27282	R35-6	5YR	7/2/2004	2004-15/64

STREAM ALTERATIONS

Natural Resources; Water Rights	26814	R655-13	NEW	3/25/2004	2003-24/43
	26884	R655-13	NSC	3/25/2004	Not Printed
	26984	R655-13	AMD	5/4/2004	2004-7/16
	27005	R655-13	NSC	6/1/2004	Not Printed

STUDENT ELIGIBILITY

Workforce Services; Workforce Information and Payment Services	27471	R994-403	R&R	11/16/2004	2004-20/47
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STUDENT LOANS

Regents (Board Of); Administration	27387	R765-612	AMD	10/19/2004	2004-18/56
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SUBSTANCE ABUSE

Human Services; Substance Abuse	27508	R544-1 (Changed to R523-20)	NSC	12/1/2004	Not Printed
	27512	R544-5 (Changed to R523-23)	NSC	12/1/2004	Not Printed

SURPLUS PROPERTY

Administrative Services; Fleet Operations, Surplus Property	26843	R28-3	AMD	2/12/2004	2004-1/4
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SURVEYS

Natural Resources; Forestry, Fire and State Lands	26865	R652-40-1800	AMD	2/24/2004	2004-2/2
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SUSPENSION

Natural Resources; Wildlife Resources	27497	R657-26-5	AMD	12/2/2004	2004-21/21
Transportation; Administration	26720	R907-67	NEW	1/5/2004	2003-22/50

SYSTEMS

Public Safety; Fire Marshal	27480	R710-7-7	AMD	12/2/2004	2004-21/28
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TAX EXEMPTIONS

Tax Commission; Auditing	27063	R865-19S-1	AMD	6/29/2004	2004-9/27
	27226	R865-19S-7	AMD	9/14/2004	2004-13/48
	27064	R865-19S-12	AMD	6/29/2004	2004-9/28
	27068	R865-19S-23	AMD	6/29/2004	2004-9/30
	27071	R865-19S-28	AMD	6/29/2004	2004-9/31
	27072	R865-19S-30	AMD	6/29/2004	2004-9/32
	27383	R865-19S-38	AMD	10/19/2004	2004-18/62

	27095	R865-19S-45	AMD	6/29/2004	2004-9/34
	27384	R865-19S-49	AMD	10/19/2004	2004-18/63
	27080	R865-19S-58	AMD	6/29/2004	2004-9/37
	27053	R865-19S-70	AMD	6/29/2004	2004-9/40
	27074	R865-19S-86	AMD	6/29/2004	2004-9/45
	27085	R865-19S-92	AMD	6/29/2004	2004-9/47
	27086	R865-19S-98	AMD	6/29/2004	2004-9/48
	27088	R865-19S-107	AMD	6/29/2004	2004-9/50
	27090	R865-19S-114	AMD	6/29/2004	2004-9/52
	27091	R865-19S-115	AMD	6/29/2004	2004-9/53
	27097	R865-19S-116	AMD	6/29/2004	2004-9/54
	27096	R865-19S-117	AMD	6/29/2004	2004-9/54
	27099	R865-19S-118	AMD	6/29/2004	2004-9/55
<u>TAX RETURNS</u>					
Tax Commission; Auditing	27093	R865-9I-38	AMD	6/29/2004	2004-9/18
<u>TAXATION</u>					
Tax Commission; Administration	27268	R861-1A-16	NSC	7/1/2004	Not Printed
	27155	R861-1A-37	AMD	8/2/2004	2004-11/83
	27354	R861-1A-37	AMD	10/19/2004	2004-17/36
	27236	R861-1A-38	AMD	9/14/2004	2004-13/47
Tax Commission; Auditing	27389	R865-4D-24	AMD	10/19/2004	2004-18/57
	27388	R865-6F-8	AMD	10/19/2004	2004-18/58
	27386	R865-6F-36	AMD	10/19/2004	2004-18/61
	26957	R865-7H	5YR	2/25/2004	2004-6/63
	27056	R865-12L-7	AMD	6/29/2004	2004-9/20
	27060	R865-12L-15	AMD	6/29/2004	2004-9/24
	27061	R865-12L-16	AMD	6/29/2004	2004-9/25
	27062	R865-12L-17	AMD	6/29/2004	2004-9/26
	27269	R865-13G-10	AMD	9/14/2004	2004-14/32
	27092	R865-21U-1	AMD	6/29/2004	2004-9/56
	27078	R865-21U-12	AMD	6/29/2004	2004-9/58
Tax Commission; Property Tax	26910	R884-24P-24	NSC	1/27/2004	Not Printed
	27190	R884-24P-24	AMD	8/2/2004	2004-12/66
	27382	R884-24P-24	AMD	10/19/2004	2004-18/64
	27353	R884-24P-33	AMD	10/19/2004	2004-17/37
<u>TEACHER CERTIFICATION</u>					
Education; Administration	27410	R277-504	5YR	9/7/2004	2004-19/50
	27208	R277-510	REP	7/16/2004	2004-12/18
	27209	R277-512	REP	7/16/2004	2004-12/20
<u>TEACHERS</u>					
Education; Administration	27270	R277-503	AMD	8/17/2004	2004-14/6
	27357	R277-503	NSC	9/1/2004	Not Printed
	27211	R277-522	AMD	7/16/2004	2004-12/24
<u>TECHNOLOGY BEST PRACTICES</u>					
Governor; Planning and Budget, Chief Information Officer	27398	R365-10	NEW	11/8/2004	2004-19/38
<u>TELECOMMUNICATIONS</u>					
Public Service Commission; Administration	26826	R746-348-6	AMD	4/13/2004	2003-24/65
	26785	R746-350	NEW	1/15/2004	2003-23/79
	26901	R746-350	NSC	3/1/2004	Not Printed
	26883	R746-365	5YR	1/6/2004	2004-3/49
<u>TELECOMMUTING</u>					
Human Resource Management; Administration	27167	R477-8	AMD	7/2/2004	2004-11/50
	27273	R477-8-6	NSC	7/2/2004	Not Printed
<u>TELEPHONE UTILITY REGULATION</u>					
Public Service Commission; Administration	26826	R746-348-6	AMD	4/13/2004	2003-24/65
<u>TEXTBOOKS</u>					
Education; Administration	27308	R277-408	REP	9/2/2004	2004-15/18

THERAPISTS

Commerce; Occupational and Professional Licensing	27501	R156-60	5YR	10/21/2004	2004-22/68
	27503	R156-60b	5YR	10/21/2004	2004-22/69

TIMBER

School and Institutional Trust Lands; Administration	27178	R850-70	AMD	7/2/2004	2004-11/80
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TIME

Labor Commission; Adjudication	26772	R602-1	AMD	1/2/2004	2003-23/46
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TITLE INSURANCE

Insurance; Administration	26791	R590-153	AMD	5/13/2004 see CPR in 04/01/2004 Bulletin	2003-23/41
	26791	R590-153	CPR	5/13/2004	2004-7/31
	26792	R590-187	AMD	1/8/2004	2003-23/44
	26885	R590-187	NSC	3/1/2004	Not Printed

TOWING

Public Safety; Highway Patrol	27100	R714-600	NSC	8/6/2004 see 5YR DAR No. 27337	Not Printed
	27337	R714-600	5YR	8/6/2004	2004-17/57

TRAFFIC VIOLATIONS

Public Safety; Driver License	27142	R708-3	EMR	5/5/2004	2004-11/88
	27251	R708-3	AMD	8/17/2004	2004-14/30

TRAINING

Natural Resources; Wildlife Resources	27346	R657-46	NSC	10/19/2004 see 5YR DAR No. 27500	Not Printed
	27500	R657-46	5YR	10/19/2004	2004-22/70

TRAINING PROGRAMS

Human Resource Management; Administration	27173	R477-10	NSC	7/1/2004	Not Printed
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TRANSPORTATION

Administrative Services; Finance	27120	R25-7	AMD	7/1/2004	2004-10/4
	27164	R25-7-6	AMD	7/2/2004	2004-11/4
Transportation; Administration	26720	R907-67	NEW	1/5/2004	2003-22/50
Transportation; Operations, Maintenance	27111	R918-4	AMD	7/20/2004	2004-10/33
Transportation; Preconstruction	27156	R930-3	AMD	7/20/2004	2004-11/84

TRANSPORTATION SAFETY

Transportation; Motor Carrier	26823	R909-1	AMD	3/1/2004	2003-24/66
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TRESPASS

Natural Resources; Parks and Recreation	27442	R651-620	AMD	11/16/2004	2004-20/32
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TRUANCY

Education; Administration	27531	R277-607	5YR	11/5/2004	2004-23/57
	27340	R277-609	5YR	8/10/2004	2004-17/55

TRUCKING INDUSTRIES

Tax Commission; Auditing	27388	R865-6F-8	AMD	10/19/2004	2004-18/58
	27386	R865-6F-36	AMD	10/19/2004	2004-18/61

TRUCKS

Transportation; Motor Carrier	26823	R909-1	AMD	3/1/2004	2003-24/66
Transportation; Motor Carrier, Ports of Entry	26881	R912-14	5YR	1/5/2004	2004-3/51

UNDERGROUND INJECTION CONTROL

Environmental Quality; Water Quality	27276	R317-7	AMD	10/26/2004	2004-15/37
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UNDERGROUND STORAGE TANKS

Environmental Quality; Environmental Response and Remediation	27194	R311-200	AMD	9/9/2004	2004-12/27
	27195	R311-201	AMD	9/9/2004	2004-12/30
	27196	R311-203	AMD	9/9/2004	2004-12/34
	27197	R311-204	AMD	9/9/2004	2004-12/37
	27198	R311-205	AMD	9/9/2004	2004-12/39
	27199	R311-206	AMD	9/9/2004	2004-12/44
	27200	R311-212	AMD	9/9/2004	2004-12/48

UNEMPLOYMENT COMPENSATION

Workforce Services; Workforce Information and Payment Services	26921	R994-102	AMD	4/4/2004	2004-4/38
	26922	R994-103	REP	4/4/2004	2004-4/40
	26923	R994-104	REP	4/4/2004	2004-4/41
	26928	R994-201	AMD	4/4/2004	2004-4/42
	27470	R994-201-101	AMD	11/16/2004	2004-20/39
	27583	R994-305	5YR	12/10/2004	2005-1/96
	27237	R994-305-801	AMD	8/3/2004	2004-13/49
	27297	R994-309	5YR	7/14/2004	2004-15/66
	27300	R994-310	5YR	7/14/2004	2004-15/66
	27318	R994-310	AMD	9/24/2004	2004-16/31
	27298	R994-311	5YR	7/14/2004	2004-15/67
	27299	R994-312	5YR	7/14/2004	2004-15/67
	27469	R994-401	R&R	11/16/2004	2004-20/40
	27193	R994-401-207	AMD	7/19/2004	2004-12/68
	27471	R994-403	R&R	11/16/2004	2004-20/47
	26930	R994-404	R&R	4/4/2004	2004-4/43
	26996	R994-404-101	NSC	5/1/2004	Not Printed
	27253	R994-404-101	AMD	8/18/2004	2004-14/34
	27192	R994-405	AMD	7/19/2004	2004-12/70
	27472	R994-405	AMD	11/16/2004	2004-20/66
	26924	R994-406	AMD	4/4/2004	2004-4/45
	27473	R994-406-505	AMD	11/16/2004	2004-20/73
	26929	R994-508	R&R	4/4/2004	2004-4/51
	26995	R994-508	NSC	5/1/2004	Not Printed
	27133	R994-508-307	NSC	7/1/2004	Not Printed

UNINSURED EMPLOYERS

Labor Commission; Industrial Accidents	27595	R612-9	5YR	12/17/2004	Not Printed
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UOCAVA

Lieutenant Governor; Elections	27406	R623-4	EMR	9/10/2004	2004-19/45
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USER TAX

Tax Commission; Auditing	27092	R865-21U-1	AMD	6/29/2004	2004-9/56
	27078	R865-21U-12	AMD	6/29/2004	2004-9/58

UTAH.GOV

Governor; Planning and Budget, Chief Information Officer	26953	R365-4	NEW	4/15/2004	2004-5/12
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UTILITY SERVICE

Public Service Commission; Administration	26780	R746-200-6	AMD	1/7/2004	2003-23/76
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VACATION

Human Resource Management; Administration	27166	R477-7	AMD	7/2/2004	2004-11/42
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VACATIONS

Human Resource Management; Administration	27272	R477-7-16	NSC	7/2/2004	Not Printed
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VICTIM COMPENSATION

Crime Victim Reparations; Administration	27157	R270-1	AMD	7/2/2004	2004-11/7
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VICTIMS OF CRIME

Crime Victim Reparations; Administration	27157	R270-1	AMD	7/2/2004	2004-11/7
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VIOLATION

Natural Resources; Wildlife Resources	27497	R657-26-5	AMD	12/2/2004	2004-21/21
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VOTING

Lieutenant Governor; Elections	27123	R623-2	NEW	6/16/2004	2004-10/24
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WAGES

Human Services; Recovery Services	27391	R527-300	AMD	11/30/2004	2004-18/27
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WASTE DISPOSAL

Environmental Quality; Solid and Hazardous Waste	27288	R315-317-2	AMD	9/15/2004	2004-15/36
	26972	R315-320	5YR	3/1/2004	2004-6/61
Environmental Quality; Water Quality	26796	R317-1	AMD	3/29/2004	2003-23/16

WASTEWATER

Environmental Quality; Water Quality	27179	R317-100-3	AMD	8/20/2004	2004-11/15
	27180	R317-103	REP	8/20/2004	2004-11/16
	26797	R317-401	CPR	7/2/2004	2004-8/89
	26797	R317-401	NEW	7/2/2004 see CPR in 04/15/2004 Bulletin	2003-23/21

WASTEWATER TREATMENT

Environmental Quality; Water Quality	27022	R317-10	AMD	6/23/2004	2004-8/52
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WATER FUNDING

Natural Resources; Water Resources	26779	R653-2	AMD	1/7/2004	2003-23/56
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WATER POLICY

Natural Resources; Water Resources	26784	R653-5	AMD	1/7/2004	2003-23/59
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WATER POLLUTION

Environmental Quality; Water Quality	26796	R317-1	AMD	3/29/2004	2003-23/16
	26242	R317-2	CPR	1/6/2004	2003-18/35
	26242	R317-2	AMD	1/6/2004 see CPR in 09/15/2003 Bulletin	2003-10/27
	26903	R317-8	AMD	3/30/2004	2004-3/19
	27022	R317-10	AMD	6/23/2004	2004-8/52

WATER QUALITY

Environmental Quality; Water Quality	27021	R317-6	AMD	7/12/2004	2004-8/46
	27177	R317-6	AMD	8/20/2004	2004-11/8
	27437	R317-6-6	NSC	12/1/2004	Not Printed
	27276	R317-7	AMD	10/26/2004	2004-15/37
	27180	R317-103	REP	8/20/2004	2004-11/16

WATER QUALITY STANDARDS

Environmental Quality; Water Quality	26242	R317-2	CPR	1/6/2004	2003-18/35
	26242	R317-2	AMD	1/6/2004 see CPR in 09/15/2003 Bulletin	2003-10/27

WATERFOWL

Natural Resources; Wildlife Resources	27367	R657-9	AMD	10/19/2004	2004-18/47
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WEAPONS

Human Services; Youth Corrections	27267	R547-14	NSC	7/1/2004	Not Printed
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WEATHER MODIFICATION

Natural Resources; Water Resources	26784	R653-5	AMD	1/7/2004	2003-23/59
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WILD TURKEY

Natural Resources; Wildlife Resources	27498	R657-54	NEW	12/2/2004	2004-21/23
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WILDLIFE

Natural Resources; Wildlife Resources	26817	R657-5	AMD	1/21/2004	2003-24/46
	27159	R657-5	AMD	7/2/2004	2004-11/74
	27283	R657-6	AMD	9/1/2004	2004-15/55

	27367	R657-9	AMD	10/19/2004	2004-18/47
	27368	R657-10	AMD	10/19/2004	2004-18/49
	27369	R657-11	AMD	10/19/2004	2004-18/51
	26659	R657-13	AMD	1/2/2004	2003-20/28
	26818	R657-17-4	AMD	1/21/2004	2003-24/55
	27497	R657-26-5	AMD	12/2/2004	2004-21/21
	27158	R657-27	AMD	7/2/2004	2004-11/77
	26867	R657-33	AMD	2/24/2004	2004-2/3
	26819	R657-38	AMD	1/21/2004	2003-24/56
	26778	R657-41	AMD	1/5/2004	2003-23/61
	26820	R657-42	AMD	1/21/2004	2003-24/61
	27239	R657-42	AMD	8/3/2004	2004-13/41
	27346	R657-46	NSC	10/19/2004 see 5YR DAR No. 27500	Not Printed
	27500	R657-46	5YR	10/19/2004	2004-22/70
	27240	R657-50	AMD	8/3/2004	2004-13/44
	27498	R657-54	NEW	12/2/2004	2004-21/23
<u>WILDLIFE CONSERVATION</u>					
Natural Resources; Wildlife Resources	26819	R657-38	AMD	1/21/2004	2003-24/56
<u>WILDLIFE LAW</u>					
Natural Resources; Wildlife Resources	27369	R657-11	AMD	10/19/2004	2004-18/51
	26659	R657-13	AMD	1/2/2004	2003-20/28
	27158	R657-27	AMD	7/2/2004	2004-11/77
<u>WILDLIFE PERMITS</u>					
Natural Resources; Wildlife Resources	26778	R657-41	AMD	1/5/2004	2003-23/61
<u>WITNESS FEES</u>					
Labor Commission; Adjudication	26772	R602-1	AMD	1/2/2004	2003-23/46
<u>WOOD FURNITURE</u>					
Environmental Quality; Air Quality	27144	R307-343	NSC	6/8/2004 see 5YR DAR No. 27219	Not Printed
	27219	R307-343	5YR	6/8/2004	2004-13/69
<u>WORK-BASED LEARNING PROGRAMS</u>					
Education; Administration	27212	R277-916	5YR	6/1/2004	2004-12/80
<u>WORKER'S COMPENSATION</u>					
Labor Commission; Industrial Accidents	27595	R612-9	5YR	12/17/2004	Not Printed
<u>WORKERS' COMPENSATION</u>					
Labor Commission; Adjudication	26773	R602-2-1	AMD	1/2/2004	2003-23/47
	27492	R602-2-4	AMD	12/2/2004	2004-21/17
Labor Commission; Industrial Accidents	27493	R612-4-2	AMD	12/2/2004	2004-21/19
Workforce Services; Workforce Information and Payment Services	26930	R994-404	R&R	4/4/2004	2004-4/43
	26996	R994-404-101	NSC	5/1/2004	Not Printed
	27253	R994-404-101	AMD	8/18/2004	2004-14/34
<u>WORKFORCE INVESTMENT ACT</u>					
Workforce Services; Employment Development	27393	R986-600	AMD	11/1/2004	2004-18/66
<u>YOUTH</u>					
Human Services; Administration, Administrative Services, Licensing	26804	R501-16	AMD	4/12/2004	2003-24/29
	26874	R501-16	NSC	5/1/2004	Not Printed